

# 1995 Rules of Procedure of the African Commission on Human and Peoples' Rights

## Preamble

The African Commission on Human and Peoples' Rights,  
Having Considered the African Charter on Human and Peoples' Rights,  
Acting in accordance with Article 42.2 of the Charter,  
Has adopted the present revised Rules of Procedure:

## Part One - General Provisions - Organisation of the Commission

### Chapter I - Sessions

#### Rule 1 - Number of Sessions

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

#### Rule 2 - Opening Date

1. The Commission shall normally hold two ordinary sessions a year each lasting for about two weeks.
2. 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").
3. 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 Session

1. The Commission may decide to hold extraordinary sessions, 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:

1. At the request of the majority of the members of the Commission or;
2. At the request of the current Chairman of the Organisation of African Unity.
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, in consideration with the Secretary General decide to hold a Session elsewhere.

#### Rule 5 - Notifications of the Opening Date of the Sessions

The Secretary of the commission (hereinafter referred to as the Secretary, shall inform members of the Commission of the date and venue of the first meeting of each session. This notification shall be sent, in the case of an Ordinary Session, at least eight (8) weeks, if possible, before the Session.

### Chapter II - Agenda

#### Rule 6 - Drawing up the Provisional Agenda

1. The Provisional Agenda for each Ordinary Session shall be drawn up by the Secretary in consultation with the Chairman of the Commission in accordance with the provisions of the Charter and these Rules.
2. 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.

**3.** Except as 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 by:

1. The Commission at a previous Session;

2. The Chairman of the Commission or another member of the Commission;

3. A State party to the Charter;

4. The Assembly of Heads of State and Government or the Council of Ministers of the Organisation of African Unity;

5. The Secretary General of the Organisation of African Unity on any issue relating to the functions assigned to him by the Charter;

6. A national liberation movement recognised by the Organisation of African Unity or by a non-governmental organisation;

7. A specialised institution of which the State parties to the Charter are members.

**4.** 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, accompanied by essential documents, not later than eight (8) weeks before the Opening of the Session.

**5. 1.** All national liberation movements, specialised institutions, intergovernmental or non-governmental organisations wishing to propose the inclusion of an item in the Provisional Agenda must inform the Secretary at least ten (10) weeks before the opening of the meeting. Before formally proposing the inclusion of an item in the Provisional Agenda, the observations likely to be made by the Secretary must duly be taken into account;

2. All proposals made under the provisions of the present paragraph shall be included only 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 who shall endeavour to transmit them to members at least six (6) weeks before the opening of the Session.

**2.** The Secretary 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 Organisation of African Unity and observers.

**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 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 17, 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 Next Session**

The Secretary shall, at each session of the Commission, submit a Draft Provisional Agenda for the next session of the Commission, indicating with respect to each item, the documents to be submitted on that item and the decisions 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 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 29 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 has 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 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 death 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 death 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 14 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 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 in a second, third and fourth ballot, the member having the highest 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 eligible for re-election. None of them, may, however, exercise his or her functions if he or she ceases to be a member of the Commission.

**Rule 18 - Power 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**

1. 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.
2. In the absence of both the Chairman and Vice Chairman, members shall elect an acting Chairman.

**Rule 20 - Functions of the Vice Chairman**

The Vice Chairman, acting in the capacity of the Chairman, shall have the same rights 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 serve as an officer or exercise the functions of a member of the Commission, 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 meeting of the Commission. He shall neither participate in the deliberations, nor in the voting. He may, however, be called upon by the Chairman of the Commission to make written or oral statements at the sittings of the Commission.
2. He shall appoint, in consultation with the Chairman of the Commission, a Secretary of the Commission.
3. He shall, in consultation with the Chairman provide the Commission with the necessary staff, means and services for it to carry out effectively the functions and missions assigned to it under the Charter.
4. The Secretary General acting through the Secretary shall take all the necessary steps for the meetings of the Commission.

**Rule 23 - Functions of the Secretary to the Commission**

The Secretary of the Commission shall be responsible for the activities of the Secretariat under the general supervision of the Chairman, and particularly:

1. He/she shall assist the Commission and its members in the exercise of their functions;
2. He/she shall serve as an intermediary for all the communications concerning the Commission;
3. He/she shall be the custodian of the archives of the Commission;
4. The Secretary shall bring immediately to the knowledge of the members of the Commission all the issues that will be submitted to him/her.

**Rule 24 - Estimates**

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

**Rule 25 - Financial Rules**

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

**Rule 26 - Financial Responsibility**

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

#### Rule 27 - Records of Cases

A special record, with a reference number and initialed, in which shall be entered the date of 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.

### **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 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, in consultation with 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.
2. Unless the Assembly decides otherwise, the Commission shall determine the functions and composition of each Sub-Commission.

#### Rule 30 - Offices 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 Sessions and Private Sessions**

#### Rule 32 - General Principle

The sittings of the Commission and of its subsidiary bodies shall be held in public unless the Commission decides otherwise or it appears from the relevant provisions of the Charter that the meeting shall be held in private.

#### Rule 33 - Publication of Proceedings

At the end of each private or public sitting, the Commission or its subsidiary bodies may issue a communiqué.

### **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.

#### 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 working 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 and documents of the Commission will be rendered in the working languages.

#### Rule 38 - Tape Recordings of the Session

The Secretariat shall record and preserve 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 public and private 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 thirty (30) 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 recordings 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 the document intended for general distribution unless, the Commission decides otherwise.
2. The minutes of the private sessions of the Commission shall be distributed forthwith to all members of the Commission.

### **Rule 41 - Reports to be Submitted after Each Session**

The Commission shall submit to the current Chairman of the Organisation of African Unity, a report on the deliberations of each session. This report shall contain a brief summary of the recommendations and statements on issues to which the Commission would like to draw the attention of the current Chairman and member States of the Organisation of African Unity.

### **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 members of the Commission as soon as possible.

## **Chapter X - Conduct of the Debates**

### **Rule 43 - Quorum**

The quorum shall be constituted by seven (7) members of the Commission, as specified in Article 42 (3) of the Charter.

### **Rule 44 - Additional Powers of the Chairman**

1. In addition to the powers entrusted to him/her under other provisions of the present Rules of Procedure, the Chairman shall have the responsibility to open and close each session; he/she shall direct the debates, ensure the application of the present Rules of Procedure, grant the use of floor, submit to a vote matters under discussion and announce the result of the vote taken.
2. Subject to the provisions of the present Rules of Procedure, the Chairman shall direct the discussions of the Commission and ensure order during meeting. The Chairman may during the discussion of an agenda item, propose to the Commission to limit the time allotted to speakers, as well as the number of interventions of each speaker on the same issue and close the list of speakers.
3. He/she shall rule on the points of order. He/she 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 issues 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**

1. During the debate of any matter a member may, at any time, raise a point of order and the point of order shall be immediately decided by the Chairman, in accordance with the Rules of Procedure. If a member appeals against the decision, the appeal shall immediately be put to the vote and if the Chairman's ruling is not overruled by the majority of the members present, it shall be maintained.
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[ting] 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 time than the time accorded, the Chairman shall immediately call him to order.

#### **Rule 48 - Closing 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.

#### **Rule 49 - Closure of Debate**

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

#### **Rule 50 - Suspension or Adjournment of the Meeting**

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

**Rule 51 - Order of the Motions Subject to the provisions of Rule 45 of the present Rule 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 of the item under discussion.

#### **Rule 52 - Submission of Proposals and Amendment 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; 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 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.

#### **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, provided that it has not been amended. A motion or a proposal thus withdrawn may be submitted again by another member.

#### **Rule 55 - New Consideration or a Motion**

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 authorisation on the Chairman. Subject to Rules 45, 48, 49 and 50 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 the interventions which each member may make on the same issue, in accordance with Rule 44 of the present Rules.
- 4.** Only two members in favour 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 questions of procedure the time allotted to each speaker shall not exceed five minutes, unless the Chairman decides otherwise. When the time allotted discussions is limited and a speaker exceeds the time accorded the Chairman shall immediately call him to order.

#### **Rule 57 - Right to Reply**

The right of reply shall be granted by the Chairman to any member requesting it. The member must, while exercising this right, be as brief as possible and 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 of condolence.

### **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 a casting vote.

#### **Rule 61 - Asking for a Vote**

A proposal or a motion submitted for 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 as otherwise provided by the Charter or other Rules of the present Rules of Procedure, decisions of the Commission shall be taken by a 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 non-voting members.

3. Decisions may be taken by consensus, failing which, Commission shall resort to voting.

#### **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 with 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 the 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 notion except if it has been amended.

#### **Rule 65 - Rules to be Observed while Voting**

A ballot shall not be interrupted except if a member raises a point of order relating to 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**

Proposals and amendments may be separated if requested. The parts of the proposals or of the amendments which have been adopted shall later be put to the vote as a 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 to a proposal is an addition to, deletion from or revision of part of that 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 on until all the amendments have been put to the vote. Nevertheless when the adoption of an amendment implies 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 were submitted.
2. After each vote the Commission may decide whether it shall put the next proposal to the vote.
3. However, the motions which are not on the substance of the proposals shall be voted upon before the said proposals.

#### **Rule 70 - Elections**

Elections shall be held by secret ballot unless the election is for a post for which only one candidate has been proposed and that candidate has been agreed upon by the members of the Commission.

### **Chapter XII - Participation of Non-Members of the Commission**

#### **Rule 71 - Participation of States in the deliberations**

1. The Commission or its subsidiary bodies may invite any State to participate in the discussion of any issue that shall be of particular interest to that State.
2. 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 72 - Participation of other Persons or Organisations**

The Commission may invite any organisation or persons capable of enlightening it to participate in its deliberations without voting rights.

#### **Rule 73 - Participation of Specialised Institutions and Consultation with the latter**

1. Pursuant to the agreements concluded between the Organisation of African Unity and the Specialised Institutions, the latter shall have the right to:

1. Be represented in the public sessions of the Commission and its subsidiary bodies;
2. 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 vote at the request of any member of the Commission or the interested subsidiary body.
2. Before placing on the provisional agenda an issues 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 more specialised institutions, the Secretary General should enter in to consultation with the institutions concerned and inform the Commission of the ways and means of ensuring coordinated 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 relating 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 74 - Participation of other Inter-Governmental Organisations**

1. The Secretary shall inform, not later than 4 weeks before a session, non-governmental organisations with observer status of the days and agenda of a forthcoming session.
2. Representatives of Inter-Governmental Organisations to which the Organisation of African Unity has granted permanent observer status and other organisations recognised 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 - Relations with and Representation of Non-Governmental Organisations**

### **Rule 75 - Representation**

Non-governmental organisations, granted observer status by the Commission, may appoint authorised observers to participate in the public sessions of the Commission and of its subsidiary bodies.

### **Rule 76 - Consultation**

The Commission may consult the non-governmental organisations either directly or through one or several committees set up for this purpose. These consultations may be held at the invitation of the Commission or at the request of the organisation.

## **Chapter XIV - Publication and Distribution of the Reports and other Official Documents of the Commission**

### **Rule 77 - 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 after reporting unless the Assembly directs otherwise.

### **Rule 78 - 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 thing shall apply to other information supplied by a State party to the Charter, unless the Commission decides otherwise.

### **Rule 79 - 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 the activities.
2. The report shall be published by the Chairman after the Assembly has considered it.

### **Rule 80 - Translation of Reports and other Documents**

The Secretary shall endeavour to translate all reports and other documents of the Commission into the working languages.

## **Part Two - Provisions Relating to the Functions of the Commission**

### **Chapter XV - Promotional Activities Report Submitted by State Parties to the Charter under Article 62 of the Charter**

#### **Rule 81 - Contents of Reports**

1. States parties to the Charter shall submit reports in the form required by the Commission on measures they 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. If a State party fails to comply with Article 62 of the Charter, the Commission shall fix the date for the submission of that State Party's report.
3. The Commission may, through the Secretary-General, inform State parties to the Charter of its wishes regarding the form and contents of the reports to be submitted under Article 62 of the Charter.

#### **Rule 82 - Transmission of the Reports**

1. The Secretary 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 of competence, produced by member States of these institutions.
2. The Commission may invite the specialised institutions to which the Secretary has communicated parts of the report, 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, of the opening date, duration and venue of the Session 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 put to him/her 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 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, to the State party to the Charter concerned, a report or reminder 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 including relevant legislation pursuant to the provisions of Rule 81 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 some of its obligations under the Charter, it may address all general observations to the State concerned as it may deem necessary.

#### **Rule 86 - Adjournment and Transmission of the Reports**

1. The Commission shall, through the Secretary, 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, when 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.

#### **Rule 87 - Promotional Activities**

1. The Commission shall adopt and carry out a program of action which gives effect to its obligations under the Charter, particularly Article 45 (1).

2. The Commission shall carry out other promotional activities in member states and elsewhere on a continuing basis.

3. Each member of the Commission shall file a written report on his/her activities at each session including countries visited and organisations contacted.

### **Chapter XVI - Protection Activities - Communications from State Parties to the Charter**

#### **Section I - Procedure for the Consideration of Communications Received in Conformity with Article 47 of the Charter: Procedure for Communications-Negotiations**

##### **Rule 88 - Procedure**

1. A communication under Article 47 of the Charter should be submitted to the Secretary General, the Chairman of the Commission and the State party concerned.

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 provisions 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 the most practicable and reliable means.

##### **Rule 89 - Register of Communications**

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

#### **Rule 90 - Reply and Time Limit**

1. The reply of the State party to the Charter to which a communication is addressed 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 91 - 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 of the parties, the issue shall be referred to the Commission, in accordance with the provisions of Article 48 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 92 - Seizing 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 may submit the communication to the Commission through a notification addressed to its Chairman, the other interested State party and the Secretary General.

#### **Section II - Procedure for the Consideration of the Communications Received in Conformity with Articles 48 and 49 of the Charter: Procedure for the Communication-Complaint**

#### **Rule 93 - Seizing 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 accompanied particularly by:

1. Measures taken to try to resolve the issue pursuant to Article 47 of the Charter including the text of the initial communications and any future written explanation from the interested States parties to the Charter relating to the issue;

2. Measures taken to exhaust local procedure for appeal;

3. Any other procedure for the international investigation or international settlement to which the interested States parties have resorted.

#### **Rule 94 - Permanent Register of Communications**

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

#### **Rule 95 - Seizing of the Members of the Commission**

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

#### **Rule 96 - Private Session and Press Release**

1. The Commission shall consider the communications referred to in Articles 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, release on its private sessions for the attention of the media and the public.

### **Rule 97 - Consideration of the Communication**

The Commission shall consider a communication only when:

1. The procedure offered to the States parties by Article 47 of the Charter has been exhausted;
2. The time limit set in Article 48 of the Charter has expired;
3. The Commission is certain that all the available local remedies have been utilised and exhausted, in accordance with the generally recognised principles of international law, or that the application of these remedies is unreasonably prolonged or that there are no effective remedies.

### **Rule 98 Amicable Settlement**

Except the provisions 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.

### **Rule 99 - Additional Information**

The Commission may through the Secretary, request the States parties 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 100 - Representation of States Parties**

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 of the opening day, 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 101 - Report of the Commission**

1. The Commission shall adopt a report pursuant to Article 52 of the Charter within 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.
5. The report of the Commission shall be sent to the Assembly through the Secretary General, together with the recommendations that it shall deem useful.

## **Chapter XVII - Other Communications - Procedure for the Consideration of Communications received in Conformity with Article 55 of the Charter**

### **Section I - Transmission of Communications to the Commission**

#### **Rule 102 - Seizing of the Commission**

1. Pursuant to these Rules of Procedure, the Secretary shall transmit to the Commission the communications submitted to him for consideration by the Commission in accordance with the Charter.
2. No communications concerning a State which is not a party to the Charter shall be received by the Commission or placed in a list under Rule 103 of the present Rules.

#### **Rule 103 - 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 he/she shall attach a brief summary to their contents and regularly cause the lists to be distributed to members of the Commission. Besides, the Secretary shall keep a permanent register of all these communications which shall be made public.
2. The full text of each communication referred to the Commission shall be communicated to each member of the Commission on request.

#### Rule 104 - Request for Clarifications

1. The Commission, through the Secretary, may request the author of a communication to furnish clarifications on the applicability of the Charter to his/her communication, and to specify in particular:

1. His name, address, age and profession by justifying his very identity, if ever he/she is requesting the Commission to be kept anonymous;
  2. Name of the State party referred to in the communication;
  3. Purpose of the communication;
  4. Provision(s) of the Charter allegedly violated;
  5. The facts of the claim;
  6. Measures taken by the author to exhaust local remedies, or explanation why local remedies will be futile;
  7. The extent to which the same issue has been settled by another international investigation or settlement body.
2. When asking for clarification or information, the Commission 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 the 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 105 - Distribution of Communications

For each communication recorded, the Secretary shall prepare as soon as possible, a summary of the relevant information received, which shall be distributed to the members of the Commission.

#### **Section II - General Provisions Governing the Consideration of the Communications by the Commission or its Subsidiary Bodies**

#### Rule 106 - Private Session

The sessions of the Commission or its subsidiary bodies during which the communications are examined as provided for in the Charter shall be private.

#### Rule 107 - Public Sessions

The sessions during which the Commission may consider other general issues, such as the application procedure of the Charter, shall be public.

#### Rule 108 - Press Releases

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

#### Rule 109 - Incompatibility

1. No member shall take part in the consideration of a communication by the Commission
1. If he/she has any personal interest in the case, or
  2. If he /she 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 110 - Withdrawal of a Member

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

#### Rule 111 - Provisional Measures

1. Before making its final views known to the Assembly on the communication, the Commission may inform the State party concerned of its views on the appropriateness of taking provisional measures to avoid irreparable damage 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.
2. The Commission, or when it is not in session, the Chairman, in consultation with other members of the Commission, may indicate to the parties any interim measure, the adoption of which seems desirable in the interest of the parties or the proper conduct of the proceedings before it.
3. In case of urgency when the Commission is not in session, the Chairman in consultation with other members of the Commission, may take any necessary action on behalf of the Commission. As soon as the Commission is again in session, the Chairman shall report to it on any action taken.

#### **Rule 112**

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

#### **Section III - Procedures to Determine Admissibility**

##### **Rule 113 - 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 114 - Order of Consideration of the Communication**

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 more communications.

##### **Rule 115 - Working Groups**

The Commission may set up one or more working groups; each composed of three of its members at most, to submit recommendations on admissibility as stipulated in Article 56 of the Charter.

##### **Rule 116 - Admissibility of the Communications**

The Commission shall determine questions of admissibility pursuant to Article 56 of the Charter.

##### **Rule 117 - Additional Information**

1. The Commission or a working group set up under Rule 113, 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 on too long.
2. A communication may be declared admissible if the State party concerned has been given the opportunity to submit the information and observations pursuant to paragraph 1 of this Rule.
3. A request under paragraph 1 of this Rule should indicate clearly that the request does not mean any decision whatsoever has been taken on the issue of admissibility.
4. However, the Commission shall decide in the issue of admissibility if the State party fails to send a written response within three (3) months from the date of notification of the text of the communication.

##### **Rule 118 - 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 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 reconsider this decision at a later date if it receives a request for reconsideration.

#### **Section IV - Procedures for the Consideration of Communications**

##### **Rule 119 - Proceedings**

1. If the Commission decides that a communication is admissible under the Charter, its decision and text of the relevant documents shall as soon as possible, be submitted to the State party concerned, through the Secretary. The author of the communication shall also be informed of the Commission's decision through the Secretary.

2. The State party to the Charter concerned shall, within the 3 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, to the author of the communication who may submit in writing additional information and observations within a time limit fixed by the Commission.
4. States parties from whom explanations or statements are sought within specified times shall be informed that if they fail to comply within those times the Commission will act on the evidence before it.

#### **Rule 120 - Final Decision of the Communication**

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 and to the State party concerned.
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 the Charter. The Commission may entrust this function to a Special Rapporteur or a working group.

### **Final Chapter - Amendment and Suspension of the Rules of Procedure**

#### **Rule 121 - Method of Amendment**

Only the Commission may modify the present Rules of Procedure.

#### **Rule 122 - 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 opposes 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 18th Ordinary Session held in Praia, Cape Verde.