

@Amnesty International urges the Organization of African Unity Assembly of Heads of State and Government to promote human rights

In May 1993 Amnesty International is appealing to 50 heads of state or government in Africa to urge them to mark the 30th anniversary of the founding of the Organization of African Unity on 25 May 1963 by addressing human rights issues at the next session of the OAU Assembly of Heads of State and Government (28 to 30 June 1993 in Cairo). Amnesty International's Secretary General, Pierre Sané, made the appeal in a letter sent to all heads of state and government of states which are members of the OAU. Amnesty International hopes that people throughout Africa will also raise these issues with the OAU heads of state and government.

In the letter, Amnesty International appeals to the OAU to demonstrate a strong political will and leadership to promote and protect human rights and asks that the OAU Assembly, for the first time in three decades, to speak clearly and unequivocally in public session on human rights by deploring the widespread violations of human rights which have taken place in the past and regrettably are still occurring in certain places in Africa. The OAU Assembly will be meeting shortly after the United Nations World Conference on Human Rights is held in Vienna, Austria. In particular, Amnesty International hopes that the OAU Assembly will address as a matter of priority the pressing problem of extrajudicial executions.

In the 1990s the security forces in more than a quarter of OAU member states have been responsible for extrajudicial executions, that is unlawful killings, often in secret or on a massive scale, which are prohibited by national and international standards. In most cases they have escaped unpunished and even uncriticized for their actions. In the past year alone the scale of political killings, both by government forces and by other armed forces, has been completely unacceptable. In 1977 a former Secretary General of the OAU itself, Diallo Telli, was the victim of an extrajudicial execution in his own country, Guinea. Amnesty International urges that the OAU Assembly takes a public stand against such killings and lends its authority to the campaign to protect life throughout the continent.

In addition, Amnesty International hopes that the OAU Assembly will strengthen its annual resolution on the work of the African Commission on Human and Peoples' Rights this year by:

- urging the two remaining member states (Ethiopia and Swaziland) which have not ratified the OAU's **African Charter on Human and Peoples' Rights** (which was adopted by the OAU Assembly 12 years ago, in June 1981, and came into force in 1986) to do so as soon as possible;

- requesting the states parties which have not submitted timely periodic reports on their implementation of the African Charter to submit them as soon as possible, to report on legislative and other measures taken to give effect to each of the rights and freedoms guaranteed by the African Charter and on the problems encountered in doing so and, if the state party has difficulty in preparing such reports, to seek help from the African Commission;

- appealing to all states parties to the African Charter to implement the rights and freedoms guaranteed by the African Charter in their law and practice;

- requesting all states parties to take the steps suggested in last year's OAU Assembly resolution to implement the right to freedom of expression as set forth in Article 9 of the African Charter, the duty in Article 26 to establish or strengthen national human rights institutions and the requirement in Article 25 to ensure that human rights is included in the curriculum at all levels of public and private education and in the training of law enforcement officials;

- calling on all member states to ensure widespread distribution of the documents of the African Commission; and

- requesting the OAU Secretary-General to ensure that the African Commission has adequate resources to carry out its responsibilities to promote and protect human rights.

BACKGROUND FOR THIS APPEAL

The OAU and human rights

The OAU Charter, adopted on 25 May 1963, in contrast to the African Charter on Human and Peoples' Rights, says little about human rights. One of the five purposes of the organization is promotion of international cooperation, "having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights". The preamble reaffirms adherence to these documents which "provide a solid foundation for peaceful and positive co-operation among states" and declares that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples", but the OAU Charter does not spell out these rights in detail. As a result of

criticism for failing to do so, the OAU Assembly eventually adopted the African Charter in June 1981.

The OAU Assembly, however, has rarely discussed human rights violations in specific countries, apart from the situation in South Africa and Namibia. Indeed, at the July 1986 Assembly, Ugandan President Yoweri Museveni, in his first speech to an OAU meeting, criticized the silence of the rest of Africa while extensive human rights violations were carried out in Uganda during the governments of former Ugandan Presidents Idi Amin and Milton Obote. In the subsequent seven years, nothing has changed. Most of the OAU Assembly's annual sessions (now normally held in June) are closed to the public and there is no practical way for non-governmental organizations such as Amnesty International to lobby the heads of state and government at these sessions.

Apart from adoption of the African Charter more than 10 years ago and the statements concerning South Africa and Namibia, the OAU Assembly has taken limited action in the field of human rights. It has included brief, general statements in final declarations at the end of its sessions that human rights are important. It has also adopted resolutions supporting the work of the African Commission, urging states which have not ratified the African Charter to do so and states parties which have not submitted their periodic reports to do so. Not every final declaration has included a reference to human rights and the resolutions have not been consistent.

At the OAU Assembly's 24th session in May 1988, it "strongly" urged member states which had not yet ratified the African Charter "to do so as soon as possible". In July 1989, at its 25th session, the Assembly stated that "the promotion and protection of human and peoples' rights are essential ingredients for the advancement of African citizens and peoples and constitute a significant contribution to the realization of their development aspirations". At its 26th session in July 1990, "in the light of the rapid changes taking place in the world and their impact on Africa", the Assembly emphasized the importance of human rights and the rule of law, and stated that it was committed "to the further democratisation of our societies and to the consolidation of democratic institutions in our countries" and asserted that "democracy and development should go together and be mutually reinforcing".

Past Amnesty International appeals concerning the OAU Assembly

1991 In light of developments in the 1980s, in 1991, for the first time, Amnesty International launched a major effort to persuade the OAU Assembly to change its approach by adopting a strong statement on human rights in its final declaration and a strong resolution on human rights. Amnesty International's Secretary General sent a letter to 50 heads of state and government in Africa in May 1991 appealing to them to request the OAU

Assembly at its June 1991 session to adopt a strong statement on human rights in its final declaration, to urge all states which have not yet done so to ratify the African Charter, to request states which had not yet submitted overdue periodic reports to do so and to call on all member states to distribute the documents of the African Commission widely and to institute practical training in human rights at all levels of their societies.

Although Amnesty International cannot be sure what impact this appeal had on individual governments, the 1991 OAU Assembly resolution on the African Commission was somewhat stronger than in the previous year. The resolution noted with satisfaction the activities report of the African Commission, reaffirmed its July 1989 statement on the importance of human rights, appealed to member states to ratify the African Charter, called on states parties to submit overdue reports and recommended that member states should celebrate the entry into force of the African Charter on 21 October each year (the African Day of Human and Peoples' Rights) by organizing activities aimed at promoting human rights. The OAU Assembly adopted final declarations on a number of specific subjects; it did not address human rights within Amnesty International's mandate, apart from South Africa.

1992 In 1992, Amnesty International wrote to foreign ministers of several countries. The Secretary General asked them to take all possible steps to urge the OAU Council of Ministers (which prepares the agenda for the OAU Assembly) at its session scheduled for 24 to 28 February 1992 to request the OAU Assembly at its June 1992 session to adopt a strong statement in its final declaration on human rights and to adopt a strong resolution on the African Commission.

The OAU Council of Ministers adopted a resolution reflecting some of Amnesty International's recommendations. In the resolution, adopted at the 55th ordinary session (22 to 28 June 1992) of the OAU Council of Ministers, the Council of Ministers declared that it strongly supported the work of the African Commission and that it would seek to ensure that the Commission receives all necessary human and material resources, stated that it would like to be briefed by the OAU Secretary-General on the activities of the African Commission, requested other organs of the OAU to cooperate with the African Commission and expressed the hope that the African Commission would play a major role in the preparatory conference to be held in Tunis, Tunisia in November 1992 for the 1993 United Nations World Conference on Human Rights.

The Secretary General sent a letter to 50 heads of state and government in Africa in May 1992 appealing to them to request the OAU Assembly to address many of the same concerns as in the February 1992 letter to foreign ministers and, in particular, asked that the Assembly as a matter of priority condemn extrajudicial executions in Africa. At its 29 June to 1 July 1992 session, the OAU Assembly adopted its most lengthy and detailed resolution

on human rights so far. It contained many of Amnesty International's recommendations, but again did not address human rights violations in member states.