

# Revised Clean Draft for Public Consultation

## RULES OF PROCEDURE OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

### PART ONE GENERAL RULES

#### CHAPTER I PRELIMINARY PROVISIONS

*Rule 1 Objective*

1. These Rules regulate the organisation and establish the procedure of the African Commission on Human and Peoples' Rights in accordance with Article 42 (2) of the African Charter on Human and Peoples' Rights.
2. In the absence of a provision in these Rules or in case of doubt as to their interpretation, the Commission shall decide.

*Rule 2 Definitions*

For the purpose of these Rules:

"African Charter" or "Charter" refers to the African Charter on Human and Peoples' Rights.

"African Commission" or "Commission" refers to the African Commission on Human and Peoples' Rights.

"African Court Protocol" refers to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

"African Court" refers to the African Court on Human and Peoples' Rights.

"Amendment to a proposed motion" is an addition to, deletion from or revision of part of that motion.

"Amicus curiae" refers to a disinterested third party active in the field of human or peoples' rights and potentially able to assist the Commission in determining a factual or legal issue arising in a Communication.

“Assembly” refers to the Assembly of Heads of State and Government of the African Union.

“Bureau” refers to the Chairperson and Vice Chairperson.

“Chairperson” refers to the Chairperson of the African Commission on Human and Peoples’ Rights.

“Commissioner” refers to a member of the African Commission on Human and Peoples’ Rights.

“Day” shall be understood to be a 24-hour day as denoted on the calendar.

“Executive Council” refers to the Executive Council of the African Union.

“Peace and Security Council” refers to the Peace and Security Council of the African Union as established by the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

“Secretary” refers to the Secretary to the African Commission on Human and Peoples’ Rights.

“Serious or massive violations” refers to grave human rights violations as distinguished by their scale and importance.

“Session” refers to the statutory meetings of the Commission. This includes Ordinary and Extraordinary sessions.

“Specialized Organs” refers to specialized organs put in place by the African Union, the United Nations or any other organisation recognized by the African Union.

“State Party” refers to an African State that has ratified the African Charter on Human and Peoples’ Rights.

“Subsidiary Mechanism” refers to any mechanism established in accordance with Rule 23 of these Rules.

“Third party” refers to any other party than the complaining or defending parties.

“Vice-Chairperson” refers to the Vice-Chairperson of the African Commission on Human and Peoples’ Rights.

“Working Languages” refers to the working languages of the African Union.

## **CHAPTER II STATUS AND COMPOSITION**

### *Rule 3 Status*

1. In accordance with Articles 30 and 45 of the African Charter, the African Commission is an autonomous treaty organ working within the framework of the African Union to promote human and peoples’ rights and ensure their protection in Africa.
2. In pursuing its mission the Commission shall be competent to interpret the African Charter, including in response to a request for an advisory opinion pursuant to Article 45(3) of the Charter.
3. The Commission shall perform any other tasks which the Assembly may entrust to it pursuant to Article 45(4) of the Charter.
4. The Commission shall be competent to interpret its own decisions.

### *Rule 4 Composition*

1. In conformity with Article 31 of the African Charter, the Commission shall consist of eleven (11) members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples’ rights, particular consideration being given to persons having legal experience.
2. The members of the Commission shall serve in their personal capacity.

## **CHAPTER III MEMBERSHIP**

### *Rule 5 Term of office*

1. Members of the Commission are elected for six years and shall be eligible for re-election.
2. If a member of the Commission is re-elected at the expiry of his/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 African Charter, the member of the Commission elected to replace a member whose term has not expired, shall complete the term of his/her predecessor. However, if the remaining term of office is less than six months, there shall be no replacement.

*Rule 6 Order of precedence*

1. In the discharge of their duties, members of the Commission shall follow the Chairperson and the Vice-Chairperson according to their seniority in office. When there are two or more members of the Commission with equal seniority, precedence shall be given to the oldest.
2. A member of the Commission who is re-elected to a new term of office which is continuous with his/her previous term shall retain his/her precedence.

*Rule 7 Incompatibility*

1. The position of member of the Commission is incompatible with any activity that might interfere with the independence or impartiality of such a member or with the demands of his/her office such as being a member of government, a Minister or under-secretary of State, a diplomatic representative, a director of a ministry or one of his/her subordinates, or the legal adviser to a foreign office, holding any other political function or participating in any activity of such nature as to compromise his/her independence and impartiality.
2. The Bureau of the Commission shall ensure that the requirements in Rule 7(1) above are enforced in accordance with Articles 31(1 & 2) and 39(2) of the African Charter.
3. In the case of incompatibility, the Chairperson of the Commission shall inform the Chairperson of the African Union Commission, who shall declare the seat vacant.

*Rule 8 Cessation of function*

1. If in the unanimous opinion of the other members of the Commission, a member has stopped discharging his/her duty for any reason other than temporary absence, the Chairperson of the Commission shall inform the Chairperson of the African Union Commission, who shall declare the seat vacant.
2. A member of the Commission may resign from his/her position at any time. He or she shall do so through a written notification addressed to

the Chairperson of the Commission who shall transmit it to the Chairperson of the African Union Commission.

3. The resignation shall take effect ninety (90) days from the date of submission of the letter of resignation.
4. The Chairperson of the African Union Commission shall upon receipt of the notification, declare the seat vacant. The vacancy shall be effective from the date the resignation takes effect.
5. In the case of death of a member of the Commission, the Chairperson shall immediately inform the Chairperson of the African Union Commission who shall declare the seat vacant from the date of the death.
6. Every seat declared vacant in conformity with the present Rule shall be filled in accordance with Article 39(3) of the African Charter.

*Rule 9 Solemn declaration*

In conformity with Article 38 of the African Charter, before assuming office, every member of the Commission shall make the following solemn declaration at a public sitting of the Commission: *“I solemnly undertake to carry out my duties well and faithfully in all impartiality.”*

*Rule 10 Code of Conduct*

Members of the Commission shall observe the principles and codes of conduct stipulated in these Rules of Procedure as governing the terms and conditions of their service including the principles relating to recusal and confidentiality, as well as relevant provisions of the AU Staff Rules and Regulations, the AU Code of Ethics and Conduct and the AU Harassment Policy.

## **CHAPTER IV BUREAU OF THE COMMISSION**

*Rule 11 Composition of the Bureau*

The Bureau of the Commission shall be composed of a Chairperson and a Vice-Chairperson who shall perform the functions set forth in the African Charter and in these Rules of Procedure.

*Rule 12 Election of the Bureau*

1. The Commission shall elect from among its members a Chairperson and a Vice-Chairperson.

2. Election shall be held by secret ballot. Only members present shall vote. A member who obtains a simple majority of the votes of the members of the Commission present and voting shall be elected.

*Rule 13 Duration of the term of the members of the Bureau*

The members of the Bureau of the Commission shall be elected for a period of two years. They shall be eligible for re-election only once. None of them may exercise Bureau functions if they cease to be members of the Commission.

*Rule 14 Powers and functions of the Bureau*

1. The Bureau shall coordinate the promotion and protection activities of the members of the Commission.
2. The Bureau shall supervise the work of the Secretary. The Chairperson shall annually evaluate the performance of the Secretary in consultation with the other members of the Commission.

*Rule 15 Powers and functions of the Chairperson*

1. The Chairperson shall carry out the functions assigned to him or her by the Charter, the Rules of Procedure and the decisions of the Commission and the Assembly. In the exercise of his/her functions the Chairperson shall be under the authority of the Commission.
2. The Chairperson shall:
  - a. Represent and direct the work of the Commission;
  - b. Preside over the meetings of the Commission;
  - c. Submit the evaluation report referred to in Rule 14(2) to the Chairperson of the African Union Commission;
  - d. Supervise the preparation of the budget by the Secretariat and its adoption by the Commission;
  - e. Present and defend the budget before the relevant African Union bodies;
  - f. Present a report to the Assembly and to the Commission on the activities carried out during the intersession;
  - g. Perform any other functions that may be conferred upon him or her in the Rules of Procedure or other tasks entrusted to him or her by the Commission or the Assembly; and

- h. Delegate, when necessary, to the Vice-Chairperson or, if the Vice-Chairperson is not available, to another Commissioner, the abovementioned powers.
3. After transmitting the report on the evaluation of the performance of the Secretary in accordance with Rules 14(2) and 15(2) (c) the Chairperson may request the Chairperson of the African Union Commission to invite the Bureau of the African Commission for consultations.

*Rule 16 Powers and functions of the Vice-Chairperson*

1. If the Chairperson is temporarily unable to perform his/her duties, the Vice-Chairperson, shall perform the duties of the Chairperson.
2. The Vice-Chairperson, acting in the capacity of the Chairperson, has the same powers and functions as the Chairperson.
3. The Vice-Chairperson shall perform any other function delegated to him or her by the Commission or the Chairperson of the Commission.
4. If both the Chairperson and the Vice-Chairperson are unable to carry out their duties at the same time, the duties of Chairperson shall be carried out by another Commissioner according to the order of precedence laid down in Rule 6.

*Rule 17 Resignation, vacancy and replacement*

If a member of the Bureau of the Commission resigns from his/her position or ceases to be a member of the Commission, the remaining member shall represent the Bureau until the next session, when the Commission shall fill the position for the remainder of the term of office.

## **CHAPTER V SECRETARIAT TO THE COMMISSION**

*Rule 18 Composition, structure and status of the Secretariat*

1. Without prejudice to Article 41 of the African Charter, the Commission shall seek the African Union's approval of - the organizational structure of its Secretariat, specifying the staff and services necessary for the effective discharge of the Commission's duties
2. The Secretariat of the Commission is composed of the Secretary and the Commission's professional, technical and administrative staff.

3. The Secretary shall be appointed by the Chairperson of the African Union Commission pursuant to Article 41 of the African Charter and in consultation with the Chairperson of the African Commission.
4. The Bureau of the Commission shall consult the African Union Commission prior to the appointment of any other staff member of the Commission's Secretariat.
5. The status of the Secretary and the staff is governed by the African Union Staff Rules and Regulations as well as by the present Rules of Procedure in so far as applicable.

*Rule 19      Functions of the Secretary to the Commission*

The Secretary to the Commission is responsible for the activities of the Secretariat under the supervision of the Chairperson. The Secretary shall specifically:

- a. Assist the Chairperson, the Bureau of the Commission and other members of the Commission in the exercise of their functions;
- b. Supervise and co-ordinate the work of the staff of the Secretariat;
- c. Maintain the archives of the Commission, which must be properly organized for easy reference;
- d. Ensure confidentiality of the Commission's records where appropriate;
- e. Submit to the Chairperson and the members of the Commission all items that will be considered by the Commission;
- f. Prepare:
  - i. A draft agenda for each session;
  - ii. The Commission's strategic plan, annual work plan and annual budget;
  - iii. Guidelines and any other documents proposed for adoption by the Commission;
- g. Present a written report to the Commission at the beginning of each session on the activities of the Secretariat since the preceding session;

- h. Implement the decisions entrusted to him or her by the Commission or the Bureau;
- i. Make available to the general public documents which are not confidential, including State Reports, by ensuring that they are posted on the website of the Commission;
- j. Ensure the maintenance and regular updating of the website of the Commission;
- k. Evaluate the performance of the staff of the Commission;
- l. Carry out any other functions assigned to the Secretary.

*Rule 20 Financial responsibility and rules*

In accordance with Articles 41 and 44 of the Charter, the expenses of the Commission, the emoluments and allowances for Commissioners as well as the budget of the Secretariat shall be borne by the African Union in consultation with the Commission and in application of the African Union's financial rules.

*Rule 21 Estimate of expenses*

When the Commission considers a proposal entailing expenses, the Secretary shall prepare and present to the members of the Commission, as soon as possible, a report outlining the financial implications of the proposal.

*Rule 22 Confidentiality of the work of the Commission*

1. The Commission shall ensure the confidentiality of all case files, including pleadings. Notwithstanding this provision, pleadings may be exchanged between the parties to a Communication and the Secretariat may provide such parties with updates on the status of a pending Communication.
2. The staff of the Secretariat shall observe the principle of confidentiality in all matters that the Commission considers confidential as stipulated under the Charter and these Rules.

## CHAPTER VI      SUBSIDIARY MECHANISMS

### *Rule 23      Special      Rapporteurs,      Committees      and      Working      Groups*

1. The Commission may create subsidiary mechanisms such as special rapporteurs, committees, and working groups.
2. The creation and membership of such subsidiary mechanisms may be determined by consensus, failing which, the decision shall be taken by voting.
3. The Commission shall determine the mandate and the terms of reference of each subsidiary mechanism. Each subsidiary mechanism shall present a report on its work to the Commission at each ordinary session of the Commission.

### *Rule 24      Applicable rules*

The Rules of Procedure of the Commission shall apply *mutatis mutandis* to the proceedings of its subsidiary mechanisms.

## CHAPTER VII      SESSIONS

### *Rule 25      General principles*

1. The Commission shall hold Ordinary and Extraordinary Sessions, to enable it to satisfactorily carry out its functions in conformity with the African Charter.
2. Sessions of the Commission shall be held in public unless the Commission decides otherwise or if it appears from these Rules or the relevant provisions of the Charter that the session shall be held in private.
3. Whenever possible, session proceedings may be made available to the public through live transmission.
4. The Commission shall adopt a communiqué for the public at the end of a session.

### *Rule 26      Ordinary Sessions*

1. The Commission shall hold four Ordinary Sessions per year, the venue and duration of which shall be determined by the Commission. Two of the sessions shall include both public and private proceedings.

2. The Ordinary Sessions shall be convened on a date fixed by the Chairperson in consultation with the other members of the Commission.
3. In exceptional circumstances, the Chairperson of the African Union Commission may change the opening date of a session, in consultation with the Chairperson of the Commission.

*Rule 27 Extraordinary Sessions*

1. The Commission may also hold Extraordinary Sessions.
2. The Chairperson of the Commission shall convene Extraordinary Sessions:
  - a. At the request of the majority of the members of the Commission; or
  - b. At the request of the Chairperson of the African Union Commission.
3. Extraordinary Sessions shall be convened on a date fixed by the Chairperson, in consultation with the other members of the Commission.

*Rule 28 Venue of sessions*

1. The sessions of the Commission shall be held at its headquarters, or in the territory of any other State Party which invites the Commission.
2. In the event that a State Party invites the Commission to hold a session in its country, that State Party shall sign an agreement with the Commission to host the session of the Commission, which agreement shall vest the State Party with the responsibility for all additional expenses incurred by the Commission as a result of the session being held outside its headquarters, in conformity with the relevant rules of the African Union.
3. A State Party offering to host a session of the Commission shall not be under any suspension of the African Union. Any State Party wishing to host a session shall commit itself to meeting its obligations under Article 62 of the Charter and any supplementary legal instruments by which it is bound.
4. The Commission may, in consultation with the Chairperson of the African Union Commission, hold a session at the headquarters of the African Union. The sharing of costs for such a session shall be as agreed with the African Union Commission.
5. The Commission may hold joint sessions in consultation with the African Court on Human and Peoples' Rights, the Committee of Experts on the

Rights and Welfare of the Child, or any other African regional human rights organ.

*Rule 29 Notification of the opening date of a session*

1. The Secretary shall notify members of the Commission of the date and venue of each session. This notice shall be sent, in the case of an Ordinary Session, at least forty-five (45) days before the session unless exceptional circumstances require otherwise.
2. In the case of an Extraordinary Session, the notice shall be sent as soon as practicable.

*Rule 30 Private Sessions*

1. Private Sessions of the Commission shall be held in private and deliberations shall remain confidential.
2. During a Private Session, the Secretary to the Commission, members of the Secretariat and persons providing technical assistance to the Commission shall be present unless the Commission decides otherwise.
3. The Chairperson of the Commission may communicate to the public general information on deliberations in Private Sessions, subject to the exigencies of Article 59 of the Charter and any special directions by the Commission.

## **CHAPTER VIII SESSION AGENDA**

*Rule 31 Provisional Agenda for an Ordinary Session*

1. The Provisional Agenda for each Ordinary Session shall be drawn up by the Secretary in consultation with the Bureau of the Commission and in accordance with the provisions of the Charter and the present Rules of Procedure.
2. The Provisional Agenda shall include but not be limited to, items on "Communications from States" and "Other Communications" in conformity with the provisions of Articles 48, 49, and 55 of the Charter.
3. Pursuant to paragraph 1 of this Rule, the Provisional Agenda may also include items proposed by:
  - a. The Commission at a previous Session;
  - b. The Chairperson of the Commission or a member of the Commission;

- c. A State Party to the African Charter;
  - d. Any African Union organ;
  - e. An organisation recognized by the African Union, a national or specialised human rights institution with affiliate status or a non-governmental organisation with observer status;
  - f. A specialized institution of the United Nations of which the States Parties to the African Charter are members.
4. The items to be included in the provisional agenda under sub-paragraphs d, e and f of paragraph 3 above shall be communicated to the Secretary, accompanied by supporting documents, not later than forty-five (45) days before the opening of the Session at which these items are to be discussed.
  5. The decision to include an item on the provisional agenda is taken by the Bureau of the Commission. If the request is accepted, the Secretary shall include the item on the Provisional Agenda of the session and inform the requesting party of this decision within fourteen (14) days before the opening of an Ordinary Session.

*Rule 32      Transmission and distribution of the Provisional Agenda*

1. The Secretary shall distribute the Provisional Agenda and the relevant working documents to the members of the Commission at least fourteen (14) days before the opening of an Ordinary Session.
2. The Secretary shall transmit the provisional agenda and essential documents of the session as may be applicable to States Parties, the Chairperson of the African Union Commission, affiliate institutions and observers at least seven (7) days before the opening of an Ordinary Session of the Commission.
3. The Secretary, in consultation with the members of the Commission, may distribute the Provisional Agenda and essential documents relating to certain items on the Agenda seven (7) days prior to the opening of an Ordinary Session.
4. The Secretary shall transmit by all appropriate means, including posting on the website of the Commission, the Provisional Agenda of the Session to States Parties, the Chairperson of the African Union Commission, affiliate institutions and observers at least seven (7) days before the opening of an Ordinary Session of the Commission.

*Rule 33      Provisional Agenda for an Extraordinary Session*

The provisional agenda for an Extraordinary Session shall comprise only the item(s) stated in the notification issued by the Chairperson in accordance with Rule 27(2) of the present Rules.

*Rule 34*      *Adoption of the Agenda*

1. At the beginning of each Session, the Commission shall adopt the agenda of the Session.
2. Proposals shall be included in the Agenda of the Session if a majority of the members present so decide.

*Rule 35*      *Revision of the Agenda*

The Commission may, during the Session, revise its Agenda.

**CHAPTER IX      LANGUAGES**

*Rule 36*      *Working Languages*

1. The Working Languages of the Commission and all its subsidiary mechanisms are those of the African Union.
2. The proceedings of the Commission shall be conducted in any of the Working Languages of the African Union.
3. Subject to the present Rules 99(4) and 101(2) anyone intending to address the Commission in a language other than one of its Working Languages shall ensure translation and/or interpretation into one of the Working Languages. The latter shall be considered the source language for any translation or interpretation into the other Working Languages of the Commission.

**CHAPTER X      RECORDS AND REPORTS**

*Rule 37*      *Records and reports of Sessions and other proceedings*

1. The Secretary shall keep records of the proceedings of the sessions of the Commission.
2. The Secretary shall prepare a Report of the proceedings of each session as well as of any meeting of a subsidiary mechanism.

*Rule 38*      *Publication of Session and other proceedings*

1. The Secretary shall publish, including on the Commission's website, the communiqué of the proceedings of each session as well as any related information to which the public should have access.

2. The Secretary shall also make public, as appropriate, information relating to meetings of subsidiary mechanisms or any other Commission activity.

## CHAPTER XI CONDUCT OF BUSINESS

### *Rule 39 Quorum*

Seven members of the Commission shall constitute the quorum, as specified in Article 42 (3) of the Charter.

### *Rule 40 Additional powers of the Chairperson*

The Chairperson shall open and close each session, direct the discussions, ensure observance of the present Rules of Procedure, accord the right to speak, put questions to the vote and announce decisions.

### *Rule 41 Points of order*

1. During a debate on any matter a member of the Commission may, at any time, raise a point of order and the Chairperson of the Commission, in accordance with the Rules of Procedure, shall immediately rule on the point of order. If a member of the Commission contests the ruling, it shall immediately be put to a vote. If the majority of the members of the Commission present uphold the Chairperson's ruling, it shall be maintained.
2. A member of the Commission raising a point of order cannot, in his/her comments, deal with the substance of the matter under discussion.

### *Rule 42 Adjournment of debates*

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

### *Rule 43 Time limit accorded to speakers*

The Chairperson of the Commission may limit the time accorded to each speaker on any matter. When a speaker exceeds his/her allotted time, the Chairperson of the Commission shall call him or her to order.

*Rule 44 Closing the list of speakers*

1. The Chairperson of the Commission may, before the beginning of a debate, read out the list of speakers and with the consent of the Commission, declare the list closed.
2. The Chairperson of the Commission may, however, accord the right of reply to any speaker if a statement delivered after the list has been closed makes this desirable.

*Rule 45 Closure of debate*

1. A member of the Commission may, at any time during a debate, move for the closure of the debate on the item under discussion, even if the other members of the Commission or representatives have expressed the desire to take the floor. The authorization to take the floor on the closure of the debate shall be given only to two speakers for and against the closure, after which the motion shall immediately be put to a vote.
2. When the debate on an item is concluded, the Chairperson of the Commission shall declare the debate closed.

*Rule 46 Adjournment or closure of sitting*

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

*Rule 47 Order of the Motions*

The following motions shall have precedence in the following order over all the other proposals or motions before the Commission:

- a. Competence of the Commission;
- b. Point of order;
- c. Recusal of a Member of the Commission;
- d. Adjournment of the sitting;
- e. Adjournment of debate on the item under discussion;
- f. Closure of debate on the item under discussion.

*Rule 48 Submission of motion and amendment of substance*

Unless the Commission decides otherwise, the motions or amendments to motions on substantive matters made by members of the Commission

shall be submitted in writing to the Secretary with supporting documents.

*Rule 49      Withdrawal and re-submission of a motion*

The sponsor of a motion may withdraw it before it is put to vote, provided that it has not been amended. Another member of the Commission may re-submit a motion thus withdrawn. When a member of the Commission moves for the re-submission of a motion, only one member of the Commission may speak in favour of and one against the motion, after which it shall immediately be put to a vote.

*Rule 50      Oral interventions*

1. No one shall take the floor at a meeting of the Commission without the authorization of the Chairperson of the Commission. The Chairperson of the Commission shall grant the floor to speakers in the order requested, unless he/she prefers to consolidate interventions on a particular aspect of a matter under discussion.
2. Oral intervention shall deal solely with the matter under discussion by the Commission and the Chairperson of the Commission shall call to order any speaker whose remarks are irrelevant.
3. The Chairperson of the Commission may limit the time accorded to speakers as well as the number of interventions in accordance with the present Rules of Procedure. The time limit for each speaker shall be determined by the Chairperson.

*Rule 51      Right of reply*

1. A right of reply shall be granted by the Chairperson of the Commission to any member of the Commission or representative of a State Party who requests it.
2. A member of the Commission or representative of a State Party must, while exercising this right, respect the time limit fixed by the Chairperson for reply and take the floor preferably at the end of the sitting at which this right has been requested.
3. The right of reply shall be limited to one reply per party and all parties shall have the same length of time to reply.

**CHAPTER XII      VOTING**

*Rule 52      Right to vote*

1. Decisions of the Commission may be taken by consensus, failing which the decision shall be taken by voting.
2. However, at the request of a member any proposal or point of order shall be put to a vote.
3. Each member of the Commission shall have one vote. In the case of a tie in votes, the Chairperson of the Commission shall have a casting vote.

*Rule 53 Required majority*

Except as otherwise provided by the African Charter or the present Rules, decisions of the Commission shall be taken by a simple majority of the members present and voting.

*Rule 54 Method of voting*

1. Subject to the provisions of Rule 56 of the present Rules, the Commission, unless it otherwise decides, shall vote by show of hands, but any member may request a roll-call.
2. In all the votes by roll-call each member shall reply "yes" or "no" or "abstention". The vote of each member participating in the ballot shall be recorded in the minutes.
3. The Commission may decide to hold a secret ballot.

*Rule 55 Explanation of vote*

Members may make brief statements only for the purpose of explaining their vote, before the beginning of the vote or once the vote has been taken.

*Rule 56 Rules to be observed while voting*

A vote shall not be interrupted except if a member raises a point of order related to the manner in which the voting is being done.

*Rule 57 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 XIII PROPOSALS AND MOTIONS**

*Rule 58 Division of proposals*

Proposals in a motion may be separated if a member so requests. The parts of proposals or amendments that have been adopted shall later be put to a vote as a whole. If all the operative parts of a motion have been rejected, the motion shall be considered to have been rejected as a whole.

*Rule 59 Order of voting on 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 a vote.
3. However, motions which are not on the substance of a proposal shall be voted upon before the said proposal.

*Rule 60 Repeat votes on the same issue*

The Commission may not vote more than once on the same issue during the same session, unless compelling reasons so require.

**CHAPTER XIV REPORTS OF THE COMMISSION AND ITS MEMBERS**

*Rule 61 Activity Reports of the Commission*

1. The Commission shall submit an Activity Report of its promotion, protection and other activities to each Ordinary Session of the Assembly.
2. The content of the Activity Report of the Commission to be presented to the Assembly by its Chairperson or his/her representative shall be determined by the Commission.
3. Once the Activity Report has been considered by the Assembly, the Secretary shall publish it on the website of the Commission and transmit it to States Parties, African Union organs, national and specialized human rights institutions and civil society organizations.

*Rule 62 Activity Reports of individual Commissioners*

Every member of the Commission shall submit a written report on the activities undertaken in the period between two such sessions at each Ordinary Session with public proceedings.

*Rule 63 Mission Reports of the Commission*

1. Upon completion of a Mission, the Secretary shall, within thirty (30) days, draft the mission report in conformity with the Commission's Guidelines on Mission Reports for the time being in force.
2. The Secretary shall send the draft Mission Report to all the members of the Commission's delegation who shall submit their comments within thirty (30) days.
3. In the case of a mission for promotion activities, the Secretary shall, after the mission report has been commented upon by the members of the delegation referred to in paragraph 2 of the present Rule, submit the Report incorporating the observations of the members to the Commission for consideration and adoption at its next session.
4. The adopted mission report shall be sent to the State Party concerned for its comments, to be given within sixty (60) days from the day of receipt of the Report. After sixty (60) days, the Report shall be published with the comments of the State Party, if any.
5. In the case of a mission for protection activities, the Mission Report shall be sent to the members of the delegation referred to in paragraph 2 of this Rule, as well as to other concerned parties, including any party to a Communication that was a subject of the Mission. The Commission shall consider the comments of these parties when finalising the Report, especially with regard to any proposal for amicable settlement.
6. The Report of any protection mission as well as the comments from the State Party concerned and other concerned parties, where applicable, shall be annexed to the Activity Report of the Commission.

*Rule 64 Distribution of reports and other official documents*

1. Reports, decisions, session documents and all other official documents of the Commission and its subsidiary mechanisms shall be for general distribution unless the Commission decides otherwise.
2. Reports and additional information submitted by States Parties under Article 62 of the African Charter shall be for general distribution in the Working Languages of the African Union and shall be posted on the Commission's website as soon as they are received at the Secretariat of the Commission.

**CHAPTER XV      RELATIONSHIPS      WITH      STATES      PARTIES,  
INTERGOVERNMENTAL      INSTITUTIONS,      NATIONAL  
AND SPECIALIZED HUMAN RIGHTS INSTITUTIONS,  
NON-GOVERNMENTAL ORGANISATIONS, AND OTHER  
PARTNERS**

*Rule 65      General Principle*

The Commission may invite any State Party, institution, organisation or person capable of enlightening it to participate in its sessions without voting rights.

*Rule 66      Discussions on Human Rights Situations*

1. In conformity with Rule 31(3) of the present Rules of Procedure, any State Party, African Union organ, specialized agency or body of the United Nations or other organisation recognized by the African Union, national or specialized human rights institution with affiliate status, or non-governmental organisation with observer status, may request that the Commission include in its agenda for an Ordinary Session a discussion on any human rights issue. Such a request shall be made forty-five (45) days in advance of the session at which the discussion is to take place.
2. Where the discussion requires the presence of other partners and parties, the requesting party shall so indicate in the documents that it presents to the Commission pursuant to Rule 31(4) of the present Rules. If the Bureau of the Commission decides that the participation of additional partners and parties is necessary, it shall invite them to attend and transmit to them all relevant documentation and information on the proposed discussion from the requesting party.

*Rule 67      Participation of States Parties*

1. The Commission or its subsidiary mechanisms may invite any State Party 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 a vote at the request of any member of the Commission or of the subsidiary mechanism concerned.
3. The Commission shall interact with States Parties through their respective designated department and official(s) acting as the Government Focal

Point and Agent(s) responsible for processing correspondence and other communications from the Commission as well as for responding on behalf of the State. In specific circumstances additional or alternative channels of interaction may be used as the most effective means of communication.

*Rule 68 Participation of specialized agencies, intergovernmental organisations and United Nations bodies*

1. Specialized agencies, intergovernmental organisations and United Nations bodies may take part in the Public Sessions of the Commission.
2. The Commission may permit representatives of these bodies to make oral or submit written statements during its session.
3. Pursuant to Articles 45(1) and 46 of the African Charter, the Commission may invite these bodies to submit reports on the implementation of the African Charter in areas of common concern.
4. The Commission may take part in the activities of specialized agencies, intergovernmental organisations and United Nations bodies and agree through a Memorandum of Understanding on areas of common concern.

*Rule 69 National and specialized human rights institutions*

1. In accordance with the Commission's Resolution on the Granting of Affiliate Status to National Human Rights Institutions and specialized human rights institutions in Africa, such institutions, established by States Parties and functioning according to internationally and regionally recognized norms and standards, may be granted affiliate status with the Commission.
2. Institutions having affiliate status with the Commission shall enjoy the rights and perform the duties stipulated in its aforementioned Resolution.
3. The Commission may invite other national or specialized human rights institutions that do not meet the criteria provided in paragraphs 1 and 2 of the present Rules to attend its sessions as observers.

*Rule 70 Non-governmental organisations*

1. In accordance with the Commission's Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples' Rights in Africa, such organisations may be granted observer status with the Commission.

2. Non-governmental organisations having observer status with the Commission shall enjoy the rights and perform the duties stipulated in its aforementioned Resolution.
3. The Commission may decide to take measures against an Observer that no longer fulfils the criteria or defaults on its obligations, as set out in the aforementioned Resolution. The Observer shall be notified and, whenever deemed necessary, invited to express its views before any such decision is taken.

*Rule 71      Funding partners*

1. Subject to Article 41 of the Charter, the Commission may negotiate agreements with funding partners. Such agreements shall be signed by the Chairperson on behalf of the Commission after approval by the Bureau. The Chairperson may authorise the Secretary to sign a specific agreement. Original copies of such agreements shall be kept at the Secretariat of the Commission.
2. Subject to Article 41 of the Charter, the Commission may negotiate agreements with funding partners. Such agreements shall be signed by the Secretary after approval by the Bureau. Original copies of such agreements shall be kept at the Secretariat of the Commission.
3. The Commission shall inform the African Union Commission of any proposal to accept funds from any partner, including details of the amount of money to be provided, the project or projects for which the funds are sought and any condition of receipt of such funding.
4. Such agreements shall specify expected outcomes, monitoring and evaluation of the project funded by the partner.
5. The Secretary shall prepare and submit reports on the implementation of the agreement to the Commission at each Session.
6. Partners may be invited to attend sessions of the Commission.

*Rule 72      Protection from reprisals*

1. State Parties shall ensure that no reprisal of any kind *is* taken against any person or entity that provides the Commission with information, testimony or evidence in order to assist it in fulfilling its mandate under Article 45 of the Charter.

2. State Parties shall ensure that no reprisal of any kind *is* taken against any member of the Commission or its staff by reason of, or in connection with, the performance of his/her duties.

## **PART TWO PROMOTION ACTIVITIES**

### **CHAPTER I PROMOTION MISSIONS AND RELATED ACTIVITIES**

#### *Rule 73 Programme of promotion activities*

The Commission shall adopt and carry out a programme of promotion activities to give effect to its mandate under the African Charter, in accordance with Article 45(1).

#### *Rule 74 Promotion missions*

1. The Commission shall, from time to time, carry out promotion missions to States Parties.
2. States Parties shall facilitate the undertaking of promotion missions, including by responding promptly to any request for authorisation to undertake such a mission. States Parties may issue the Commission with an open invitation for such missions. They shall also facilitate promotion missions by taking the measures set out in Rule 85 in relation to protection missions.
3. Promotion missions shall be governed by the Commission's Guidelines for Missions as well as by the Format for Pre-mission Reports, for the time being in force.
4. For each promotion mission, the Commission shall develop terms of reference, bearing in mind the human rights situation in the country.
5. A member of the Commission who is a national of the State concerned may be present during the Commission's mission. He/She shall not however take part in the Commission's consideration of the mission report.

#### *Rule 75 Other promotion activities*

1. The Commission shall also undertake other promotion activities, including seminars, conferences and symposia. These activities shall be organized either on the Commission's own initiative or in collaboration with partners.

2. Where the Commission receives an invitation to participate in any promotion activity referred to in the present rule, the Secretary shall inform the Bureau immediately, and the latter shall decide on the course of action.

## **CHAPTER II            THE STATE REPORTING PROCEDURE UNDER ARTICLE 62 OF THE CHARTER**

### *Rule 76            Contents of State Reports*

1. Pursuant to Article 62 of the African Charter and any supplementary legal instruments entrusting the Commission with a supervision mandate, States Parties shall submit reports in accordance with relevant Guidelines of the Commission, on the measures they have taken to give effect to the provisions of the African Charter and those other instruments as well as on the progress they have made. Reports shall indicate the challenges, if any, affecting the implementation of the African Charter and those other instruments.
2. The Secretary to the Commission shall provide States Parties with all relevant Guidelines for time being in force.

### *Rule 77            Transmission of State Reports and related contributions*

1. The Chairperson of the Commission shall, through the Secretary and no later than one hundred and eighty (180) days before the Ordinary Session at which a State Party's Report is due to be considered, request confirmation of the State's intention to submit such a Report.
2. An unscanned electronic version of the Report should be received by the Commission no later than one hundred and twenty (120) days before the session at which it is due to be considered. Upon receipt the Secretary shall promptly publish it on the Commission's website and indicate when the Report will be examined by the Commission.
3. Institutions, organizations or any interested party wishing to contribute to the examination of the Report on the human rights situation in the country concerned, should send their contributions, including shadow reports, to the Secretary at least thirty (30) days prior to the examination of the Report. Such contributions should follow the Commission's Guidelines on State Reports, as applicable, and speak to the actual Report.
4. The Secretary may also invite specific institutions to submit information relating to the State Report within a time limit that he/she may specify.

5. The contributions from interested parties and invited institutions may be published on the Commission's website.

*Rule 78 Consideration of Reports*

1. States Parties shall be represented in the sessions of the Commission at which their reports are to be considered.
2. Representatives of States Parties shall respond to the questions prepared by the Commission, as well as to questions from the members of the Commission and provide, when necessary, any other information requested before, during or after the session. Should such questions or requests be formulated before the session States Parties may be requested to reply in writing within a period expiring before that session.
3. If a State Party fails to send a representative to the session of the Commission at which its report is to be examined, consideration of the report shall be rescheduled for the next session. If, at the said session, the concerned State Party, after due notification, fails to send a representative, the Commission may consider the State Report.
4. During the consideration of the Report submitted by a State Party in accordance with Article 62 of the Charter, the Commission shall explore all the pertinent information relating to the human rights situation in the State concerned, including reports by international, regional and national human rights organs as well as statements and shadow reports from National Human Rights Institutions and non-governmental organisations.
5. A member of the Commission who is a national of the State concerned may be present but shall not take part in the Commission's consideration of the State Report.

*Rule 79 Non-submission of Reports*

1. The Commission shall, at the beginning of each year, inform the States Parties which are not up to date with their obligations under Article 62 of the deadlines of their submission of their reports and the date at which they are expected to comply.
2. At the beginning of each Ordinary Session, the Secretary shall inform the Commission of all cases of non-submission of reports or of additional information requested by the Commission. In such cases, the Chairperson of the Commission may send a reminder, through the Secretary, to the State Party concerned, indicating the date by which its Report or the requested information should be received.

3. The Activity Report of the Commission shall point out the status of Initial and Periodic Reports of States Parties.

*Rule 80 Concluding Observations on State Reports*

1. The Commission shall formulate Concluding Observations after consideration of the report of a State Party.
2. The Concluding Observations of the Commission shall comply with the Guidelines of the Commission on Concluding Observations.
3. The Concluding Observations shall be transmitted to the State Party concerned within thirty (30) days after the session at which the Observations were adopted. They shall be published, including on the Commission's website, once transmitted to the State Party.
4. Where the National Human Rights Institution of the relevant State enjoys affiliate status with the Commission in accordance with Rule 69, the Secretary shall transmit the Concluding Observations to that Institution within thirty (30) days from the session at which they were adopted.

*Rule 81 Follow-up of implementation of Concluding Observations*

1. In the Concluding Observations, the Commission shall specify, if necessary, the issues that require particular attention on the part of the State Party. The date of the presentation of the next Periodic Report by the State Party shall be included in the Concluding Observations.
2. The Members of the Commission shall ensure the follow-up on the implementation of the recommendations from the Concluding Observations within the framework of their promotion activities to the States Parties concerned. Members may request or take into account contributions by interested parties or invited institutions, on the extent to which those recommendations have been implemented.
3. The Commission shall reference any Concluding Observations in its Activity Reports to the Assembly pursuant to Article 59(1) of the present Rules.

## **PART THREE: PROTECTION ACTIVITIES**

### **CHAPTER I MATTERS OF EMERGENCY**

*Rule 82 Decision on Matters of Emergency*

1. The Commission shall treat a situation as a matter of emergency under Article 58(3) of the African Charter, when:
  - a. It is one of serious or massive human rights violations;
  - b. It presents a risk of irreparable damage or requires urgent action to avoid irreparable harm;
2. When a situation of emergency arises during a session of the Commission, the decision to treat it as such shall be taken by the Commission.
3. When a situation arises during the Commission's inter-session period, the decision to treat it as a matter of emergency shall be taken either by the Bureau, the competent subsidiary mechanism(s) or the member responsible for the State Party concerned, the latter two on having informed the Bureau.
4. Any decision pursuant to paragraph 3 shall be communicated to the other instances referred to therein and a report on the situation shall be presented at the next session of the Commission.

*Rule 83      Action on Matters of Emergency*

1. When the Commission has decided to treat a situation as one of emergency, it shall:
  - a. Draw the attention of the Chairperson of the Assembly of Heads of State and Government of the African Union to the matter in accordance with Article 58(3) of the Charter;
  - b. Draw the attention of the African Union Peace and Security Council to the matter in accordance with Article 19 of the Protocol relating to the establishment of the Peace and Security Council of the African Union.
  - c. Inform the Executive Council;
  - d. Inform the Chairperson of the African Union Commission of the matter.
2. The Commission, as well as its subsidiary mechanisms under the Charter and the present Rules, shall also take any appropriate action, including Urgent Appeals.

*Rule 84          General provisions*

1. The Commission may, if necessary, carry out a protection mission to a State Party either of its motion or at the request of any other African Union organ.
2. Any protection mission agreed upon between the Commission and a State Party shall be conducted in accordance with the Commission's Guidelines for Missions for the time being in force and Rule 99 of the present Rules in so far as applicable.
3. Any mission undertaken at the request of another African Union organ shall be facilitated by that organ.
4. The Commission may authorise one or more of its members to take part in a protection mission to be conducted by another African or international organ intending to conduct such a mission.

*Rule 85          State Party's obligations*

During a protection mission of the Commission the State Party concerned shall:

- a. Guarantee the free movement of the members of the mission throughout the territory of the country, in this regard, provide corresponding facilities, including any necessary internal authorisation;
- b. Provide the mission with any document that the Commission may consider necessary for the preparation of its reports;
- c. Take the necessary security measures to protect the members of the delegation and also to guarantee the smooth running of the mission.

**CHAPTER III          CONSIDERATION OF COMMUNICATIONS**

**SECTION 1          GENERAL PROVISIONS**

*Rule 86          Register of Communications under Articles 47, 48, 49 and 55 of the Charter*

1. The Commission shall receive and note, as the case may be, Communications or notifications under Articles 47, 48, 49 and 55 of the Charter.

2. The Secretary shall register each Communication, with a reference number, the names of the parties, the date of registration or notification, and the date of decision or closure of each Communication.

*Rule 87 Language of submissions*

All Communications, notifications and related submissions shall be addressed to the Commission in at least one of its Working Languages.

*Rule 88 Confidentiality of proceedings*

The Commission shall deliberate on Communications in private and all aspects of the discussions shall be confidential.

*Rule 89 Representation*

1. States Parties shall be represented before the Commission by their representatives.
2. Natural or legal persons may either act and appear in person or mandate one or more representatives to do so on their behalf.

*Rule 90 Duty to cooperate with the Commission*

The parties to a Communication have a duty to cooperate fully in the conduct of the proceedings before the Commission and, in particular, to take such action within their power as the Commission considers necessary for the proper administration of justice.

*Rule 91 Working Groups and Rapporteurs on Communications*

1. The Commission shall appoint a Rapporteur for each Communication from among its members.
2. The Commission may also establish a Working Group to consider questions of seizure and admissibility of any Communication(s) and to make recommendations to the Commission.
3. The Commission shall consider the recommendations of the Rapporteur and/or the Working Group and make a decision.

*Rule 92 Recusal of a member of the Commission from taking part in the examination of a Communication*

1. A member of the Commission shall not be present and take part in the consideration of a Communication if he or she:

- a. Is a national of the State Party concerned;
  - b. Has any personal interest in the case;
  - c. Is engaged in any political or administrative activity or any professional activity that is incompatible with his/her independence or impartiality;
  - d. Has participated in any capacity in any decision at the national level in relation to the Communication;
  - e. Has expressed publicly opinions that are objectively capable of adversely affecting his/her impartiality with respect to the Communication; or
  - f. Finds, for any other reason, that his/her impartiality is capable of being adversely affected.
2. Any question that may arise under paragraph 1 above shall be decided by the Commission after hearing the member concerned and without his/her participation.

*Rule 93      Withdrawal of a Member*

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

*Rule 94      Order of consideration of Communications*

Unless otherwise decided, the Commission shall consider Communications in the order in which they have been received by the Secretary.

*Rule 95      Joinder and disjoinder of Communications*

1. Where the Commission has been seized of two or more Communications against the same State Party, addressing similar facts or alleging similar rights violations, the Commission may join them and consider them together as a single Communication.
2. Where in accordance with paragraph 1 of the present Rule, the Commission decides to join two or more Communications, it may subsequently, where it deems appropriate, decide to disjoin the Communications.

*Rule 96 Extension of time*

1. Prior to the expiry of a time-limit fixed for a particular submission, either party may apply to the Commission for extension of the period stipulated.
2. The Commission may grant an extension which shall not exceed thirty (30) days, and shall not grant more than one extension per party for any given submission. Where the nature of the Communication(s) so requires, the Commission may exceptionally extend the time-limit further.
3. The Commission may decide that any submissions filed or other action taken after the expiration of a time-limit fixed thereof shall be considered as valid, if the requesting party shows cogent reasons for having failed to act in time and provided exceptional circumstances and interests of justice require that the request be granted.

*Rule 97 Situation of serious or massive violation of human rights*

When the Commission considers 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, it shall bring the matter to the attention of the Assembly and the Peace and Security Council of the African Union, in accordance with Article 58 of the Charter and Article 19 of the Protocol on the Peace and Security Council.

*Rule 98 Provisional Measures*

1.
  - a. At any time after receiving a Communication and before determining its merits, the Commission may, on its initiative or at the request of a party to the Communication, issue Provisional Measures to be adopted by the State concerned in order to prevent irreparable harm to the victim or victims of the alleged violation as urgently as the situation demands.
  - b. If the Communication has been submitted under Article 55 of the Charter, Provisional Measures shall be considered only after the Commission has been seized of the Communication in pursuance of Rule 112 of the present Rules.
2. If the Commission is not in session at the time of receiving a request for Provisional Measures, the Chairperson shall consult the Working Group on Communications, decide on the Commission's behalf and inform the other members of his/her decision.

3. The parties to the Communication shall be informed of any Provisional Measures issued.
4. The State Party concerned shall report back on the implementation of the Provisional Measures within fifteen (15) days of receipt.
5. The Commission's grant of Provisional Measures and their adoption by the State Party concerned shall not constitute a prejudgment on the merits of a Communication.

*Rule 99 Investigative measures*

1. The Commission may, of its own initiative, or at the request of a party, adopt any investigative measure which it considers capable of clarifying the facts of the case. It may decide to hear as a witness or expert or in any other capacity any person whose written or oral evidence or opinion appears likely to assist it in its examination of a Communication.
2. The Commission may also request any person, organisation or institution of its choice to make available any pertinent documentation and other materials in its possession.
3. The Commission may, at any time during its examination of a Communication, assign one or more of its Members to conduct an enquiry, carry out a visit to the scene or take evidence in any other manner.
4. Any witness, expert or other person making written observations to the Commission or appearing at an oral hearing before it, or before a Delegation of Members, may use his/her own language if he or she does not have sufficient knowledge of one of the Commission's Working Languages. In that event the Secretary shall make the necessary arrangements for translation or interpretation into one of the Working Languages.
5. The Secretary to the Commission shall issue an invitation to any witness, expert or other person whom the Commission decides to hear in writing or orally.
6. The Commission shall take the necessary measures to protect the identity of experts, witnesses or other persons if it believes that they require such protection.
7. The Commission shall decide on any objection to a witness or expert.

8. The Chairperson shall fix the procedure for the taking of written or oral evidence, including in respect of any item of evidence proposed by the parties.
9. Witnesses and experts to be heard in accordance with this Rule shall submit a written undertaking or take an oath, as set out in Rule 101(3)a-b.

*Rule 100 Procedure for oral hearings on Communications*

1. At the initiative of the Commission or at the request of one of the parties, an oral hearing may be held on the admissibility and/or merits of a Communication of which the Commission has been seized.
2. A party requesting a hearing shall indicate the facts and/or legal issues which would be addressed orally. The request shall be made at least ninety (90) days before the beginning of the session in which the Communication is going to be considered.
3. The Bureau of the Commission shall decide on the request after having informed the other party thereof and after consulting the Working Group on Communications.
4. The Secretary shall inform both parties of the decision on the granting of a hearing within fifteen (15) days of the decision referred to under paragraph 3 of the present Rule.
5. If the request for a hearing is accepted, the notification of the hearing shall include the dates and venue of the session, and indicate the period of the session during which the hearing is likely to take place.
6. Hearings on Communications before the Commission shall be held in private. Unless the Commission decides otherwise, no person shall be admitted, other than:
  - a. The parties to the Communication and/or their legal representatives duly mandated; and
  - b. Any person being heard by the Commission as a witness, expert, third party or in any other capacity.
7. Those admitted to attend part or all of a hearing shall undertake not to reveal publicly any information relating to or transpiring from the oral proceedings, in accordance with Article 59 of the Charter and Rule 88 of the present Rules.

8. When it considers it in the interest of the proper conduct of a hearing, the Commission may limit the number of parties' representatives or advisers who may appear.
9. The parties shall inform the Commission at least ten (10) days before the date of the opening of the hearing of the names and functions of the persons who will appear on their behalf at the hearing.
10. The Chairperson or his/her representative shall preside over the hearing, and shall verify the identity of any persons before he/she is heard.
11. During hearings, the Commission shall permit oral presentations by the parties on new or additional facts or arguments or in answer to any questions that it may have concerning all issues relating to the admissibility and/or merits of the Communication.
12. During a hearing on a Communication or at any stage prior to the conclusion of the matter, the following may be considered:
  - a. The verification of the facts;
  - b. Initiation of a friendly settlement;
  - c. Consideration of the admissibility and/or merits; or
  - d. Any other matter pertinent to the Communication.
13. Any member of the Commission may put questions to the parties or to the persons heard with the permission of the Chairperson.
14. Parties to the communication or their representatives may, with the permission of the Chairperson, put questions to any person heard.
15. The Secretary is responsible for the production of verbatim records of hearings before the Commission. Such records are internal working documents of the Commission. If a party to the Communication so requests, the Commission may provide a copy of such records.

*Rule 101 Procedure for hearing witnesses and experts orally*

1. The Commission shall determine, at its own initiative, or at the request of one of the parties, when to call witnesses or experts whom it considers necessary to hear orally in a given case. The invitation to the hearing shall indicate:
  - a. The parties to the Communication;
  - b. A summary of the facts or issues in relation to which the Commission desires to hear the witness or expert.

2. After establishing the identity of the witnesses or experts the Chairperson of the Commission shall request them to take the following oath:

- a. For witnesses *"I swear/affirm that I will speak the truth, the whole truth and nothing but the truth. I also undertake not to reveal any information relating to or transpiring from this hearing."*
- b. For experts *"I swear/affirm that my statement will be in accordance with my knowledge, findings and sincere belief. I also undertake not to reveal any information relating to or transpiring from this hearing."*

*Rule 102 Intervention by amicus curiae*

At any moment after the respondent State has been requested to make its submissions on a Communication the Commission may decide to invite or grant leave to an *amicus curiae* to intervene in the case by making written or oral submissions in order to assist the Commission in determining a factual or legal issue.

*Rule 103 Intervention by a third party with a direct interest in the case*

1. The Commission may, at any moment after a Communication has been introduced, decide to allow submissions from a third party with a direct interest in the case. In so deciding the Commission shall consider, among other matters, whether the procedure would be unduly disrupted or prolonged by admitting such submissions and transmitting them to the parties for submissions in reply.

*Rule 104 Protection from reprisals*

In accordance with Rule 72, State Parties shall ensure that no reprisal of any kind is taken against a victim or complainant having lodged a Communication under Article 55, against his/her family or representative or against any witness, expert, other person or entity because of their statements or intervention before the Commission or for having provided it with information relating to a Communication under Articles 48, 49 and 55 of the Charter.

## **SECTION 2            CONSIDERATION OF COMMUNICATIONS RECEIVED IN CONFORMITY WITH ARTICLE 47 OF THE CHARTER: COMMUNICATIONS-NEGOTIATIONS OF STATES PARTIES**

*Rule 105 Submission of a Communication*

1. A Communication under Article 47 of the Charter shall be submitted to the Chairperson, through the Secretary of the Commission.
2. The Communication shall be in writing and shall contain a comprehensive statement of the facts as well as the provisions of the African Charter alleged to have been violated.
3. The Communication shall be notified to the State Party concerned, the Chairperson of the African Union Commission and the Chairperson of the Commission through the most practical and reliable means.
4. The Secretary to the Commission shall, on behalf of the Chairperson, acknowledge receipt, by *Note Verbale*, of the Communication and request the parties to keep the Commission informed of developments which could arise within the framework of ongoing negotiations.

**SECTION 3                    CONSIDERATION OF COMMUNICATIONS RECEIVED  
UNDER ARTICLES 48 & 49 OF THE CHARTER:  
COMMUNICATIONS - COMPLAINTS OF STATES PARTIES**

*Rule 106                    Seizure of the Commission*

1. Any Communication under Articles 48 and 49 of the Charter may be submitted to the Chairperson of the Commission through the Secretary by an interested State Party.
2. The Communication shall contain information on the following or be accompanied particularly by:
  - a. Measures taken to resolve the issue pursuant to Article 47 of the African Charter, including the text of the initial communication and any subsequent written explanation from the interested States Parties relating to the issue;
  - b. Measures taken to exhaust regional or international procedures of settlement or good offices;
  - c. Any other procedure of international investigation or international settlement to which the interested States Parties have resorted.

*Rule 107                    Consideration of the Communication*

1. Where, pursuant to Articles 48 and 49 of the African Charter, a Communication is brought before the Commission by a State Party, the Chairperson of the Commission, through the Secretary, shall give notice of such Communication to the State Party against which the complaint is made and shall invite it to make its written submissions on the admissibility of the Communication within ninety (90) days. The submissions so received shall be immediately communicated to the complaining State Party, which shall respond within ninety (90) days of receipt of the submissions.
2. The Commission shall designate one or more of its members as Rapporteur(s) for the Communication.
3. The Commission may:
  - a. Request relevant information on matters connected with the Communication from the States Parties concerned. Such information shall be provided by both parties within ninety (90) days of receipt of such request;
  - b. Transmit any information obtained from one party to the other for comments. The parties shall be given ninety (90) days to respond to the submissions by the other party.
4. Before deciding on the admissibility of the Communication, the Commission may invite the parties to make further written submissions within ninety (90) days. Such submissions shall be transmitted to the opposing party. The Commission may also allow the parties to make additional submissions orally.

*Rule 108 Decision on admissibility*

1. Once it has considered the submissions of the parties the Commission shall adopt a decision on the admissibility of the Communication, having regard to the requirement of admissibility under Article 50 of the Charter.
2. Where no submissions on the admissibility have been received from the respondent State within the time-limit fixed, the Commission shall proceed to adopting a decision by default based on the information before it.
3. The Commission shall give reasons for its decision on admissibility and notify the parties thereof.
4. The decision shall be signed by the Chairperson and the Secretary.

*Rule 109 Amicable settlement*

1. When the Commission decides that a Communication is admissible, it shall place its good offices at the disposal of the interested States Parties with the objective of reaching an amicable settlement under the terms of the African Charter.
2. For the purpose of the Commission's good offices, the Bureau of the Commission shall establish contact with the relevant authorities of the States Parties.
3. The Commission shall thereafter decide on the appropriate action to take, which may include the following:
  - a. Appointing a Rapporteur;
  - b. Convening, in consultation with the States Parties concerned, meetings with the aim of achieving an amicable settlement of the dispute;
  - c. Facilitating the drafting of a Memorandum of Understanding, when the parties accept the principle of an amicable settlement, containing the terms of settlement being proposed having regard to the progress made.
4. In the case of acceptance of the draft Memorandum of Understanding, the States Parties concerned shall sign the agreement under the auspices of the Commission.
5.
  - a. Where the Commission is satisfied that the requirements of an amicable settlement have been complied with, it shall prepare a decision which shall contain a brief statement of the facts and a description of the settlement reached.
  - b. The decision shall be sent to the parties and communicated to the Assembly.
  - c. The Commission's confirmation of a settlement shall be regarded as a decision requiring implementation and related follow-up for the purposes of these Rules.
6. The settlement negotiations shall be confidential and without prejudice to the parties' arguments on the admissibility of the Communication. No written or oral submission and no offer or concession made during the settlement negotiations may be referred to or relied on in any subsequent contentious proceedings.

1. If the amicable settlement of the dispute fails, the Commission shall request the States Parties concerned to provide, within a period of thirty (30) days, their written submissions on the merits of the Communication.
2. The Commission shall communicate any submissions and information obtained from one party to the other for comments. The States Parties concerned shall be given thirty (30) days to respond.
3. Before adopting its decision on the merits, the Commission may request the parties to make supplementary written submissions or convene a hearing at which it may allow the parties to make additional oral submissions.

*Rule 111      Decision on the merits*

1. The Commission shall, after deliberation on the submissions of the parties, adopt a decision on the merits of the Communication.
2. Where no submissions on the merits have been received from the respondent State within the time-limit fixed, the Commission shall proceed to adopting a decision by default based on the information before it.
3. The Commission shall give reasons for its decision on the merits and may make any recommendations it deems useful, pursuant to Article 53 of the African Charter.
4. The decision shall be signed by the Chairperson and the Secretary.
5. The decision shall be communicated to the States Parties and the Assembly.
6. The Rapporteur for the Communication, or any other member of the Commission designated for this purpose, shall monitor the measures taken by the relevant State Party to give effect to the Commission's decision. For the purposes of monitoring such implementation, the measures in Rule 122(5)-(10) shall be applicable.

**SECTION 4                      CONSIDERATION OF COMMUNICATIONS RECEIVED IN CONFORMITY WITH ARTICLE 55 OF THE AFRICAN CHARTER: OTHER COMMUNICATIONS**

*Rule 112      Seizure of the Commission*

1. A Communication submitted under Article 55 of the African Charter may be addressed to the Chairperson of the Commission through the Secretary by any natural or legal person.
2. The Secretary shall ensure that Communications addressed to the Commission contain the following information:
  - a. The name, nationality and signature of the person or persons filing it; or in cases where the complainant is a non-governmental entity, the name and signature of its legal representative(s);
  - b. Whether the complainant wishes that his/her identity be withheld;
  - c. The address for receiving correspondence from the Commission and, if available, a telephone number, facsimile number, and email address;
  - d. An account of the act or situation complained of, specifying the place, date and nature of the alleged violations;
  - e. The name of the victim, in a case where he or she is not the complainant, together with sufficient proof that the victim consents to being represented by the complainant or justification why proof of representation cannot be obtained;
  - f. Any public authority that has taken cognisance of the fact or situation alleged; and
  - g. The name of the State(s) alleged to be responsible for the violation of the African Charter, even if no specific reference is made to the Article(s) alleged to have been violated.
  - h. The Communication must not contain disparaging or insulting language proscribed by Article 56(3) of the Charter.
3. In cases where the victim has not asked for anonymity and is represented, the victim shall be the complainant of record and the representation shall be recognized.
4. Where a Communication does not contain some of the information listed in paragraph 2 (a) to (g) of the present Rule, the Secretary shall request the complainant to furnish this in order to obtain a determination of whether the Commission shall be seized of the case.

5.
  - a. When the Secretary is satisfied that all necessary information has been furnished, he/she shall, on behalf of the Commission, consider it seized of the Communication.
  - b. Where information is manifestly lacking or the Communication contains disparaging or insulting language proscribed by Article 56(3) of the Charter, the Secretary shall invite the complainant to comply with the requirements in paragraph 2.
  - c. In case of doubt as to whether the requirements for seizure have been met the Commission shall decide.
6.
  - a. At each session the Secretary shall inform the Commission of all new Communications of which it was seized during the inter-session period.
  - b. Pursuant to Article 55 of the African Charter the Commission shall decide, by absolute majority, whether to be seized of any Communication where seizure was declined inter-session as well as of any other Communication referred by the Secretary.
7. The Commission shall designate one or more of its members as Rapporteur(s) for any Communication of which it has been seized.

*Rule 113      Written submissions on the admissibility and merits*

1. Where the Commission has been seized of a Communication pursuant to Article 55 of the Charter and the present Rules, the Secretary shall request the complainant to submit arguments and evidence on the admissibility and merits of the case within sixty (60) days of receipt.
2. Upon receipt of the complainant's submissions the Secretary shall transmit a copy of the Communication and those submissions to the respondent State for a reply within sixty (60) days of receipt. The State's submissions shall be forwarded to the complainant for a possible rejoinder within thirty (30) days from receipt. No new issues shall be introduced in the rejoinder which the Commission shall forward to the respondent State for information only.
3. The Commission may ask the parties to provide supplementary written submissions within a fixed time-limit.
4. At any stage of the proceedings the Secretary may request a party to submit, within a fixed time-limit, any information, documents or material relevant to the examination of the Communication. The Secretary shall transmit a copy of any such information, documents or material to the other party for information.

*Rule 114 Preliminary objection*

1. A party who intends to raise a preliminary objection at the stage of admissibility or before the Commission takes a decision on the merits of the Communication, shall do so not later than thirty (30) days after being requested to make its submissions on the admissibility and merits. The Commission shall communicate the objection to the other party within fifteen (15) days.
2. A party who intends to respond to a preliminary objection raised by the other party shall submit a written response not later than thirty (30) days after the Secretary to the Commission has transmitted the objection to that party.
3. If no response to a preliminary objection is received within the stipulated period, the Commission shall proceed with the consideration of the preliminary objection on the basis of the available information.
4. When the Commission receives a preliminary objection, it shall first of all determine this objection before any other question relating to the Communication.

*Rule 115 Decision on Admissibility*

1. Once it has considered the submissions of the parties the Commission shall adopt a decision on the admissibility or inadmissibility of the Communication, having regard to the requirements of admissibility under Article 56 of the Charter.
2. Where no submissions on the admissibility have been received from the respondent State within the time-limit fixed, the Commission shall proceed to adopting a decision by default based on the information before it.
3. If a Communication has been declared admissible the Commission shall defer its consideration of the merits. It may request the parties to make supplementary submissions prior to such consideration.
4. The Commission's decision on the admissibility of a Communication shall be notified to the parties who shall be under an obligation, pursuant to Article 59 of the Charter, to respect confidentiality until the Commission's activity report referencing the decision has been considered by the Assembly.
5. The decision shall be signed by the Chairperson and the Secretary.

*Rule 116 Review of a decision on admissibility*

1. A decision declaring a Communication inadmissible may be reviewed upon the complainant's submission of a new fact. Review shall be requested within one hundred and eighty (180) days of the discovery of the new fact and no later than three years from the date when the decision was transmitted to the complainant.
2. A decision declaring a Communication admissible may be reviewed upon the respondent State's submission of a new fact. Review shall be requested within sixty (60) days from the date when the decision was transmitted to the parties.
3. In determining whether to review a decision on admissibility the Commission shall satisfy itself that the request is based upon the discovery of a decisive fact which was not known to the party seeking the review, provided that such lack of knowledge was not due to negligence.
4. A respondent State which has failed to make submissions on the admissibility of a Communication within the time-limit fixed shall be considered to have forfeited its right to seek review of a decision declaring the case admissible. The Commission may nevertheless consider a request for review if the State shows cogent reasons for having failed to make submissions in time and provided exceptional circumstances and interests of justice require that the request be considered.

*Rule 117 Decision on the merits*

1. The Commission shall, after deliberation on the submissions of both parties, adopt a decision on the merits of the Communication.
2. Where no submissions on the merits have been received from the respondent State within the time-limit fixed, the Commission shall proceed to adopting a decision by default based on the information before it.
3. The decision of the Commission shall remain confidential and not be transmitted to the parties until the Commission's activity report referencing the decision has been considered by the Assembly.
4. The Secretary shall ensure that the decision of the Commission is transmitted to the parties within thirty (30) days from the date when its activity report referencing the decision was considered by the Assembly.

5. The decision shall be published within thirty (30) days from the date when the decision was transmitted to the parties.
6. The decision shall be signed by the Chairperson and the Secretary.

*Rule 118 Decision on reparations and costs*

In deciding on the merits of a Communication the Commission may decide to defer examining a question of reparations and costs. To that end it may invite the parties to make additional written submissions or to hold a separate oral hearing.

*Rule 119 Review of a decision on the merits*

1. A decision on the merits of a Communication may be reviewed upon the submission of a decisive new fact by either party.
2. In determining whether to review a decision on the merits the Commission shall satisfy itself of the criterion set out in Rule 116(3) concerning review of a decision on admissibility.
3. A party relying on a new fact shall seek a review within one hundred and eighty (180) days of the discovery of the new fact and no later than three years from the date when the decision was transmitted to the parties.
4. A respondent State which has failed to make submissions on the merits of a Communication within the time-limit fixed shall be considered to have forfeited its right to seek review of the decision on the merits. The Commission may nevertheless consider a request for review if the State shows cogent reasons for having failed to make submissions in time and provided exceptional circumstances and interests of justice require that the request be considered.

*Rule 120 Amicable settlement*

1. At any stage of the examination of a Communication, the Commission, on its own initiative or at the request of any of the parties concerned, may offer its good offices for facilitating an amicable settlement between the parties.
2. The amicable settlement procedure shall be initiated, and may only continue, with the consent of the parties.
3. If it deems it necessary, the Commission may entrust to one or more of its members the task of facilitating an amicable settlement between the parties.

4. The Commission may terminate its intervention in the amicable settlement procedure if it finds that the matter is not susceptible to such a resolution or that one of the parties no longer consents to its continuation or does not display the willingness to reach a settlement in compliance with the terms of paragraph 5.
5. When the Commission receives information from parties that an amicable settlement has been reached, the Commission shall ensure that such settlement:
  - a. Has been signed by the parties or their representative(s) and filed with the Commission;
  - b. Complies with or respects the human rights and fundamental freedoms enshrined in the African Charter and other applicable instruments;
  - c. Indicates that the victim of the alleged human rights violation or, his/her successors, as the case may be, have consented to the terms of the settlement and are satisfied with the conditions; and
  - d. Includes an undertaking by the parties to implement the terms of the settlement.
6.
  - a. Where the Commission is satisfied that the requirements of paragraph 5 have been complied with, it shall prepare a decision which shall contain a brief statement of the facts and a description of the settlement reached.
  - b. The Commission's confirmation of a settlement shall be regarded as a decision requiring implementation and related follow-up for the purposes of Rule 122.
7. Where the Commission concludes that no amicable settlement has been reached or that its terms do not comply with the requirements under paragraph 5, the Commission shall continue to process the Communication in accordance with the relevant provisions of the Charter and these Rules.
8. The settlement negotiations shall be confidential and without prejudice to the parties' arguments on the admissibility and merits of the Communication. No written or oral submission and no offer or concession made during the settlement negotiations may be referred to or relied on in any subsequent contentious proceedings.

*Rule 121      Withdrawal, strike-out and reinstatement*

1. Where a complainant withdraws the Communication, the Commission shall take note thereof, inform the parties and close the file.
2. Where a complainant fails to pursue the Communication or otherwise to show proper diligence or where the Commission, for any other reason, concludes that it is no longer justified to continue the examination of the Communication, it may at any stage of the proceedings decide to strike out the Communication.
3. The Commission may continue examination of the Communication or reinstate it at the complainant's or the victim's request if cogent reasons are provided and exceptional circumstances and interests of justice so require.

*Rule 122 Follow-up on decisions on the merits requesting the respondent State to take specific measures*

1. In the event of a decision on the merits requesting the respondent State to take specific measures, the parties shall inform the Commission in writing, within one hundred and eighty (180) days from the date when the decision was transmitted to them, of all action taken or being taken by the State Party to implement the decision of the Commission. The Secretary shall forward such information to the other party for comments within sixty (60) days from the date of their transmission.
2. The Commission may request a national or specialized human rights institution with affiliate status to inform it of any action it has taken to monitor or facilitate the implementation of the Commission's decision.
3. Within ninety (90) days of receipt of the State's written response, the Commission may invite the State concerned to submit further information on the measures it has taken in response to its decision.
4. If no response is received from the State, the Commission may send a reminder to the State Party concerned to submit its information within ninety (90) days from the date of the reminder.
5. The Rapporteur for the Communication, or any other member of the Commission designated for this purpose, shall monitor the measures taken by the State Party to give effect to the Commission's decision.
6. The Rapporteur may make such contacts and take such action as may be appropriate to fulfill his/her assignment, including recommendations for further action by the Commission as may be necessary. He or she may at any stage of the follow-up proceedings request or take into account information from interested parties

regarding the extent to which the State has complied with the Commission's decision.

7. At each Ordinary Session the Commission shall report in a public sitting on the implementation of its decisions.

8. Where the Commission finds that the State Party's conduct may raise issues of non-compliance with its decision, it may refer the matter to the attention of the competent policy organs of the African Union as provided in Rule 134.

9. The Commission shall indicate in its Activity Report the status of implementation of its decisions, including by highlighting any issues of possible non-compliance by a State Party.

10. All information received by the Commission in relation to the State's compliance with a decision of this nature shall be published on the Commission's website.

*Rule 123      Legal aid*

1. The Commission may facilitate access to free legal representation for the complainant or victim, including from the Legal Aid Fund of the Human Rights Organs of the African Union.

2. Free legal aid shall only be facilitated where the Commission is convinced:

a. That it is essential for the proper discharge of the Commission's duties and to ensure equality of the parties before it, having regard to interests of justice; and

b. That the author of the Communication has no sufficient means to meet all or part of the costs involved.

**PART FOUR      INTERPRETATION AND ADVISORY OPINIONS**

*Rule 124      Interpretation of the Charter*

1. Where the Commission receives an interpretation request pursuant to Article 45(3) of the Charter it shall transmit a copy thereof to States Parties, the Court and any other interested entity.

2. The Commission shall notify States Parties, the Court and any other interested entity of its decision or advisory opinion in response to the aforementioned request.

## **PART FIVE RELATIONSHIP WITH THE AFRICAN COURT**

### *Rule 125 Complementarity with the African Court*

1. Pursuant to Article 2 of the African Court Protocol, the protective mandate of the Commission, as provided for in Articles 30 and 45 (2) of the African Charter, shall be complemented by the Court.
2. The complementarity relationship between the Commission and the Court is set out in Articles 2, 5(1)(a), 6, 29 (1) and 33 of the African Court Protocol.

### *Rule 126 Consultations with the Court*

1. In pursuance of Article 2 of the African Court Protocol, the Commission shall meet with the Court, at least once a year and whenever necessary, to consider issues of mutual interest.
2. The Bureau of the Commission may meet the Bureau of the Court as often as necessary to undertake any functions assigned to them by the two institutions.
3. Any meetings and other activities undertaken with the Court shall be recorded in the Commission's Activity Report.
4. The Commission shall consult the Court, as appropriate, on any amendment of the present Rules.

### *Rule 127 Seizure of the Court*

1. The Commission may, before deciding on the admissibility of a Communication submitted under Articles 48, 49 or 55 of the Charter, decide that the Communication should be referred to the Court provided that the respondent State has ratified the African Court Protocol.
2. The Commission shall obtain the complainant's and/or the victim's prior consent to any referral to the Court.

3. Pursuant to Article 5(1)(a) of the African Court Protocol the Commission, in referring the Communication, shall become the Applicant party to the proceedings before the Court.

4. The Commission shall not consider any communication which is essentially identical to one already decided by the court.

*Rule 128 Admissibility under Article 6 of the African Court Protocol*

1. Where, pursuant to Article 6(1) of the African Court Protocol, the Commission is requested to give its opinion on the admissibility of a case pending before the Court it shall consider the matter expeditiously.

2. Where the Court has transferred a case to the Commission pursuant to Article 6(3) of the African Court Protocol, it shall examine the Communication in conformity with the Charter and the present Rules.

*Rule 129 Representation of the Commission before the Court*

1. When the Commission decides to submit a case to the Court, pursuant to Article 5(1) (a) of the African Court Protocol and Rule 127 of the present Rules, it may appoint one or more Commissioners to represent it before the Court. The Commissioner(s) so designated shall be assisted by one or more Legal Officer(s) of the Commission's Secretariat and/or experts who shall be designated or appointed by the Commission.

2. Once a Communication has been referred to the Court all Commission correspondence and submissions relating to the case shall be signed by the Commissioner Rapporteur(s) and the Secretary.

3. Unless the Commission decides otherwise, the Commissioner Rapporteur (s) shall take all necessary decisions in prosecuting a case referred to the Court.

*Rule 130 Content of the application and file to the Court*

1. When, in pursuance of Article 5 (1) (a) of the African Court Protocol and Rule 127 of the present Rules, the Commission decides to bring a Communication before the Court, it shall submit an application seizing the Court in accordance with the Court Rules, accompanied by a summary of the Communication and the Communication file.

2. The summary shall include the names of the representatives of the Commission, the date when the Commission was seized of the Communication, the parties to the proceedings, the facts of the

Communication as well as the provisions of the African Charter alleged to have been violated.

3. The case file along with the summary to be transmitted to the Court shall contain the Communication, the Commission's and the parties' submissions on the admissibility and merits thereof, together with all other evidence, documents or information concerning the Communication.

*Rule 131*      *Transmission of cases to the Court and notification of the parties*

1. The Secretary of the Commission shall transmit to the Court the application signed by the Chairperson, the case file and the summary referred to in Rule 130 of the present Rules, in conformity with the Rules of Procedure of the Court. At the request of the Court, the Commission shall transmit the original of the case file.
2. The Secretary shall also notify the Parties to the proceedings before the Commission about the referral of the case to the Court and shall provide them with a copy of the case file and the summary thereof.

*Rule 132*      *Pending cases*

The Commission shall not consider any Communication – already pending before the Court, unless that case is - formally withdrawn.

**PART SIX                      RELATIONSHIP WITH OTHER AFRICAN UNION ORGANS  
AND INSTITUTIONS**

*Rule 133*      *General rule*

1. The Commission, in fulfilling its mandate, shall establish formal relations of cooperation - as necessary with all African Union organs and institutions - that have a human rights element in their mandate.
2. The Bureau of the Commission may, in addition, meet with the bureaux of these organs and institutions as often as required

*Rule 134*      *Relationship with the policy organs of the African Union*

In accordance with Article 54 of the Charter the Commission shall submit an Activity Report to the competent policy organs of the African Union for each Conference. It may request those organs to take the necessary measures for the implementation of its decisions.

## **PART SEVEN      FINAL PROVISIONS**

### *Rule 135      Amendment of the Rules of Procedure*

The present Rules of Procedure may be amended by the Commission.

### *Rule 136      Practice directions*

- The Commission may issue practice directions on specific matters.

### *Rule 137      Transitional provisions*

1. The present Rules of Procedure shall become applicable upon their entry into force pursuant to the provisions of Rule 141.

2. Notwithstanding the provisions of paragraph 1 above, any recourse exercise against a decision or other measure taken pursuant to the previous Rules shall be determined in accordance with the applicable provisions of those Rules.

3. Upon the entry into force of the Protocol on the Statute of the African Court of Justice and Human Rights, all references in the present Rules to provisions of the African Court Protocol or the African Court shall be deemed, where applicable, to refer to the relevant provisions of the Protocol on the Statute of the African Court of Justice and Human Rights or to the African Court of Justice and Human Rights, respectively.

### *Rule 138      Non-retroactivity*

The present Rules of Procedure shall have no retroactive effect.

### *Rule 139      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.

### *Rule 140      Adoption*

The present Rules of Procedure shall be adopted by a simple majority of members of the Commission present and voting at a session where the Rules are scheduled to be considered.

### *Rule 141      Entry into force*

The present Rules of Procedure shall enter into force ninety (90) days after their adoption.