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an *ad hoc* war crimes tribunal for the former Yugoslavia and requested the Secretary-General to submit a comprehensive report within sixty days. A statute for the international tribunal was attached to his report. In 1993 the Security Council established the *ad hoc* International Tribunal for Violations of International Humanitarian Law in the Former Yugoslavia.[517]

This tribunal was established as a subsidiary organ of the Security Council. As such, the Yugoslav Tribunal has a much broader international character than the Nuremburg Tribunal. The basis for its establishment is not clear, as such a competence is not specifically mentioned in the UN Charter. It could probably be justified in terms of article 41 of the Charter. Other options were to establish a treaty or to base it on a General Assembly resolution. The former would have been time-consuming and would have left the possibility open that one of the major state players would not become party to such a treaty. The latter was also not feasible, as General Assembly recommendations are only of a recommendatory nature.

The first accused to be brought to trial before this tribunal was Dusko Tadic. The tribunal was soon faced with a challenge to the lawfulness of the establishment of the tribunal by the Security Council. The Appeals Chamber upheld the tribunal's jurisdiction in a judgment of October 1995.[518]

517 A detailed analysis of the tribunal for the former Yugoslavia is not provided here. For a historical background and overview of the relevant Statute consult O'Brien (1993) 87 *AJIL* 639.

518 See Aldrich (1996) 90 *AJIL* 64. The judgment is reprinted in (1996) 36 *ILM* 32.

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2.6.3.2 Efforts to prevent impunity after the massacres in Rwanda

i International Criminal Tribunal for Rwanda

Africa has not been spared gross human rights violations. Impunity of violations on a grand scale by Bokassa in the CAR and Amin in Uganda have been identified as causally related to the adoption of the African Charter in 1981.[519] But these violations did not spurn the UN or individual international powers into action.

The end of the Cold War, intensified media coverage, and the link to the conflict in Europe brought Rwanda into the international spotlight. The proximity of the conflict in the former Yugoslavia caused Europe, and later the international community, to take measures to end the violence. Once the conflict had abated, an international tribunal was established to ensure that the worst perpetrators were brought to justice. As these events were followed by what happened in Rwanda, the international community followed the precedent of establishing a tribunal. It remains an open question whether the response to Rwanda would have been different if the recent precedent had not existed. Akhavan worded African scepticism in this regard: " ... had the sequence of events between the Yugoslav and the Rwanda conflicts been different, it is by no means certain that a tribunal for Rwanda would have been established".[520] Another explanation for the establishment of the Tribunal is Western feelings of guilt. After the death of 36 American soldiers in Somalia, the US was reluctant to become involved. France also chose not to engage militarily even in the face of mass killing. Giving support to the Tribunal was one way to "assuage guilt feelings".[521]

It was also a matter of some debate whether to establish a separate tribunal for Rwanda, or to extend the jurisdiction of the *ad hoc* tribunal already created. The prosecutor of the tribunal for the former Yugoslavia, for one, held the firm view that the latter course should be followed.[522]

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519 See ch 6.1 above.

520 (1996) 90 *AJIL* 501.

521 Forsythe (1997) 15 *NQHR* 5 at 13.

522 See the interview with judge Goldstone in (1996) 2 *Human Rights Brief* (web site http: // www.sray.wcl.american.edu/pub/journals/hrb/pronk.htm).

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Judge Goldstone feared a difference in procedures and standards if two tribunals were created. He further argued that setting up another tribunal would lead to expensive duplication and delays.

However, on 8 November 1994 the UN Security Council decided to establish an *ad hoc* international tribunal for Rwanda, "for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law".[523] The decision to establish the tribunal followed the appointment of[524] and report by the Commission of Experts on Rwanda. It found violations of international humanitarian law. The special Rapporteur for Rwanda of the UN Commission on Human Rights also reported to the Security Council about violations.[525] The Security Council decision pertinently refers to the "request of the Government of Rwanda",[526] making it clear that the co-operation and consent of Rwanda had been obtained.[527] The preamble to the resolution mentions the need for "international co-operation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects".[528] This emphasises the supplementary role of the UN tribunal. In some sense, the establishment of the Security Council Tribunal weakened the authority of the Rwandese courts. The situation in Rwanda is different from that in the ex-Yugoslavia. In Rwanda a new government has taken over power. This government is intent on prosecuting perpetrators and on preventing impunity.

The personal jurisdiction of the tribunal covers everyone responsible for the relevant crimes committed in Rwanda, and Rwandan citizens responsible for relevant crimes in neighbouring

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523 Resolution 955 (1994) (Adopted by 13 in favour, 1 against (Rwanda), 1 abstention (China), reprinted in (1994) 33 *ILM* 1600. See Akhavan (1996) 90 *AJIL* 501. Rwanda voted against, due to the fact that the Tribunal was not given the power to impose the death penalty. The Statute of the Tribunal was attached to the resolution.

524 In terms of Security Council Resolution 935 (1994).

525 See S/1994/1157, annex I and annex II.

526 Resolution 955 (1994) at 2.

527 The Rwandese Government did not agree with the lack of capital punishment and the temporal cut-off limits, prompting it to vote against the Security Council resolution.

528 *Ibid*.

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states.[529] A temporal limitation was fixed - only actions committed between 1 January and 31 December 1994 are covered.[530] Substantially, the tribunal is allowed to hear crimes of genocide[531] (including attempts at "direct and public incitement" to and complicity in genocide), crimes against humanity[532] (including torture, rape and "other inhumane acts") and violations of article 3 common to the Geneva Conventions of 1949, and of Additional Protocol II of 1977, thereto.[533] The penal jurisdiction is limited to the imposition of imprisonment.[534]

The tribunal was established in Arusha, Tanzania.[535] It consists of eleven judges, presided over by judge Laity Kama from Senegal.[536] Two trial chambers of three judges are composed, after election by the General Assembly. These judges are the President, Vice-President Ostrovsky (Russia), and judges Aspegren (Sweden), Khan (Bangladesh), Pillay (South Africa) and Sekule (Tanzania). Five judges serve in the Appeal Chamber.[537] From the Court's inception to 30 September 1996, judge Goldstone served as prosecutor.[538] He was replaced by justice Arbour (Canada). The languages used are French and English.[539] The UN General Assembly appropriated $32.6 million for the 1996-97 fiscal year to enable the tribunal to be set up and function.[540]

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529 Arts 1 and 7 of the Statute of the International Tribunal for Rwanda (hereafter "the Statute").

530 *Ibid*.

531 Art 2 of the Statute.

532 Art 3 of the Statute.

533 Art 4 of the Statute.

534 Art 23 of the Statute. Punishment must be served in Rwanda or any other state that declared itself willing (Act 26 of the Statute).

535 In terms of Security Council Resolution 977 (1995).

536 "Rwanda Genocide Accused Pleads not Guilty" (30 May 1996) *The Star* at 4.

537 Art 11 of the Statute. The Rwanda Tribunal shares these five judges with the International Criminal Tribunal for the Former Yugoslavia. They are judges Cassese (Italy, who serves as President), Karibi-Whyte (Nigeria), Li (China), Vohrah (Malaysia) and Stephan (Australia).

538 See United Nations (1997) *International Criminal Tribunal for Rwanda* (Fact Sheet).

539 Art 31 of the Statute.

540 See Tittemore (1996) 4 *Human Rights Brief* 4 at 5.

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The rights of accused persons,[541] as accepted in international law, are guaranteed by the Statute. This includes equality before the law[542] and the presumption of innocence.[543] Further, an accused is to be tried "without due delay",[544] and shall have adequate time and facilities to prepare a defence.[545] The free assistance of an interpreter is guaranteed.[546] If the accused does not have sufficient means to pay for legal assistance, it will be provided free of charge.[547]

The international tribunal does not have exclusive jurisdiction over offences committed in relation to the genocide in Rwanda. Its jurisdiction is concurrent with "national courts" (not only in Rwanda).[548] However, it has primacy over the "national tribunals of all states".[549] The rule of *non bis in idem*[550] applies strictly when a person has already been tried by the international tribunal. Under exceptional circumstances someone tried by a national court may be tried again by the international tribunal.[551]

As of November 1996, 21 suspects have been indicted by the tribunal. Fourteen of them were in custody.[552] From the outset, the tribunal suffered from a lack of human and material resources and a lack of co-operation by states harbouring suspects.[553] The progress of trials was also hampered

541 It extends to the pre-trial phase: Once taken into custody, the arrested person must be informed immediately of the charge against him (Art 19(2) of the Statute).

542 Art 20(1) of the Statute.

543 Art 20(3) of the Statute.

544 Art 20(4)(c) of the Statute.

545 Art 20(4)(b) of the Statute.

546 Art 20(4)(f) of the Statute.

547 Art 20(4)(d) of the Statute.

548 Art 8(1) of the Statute.

549 Art 8(2) of the Statute.

550 One may not be tried twice for the same offence.

551 If an act of genocide, etcetera, had been characterised as an ordinary crime, or if national court proceedings were not impartial or independent, or the accused was not prosecuted diligently (Art 9(2) of the Statute).

552 Tittemore (1996) 4 *Human Rights Brief* at 5. McGreal (14 - 30 February 1997) *Mail and Guardian* 15 refers to thirteen indicted accused in custody.

553 *Ibid*. See also Sapru 91997) 32 *Texas Intl Law Jnl*, who contends that the defiance of Kenya and Burundi was in part due to the arguable illegality of the process in which the Tribunal was established.

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by chaotic management, unqualified staff and indifference at UN headquarters.[554] A further factor contributing to delays and inefficiency is the division of functions between the prosecutor (in The Hague), the investigators (in Rwanda), the tribunal itself (in Tanzania), and the UN headquarters (in New York).[555] Future inhibiting factors were non-extradition of suspects from other states and the killing of witnesses by returning Hutus in Rwanda. This identified another target for criticism, the inefficiency of the tribunal's witness protection scheme, being located in Arusha, rather than in Rwanda itself.[556]

On 30 May 1996 the first accused, Akayesu, appeared in the Arusha tribunal and pleaded not guilty to charges of genocide and crimes against humanity.[557] The second accused Rutaganda, an agricultural engineer, pleaded not guilty on eight counts. An adjournment until 3 October 1996 was ordered, as the defence requested time to gather evidence in Rwanda. Rutaganda's indictment refers to his shareholding in Rwanda's *Radio Television Libre des Milles Collines*, which broadcast propaganda inciting racial hatred.[558]

ii *The role of domestic courts*

The Rwandan courts took action as well. Trials of some 70,000 to 90,000 suspects detained in Rwandese prisons started only in late 1996.[559] The first two accused were convicted of genocide and rape, and were sentenced to death in January 1997 by a court sitting in Kibungu.[560] These two sentenced persons were described as "an erstwhile hospital worker" and "an ex local administrator", suggesting that they were not cardinal role players in the genocide. One of the discrepancies resulting from the dual system of imposing penal sanctions is that the international

554 McGreal (14 - 30 February 1997) *Mail and Guardian* 15.

555 *Ibid.*

556 (March/ April 1997) *Africa Today* 21 at 22.

557 "Rwanda genocide accused pleads not guilty" (31 May 1996) *The Star* at 4.

558 *Ibid.*

559 The number of suspects who are reportedly detained awaiting trial differs. Morris, justice advisor to Rwandan President Bizimunga, set the number at 90,000 (Goodman, "Justice Drowns In Political Quagmire" (31 January - 6 February 1997) *Mail and Guardian* at 24).

560 "Twee Hutu's Kry Doodstraf" (5 January 1997) *Rapport* at 4.

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tribunal hears the most serious cases, but the national courts impose more severe forms of punishment.[561] Taken together, the jurisprudence of these two tribunals belie the principle that all similarly situated accused or convicted persons should be treated alike.

Specialised chambers with exclusive jurisdiction over four categories of offences committed between 1 October 1990 and 31 December 1994, were created.[562] These tribunals consist of career or auxiliary magistrates. A special tribunal for juveniles is also instituted. The four categories of offences are as follows:[563]

- The planners, organisers and leaders of the genocide or of the commission of crimes against humanity fall into category 1. These accused are liable to the death penalty.

- Those not in leadership positions, but who caused, or contributed to, or conspired in the death of victims, fall into category 2. For persons in this category the maximum sentence is life imprisonment.

- Those who committed or participated in serious assaults comprise category 3. The normal parameters of domestic sentencing apply.

- Category 4 provides for offences against property. After conviction for a category 4 offence the convicted person and the victims must, through amicable settlement, agree on an amount of "civil damages". Failing such an agreement, the rules pertaining to criminal and civil actions will be applied.

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561 In terms of a Rwandan "genocide law", perpetrators are divided into four categories. The most culpable perpetrators (eg political and military leaders) fall into the first. Conviction of those in this category may be followed by a death sentence (by firing squad). The second category is for other offences leading to death. Imprisonment of more than seven years may be imposed. Due to overcrowding of prisons, it is unlikely that those convicted for categories three and four offences (lesser offences, eg assault and looting) will serve prison sentences (see Goodman (31 January - 6 February 1997) *Mail and Guardian* at 24).

562 See Organic Law 08/96 of 30 August 1996, on the organisation of prosecutions offences constituting the crime of genocide or crimes against humanity committed since 1 October 1990. (An English version is reprinted in *Rwanda Reconciliation* (1996) 6 at 15 - 22.)

563 Arts 2 and 14 of Organic Law 8/96.

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Any person accused before the Rwandan courts may admit and confess to the alleged offences.[564] A confession may be accepted or rejected by the Public Prosecution department. To be accepted, a confession has to comply with the following requirements:[565]

- A detailed description of the offences committed, must be given. The date, time, scene of the act and names of victims and witnesses (if known), must be included.
- Information about accomplices, conspirators and all other information useful to the prosecution must be provided.
- The person must apologise for the offences that he or she had committed.
- The person must also offer to plead guilty at subsequent court proceedings.

From the last requirement, it follows that a confession does not exempt anyone from prosecution, conviction and punishment under the criminal justice system. A confession allows an accused person to go through a different procedure, the "Confession and Guilty Plea Procedure". The court will ensure that the guilty plea had been done voluntarily, and with full appreciation of all the relevant circumstances.[566] If this is established, the person is found guilty and is sentenced. The confession is a mitigating factor and leads to an automatic reduction of sentence in two categories, category 2 and 3. A distinction is further drawn between confession and guilty plea prior to prosecution, and confession and guilty plea after prosecution has commenced. Category 2 offenders who confess before prosecution have their sentences reduced to between 7 and 11 years; those confessing after prosecution started, qualify for a reduction of sentence to between 12 and 15 years.[567]

564 See Chapter III of Organic Law 8/96.

565 Art 6 of Organic Law 8/96.

566 Art 10 of Organic Law 8/96.

567 See art 15 of Organic Law 8/96. Sentence for category 3 offences are reduced to a third and half of the ordinary sentences respectively.

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The process is not only directed at sentencing accused persons to death and to imprisonment, but also provides for payment of damages. Not only those in category 4, but all other convicted persons are jointly and severally liable for damages caused in the perpetration of their crimes.[568] The procedural rights of accused persons are not as comprehensively protected as those of persons accused before the international tribunal at Arusha. The right to counsel is not guaranteed, for example. Provision is made for the right to appeal.[569] An appeal has to be filed within fifteen days. The state may also appeal against acquittals. If an appeal court overturns an initial acquittal, the decision may be reviewed by the Court of Cessation.

Questions may be raised about the suitability of any criminal justice system to redress problems related to conflicts that still lie latent in the society in which they had been committed. National reconciliation must be one of the priorities of any post-traumatised society. In South Africa, for example, a different route has been followed with the creation of the Truth and Reconciliation Commission. In this model, full disclosure of specific offences (of a "political nature") may result in amnesty. Such a person is never prosecuted for that offence. The question arises whether judicial means are best suited to end a cycle of ethnic violence.

Criticism followed the sentence of the first two accused found guilty: They appeared without legal representation.[570] Following this criticism, the Rwandese government made an international appeal for finances to secure legal aid to the reported 90,000 genocide suspects.[571] One of those convicted, Bizimana, criticised the brevity of his trial and the open partisanship of spectators.[572] The process also focuses on "justice" at the expense of longer term considerations of "reconciliation". Another problem that hampered the prosecution of major offenders has been the unwillingness of other states to extradite suspects to Rwanda.[573]

568 Art 30 of Organic Law 8/96. See also this article on the position of other category offences.

569 On appeals, see arts 24 - 26 of Organic Law 8/96.

570 "Legal Aid Sought for Genocide Suspects" (12 January 1997) *The Sunday Independent* at 2.

571 *Ibid*.

572 McGreal, "Inside Rwanda's Death Row " (31 January - 6 February 1997) *Mail and Guardian* at 15.

573 See eg "Grand Jury Refuses Extradition of Presumed Criminal" (1996) 4 *Messenger IUHR* at 1.

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2.6.3.3 Possibility of a permanent international court with penal jurisdiction

The *ad hoc* character of the tribunals established for the former Yugoslavia and Rwanda caused concern to commentators and governments.[574] A permanent court would alleviate the problem of delay and cost in establishing numerous *ad hoc* tribunals. The establishment of a tribunal in response to a particular conflict creates the impression that it is "in a sense part of the conflict".[575] It may also divert attention away from resolving the conflict to punishing wrongdoers. Furthermore, the principle of legality will be served if a permanent court with a legal basis with an international penal jurisdiction is created.[576] However, a permanent court may make it more difficult to negotiate peace at a political level.[577]

This criticism notwithstanding, it is quite possible that the two initiatives could lead to the establishment of a permanent international criminal Court. The fact that two separate institutions were created reflect opposition against a subtle process of establishing a single criminal tribunal of extended jurisdiction. The ILC remains seized with the matter, and much will depend on the outcome of the two *ad hoc* tribunals functioning at the moment. In particular, the role of the tribunals to halt and effectively redress systematic, widespread and flagrant violations of international humanitarian law, will be assessed before a permanent criminal tribunal will be established.

The establishment of a permanent Criminal Court will, at the very least, be a significant symbolic gesture against impunity for gross violations of human rights by individuals. However, from an African perspective, a number of concerns may be raised. Such a court may be geographically and psychologically far removed from the continent. The Rwandan precedent has already shown that an international Court inevitably faces certain technical and pragmatic difficulties. It also remains uncertain whether African conflicts will receive priority if weighed against conflicts and violations in other regions of the world.

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574 See Crawford (1995) 89 *AJIL* 404 at 415.

575 *Ibid*.

576 Crawford (1995) 89 *AJIL* 404 at 416.

577 See, on this cautionary line, Forsythe (1997) 15 *NQHR* 5.

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Another possibility is to extend the jurisdiction of the *African Court on Human Peoples' Rights*, hopefully soon to be established under the auspices of the OAU. In terms of the Protocol which forms the basis of current discussions,[578] the Court's jurisdiction will only cover the African Charter on Human and Peoples' Rights and other African human rights instruments. Serious consideration should be given to extend this jurisdiction to include penal jurisdiction for specified crimes, such as genocide and crimes against humanity.[579] This will mean that the Protocol will have to provide for a prosecutor, a factor that will lead to re-negotiation and cost implications. The advantages are that this process may be quicker, that the alienating effect of an international tribunal will be reduced, and that the status of the African Court on Human and Peoples' Rights will be enhanced. Other possibilities include the creation of a separate, but permanent African penal Court, or the inclusion of penal matters under the jurisdiction of the African Court of Justice, to be established as an organ of the African Economic Community.

Notwithstanding any future actions undertaken by the international community, the killing of almost a million Rwandese between April and June 1994 will stand as testimony to the UN's failure to play a meaningful preventative role. This has been ascribed to the marginal political and economic concern of Rwanda to the major powers.[580] Even an international court will punish *ex post facto*. Only an extremely effective court will serve as a deterrent to future perpetrators. Its establishment will stand as testimony not only to the fact that humanity has a conscience, but also a memory.

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578 See ch 7 below.

579 See ch 6.1.1 below, about an attempt to have such a provision included in the African Charter initially, in 1980. At the NGO meeting before the 21st sitting of the Commission, a resolution was adopted which called on African governments to give jurisdiction to the proposed Court "in all matters including genocide, crimes against humanity and war crimes" ((1997) 7 *African HR Newsletter* at 7).

580 See "The International Community Failed to Stop or Stem the Genocide" (1996) May/June *Africa Today* 30.

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TABLE B: SELECTED UNITED NATIONS HUMAN RIGHTS TREATIES IN AFRICA AS AT 31 MARCH 1997

Compiled from the United Nations Treaty Database: Web Page

http://www.un.org/Depts/Treaty/final/ts2/newfiles/frontboo/tocgen.html

	CESR	CCPR	OP I	OP II	CERD	Apartheid Convention	Genocide Convention	CRC	CEDAW	Convention on Political Rights of Women	Convention on the Nationality of Women	Convention on Consent to Marriage	CAT	Refugee Convention	1967 Protocol
Algeria	X	X[a]	X		X[b]	X	X	X	X				X[c]	X	X
Angola	X	X	X					X	X	X				X	X
Benin	X	X	X		s	X		X	X			X	X	X	X
Botswana					X			X	X					X	X
Burkina Faso					X	X	X	X	X			X		X	X
Burundi	X	X			X	X	X	X	X	X			X	X	X
Cameroon	X	X	X		X	X		X	X				X	X	X
Cape Verde	X	X			X	X		X	X				X		X
Central African Republic	X	X	X		X	X		X	X	X				X	X
Chad	X	X	X		X	X		X	X				X	X	X
Comoros								X	X						X
Congo	X	X[a]	X		X	X		X	X	X				X	X
Côte d'Ivoire	X	X			X		X	X	X	X		X	X	X	X
Djibouti								X						X	X
Egypt	X	X			X	X	X	X	X	X			X	X	X
Equatorial Guinea	X	X	X					X	X					X	X
Eritrea								X	X						
Ethiopia	X	X			X	X	X	X	X	X			X	X	X
Gabon	X	X			X	X	X	X	X	X			s	X	X
Gambia	X	X[a]	X		X	X	X	X	X				s	X	X
Ghana					X	X	X	X	X	X	X			X	X
Guinea	X	X	X		X	X		X	X	X	s	X	X	X	X
Guinea-Bissau	X							X	X					X	X
Kenya	X	X				s		X	X				X	X	X
Lesotho	X	X			X	X	X	X	X	X	X			X	X
Liberia	s	s			X	X	X	X	X	s				X	X

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	CESR	CCPR	OP I	OP II	CERD	Apartheid Convention	Genocide Convention	CRC	CEDAW	Convention on Political Rights of Women	Convention on the Nationality of Women	Convention on Consent to Marriage	CAT	Refugee Convention	1967 Protocol
Libyan Arab Jamahiriya	X	X	X		X	X	X	X	X	X	X		X		
Madagascar	X	X	X		X	X		X	X	X				X	
Malawi	X	X	X		X			X	X	X	X		X	X	X
Mali	X	X			X	X	X	X	X	X	X	X		X	X
Mauritania					X	X		X		X				X	X
Mauritius	X	X	X		X			X	X	X	X		X		
Morocco	X	X			X		X	X	X	X			X	X	X
Mozambique		X		X	X	X	X	X						X	X
Namibia	X	X	X	X	X	X	X	X	X				X	X	
Niger	X	X	X		X	X		X		X		X		X	X
Nigeria	X	X			X	X		X	X	X			s	X	X
Rwanda	X	X			X	X	X	X	X					X	X
São Tomé e Príncipe	s	s				X		X	s					X	X
Senegal	X	X[a]	X		X[b]	X	X	X	X	X			X[c]	X	X
Seychelles	X	X	X	X	X	X	X	X	X				X	X	X
Sierra Leone	X	X	X		X			X	X	X	X		s	X	X
Somalia	X	X	X		X	X							X	X	X
South Africa	s	s			s			X	X	s	s	X	s	X	X
Sudan	X	X			X	X		X					s	X	X
Swaziland					X			X		X	X				X
Togo	X	X	X		X	X	X	X	X				X[c]	X	X
Tunisia	X	X[a]			X	X	X	X	X	X	X	X	X[c]	X	X
Uganda	X	X	X		X	X	X	X	X	X	X		X	X	X
United Republic of Tanzania	X	X			X	X	X	X	X	X	X			X	X
Zaïre	X	X	X		X	X	X	X	X	X			X	X	X
Zambia	X	X	X		X	X		X	X	X	X			X	X
Zimbabwe	X	X[a]			X	X	X	X	X	X		X		X	X
TOTAL NUMBER OF AFRICAN STATES PARTIES	**41**	**41**	**24**	**3**	**43**	**38**	**25**	**52**	**45**	**29**	**12**	**9**	**23**	**47**	**47**
PERCENTAGE OF AFRICAN STATES (53)	***77%***	***77%***	***42%***	***6%***	***81%***	***72%***	***47%***	***98%***	***85%***	***55%***	***23%***	***17%***	***43%***	***87%***	***87%***

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	CESR	CCPR	OP I	OP II	CERD	Apart-heid Conven-tion	Geno-cide Conven-tion	CRC	CEDAW	Conven-tion on Political Rights of Women	Conven-tion on the Nation-ality of Women	Conven-tion on Consent to Marriage	CAT	Refugee Conven-tion	1967 Proto-col
SIGNATURES NOT FOLLOWED BY RATIFICATION	*3*	*3*	*0*	*0*	*2*	*1*	*0*	*0*	*1*	*2*	*2*	*0*	*6*	*0*	*0*
TOTAL STATES PARTIES GLOBALLY	**135**	**136**	**90**	**29**	**148**	**100**	**123**	**190**	**157**	**109**	**66**	**47**	**102**	**128**	**128**
AFRICAN PERCENTAGE OF GLOBAL RATIFICATION	*30%*	*30%*	*27%*	*10%*	*29%*	*38%*	*20%*	*27%*	*29%*	*27%*	*18%*	*19%*	*23%*	*37%*	*37%*

X Ratification, accession, approval, notification or succession, acceptance or definitive signature.

s Signature not yet followed by ratification.

a Declaration recognizing the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights.

b Declaration recognizing the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

c Declarations recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.