

**ACHPR/Res.41 (XXVI) 99: RESOLUTION ON THE RIGHT TO A FAIR TRIAL AND LEGAL AID IN AFRICA**

*The African Commission on Human and Peoples' Rights meeting at its Twenty-Sixth Ordinary Session, held in Kigali, Rwanda, from 1-15 November 1999;*

**Considering** the provisions of the African Charter on Human and Peoples' Rights relating to the right to a fair trial, in particular Articles 7 and 26;

**Recalling** the resolution on the Right to Recourse and Fair Trial adopted by the Commission at its 11<sup>th</sup> Ordinary session in Tunis, Tunisia, in March 1992;

**Recalling further** the resolution on the Respect and the Strengthening of the Independence of the Judiciary adopted at the 19<sup>th</sup> Ordinary session held in Ouagadougou, Burkina Faso, in March 1996;

**Noting** the Recommendations of the Seminar on the Right to a Fair Trial in Africa held in collaboration with the African Society of International and Comparative Law and Interights, in Dakar, Senegal, from 9-11 September 1999;

**Recognising** the importance of the right to a fair trial and legal assistance and the need to strengthen the provisions of the African Charter relating to this right;

1. **ADOPTS** the attached Dakar Declaration and Recommendations on the Right to a Fair Trial in Africa;
2. **REQUESTS** the Secretariat of the Commission to forward the Dakar Declaration and Recommendations to Ministries of Justice and Chief Justice of all States Parties, Bar Associations and law schools in Africa and non-governmental organizations with observer status, and to report to the 27<sup>th</sup> Ordinary Session in this regard;
3. **DECIDES** to establish a Working Group on Fair Trial under the supervision of Commissioner Kamel Rezag-Bara and consisting of members of the Commission and representatives of non- governmental organizations;
4. **REQUESTS** the Working Group to prepare a draft of general principles and guidelines on the right to a fair trial and legal assistance under the African Charter and submit it to the 27<sup>th</sup> Ordinary Session of the Commission and for comments and observations by the Members of the Commission during the period between the 27<sup>th</sup> and the 28<sup>th</sup> Sessions;
5. **FURTHER REQUESTS** the Working Group to report to the 28<sup>th</sup> Ordinary Session on the final draft of the general principles and guidelines on fair trial and legal assistance for consideration;
6. **REQUEST** the Secretariat to provide the Working Group with all support and assistance needed to implement this mission.