

TANZANIA / JUDGMENT

katangese peoples congress v zaire communication 72 of 1992 1992 achpr 3 1 january 1992

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Undated Communication No. 75/92 AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS KATANGESE PEOPLES' CONGRESS v. ZAIRE DECISION Citation: Katangese Peoples' Cong. v. Zaire, Comm. 75/92, 8th ACHPR AAR Annex VI (1994-1995) Alt. Style of Cause: Congres du Peuple Kataganais v. Zaire Publications: IHRDA, Compilation of Decisions on Communications of the African Commission On Human and Peoples' Rights Extracted from the Commission's Activity Reports 1994-2001, at 359 (2002); Documents of the African Commission on Human and Peoples' Rights, at 389 (Malcolm D. Evans & Rachel Murray eds., 2001); (2000) AHRLR 72 (ACHPR 1995) THE FACTS

1. The communication was submitted in 1992 by Mr. Gerard Moke, President of the Katangese Peoples' Congress requesting the African Commission on Human and Peoples' Rights: to recognise the Katangese Peoples' Congress as a liberation movement entitled to support in the achievement of independence for Katanga; to recognise the independence of Katanga; to help secure the evacuation of Zaire from Katanga. THE LAW
2. The claim is brought under Article 20(1) of the African Charter on Human Rights'. There are no allegations of specific breaches of other human rights apart from the claim of the denial of self-determination.
3. All peoples have a right to self-determination. There may however be controversy as to the definition of peoples and the content of the right. The issue in the case is not selfdetermination for all Zaireoise as a people but specifically for the Katangese. Whether The Katangese consist of one or more ethnic groups is, for this purpose immaterial and no evidence has been adduced to that effect.
4. The Commission believes that self-determination may be exercised in any of the following ways - independence, self-government, local government, federalism, confederalism, unitarism or any other form of relations that accords with the wishes of the people but fully cognisant of other recognised principles such as sovereignty and territorial integrity.

5. The Commission is obligated to uphold the sovereignty and territorial integrity of Zaire, a member of the OAU and a party to the African Charter on Human and Peoples' Rights.
 6. In the absence of concrete evidence of violations of human rights to the point that the territorial integrity of Zaire should be called to question and in the absence of evidence that the people of Katanga are denied the right to participate in government as guaranteed by Article 13(1) of the African Charter, the Commission holds the view that Katanga is obliged to exercise a variant of self-determination that is compatible with the sovereignty and territorial integrity of Zaire. FOR THE ABOVE REASONS, THE COMMISSION declares that the case holds no evidence of violations of any rights under the African Charter. The request for independence for Katanga therefore has no merit under the African Charter on Human and Peoples' Rights.
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