

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
الاتحاد الأفريقي <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b>
		Commission Africaine des Droits de l'Homme & des Peuples
<i>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia</i>		
		Tel: (220) 4410505 / 4410506; Fax: (220) 4410504
		E-mail: <a href="mailto:achpr@achpr.org">achpr@achpr.org</a> ; Web <a href="http://www.achpr.org">www.achpr.org</a>

## **INTERSESSION REPORT NOVEMBER 2009- MAY 2010**

**BY**

**M. BECHIR KHALFALLAH**

**MEMBER OF THE AFRICAN COMMISSION ON  
HUMAN AND PEOPLES' RIGHTS**

**CHAIRPERSON OF THE WORKING GROUP ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**SPECIAL RAPPORTEUR ON THE RIGHTS OF  
HUMAN RIGHTS DEFENDERS**

**47<sup>th</sup> Ordinary Session  
12 May 2010 – 26 May 2010**

## PART TWO:

### **In my capacity as Special Rapporteur on Human Rights Defenders in Africa**

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#### **I. PROMOTIONAL ACTIVITIES**

As Heading:

- ✓ Seminars and Meetings with the members of Civil Society
- ✓ Inter-Organic cooperation
- ✓ Country visits and Notes Verbale

##### **A) The Seminars and Meetings with the members of Civil Society**

9. During the intersession, I was able to organize seminars or meetings with the members of civil society or country visits as in Mauritania. However, contacts were made with different partners and I am confident that in future we will be able to effectively establish the foundations for fruitful cooperation with African civil society in its entirety and with the States Parties.

10. **From 8 to 10 May 2010**, within the framework of the NGO Forum, I examined the situation of human rights defenders on our Continent with all the participants as well as the representatives of the various human rights defender networks. On this occasion I re-affirmed that the new Rapporteur intends to follow the path traced out by Mrs. Alapini-Gansou who left an example for us to emulate when she was responsible for this mandate.

11. On this occasion, I examined, in collaboration with the Defenders, the Challenges and perspectives which require the promotion and protection of human rights for the decade 2010-2020. This theme had in fact been chosen for the 6<sup>th</sup> Edition of our Information Bulletin: **The Rapporteur's Letter**. Indeed, in pursuing the logic of my predecessor, reflections and concerted action between the mandate and the human rights defenders is necessary to better protect and better serve the human rights cause on the Continent. We can only help each other if those who have to face up to the threats, the harassment and the agony of legal prosecution on a daily basis discuss with us. Therein lies the very meaning of my mandate: a mandate to serve and protect human rights defenders everywhere on our Continent. This mandate is assigned to be at their disposal and to defend them under all circumstances.

##### **B) Inter-Organic Cooperation**

12. In previous years inter-organic cooperation has proved its worth in particular with regard to the establishment of long mellowed strategies to improve the situation of defenders in general. Here again, contacts were established and I sincerely hope that these will allow the pursuit of the synergy created with the other existing mechanisms.

##### **C) The Country Visits and the Notes Verbale**

13. The promotional visits have the merit of allowing the members of the ACHPR to remain in contact with the reality and of better appreciating the measures and means to be applied in cases of human rights violations. Nonetheless, for close to a year now, Notes Verbale sent to the different African States have remained without response.

14. Notes Verbale were sent to the Republic of Côte d'Ivoire, to Congo Brazzaville, to Liberia, to Ethiopia, to DRC, to the Central African Republic. The first three responded and discussions are ongoing to fix dates for these visits. In effect, these country visits are necessary to pursue the dialogue with the Governments and civil society where these partners actually reside. In my view, these visits are not inspection visits but rather serve to consolidate and develop the process of promotion and protection of the rights of human rights defenders as provided for in the Declaration on human rights Defenders and other relevant instruments such as our African Human Rights Charter. The ACHPR has, since its inception, acquired real expertise in its field and wishes to place it at the disposal of the partners.

## I. PROTECTION ACTIVITIES

15. Protection activities are carried out through two main processes:

- ✓ Letter-Communications
- ✓ Press Releases

16. In the past six months, the situation of human rights defenders has not much improved. The subject of concern noted by the mechanism during this intersession is that linked to the freedom of association and freedom of expression in the various States. It is in fact for this reason that I am currently drafting the terms of reference for a study on the freedom of association in Africa. However I also observed that other grounds for concern exist: harassment, intimidation and arbitrary detention are always the lot of the defenders whether they are Heads of NGOs, Journalists or Lawyers. It is on this basis that I conveyed Communications and Press Releases, as the case may be, in relation to certain cases of violations known to the mandate.

### A) Letter-Communications

17. During the above mentioned period I dealt with thirty (30) cases and sent out Communications to the Governments according to the need and urgency of the situation. These cases related to human rights defenders in the following sixteen (16) countries: Algeria, Burundi, Cameroon, Djibouti, Egypt, The Gambia, Guinea Conakry, Kenya, Mauritania, Niger, Nigeria, the Democratic Republic of Congo, Uganda, Tunisia and Zimbabwe.

18. More concretely, please find below a table summarizing the cases treated and the action taken:

Country	Case	Subject	Action taken	Remarks
ALGERIA	Mrs. Fatima Yous and SOS Disparu(e)s	Violation of the Freedom of Assembly and of peaceful meeting	Communication sent to the State Authorities	
BURUNDI	Mr. Gabriel Rufyiri and Mr. Pierre Claver Mbonimpa	Death threats and intimidation		The information received was rather vague. Attempts to obtain more information proved fruitless.
	Mr. Gabriel Rufyiri	Danger of arrest and of indictment		The information received was rather vague. Attempts to obtain more information proved fruitless.
CAMEROON	Mrs. Maximilienne NGO MBE	Violation of the Freedom of Expression	Communication sent to the State Authorities	
	Several Defender Journalists	Violation of the Freedom of Expression and of Movement	Communication sent to the State Authorities	
DJIBOUTI	90 Trade Unionists	Violation of the Freedom of peaceful Assembly;	Letter sent to a HRD Djibouti focal point for confirmation of the information	No response received to-date

		arbitrary arrests		
<b>EGYPT</b>	33 Defenders	Arbitrary arrests then release		The mandate obtained the information late and efforts to confirm it were vain
<b>GAMBIA</b>	Mr. Edwin Nebolisa Nwakaeme	Arbitrary arrest and detention	Communication sent to the State Authorities	
<b>GUINEA CONAKRY</b>	9 Trade Unionists	Threats of violation to their physical integrity	Information exchange with the Guinean Focal Point. No action taken as the said threats were said to have been made by saboteurs loyal to the former Junta Chief. Threats judged by the Focal Point to be unserious.	
	Mr. Mouktar Diallo	Arbitrary arrest and detention	The mandate used the parallel networks to request the release of this activist	
<b>KENYA</b>	Mr. Maseme Machuka	Violation of physical integrity and death threats	Communication sent to the State Authorities	
	Mr. Kenneth Kirimi	Arbitrary arrest and torture	Communication sent to the State Authorities	
<b>MAURITANIA</b>	Mr. Biram Ould Dah Ould Abeid	Harassment and libel	The Special Rapporteur used the opportunity provided by his promotional visit in this country to discuss this case with the Mauritanian Authorities	
	Mr. Hanefi Ould Dehah	Harassment, libel, arbitrary arrest and conviction	The Special Rapporteur used the opportunity provided by his promotional visit in this country to discuss this case with the Mauritanian Authorities. This resulted in the release of the Defender	
<b>NIGER</b>	Mr. Marou Amadou	Judicial harassment and conviction to 3 months suspended sentence	Communication sent to the State Authorities	
<b>NIGERIA</b>	Mr. Leo Igwe	Harassment by Police	Letter sent to the interested party for clarifications	No response received to-date
<b>DEMOCRATIC</b>	15 Farmers	Arbitrary arrest	Communication sent to	

<b>REPUBLIC OF CONGO</b>		and detention	the State Authorities	
	18 Military Widows	Violation of the Freedom of peaceful Assembly; arbitrary arrests and detention.	---	The case was settled even before the mandate intervened (the victims had been released a few hours later)
	Me Frimin Yangambi	Unfair detention; judicial harassment and conviction to the death penalty	A letter was sent to the NGOs which had observed the hearing to confirm the alleged irregularities which are said to have marred the hearing. They promised to send us clarifications on the matter but no letter in this respect has been received so far.	
	Mr. Emmanuel Kabengele Kalonji	Intimidation, violation of the right to safety	Communication sent to the State Authorities	
	Mr. Jadot Kambale	Assassination	Communication sent to the State Authorities	
	Several victims	Assassination of children	Communication sent to the State Authorities	
<b>UGANDA</b>	Mr. Geoffrey Wokulira Ssebaggala	Death threats and fear of arbitrary arrest	Letter sent to the Focal Point for clarifications	No response received to-date
<b>SUDAN</b>	Mr. Hatem Salah	Violation of the Freedom of peaceful Assembly;	Communication sent to the State Authorities	
	Mr. Muhnad Umar and Mr. Hazim Khalifa	Arbitrary Detention	---	The information was received late by the mandate and efforts to confirm it were vain
<b>TUNISIA</b>	Mr. Taoufik Ben Brik	Conviction to a 6 months prison sentence	The Special Rapporteur himself engaged in discussions with the Tunisian Authorities	He however served his sentence and was released on Tuesday 27 <sup>th</sup> April 2010 at 6 in the morning Tunisian time.
	Tunisian Human Rights League	Burglary of the premises of the Tunisian Human Rights League	The Special Rapporteur himself engaged in discussions with the Tunisian Authorities to obtain more information on the	

			facts	
	Mrs. Sihem Bensedrine, Mr. Khemais Chammari, Mr. Mohamed Abbou, Mr. Kamel Labidi, Mr. Moncef Marzouki, and Mrs. Neziha Rejiba	Campaign of libel; harassment	The Special Rapporteur himself engaged in discussions with the Tunisian Authorities to obtain more information on the facts	
<b>ZIMBABWE</b>	Mr. Okay Chivasa	Threats	---	The information received was rather vague. Attempts to obtain more information proved fruitless.
	Mr. Okay Chivasa, Mr. Nunurai Jena, Mr. Netsai Kaitano and Mr. Jabilusa Tshuma	Death threats and acts of intimidation	---	The information received was rather vague. Attempts to obtain more information proved fruitless.

19. As can be observed, the Democratic Republic of Congo stands out in the lot with 6 cases, followed by Tunisia and its 3 cases. Burundi, Cameroon, Guinea, Mauritania, Sudan and Zimbabwe each presented 2 cases during the intersession.

20. Compared with the last intersession Report, the situation on the ground has deteriorated slightly, from 23 cases treated to 30 which are invariable: the Democratic Republic of Congo (6 cases) and Tunisia (3 cases) remain on the top of the list in terms of violations of the rights of human rights defenders.

#### **B) Press Releases**

21. During the intersession, I published nine Press Releases two of which were on the assassinations of two defenders in Cameroon and in the Democratic Republic of Congo. I also published two Releases on the deterioration of the situation of human rights (Defenders) in Cameroon and in the Democratic Republic of Congo.

I also published a Communiqué of appreciation in relation to the release of a Mauritanian defender.

### **CONCLUSIONS AND RECOMMENDATIONS**

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#### **Conclusions:**

During the intersession, I observed that the situation of human rights defenders has deteriorated slightly compared to the preceding intersession. Even where it is true that efforts deployed during the four previous years of the mandate had born fruit, nonetheless challenges remain, in particular in the responses by the Governments to our concerns: the Notes Verbale sent by the mandate requesting agreement of the States before promotional visits remains an issue of major concern. I wish to request the African Commission's support in explaining to the member States that the promotional visits constitute above all spaces for dialogue between the Commission and the member States for a

continuous improvement of the general Human Rights situation on the Continent. This is a challenge which we collectively hope to address in the coming months.

There are other challenges, but it would be difficult to list them out, when I think of those who, day after day, encounter major difficulties, even life threatening risks, because they have chosen to promote and protect human rights. It is this concern for dialogue which has justified the theme of the 6<sup>th</sup> edition of our information bulletin: « 2010-2020: challenges and perspective for the protection of human rights defenders ». The Articles thus published will enable us to better define the limits of our action with the hope that the new decade will produce better fruits than the previous one.

### **Recommendations**

The Special Rapporteur would like to formulate the following recommendations:

#### **For the States Parties:**

- ✓ That they be more involved in the concretization of the good intentions and promises expressed during the ratification of the international and regional human rights instruments or during the presentation of their Periodic Reports;
- ✓ That they work in collaboration with the human rights defenders for a better protection of these rights in order to preserve civil peace and to commit the African countries to pursue the path of good governance as a factor of development; According to Cardinal de Richelieu (and I quote), « **one needs to listen more, and talk less in order to act well in governing a State** » end of quote.

#### **For the actors of civil society itself:**

- ✓ That they unite so that their combined forces can bear fruit in terms of strategies and effectiveness in the protection of the defenders;
- ✓ That they convey precise, supported and verifiable information on all cases of violation of their rights;
- ✓ And that they continue to develop all the best strategies for the promotion and defence of the rights of HRDs on the Continent by following the advice, « All for One, One for All » (Alexander Dumas, in the Three Musketeers)

#### **For our Commission:**

- ✓ That measures be taken to enable the Special Rapporteur to accomplish his promotion and protection missions with the requisite efficiency.
- ✓ It is becoming urgent for the mandate to have a permanent Assistant as was the case of his illustrious predecessor.

I thank you for your kind attention.