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الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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**INTER-SESSION REPORT JUNE 2010- NOVEMBER 2010**

**PRESENTED BY**

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

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

**48th Ordinary Session**

**10– 24 November 2010**

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## INTRODUCTION

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We present this Inter-Session report according to Section 3 of Article 87 of our Rules of Procedure and as a member and Chairperson of the African Commission on Human and Peoples' Rights (ACHPR).

The report focuses on protection activities that I have undertaken in my capacity as Special Rapporteur on Human Rights Defenders in Africa, in accordance with Resolutions **ACHPR/Res.69(XXXV) 04** of 4<sup>th</sup> June 2004, No **ACHPR/Res.83(XXXVIII)05** of 5<sup>th</sup> December 2005, Resolution No **ACHPR/Res.125(XXXII)07** of 28<sup>th</sup> November 2007 and No **ACHPR/Res149(XLVI)09** of 25<sup>th</sup> November 2009 of the African Commission on Human and Peoples' Rights.

**IN MY CAPACITY AS SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS IN AFRICA**

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## **I. PROMOTION ACTIVITIES**

With regards to:

- ✓ Seminars and meetings with Civil Society Organs
- ✓ Inter-Organizational Cooperation
- ✓ Country Missions and Note Verbales

### **A) Inter-Organizational Cooperation**

1. Inter-Organizational Cooperation has proved useful in the past, particularly in terms of identifying strategies that have been tried and tested to alleviate the plight of human rights defenders in general. Contacts were also established that I fervently hope will work in synergy with existent mechanisms.

### **B) Country Missions and Notes Verbales**

2. Promotional Missions enable the ACHPR to keep abreast of the reality on the ground and better assess modalities to address human rights violations. However, Notes Verbales addressed to State Parties in the past year have remained unanswered.
3. Notes Verbales were addressed to Angola, the Republic of Côte d'Ivoire, Congo Brazzaville, the Democratic Republic of Congo, the Central African Republic, Guinea, Cameroon, Chad, Rwanda, Burundi, 10 countries in total. Only Cameroon has responded and negotiations are in process to set a date for country mission. In fact, these country missions are necessary to maintain dialogue with State Parties and Organs of Society at the home front. Instead of making these missions seem less like inspection exercises, they serve to consolidate and advance the cause of Promoting and Protecting human rights defenders in accordance with the Declaration on the Rights of Human Rights Defenders and other pertinent instruments such as the African Charter on Human and Peoples' Rights. The ACHPR has thus been able to accumulate vast experience in this arena that it intends to put to the disposal of other stakeholders.

## **II. PROTECTION ACTIVITIES**

4. Protection activities are divided into two main sections:
  - ✓ Communications

✓ Press Releases

5. During the past six months, the plight of human rights defenders has not much improved. The most pertinent topics highlighted by the Mechanism during this Intersession Period relate to Freedom of Association and Freedom of Expression in State parties. In fact the mandate intends to conduct a study on the general situation of Freedom of Association in Africa. We announced this at the 47th Session but due to lack of funds, have not been able to proceed. In the course of activities We also realized that there is still much room for improvement in the following areas; Persecution, Intimidation and Arbitrary Detention are still the boon of human rights defenders; NGOs Representatives, Journalists and Legal Practitioners.

To that effect we sent Communications and Press Releases in respect of the following cases of human rights violations in accordance with our Mandate.

19. It is prudent to mention that we only take action on urgent Appeals received through the Observatory for the Protection of Human Rights Defenders, Front Line, and various other networks that we collaborate with.
20. During the above-mentioned period, we handled about thirty cases and sent Communications to State Authorities according to the circumstances and urgency of the reported cases. These involved human rights defenders from the following nine (9) countries: Angola, Cameroon, The Gambia, Kenya, the Democratic Republic of Congo, Uganda, Sudan, Tunisia, Zimbabwe and Swaziland.
21. The following Summary Table provides a broader picture of cases handled and actions taken.

<i>Country</i>	<i>Case</i>	<i>Subject</i>	<i>Action Taken</i>	<i>Remarks</i>
<b>ALGERIA</b>	September 9,2010	Arbitrary detention and sentence in absentia of human rights defender, Journalist and Militant against State Corruption Mr. Djilali Hadjadj	Urgent Appeal made to the State Authorities  13 Sept 2010	Government Response to the allegation

<b>Angola</b>	Father Raul Tati, Francesco Priest in Luemba, Lawyer and Writer Belchior Lanso Tati, Economist and University Professor Romuald Zang A Nyam 30 June, 2010	Persecuted and charged according to State Security Legislation	Communication to Local Authorities 5 July 2010	
<b>Cameroon</b>	9 September, 2010 Mr. Edwin Nebolisa Nwakaeme	Detention	Communication to State Authorities 13 Sept 2010	In dialogue with the person who reported the case in order to gain additional details.
<b>GAMBIA</b>	Dr. Isatou Touray and Mrs. Amie Bojang-Sissoho, 18 October 2010	Arbitrary Arrest and Detention		No action has been taken because they have been released on Bail and we are making enquiries for further details on the matter.
<b>DEMOCRATIC REPUBLIC OF CONGO</b>	Floribert Chebeya Bahizire, Journalists: Pascal Kibambi, Franck Kangundu, Kayilu Mutombo, Louis Mwamba Bapuwa, Patrick Kikuku, Serge Maheshe, namumjimbo Didac, Bruno Chirambiza and Patient Chebeya Bankome 30 June, 2010	Murder of human rights defenders	Communication to State Authorities to set up a Commission of Enquiry on the murder of Human Rights Defenders and Journalists in DRC 5 July 2010	The DRC Government agreed to set up a Commission of Enquiry, still to be carried out.
	Stanis Nkundiye, 30 June, 2010	Arrested for fraud and use of false documents	Urgent Appeal to the local Authorities 5 July 2010	
	Sylvestre Bwira September 9, 2010	Arrest and Degrading Inhuman Treatment Amnesty International declaration on the situation	Press Release on the situation of Human Rights Defenders in DRC 14 Sept 2010	
	Floribert Chebeya Bahizire	Forced Disappearance 2, June 2010	Press Release	
<b>UGANDA</b>	M. Rubombora Dan	On trial accused of Criminal	2010	

		Trespass in a Land Dispute.		
	Al-Amin Kimathi and Mbugua Mureithi	Arrest of Kenyan Human Rights Defenders	Urgent Appeal to the Government. <b>17Sept 2010</b>	
<b>Swaziland</b>	Group of Human Rights Defenders and Political Militants.	Arbitrary Arrests	Communication to the Government	
	M. Musa Hlophe Civic Society Organisations	Police Persecution and Intimidation	Urgent Appeal to the Government	
	Mario Masuku, Chairman of the opposition Political Party PUDEMO Detention (leading to the death) of Sipho Jele in the hands of the Police <b>30 June, 2010</b>	Persecution, Intimidation and Detention.	Communication to the Government	
<b>Tunisia</b>	Fahem Boukaddous	Confirmation of the incarceration of this Journalist for a 4 years term	Communication	Information received was very scanty, All attempts to obtain more detailed information have not been successful.
	Article 61bis of the Criminal Code.	Appeal sent to the President of the Republic of Tunisia to appeal the amendment	---	Information received was very scanty. All attempts to get more detailed information have not been successful
<b>Zimbabwe</b>	M. Farai	Arbitrary Detention , legal persecution, and inhuman treatment	Communication to the Government	Released on bail

22. In comparison the previous intersession Report, the situation on the ground has deteriorated slightly and has steadily grown from 23 to 30 cases. The Democratic Republic of Congo remains at the top of the list with (3 reported cases) of human rights violations.

#### **A) Press Releases**

23. During the Intersession period, we published two Press Releases on the assassination of Floribert Chebeya and another on the detention of Sylvestre Baziwa in the Democratic Republic of Congo. We also published a Letter of Appreciation for the liberation of a Zimbabwean human rights defender.
24. We attended a workshop organized by the Human Rights International Desk from the 4th to 6th of November 2010. We hope that its recommendations would provide meaningful contributions for the next **Report on Women Human Rights Defenders**. In the same vein, the first activity of the Regional Meeting focused on creating awareness on WHRD experiences in Africa. These discussions led to the 2<sup>nd</sup> activity on the cooperation strategies with International and Regional Mechanisms to enhance the Protection of WHRD and promotion of their activities. An Action Plan was developed as well as a Resolution on the WHRD that will be submitted during the 48th Session of the African Commission on Human and Peoples' Rights for the capacity building of WHRD and adoption of strategic measures to protect their human rights.
25. We also attended a workshop organized by the International Human Rights Desk on the 6th on the topic human rights defenders discussed various topics, creating awareness on the role of the Special Rapporteur and development of common work strategies for protecting their human rights.
26. From the 7th to the 9th November 2010, we attended the NGO Forum preceding the 48th Ordinary Session of the Commission. Within its framework we participated on the Panel organized by the international Desk to dialogue with human rights defenders on strategies and the way forward. This was done with the aim of improving problem resolution strategies for challenges encountered by Human rights Defenders within the Continent.
27. We will also attend the Coordination Meeting on Mechanisms and Protection Programmes of human rights defenders which will be held in Warsaw at the beginning of December 2010.

## CONCLUSIONS AND RECOMMENDATIONS

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### **Conclusions**

It is quite evident that the situation of human rights defenders has deteriorated since the last Intersession despite the numerous efforts that have been made recently. Strides made have been the result of unwavering and determined Team Work on the part of all Stakeholders. However, the issue of State responses is still a cause for concern: Notes Verbales for approval to conduct promotional activities encounter many stumbling blocks. It is imperative to come up with a new strategy to convince State Parties to respond positively to our country mission. We ask the African Commission to communicate to them that Promotional Missions are opportunities for dialogue in view of consolidating the human rights situation in general. It goes without saying that financial resources must be made available to accompany this action. It is a challenge that we will surely overcome together in the following months.

There are many other challenges, but it would be impossible to list them all, of those who encounter extreme difficulties, even risk their lives time after time in the name of Promoting and Protecting human rights. This need for dialogue justifies the theme of the Sixth Edition of our Information Bulletin: « 2010-2020: The Challenges and the Way Forward for the Protection of Human Rights Defenders ». These articles will highlight our activities in the hope that the new Decade will yield better results in this arena than the previous one.

### **Recommendations**

The Special Rapporteur would like to make the following recommendations:

#### **With regards to State Parties:**

- ✓ They should demonstrate the goodwill and fulfil the promises made during the ratification process of regional and international Human Rights Instruments and presentation of the Periodical Reports ;
- ✓ They should work in tandem with human rights defenders in view of a more effective protection of their rights for the benefit of world Peace and inspiration of State Parties to recognize that Good Governance is a pre-requisite for Development:

” When it comes to matters of State, It is prudent to listen carefully and talk less”  
(Cardinal de Richelieu).



**With regards to Organs of Society:**

- ✓ There is a need for unity of purpose for the purpose of creating more effective strategies for the protection of human rights defenders:
- ✓ To provide a more precise and detailed information on all cases of human rights violations addressed to the Commission;
- ✓ To continue development of the best promotional strategies for HRD in the Continent following the wise counsel of Alexander Dumas in **The Three Musketeers**; One for All, All for One”.

**With regards to the Commission:**

- ✓ To ensure that provisions are made to facilitate the Special Rapporteur’s Promotional and Protection missions.

I thank you for your kind attention.