


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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**COMBINED INTER-SESSION ACTIVITY REPORT OF THE VICE CHAIRPERSON
OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS,
COMMISSIONER MUMBA MALILA, FOR THE PERIOD BETWEEN THE 47TH
ORDINARY SESSION AND THE 48TH ORDINARY SESSION.**

Introduction

1. This report sets out the activities undertaken by myself in my diverse capacities, namely, as a member of the Commission, member of the Bureau, Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa, member of the Working Group on Indigenous Populations/Peoples, member of the Working Group on the Death Penalty in Africa, and also as member of the Committee on the Protection of the Rights of People Living with HIV/AIDS in Africa. The report covers the period between the 47th Ordinary Session held from 12- 26 May 2010, in Banjul, The Gambia and the 48th Ordinary Session.

Activities carried out as Member of the African Commission and Member of the Bureau

2. From 7 to 11 June 2010, as a member of the Commission, I participated in a Training Seminar on the Communications Procedure which was organized by the ACHPR in Dakar Senegal. The purpose of the seminar was, in the main, to familiarize various users of the communications procedure of the Commission with the many fine points regarding communications particularly in light of the Commission's new Rules of Procedure, and generally to discuss issues of concern to the users.
3. The Seminar drew participants from states parties and NGO's from different regions of the continent and was attended by the Chairperson, Commissioner Maiga, Commissioner Atoki, the Secretary to the Commission and all the Legal Officers of the Commission. I presented a paper on "An overview of the ACHPR".
4. From 14 to 18 June 2010, I proceed to Washington DC, USA, for a working visit at the Inter American Commission on Human Rights. I undertook that working visit in my capacity as a member of the Bureau. The visit, which was done in the framework of cooperation with institutions of similar mandates, was undertaken together with the Executive Secretary to the Commission and Mr Chafi Bakari, Senior Legal Officer.
5. We held a series of meetings with representatives of various organizations including the Inter - American Court of Human Rights, the Organization of

American States, American University, and the World Bank, whose purpose was basically to share experiences, consider the challenges and identify ways of future collaboration. Our host was the Vice Chairperson of the Inter American Commission on Human Rights, Prof. Dinnah Shelton. Among other things, we held a dialogue on individual case systems, compliance with decisions, relationships with the Courts and political organs etc.

6. At the World Bank we met with a team of lawyers in the office of the Legal Vice Presidency of the Bank and discussed possible ways of cooperation between the Bank and the Commission's new Working Group on Extractive Industries Environment and Human Rights Violations in Africa.
7. From 21 to 25 June 2010, together with the Chairperson and the Secretary, I was in Addis Ababa for a working visit. We held meetings with the Vice Chairperson of the AUC, Dr Erustus Mwencha, the Commissioner, Political Affairs Mrs. Julia Dolly Joiner, the AUC Legal Counsel, Mr. Ben Kioko and the Director Human Resource and Administration Dr. Hakim Elwaer, among others. The main purpose of the visit was to discuss the outstanding issue of recruitment of staff and revision of remuneration for Commissioners.
8. On 30 June 2010, as member of the Bureau, I attended the meeting of the Subcommittee of PRC on Administrative and Financial matters, which took place in Addis Ababa, Ethiopia. The meeting was supposed to, among other things, discuss the issue of the Commissioners remuneration as well as that of the Court.
9. Unfortunately by the time the meeting was adjourned around 20 hours on that day, it had not even concluded its deliberations on the Staff Rules and Regulations which was top of the Agenda. Although I spoke to various

Ambassadors and State representatives and sensitized them about the issue of the Commissioner's remuneration, I was unable due to logistical reasons, to stay longer in Addis Ababa to follow the final conclusion on the request made by the African Commission.

10. From 19 to 27 July 2010, as a member of the Bureau, I attended the pre AU summit meeting of the PRC in Kampala, Uganda. I attended this meeting together with the Chairperson, Commissioner Maiga and the Executive Secretary. The Chairperson presented the Commissions Activity Report for the first time. I also attend the Executive Council meeting that preceded the AU Summit and finally attended the AU Summit itself.
11. Between 28 and 29 July 2010 in Maseru, Lesotho, in my capacity as member of the Commission, I participated in a Judges' Symposium on Judicial Independence, Impartiality and Accountability, organized by the International Commission of Jurists in conjunction with the Judiciary of Lesotho. The participants were drawn from the Southern African sub region and included serving and retired judges and academics. I presented a paper entitled "The Independence of the Judiciary Through the Eyes of the African Commission on Human and People's Rights".
12. On 30 July 2010, as a member of the Bureau, I participated in a workshop for Eastern and Southern African National Human Rights Institutions on continental human rights mechanisms in Johannesburg South Africa and officially closed the workshop which had been officially opened by the Chairperson of the ACHPR on the 29 July 2010.

13. From 4 to 6 October 2010, as a member of the Commission, I participated in a colloquium of the African Human Rights Court and Similar Institutions held in Arusha, Tanzania. The Colloquium was jointly sponsored by the GTZ, the Danish Institute for Human Rights, the European Union and the AfCHPR. It drew participants from the ACHPR, the AfCHPR, the African Committee of experts on the Rights and welfare of the Child, the Economic Community of West African States, the Eastern African Court of Justice and the Southern African Development Community Tribunal.
14. It discussed various ways in which these different institutions involved in adjudicating disputes can execute their human rights mandate without duplication, overlap and possible contradiction. I presented a paper on “The Jurisprudence of the ACHPR” in which I called on the various institutions to utilize the rich jurisprudence developed by the Commission over a period of nearly twenty five years, and urged the African Court, particularly, not to discard the established jurisprudence of the Commission
15. On 15 October 2010, as a member of the Commission, I was invited to officially inaugurate a new course in Financial Crimes Investigation at the National Institute of Public Administration in Lusaka, Zambia. While pointing out the need to develop modern methods of fighting financial crimes in light of the sophistication in crime brought about by advances in technology, there was also serious need to pay special attention to the human rights of suspects and victims. I stressed that a good investigator was one who was fully alive to the rights of suspects particularly, pre trial rights as set out in various human rights instruments including the African Charter on Human and Peoples’ Rights.

16. On 21 October 2010, as a member of the Commission, at the invitation of the South African Human Rights Commission and the South African Human Rights Institute, I participated, in the commemoration of African Human Rights Day whose theme was "*Human Rights; A Key to Sustainable Peace and Security in Africa*" honoring the year 2010 as a year of peace in Africa. The event was organized by the South African Human Rights Commission in conjunction with the Commission on Religious and Linguistic Rights and the South African Human Rights Institute.
17. I presented the key note address in which I, among other things, called on African states to support the human rights institutions they have created, including the African Commission and the African Court. In the evening of that day I featured in an interview on e-TV explaining the significance of the day in the African human rights calendar. The following morning I also featured on a live phone in programme in the same TV channel in which I was asked questions on the African human rights system generally
18. From 25 to 26 October, as a member of the Commission, I participated in a regional training workshop for lawyers organized by the Coalition for an Effective African Court, Zimbabwe Human Rights NGO Forum, and the Centre for Human Rights and Rehabilitation in Blantyre, Malawi. I presented a paper on the Complementarity between the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.
19. The Workshop, which was also attended by Hon. Justice Duncan Tambala, Judge of the Supreme Court of Malawi and the African Court on Human and Peoples' Rights and Madam Vera Chirwa, a former Commissioner, was aimed at encouraging litigation in the African Court.

20. It was officially opened by the Attorney General of Malawi, Hon. Justice Jane Ansah, SC. I took the opportunity of the presence of the Attorney General to remind the Government of Malawi of its obligation to submit state reports under Article 62 of the Charter pointing out that Malawi has never submitted a single report to the Commission since it ratified the Charter and that as a matter of fact, there were now over 8 overdue reports. Together with Hon Justice Tambala and Madam Vera Chirwa we sat as Judges of the African Court in a moot court exercise that was performed by the participants.

21. On 8 November 2010, I featured on a Gambian radio station Paradise FM to explain the various aspects of the African Commission on Human and Peoples' Rights. Elementary matters like the creation of the Commission, its composition, mandate, working methods, achievements and challenges were explained. It is hoped that the audience of that radio station, which I am advised is mainly made up of young Gambians, were informed about basic facts about the Commission.

Activities carried out as Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa.

22. From 27 to 28 September 2010, in my capacity as Chairperson of the Commission's Working Group on Extractive Industries, Environment and Human Rights Violations in Africa I took part in a conference on Legal Remedies and the Role of Lawyers in Protecting Human Rights in the Context of Corporate Activity organized by the International Commission of Jurists in Geneva, Switzerland in protecting human rights in the context of corporate activity.

23. I made a presentation on the background to the creation of the Working Group, the purpose of the Working Group and how it hopes to contribute to redressing human rights violations by corporations operating in the continent. The two day conference deliberated various topics including identifying the problems and possible solutions in the context of administrative remedies, problems and possible solutions in attributing criminal liability to corporations, common issues in relation to legal remedies and institutional opportunities.
24. From 1 to 2 November 2010, as a member of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa, I participated in a workshop on Extra- territorial obligations (ETOs) for the African Regional in Pretoria, South Africa,. The meeting was co-organized by the Centre for Human Rights, Pretoria, FIAN International and SAIFAC.
25. The purpose of the Workshop was to examine the many challenges posed by the developing concept of extra territorial obligations in the human rights discourse. In particular the event was intended to achieve two objectives namely the popularization of the issue of ETO and the facilitation of input on the conceptual/legal issues.
26. The significance of ETO for specific policy/thematic fields (i.e. Investment/finance, trade, development assistance, climate, etc) were among the topics discussed. I made a presentation on the establishment and future of the working Group on Extractive Industries and possible areas of future cooperation between the African Commission and the ETO Consortium

Activities carried out as Member of the Committee for the Protection of the Rights of People Living with HIV/AIDS

27. On 2 October 2010, I participated together with the Chairperson and Commissioner Maiga as members of the Committee for the Protection of the Rights of PLHIV and those at Risk, in a conversation between the Committee, the UN Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health, Mr. Anand Grivern and the Human Rights Development Institute (HRDI). The conversation was held in Pretoria, South Africa.

28. The purpose of this meeting which was organized by the Human Rights Development Institute was to explore ways in which the UN mechanism and our mechanism could work together towards tangible outcomes aimed at addressing human rights violations of PLHIV and those at risk in African. Participants were drawn from various institutions including the HRDI itself, lawyers from partner institutions of HRDI from Zimbabwe, Mozambique, Namibia, Kenya, Tanzania, Rwanda and DRC, University of Pretoria, UNAIDS and the National Committee of Women Living with HIV/AIDS in Uganda.

Activities carried out as Member of the Working Group on Indigenous Populations and Communities in Africa

29. From 11 to 13 October 2010, together with Commissioner Bitaye, Mr. Zephym Kalimba, Mr. Albert Barume and Ms Genivive Rose as members of the Working Group on Indigenous Populations and Communities in Africa, I attended and

participated in the Sub regional Conference on the Rights of Indigenous Peoples/Marginalised Communities in Africa organized by the office of the Prime Minister (Namibia) International Labour Organization and the ACHPR.

30. The Conference coincided with the official launch of the overview Report of the Rights of Indigenous Peoples in 24 African Countries. The study leading to the Report was undertaken by the Centre for Human Rights of the University of Pretoria, represented by Prof Frans Viljoen. The seminar and the launch of the Report took place in Windhoek, Namibia.
31. The objectives were to increase participants' awareness on the rights of indigenous peoples and to obtain input towards the future policies of Namibia towards indigenous populations. In place of Dr Naomi Kipuri, an expert member of the Group who could not attend the meeting for logistical reasons, I made a presentation on the work of the Commission's Working Group on Indigenous Peoples and Communities in Africa. We had occasion to visit a settlement of the San people off the city of Windhoek and saw the interventions that the Government of Namibia is making to integrate this indigenous group in the development program of the country.
32. From 7 to 8 November 2010, I participated in the meeting of the Working Group on Indigenous Peoples/ Communities held here in Banjul just before the current session of the Commission. The meeting reviewed, among other things, activities undertaken in the last inter session, and planned for programmes to be undertaken in the forthcoming intersession.

Activities carried out as a Member of the Working Group on the Death Penalty in Africa

33. From 7 to 9 November 2010, as member of the Working Group on the Death Penalty in Africa, I participated in the meeting of the Working Group held immediately preceding the current session. The meeting discussed among other things the Kigali Framework document and the Cotonou framework document as well as the way forward on the question of the death penalty in Africa.
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