

**INTERSESSION ACTIVITY REPORT - COMMISSIONER SANJI
MMASENONO MONAGENG**

**DELIVERED AT THE 43RD SESSION OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLES' RIGHTS**

NOVEMBER 2008 TO MAY 2009

This report sets out the activities that I undertook, in my capacity as Chairperson of the Commission, during the intersession of the 42nd and 43rd sessions of the Commission.

1. During the week 6th to the 11th January 2008, I accompanied the Secretary of the Commission and the Finance and Administration Officer to the headquarters of the African Union in Addis Ababa, where they presented the proposed budget of the Commission to the sub committee on Advisory and Financial matters. This is a sub-committee of the Permanent Representative Committee (PRC). The draft budget was approved with adjustments and a recommendation made to the PRC.
2. Following the adoption of the proposed budget, I again accompanied the Secretary to Addis Ababa, where the proposed budget was presented to the PRC on the 23rd January 2008. The proposed budget was again approved. This

meeting was followed by the meeting of the Executive Council and finally by that of the Assembly of Heads of State and Government, which Assembly approved the final budget during its ordinary summit on the 2nd February 2008.

3. From the 12th to the 23rd February 2008, I attended the Extra Ordinary session of the Commission, in Banjul, The Gambia, which was convened to continue with the drafting of the Commission's Rules of Procedure.

4. This meeting was followed by a training session that I and a senior legal officer in the Commission, Dr Eno, conducted in Mangochi, Malawi, for Magistrates, in the Ministry of Justice, from the 25th to the 29th February 2008. The training was conducted in collaboration with the Human Rights Institution of the Commonwealth Secretariat at their invitation. The purpose was to promote the domestic application of international human rights treaties and other instruments by national courts. The judicial officers included lay magistrates, which was a very important dimension. There was also training on the origins of international human rights law and the process leading to ratification of instruments.

The Commission recognizes the crucial role judicial officers play in issues of litigation, their role as a secondary source of law and the role they play as facilitators in the realization of human and peoples' rights.

Africa is at the crossroads, where constitutionalism and constitutions have taken centre stage and the burden that is placed on the judiciaries in this process cannot be overstated. To this extent, I make an impassioned plea to the Commission to replicate such training regionally, following the success that was registered in Malawi.

I also hope that in the not so distant future, such training will be extended to prosecution divisions and to law enforcement agencies in member states. I hope that this will also ensure a reaching out to member states by the Commission. Of course the above can only be possible with the usual cooperation from member states.

5. I attended the session of the United Nations Human Rights Council in Geneva from the 11th to the 14th March 2008. During this session, I met some of the United Nations Special Rapporteurs and we exchanged views on our respective mandates. I also attended other activities including meetings of the Africa group of the African Union where I made presentations on the work of the African Commission on Human and People's Rights. Commissioner Gansou, also attended the session and the High Commissioner for human rights, Madam Arbour invited us to her office where we discussed issues of mutual interest including concretization of collaborative efforts.

6. On the 20th and 21st March 2008, I attended a conference on post conflict situations in Africa which was organized by the African Union in Bujumbura, Burundi. A cross section of organizations and representatives of member states attended the conference. The aim of the conference was to share experiences and to come up with suggestions and recommendations on how Africa can address this issue and move forward concretely. The importance of rapid response, prompt and thorough investigations of criminal actions and prosecution of alleged offenders at national and international levels was discussed. The roles that nongovernmental organizations, member states, human rights organizations, the Peace and Security Council and the African Union itself should play were considered.

I gave a presentation on the work of the African Commission and how the vast expertise that exists in the Commission could be exploited in such situations, especially with relevance to women and children. The participants were agreed that the expertise that is available in the Commission has not been utilized effectively by Africa and that the time had come for stronger collaboration with the Commission.

7. On the 3rd May 2008, I attended the opening of the NGO Forum in Mbabane, the Kingdom of Swaziland.

8. The extra ordinary session of the Executive Council, that is Foreign Ministers in Africa was held on the 6th and 7th May 2008, in Arusha Tanzania. I represented the Commission and made a presentation on behalf of the Commission. The purpose of the session was for the Ministers to discuss the report of the High Level Panel which was set up by the Assembly of the Heads of State and Government of the African Union, to undertake an audit review of the state of the Union and its organs, with a view to improving and strengthening service delivery. The meeting adopted the report and its recommendations with some variations. A fuller report will be made to the Commission.

9. I wrote a letter of appeal to the government of Kenya, in the aftermath of the December elections, urging the ruling party and the opposition ODM to resolve their political differences speedily. The communication also requested the member state to ensure that lives and property of its citizens were preserved and protected and to appeal to members of their respective parties to exercise restraint and generally for the state to discharge its obligations under the African Charter on Human and Peoples' Rights, and especially for the state to discharge its responsibility to protect its citizens.

The Commission also awaits the response of the government to its request to undertake a fact finding mission to Kenya, and appeals to the distinguished representative of Kenya to follow

up on this request, under advice to the Secretariat of the Commission. The Commission appreciates the fact that the situation in Kenya has been resolved.

10. I also communicated with the Government of the Republic of Zimbabwe, regarding the situation as it existed then, requesting a release of the March election results, a situation that has since been addressed and this is appreciated.
11. The Commission also awaits a response from the government of Somalia regarding its request to undertake a fact finding mission to Somalia. The importance and urgency of this mission cannot be overstated.

**JUSTICE SANJI MMASENONO MONAGENG
COMMISSIONER AND CHAIRPERSON
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

MBABANE. SWAZILAND

7th May 2008.