

REPORT OF PROMOTIONAL ACTIVITIES BY COMMISSIONER BAHAME TOM NYANDUGA, DURING THE NOVEMBER 2007 TO MAY 2008 INTERSESSION PERIOD.

During the November 2007 to May 2008 inter-session period, I undertook the following promotional activities;

1. On the 10th December 2007, I delivered a keynote address to a workshop organized by the South African Human Rights Commission, the Nelson Mandela Foundation, and the Regional Office of the UN High Commission for Human Rights, in Johannesburg, South Africa, in commemoration of the International Human Rights day and the beginning of the 60th anniversary of the Universal Declaration on Human Rights. I highlighted the challenges faced by African countries in the realization of human and peoples' rights. These include lack of domestication of international and regional human rights instruments, non implementation of recommendations of treaty bodies, the challenges posed by the high cost of conflicts to Africa, in terms of human mortality, and lack of socio-economic development. I highlighted the waste of resources, about USD 18 billions per annum paid by African countries for arms, which compares with the amount of ODA received by Africa,¹ at a time many African states are struggling to attain economic, social and cultural rights for their people.
2. On 14 December 2007, I met the President, and some Judges of the African Court on Human and Peoples' Rights, in Dar es Salaam, Tanzania. The Court had just completed its extra ordinary session. I briefed them about the outcome of the 42nd Ordinary session of the Commission. I informed the Judges that the Commission had decided to seek a meeting with the Court to deliberate harmonization of the respective rules of procedure.
3. On 14 February 2004, I received a member of the delegation of the United States, which was in Tanzania, and briefed her on the mandate of the ACHPR in particular, my role as Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants in Africa.
4. Between 17 and 23 February 2008, I attended the 4th Extra-ordinary session of the Commission, in Banjul, the Gambia. The session was convened to discuss the Commission's draft Rules of Procedure.
5. On 1 March 2008 I addressed a workshop in Jinja, Uganda, for faith based CBOs from Uganda, Kenya and Tanzania, to equip them with knowledge on the rights of refugees, women and children. The workshop was organized by Franciscan International, an NGO with observer status to the Commission. My presentation covered the protection mechanisms under the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child. The CBOs responded by explaining their work and the violations they have witnessed regarding the rights of refugees, IDPs,

¹ Page 9, Africa's missing billions, IANSA, Oxfam Report, October 2007.

women and children rights, in IDP camps in Northern Uganda, and Kenya, and urged the intervention by the AU and African Commission when such situations arise.

6. On 19 and 20 March 2008, I participated in a conference organized by the Institute for Security Studies, ISS of South Africa, at Gordons' Bay, Cape Town to discuss the Role of the International Criminal Law regime in the fight against impunity in Africa. Participants included the Secretary to the AU Peace and Security Council, Judges and Deputy Prosecutors of the ICTR and ICC, Judges of the ICTY, professors of international law from the UK and South Africa, and representatives of civil society organizations. The conference discussed the need for African states to put in place legal framework to exercise universal jurisdiction in respect of grave violations of human rights and international humanitarian law in Africa, in the light of the Hissene Habre, Mengistu, and Charles Taylor cases, and the violations committed in various countries in the past, and on going conflicts in, North East DRC, Darfur, and Somalia. The participants dispelled the view that the ICC was created to try African leaders. The participants indeed emphasized the point that the African States, DRC, Uganda and CAR referred cases to the ICC. Indeed the Constitutive Act commits the AU to fight impunity, in particular genocide, war crimes and crimes against humanity. The ICC Vice President, Lady Justice Akua Kuenyehia, and the Deputy Prosecutor Ms Fatu Bensouda, intimated the need for the ICC and the African Commission to discuss and adopt a cooperation arrangement to promote the work of the ICC in Africa. A similar arrangement is currently being discussed with the AU Commission.
7. On 1 and 2 April 2008, I participated in a Roundtable organized by the Coalition for an Effective African Human Rights Court, at Arusha, Tanzania on strategies to Promote Human Rights through the Regional Human Rights Systems. The Roundtable was organized around the March session of the African Human Rights Court. Among the participants were representatives of the Republic of South Africa and the Republic of Uganda, the President, Vice President and a Judge of the African Human Rights Court, Deputy Prosecutor and members of staff of the ICTR, a former Commissioner of the Inter-American Human Rights Commission, a Legal Officer from the Secretariat of the African Commission, and representatives of Civil Society from East Africa, Latin America, and lawyers from the Cyrus Vance Center of the New York City Bar.

I presented papers on the potential role of sub- regional Courts, ie; the ECOWAS Court, the COMESA Court, the East African Court of Justice, and the SADC Court in the protection of human rights; and the problems of enforcement of decisions rendered by human rights bodies in Africa. The roundtable discussed the experiences of African NGOs in the protection of human rights, in Congo Brazzaville, Kenya, and Namibia, and shared the Latin American experiences; and challenges to the protection of women rights pursuant to the adoption of the protocol on the Rights of women in Africa. The participants urged the regional and sub-regional courts to formalize cooperation in order to develop harmonize

- their human rights jurisprudence, in the light of proliferation of judicial institutions.
8. On the 9th April 2008, I made a presentation to the LL.M; Human Rights and Democratization programme students, Centre for Human Rights, Pretoria, on the special mechanisms of the African Commission, in particular the role of the Special Rapporteur on Refuges, Asylum Seekers, IDPs Migrants in Africa in the promotion and protection of these rights, The discourse highlighted the dilemma faced by the individual refugees, as opposed to the *en bloc refuges*, when seeking asylum in African states, and the failure to protect refugees fleeing from situations characterized as, “ events seriously disturbing public order” as defined by the 1969 OAU Refugees’ Convention.
 9. On 21 April 2008, I made a presentation to the members of the Tanzania Commission for Human Rights and Good Governance, and officials of the Union and the Zanzibar governments responsible for children affairs, on the CRC and the African Charter on the Rights and Welfare of the Child. I also described the relationship between the African Commission and NHRIs.
 10. On 26 April 2008, I participated in an “African Women’s Rights Strategy Meeting,” which was organized by Interights, in Dares Salaam Tanzania, to strategize on litigating women rights, at the domestic and regional level, under the Protocol on the Rights of Women in Africa. I made a presentation about the African Commission, and the African Human Rights Court in the light of the adoption by AU Ministers for Justice and Attorneys General, on 18 April 2008 of the Protocol on the merger of the African Human Rights Court with the Court of Justice of the African Union. I highlighted the fact that the restricted access by individuals and NGOs to the Human Rights Section of the Court has been retained in the merged protocol.
 11. On 28 April 2008, I briefed a delegation from the British Foreign and Commonwealth Office, Human Rights section visiting Tanzania, about the mandate and work of the African Commission, and its role in enhancing the protection mandate, together with the African Human Rights Court.

Mbabane
May 2008.