

## **REPORT BY COMMISSIONER BAHAME T.M. NYANDUGA ON PROMOTIONAL ACITIVITIES DURING THE INTERSESSION PERIOD MAY TO NOVEMBER 2008.**

During the inter session period between May and November 2008, I undertook the following promotional activities;

(1) Between 21 and 29 July 2008, I participated in the 5<sup>th</sup> Extraordinary Session of the African Commission, in Banjul, The Gambia, to finalize the Rules of Procedure of the African Commission, which, *inter alia*, establish rules for access to the African Court on Human Rights, and enhance efficiency in the work of the Commission.

(2) On 6 August 2008, I gave an interview to a magazine of the Oslo Centre for Peace and Human Rights, regarding the human rights situation in the Republic of Eritrea, in my capacity as the Commissioner Rapporteur responsible for promotion of human rights in Eritrea. I highlighted what I considered to be the grave human rights situation in Eritrea and emphasized the following;

- (i) That my understanding of the current situation in Eritrea is derived from secondary sources, due to the fact that the Commission has not been able to undertake a promotional or investigation mission in Eritrea, since I was appointed Commissioner Rapporteur in 2006, due to the reasons that no dates have been agreed between Eritrea and the Commission, in spite of Eritrea granting authorization for a mission since June 2006. I noted that Eritrea has not submitted her state report during that time.
- (ii) That the Commission found the Republic of Eritrea in violation of her obligation under the Charter, in particular against the rights to fair trial, the right to freedoms of association, assembly, and expression, following the imprisonment, without trial, of members of the opposition, and journalists. The Commission adopted two decisions after two communications Nos 250/02, and 275/03 were filed before the Commission, against Eritrea.
- (iii) That during the 38<sup>th</sup> session in December 2005 the Commission adopted a resolution on the human rights situation condemning the continued violations, and suppression of democratic opposition.

I urged the Republic of Eritrea to respect the civil and political rights of its people.

(3). On 21 August 2008, at the invitation of UNICEF in Tanzania, I made a presentation on the Rights of Children to officials of the Zanzibar government in a workshop organized to sensitize them on the rights of children, since Zanzibar is in the process of adopting a new legislation on children's' rights. The presentation outlined the scope of protection to children rights under international and regional human rights instruments, in particular the African Charter on the Rights

and welfare of the Child, the role of the African Committee on the Welfare and Rights of the Child, and the African Commission.

(4) On 28 August 2008, I delivered lectures to participants at the Summer Courses on Human Rights, the Catholic University of Leuven, Belgium, on the African Human Rights System generally, and the implementation of ESCR in Africa. The summer course included participants from a number of African countries namely Cameroon, Ethiopia, Kenya, Sierra Leone, Tanzania, Zimbabwe.

(5). On 18 September 2008 I wrote a Foreword to an Audit Report conducted by the African Policing Civilian Oversight Forum, APCOF, on police accountability in Africa. APCOF is a forum composed of representatives of Police forces, civil society and NHRIs in Africa, working on promotion of police accountability and civilian oversight bodies in Africa. I highlighted the role of the African Commission in promoting administration of law and order, and the need for police forces in Africa to ensure that policing conforms to the basic rights and fundamental freedoms of the African people. I highlighted the role of the Commission's Working Group on the Implementation of the Robben Island Guidelines, and urged APCOF to disseminate the RIGs, when it publishes the Audit Report to police forces in Africa. APCOF will launch the Audit Report during the 44<sup>th</sup> session in Abuja.

(6) Between 27 and 29 September 2008, in Ougadougou, Burkina Faso, I participated in the Brainstorming session for organs of the African Union with a human rights mandate to map out a strategy for coordination and cooperation in the implementation of the respective mandates. The African Court on Human and Peoples' Rights, the African Union Commission, and the African Committee on the Rights of the Welfare of the Child in Africa were represented.

(7) On 10 October 2008, I was a guest of honour at a public rally to commemorate the International day on the abolition of the death penalty. I addressed participants and called on the government of Tanzania to abolish the death penalty, and stated that the death penalty, is cruel, inhuman and degrading form of punishment, and does not reform society. The demonstration was organized by a civil society organizations and the Tanganyika Law Society. Subsequently, the organizers filed a petition in the High Court of Tanzania challenging the constitutionality of the death penalty.

(8) On 20 October 2008, I participate in the 2008 MacArthur International Justice Lecture Series, at the American University Washington College of Law, Washington DC, the USA, organized jointly by the University, the Inter American Human Rights Commission, and the MacArthur Foundation, on Advocacy before Regional Human Rights systems. Conference participants included members of the faculty of University, judges of the Inter-American Court, members of the Inter American Commission on Human Rights, members from the Secretariat of the Council of Europe, a number of eminent African participants, namely; Judge Fatsah Ouguergouz of the African Human Rights Court, Dr Chidi Odinkalu, OSJI, and Dr Emmanuel Magade, Dean of the Faculty of Law, University of Zimbabwe, among others

I made a presentation on the difficulties on the implementation of the Commission's recommendations, made under the communications procedure, reports of promotion and

investigation missions, and following the adoption of resolutions by the Commission. I expressed the hope that the establishment of the African Court and the emergence of a pro human rights culture on the continent will enhance respect for human rights obligations.

Abuja, Nigeria.  
November 2008.