

INTERSESSION REPORT

BY

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POINT II

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INTRODUCTION

The present Report has been prepared under the terms of Item 3, Article 87 of the Rules of Procedure, and by virtue of the mandate which entrusted to me in my capacity as Special Rapporteur on the Rights of Human Rights Defenders in Africa, under the terms of the Resolutions of the African Commission on Human and Peoples' Rights No. **ACHPR/Res.69(XXXV) 04** of 4 June 2004, No **ACHPR /Res.83(XXXVIII)05** of 5 December 2005 and Resolution **ACHPR/Res.125(XXXII)07** of 28 November 2007.

This Report speaks about the promotion and protection activities that I undertook during the period that has elapsed since the 43rd Session of the African Commission which was held in Elzuwini in the Kingdom of Swaziland from the 7th to 22nd May 2008.

PROMOTIONAL ACTIVITIES

Under the Headings of:

- ✓ Seminars and meeting with the members of civil society
- ✓ Inter-Institutional cooperation
- ✓ Collaboration with the States
- ✓ Country visits

a) The Seminars and meetings with the members of civil society.

1. On the 29th May 2008 I received Mr. Leo Igwe from Nigeria, Director of the International Humanist and Ethical Union for West Africa, who was in Benin to look for contacts. The same day I put Mr. Igwe into contact with the Bureau of the Association of Women Human Rights Defenders in Benin within the framework of future collaboration.
2. From 21st to 25th June 2008 I participated in N'Djamena, Chad in the launching of the Report by the Observatory and the FIDH/OMCT on the human rights situation in the world for the year 2007. This gave me the opportunity to meet some members of civil society, in particular the members of the Bureau of the Chadian Human Rights League. During the meetings which I had with them I noted a distinct will on the part of the Chadian civil society to establish working relations with our Commission but it is unable to do so due to lack of financial resources. I also noted the need for the Chadian State to be more involved in the activities of our Commission. There is therefore need for dialogue to be established with the Chadian State and Chadian civil society in the context of future promotional activities.
3. From the 7th to 8th July 2008, I participated in a workshop organized by the Associação Justiça, Paz e Democracia (AJPD) in Luanda, Angola. On the initiative of this Association, I met, in a purely informal context, some local Authorities like the Ombudsman of the Republic, the Minister of Justice, the representative of the Ministry of Foreign Affairs and I moreover obtained the agreement in principle, of this country's Authorities to pay a visit there in the very near future.
4. On the 11th July 2008 I participated in a meeting of the Human Rights Defenders in Southern Africa; a meeting organized by the Open Society of South Africa in Johannesburg in South Africa. This meeting had the objective of analysing the situation of HRDs in this region and to familiarize them with the mechanism. It also constituted an opportunity for the organizers to inform the participants about the establishment of a fiduciary fund for the HRDs in Southern Africa.
5. From the 21st to 24th August 2008, I participated in a workshop organized by the network of the West African HRDs in Lomé, Togo. This Seminar dwelt on the theme: « The African Mechanisms at the African regional level ». This workshop resulted in the setting up of a director institution for the network.
6. From the 31st August to 4th September 2008, with the support of the Kingdom of Norway, the Mechanism organized a workshop in Cotonou, Benin, on the preparation of working

tools for the human rights defenders in Africa. This workshop which also benefited from local support from the Embassy of the Federal Republic of Germany had the principal objective of producing working tools for the human rights defenders by the human rights defenders themselves. It was to be a document that would highlight the provisions in the laws governing the rights of human rights defenders in Africa in simple language and a Defender's Guide. The workshop brought together about thirty delegates and invitees from various regions of Africa, notably from Benin, Togo, Guinea, Cameroon, Angola, the Republic of South Africa, The Gambia, Egypt, Uganda and the Democratic Republic of Congo. These tools are entitled:

-The Human Rights Defender's Guide

-To comprehend and facilitate comprehension of human rights in a few words.

They are about to be finalized and will be launched in the very near future. This workshop constitutes one of the strategies put in place by the Special Rapporteur to respond to the need for building the capacities of the African HRDs as outlined in the 2006 Action Plan, renewed in December 2008.

7. Within the framework of the suitability, at the Beninese national level, of the United Nations campaign on the celebration of the 60th Anniversary of the UDHR, I organized in collaboration with the Association Béninoise de Droit du Développement (Beninese Association on the Right to Development) and with OSIWA's financial support, a seminar on the celebration of the 60th Anniversary of the UDHR and the 10th Anniversary of the United Nations Declaration on HRDs on the 23rd, 24th and 25th October 2008. The theme of this Workshop was: « Human Rights in Benin: What Results? » This seminar brought together Lawyers, Magistrates, Journalists, Members of Civil Society, and State Actors. The Minutes of this seminar are being prepared and will be transmitted to the competent Authorities in due course.

8. From the 7th to 9th November 2008, I participated in an NGO Forum which took place in the Rockview Hotel in Abuja. On this occasion, I chaired a workshop for human rights defenders and launched the third edition of our Bulletin and Report on the protection of Civil Society prepared by the International Movement for Democracy and Development.

b) Collaboration with the States and Intergovernmental Institutions

9 –From 7th to 8th October 2008, I took part in a Conference jointly organized by the European Commission, the European Parliament and the United Nations in Brussels on the theme: « 60 years of the Universal Declaration on Human Rights: the Defenders take the

floor ». This Conference had the objective of taking stock of the human rights situation 60 years after the adoption of the Universal Declaration of Human Rights by giving the floor to the human rights defenders. This had also constituted an opportunity for a review of the various United Nations mechanisms in particular after the adoption of the Declaration on Human Rights Defenders by the United Nations General Assembly and the directives of the European Union and the Vienna Declaration. On this occasion a special forum had been organized on Journalists in danger.

10- From the 9th to the 11th October 2008, on the request of the British Foreign Office I carried out an informal visit to London in Great Britain. During this visit, I had the opportunity of presenting our Commission to representatives of the British Parliament and to the technical Department of the Foreign Office. The possibility of establishing relations of cooperation with our Commission and its special mechanisms had also been discussed.

c) Inter-Institutional Cooperation

The partnership with the United Nations mechanism is being reinforced, in particular concerning the strategies for the implementation of follow up on individual cases of violations of the rights of human rights defenders. The issue of freedom of association remains one of the major concerns of our two mechanisms.

11. From 28th July to 5th August 2008, I carried out a joint visit to Togo in collaboration with my United Nations counterpart, Mrs. Margaret Sekaggya, the United Nations Special Rapporteur on the situation of Human Rights Defenders. This joint visit was the first of its kind and falls within the context of the inter-institutional cooperation which I have been endeavouring to establish with the other human rights defender mechanisms. The objective of the mission was to assess the situation of human rights defenders in the light of the principles of the Declaration on human rights defenders adopted by the United Nations General Assembly in 1998 as well as the Grand Bay Declaration adopted in 1999 and the Kigali Declaration of 2003.

12- The examination of the country's legal framework, the institutional policies and mechanisms for the promotion and protection of human rights was the subject of special attention. In the context of this mission, I met a large number of political and administrative Authorities, various State actors, members of Parliament, representatives of the United Nations institutions and regional development and human rights protection institutions as well

as the representatives of diplomatic missions. I also met a broad representation of the members of civil society and human rights defenders.

This mission had been ended with a press conference chaired by the two Special Rapporteurs and with the publication of a joint press release.

13- On the 6th September 2008, I participated in an « inter-mechanisms » meeting on human rights protection in Brussels in Belgium. The meeting had as objective to strengthen the interaction and complementarity between the mechanisms of protection of human rights defenders. It was a meeting initiated by the FIDH and the OMCT, and which had brought together all the existing special mechanisms linked to human rights defenders, notably the United Nations mechanism, that of the European Union, the Inter-American mechanism, that of the OSCE and that of the African Commission on Human and Peoples' Rights.

d) The Country Visits

14- From the 13th to 19th June 2008, I effected a promotional visit to Libya in the context of my mandate with my colleague the Commissioner Maïga, Special Rapporteur on the Rights of Women. During this visit I had the opportunity to meet the Libyan Authorities and to discuss various subjects relating to the promotion and protection of human rights with them.

15. From the 25th to 30th June 2008, I carried out a promotional visit to Tunisia with my colleague the Special Rapporteur on the Rights of Women in Africa. I met the defenders and the Tunisian Authorities with whom I had discussions on several subjects. The detailed Reports of of these visits will be presented in private session in due course.

16. However, Madame Chairperson, allow me to observe right away, that these missions had been carried out on the spontaneous request of the States of Libya and Tunisia, and in this respect I would like to report on this good practice and to thank the Authorities of these two countries for this action which, apart from its spontaneity, shows appreciation for our Commission and for the importance of the work that it accomplishes. Our Commission hopes, through its mechanisms, to be able to count on other requests of this nature in the future.

e- The Notes Verbale

17- To date I have sent Verbale Notes to several States Parties to the Charter and others will follow shortly, thus:

- The Republic of Congo has responded to my Note Verbale and arrangements are underway for me to carry out this visit.
- The Central African Republic has also responded to my request and is in contact with the Secretariat.
- The Republic of Mauritania has also given me its agreement in principle for me to carry out a visit and the arrangements are underway in this regard.
- The Democratic Republic of Congo has also given me its agreement in principle and the arrangements are also underway for the visit to take place.
- Angola has also given me its agreement in principle and arrangements are being made for the visit to take place.
- I have taken note of Sudan's will to receive the Special Rapporteur and I will make the necessary arrangements for the realization of this visit.

PROTECTION ACTIVITIES

18- The protection activities are presented in two sections:

- ✓ The Communications
- ✓ The Press Releases

a) Communications

19- During the period under consideration, several cases of violations of the rights of HRDs had been submitted in 43 Communications addressed to 13 countries.

Namely: Algeria, Egypt, Mauritania, Tunisia, Congo, Nigeria, Kenya, Chad, Cameroon, Burundi, Sudan, the Democratic Republic of Congo and Zimbabwe.

20- A classification of the Communications sent allows me to indicate that Tunisia, despite the obvious will of the Authorities to implement the provisions of our Charter, remains at the top of the list. It is followed by Zimbabwe where I have observed that the women defenders have just been released temporarily after having been harassed for a long time and imprisoned. In this regard, I am pleased to call on the Zimbabwean Authorities to help the human rights defenders to help them in the development of their country. The case of the DRC is a special one.

b) The Press Releases

21- During the intersession, I prepared three (3) Press Releases on the established situations of violations of the rights of human rights defenders in Zimbabwe and on the assassination of a defender in the Democratic Republic of Congo.

CONCLUSIONS AND RECOMMENDATIONS

22- The mechanism pursues its activities pertaining to its visibility and to its recognition by all the stakeholders.

23- In effect, since 2007, Cameroon, Nigeria and Tunisia, as I indicated in my previous Report, have reacted to my Communications.

However, since the last session, the situation of human rights defenders has deteriorated considerably as I had forecasted in my previous Report. The political situation in Zimbabwe has not improved; except that women defenders are becoming increasingly subjected to brutality. In Tunisia cases under prosecution are increasing and are becoming a matter of concern.

24-The Freedom of Association is unfortunately still not a reality and remains, in most of the countries, a real problem germane to its translation into law and to its actual execution. Such is the case in Togo, in Angola, in Tunisia and in several other countries on our Continent.

25-A In this respect, during the launching of our recent Bulletin, I highlighted the importance of doing a study on the topic of the Freedom of Association in Africa.

26- The case of the DRC can be evoked with respect to more than one case. Not only do HRDs continue to be subjected to judicial harassment, arbitrary arrests and police attacks and even assassinations, but also from all the pictures that are sent to me, from the indescribable suffering of the populations shown by the Television, I can safely say that there is nothing that can justify such a fate nor can justify the silence on the part of our Institution. We should therefore take action. At this very moment that I am presenting this Report another woman defender has just fallen under the attack of unknown assailants and is currently between life and death, butchered and riddled with bullets.

27- Another theme which is linked to the Freedom of Expression also constituted a matter of concern for the Special Rapporteur during the intersession. The same is relevant for the issue linked to the equality of rights for all.

28- Finally, the Special Rapporteur entered into contact with the States Parties like Togo, Mali, Libya, Angola and Tunisia. In this respect I formulated the wish to pursue the dialogue which had been established, in particular with regard to the joint quest for better collaboration strategies between the Authorities of the different States, the human rights defender organizations and the Special Rapporteur.

Recommendations

To the States Parties:

a- For those which are already doing so, that they continue give effect to my Notes Verbale and my Communications, which constitutes part of their responsibility in relation to the Charter itself even where it emanates from their common will.

b- To those which have not yet reacted to my requests, to become more involved in the activities of our Commission's Special Mechanisms because they are as important as the activities being carried out by the Commission itself.

To our Commission:

c- The case of the DRC as indicated earlier, is really pitiful and in this respect the Special Rapporteur would like to propose to our Commission to act not only for the benefit of the human rights defenders but also to protect the rights of the populations in general in particular in the regions controlled by rebel forces.

d- I would also like to suggest that special attention continues to be given to the cases of human rights defenders in Zimbabwe and to the rest of the population with regard to respect for their rights.