

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
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## **ACTIVITY REPORT**

### **COMMISSIONER SANJI M MONAGENG – CHAIRPERSON**

1. I present below a report of my activities during the intersession period, November 2008 to May 2009, describing the activities that I undertook as the Chairperson of the African Commission.

2. From 8 to 12 December 2008, at the invitation of His Excellency Bernard Kouchtner, Minister of Foreign Affairs, France, the Secretary of the Commission, Dr Mary Maboreke and I attended a seminar commemorating the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, where I presented a paper on the mandate and work of the African Commission in its role of promoting and protecting human rights in Africa. The seminar attracted Members of the African Court on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the Inter-American Court on Human Rights and the European Court amongst other human rights bodies and organs. The purpose of the meeting was to share experiences and to see how much the various regional human rights structures and institutions have

achieved in terms of actualising dignity for all, 60 years after the adoption of the Universal Declaration.

3. From 23 to 24 March 2009, together with Commission Atoki, I attended a series of events about human rights in Africa, in London, at the invitation of the Foreign and Commonwealth Office and Chatham House. The purpose of the events was to raise the profile of the new African Court of Human and Peoples' Rights and to explore the context in which the Court will operate, including its complementary relationship with the African Commission, the Pan African Parliament, Civil Society and Multinational Organisations, such as the United Nations and the European Union. I presented a paper on the Relationship between the African Commission, the African Court and the Merged Court of Justice and Human Rights.

4. Over 200 participants attended this seminar including representatives of the African Court and African civil society organizations who made presentations. The African Union Commission was also represented and made interventions in all the proceedings that were organized around the main event, including a meeting with judges, members of Parliament and Ambassadors among others.

5. From the 30 March to 3 April 2009, I presided over the 6<sup>th</sup> Extra-ordinary Session of the African Commission in Banjul, The Gambia. The purpose of the Session was for the Commission to

attend to pending issues, including consideration of Communications and outstanding Reports.

6. On 6 April 2009, on the invitation of the International Commission of Jurists (ICJ), I attended a conference, in Pretoria, South Africa, in my position as Chairperson of the African Commission. I presented a paper entitled: "Paradigm Shift in the Fight against Terrorism: Are African Governments Ready to Strengthen the Rule of Law?" I argued that the paradigm shift in my view, should address the nexus between democracy and the 'State' in Africa, conflict, poverty and human security in a way which recognizes that this highly political subject should also focus more on addressing the root causes of acts of terror, if we are going to develop appropriate strategies to address them.

7. The conference also marked the launch of a study that was undertaken by a group of eminent persons including the former Chief Justice of South Africa, Arthur Chakalson and Mrs Mary Robinson, former President of the Republic of Ireland and current President of the International Commission of Jurists. The occasion was also used to launch the opening of the ICJ office in South Africa.

8. I also participated in some activities of the NGO Forum that preceded the Session of the Commission, from 9 to 11 May 2009.

9. On 10 and 11 May, in Banjul, The Gambia, I participated in a meeting organised by the Centre for Human Rights, University of Pretoria, to validate the outcome of the research conducted within the framework of the joint ILO/ACHPR project on the constitutional, legislative and administrative provisions on the rights of indigenous peoples and communities in Africa.

10. On 12 May 2009, I also chaired and participated in a meeting, in Banjul, The Gambia, between the Members of the African Commission and a delegation from the Inter-American Commission to exchange ideas on the relationship between the two institutions. The meeting also considered the complementary relationship between the African Commission and the Court and that of the Inter American Commission and Court of Human Rights.

11. Some Commissioners also represented me in various activities and meetings, which they have reported on, for instance in the budget discussions in Addis Ababa, meetings of the PRC, Executive Council and the summit of the Assembly of Heads of State and Government in Addis Ababa and in the United Nations Human Rights Council Sessions in Geneva, among others. My thanks go to all the colleagues who humbly stood in for me.

12. In my capacity as Chairperson of the Commission, I provided guidance and overall oversight on the activities of the Commission

and its Secretariat during the intersession. To that end, I would like to extend my sincere thanks to my colleagues, members of the African Commission, as well as to the Secretary and her dedicated and very hard working staff, for a job well done, under very difficult circumstances.

13. Also in my capacity of Chair, I issued a letter of appeal to the Government of the Seychelles and issued a press release addressing the unconstitutional change of government in Madagascar and also requesting the new government to ensure protection of human rights.

14. I should also report that the Commission is awaiting a response to undertake a Fact-finding Mission to Somalia after seeking such authorisation many times. The Commission also awaits a date for undertaking the outstanding Fact-finding mission to Kenya.

15. At the 44<sup>th</sup> Ordinary Session of the Commission, held in Abuja, Nigeria, I reported that there was an urgent need to supplement the number of Legal Officers the Commission has, given its workload and the fact that Commissioners are part-time. I also reported that the Assembly of Heads of State and Government, through Decision Assembly/AU/Dec.205 (XI), among other things, mandated the AU Permanent Representatives Committee to expedite consideration of the structure of the Secretariat of the Commission. I am happy to report that at the

January 2009 Summit, the Assembly approved a total of 33 positions to be filled within the next five years.

16. I want to acknowledge the continued invaluable contribution of our cooperating partners to the work of the Commission. Without them it would not have been possible for the Commission to be where it is. For those who attend our Sessions regularly, you will agree with me that the number of States Parties, international organizations, inter-governmental organizations and other interest groups attending the Sessions of the Commission has increased considerably over the years and so has their contribution.

17. With the cooperation of the AUC and the Assembly of Heads of State and Government, the PRC and Executive Council, there has been a marked improvement in the discharge of the mandate of the Commission, its working methods, processes and procedures and consequently its service delivery.

18. The African Commission, during the inter-session and during this Session and the NGO Forum, has been called upon to respond to new and diverse human rights issues that are emerging on the continent. To that extent, I call on my colleagues Commissioners, the Secretary of the Commission and her staff, to be resolute in responding to these issues as they emerge, with absolute integrity, impartiality and independence as required by the African Charter, which over the years have become the trademark of the Commission.

19. Finally, I urge the AU to continue its support financially and otherwise to the Commission to enable it carry out its mandate effectively.

17 May 2009 Banjul, The Gambia