

INTERSESSION REPORT OF COMMISSIONER

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**Presented at the 45th Ordinary Session of the African
Commission on Human and People's Rights,
held in Banjul, the Gambia from 13th -27th May 2009**

INTRODUCTION

1. This report is presented in accordance with Article 87(3) of the Rules of Procedure of the African Commission on Human and People's Rights (hereinafter referred to as the "Commission"). Under the terms of this provision, members of the Commission are to present a written report on all the different activities undertaken during the intercession.

2. This report covers the activities dating from the 44th session of the Commission held in Abuja, the Federal Republic of Nigeria from the 10th -24th November 2008 to the 45th Ordinary Session being held from 13th to 27th May 2009 in Banjul, the Gambia where the report is to be presented. This activity report is being presented in my capacity as a member of the Commission (I) and as the Chairperson of the Working Group on Death Penalty in Africa (II).

I. ACTIVITIES UNDERTAKEN AS A MEMBER OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS

A. Promotion Mission

3. From 2nd to 6th February 2009, we undertook a promotion mission to Burkina Faso, a country under our purview in terms of promotional activities. It was a joint mission with the Working Group on indigenous peoples/ communities in Africa, represented by Commissioner Soyata Maïga, the Special Rapporteur of the Commission on Women's Rights and Member of the Working Group and Mr. Mohammed Khattali, a Consultant and member of the Working Group. The delegation was assisted by Dr. Robert W. Eno and Mr. Nadjita F. Ngarhodjim, legal officers at the Secretariat of the Commission.

4. The objective of the mission was to promote the African Charter on Human and People's Rights, to discuss human rights issues with the key parties concerned on the best way of promoting the effective enjoyment of human rights in the country. The mission was also intended to strengthen dialogue between the Commission and the State, between the Commission and civil society organizations and between the Burkinabè Government and other stakeholders.

5. During the mission to the country, our delegation held meetings and had encounters with top Government functionaries, including His Excellency, the Prime Minister, members of Government, officials of the major State institutions such as the National Assembly, the Constitutional Court, the Council of State, the Audit Office, the Economic and Social Council, the Ombudsman of Faso, the National Commission on Human Rights, Non Governmental Organizations, Trade Unions, the Media, etc. The delegation also visited the prison and reformatory centre in Ouagadougou (MACO). The report of this mission will be presented to the Commission for adoption and onward transmission to the State concerned.

B. Sensitization on the role of the African Commission as an African Mechanism for the promotion and protection of human rights

6. From 29th to 30th January 2009, we participated in a Round Table on the theme "The Paris Principles and Good Practices in the establishment of National Human Rights Institutions" organized by the United Nations High Commission on Human Rights in Bujumbura, Burundi, a country under our purview in terms of promotion activities.

7. During this Round Table which was attended by Parliamentarians, Senators, representatives of political parties and highly placed State functionaries, we made two presentations: one on the African Commission on Human and People's Rights as an African mechanism for the promotion and protection of human rights and the

other on “the powers and responsibilities of NHRI” in their capacity as national mechanisms for the protection of human rights.

8. These two presentations provided the platform for an explanation of the role of the Commission and the NHRI, their complementarity and collaborative approaches in the area of promotion and protection of human rights on the continent.

9. In my capacity as Commissioner in charge of Burundi, I seized the opportunity of being present in the country to meet the Deputy Minister responsible for Human Rights and the Chairman of the Human Rights Committee of the Chamber of Deputies. We discussed the human rights situation in the country with these two officials and the need to establish a national human rights institution in Burundi with specified jurisdiction and mandates in accordance with the Paris Principles to enable it to effectively promote and protect human rights in the country.

C. 6th Extraordinary Session of the Commission

10. From 30th March to 3rd April 2009, I took part in the 6th Extraordinary Session of the Commission held in Banjul, the Gambia.

D. Request for authorization to undertake a promotion mission

11. On 12th December 2008, we dispatched notes verbales to Governments of the Democratic People’s Republic of Algeria and the Republic of Côte d’Ivoire seeking authorization to undertake promotion missions in these countries since they are within our remit in terms of promotion activities.

II. IN MY CAPACITY AS THE CHAIRPERSON OF THE WORKING GROUP ON DEATH PENALTY.

12. During the intercession, members of the Working Group on the Death Penalty discussed the paper on the “Abolition of the Death Penalty in Africa” which was consolidated on the sidelines of the 44th Ordinary Session held in November 2008 in Abuja, the Federal Republic of Nigeria. The paper will be examined at the Regional Conference on the death penalty scheduled for September 2009. This Conference will be the first of its kind on the theme and we are hopeful of a high participation by the State parties.

13. In view of the budgetary constraints faced by the Commission, the Working Group on the death penalty in Africa could not meet as usual before every Ordinary Session.

14. During this intercession, we observed significant progress on the issue of the death penalty. Certain countries like Burundi and Togo made progress in the area of the death penalty. Other countries like Burkina Faso demonstrated the political will to abolish the death penalty. We urge other State parties to the African Charter to recognize the fundamental right to life and human dignity in line with the abolition of the death penalty.