

***Inter-session Activity Report for Commissioner Malila.
Special Rapporteur on Prisons and Conditions of
Detention in Africa.***

In the inter-session period between the last Ordinary session of the Commission in November 2008 and this session, I unfortunately was not able to undertake any mission in either capacity due to financial and logistical difficulties. I however, undertook the following activities as Commissioner and as Special Rapporteur on Prisons and Conditions of Detention in Africa;

1. Launch of the national Parole Board

On 28th November 2008, I was invited in my capacity as Special Rapporteur on Prisons and Conditions of Detention in Africa to participate at the launch of the Zambia National Parole Board and to present a paper on an overview of the state of African prisons. The National Parole Board was conceived as an initiative designed to decongest prisons by giving power to the Parole Board to release on parole prisoners that have served a good portion of their prison terms and have manifested good and exemplary conduct in prison, or are terminally or critically ill, to be released before they complete their full prison terms.

I indicated in my presentation that given the background of serious congestion which characterises African prisons the move to amend

the Zambian prisons Act to provide for parole in the manner that it did in addition to the Presidential prerogative of mercy, was a laudable step which would go a long way in helping address the problem of prison congestion in the country.

2. Participation in Human Rights Day Panel Discussion

On the 10th December, in Lusaka, I took part in a panel discussion organised by the Zambian Human Rights Commission and the University of Zambia to commemorate the International Human Rights Day. The discussion was overwhelmingly attended by University students, private citizens and members of the diplomatic corp. My presentation was on the achievements of the African Commission on Human and Peoples' Rights in the last twenty years.

I also took the opportunity to answer a number of questions on the human right promotion and protection mechanism in African generally.

3. Meeting with a Representative of Community Law Centre of the University of Western Cape

On the 14th January 2009, I met with Prof Lukas Mutingh from the Civil Society Prison Reform Initiative, Community Law Centre of the University of Western Cape, South Africa. The Centre has been actively involved in prisoners' rights and undertakes research and

publications in the area. We discussed ways in which the Centre and the Commission could collaborate and synergise efforts in the protection of prisoners' rights. To this end the Secretariat has been contacted with proposals for consideration. It is hoped that some formal relations between the two institutions can be forged to achieve the common interest of promoting and protection prisoners' rights in Africa.

4. International Women's Day Commemoration

On the 9th March 2009, I took part in the walk organised to mark the international Women's Day in solidarity with hundreds of women in Zambia who took part in the nearly 10 km walk.

5. Attended the 6th Extra Ordinary meeting of the ACHPR

Between the 30 March and the 3rd April 2009, I attended the 6th Extra- Ordinary Session of the Commission which was held in Banjul, The Gambia. The Session dealt with outstanding communications and mission reports.

6. Attended the AU Executive Council meeting in Tripoli Libya 15-16 April 2009

On behalf of the Chairperson of the African Commission I represented the Commission at the African Union Executive Council meeting which took place between the 15th-16th April 2009 in Tripoli,

Libya. The meeting deliberated the decision taken by the Summit to transform the African Union into an Authority and to work out modalities for such transformation. The meeting was opened by the Brother Leader, President of the Great Socialist Libya Jamahiria, Col Ghadafi.

7. **Conclusion**

Through out the intersession period, I continued to receive reports about the state of prisons and conditions of detention in many African countries including Mozambique, Liberia, Cameroon, Zimbabwe and South Africa. I also continued to maintain links with partners and potential partners including, Penal Reform International through Ms Mary Murray, the UN Special Rapporteur on Enforced Disappearance Prof Jeremy Sarkins and representatives of the APT. I also continued to follow with interest the human rights situation in Kenya before I undertake a promotional mission there, hopefully, later this year.

It is my hope that countries that have been requested to allow my visit as Special Rapporteur will positively and timely respond to those requests.