

INTERSESSION REPORT

May-November 2009

BY

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## **INTRODUCTION**

The present Report has been prepared in conformity with Article 87 paragraph 3 of the Rules of Procedure of the African Commission on Human and Peoples' Rights according to which all the members of the Commission have the obligation to present a written Report on their various activities, in particular with regard to the countries visited and the Organizations contacted.

The activities cited in the present Report had been carried out during the intersession period starting from the 45<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights which was held in Banjul, The Gambia, from 13<sup>th</sup> to 27<sup>th</sup> May 2009.

I am reporting on my activities in my capacity as member of the African Commission, Chairperson of the Working Group on the Death Penalty and as member of the Working Group on Specific Issues.

### ***I. IN MY CAPACITY AS MEMBER OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS.***

#### ***A. Mission of Promotion***

During this intersession period a promotion mission to the Republic of Algeria had been scheduled for the month of October which I was to have carried out in my capacity as Commissioner responsible for the promotion of human and peoples' rights in that country. In view of the urgent issues which arose within the Commission and in consultation with the country in

question the mission had been postponed and I hope to be able to carry it out in the very near future.

I have completed the preparation of the Report on the promotion mission carried out in Burkina Faso in February 2009. It will be submitted to the Commission for adoption during this session.

### ***B. Extraordinary Session and Meetings of the Commission***

From the 12<sup>th</sup> to 16<sup>th</sup> July 2009 I participated in the meeting of the African Commission with the African Court on Human and Peoples' Rights in Arusha. The objective of the meeting was to examine the Rules of Procedure of the two Institutions for harmonization.

From the 5<sup>th</sup> to 12<sup>th</sup> October 2009 I participated in the Extraordinary Session of the African Commission which was held in Senegal during which we discussed the provisions of the Rules of Procedure in preparation for the meeting with the African Court.

From the 13<sup>th</sup> to 16<sup>th</sup> October 2009, I participated in the meeting of the Commission with the African Court, organized to complete the work which had been started in the Arusha meeting on the harmonization of the Rules of Procedure of the Commission and that of the African Court.

### ***C. Promotion of the African Charter and other relevant Human Rights Instruments***

On the 2<sup>nd</sup> September 2009, I made two presentations, one on the African Commission as a regional human rights promotion and protection mechanism and the other on « the national human rights institutions, the role, opportunities and collaboration with the human rights defender organizations ». These two presentations provided the participants with information on the functioning and work of the African Commission and on the National Human Rights Institutions.

This was done during a Workshop on building the capacities of human rights defenders on the use of the regional and international human rights promotion and protection mechanisms held in Kigali, from the 31<sup>st</sup> August to 4<sup>th</sup> September 2009.

On the 17<sup>th</sup> September 2009, during a human rights training Workshop for University students, and members of steering committees, organized in the province of Southern Rwanda, from the 17<sup>th</sup> to 19<sup>th</sup> September 2009, I made a presentation on the international and regional human rights instruments.

I had the opportunity of expounding on the African Charter and on the other African human rights instruments for these students as well as on the role of the African Commission in the promotion of these regional instruments.

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

### **A. Sub-regional Conference on the Death Penalty in Africa**

The main activity achieved was the organization of the first Sub-Regional Conference on the Death Penalty in Africa which took place from the 23<sup>rd</sup> to the 25<sup>th</sup> September 2009 in Kigali, Rwanda. It brought together participants from East, South and Central Africa comprising of representatives of States and National Human Rights Institutions. The representatives of the African Union, the African Court, the Commission for the Rights and Welfare of the Child, Professors, Non-Governmental Organizations, and the members of the Working Group on the Death Penalty also participated in this Conference.

I chaired the deliberations of this Conference while the other members of the Working Group served as Resource Persons and made presentations on themes formulated on the basis of the Chapters which made up the document that had been prepared by the Working Group on the position of the Commission regarding the issue of the death penalty.

The Conference provided an opportunity for the initiation of dialogue and consultations on the Continent on the important and at times sensitive issue of the abolition of the death penalty and of discussing the content of the document on the topic of the death penalty.

At the end of this Conference, the participants adopted a document entitled: « Framework Document on the Abolition of the Death Penalty in Africa », which contains general recommendations emanating from the Conference. This document is joint in the appendix.

On the sidelines of this Conference, the members of the Working Group met to discuss the future activities of the Working Group. They proposed that the next sub-regional conference on the death penalty which is to bring together participants from North and West Africa be scheduled for March 2010.

### **B. Situation of the Death Penalty in Africa**

During this intersession period I noted significant progress relating to the issue of the death penalty. Burundi and Togo have already passed laws abolishing the death penalty. Other countries like Burkina Faso have indicated the will to abolish this penalty and national consultations on the issue have already commenced.

I urge the other States Parties to the Charter to take the plunge which represents the recognition of the fundamental right to the life and human dignity of our populations.

### **III. In my capacity as Member of the Working Group on Specific Issues**

The Commission's Working Group on Specific Issues focused essentially on the drafting of the Commission's Rules of Procedure. The two meetings held between the Commission and the African Court in July and October 2009 in which Members of the Commission participated, made it possible to establish a consensual Rules of Procedure specifically on the provisions relative to Complementarity.

It is expected that the Commission will adopt all the provisions of these Rules during this Session.