

**Draft Intervention on the  
Report on the Activities of the African Commission on Human and People's Rights  
(ACHPR)**

Madam Chairperson, thank you for giving my Delegation the floor.

I thank the Honorable Chairperson of the ACHPR for the informative report.

At the outset, I wish to reaffirm Eritrea's commitment to further strengthen its cooperation and engagement with the ACHPR. In this vein, we are working towards the implementation of the areas of cooperation identified during our meeting with the Bureau of the Commission on the sidelines of the 28<sup>th</sup> AU Summit.

Madam Chairperson,

The State of Eritrea takes seriously its responsibility to promote and protect the human rights of its citizens. Eritrea is party to almost all of the core AU and UN human rights instruments, and is scaling up its efforts to fulfill its commitments.

Eritrea primarily relies on its capacity and resources to fulfill its commitment and consolidate human rights. It also cooperates with bilateral and multilateral partners, including the ACHPR, UN Country Team, UNODC, EU and individual countries.

Madam Chairperson,

My country is mentioned in paragraph 43(viii) of the report under 'areas of concern'. In this regard, my Delegation wishes to assure the ACHPR that 'allegations of arrests or harassment of journalists and human rights defenders' is unfounded. We request this clarification to be reflected in the report of the PRC.

Before concluding my brief remarks, I wish to use this opportunity to express our gratitude to the outgoing members of the Commission, including the Chairperson, for their service to the continent.

Thank you!

**STATEMENT OF CONCERN OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA TO BE ANNEXED WITH THE 42ND ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS**

Ethiopia takes note of the 42nd Activity Report of the African Commission on Human and People's Rights presented by Hon. Commissioner Pansy Tlakula and hereby respectfully submits its reservations on issues listed under "areas of concern" on paragraph 44(vi) and (ix) to be annexed with the activity report.

The Federal Democratic Republic of Ethiopia strongly believes that the allegations regarding forced eviction of people to give way to development projects and the declaration of state of emergency are unfounded and not supported by any fraction of tangible evidence. Ethiopia unequivocally declines to accept the allegations for they do not reflect the realities on the ground. Ethiopia is inclined to believe that such undertakings of the Commission would inevitably put its credibility in question.

It should be underlined that the Government of the Federal Democratic Republic of Ethiopia does not undertake forced relocation of its citizens in the name of development projects. The Government and its relevant competent authorities take the necessary legal requirements to acquire the prior and informed consent of the local people after holding consecutive and meaningful consultations regarding any development projects. As stipulated under article 44(2) of the Constitution of the Federal Democratic Republic of Ethiopia, the government provides a commensurate monetary and alternative means of compensation along with adequate assistance of basic services in cases where relocation is indispensable.

On the other hand, Ethiopia finds it regrettable and unacceptable that the Commission is concerned with "the declaration of the state of emergency in Ethiopia and reported acts of torture, cruel and degrading treatment of persons."

The state of emergency was declared following the violence and disturbances that ensued in some parts of the country, which endangered the constitutional order and made it impossible to be controlled by the regular law enforcement agencies.

Ethiopia strongly believes that a declaration of state of emergency by any state should not be taken at its face value to mean that there would be a violation of human rights. To safeguard the rights of its citizens and curb potential infringement, the Government established a *State of Emergency Inquiry Board* to inspect and follow up on the measures taken by law enforcement bodies during the period of state of emergency are in conformity with the international human rights instruments to which Ethiopia is a party thereof.

In conclusion, Ethiopia would like to reiterate once again that it finds it regrettable and unacceptable that the commission raised the above-mentioned issues under areas of concern without carefully considering the situation that exists on the ground and corroborating the allegations with evidence before embarking on incorporating it under its activity report. Therefore, it is the position of Ethiopia that the Commission shall beforehand inform and consult with the concerned member states before resorting to include uncorroborated allegations in its activity reports.

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Fax No. +251-11-6611433

In reply please quote

Ref. No. **KEA:AU:5/93(66)**.....



EMBASSY OF THE REPUBLIC OF KENYA  
P.O.BOX 3301  
Yeka KK, Kebele 01  
Addis Ababa, Ethiopia

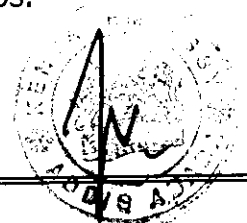
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The Embassy of the Republic of Kenya and Permanent Mission to the African Union presents its compliments to the African Union Commission, Secretariat of the African Union Commission on Human and Peoples' Rights and with respect to the 42<sup>nd</sup> Activity Report of the African Commission on Human and Peoples' Rights presented to the Permanent Representatives Committee during its 34<sup>th</sup> Ordinary Session held from 27-28<sup>th</sup> June, 2017 in Addis Ababa, has the honour to communicate as follows:

1. During the consideration of the Report, Kenya expressed its concerns with respect to the allegations raised in the Report in particular paragraph 37 to the effect that there is alarming trends of extra-judicial killings implicating the Police in Kenya as well as the lack of investigation and prosecution of such cases; and in paragraphs 44 on forced evictions of indigenous populations to give way to development projects.
2. Regarding those allegations Kenya took the floor and responded as follows:

Kenya believes in the rule of law and social justice. As a country, we recognize the importance of protecting human rights and fundamental freedoms to preserve the dignity of individuals and communities.

In that regard, we wish to proudly confirm that, Kenya is state party to the 1948 Universal Declaration of Human Rights and other international as well as regional legal instruments on the protection of human rights. Moreover, the Kenya's constitution 2010 has an elaborate chapter [Chapter 4] on the Bill of rights which is an integral part of our democratic state and the framework for social, economic and cultural policies. Article 26 of the Constitution guarantees every person to the right of life. Further, the Kenyan security forces are well trained and versed with legal and administrative safeguards against the violation of human rights. Additionally, the Independent Police Oversight Authority (IPOA) is responsible for the oversight of security agencies as well as taking both legal and administrative action on any security officer found to be in violation of human rights whether against an individual person or community groups.



With respect to the allegation on forced evictions of indigenous populations in Kenya, Article 40 gives every person the right either individually or in association with other to acquire and own property while Article 61 provides that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Article 66 permits the state to regulate the use of any land, whether owned by individual or communities for among others the purposes of public benefit. Where the State acquires any land for such purposes, the owner(s) is/ are however compensated adequately to ensure there is no violation of the rights to property ownership.

It is also important to note that, the rights and fundamental freedoms in the Bill of Rights apply to every person and can only be limited in accordance with law. We therefore reiterate that Kenya does not condone extra-judicial killings of any nature nor does it encourage forced evictions of indigenous populations. In deed Kenya's commitment is manifestly demonstrated by among others the enactment of the Prevention of Torture Act 2017 and also the fact of being up to date in human rights reporting obligations to the Commission as well as the fact of acknowledgment of the Commission's Letter of Urgent Appeal.

In that regard, the Embassy wishes to request the ACHPR to reflect these concerns and the response of the Government of the Republic of Kenya in its Report at the time of publication in accordance with the response of the Chairperson of ACHPR contained in paragraph 89(iii) of the Permanent Representatives Committee (PRC) Report adopted during its 34<sup>th</sup> Ordinary Session held from 27-29<sup>th</sup> June, 2017.

The Embassy of the Republic of Kenya and Permanent Mission to the African union avails itself of this opportunity to renew to the Secretariat of the African Union Commission on Human and Peoples' Rights assurances of its highest consideration.

**29<sup>TH</sup> JUNE, 2017**

**ADDIS ABABA**

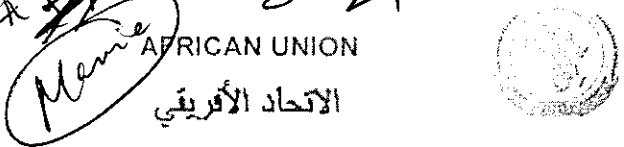


**THE SECRETARIAT OF THE AFRICAN UNION COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**BANJUL**

\* Arrange meeting with ~~the~~ to discuss EST. 21/07/17  
Memo

\* Send for translation.




UNION AFRICAINE  
UNIAO AFRICANA

ESTera  
Revised  
21/07/17

INTEROFFICE MEMORANDUM

To: Dr. Mary Maboreke  
Secretary of the ACHPR  
Banjul, The Gambia  
File No.: DPA/10/53/1218.17

Through:  Date: 12 July 2017

From: Dr. Khabele Matiosa  
Director  
Department of Political Affairs  
Ext.: 2604

Subject: COMMUNICATION FROM THE EMBASSY OF TUNISIA

I wish to kindly forward to you the attached herewith Urgent Note Verbale from the Embassy of Tunisia in Addis Ababa Ref.: A.F/98/2017 dated 29 June 2017 regarding "Issues of Concerns in Tunisia" in bullet 9 of paragraph 43 of the Report of the ACHPR presented to the PRC on 28 June 2017.

The Communication is forwarded to you for response and necessary action.

I thank you.

③  
Eva, let's discuss  
19/07/17

②

It's an Urgent Note Verbale from the Permanent Mission of the Republic of Tunisia in Addis Ababa transmitted by the Commissioner of Political Affairs.

- CC: - H.E. Commissioner for Political Affairs
- Chief of Staff, BCP
- Deputy Chief of Staff, BDCP

Mamad  
assist with these translations to deal with the matter.  
18/07/17

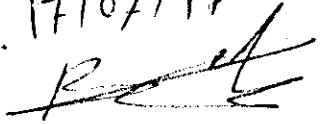
The Government of Tunisia protest and request to remove the point 3 of Paragraph 43 of the Activity Report of the ACHPR presented during the session of the PRC meeting on 28 June 2017 under "Issues of Concerns in Tunisia".  
Need urgent action.

AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS  
SECRETARIAT

892

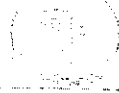
COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

RECEIVED  
DATE 12/7/17

R. 17/07/17  


Translate into English and mail

AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
UNIÃO AFRICANA

INTEROFFICE MEMORANDUM

To: Commissioner, Political Affairs

File No.: BC/OSGC/Q/522.07.17

Date: 7 July 2017

From: The Secretary General of the Commission

Tel: 2508 / 2509 / 2504

Ext:

Subject: Transmission of Note Verbal Ref. No. 89/2017 from the Representation of the Republic of Tunisia to the African Union

I would like to forward a self-explanatory Note Verbal number 89/2017 and dated 29 June 2017 from the Permanent Mission of the Republic of Tunisia, regarding the report on the activities of the African Commission on Human and People's Rights (ACHPR).

I thank you.

c.c.: - Chief of Staff, BCP  
- Deputy Chief of Staff, BDCP  
- Director, Political Affairs

11/07/2017  
Director for action  
H

11/07/2017  
AG. HEAD, DCHRE

FOR URGENT ACTION.  
TRANSMIT REPORT  
TO ACHPR IN  
BANGALORE

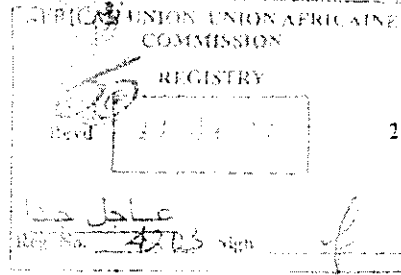
*[Handwritten signature]*

→ And. Salah  
For your information  
and action

12/07/2017

DIRECTEUR DES AFFAIRES POLITIQUES
ARRIVEE LE 11/07 n°
SIGNATURE <i>[Signature]</i>

EMBASSY OF TUNISIA  
ADDIS ABABA



د.ح  
2017/ 98 / ا.ا

تهدي البعثة الدائمة للجمهورية التونسية باديس ابابا اطيب تحياتها الى مفوضية الاتحاد الافريقي. وبالإشارة الى تقرير اللجنة الإفريقية لحقوق الإنسان والشعوب (لجنة بانجول) الذي تم بحثه ومناقشته من قبل لجنة المسائل الداميين مساء يوم الأربعاء 28 جوان 2017. تعرب البعثة عن استهدهم لتسجيل اعتراضها على النقطة 0 من الفقرة 43 المضمنة بالتقرير تحت عنوان "المبادئ المطبوة للطلق"، حيث تمت الإشارة إلى " إعلان حالات الطوارئ في إثيوبيا وكينيا واختار حول أعمال التعذيب والمعاملة القاسية والمهينة للأشخاص في إثيوبيا وكينيا".

نود السفارة في هذا الشأن بالتالي:

- ان حالات الطوارئ التي تم اعلانها في تونس كانت نتيجة حتمية ومنطقية لتحديات أمنية وهدمات ارهابية حدثت كتاليه واستقر لها وحياة مواطنيها ذاتها.
- ان تونس تعتبر زيادة بلدان نورانت الربيع العدي التي كان منطلق أحداثه وغياته تحقيق مطالب الحربين الات من حيث الإراد من الطغمان والظلم وحماية حقوق الانسان وكرامته.
- ان تونس توصلت الى صياغة دستور وطني رائدا في العلم العربي وفي افريقيا بل وفي العالم فيما يتعلق بتكريس حقوق الانسان والحرياته الأساسية وكرامته والتي من أهمها حرسة الجسدية والفكرية.
- ان تونس قد حلات على جائزة برنيس السلام من 2015 اثر صلبها على ايجاج مسرهما الانتقالي الديمقراطي في كافة الشان والفرق بين مختلف مكونات المجتمع التونسي.
- أنه من غير اللائق بل ويعد سلبا الموضوعية وبمس بمصادقية اللجنة المذكورة ذاتها. أن يتضمن تقريرها الفقرة المشار اليها والتي تعد اساءة غير مبررة لصورة بلد يعتبر وفق جل الامم المتحدة من حيث احترام حقوق الانسان وسيادة كرامة المرءس واقع فدايا من حيث ضعف تمكين الاسرة من اخير غير اقلية راجع حقبة ومستقبل تونس من حيث مساهمة مساهمة اسيه وميها للأشخاص" في معرض تحديث عربي.

☎: 444PH  
10/3





بالنظر إلى كل ما تقدم، نود التأكيد على بدءه احتجاج رسمي حول الفقرة المذكورة الواردة بتقرير اللجنة الإفريقية لحقوق الإنسان والشعوب، مع المطالبة بحذفها.

تعنتم البعثة الدائمة للجمهورية التونسية بباريس أثناء هذه العتاشية لتعرب مجددا

لمفوضية الاتحاد الإفريقي عن فائق عبارات الانظر بمر التقدير.



نابيل أبايا في

- مفوضية الاتحاد الإفريقي  
(أديس أبابا)

- نسخة إلى اللجنة الإفريقية لحقوق الإنسان والشعوب  
(بانجول، غمبيا)

ص.ب 100069 أديس أبابا - 1 إثيوبيا  
الهاتف: 00251 11 5 51 20 1 3 62 18 4 6  
البريد الإلكتروني: 00251 11 5 51 20 1 3 62 18 4 6  
E-mail: 00251 11 5 51 20 1 3 62 18 4 6

## ACHPR-Registry

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**From:** Mary Maboreke <faraimary@yahoo.co.uk>  
**Sent:** Wednesday, July 12, 2017 1:47 PM  
**To:** ACHPR-Registry  
**Subject:** Fw: Emailing: Communication from the Embassy of Tunisia  
**Attachments:** Communication from the Embassy of Tunisia.pdf

For processing.  
God's abiding grace, always. Dr. Mary Maboreke

----- Forwarded Message -----

**From:** Amb. Salah Siddig Hammad <HammadS@africa-union.org>  
**To:** Maboreke <faraimary@yahoo.co.uk>  
**Sent:** Wednesday, 12 July 2017, 11:51  
**Subject:** FW: Emailing: Communication from the Embassy of Tunisia

Greetings my sister,

The attached communication is for your kind attention, please.  
Best regards.

Salah

Embassy of Tunisia

Addis Ababa

The Permanent Mission of the Republic of Tunisia in Addis Ababa presents its compliments to the African Union Commission and has the honour to refer to the African Commission on Human and Peoples' Rights (Banjul Commission)'s Report, which was considered and discussed by the Permanent Representatives Committee (PRC) on Wednesday, 28 June 2017. The Permanent Mission of Tunisia hereby expresses its deep disappointment at and rejection of Bullet 9 under Paragraph 43 of the Report under the title "Issues of Concern" referring to "state of emergency in Ethiopia and Tunisia and news about torture as well as harsh and degrading treatment of persons in Ethiopia and Tunisia".

In this regard, the Embassy would like to point out the following:

- The state of emergency declared in Tunisia was the inevitable and logical outcome of the security challenges and terrorist attacks that threatened the country's viability and stability as well as the lives of its citizens
- Tunisia was the first country where the Arab Spring revolution erupted with the aim of securing fundamental freedoms and liberating individuals from tyranny and injustice and protecting human rights and dignity
- Tunisia managed to adopt a constitution, the first of its kind in both the Arab World and Africa and even the world over when it comes to upholding human rights, fundamental rights and human dignity, particularly human physical and intellectual inviolability
- Tunisia won the Nobel Prize for Peace in 2015 for successfully managing its democratic transition in an atmosphere of peace and harmony among the various segments of Tunisian society
- It is improper but rather contrary to any sense of objectivity therefore calling into question the aforementioned Commission's credibility for its Report to contain the above-mentioned Paragraph, which unjustifiably tarnishes the image of a country considered worthy of emulation by most observers when it comes to upholding human rights and protecting the citizen's dignity. Consequently, it is woefully unfair to refer to unsubstantiated, inaccurate and wrong information about "torture as well as harsh and degrading treatment of persons" during the Commission's deliberation on Tunisia

In light of the foregoing, the Embassy would like to express its official protest over the aforementioned Paragraph contained in the Report of the African Commission on Human and Peoples' Rights and therefore demand that the said Paragraph be deleted.

The Permanent Mission of the Republic of Tunisia in Addis Ababa avails itself of this opportunity to renew the assurances of its highest consideration to the African Union Commission.

- African Union Commission (Addis Ababa)
- Cc: African Commission on Human and Peoples' Rights (Banjul, The Gambia)