


AFRICAN UNION		UNION AFRICAINE
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## 45<sup>TH</sup> ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

**Submitted in Accordance with**  
**Article 54 of the African Charter on Human and Peoples' Rights**

## I. SUMMARY

1. This 45<sup>th</sup> Activity Report of the African Commission on Human and Peoples' Rights (ACHPR or the Commission), which is presented to the Heads of State and Government of the African Union (AU) in accordance with Article 54 of the African Charter on Human and Peoples' Rights (the African Charter or the Charter), covers the period from **10 May to 13 November 2018**. It highlights, among others: the statutory and other institutional meetings of the Commission; the status of State reporting; Resolutions adopted by the Commission; the human rights complaints before the Commission; the various interventions of the Commission on human rights issues including Urgent Appeal Letters, Press Releases and Letters of Appreciation; the human rights situation on the continent; financial, staffing and operational matters of the Commission; implementation of the Recommendations of the Executive Council and Recommendations to the different stakeholders.

## II. BACKGROUND

2. The Commission was established in terms of Article 30 of the African Charter, which was adopted by the Assembly of Heads of State and Government of the Organisation of African Unity (OAU), now the African Union, in 1986. The Commission became operational in 1987 and has its headquarters in Banjul, The Gambia. The African Charter has been ratified by all Member States of the AU, except the Kingdom of Morocco.
3. The Commission is composed of eleven (11) members elected by AU Heads of State and Government, who serve in their individual capacities on a part-time basis. Its mandate, as set out in Article 45 of the African Charter, is to: (i) promote human and peoples' rights; (ii) ensure the protection of human and peoples' rights under conditions laid down by the Charter; (iii) interpret the provisions of the Charter at the request of a State party, an institution of the AU or an African organization recognised by the AU; and (iv) perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.
4. Within its promotion mandate, the Commission engages in awareness raising, public mobilization and dissemination of information on human rights through the organization of promotion missions and advocacy visits to State Parties; the organization of seminars, symposiums and conferences; the development of studies and adoption of General Comments and Guidelines on different themes; as well as the consideration of State periodic reports under Article 62 of the African Charter, Article 26 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), and Article 14 of the African

Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

5. The protection mandate of the Commission includes a specific procedure, which is contentious as well as non-contentious, and urgent intervention mechanisms for responding, on an on-going basis, to emerging human rights complaints and situations through Urgent Appeals and fact-finding missions.
6. The contentious procedure under the Commission's protection mandate involves the submission and consideration of Communications and provides access to justice for citizens of all the 54 State Parties to the Charter. It also affords the opportunity for States to assert their rights in the event of a dispute between them.
7. The promotion and protection mandates of the Commission involve interpretation of the provisions of the African Charter, including through the formulation of principles and rules for solving legal problems relating to human and peoples' rights.

### **III. MEETINGS OF AU POLICY ORGANS, STATUTORY MEETINGS, INSTITUTIONAL AND OTHER MEETINGS DURING THE REPORTING PERIOD**

8. The Commission participated in AU Policy Organ meetings that were held in Nouakchott, Mauritania from **25 June to 2 July 2018**, as follows:
  - i. 36<sup>th</sup> Ordinary Session of the Permanent Representatives' Committee (PRC): 25 - 27 June 2018;
  - ii. 33<sup>rd</sup> Ordinary Session of the Executive Council (EC): 28 - 31 June 2018;
  - iii. 31<sup>st</sup> Ordinary Session of the Assembly of Heads of State and Government (the Assembly): 1 - 2 July 2018.
9. In addition, two (02) statutory meetings and four (04) other institutional meetings were held during the reporting period, namely:
  - i. The 24<sup>th</sup> Extraordinary Session of the Commission from 30 July to 8 August 2018 in Banjul, The Gambia;
  - ii. The 11<sup>th</sup> Meeting of the Joint Bureaux of the Commission and the African Court on Human and Peoples' Rights (the African Court) on 9 July 2018 in Banjul, The Gambia;
  - iii. The 7<sup>th</sup> Annual Meeting of the Commission and the African Court on 10 August 2018 in Banjul, The Gambia;
  - iv. The Consultative Workshop between the Commission, the African Court and the African Committee of Experts on the

Rights and Welfare of the Child from 11 to 12 August 2018 in Banjul, The Gambia;

- v. The Tripartite Meeting of the Commission, the African Court and the African Committee of Experts on the Rights and Welfare of the Child on 3 September 2018 in Arusha, Tanzania; and
  - vi. The 63<sup>rd</sup> Ordinary Session of the Commission from 24 October to 13 November 2018 in Banjul, The Gambia.
10. The Commission also participated in the Joint Retreat of the PRC and the Commission held from 4 to 5 June 2018 in Nairobi, Kenya. The Report of this retreat was considered at the last African Union Summit held in June/July 2018 and was the subject of Executive Council Decision EX.CL/Dec. 1015 (XXXIII) adopted on 2 July 2018 in Nouakchott, Mauritania.

#### **A. MEETINGS OF AU POLICY ORGANS**

##### **31<sup>st</sup> African Union Summit, Nouakchott, Mauritania, 25 June to 2 July 2018**

11. The 44<sup>th</sup> Activity Report of the Commission was presented before the 36<sup>th</sup> Ordinary Session of the PRC. Following discussions at the PRC and Executive Council levels, the 44<sup>th</sup> Activity Report was authorised for publication through Executive Council Decision **EX.CL/Dec.1014(XXXIII)**.

#### **B. STATUTORY AND INSTITUTIONAL MEETINGS**

##### **➤ 24<sup>th</sup> Extraordinary Session, Banjul, The Gambia, 30 July to 8 August 2018**

12. Details of the activities undertaken by the Commission during its 24<sup>th</sup> Extraordinary Session are recorded in the relevant Final Communiqué, which is attached to this Report as Annex I. The Final Communiqué is also available on the website of the Commission: [www.achpr.org](http://www.achpr.org).

##### **➤ 11<sup>th</sup> Meeting of the Joint Bureaux of the Commission and the African Court, 9 August 2018, Banjul, The Gambia**

13. As mandated by their Rules of Procedure, the Commission and the African Commission held the 11<sup>th</sup> Meeting of the Joint Bureaux following the 24<sup>th</sup> Extraordinary Session of the Commission. At this meeting, members of the two Institutions adopted the Report of the Tenth (10<sup>th</sup>) Meeting of the Joint Bureaux; assessed progress made in the implementation of decisions adopted at the 10<sup>th</sup> Meeting of the Joint Bureaux and the Sixth (6<sup>th</sup>) Annual Joint Meeting; prepared and organized the Seventeenth (7<sup>th</sup>) Annual Joint Meeting of the African Court and the Commission; and discussed other joint activities.

- **7<sup>th</sup> Annual Meeting of the Commission and the African Court, 10 August 2018, Banjul, The Gambia**
14. The 7<sup>th</sup> Annual Joint Meeting of the Commission and the African Court was held on 10 August 2018 in Banjul, The Gambia. The overall objective of this meeting was to follow-up on progress made in the implementation of recommendations adopted during the previous meeting in order to strengthen the complementarity of the two Institutions and enhance their collaboration.
- **Consultative Workshop between the Commission, the African Court and the African Committee of Experts on the Rights and Welfare of the Child, 11 to 12 August 2018, Banjul, The Gambia**
15. The Tripartite Consultative Workshop was held from 11 to 12 August 2018 in Banjul, The Gambia. The overall objective of the workshop was to review the proposed Joint Framework for Monitoring Decisions and Recommendations of the Commission, the African Court and the African Committee of Experts on the Rights and Welfare of the Child and reach a common position.
- **Tripartite Meeting of the Commission, the African Court and the African Committee of Experts on the Rights and Welfare of the Child, 3 September 2018, Arusha, Tanzania**
16. The Tripartite Meeting of the Commission, the African Court and the Committee was held on 3 September 2018 in Arusha, Tanzania. The objective of the meeting was to review the relevant documents prepared by various consultants as part of the AU Institutional Reform process and relating to judicial and quasi-judicial bodies, with a view to identifying possible ways forward and common views as a contribution towards the development of future guidelines and discussions concerning them. Recommendations were made and forwarded to the AU.
- **63<sup>rd</sup> Ordinary Session, Banjul, The Gambia, 24 October to 13 November 2018**
17. The 63<sup>rd</sup> Ordinary Session of the Commission was held from 24 October to 13 November 2018 in Banjul, The Gambia. The Opening Ceremony was attended by H.E. Ousainou Darboe, Vice President of the Republic of The Gambia, who declared the Session open.
18. During this Session, the Commission organized panels on: the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights; the Implementation of the Commission's Decisions; the situation of Migrants

exposed to risks of torture and other ill treatment in Africa: alternative approaches; the 20<sup>th</sup> Anniversary of the UN Declaration on Human Rights Defenders and the 5<sup>th</sup> Anniversary of UN General Assembly Resolution 68/91 on Women Human Rights Defenders; State Reporting Obligations and Guidelines to Reporting under the Maputo Protocol; Extrajudicial Killings in Africa; Persons with Albinism; and Guidelines on Access to Information and Elections.

19. State Party delegates made declarations on human rights situations in their respective countries. Representatives of international organizations, National Human Rights Institutions and civil society also made statements on different thematic areas relating to the human rights situation on the continent.
20. The APRM also presented to the Commission its reports on the Republics of Chad, Djibouti and Senegal in accordance with Paragraph 25 of the African Peer Review Mechanism (APRM) base document NEPAD/HSGIC/03-2003/APRM/MOU/Annex II.
21. Details of the activities undertaken by the Commission during its 63<sup>rd</sup> Ordinary Session are recorded in the relevant Final Communiqué, which is attached to this Report as Annex II. The Final Communiqué is also available on the website of the Commission: [www.achpr.org](http://www.achpr.org).
22. Members of the Commission presented their intersession reports as Commissioners and within the framework of their various Special Mechanisms. The Reports are available on the website of the Commission: [www.achpr.org](http://www.achpr.org).

### C. OTHER MEETINGS AND ACTIVITIES

➤ **Regional Seminar on the Implementation of Decisions of the African Commission on Human and Peoples' Rights, 4 to 6 September 2018, Zanzibar, Tanzania**

23. From 4 to 6 September 2018 in Zanzibar, Tanzania, the Commission organized a Regional Seminar on the Implementation of Decisions of the Commission for countries of Southern and East Africa, with the financial support of the European Union (EU) Programme on Strengthening the African Human Rights System (PANAF Programme). The overall objective of the Seminar was to promote better interaction between the Commission and State Parties, National Human Rights Institutions (NHRIs) and NGOs with a view to enhancing the Commission's human rights promotion and protection mandates. The Seminar assessed the status of implementation of the decisions and recommendations of the Commission. At the end of the

seminar, participants put forward several pertinent recommendations to the Commission and other stakeholders.

➤ **Commemoration of African Human Rights Day, 21 October 2018, Banjul, The Gambia**

24. On 21 October 2018, in accordance with Resolution ACHPR/Res.1 (V) 89 on the celebration of an African Day of Human Rights, the Commission, in collaboration with the Department of Political Affairs (DPA), the African Union Advisory Board on Corruption and the Forum on the participation of NGOs in the 63<sup>rd</sup> Ordinary Session of the Commission, celebrated the African Human Rights Day under the theme “Fighting Corruption and Advancing Human Rights: Our Collective Responsibility”, in line with the AU theme for 2018 “Winning the Fight Against Corruption: A Sustainable Path to Africa’s Transformation”. The event was marked by an awareness walk organized by youths under the leadership of the Gambian Youth Council as well as a panel discussion moderated by representatives of State Parties, the DPA, UN, academia and civil society organizations.

➤ **Commemoration of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, 25 October 2018, Banjul, The Gambia**

25. On the margins of its 63<sup>rd</sup> Ordinary Session, the Commission organized a panel discussion to celebrate the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights. The Panel was moderated by members of the Commission, representatives of State Parties, UN Special Procedures and Civil Society Organizations. The opportunity was seized to review the human rights situation in Africa, 70 years after the adoption of the Universal Declaration by identifying key accomplishments, persistent challenges and steps to be taken to further promote and protect human rights in the continent.

#### **IV. STATUS OF SUBMISSION OF PERIODIC REPORTS**

26. The Commission considered the 2<sup>nd</sup> and 3<sup>rd</sup> Combined Periodic Reports of the Republic of Botswana on the implementation of the African Charter; the 6<sup>th</sup> and 7<sup>th</sup> Periodic Reports of the Republic of Angola on the implementation of the African Charter and its Initial Report on the Protocol to the African Charter on the Rights of Women in Africa (2011-2016); and the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Periodic Reports of the Republic of Togo on the implementation of the African Charter including a portion on the implementation of the Maputo Protocol.

27. The status of submission of Periodic Reports to the Commission by State Parties stands as follows:

<b>Status</b>	<b>State Party</b>
Up to date: <b>12</b>	Angola, Botswana, Democratic Republic of Congo, Egypt, Eritrea, The Gambia, Mali, Mauritania, Niger, Nigeria, Rwanda and Togo.
1 Report overdue: <b>14</b>	Algeria, Burkina Faso, Côte d'Ivoire, Djibouti, Ethiopia, Kenya, Malawi, Mali, Mauritius, Namibia, Senegal, South Africa, South Sudan and Uganda.
2 Reports overdue: <b>5</b>	Cameroon, Gabon, Liberia, Mozambique and Sahrawi Arab Democratic Republic.
3 Reports overdue: <b>3</b>	Burundi, Libya and Sudan.
More than 3 Reports overdue: <b>15</b>	Benin, Cabo Verde, Central African Republic, Chad, Congo, Eswatini, Ghana, Guinea, Lesotho, Madagascar, Seychelles, Tanzania, Tunisia, Zambia and Zimbabwe.
Never submitted a Report: <b>5</b>	Comoros, Equatorial Guinea, Guinea Bissau, Sao Tome and Principe, Somalia.

28. The Commission received the latest Periodic Reports of Egypt and The Gambia which will be considered at the 64<sup>th</sup> Ordinary Session of the Commission.
29. With specific reference to Article 26 of the Maputo Protocol, only eleven (11) countries are up to date with their reporting obligations thus far, namely: Angola, Burkina Faso, DRC, Malawi, Mauritania, Namibia, Nigeria, Rwanda, Senegal, South Africa and Togo. Thirty (30) State Parties are yet to submit their reports under this Protocol.
30. Twenty-seven (27) States have ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). However, no State Party has complied with Article 14(4) of the Kampala Convention which requires them to indicate the legislative and other measures they have taken to give effect to this Convention.
31. It is worth noting that during the reporting period, the Commission adopted its Concluding Observations and Recommendations on the Initial and Combined Periodic Report of the Republic of Eritrea on the implementation of the African Charter on Human and Peoples' Rights.



## V. RESOLUTIONS ADOPTED BY THE COMMISSION

The Commission adopted the following Resolutions during the Reporting period:

Session	Resolutions adopted
24 <sup>th</sup> Extra-ordinary Session	<ul style="list-style-type: none"> <li>i. Resolution on the legislative elections in the Republic of Guinea Bissau;</li> <li>ii. Resolution on the development of General Comments on Article 7 (d) of the Protocol to the African Charter on the Rights of Women in Africa.</li> </ul>
63 <sup>rd</sup> Ordinary Session	<ul style="list-style-type: none"> <li>i. Resolution on the protection mandate and interpretative mission of the African Commission on Human and Peoples' Rights;</li> <li>ii. Resolution on the human rights situation in Burundi;</li> <li>iii. Resolution on the human rights violations which occurred during the electoral process in the Republic of Cameroon;</li> <li>iv. Resolution on the electoral process in the DRC;</li> <li>v. Resolution on the human rights situation in Somalia;</li> <li>vi. Resolution on the need for a study on the status of sacred natural sites and territories in Africa;</li> <li>vii. Resolution on the need for a study on human rights violations against migrants;</li> <li>viii. Resolution on the situation of women human rights defenders in Africa;</li> <li>ix. Resolution on the establishment of a group to support the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa for the promotion and effective implementation of the Guidelines on Freedom of Association and Assembly in Africa;</li> <li>x. Resolution on the development of a General Comment on Article 12 (1) of the African Charter on Human and Peoples' Rights;</li> <li>xi. Resolution on the extension of the mandate and composition of the Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings in Africa.</li> </ul>

## VI. HUMAN RIGHTS COMPLAINTS/COMMUNICATIONS BEFORE THE COMMISSION

32. Of the **231 (Two Hundred and Thirty-One)** Communications currently pending before the Commission, the following Communications were considered during the reporting period.

33. The table below shows that, during the reporting period, the Commission considered a total of thirty nine (39) Communications. It was seized of

fourteen (14) Communications; decided not to be seized of one (1); issued two (2) Provisional Measures; declared eight (8) admissible and deferred three (3) of them; decided one (1) on the Merits; struck out five (5) Communications for lack of diligent prosecution; and proceeded with the withdrawal of three (3) Communications. The Commission also provided the Secretariat with guidance on seven (7) Communications.

Session	Communication (Name/Phase)
24 <sup>th</sup> Extra-ordinary Session	<p><b>I. Seizure</b></p> <p><b>a) Seized</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 693/18</b> – <i>Bunyoro Kitara Reparations Agency Ltd (Bukitarepa) v. Uganda</i></li> <li>ii. <b>Communication 694/18</b> - <i>Kone Katinan Justin v. Côte d'Ivoire</i></li> <li>iii. <b>Communication 695/18</b> – <i>Mr Abadir M. Ibrahim (representing Mr Zelalem Kibret) v. Ethiopia</i></li> <li>iv. <b>Communication 696/18</b>–<i>Jean-Marie Michel Mokoko (represented by Maître Jessica Finelle) v. Republic of Congo</i></li> <li>v. <b>Communication 697/17</b> – <i>Mr Kaptue Tagne &amp; Others v. Republic of Cameroon</i></li> </ul> <p><b>b) Non-Seizures</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 690/18</b> – <i>Peter Odiwuor Ngoge T/A O.P Ngoge and associates v. Kenya</i></li> </ul> <p><b>II. Admissibility</b></p> <p><b>a) Admissible</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 459/13</b> – <i>Devendranath Hurnam v. The Republic of Mauritius;</i></li> <li>ii. <b>Communication 472/14</b> – <i>Family of Late Audace Vianney Habonarugira v. Burundi;</i></li> <li>iii. <b>Communication 474/14</b> –<i>Family of Late Jean Claude Ndimumahoro v. Burundi;</i></li> <li>iv. <b>Communication 510/15</b> – <i>Abdel Moneem Adam Mohammed (represented by REDRESS &amp; Others) v. Sudan</i></li> <li>v. <b>Communication 511/15</b> – <i>Dr Amin Mekki Medani &amp; M. Farouq Abu Eissa v. Sudan;</i></li> <li>vi. <b>Communication 577/15</b> – <i>Hassan Ishag Ahmed (Represented by African Centre for Justice and Peace Studies and others) v. Republic of The Sudan;</i></li> <li>vii. <b>Communication 600/16</b> – <i>Patrick Gabaakanye (represented by Dingake Law Partners, DITSHAWANELO and REPRIVE) v. Botswana</i></li> </ul> <p><b>III. Merits</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 348/07</b> – <i>Collective of the Families of Missing Persons in Algeria v. Algeria</i></li> </ul> <p><b>IV. Struck-Out for Lack of Diligent Prosecution</b></p>

	<ul style="list-style-type: none"> <li>i. <b>Communication 539/ 15</b> - <i>Salah Deen Madaney Mahmud Salim &amp; Others (represented by European Alliance for Human Rights) v. Egypt</i></li> <li>ii. <b>Communication 540/15</b> - <i>Mr Ahemad Ali Abbas, Dr Efat Mohamad Ali Elbheri &amp; Hafsa Ahmad Ali (represented by European Alliance for Human Rights) v. Egypt</i></li> <li>iii. <b>Communication 541/15</b> - <i>Yasser Mohammed Hassanein &amp; one Other (represented by European Alliance for Human Rights) v. Egypt</i></li> </ul> <p><b>V. Withdrawn</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 603/16</b> - <i>Mrs Ayatulla Alaa Hosny (represented by Dalia Lotfy) v. Egypt</i></li> <li>ii. <b>Communication 682/18-</b> <i>Ahmed Abba (represented by CHRDA &amp; RFKHR) v. Cameroon</i></li> </ul> <p><b>VI. Submitted for guidance</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 438/12</b> - <i>Peter Odiwuor Ngoge, Mohammed Omar Musa and 6000 other former employees of Kenya Breweries Limited (Represented by Peter Odiwuor Ngoge) v. Kenya;</i></li> <li>ii. <b>Communication 519/15-</b> <i>Peter Ngoge and Mohammed Musa v. Kenya;</i></li> <li>iii. <b>Communication 534/15</b> - <i>Peter Ngoge, Mohammed Musa and 5,378 others v. The Republic of Kenya</i></li> <li>iv. <b>Communication 680/17-</b> <i>Nnamdi Kanu and the Indigenous Populations of Biafra v. Federal Republic of Nigeria</i></li> </ul> <p><b>VII. Deferred</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 587/15</b> - <i>Radio Publique Africaine (represented by Me Lambert Nigarura) v. Burundi</i></li> <li>ii. <b>Communication 607/16</b> - <i>Family of Late Juvenal Habyarimana v. Burundi</i></li> </ul>
<p><b>63<sup>rd</sup> Ordinary Session</b></p>	<p><b>I. Seizure</b></p> <p><b>a) Seized</b></p> <ul style="list-style-type: none"> <li>i. <b>Communication 698/18</b> - <i>Yunusa OS Ceesay on his behalf and on behalf of the Kerr Mothali Community v. The Gambia</i></li> <li>ii. <b>Communication 699/18</b> - <i>Moses Mutale (representing 469 former employees of Ex-Energo Invest Limit) v. Republic of Zambia</i></li> <li>iii. <b>Communication 700/18</b> - <i>Association des femmes Avocates Defenseures Des Droits Humains and Institute for Human Rights and Development in Africa v. DRC</i></li> <li>iv. <b>Communication 701/18</b> - <i>Januarius Jingwa Asongu and one other v. Cameroon</i></li> <li>v. <b>Communication 703/18</b> - <i>Cathy Bosongo Beando v. DRC</i></li> <li>vi. <b>Communication 705/18</b> - <i>Emil Touray and Saikou Jammeh (represented by IHRDA and Sagar Jahateh) v. The Gambia</i></li> <li>vii. <b>Communication 706/18</b> - <i>Muzito Fumutshi Adolphe v. DRC</i></li> </ul>

	<p><b>b) Seized and Provisional Measures Issued</b></p> <p>i. <b>Communication 704/18</b> - <i>Berhane Abrehe Kidane (represented by Solomon Weldekirstos and Eritrean Law Society) v. Eritrea</i></p> <p>ii. <b>Communication 702/18</b> - <i>Ahmed Abdallah Mohamed Sambi c. Union of the Comoros</i></p> <p><b>II. Admissibility</b></p> <p><b>a) Admissible</b></p> <p>i. <b>Communication 587/15</b> - <i>Radio Publique Africaine (Represented by Maitre Lambert Nigarura) v. Burundi</i></p> <p><b>III. Struck-Out for Lack of Diligent Prosecution</b></p> <p>i. <b>Communication 450/13-451/13</b> - <i>Godwin Pius and others (Represented by LEDAP and SERAP) v. Nigeria</i></p> <p>ii. <b>Communication 658/17</b> - <i>Shereen Said Hamd Bakheet (represented by the European Alliance for Human Rights and others) v. Arab Republic of Egypt</i></p> <p><b>IV. Withdrawn</b></p> <p>i. <b>Communication 559/15</b> - <i>Yasser Ahmed Ahmed Aboeitah (Represented by Dalia Lotfy) v. Arab Republic of Egypt</i></p> <p><b>V. Submitted for guidance</b></p> <p>i. <b>Communication 376/09</b> - <i>Acleo Kalinga (represented by REDRESS, OMCT and IRCT) v. Uganda</i></p> <p>ii. <b>Communication 566/15</b> - <i>Chiggle née Joana Nini Ntune v. Cameroon</i></p> <p>iii. <b>Communication 383/10</b> - <i>Mohammed Abdullah Saleh Al-Asad v. Djibouti</i></p> <p><b>VI. Deferred</b></p> <p>i. <b>Communication 607/16</b> - <i>Family of Late Juvenal Habyarimana v. Burundi</i></p> <p>ii. <b>Communication 631/16</b> - <i>Perem Aoudou (represented by Georges Ayuk Queleennec) v. Cameroon</i></p> <p>iii.</p>
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## VII. APPLICATIONS FOR OBSERVER AND AFFILIATE STATUS

34. During the reporting period, the Commission granted Affiliate Status to the **National Human Rights Commission of South Sudan**, in accordance with Resolution ACHPR/Res. 370 (LX) 2017 on Granting Affiliate status to National Human Rights Institutions and other specialised human rights institutions in Africa. Thus, the total number of institutions with Affiliate Status with the Commission is **twenty-nine (29)**.

35. The Commission granted Observer Status to one (1) non-governmental organization (NGO): **Humanity, Action, Knowledge, Integrity Africa (Haki Africa)** in accordance with **Resolution ACHPR/Res. 361 (LIX) 2016**

on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples' Rights in Africa. This brings the total number of NGOs, which have Observer Status with the Commission to five hundred and eighteen (518).

### VIII. STATE COMPLIANCE WITH THE COMMISSION'S DECISIONS, REQUESTS FOR PROVISIONAL MEASURES AND LETTERS OF URGENT APPEAL

36. The level of compliance by State Parties with the Commission's Decisions, Requests for Provisional Measures and Letters of Urgent Appeal is relatively low, as evidenced by the following information:

➤ **Decisions on Communications**

37. During the reporting period, the Commission did not receive any information regarding the implementation of its decisions on Communications, in accordance with Rule 112 of its Rules of Procedure of 2010.

➤ **Letters of Urgent Appeal**

38. During the reporting period, **twenty-seven (27)** Letters of Urgent Appeal were sent to State Parties, regarding allegations of human rights violations. A number of States have replied as indicated in the table below.

State	Date of Letter	Issue warranting Letter of Urgent Appeal	State Party Response
1. Egypt	1/5/2018	Arrest and sentencing of the activist Adel Sabri for deploring the deterioration of living conditions in the country.	The State is yet to respond.
2. Cameroon	3/5/2018	Arrest of five human rights defenders accused of homosexual acts and who were allegedly threatened with forced anal examinations to "prove" their homosexual acts.	The State is yet to respond.
3. Congo	8/5/2018	Arrest and detention of about twenty activists of the Ras-le-Bol citizens' movement on 7 May 2018 in Pointe-Noire, following a peaceful protest to raise awareness and denounce the wave of political trials ongoing in Congo.	The State is yet to respond.
4. Uganda	8/5/2018	Assault and death threats against Tom Bagoole and Esther Bagoole on 1 May 2018 at their home by several men armed with revolvers and machetes.	The State responded and indicated that an investigation had been conducted into the case.
5. Sudan	11/5/2018	The purported execution of a young 19 old Sudanese woman, Noura Husein, for killing her husband who had raped her.	The Commission was informed that the life sentence was commuted to 5 years' imprisonment

			by the Court of Appeal.
6. Egypt	14/5/2018	Arrest and detention of Mrs Amal Fathy by the State Security Prosecution on 13 May 2018, on charges of “belonging to a terrorist group and using the internet to call for terrorist acts” and “spreading false information and rumours to disrupt public security and harm national interests”.	The State responded and the Commission was informed that State Security Prosecution at the Cairo Criminal Court has ordered the conditional release of human rights defender Amal Fathy.
7. South Africa	16/5/2018	Allegations of infringement on the freedom of expression and the right to security of the human rights defender Thabiso Zulu, who was reportedly threatened and intimidated by certain individuals whom he had denounced for their corrupt practices.	The State acknowledged receipt of the Letter of Urgent Appeal and indicated that the matter has been transferred to the relevant authorities to be dealt with.
8. Egypt	21/5/2018	Arrest and detention, by the State Security Prosecution, of Maitre Haytham Mohamadeen for fifteen (15) days pending a full investigation into accusations of “supporting a terrorist organisation to achieve its objectives” and “calling for an illegal protest”.	The State responded and the Commission was informed that Mr Mohamadeen had been granted pretrial release.
9. Ghana	23/6/2018	Passing of the Bill on the right to information currently under consideration at the level of the Parliament.	The State is yet to respond.
10. Cameroon	5/7/2018	Arbitrary arrest and detention of 18 people during the repression by the Government of the “Anglophone crisis” in the northwest and southwest regions.	The State is yet to respond.
11. Mauritania	1/8/2018	Infringements on the freedom of movement and association of 5 human rights defenders prevented from travelling on 22 July 2018 to participate in the 64 <sup>th</sup> Session of the UN Committee Against Torture held from 23 to 25 July 2018 in Geneva.	The State is yet to respond.
12. Congo	3/8/2018	Death of thirteen (13) young people detained at the Public Security camp in Chacona, Mpila in the 6 <sup>th</sup> district of Brazzaville, Talangai	The State responded and indicated that this deplorable situation is the result of a conflict that broke out between two rival gangs of delinquents referred to as “black babies”, all detained at the Chacona station.
13. South Sudan	8/8/2018	Arrest and detention of Mr Peter Biar Ajak, eminent South Sudanese academic and activist.	The State acknowledged receipt of the Letter of Urgent Appeal.

14. Eritrea	14/9/2018	Forced eviction without prior consultation or compensation of the Afar and Kunama peoples from their ancestral lands following the construction and expansion of a military base of the United Arab Emirates in the port city of Assab, in the southern region of the Red Sea.	The State responded and indicated that the allegations on the “government’s policy of forced eviction of Afar and Kunama peoples from their ancestral lands” are false and a blatant denial of the reality on the ground. The Government added that these allegations “are part of a broader campaign led by external forces driven by geopolitical interests and programmes aimed at denigrating, isolating and destabilizing Eritrea”. They also stated that the “alleged expulsions and intimidation are fabrications of the false crisis”.
15. Botswana	11/10/2018	Execution of Mr Uyapo Polok	The President of Botswana replied by letter dated 29 October 2019, received by the Secretariat on 4 December 2018, informing the Commission of the circumstances leading to Mr Polok's trial, conviction, sentencing and execution, in accordance with the provisions of the Constitution and Criminal Law of Botswana. He also informed the Chairperson of the Working Group that the African Charter does not mention capital punishment as a restriction of this right. He further stated that

			Botswana does not intend to abolish the death penalty or observe a moratorium at this time.
16. DRC	18/10/2018	Persistent massacres against civilian populations in Beni, North Kivu province in the Democratic Republic of Congo.	The State is yet to respond.
17. DRC	22/10/2018	Attacks and threats against Mr Jean Chrysostome Kijana and Mr Gentil Safari, human rights defenders.	The State is yet to respond.
18. Togo	22/10/2018	Arrest and detention of four human rights defenders in Togo	The State is yet to respond.
19. DRC	22/10/2018	Detention, ill treatment and charges against the human rights defender Elias Bizimungu Rwaramba.	The Commission has been informed of Mr Rwaramba's release.
20. Burkina Faso	22/10/2018	Arrest of Mrs Safiatou Lopez (née Zongo) suspected of being involved in the attempted escape of some human rights activists.	The State is yet to respond.
21. Angola	23/10/2018	Deportation of hundreds of thousands of DRC nationals from Lunda-Norte province and the death of about ten of them during 'Operation Transparency', targeted at illegal immigrants suspected of being involved in diamond trafficking.	<p>The State responded and noted in particular that Operation Transparency is a legitimate action of the sovereign State of Angola, which essentially targets the actions of individuals engaged in criminal activities, regardless of their origin or nationality. Criminal proceedings have been initiated against Angolan citizens for aiding illegal immigration, acts of violence committed in Lunda Sul against foreigners, illegal diamond exploitation and migrant smuggling.</p> <p>The operation did not affect the 35,000 legally registered Congolese refugees. The Angolan Government deplored the origin and source of the biased information, and invited the Commission to carry out</p>



			a fact-finding mission, at a date to be agreed upon.
22. Uganda	23/10/2018	Break-in at the headquarters of the human rights organisation, Twerwaneho Listeners Club (TLC), and intimidation of its members.	The State responded that investigations have been carried out and that break-ins are common crimes in the region and that these cases do not in any way constitute an intimidation of CLC members or their organisation.
23. Cameroon	28/10/2018	Enforced disappearance of Mr Franklin Mowha, the president of the association Frontline Fighters for Citizens Interests.	The State is yet to respond.
24. Algeria	28/10/2018	Allegations of arbitrary arrest and detention of Mr Salim Yezza, activist and supporter of the cause of the Algerian Berber population.	The State is yet to respond.
25. Burundi	30/10/2018	Arrest and detention of Mr Aimé Constant Gatore, Mr Marius Nizigama and Mr Emmanuel Nshimirimana, focal points of the organisation Parole et Action pour le Réveil des Consciences et l'Évolution des Mentalités (PARCEM) in the province of Muramvya, Burundi.	The State is yet to respond.
26. Burundi	31/10/2018	Sentencing of Mr Nestor Nibitanga, human rights defender and Head of APRODH (Burundian association for the protection of human rights and detained persons), to 5 years in prison.	The State is yet to respond.
27. Eswatini	13/11/2018	Forced eviction of 61 families without prior notice in the Emphetseni farming area in Malkerns, as well as allegations of imminent evictions in areas such as Vuvulane, Mbondzela and Sigombeni.	The State is yet to respond.

## IX. LETTERS OF APPRECIATION

39. During the reporting period, seven (7) letters of appreciation were sent to Heads of State and Government as follows:

State	Date of Letter	Positive development warranting Letter of Appreciation
1. Burkina Faso	8/6/2018	Abolition of the death penalty in the country.
2. Equatorial Guinea	6/7/ 2018	Amnesty granted to all political prisoners and human rights defenders who, in the performance of their duties, were arrested on grounds of

		political crime.
3. Rwanda	26/9/2018	Conditional release granted to over 2,000 prisoners in Rwanda, including political opponents.
4. The Gambia	11/10/2018	Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, on 25 September 2018.
5. Zimbabwe	1/11/2018	The decision of the High Court of Zimbabwe to award compensation to Mrs Jestina Mungareva Mukoko, a woman human rights defender in Zimbabwe.
6. Ethiopia	15/11/2018	The appointment of a gender-balanced Cabinet and several women to high-ranking positions, including the first female President of the Federal Supreme Court.
7. Côte d'Ivoire	16/11/2018	The amnesty granted to about 800 individuals prosecuted or convicted for offences in relation to the 2010 crisis or other offences.

## X. STATEMENTS AND PRESS RELEASES

40. In addition to the various Press Releases issued by the Commission and its Special Mechanisms regarding promotion missions conducted, activities and meetings organized, during the reporting period, the Commission also issued **seventeen (17)** Press Releases relating to various human rights issues. The Press Releases are available on the website of the Commission: [www.achpr.org](http://www.achpr.org).

## XI. ADOPTION OF OTHER RELEVANT DOCUMENTS

41. In an effort to strengthen its human rights promotion and protection mandate, the Commission adopted the following documents during the reporting period:

- i. The Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Security and Protection; and
- ii. The Study on Transitional Justice in Africa.

## XII. PROMOTION AND FACT-FINDING MISSIONS

42. As part of its mandate to promote and protect human and peoples' rights in Africa under Articles 45 and 58 of the African Charter, the Commission conducted the following missions during the reporting period:
- a. Promotion mission to the Republic of Botswana (9 to 13 July 2018);
  - b. Promotion mission to the Republic of Guinea Bissau (16 to 20 July 2018);
  - c. Promotion mission to the Republic of South Africa (3 to 8 September 2018);
  - d. Promotion mission to the Republic of Tunisia (17 to 22 September 2018);
  - e. Advocacy visit to the Federal Republic of Nigeria to build capacities and raise awareness on the right to freedom of expression and access to information (24 to 27 September 2018); and
  - f. Promotion mission to the Kingdom of Lesotho (8 to 14 October 2018).
43. During the reporting period, the Commission adopted the reports of promotion missions conducted in Angola, Mauritania, Nigeria and the DRC.
44. The Commission expresses its gratitude to these States for authorising these missions and ensuring their smooth conduct.
45. The Commission also avails itself of this opportunity to express its gratitude to the Governments of the People's Democratic Republic of Algeria and the Republic of South Sudan for their favourable response to the Commission's requests for authorisation to conduct promotion missions in these countries.
46. It reiterates its requests sent to the following State Parties: Cabo Verde, Congo, Equatorial Guinea, Ethiopia, Ghana, Kenya, Liberia, Mozambique, São Tomé and Príncipe, Tanzania and Zambia, for authorisation to conduct promotion missions in their respective countries. The Commission also sent a Note Verbale to the Government of Cameroon seeking authorisation to undertake a fact-finding mission to investigate into the human rights situation in the Anglophone part of the country.
47. Due to the security situation and structural issues in Libya, the Commission was unable to conduct the mission requested by the Chairperson of the African Union Commission to investigate allegations of migrants being traded as slaves in this country.

### **XIII. THE HUMAN RIGHTS SITUATION ON THE CONTINENT**

48. This section was introduced in the Activity Report pursuant to Executive Council Decision **EX.CL/Dec.639 (XVIII)** calling upon the Commission to brief the Policy Organs on the human rights situation on the continent. The practice of the Commission is to draw the content of this section from the interactions of the Commission with State Parties, NHRIs with Affiliate Status and NGOs with Observer Status with the Commission during Ordinary Sessions of the Commission, supplemented by information collected as part of its monitoring of the human rights situation in the various State Parties during the intersession period.

#### **Positive developments**

49. The Commission notes with appreciation the following major positive human rights developments observed during the reporting period:

- i. The ratification, by the Republic of The Gambia, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, the International Convention for the Protection of All Persons From Enforced Disappearance, the submission of the declaration under Article 34 (6) of the Protocol to the African Charter on the establishment of the African Court on Human and Peoples' Rights (the African Court), enabling individuals and Non-Governmental Organizations to directly refer matters to the Court, and the establishment of the Truth, Reconciliation and Reparations Commission;
- ii. The ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons (Older Persons Protocol) by the Kingdom of Lesotho;
- iii. The ratification of the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment by Cameroon;
- iv. The ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa by Tunisia as well as the adoption of a law against racial discrimination;
- v. The abolition of the death penalty in Burkina Faso;
- vi. The amnesty granted by the authorities in Equatorial Guinea to all political prisoners and human rights defenders who, in the performance of their duties, were arrested on grounds of political crime;

- vii. The decriminalisation of abortion in Rwanda, which will now be authorised under pro-human rights conditions set by law;
- viii. The conditional release of over 2,000 prisoners in Rwanda, including political opponents;
- ix. The amnesty granted by the Ivorian authorities to about 800 individuals prosecuted or convicted for offences in relation to the 2010 crisis or other offences;
- x. The measures taken by the Governments of Sierra Leone and Malawi to improve the realization of the right to education for children in their respective countries;
- xi. The measures taken by the Liberian authorities to facilitate access to higher education for young people;
- xii. The measures adopted by Ethiopia to promote peace-building, democratic change and human rights, including the signing of a peace and disarmament agreement with armed opposition groups the release of imprisoned journalists and the unblocking of media websites and blogs, the establishment of a gender-balanced Cabinet, the election of the first female President of Ethiopia, the appointment of women as Speaker of the House of Federation (Senate), Minister of Defence and Head of the Federal Supreme Court, and the opening of political space for opposition parties;
- xiii. The rapprochement between Eritrea and Ethiopia, the opening of borders and embassies and compliance with the provisions of the conflict resolution agreement signed between the two countries;
- xiv. The ongoing initiative in South Africa on land reform aimed at amending Section 25 of the Constitution in accordance with the democratic process and rule of law without undermining agricultural production and food security;
- xv. The adoption by Malawi of a progressive law to decriminalize petty offences;
- xvi. The decriminalisation of defamation in the Kingdom of Lesotho and Rwanda, and the enactment by Seychelles of the Access to Information Act; and
- xvii. The appointment of 8 female judges to the Military Court to deal with cases of gender-based violence in times of armed conflict in South Sudan.

### **Areas of concern**

- 50. The Commission notes with concern the following human rights challenges observed during the reporting period:
  - i. The low rate of ratification of the Older Persons Protocol and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;

- ii. The low rate of submission of periodic reports under Article 26 of the Maputo Protocol and the lack of submission of State periodic reports under Article 14 (4) of the Kampala Convention;
- iii. The low level of implementation of the decisions and recommendations of the Commission on Communications/Complaints, Provisional Measures and Letters of Urgent Appeal;
- iv. Continuation of death sentences being handed down by civil or military courts in Botswana, Egypt, Nigeria, Somalia and Sudan;
- v. The food crisis and insecurity in the Sahel region, characterised by terrorist attacks, intra- and inter-community conflicts, and their impact on the rights of populations to a satisfactory environment favourable to their development;
- vi. The military attacks referred to as the “liberation of Derna”, a stronghold of radical Islamists, which have claimed the lives of many in Libya;
- vii. The heightening insecurity and persistence of human rights violations in the northwest and southwest Anglophone regions of Cameroon;
- viii. The deportation of hundreds of thousands of DRC and other nationals allegedly residing illegally in Angola and suspected of being involved in diamond trafficking in the Lunda-Norte province;
- ix. The recurrence of the Ebola outbreak in the DRC, delays observed in the implementation of the Agreement of 31 December 2016, the deteriorating security situation in Beni and Kasai Orientale as well as increasing human rights violations which could undermine the realization of the right to vote and the smooth conduct of elections scheduled in December;
- x. The lack of significant progress in the Inter-Burundi Dialogue with a view to resolving the continuing political crisis;
- xi. The alarming human rights situation in Somalia, including the persistent violence and attacks which have led to the loss of many lives;
- xii. Post-electoral protests following the recent presidential elections in Mali;
- xiii. The expropriation of land used by indigenous populations in Ethiopia following the implementation of the policy to create villages;
- xiv. The lack of legal recognition of the rights of herders to land in Eritrea;
- xv. The shutting down or suspension of broadcasting stations or newspapers in Benin, Gabon and Mali, the shutting down of the internet or social media in Ethiopia, Chad, Cameroon and DRC, and the introduction of social media taxes in Uganda, Zambia, Kenya and Mozambique; and
- xvi. Frequent reprisals against human rights defenders in the DRC and Egypt.

#### **XIV. ADMINISTRATIVE AND FINANCIAL SITUATION**

## **Construction of the Commission's Headquarters**

51. Pursuant to Decision EX.CL/995(XXXII), the host Government was requested to expedite the finalization of the process of constructing the Headquarters and to report on progress made. It is worth noting that there was no real progress during the reporting period.
52. It will be recalled that the host country established a special task team to hold discussions with the Commission on its requirements for the construction of the ACHPR headquarters. The proposals made by the task team have been forwarded to the AUC for feedback.

## **Staffing**

53. The Commission welcomes the efforts made by the Administration and Human Resources Management Department of the AUC in terms of recruitment during the reporting period. Four (4) regular positions at the ACHPR Secretariat were filled, namely: a Documentation Assistant, an ICT Officer, an Administrative Assistant and a Senior Human Resources and Administrative Officer. Interviews have been held for the positions of Deputy Secretary, Human Resources Assistant and Bilingual Secretary. Pre-screening for the positions of Public Relations and Information Officer and Translator/Interpreter (P4) is planned in 2018.
54. During the reporting period, no recruitment was made under the PANAF Programme although several positions are still vacant. Planned interviews for the position of French reviser were postponed indefinitely. This situation is of concern as it puts the Commission at risk of losing the opportunities afforded by this programme which commenced in 2017 and will end in 2019 without the Commission having benefitted from the expertise of staff planned under the programme.
55. The long-term solution proposed to address delays in recruitment processes would be to grant the Commission's request for autonomy with regard to recruitment.

## **XV. IMPLEMENTATION OF DECISIONS**

### **A. Decisions of the Executive Council**

#### **➤ Governance Structure of the Commission and Emoluments of Elected Officials**

56. Executive Council Decisions **EX.CL/Dec.974 (XXXI)** and **Ext/EX.CL/Dec.1(XIII)** specifically request the AUC to come up with a proposal to harmonize the remuneration of elected officials of AU Organs

for consideration and adoption. As a reminder, members of the Commission perform their mandates both during Sessions and inter-Session periods. They undertake the bulk of their missions and thematic mandates during the inter-session period, for which they are not paid any allowance. The same applies for the payment of allowances in respect of their protection mandate, end-of-term allowances and pensions.

57. There is therefore an urgent need to address this differential treatment of elected officials, that has been ongoing for a number of years. In the meantime, and in light of the volume of work during the inter-session period, Commissioners should be paid an administrative and an inter-session allowance, similarly to elected officials of the African Court, within the limits of the Commission's budget.
58. It is worth recalling that the Bureau of the Commission is composed of two Commissioners, working on a part-time basis, who oversee the activities of the Commission and its Secretariat. They also have to respond to numerous and often urgent requests of the Secretariat, State Parties, the AUC and other partners. Providing guidelines on various issues and coordinating, at a distance, the activities of Special Mechanisms is not an easy task given the volume of such activities, and this situation tends to have an adverse impact on the ability of the Commission to implement its work fully.
59. In accordance with the Assembly Decision AU/Dec.200(XI) and within the framework of restructuring AU Organs, it is imperative that the Chairperson of the Commission should be based at the Secretariat of the Commission on a full-time basis.
  - **Mission to the territory of the Sahrawi Arab Democratic Republic or Western Sahara under the control of the Kingdom of Morocco**
60. The Executive Council, in its Decision EX.CL/995(XXXII) on the 43<sup>rd</sup> Activity Report of the Commission, called on Morocco to engage in dialogue with the Commission towards facilitating the conduct of the Commission's mission to the territory of the Sahrawi Arab Democratic Republic or Western Sahara under the control of Morocco. There have been no positive developments to date despite a few correspondences between Morocco and the Commission.

#### **B. Decisions on the Recommendations of the Joint Retreat of the Commission and the PRC (EX.CL/Dec1015(XXXIII))**

- **Withdrawal of the Observer Status granted to the NGO called Coalition of African Lesbians (CAL)**
61. Executive Council Decision EX.CL/Dec1015(XXXIII) of June 2018 on the recommendations of the Joint Retreat of the Commission and the PRC reiterated the request for the Commission to withdraw the Observer Status from the NGO CAL, no later than 31 December 2018. Following this



decision, the Commission, meeting at its 24<sup>th</sup> Extraordinary Session held from 30 July to 8 August 2018 in Banjul, The Gambia, adopted a decision on the withdrawal of the Observer Status granted to CAL and notified the latter thereof by letter referenced ACHPR/STC/OBSWID/1181/18 and dated 8 August 2018.

➤ **Adoption of a Code of Conduct for Members of the Commission**

62. The Commission prepares its own Rules of Procedure in accordance with Article 42 of the African Charter. In this regard, it has initiated a process to revise its 2010 Rules of Procedure. As part of this revision process, it shall ensure that provisions on confidentiality, integrity, impartiality as well as other relevant provisions of the AU Code of Ethics and Conduct (2017) are included so as to address gaps and strengthen its Rules of Procedure.
63. Indeed, the AU Code of Ethics and Conduct is also applicable to Commissioners as elected officials of an organ of the African Union.

**XVI. DATES AND VENUE OF THE 25<sup>th</sup> EXTRAORDINARY SESSION AND THE 64<sup>th</sup> ORDINARY SESSION OF THE COMMISSION**

64. The 25<sup>th</sup> Extraordinary Session of the Commission will take place from 19 February to 5 March 2019, in Banjul, The Gambia; and the 64<sup>th</sup> Ordinary Session will take place from 24 April to 14 May 2019, in Cairo, Egypt.
65. The Commission expresses its appreciation to the Government of The Gambia for hosting the 63<sup>rd</sup> Ordinary Session and for its various contributions in the organization of this Session. It also commends State Parties that have already hosted Sessions of the Commission; Egypt for offering to host the 64<sup>th</sup> Ordinary Session of the Commission; and Lesotho, Malawi and eSwatini who have offered to host subsequent Sessions of the Commission.

**XVII. RECOMMENDATIONS**

66. In light of the foregoing, the Commission recommends as follows:

**a) To State Parties:**

- i. Ratify, implement and domesticate the various human rights instruments of the AU, in particular, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human and Peoples' Rights, the Maputo Protocol, the Kampala Convention, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, the Protocol to the African Charter on Human and Peoples' Rights

- on the Rights of Persons with Disabilities in Africa, the African Charter on Democracy, Elections and Governance and the African Union Convention on Preventing and Combatting Corruption;
- ii. Submit their Periodic Reports in compliance with Article 62 of the African Charter; Article 26 of the Maputo Protocol; and Article 14 of the Kampala Convention;
  - iii. Provide the Commission with all relevant information on the measures taken to implement its decisions in accordance with Rule 112 of its Rules of Procedure, as well as respect and implement the Provisional Measures issued by the Commission and respond to Letters of Urgent Appeals sent by the Commission;
  - iv. To countries that continue to apply the death penalty: observe a moratorium, suspend the execution of death row prisoners and commute their sentences to life imprisonment;
  - v. To countries that are affected by terrorism and internal conflicts, including inter-community conflicts, particularly countries in the Sahel region, Libya, Somalia and the DRC: take all necessary measures to combat terrorism while guaranteeing the realization of human rights, ensuring the protection and safety of populations and their properties, and upholding the ideals of peace, justice and good governance;
  - vi. To the State Party of Angola: ensure that the deportation of illegal residents is carried out under conditions that respect human rights, including the right to human dignity, physical integrity and the right to life;
  - vii. To the State Party of the DRC: take the necessary measures to protect the health of the populations and stop the Ebola outbreak, implement all provisions of the Political Agreement of 31 December, and adopt the relevant measures for the organization of peaceful, free, fair and transparent elections;
  - viii. To the State Party of Burundi: engage fully in the Inter-Burundi Dialogue process and guarantee its effectiveness and inclusiveness;
  - ix. To the State Party of Mali: initiate an inclusive and constructive dialogue to rebuild trust between the parties and find a solution to the post-electoral protests;
  - x. To countries with indigenous populations: discontinue policies on land expropriation from indigenous populations without their free, prior and informed consent and adequate compensation;
  - xi. Put a stop to all forms of restriction, reprisal and violence against the media, journalists and human rights defenders;
  - xii. Authorise the Commission to conduct promotion missions in their respective countries; and
  - xiii. Host Ordinary Sessions of the Commission.

**b) To the Kingdom of Morocco:**

- i. Consider ratifying the African Charter and grant the Commission authorisation to undertake the mission mandated by Executive Council Decision EX.CL/Dec. 689(XX);

- ii. Engage in dialogue with the Commission towards facilitating the conduct of the mission as mandated by **Decision EX.CL/Dec.995(XXXII)**.

**c) To the AUC:**

- i. Finalize implementation of various Executive Council Decisions calling for expedited recruitment to the vacant positions in the Secretariat, and more particularly recruitment of Arabic and Portuguese Legal Officers and Translators as per **Decision EX.CL/Dec.974(XXXI)** of the Executive Council;

**d) To the Executive Council**

- i. Approve the appointment of the Chairperson of the ACHPR on a full-time basis at the Secretariat headquarters;
  - ii. Grant the Commission's request for autonomy with regard to recruitment;
  - iii. Expeditiously finalize the ongoing review and harmonization of the emoluments of elected officials in accordance with the various decisions of the Executive Council, and in the meantime, authorise the payment of an administrative and an inter-session allowance to the Commissioners, similar to the elected officials of the African Court, within the limits of the Commission's annual budget.
- iv. Establish a mechanism to ensure implementation of the Commission's Decisions by State Parties.

**e) To the Assembly of Heads of State and Government:**

- i. Assist the Commission in obtaining authorisation from the Kingdom of Morocco to undertake the requested mission;
- ii. Adopt the necessary security measures with a view to enabling the Commission to undertake the fact-finding mission to Libya.