



WRITTEN COMMUNICATION TO THE 59TH ORDINARY SESSION OF THE ACHPR
ON THE HUMAN RIGHTS SITUATION IN AFRICA

International-Lawyers.Org expresses its appreciation and support for the important work done by the Commission to support human rights in Africa.

We regret that there was no time allotted for item 2 that provides for general statements at the 59th Ordinary Session of the Commission. We, nevertheless, wish to draw the Commission's attention to the below matters concerning human rights in Africa. Each of the below concern work already being undertaken by the Commission. The comments are provided to encourage and enhance this work for the promotion and protection of human rights in Africa.

We wish to draw the Commission's attention once again to the adverse effects of climate change that threaten the most fundamental human rights of the African people. Unfortunately, the Commission has failed to date to adequately implement the mandate it gave itself in November 2009 and reiterated even this year on the need to study the impacts of climate change on human rights in Africa. Part of the reason that the Paris Agreement under the United Nations Framework Convention on Climate Change was so weak and does little to ensure the protection of Africans from the deadly adverse effects of climate change is the failure of States to substantively consider the human rights consequences of climate change and especially the duty of States to ensure human rights, including when they are interfered with by climate change. We urge the Commission to publicly appoint a coordinator with the mandate to produce such the study. This coordinator can call upon other members of the Commission, the Commission's Working Groups and other bodies, Observers, and other governmental and civil society actors to contribute to the report. Naming a coordinator will enhance the transparency and accountability of the Commission's efforts to achieve its mandate of producing a study on the impacts of climate change on human rights in Africa.

In relation to the death penalty, International-Lawyers.Org wishes to draw the Commission's attention to the intervention by Namibia at the 33rd Regular Session of the Human Rights Council on Friday, 16 September 2016, in which the Namibian delegation condemned the use of the death penalty and expressed its *opinio juris* that the death penalty is inconsistent with the prohibition of inhumane and degrading treatment. We welcome this statement by an African State and we encourage other African States to follow the example of Namibia in

condemning the use of the death penalty so as to solidify the emerging international customary law in a rule of law.

We also wish to again draw the Commission's attention to Communication 365/08 concerning Uganda that was decided by the Commission at its 52nd Ordinary Session in 2012 and transmitted to the petitioner on 1 March 2013. Although the Ugandan government has complied with part of the Commission's decision by releasing the petitioner after he wrongly spent approximately 20 years on death row, no action has been taken by Uganda to compensate the petitioner as the Commission indicated should be done. We request the Commission to again remind the government of Uganda of its obligation to implement this decision fully, including by adequately compensating the petitioner.

Finally, as an organization that is proud to note among its members some of the most acclaimed and committed human rights lawyers in the world and as a keen observer of the Commission's decision on Communications. In this regards, we draw attention to several opinions. First, the Commission, in Communication 445/13 decided at its 18th Extraordinary Session in 2015, that constitutional review constitutes a domestic remedy that must be exhausted (para. 61). We ask the Commission is this consistent with the jurisprudence of other regional and United Nations human rights bodies? We note that requiring petitioners too exhaust constitutional review may have a detrimental stifling effect on the African victims of serious human rights abuses being able to seek justice. We have no direct interest in this case and merely ask this question in the hope that the Commission's work can benefit from it.

We again reiterate our support of the work of the Commission and express our appreciation for its contribution to the promotion and protection of human rights in Africa.