INTER-SESSION ACTIVITY REPORT

(NOVEMBER 2015– APRIL 2016)

OF

COMMISSIONER SOLOMON AYELE DERSSO

AS

A MEMBER OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS;

THE CHAIRPERSON OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS IN AFRICA;

A MEMBER OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA

A MEMBER OF THE WORKING GROUP ON COMMUNICATIONS;
A MEMBER OF THE ADVISORY COMMITTEE ON BUDGETARY AND STAFF MATTERS

AND

A MEMBER OF THE WORKING GROUP ON SPECIFIC ISSUES RELATED TO THE WORK OF THE AFRICAN COMMISSION

PRESENTED TO THE 58TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

BANJUL, ISLAMIC REPUBLIC OF THE GAMBIA, 06-20 APRIL 2015
INTRODUCTION

In keeping with Rules 23.3 and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in accordance with its resolutions ACHPR/Res 148 (XLVI) 09, ACHPR/Res 236 (LIII)13, ACHPR/Res 271 (LV) 14, I present this report in my capacities: as the Chairperson of the Working Group on Extractive Industries Environment and Human Rights Violations in Africa (the Working Group) and as a member of

- the Commission; the Committee for the Prevention of Torture in Africa (CPTA); the Advisory Committee on Budgetary and Staff Matters (ACBSM); the Working Group on Communications (WGC); and the Working Group on Specific Issues Related to the Work of the African Commission (WGSI).

The report, which is presented in eight parts, covers activities carried out in the period between the 57th Ordinary Session held from 04 to 18 November, in Banjul, The Gambia, and this 58th Ordinary Session, as follows:

- Part 1- Activities undertaken as a Member of the Commission;
- Part 2 - Activities of the Working Group;
- Part 3 - Activities undertaken as a Member of the WGC;
- Part 4 - Activities undertaken as a Member of the CPTA;
- Part 5 - Activities undertaken as a Member of the ACBSM;
- Part 6 - Update on the Study on Transitional Justice in Africa;
- Update on the Study on “The Human Rights Implications and Human Rights-Based Solutions to Illicit Financial Flows from Africa”; and
- Part 7 - Conclusion and Recommendations.

Part 1. - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE COMMISSION

1. From 30 November to 03 December 2015, in Arusha, the Republic of Tanzania:

I represented the Commission in the activities relating to the African Moot Court Competition that the African Court on Human and Peoples' Rights (the Court) hosted in Arusha, the Republic of Tanzania.

The Moot Court Competition was jointly organized by the Court, the Commission, the African Committee of Experts on the Rights and Welfare of the Child and the African Governance Architecture, and was facilitated by the German International Development Agency.

The objectives of the Moot Court Competition include: (i) to educate future leaders on the African Human Rights System and the African Governance Architecture; (ii) to create links and support networks between African institutions of higher learning interested in African Union studies; and (iii) to improve the understanding and appreciation of the workings of the African Union.
During this event, I was responsible for two tasks. First, at the conference held ahead of the Moot Court, I made a presentation on the African human rights system with a focus on the role of the African Commission. Second, I served as a judge of the Moot Competition along with Justice Duncan Tambala of the African Court.

2. **From 07 to 13 December 2015, in the Republic of Burundi:**

I participated in a Fact-finding Mission on the human rights situation in the Republic of Burundi. The Mission was undertaken pursuant to the decision of the 551st meeting of the Peace and Security Council (PSC) of the African Union, in Communiqué IV, *PSC/PR/COMM.(DLI)*, which requested the Commission to urgently undertake an in-depth investigation into the violation of human rights and other abuses against civilian populations in Burundi.

The Mission led by Honorable Commissioner Pansy Tlakula, Chairperson of the Commission, in her capacity as the Commissioner responsible for the promotion and protection of human and peoples’ rights in that country received accounts of various stakeholders on the human rights violations and abuses reported since the eruption of the crisis in April 2015. The delegation of the Commission on the Mission also comprised Honourable Commissioner Reine Alapini-Gansou, and Honourable Commissioner Jamesina Essie L. King. A detailed report of the Mission has since been adopted by the Commission during its extraordinary session in February 2016 and has since been transmitted to the Peace and Security Council of the AU for its consideration and follow up action.

3. **From 16 to 25 February 2016, in Banjul, Islamic Republic of The Gambia:**

I participated in the 19th Extra-Ordinary Session of the Commission, which was held in line with Rule 27 of the Commission’s Rules of Procedure. During this session, I participated, among others, in the presentation and consideration communications pending before the Commission for decisions on the admissibility and merits of those communications. It was also during this session that the Commission adopted a resolution on Human Rights in Conflict Situations and assigned me to follow up the implementation of that resolution.

4. **From 07 to 11 March 2016, in the Kingdom of Swaziland:**

I participated in a Promotion Mission to the Kingdom of Swaziland. It was Commissioner Pansy Tlakula, Chairperson of the Commission, who led the Mission in her capacity as the Commissioner responsible for the promotion and protection of human and peoples’ rights in that country. This mission availed an opportunity for the Delegation to be appraised of the state of human rights in the Kingdom and engage in candid conversations with state
authorities on areas of concern. A detailed report of the Mission is currently being finalized for submission to the Commission.

Part 2 - ACTIVITIES OF THE WORKING GROUP

5. Since my assumption of responsibility as the Chairperson of the Working Group in November 2015, the focus has been around the development of a strategy framework and roadmap for the effective implementation of its mandate, going forward. In this regard, during the inter-session period, we elaborated a Strategy Framework and Work Plan for the years 2016 – 2019, as well as a concept note for partners’ support to its work.

6. Also, from 8 to 10 February 2016, in Cape Town, South Africa, the Working Group was represented in the 7th Alternative Mining Indaba, held under the theme “Making Natural Resources Work for the People, Leaving No One Behind.” Since I was not able to travel to Cape Town during that period, the Working Group was represented by an Expert Member – Ms. Sheila Keetharuth, who made a presentation on the extractive industry and its effect on women and children.

Part 3 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE WGC

7. From 13 to 14 February 2016, and also on 5 April 2016, in Banjul, Islamic Republic of The Gambia:

I participated in the 13th and 14th meetings of the WGC, held on the margins of the 19th Extra-Ordinary Session and the 58th Ordinary Session of the Commission respectively, to consider Seizure and Admissibility of Communications, as well as other urgent issues related to Communications before the Commission.

The 13th meeting of the WGC considered a total of twenty-one Communications: fourteen (14) Communications on Seizure, and seven (7) Communications on Admissibility. The Working group also considered three (3) requests for provisional measures, and held consultations with some partners regarding the implementation of the decisions of the Commission, and a proposed forum on the law and practice of the Commission.

The 14th meeting of the WGC considered a total of nine (9) Communications: seven (7) Communications on Seizure; and two (2) Communications on Admissibility. The Working group also considered three (3) requests for provisional measures, and provided guidance on four (4) Communications, relating to the procedure for their handling.
Part 4 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE CPTA

8. **From 1 to 3 February 2016, in Cape Town, Republic of South Africa:**

I participated in a Drafting Retreat on *General Comment on the Right to Redress for Victims of Torture and Ill-treatment under Article 5 of the African Charter on Human and Peoples’ Rights* (General Comment).

The Drafting Retreat, which was organized under the leadership of the Chairperson of the CPTA, Commissioner Lawrence Murugu Mute, was aimed at developing a zero draft of the General Comment. The draft is in its final stages to be uploaded onto the Commission’s website for further inputs from other stakeholders and the general public.

Participants at the Drafting Retreat included members of the CPTA; Members of the CPTA-constituted Reference Group which include the Centre for the Study of Violence and Reconciliation and Kenya Human Rights Commission; The Redress Trust; other experts in the area of torture and redress; and staff of the secretariat.

Part 5 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE ACBSM

9. **23 November 2015 meeting on 2017 AU Budget Framework Paper**

As a member of the ACBSM, I represented the Commission at the meeting of the AU organs held at the Office of the Deputy Chairperson of the AU Commission in Addis Ababa. Together with the Secretariat, who participated via videoconference, we provided input on the contribution of the Commission and its various areas of engagement for the 2017 AU Budget Framework Paper. Subsequent to the meeting and following the request of the Deputy Chairperson of the AU Commission, I drafted and shared through the Secretariat a short paper on African Commission’s input into the 2017 AU Budget Framework Paper.

10. **From 21 to 31 January 2016, in Addis Ababa, Federal Democratic Republic of Ethiopia:**

As a member of the ACBSM, and on behalf of the ACBSM Chairperson, Commissioner Med S.K Kaggwa, I was part of the Commission’s delegation to the meetings of the African Union (AU) Policy Organs (AU Summit) which took place as follows:

- The 31st Ordinary Session of the Permanent Representative Committee – 21 to 23 January 2016;
- The 28th Ordinary Session of the Executive Council – 27 to 29 January 2016; and
• The 26th Ordinary Session of the Assembly of Heads of State and Government - 30 to 31 January 2016.

At these meetings, the Commission presented its 39th Activity Report, which was thereafter adopted and authorized for publication through the AU Executive Council’s Decision EX.CL/Dec. 902 (XXVIII). As a member of the delegation which was led by Commissioner Pansy Tlakula in her capacity as the Chairperson of the Commission, I also participated in a number of side meetings and events, held on the margins of the AU Summit. The details of these are reflected in Commissioner Tlakula’s report presented to the 19th Extra-Ordinary Session of the Commission.

Part 6 - UPDATE ON THE COMMISSION’S STUDY ON TRANSITIONAL JUSTICE IN AFRICA

11. On 12 March 2016, in Johannesburg, South Africa:

On transit from the promotion mission to Swaziland, I held a meeting with representatives of the secretariat of the Centre for the Study of Violence and Reconciliation, which is the appointed Technical Secretariat for the Study on Transitional Justice in Africa (the TJ Study).

The meeting discussed, amongst others, the terms of reference and status of the TJ Study, as well as the roadmap for its completion. A follow up meeting scheduled on the sidelines of the current session was held on 7 April 2016, and a schedule of activities for finalizing the TJ Study have been agreed.

Part 7- UPDATE ON THE COMMISSION’S STUDY ON “THE HUMAN RIGHTS IMPLICATIONS AND HUMAN RIGHTS-BASED SOLUTIONS TO ILLICIT FINANCIAL FLOWS FROM AFRICA”

12. On 8 April 2016, in Banjul, Islamic Republic of The Gambia:

Together with Commissioner Jamesina King, Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa (ECOSOCC Working Group), I held a meeting with representatives of Human Rights Development Initiative, which is the appointed Technical Secretariat for the Study on The Human Rights Implications and Human Rights-Based Solutions to Illicit Financial Flows from Africa (the IFF Study), with which both my Working Group and the ECOSOCC Working Group have been tasked.

The meeting discussed amongst others, the objectives, scope, terms-of-reference and plan-of-action for the conduct of the IFF Study. An inception meeting involving all members of both working groups and the secretariat to facilitate detailed discussions on the roadmap for the IFF Study was also agreed upon.
Part 8- CONCLUSIONS AND RECOMMENDATIONS

13. As a new Commissioner and a newly appointed Chairperson of the Working Group, I have noticed that the major challenge of the Working Group, and indeed, of the Commission as a whole, is heavy dependence on external support in the execution of its mandate. As I note with gratitude the support of various stakeholders, particularly civil society organizations, in the implementation of my mandate and broadly the work of the Commission, I also appreciate the effort of these stakeholders for (and the importance of) respecting the independence of the Commission and its leadership and ownership of the implementation of its mandates.

14. I would also like to observe with appreciation that the African Commission undertakes huge amount of work in the implementation of its mandate. In terms of improving the effectiveness of the Commission’s commendably large amount of work, there is room for improvement. Some of the areas of improvement worth mentioning from my limited observations include the media strategy/engagement of the Commission and the working methods of the Commission such as in particular in the preparation and processing of reports of missions, the production of its jurisprudence on communications, referral of cases to the African Court and verification methodology in the Commission’s response to emerging human rights issues in States Parties.

15. As I conclude, I would like to underscore the importance of States Parties support to and collaboration with the African Commission for the effective implementation of the African Charter. In this regard, we acknowledge the collaboration of States Parties in recent Missions of the Commission particularly the ones in which I participated namely, the Republic of Burundi for the fact-finding mission and the Kingdom of Swaziland for the promotion mission. Equally importantly, I wish to call on the partners of the Working Group on Extractive Industries such as Australia Aid and the Centre for Human Rights, University of Pretoria as well as all other stakeholders to support the work of the Working Group, particularly within the context of its Work Plan 2016 - 2019. I also appeal to State Parties to grant authorization to the Working Group to undertake country visits for information gathering, which are a crucial element of the Working Group’s mandate.