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INTER-SESSION ACTIVITY REPORT

(APRIL 2016 - OCTOBER 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 EX 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 59TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

BANJUL, ISLAMIC REPUBLIC OF THE GAMBIA, 21 OCTOBER – 05 NOVEMBER, 2016
INTRODUCTION

This Report is presented in accordance 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. It covers the activities that I have undertaken since the last activity 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 and the Advisory Committee on Budgetary and Staff Matters (ACBSM).

The report, which is presented in eight parts, covers activities carried out in the period between the 58th Ordinary Session held from 06 to 20 April 2016, in Banjul, Islamic Republic of The Gambia (The Gambia), and this 59th Ordinary Session, as follows:

- Part 1 - Activities undertaken as a Member of the Commission;
- Part 2 - Activities on the mandate of the Working Group;
- Part 3 - Activities undertaken as a Member of the ACBSM;
- Part 4 - Update on the Study on Transitional Justice in Africa;
- Part 5 - Update on the Study on “The Human Rights Implications and Human Rights-Based Solutions to Illicit Financial Flows from Africa”;
- Part 6 - Update on the Study on Human Rights in Conflict Situations;
- Part 7 - Activities undertaken as country rapporteur; and
- Part 8 - Conclusion and Recommendations.

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

1. On 28 April, in Addis Ababa, Federal Democratic Republic of Ethiopia:

On behalf of the Commission, I presented to the 595th meeting of the Peace and Security Council (PSC) of the African Union (AU), the Commission’s report of its Fact-finding Mission on the human rights situation in the Republic of Burundi. As it would be recalled, this Mission was undertaken pursuant to the decision the PSC in Communiqué PSC/PR/COMM.(DLIVI) of October 2015, 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 PSC took note of the report and the Commission’s recommendations therein, through Communiqué PSC/PR/COMM./2(DXCV) of 28 April 2016. It is to be recalled that I gave a briefing to the Commission on the debate that the report triggered in the PSC and the expression of appreciation by members on the quality of the report, despite strong opposition by Burundi. The report continues to attract a great deal of interest being cited in the recent report of the UN Independent Experts and the UN Human Rights Council Resolution establishing
ng a Commission of Inquiry. As I pointed out during my briefing, one of the lessons from that experience is the need for the ACHPR to maintain close working relationship with the PSC.

2. **From 11 to 13 May 2016, in Geneva, Switzerland:**

I participated in an Expert Seminar on the Right to Life, organized by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, in collaboration with the Geneva Academy of international Humanitarian Law.

The Seminar, which was held at the Geneva Academy, in Geneva, Switzerland, brought together practitioners, leading academics and other experts who work on right to life issues in human rights and humanitarian institutions worldwide, and was designed to facilitate discussions and a deeper understanding of the subject matter, as well as multi-regional and multidisciplinary collaborations in this field.

In a symposium that was organized on the sidelines of the Seminar, I made a presentation on the ACHPR’s General Comment on the Right to Life. This served as a good opportunity for publicizing the General Comment and promoting its use as a source of inspiration in the activities of other international and regional human rights organizations.

3. **From 09 to 18 June 2016, in Banjul, Islamic Republic of The Gambia:**

I participated in the 20th 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 of: Communications pending before the Commission for decisions on the Admissibility and Merits; draft internal policy documents of the Commission; Resolutions on various human rights issues on the continent; and preparations for the commemoration of the African Year on Human Rights with a particular focus on the Rights of Women; amongst others.

**Part 2 - ACTIVITIES ON THE MANDATE OF THE WORKING GROUP**

4. As previously reported, 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, as well as for soliciting support from relevant stakeholders. Our particular focus and priority has been the completion of the background study on Extractive Industries, the Environment and Human Rights in Africa as outlined in Resolution 148 of the Commission, which would offer an outline of the state of affairs as far as the extractive industries and human and peoples’ rights under the African Charter are concerned, and set the tone for the Commission’s engagement with the subject, going forward. In this regard, during the inter-session period, we approached a number of potential partners, for requisite
financial and technical support. The Centre for Human Rights, University of Pretoria, was also approached to provide technical support in the implementation of activities for the completion of this study.

5. Also, the Centre for Human Rights, University of Pretoria launched the first short term course on business and human rights in Africa during the week of 4 July 2016, and following their invitation, on 5 July 2016 I delivered a lecture on the African Charter and the protection of human and peoples’ rights in the extractive industries.

6. As well, on the occasion of the inaugural General Assembly of the African Coalition for Corporate Accountability held on 6 July 2016, at the University of Pretoria, back-to-back with the short-term course, I delivered a policy speech on the power of big business and the human rights protection vacuum. The copy of the speech is available on the website of the ACHPR on the following link http://www.achpr.org/news/2016/07/d226/.

Part 3 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE ACBSM

7. On 16 May 2016, I presented the proposed budget of the ACHPR to the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters of the AU Permanent Representatives Committee (AU-PRC). Following explanations that I offered on the increase in the budget of the ACHPR from the 2016 budget, members accepted the proposed budget with appreciation.

Part 4 - UPDATE ON THE COMMISSION’S STUDY ON TRANSITIONAL JUSTICE IN AFRICA

8. From 27 – 29 June 2016, in Harare, Zimbabwe:

On the side-lines of the 58th Ordinary Session held from 06 to 20 April 2016, in Banjul, The Gambia, I held a meeting with representatives of the secretariat of the Centre for the Study of Violence and Reconciliation (CSVR), which is the appointed Technical Secretariat for the Study on Transitional Justice in Africa (the TJ Study), and the expert group providing technical support for the preparation of the TJ Study. Following that meeting, we agreed to hold a retreat for reviewing the work done so far, and agreeing on the methodology and process of writing the TJ Study report. Accordingly, with the support of the CSVR, I held a meeting of the study group in Harare, Zimbabwe. The meeting reviewed the work undertaken thus far, and agreed on the outline of the content and methodology of the Study as well as on the process and timeline for finalizing the drafting of the Study report.

Part 5- UPDATE ON THE COMMISSION’S STUDY ON “THE HUMAN RIGHTS
9. **During the inter-session period:**

Together with Commissioner Jamesina King, Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa (ECOSOCC Working Group), and on behalf of the Commission, we signed a Memorandum of Understanding (MoU) on the Implementation of ACHPR Resolution 236 on the Study of the Human Rights Impact of and Human Rights Based Solutions to Illicit Financial Flows from Africa, with Human Rights Development Initiative, which is the appointed Technical Secretariat for the Study, with which both my Working Group and the ECOSOCC Working Group have been tasked.

The MoU details amongst others, the scope, objectives, expected results and processes of the Study, as well as the responsibilities and undertakings of the executing parties.

**Part 6 - UPDATE ON THE COMMISSION’S STUDY ON “HUMAN RIGHTS IN CONFLICT SITUATIONS IN AFRICA”**

10. During its 19th Extraordinary Session held in Banjul, the Gambia from 16 to 25 February 2016, the Commission adopted ACHPR/Res. 332 (EXT.OS/XIX) 2016 (Resolution 332). In this resolution addressing the theme of human rights in conflict situations, the African Commission for the first time, laid the groundwork for reviewing its practice and developing a systematic, dynamic and comprehensive framework for addressing human rights issues in conflict situations. To this end, the Commission decided to ‘conduct a study on human rights in conflict situations in Africa’, and I was assigned to follow up the implementation of this Resolution.

11. Accordingly, during the inter-Session period, I developed a Concept Note for the implementation of the Resolution, and engaged with a number of stakeholders for wider consultation and the requisite support towards the implementation of the plan on the study. I am happy to report that the plan for the implementation of the Resolution was launched during the on-going Ordinary Session of the Commission.

12. Also, as part of the implementation of this resolution, I collaborated with the Special Rapporteur on the Rights of Women in Africa to issue a press release on the first commemoration of the International Day for the Elimination of Sexual Violence in Conflict, observed on 19 June 2016. This is available at http://www.achpr.org/press/2016/06/d303/.

**Part 7 - ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR**
13. During the inter-session period, I have been following developments in the countries for which I serve as rapporteur of the Commission. As part of this responsibility, two statements have been issued in relation to events in Kenya.


**Part 8- CONCLUSION AND OBSERVATIONS**

15. As previously noted in my last Activity Report, the major challenge of the Commission, and of its Special Mechanisms, including this Working Group and its focal points for various studies, is gross inadequacy of resources and heavy dependence on external support in the execution of their mandates. As I note with gratitude the support as well as interests expressed over time, by various stakeholders, particularly civil society organizations, in the implementation of my mandates and broadly the work of the Commission, and as I look forward to the concrete realization of many of the proposed supports, I also want to reiterate my appreciation of the efforts 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, as these cannot be over-emphasized.

16. Also, the visibility of this Working Group, and of the Commission and its Special Mechanisms as a whole, remains low, and it is my hope and belief that as the Commission continues to define internal policies that would enhance its working methods, including its media strategy/engagement of the Commission, this and the other issues would be addressed.

17. I am convinced from the various activities undertaken during the inter-session period that as the Commission, we have to enhance our engagement and profile with the various AU bodies. This is particularly true with respect to the AU-PRC. Apart from developing a mechanism for a more effective interaction with the PRC, the Commission should take advantage of the presence of some PRC members at its Ordinary Sessions, to hold meetings and raise issues of concern for further follow up by those PRC members in the PRC meetings.

18. As I conclude, I would like to underscore once again, the importance of States Parties’ support to and collaboration with the African Commission for the effective implementation of the African Charter. In this regard, I wish to call on States Parties to which we have sent requests for Promotion and Research
and Information Missions, both for the Working Group, as well as in my capacity as country rapporteur, to grant the requested authorizations, which are a crucial element of the mandate of the Working Group, and the Commission at large. Equally importantly, I wish to call, once again, on the existing partners of the Working Group, to continue to support its work; and on new and potential partners, to kindly come through with their various expressions of interest in our work.