INTER-SESSION ACTIVITY REPORT

(November 2016 - May 2017)

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 60TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

NIAMEY, REPUBLIC OF NIGER,
08 May – 22 May 2017
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.

The report, which is presented in eight parts, covers activities carried out in the period between the 59th Ordinary Session held in October/November 2016, and this 60th 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 – Activities undertaken as a Member of the Working Group on Communications;
- Part 5 - Update on the Study on Transitional Justice in Africa;
- Part 6 – Update on the Study on Human Rights in Conflict Situations;
- Part 7 – Activities undertaken as country rapporteur; and
- Part 8 - Conclusion

Part 1 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE COMMISSION

1. 21 – 30 November 2016, Promotion Mission to the Federal Republic of Nigeria

Following the decision the African Commission adopted during its 59th Ordinary Session for undertaking a promotion mission to the Federal Republic of Nigeria, Commissioner Lucy Asugabor and I undertook a mission to Nigeria from 21 to 30 November 2016. During the mission, we held wide-ranging meetings and consultations with various state and non-state actors. The mission availed the Commission an opportunity to do an on-the-ground assessment of the human rights situation in Nigeria. The major human rights issues identified include those relating to the conflict in North East Nigeria, the administration
of justice and maintenance of law and order and the environmental, security and developmental issues still affecting the Niger Delta region. Given the magnitude of the issues involved, the role and collaboration of various state and non-state actors in investigating and reporting on the major human rights issues as well as in initiating and implementing effective responses were identified as key for the success of the intervention of the Nigerian government.

2. **22 – 31 January 2017, Addis Ababa, Ethiopia 28th AU Summit:**

As part of the Commission’s delegation, I attended the sessions of the 28th AU summit held in Addis Ababa, Ethiopia from 22 January to 31 January 2017. The meetings of the African Union (AU) Policy Organ in which we participated are as follows:

- The 33rd Ordinary Session of the Permanent Representative Committee – 22 to 24 January 2017;
- The 30th Ordinary Session of the Executive Council – 25 to 27 January 2017; and


I participated in the 21st 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 meetings of the Commission with the President of The Gambia, the Foreign Minister of The Gambia and a delegation of the APRM and participated in the consideration of draft internal policy documents of the Commission; Resolutions on various human rights issues on the continent; as well as draft papers, principles, general comment and guidelines on the agenda of the session. I commend the improvements in
the preparation for this session, including the organization of documents to be considered during the session and the advance circulation of the draft agenda of the session for input from members of the Commission. I hope that this commendable practice is institutionalized and further improvements are attained.

Part 2 - ACTIVITIES ON THE MANDATE OF THE WORKING GROUP


5. The experts’ meeting helped to develop an outline of the scope and content of the constituent elements of the guidelines. It also set in motion the drafting process of the guidelines with contributions from the participants of the meeting. The Meeting was attended by fourteen (14) participants from within the African continent, comprising members of the African Commission, experts from the WGEI, and independent experts working in the area of extractive industries, human rights and the environment.

6. At the 6th Tana High Level Forum on Security in Africa, Africa’s premier annual security forum held on 22 and 23 April 2017 on the theme ‘Natural Resources Governance in Africa’, I participated as one of the speakers of the forum. This availed an opportunity to publicise the work of the African Commission and the human rights standards available under the African Human Rights system that govern the natural resources sector in Africa.
7. During this intersession period, I have received from International Federation for Human Rights (FIDH) a report that it produced together with Lawyers for Human Rights on issues related to mine closure. I would like to acknowledge the contents of the report and the recommendations therein.

Part 3 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE ACBSM

8. On 15 November 2016 I represented the African Commission as a member of the ACBSM in the meeting of organs of the AU convened at the Office of the Deputy Chairperson of the AUC for discussing the 2018 Budget Framework Paper and present the Commission’s contribution to the Paper. Following the meeting, I provided written input into the contribution of the ACHPR to the 2018 Budget Framework Paper, which has since been submitted to the AUC.

Part 4 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE WORKING GROUP ON COMMUNICATIONS

9. On 5 and 6 May 2017 I participated in a meeting of the Working Group on Communications (WGC) preceding the 60th Ordinary Session of the ACHPR. During this meeting the WGC considered communications for seizure, admissibility, strike out, communications requiring guidance as well as an audit of communications pending before the ACHPR.

10. On 7 May 2017 I participated in a joint meeting of the WGC and the Working Group on Specific Issues where various draft documents were considered.

Part 5 - UPDATE ON THE COMMISSION’S STUDY ON TRANSITIONAL JUSTICE IN AFRICA

11. Following the meeting of the Study Group which I convened (with the support of the Centre for the Study of Violence and Reconciliation) in Harare, Zimbabwe in June 2016, a revised draft of the study is currently being drafted. It is anticipated that the draft will be presented during the next session of the Commission.
12. As part of this responsibility, I participated in a panel discussion organized by a number of civil society organizations with observer status with the Commission on ‘reparations for victims of mass atrocities’ held on 9 May 2017 on the side-lines of the on-going session. In particular, I made a presentation on the work of the African Commission relating to reparations during the panel discussion. The event highlighted the importance of reparations as an important part of redress for victims of violations.

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

13. 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) entrusting me with the mandate of conducting a study on human rights in conflict situations.

14. Since then the groundwork for undertaking the study including the preparation of the background paper and holding of informal consultations have been completed. At the public session during the 59th Ordinary Session in October 2016 the plan for the implementation of the Resolution was launched at a panel discussion.

15. On the invitation of the Centre for Human Rights, University of Pretoria, I participated in the first international short course on the right to life on 12 April 2017 and delivered a presentation on the application of human rights and international humanitarian law (IHL) during armed conflicts.

16. On 10 May 2017 together with representative of Amnesty International (AI), I launched the AI report ‘Counting gains, filling gaps: strengthening African Union’s response to human rights violations committed In conflict situations’. During this side-event to the 60th Ordinary Session of the African Commission
in Niamey, Niger I made a presentation on expectations around the implementation of resolution 332 to which the AI report contributes.

17. Both of these events served not only to publicize Resolution 332 but also the work of the Commission in relation to human rights in conflict situations.

**Part 7 ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR**

18. 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, one statement has been issued in relation to events in Kenya.


**Part 8- CONCLUSION AND OBSERVATIONS**

20. The launching of the process of drafting the guidelines on state reporting concerning extractive industries, environment and human rights under Articles 21 and 24 of the African Charter is an important development in the implementation of the mandate of the Working Group on Extractive Industries. The guidelines will help address the gaps that have been observed in the reports of states and offer the Commission a useful instrument for monitoring compliance of state parties with the human and peoples’ rights standards of the African Charter in relation to the operation of the extractive industries in their territories.

21. The pursuit of the mandate entrusted to me has not however been without its challenges. The development of the background study, one of the major deliverables of the Working Group, has continued to face challenges due mainly
to lack of support for completing the work that has started when I took over the mandate in 2015. I would therefore like to call on the support of organizations that are willing and able to assist with this process.

22. It would be remiss of me if I ended my activity report without expressing my distress at the serious human and peoples’ rights as well as IHL violations that continue to be witnessed particularly in the various conflict situations on the continent. Various reports have highlighted that in the conflicts in South Sudan, DRC, Nigeria, Libya, Mali, Egypt and Somalia, those involved in the conflict have perpetrated violence against civilians, with women and children bearing the brunt of much of the violations. While I commend the work of civil society organizations reporting on these violations, I look forward to the enhancement of the response tools of the African Commission for addressing such violations as part of the implementation of resolution 332. I also would like to reiterate the position of the African Commission that it is incumbent on the governments of these states parties to the African Charter not only to ensure that their security forces strictly observe human and peoples’ rights and IHL but also to protect people under their jurisdiction from violations by non-state armed groups.

Thank You!