INTERSESSION ACTIVITY REPORT
(JULY TO NOVEMBER 2020)

Presented at the 67th Ordinary Session of the African Commission on Human and Peoples’ Rights

Held virtually from 13 November to 3 December 2020

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✓ Chairperson of the Committee for the Prevention of Torture in Africa
✓ Chairperson of the Advisory Committee on Budgetary and Staff Matters
✓ Member of the Committee on Resolutions
I. Introduction

1. This Report is prepared in accordance with Rules 25(3) and 64 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission), which require each Subsidiary Mechanism of the African Commission to present a report on its work at each Ordinary Session of the Commission and each Commissioner to similarly submit a report on the activities undertaken in the period between two Sessions.

2. I submit this Report in my capacity as a Member of the Commission, Chairperson of the Committee for the Prevention of Torture in Africa (“CPTA” or “the Committee”), Chairperson of the Advisory Committee on Budgetary and Staff Matters (ACBSM) and Member of the Committee on Resolutions.

3. This Report covers the period between the 66th and 67th Ordinary Sessions of the Commission, i.e. from 7 August to 13 November 2020.

4. On account of the Covid-19 pandemic and the related health restrictions and travel ban decreed by the African Union, activities were carried out through webinars and videoconferences, organised by the Commission or in collaboration with its partners (UN agencies, civil society or NGOs). We have thus been able to monitor the human rights situation in many countries since the outbreak of the pandemic and report violations and abuses, through collaboration with our partners and the families of victims. Urgent appeal letters were sent or press releases published to draw the attention of some governments.

5. The Report is divided into three parts: this introduction, activities carried out between the two Sessions, and recommendations.
II. **Activities carried out between the two Sessions**

A. **Activities undertaken as Chairperson of the CTPA**

i. **Webinar on summary executions in Africa**


7. The participants reviewed the state of summary executions in Africa, especially in this Covid-19 pandemic period. I laid emphasis on the concomitance of crimes of torture and summary execution or the successive perpetration of these two serious human rights violations. The persistence of the Covid-19 pandemic as well as related travel and movement restrictions and curfews observed in many countries are not likely to help improve the situation.

ii. **Seminar on the development of guidelines on enforced disappearances**

8. On 8 October 2020, I participated in the seminar organised by the NGO REDRESS on the development of guidelines on enforced disappearances. Following the excellent introductory presentation by the Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, Honourable Commissioner Adama Gaye, participants held discussions on the development of guidelines to prevent enforced disappearances and ensure redress for victims of enforced disappearances. During the discussions, I reminded participants of the process that led to the development of the Robben Island Guidelines and the path followed to prevent torture in Africa and grant reparations to victims of torture.

9. I also highlighted the absence of an African Convention on Torture and noted the complementarity of international and regional human rights instruments. Finally, I insisted on the adoption of the term “guidelines”, currently in use
within our Commission, instead of “directives”, a term proposed by the English-speaking experts at REDRESS.

10. It was agreed to continue the work on developing guidelines at subsequent meetings.

B. Activities undertaken as Chairperson of the ACBSM

i. First intersession meeting of the ACBSM

11. On 15 October 2020, I chaired the first meeting this year of the Advisory Committee on Budgetary and Staff Matters. The meeting assessed the implementation of the 2020 budget and considered next year’s budget. Committee members also discussed the monthly payment of the inter-session allowance of Commissioners. In light of the difficulties posed by the drastic reduction in the budget for 2021 and, in particular, the risk that financial resources may not allow for the convening of four sessions next year, the Committee decided to meet again before the end of October to discuss possible solutions to address this problem.

ii. Second intersession meeting of the ACBSM

12. On 28 October 2020, the Advisory Committee on Budgetary and Staff Matters continued its consideration of the financial challenges with regard to the organisation of four virtual sessions in 2021.

13. After considering and verifying all expenditures and the accounts to which they will be charged, the Committee came up with two options: the first was to hold two 21-day sessions, one 15-day session and one 7-day session. The second option would be to organise the four statutory sessions (two 21-day sessions and two 15-day sessions) on the condition that the shortfall of $72,000 is covered by partners of the Commission. The Committee recommended the adoption of the first option.

14. With regard to the monthly payment of the intersession allowance, it was decided to organize a meeting between the auditors and Committee members on
the one hand, and to refer the matter to the legal adviser of the African Union on
the other hand.

15. The Secretariat is of the opinion that, since the new system of remuneration for
Commissioners is being applied for the first time this year, it would be prudent
to obtain all legal assurances so as to avoid mistakes.

C. Activities undertaken as a Member of the Committee on Resolutions

16. The Committee met on Wednesday, 2 September to finalise its consideration of
proposed resolutions and adopt resolutions that have been pending since the
conclusion of the 66th Ordinary Session on 7 August. Following a long day of
work online, the Committee finalised and adopted all thematic and country
resolutions that had been pending for a month.

D. Activities undertaken as a Member of the Commission

i. Webinar on the human rights situation in Tunisia, Egypt, Morocco and Libya

17. On Monday, 17 August 2020, Human Rights Watch held a webinar on the
human rights situation in Tunisia, Egypt, Morocco, and Libya. I took note of the
presentations made by the representatives of this NGO in these four States.
Discussions that followed allowed me to update information on Libya (for which
I am the Commissioner-Rapporteur) and make useful cross-checks.

ii. 29th Extraordinary Session

18. I participated with all my colleagues in the 29th Extraordinary Session of the
African Commission on Human and Peoples’ Rights held on 2, 3 and 5 October
2020. This virtual session enabled Commissioners to consider Communications
that had been awaiting decisions for lengthy periods of time. Decisions were
taken on seizure, admissibility and the merits.

iii. Webinar on the evolution of the transition in Sudan and the state of human rights

19. Human Rights Watch held a webinar on Tuesday, 25 August 2020, on the
evolution of the transition in Sudan and the state of human rights.
20. The Organisation’s observers outlined the positive developments in the country (criminalisation of genital mutilation and lifting of the immunity granted to the political police by the former regime) and the shortcomings observed in the realization of human rights.

21. Discussions with the participants allowed us to update and cross-check information on this country; information that is currently less accessible.

iv. Meeting on the UN Commission of Inquiry on Libya

22. On Friday, 30 October 2020, I had a virtual meeting with the members of the Commission of Inquiry on Libya, set up by the UN High Commissioner for Human Rights.

23. This meeting, although virtual, allowed me to get to know the Chair of the Commission of Inquiry and its members and to describe the efforts deployed by the African Commission, since the outbreak of hostilities in Libya, to prevent human rights violations and protect civilians and migrants.

24. I also expressed the African Commission’s hope to assist the Commission of Inquiry during its visits to Libya, as with our previous collaboration in Burundi.

25. The OHCHR’s Commission of Inquiry expressed its commitment to collaborate with our Commission on the Libyan matter, especially given that the mission will be carried out through Tunisia. However, the mission will not be operational until January 2021 due to budgetary restrictions.

v. Webinar on the death penalty

26. At the invitation of the NGO Ensemble contre la peine de mort (ECPM), I participated on Thursday, 5 November 2020 in the webinar organised in collaboration with its permanent representations in Belgium, France, Italy and Switzerland on the adoption of a universal moratorium on the death penalty.

27. The purpose of the webinar was to garner support for the annual UN General Assembly resolution on the establishment of a moratorium on the use of the death penalty.
28. It should be noted that Minister André Asebea of the Democratic Republic of Congo made a presentation on the death penalty and the human rights situation in his country.

29. Speakers at this event also mentioned the recent abolition of the death penalty in certain African countries (Angola and The Gambia) and the observation of a moratorium on the death penalty for the past thirty years in the Maghreb region.

   vi. Training on human rights (Libya)

30. The positive response from the populations of the city of Morzouk (southern Libya) to the African Commission delegation during the mediation undertaken in December 2019 by the NGO PROMEDIATION and the interest shown in African human rights instruments, facilitated the initiative to organise a training session in Arabic on human rights for the benefit of the representatives of these populations.

31. The session initially scheduled in April 2020 was postponed to the end of August 2020 due to the pandemic. But the second wave of the pandemic compelled us to again postpone the organisation of this training session.

32. The session will be organised subject to a positive evolution of the health situation in Tunisia and Libya.

E. Letters of concern and of congratulations

   i. Joint urgent appeal to Zimbabwe

33. A letter dated 15 July 2020 was sent following allegations of ill-treatment of women human rights defenders in Zimbabwe. It was a joint initiative with three other special mechanisms of the Commission and the Commissioner-Rapporteur for Zimbabwe. To date, I have not been informed of any response received from the authorities concerned.
ii. Letter of congratulations to Sudan

34. On 6 October 2020, the Sudanese Council of Ministers approved the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the International Convention for the Protection of All Persons from Enforced Disappearance.

35. I will be sending a letter to the Sudanese authorities congratulating them on this important step towards the effective ratification of these two international instruments. This letter will also insist on the need to finalise the ratification process of these instruments as soon as possible in order to consolidate the legal framework for the protection of human rights in Sudan in the context of the ongoing transition and in an effort to break away from practices detrimental to fundamental rights observed in the past.

F. Press Statements and Releases

i. Joint Press Statement on the killing of more than sixty (60) people in the town of Masteri in West Darfur State, Republic of Sudan

36. This Statement was published on 29 July 2020 to denounce and condemn the attack perpetrated by an armed group of about 500 men on 25 July 2020, which resulted in the death of more than 60 people and 60 injured mostly from the town of Masteri in West Darfur State, Republic of Sudan, followed by looting and burning of several houses, markets and shops.

III. Recommendations

37. All the recommendations contained in my previous intersession report are to be reiterated insofar as, according to the monitoring reports on the situation in the countries for which I am Commissioner-Rapporteur and in light of developments relating to torture and other ill-treatment on the continent, they remain more relevant and topical than ever. I therefore recommend that States Parties:
i. enact legislation criminalising torture and other ill-treatment in accordance with the Robben Island Guidelines and UNCAT;

ii. ratify OPCAT and establish national prevention mechanisms to monitor places of detention;

iii. avoid the use of broad laws such as anti-terror legislation, state of emergency laws and other state security legislation to carry out arbitrary arrests, searches and detentions contrary to international and regional standards;

iv. eradicate torture or ill-treatment in correctional institutions and other places of detention, including by establishing a system of unannounced and unrestricted visits to all places of detention;

v. improve conditions of detention in accordance with the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial-Detention in Africa;

vi. initiate prompt, thorough, independent, and impartial investigations into all allegations of torture and other ill-treatment and ensure that perpetrators are held accountable, and subjected to appropriate sanctions that reflect the gravity of the offences, in accordance with the relevant international and regional standards;

vii. establish accessible complaints mechanisms empowered to receive complaints of torture and conduct prompt, independent, thorough, impartial investigations and make findings;

viii. ensure that security personnel do not use excessive force against civilians and that they respond to protests in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;

ix. ensure that persons suspected of terrorism or persons allegedly associated with persons suspected of terrorism are not subjected to acts of torture and other ill-treatment, and their due process rights are respected;

x. respect and protect the rights of persons or groups at heightened risk to acts of torture and other ill-treatment, including persons with albinism, persons with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI)
persons, migrants, refugees, and internally displaced persons, and ensure that perpetrators are held accountable;

xi. ensure that parties to conflicts respect international humanitarian law set out in the Geneva Conventions, in their treatment of civilians and civilian property; and

xii. ensure that victims of torture and ill-treatment have the right to all forms of redress including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in accordance with General Comment No. 4 on the African Charter on Human and Peoples’ Rights: The Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5).

38. Lastly, the CPTA calls upon everyone with information regarding allegations of torture and other ill-treatment to bring such information to the attention of the Committee and the Commission.