INTER-SESSION ACTIVITY REPORT

(May 2017 – October 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 61ST ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

BANJUL, THE GAMBIA

01 November – 15 November 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 60th Ordinary Session held in May 2017, and this 61st Ordinary Session, as follows:

- Part 1- Activities undertaken as a Member of the Commission;
- Part 2 - Activities on the mandate of the Working Group on Extractive Industries, Environment and Human Rights;
- Part 3 – Activities undertaken as a Member of the Working Group on Staff and Budgetary matters;
- 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. 27th June – 4th July 2017, Addis Ababa, Ethiopia 29th AU Summit:

As part of the Commission’s delegation, I attended the sessions of the 29th AU summit held in Addis Ababa, Ethiopia from 27 June to 04 July 2017. The meetings of the African Union (AU) Policy Organ in which we participated are as follows:
• The 34th Ordinary Session of the Permanent Representative Committee– 27 to 28 June 2017;
• The 31st Ordinary Session of the Executive Council – 30 June to 01 July 2017; and
• The 29th Ordinary Session of the Assembly of Heads of State and Government – 03 to 04 July 2017.

On the sidelines of the Summit, I participated in the meetings that the delegation of the African Commission had with the Chairperson of the African Union Commission and the Deputy Chairperson of the African Union Commission. Together with the delegation, I also paid a courtesy call on the Commissioner for Political Affairs.

2. 29 July – 07 August 2017, 22nd Extra-Ordinary Session of the Commission in Dakar, Senegal:

I participated in the 22nd 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 deliberation on and adoption of decisions on Communications, consideration of draft internal policy documents of the Commission; consideration of various draft papers, principles, and guidelines on the agenda of the Session; as well as preparations for the Regional Seminar on Implementation of the decisions of the Commission and the 30th Anniversary Celebrations of the Commission in November 2017.

3. 08 – 11 August 2017, 6th Annual Meeting between the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights (African Court) in Dakar, Senegal

I participated in the 6th Annual Statutory Meeting of the African Commission and the African Court as well as the Meeting of the Joint Working Group on Publications. During these meetings the following were discussed: the transfer
of Cases from the Commission to the Court; the Establishment of a Legal Aid Fund; a number of research papers which had been prepared by the Secretariat of the Commission and the Registry of the Court; and forthcoming publications, including the launch of the African Yearbook of Human Rights.

Part 2 - ACTIVITIES ON THE MANDATE OF THE WORKING GROUP


5. The Second Consultative Meeting provided the opportunity to the WGEI and participating individual experts to consider the work done during and following the First Consultative Meeting held in December 2016, and to review the draft Principles and Guidelines on State Reporting on Extractive Industries, Human Rights and the Environment, that emanated from the conclusions of the First Consultative Meeting. The Meeting was attended by twelve (12) 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. The draft of the Principles and Guidelines on State Reporting on Extractive Industries, Human Rights and the Environment was presented for a
stakeholders’ consultation on the margins of this 61st Ordinary Session of the Commission.

7. On 15 September 2017 I convened the first physical meeting of the WGEI since my assumption of Chairpersonship of the WGEI, which was attended by three (3) Expert Members. During this meeting the current Strategic Priorities of the WGEI were defined, which would form the basis of its Workplan for 2018. Once adopted by the WGEI, this document would form the basis for engaging with present and potential partners, who will be invited to consider the Priority Areas in respect of which they would be interested in supporting the WGEI.

8. I would also like to inform you that the WGEI, together with its partner, the Centre for Human Rights, is in the process of finalizing the Background Study on Extractive Industries and Environment in Africa for consideration and adoption by the Commission, as mandated by Resolution 148 on the Establishment of a Working Group on Extractive Industries, Environment and Human Rights Violations in Africa.

Part 3 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE WORKING GROUP ON STAFF AND BUDGETERY MATTERS

9. On 9 and 10 October 2017, together with Commissioner Maiga, I represented the African Commission in my capacity as member of the Working Group on Staff and Budgetary Matters in the meeting of representatives of Organs of the AU that was convened at the Headquarters of the AU in Addis Ababa, Ethiopia for harmonization of the remuneration and allowance of various organs.

Part 4 - ACTIVITIES UNDERTAKEN AS A MEMBER OF THE WORKING GROUP ON COMMUNICATIONS
10. From 24 to 28 July 2017, I participated in a meeting of the Working Group on Communications (WGC), preceding the 22nd Extra-Ordinary Session of the Commission. During this meeting the WGC considered: Communications for Seizure, Admissibility and Strike Out; Communications requiring guidance; as well as the audit of Communications pending before the Commission. It also provided guidance to the Secretariat on certain aspects of complaints handling.

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

11. Following the meeting of the Study Group which I convened in Harare, Zimbabwe in June 2016, the Study Group was able to meet again with the support of the Centre for the Study of Violence and Reconciliation (CSVR) from 6 to 8 July 2017 in Nairobi, Kenya, for a review of the draft Study on Transitional Justice in Africa, mandated by Resolution 235 on Transitional Justice in Africa ACHPR/Res.235 (LIII) 2013. The experts meeting considered and reviewed the initial draft chapters of the draft Study on Transitional Justice in Africa and agreed on next steps for working on a final revision and updating of the draft Study for consultation and submission to the African Commission for its consideration and adoption.

12. In the first continental forum on transitional justice jointly organized by the AU Department of Political Affairs and the CSVR from 19 to 21 October 2017 in Johannesburg, South Africa, I delivered the inaugural lecture on the State of Transitional Justice in Africa. This offered an opportunity not only to exchange on major themes and issues relating to transitional justice in Africa but also to profile the African Commission and its on-going work on the subject.

13. As well, on the margins of this 61st Ordinary Session of the Commission, the draft Study on Transitional Justice in Africa was presented for a stakeholders’
consultation. Furthermore, following this Session, the draft Study will be made available on the website of the Commission for wider consultation.

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

14. The first draft of the study on human rights in conflict situations as mandated by Resolution 332 on Human Rights in Conflict Situations ACHPR/Res. 332 (EXT.OS/XIX) 2016 has been commissioned during the inter-Session period. Following the 61st Ordinary Session of the Commission, a technical review meeting and consultation will be organized for the finalization of the draft.

15. On this subject, on 13 June 2017, I was invited to attend ‘The Human Rights and Conflict Prevention: The New York Launch of the Appeal of 13 June’, in New York, United States of America, where I presented a paper on the contribution of human rights to the prevention of conflicts in Africa, and how the promotion and protection of human rights can be used as an instrument of conflict prevention without antagonizing political stakeholders.

16. Within the framework of this mandate, I initiated and facilitated the convening of a meeting between the Commission and the Peace and Security Council of the AU, the highest decision-making body on matters of peace and security in Africa. Apart from helping with coordination, I prepared the background note that served as the text for the intervention that the Chairperson of the Commission made at the session of the PSC on 5 September 2017.

17. Also, on 25 October 2017 I had a meeting with a delegation of the UN Human Rights Office of the High Commissioner relating to implementation of Resolution 332, during which was discussed the need for enhanced coordination between the UN and the Commission on joint activities within the framework of the Addis Ababa Roadmap and during which it was agreed
that the Commission would be one of the principal bodies under the UN-AU Framework Agreement on Human Rights and Peace and Security. The Framework Agreement is expected to be finalised on the basis of the African Union Commission/Office of the High Commissioner for Human Rights Consultative Workshop on Human Rights and Peace and Security which took place from 29 to 30 October 2017, at which I was represented by the Secretariat of the Commission.

**Part 7 ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR**

During the inter-Session period, I have been following the developments in the respective countries for which I am the country Rapporteur. As part of this responsibility, urgent letters of appeal were sent to the Presidents of Kenya and Tanzania; requests for authorization for missions were sent to Kenya, Tanzania and Morocco – in relation to the territory referred to by the United Nations as Western Sahara and the AU as the Sahrawi Arab Democratic Republic; and press releases were issued in relation to events in Kenya.

18. On 26 May 2017, in collaboration with the Chairperson of the Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa, we transmitted a Letter of Appeal to the President of the Republic of Kenya regarding the widespread patterns of extra-judicial killings implicating the police in Kenya and the equally unsettling lack of investigation and prosecution of such cases of extra-judicial killings.

19. On 03 August 2017, together with the Special Rapporteur on the Rights of Women in Africa and the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, we transmitted a Joint Letter of Appeal to the President of the United Republic of Tanzania regarding the statement made on 22 June 2017 to the effect that pregnant girls and teen mothers will not be allowed to attend school.
20. Also, on 25 October, 2017, together with the Special Rapporteur on Human Rights Defenders, and the Chairperson of the Committee on the Protection of the Rights of People Living With HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV, we transmitted a Letter of Appeal to the President of the United Republic of Tanzania, following reports received by the Commission on the alleged arbitrary arrest and detention of thirteen (13) lawyers and activists on 17 October 2017, while consulting on how to institute a case in Court to challenge the decision by the Tanzanian Government to limit the provision of certain health care services essential to HIV prevention for key populations at risk of HIV.

21. Five statements have been issued in relation to events in Kenya, as follows: 1) the press release related to the death of Mr. Christopher Msando, the Systems Development Manager of the Kenyan Independent Electoral and Boundaries Commission (IEBC) issued on 01 August 2017; 2) the press release reacting to reports of statements and actions which might interfere with the processing of the votes or which cast doubt on the process, as well as of confrontations between the police and protestors, issued on 10 August 2017; 3) the press release on the deregistration of NGOs in Kenya, issued on 17 August 2017; 4) the press release on statements attacking the Supreme Court judges who voted for the annulment of the presidential election as well as the lack of consensus and deepening polarization on the establishment of the conditions for credible election, issued on 18 September 2017; and 5) the press release on the use of force by security forces, violations of freedom of association and assembly including the narrowing civic space and freedom of the press, issued on 23 October 2017.

22. As regards the Sahrawi Arab Democratic Republic, following deliberations during the 34th Ordinary Session of the Permanent Representatives Committee of the AU and the 31st Ordinary Session of the Executive Council of the AU, to the effect that the Commission should engage in a dialogue with the Kingdom
of Morocco, to facilitate the implementation of Executive Council Decision EX.CL/Dec. 689(XX) of the AU, adopted at its 20th Ordinary Session in January 2015, mandating the ACHPR to conduct a mission to the territory referred to by the United Nations as Western Sahara and the AU as the Saharawi Arab Democratic Republic, a letter was sent on 19 October, to the Kingdom of Morocco, requesting for authorization to undertake this mission.

23. Lastly, as Commissioner Rapporteur for Kenya I was responsible for the submission of the Commission’s Arguments on Reparations in Application 006/2012 African Commission on Human and Peoples’ Rights v. the Republic of Kenya (the Ogiek case), during the inter-Session period.

Part 8- CONCLUSION AND OBSERVATIONS

24. The four main projects with which I was occupied during the Inter-Session were 1) the Background study on Extractive Industries, Environment and Human Rights in Africa, 2) the Principles and Guidelines for State Reporting on Extractive Industries, Environment and Human Rights, 3) the Study on Transitional Justice and 4) the Study on Human Rights in Conflict Situations. These are currently in varying states of finalization, but for at least two, namely the Principles and Guidelines for State Reporting and the Study on Transitional Justice, I hope that they will be in a state of readiness to be considered by the Commission during its 23rd Extra-Ordinary Session in February 2018. With the adoption of these studies and guidelines, which is the culmination of many years of work, the Commission will have made important strides in addressing issues on the continent of vital importance and to start taking action on issues to which it had not previously been able to dedicate sufficient attention. In this regard I wish to thank our partners, particularly the Swiss Embassy in Addis Ababa, the Centre for Human Rights and the Centre for the Study of Violence and Reconciliation for their contribution in bringing these projects to their conclusion.
Thank You!