

**36th Ordinary Session of the African Commission on Human and Peoples' Rights
23 Nov -7 Dec 2004**

Inter-Session Activity Report

Presented by

**Commissioner Jainaba Johm in her capacity as Commissioner and also as Special
Rapporteur on Human Rights Defenders in Africa**

At the close of the last session, a number of activities had been planned including promotional missions to the Federal Republic of Nigeria and the Republic of Togo. These activities did not materialise.

As Commissioner responsible for promotional activities in Nigeria, Togo, Senegal, The Gambia, Benin and Tunisia, I followed developments of human rights in these countries with keen interest during the intersession.

My planned promotional mission to the Federal Republic of Nigeria in August 2004 did not materialise because at the last minute, the Secretariat informed me that there was no funds available for the approved mission to take place. The planned mission to the Republic of Togo did not also take place. I hope I will be able to undertake these Missions during the next intersession.

During the period between the 35th and 36th Ordinary Sessions of the African Commission, I undertook the following activities:

From the 22nd -26th June 2004, I participated at the annual coordination meeting of the UN Human Rights Treaty Monitoring bodies. This meeting took place at the Palais Wilson, in Geneva, Switzerland. With me were the Vice Chairperson, Commissioner El Hassan and Commissioner Raza Bara. At this meeting we were able to learn from the other systems as to how they function and they in turn benefited from knowing about our own mechanism. The interaction was well appreciated by all participants.

I also participated in the 3rd Extra Ordinary Session of the Commission which took place from 18th - 19th of September 2004, in Pretoria, South Africa. At this meeting the Commission's fact finding report on Darfur, Sudan, was discussed and adopted.

Special Rapporteur on Human Rights Defenders in Africa

As Special Rapporteur on Human Rights Defenders in Africa, during the intersession, I have been raising awareness and developing dialogue with States and interaction with civil societies.

I continued further consultations with our partners, with a view to getting their continued support to enable me discharge my mandate as the Special Rapporteur in accordance with the African Commission's resolution adopted at the 35th Ordinary Session.

I also started a process of assessing the situation of Human rights Defenders on our continent.

From my assessment, it has become quite clear that the human rights situation of Human Rights Defenders in Africa differs from country to country.

Conflicts that are still persisting in some countries on our continent seriously hamper the activities of human rights defenders. Conflicts in Sudan, Côte d'Ivoire, Burundi and the Democratic Republic of Congo, to mention but a few, have tremendously affected the

work of human rights defenders in these countries. Most of the human rights defenders in these countries have been forced to flee these countries or go underground. Some have even been arbitrarily arrested and detained. I will start dialogue with these countries with a view to finding ways and means of making sure that the work of those human rights defenders affected will go on unhindered.

In some countries, freedom of expression and assembly is a near impossibility. Many human rights defenders are arrested or arbitrarily detained if they dare express their opinion on human rights violations in their respective countries. Almost all Member States have laws in place which infringe on the fundamental rights and freedoms of human rights defenders, more especially rights relating to freedom of expression and assembly. Laws like the various Media Commission Bills and NGO bills that have been enacted or are about to be enacted in Member States. A close reading of some of these laws definitely shows that they are being enacted to silence human rights defenders. In this regard, I have started a process of dialoguing with States.

During the intersession, I was able to send two Urgent Appeals to H.E. the President of Zimbabwe. I am very confident that as a result of the urgent appeals I have sent the final document to be enacted will adhere to the principles of the Charter and other International Conventions Zimbabwe is a party to, more especially, the UN Declaration on Human Rights Defenders.

In respect of two human rights defenders who were arrested, I also sent Urgent Appeals to:

- H.E. Omar El Bashir, the President of The Republic of The Sudan on behalf of Mr. Sahil Mahmoud OSMAN (July 2004),
- H.E. Omar El Bashir, the President of The Republic of The Sudan on behalf of Mrs. Zubaida Rahib Abdallah (October 2004)

The recent trend of a host of Governments in Africa, of enacting anti-terrorism laws is of concern to me. These laws are now being put in place as a means of further suppressing the activities of human rights defenders. I shall carry out a study of the respective laws and make a report at the next session of the commission.

During the intersession, I have been exploring avenues of collaboration and in this regard on 22 June 2004, whilst attending the meeting on Human rights Treaty Monitoring Bodies at the Palais Wilson in Geneva, I found time to meet with Mrs Hina Jilani, the United Nations Special Representative of the Secretary General on Human Rights Defenders who conveyed her continued support for the African Commission's mechanism of Special Rapporteur on Human Rights Defenders. We also discussed an idea of undertaking a joint mission to Angola, because at this time arrangements were already on the way for her to go to Angola. This would have been a great opportunity for me to have learnt from her experience taken into consideration that my mandate was new and she had already undertaken other missions.

The planned joint mission to Angola with the UN Special Representative on Human Rights Defenders did not materialize. I was informed at the last minute by the Secretariat that the government of Angola phoned the Secretariat informing them that it was not possible to undertake the mission together with the UN Special Representative. The Angolan government suggested further that I undertake a separate mission in my capacity as Special Rapporteur on Human Rights Defenders of the African Commission. I hope this mission will be agreed upon during this coming intersession. Furthermore, I will attempt again to carry out a joint Mission with Madame Hina Jilani

I met also with Madame Tokunboh Ige, the Africa Team Coordinator at the Office of the High Commissioner for Human Rights, at Palais Wilson. I had fruitful discussions with her as to ways in which the Commission can continue to benefit from her Office. She promised her Office's continued support and said further that monetary assistance had already been sent by her Office to the African Union Commission for and on behalf of the Commission. This assistance was particularly to help strengthen the Secretariat of the Commission and to assist my mandate.

I also met with International NGO's based in Geneva most of them with observer status with the Commission. At this meeting, I took the opportunity to further discuss my mandate and programme and plan of action with a view of getting assistance for the proper execution of my Mandate. They all pledged their continued support for the mechanism and appreciated the insight I gave them about the Commission but more especially about my mandate. I gave them copies of the Resolution the commission passed setting up the mechanism.

Whilst on vacation in the United Kingdom in July- August 2004, I took the opportunity and met with some of our partners. I met with representatives of Amnesty International, Interights and Freedom of Expression and discussed issues relevant to my mandate with them. They also expressed their continued support for the work of the Commission.

As part of my programme of action, I attended and participated in a Consultative Workshop on Women Human Rights Defenders where I had the opportunity to hear testimonies of women human rights defenders from Africa. This meeting took place from 18 to 19 November 2004, Dakar, Senegal. The Consultation was organized jointly by the International Service for Human Rights, the African Center for Democracy and Human Rights Studies and the Observatory for the Protection of Human Rights Defenders. The main objectives of the Consultation were:

- to promote recognition for Women Human Rights Defenders in Africa;
- to identify the specific risks and constraints that Women Human Rights Defenders face in Africa and begin to develop specific recommendations and remedies for their adequate protection, assessing the further steps to be taken;
- to increase participants' knowledge and skills so that they can work as Human Rights Defenders in as much security as possible; and
- to facilitate an exchange of information between women human rights defenders and the newly appointed Special Rapporteur on Human Rights Defenders of the African Commission on Human and People's Rights.

At the end of a two day successful meeting a declaration was adopted and some of the recommendations were addressed specifically to Member States of the Commission. They are as follows:

- strive to end all forms of repression against human rights defenders, particularly women defenders and guarantee their physical and moral integrity in all aspects of their work;
- put in place mechanisms designed to ensure full compliance with the provisions of the 1998 Declaration on Human;
- extend an open invitation to the African Commissions Special Rapporteur on Human Rights Defenders and the UN Special representative on Human rights defenders.

From 20 to 22 November 2004, I attended and participated in the NGO Forum organized under the auspices of the African Center for Democracy and Human Rights Studies. During this forum, I was able to present a paper regarding my mandate and familiarize participants as per the resolution creating my mandate.