



COMMUNITY LAW CENTRE
NEWSLETTER OF THE CLC INTER-
PROJECT PROGRAMME ON THE ACHPR

African Commission on Human and People's Rights

Issue 3: April 2009

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DRAFT AGENDA FOR THE 45TH SESSION

The 45th Ordinary Session of the ACHPR will be held from 13-27 May 2009 in Banjul, The Gambia. The draft agenda was recently released, containing 17 items divided into public and private sessions.

Public sessions

Under Item 4 of the agenda statements on the human rights situation in Africa from stakeholders will be dealt with. Statements by state delegates, African Union organisations with a human rights mandate, inter-governmental organisations, national human rights institutions, and non-governmental organisations will be heard.

The immediately following item will be the relationship between the Commission and national human rights institutions (NHRI).

The 6th item on the agenda deals with state party reports and of importance are that the initial and/or periodic reports of Benin, Uganda, Ethiopia and Mauritius will be considered.

The last item for the public session is the activity reports of the Special Mechanisms of the Commission and a total of 11 such reports will be heard; five Special Rapporteurs and six Working Group Chairpersons.

Private Sessions

Item 8 on the agenda includes, amongst other items, the consideration of two draft papers on (1) the protection of the environment and natural resources and (2) sexual orientation in Africa.

Under the item "Consideration and Adoption of Draft Mission Reports" a total of nine mission reports will be considered. The missions were to: Ethiopia; Libya; Rwanda; Liberia; Benin; Seychelles; Tunisia; Tanzania; and Burkina Faso.

The adoption of observations and concluding remarks on periodic and initial reports will also be done during the private session.

NEWS FROM THE ACHPR

Press Release on the suspension and closure of humanitarian organisations in Sudan

The Special Rapporteur of the African Commission on Human and Peoples' Rights (ACHPR) on Human Rights Defenders in Africa, Me. Reine Alapini-Gansou, expressed her profound concern about the recent decision of the Sudanese government to suspend 13 humanitarian international organisations working in the country.

She further expressed deep concern regarding the decision to ban three national non-governmental organizations for the defence of human rights (*Khartoum Centre for Human Rights and Environmental Development, Amal Centre for the Treatment and Rehabilitation of the Victims of Torture and Sudan Development Organization*), as well as on allegations of continuous harassment of human rights defenders by Sudanese Security Forces.



Me. Reine Alapini-Gansou

The Special Rapporteur on Human Rights Defenders in Africa condemned such actions which constitute a violation of international human rights and humanitarian law, and an abrogation by Sudan of its obligations under international law.

The Special Rapporteur would like to remind Sudan of its obligations under the African Charter on Human and People's Rights, the United Nations Declaration on Human Rights Defenders, the Kigali and the Grand Bay Declarations, as well as other international instruments ratified by Sudan, to respect and ensure the protection of human rights.

The Special Rapporteur invited Sudan to take all necessary measures to:

- 1) Put an immediate end to threats and harassment of human rights defenders in the country; and
- 2) Allow all national and international non-governmental organizations providing humanitarian work in the country to operate freely, and those expelled to return.

Banjul , 7 April 2009.

Press Release on the suspension and closure humanitarian organisation in Sudan following indictment of El Bashir

The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, expressed his grave concern at the decision of the Republic of Sudan to expel international and national humanitarian organisations and their personnel from Darfur, in the wake of the ICC indictment of President Omar El Bashir of the Republic of Sudan.

The Special Rapporteur is concerned that the expulsion of the humanitarian organisations and workers from Darfur, will deprive about two million internally displaced persons in Darfur, the protection and assistance they have been receiving following their forced displacement from villages, and other places of habitual residence in Darfur. The Darfurian civilian population has suffered grave violations of human rights and international humanitarian law, through war crimes and crimes against humanity, allegedly committed by government military forces, the Janjawid militia, and the various rebel forces operating in Darfur, during the last six years of conflict. These violations were the subject of investigations by the International Criminal Court (ICC) Prosecutor, which, inter alia, lead [sic] to the indictment of President El Bashir by the ICC on 4 March 2009.

The African Commission on Human and Peoples' Rights has repeatedly condemned the violation of the human rights of the people of Darfur, and called on the parties to the conflict to respect their obligations under human rights and international humanitarian law, and to work towards a resolution of the conflict.

The Special Rapporteur is concerned that in spite of the foregoing, the Sudanese leadership is escalating the campaign against the ICC indictment, rather than address the important issue of fighting impunity in Darfur. The Special Rapporteur believes that the expulsion of the humanitarian agencies and their

personnel is likely to cause more suffering to the internally displaced persons in Darfur. The decision is a further signal that Sudan is not adequately addressing the fight against impunity.

The Special Rapporteur condemns the abduction of the personnel of the MSF organisation, and calls for their immediate release, by whichever persons, group or forces that have abducted them. The Special Rapporteur is similarly concerned that the position taken by the African Union on the ICC indictment is tantamount to equivocating in its commitment to fight impunity. The Constitutive Act of the African Union commits every member state and the African Union itself to fight impunity, bearing in mind the tragic history the continent has gone through.

In the recent past Africa has taken bold measures to fight impunity, with the support of the international community through the work of the International Criminal Tribunal for Rwanda, the Special Court of Sierra Leone, ICC investigations and prosecutions of alleged perpetrators of international crimes in DRC, Central Africa Republic and Uganda, as well as the adoption of legal instruments, such as the Declaration and protocols of the International Conference on the Great Lakes Region, of which Sudan is a party. Thirty African States have ratified the Rome Statute, and are therefore bound by the efforts of the international community to fight international crimes of concern.

Africa's concern for the protection and assistance of internally displaced persons in Africa, who constitute more than half the world IDP population, has lead [sic] the AU to draft a legal instrument on the prevention of internal displacement, and the protection and assistance of IDPs. The draft convention is likely to be adopted by the AU in the near future.

It is in the light of the above that I call on the Sudanese government to rescind its decision to expel the international humanitarian agencies, redouble its efforts

to find a lasting solution to the Darfur conflict and to cooperate with the international community in resolving the ICC issue.

I also urge the United Nations and the African Union to continue working closely to strengthen UNAMID and ensure that the fight against impunity in Africa is not compromised.

Dar es Salaam, 13 March 2009.

CALL FOR INDEPENDENT EXPERTS

The African Commission on Human and Peoples' Rights (African Commission) at its 44th Ordinary Session held in November 2008, decided to establish a Working Group on Older Persons and Persons with Disabilities in Africa. The mandate of this Working Group will be to *inter alia*, carry out research on the rights of older persons and persons with disabilities in Africa, with a view to better promote the rights of these vulnerable groups and to drafting a Protocol on Older Persons and Persons with Disabilities.

The composition of the Working Group will include two members of the Commission together with a number of independent experts. The Secretariat has been requested to compile a list of interested candidates for consideration as independent expert members of the Working Group. Nominations are accordingly invited for qualified persons to serve as independent experts of the Working Group.

Any individual in a position to contribute his expertise to the Working Group is invited to submit:

- A letter highlighting his/her interest in issues related to Older Persons and Disabled Persons in Africa;
- A detailed curriculum vitae.

These documents should be conveyed to the Secretariat of the African Commission by **30 April, 2009** at the latest.

In evaluating candidates, due consideration is to be given to equitable gender, geographic, geographic and linguistic representation. The African Commission intends to nominate the members of the Working Group during its 45th Ordinary Session scheduled for May 2009.

Issued by the Secretariat African Commission on Human and People's Rights. For further information please contact: irene@achpr.org

THE 6TH EXTRA-ORDINARY SESSION OF THE AFRICAN COMMISSION

The 6th Extra-Ordinary Session of the ACHPR was held in Banjul, The Gambia, from 30 March to 3 April 2009. At the end of the session, the African Commission, in a communiqué, identified the following as some of the outcomes of the session

1. The Commission agreed to form a Committee on Budget and Staff Matters that will oversee the drawing up of the Commission's budget, activities of the Commissioners and the implementation of the new structure of the African Commission as adopted by the Executive Council of the African Union in Decision EX.CL/490(XIV).
2. Four Commissioners were appointed as members of the Committee:
 - (a) Commissioner Angela Melo, Chairperson
 - (b) Commissioner Musa Ngary Bitaye – Member
 - (c) Commissioner Reine Alapini-Gansou – Member; and
 - (d) Commissioner Kayitesi Zainabo Sylvie – Member.
3. The Commission examined Promotion Mission Reports and Communications. The Commission considered and adopted the following reports:
 - (1) Report of Promotion Mission to the Republic

of Ghana; and (2) Report on Promotion Mission to the Republic of Mali.

4. The Commission adopted, with amendments, decisions on the Merits of three Communications and decided to be seized of six communications.

The full communiqué is available at: http://www.achpr.org/english/communiqués/Final%20communiqué_6eos.pdf

Note

This newsletter is distributed internally to the staff of the Community Law Centre as an information service on the work of the ACHPR. If you have any comments or suggestions, please feel free to direct these to Lukas Muntingh (lmuntingh@uwc.ac.za) or Jamil Mujuzi (jmujuzi@uwc.ac.za).