

Statement of the Human Rights Implementation Centre 79th Ordinary Session of the African Commission on Human and Peoples' Rights

Observer status number: 497

Agenda item: Human Rights Situation in Africa

The Human Rights Implementation Centre at the University of Bristol UK welcomes the opportunity to provide this statement to the 79th Ordinary Session of the African Commission.

We reiterate our statements, made at previous sessions, regarding the monitoring of the implementation of the decisions of the Commission, including its own recommendations that it would 'Institutionalise a mechanism to follow up on the implementation of its recommendations and decisions'.

Whilst appreciating that developing and operationalising a coherent approach to implementation requires resources, we respectfully urge the Commission to use no-cost and existing mechanisms available to it to facilitate implementation of its decisions. NHRIs and civil society can submit alternative reports to the African Commission in the context of Article 62. Some of these reports reference the extent of implementation of Commission's decisions and are therefore an essential source of information, not just for the Commission but for victims and others, seeking to understand what the state has done to remedy violations. We request that these reports, as is the practice in the UN, are always made available on the Commission's website alongside the state reports.

We encourage once again for the Commission to make use of the national mechanisms for implementation, reporting and follow-up (NMIRF) that exist in numerous countries now across the continent, whose role is to coordinate activities not only on state reporting before the African system, but also at the UN and to follow-up on decisions. They provide a useful one-stop-shop for engagement post-decision, and identifying the appropriate ministries responsible for coordination and implementation. We would urge the Commission to request, as standard, in its recommendations in its decisions, for the state to identify, within one month, whether such a mechanism exists and its contact details.

The visibility of the measures taken by states to implement decisions of the African Commission will increase the likelihood of victims receiving the reparations for the harm they have suffered. As part of a campaign by civil society organisations, members of the Litigants Group, to consider the restrictive application of Article 59 of the African Charter, the HRIC urges the African Commission to operationalise its recommendations from its seminars in Dakar and Zanzibar, to 'develop a database with periodic updates on the status of implementation of decisions by States'. We urge the Commission to regularly and consistently, as part of the Working Group on Communication's reports to each session, and in its activity reports, to make visible information on the measures that states have taken to implement decisions. We reaffirm our ongoing commitment to work with the Commission in developing a strategy around reparations and monitoring implementation.

In the same spirit of transparency, we welcome the recent improvements to the functionality of the Commission's website and encourage the Commission to place on its website all the statements made by states, NHRIs and CSOs during each session so there is a public repository of these documents and the invaluable information and insights in these papers are visible for all to see.

Finally, we would like once again draw the attention of the African Commission to the situation in Biafra. The African Commission has been continually alerted to ongoing violations against those who identify as Biafran including extrajudicial killings, arbitrary detention and torture and ill-treatment. In June 2021 the leader of the Indigenous Peoples of Biafra, Nnamdi Kanu, was picked up at the airport in Kenya and for the following 10 days his whereabouts were unknown. He then was found in detention in Abuja, with evidence of his torture and ill treatment in the intervening days. The UN Working Group on Arbitrary Detention adopted an Opinion in April 2022 in which it held that his continued deprivation of liberty, his detention pending trial and inability to challenge the lawfulness of his detention is in violation of Nigeria's human rights obligations and that he 'been targeted on account of his activism in galvanising momentum for a referendum on the sovereignty of Biafra', contrary to Articles 2 and 7 of the UDHR and Articles 2(1) and 26 of the ICCPR. Mr Kanu, however, remains in detention and in solitary confinement.

We urge the African Commission to expedite a decision on matters currently pending before it, to call on the Nigerian government to respect the provisional measures adopted by the Commission, as well as request information from the government on the continued violations against individuals in Biafra, to undertake investigations, punish those responsible and provide reparations for the victims.

We stand available to provide further information to the African Commission and are always grateful for your engagement.