

# **71th Session of the African Commission on Human and Peoples' Rights**

## **Statement under Item 6: Activity Report of the Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa**

### **Observer Status No. 359**

**Honourable Chairperson,**

**Honourable Commissioners,**

**State Delegates represented,**

**Distinguished ladies and gentlemen,**

On behalf of DefendDefenders and AfricanDefenders, we welcome the report of the Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa.

Recent data shows that 59% of human rights defenders killed in 2021 across the world worked on land, environmental and indigenous rights.<sup>1</sup> While environmental human rights defenders act as a first line of defence against the destruction of biodiversity, endangered ecosystems, and traditional livelihoods, in Africa, attacks against environmental defenders are rife and occur often with complete impunity.

We condemn the many challenges faced by African environmental defenders, including vilification, harassment, threats, police brutality, unfair trials, arbitrary arrests, enforced disappearances, and even worse – some pay the ultimate price for their activism.

Among recent cases, on 12 January 2022, six armed men entered violently in the home of Congolese environmental lawyer, Timothée Mbuya, in Lubumbashi. He is also facing a defamation lawsuit after publishing a report alleging encroachment of a protected area by one of the DRC's largest agribusiness players.<sup>2</sup>

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<sup>1</sup> [https://www.frontlinedefenders.org/sites/default/files/hrd\\_memorial\\_2021\\_report\\_final.pdf](https://www.frontlinedefenders.org/sites/default/files/hrd_memorial_2021_report_final.pdf)

<sup>2</sup> <https://monitor.civicus.org/updates/2022/01/19/Three-killed-protest-against-insecurity-judicial-harassment-HRDs-journalists-assaulted/>

On 2 November 2021, twenty-eight residents from Marange area in Zimbabwe and their traditional leader, Headman Robert Chiadzwa, were arrested and charged with inciting public violence, for holding a peaceful protest to denounce Chinese diamond mining company Anjin's failure to consult the community on human rights abuses linked to the business activities.<sup>3</sup>

On 17 October 2021, Algerian environmental activist Mohad Gasmi was sentenced to five years in prison for 'praising terrorism' on the basis of social media posts critical of the government, one of many examples of arbitrary terrorism prosecutions being used by governments to criminalise the work of human rights defenders across the continent.<sup>4</sup> Most cases of judicial harassment related to environmental protection documented by the CIVICUS Monitor between 2018 and 2021 have taken place in countries where civic space is rated as obstructed or repressed.<sup>5</sup>

### **Honorable Chairperson,**

These attacks are yet again a testimony of the plight of African environmental human rights defenders who are faced with a wide array of risks as they fight for justice and accountability for the communities affected by mining, logging, and other extractive industries.

We call on this Commission to take bold actions to ensure the effective implementation of the recommendations laid out in the Working Group's recent *Background Study on the Operations of the Extractive Industries Sector in Africa and its Impacts on the Realisation of Human and Peoples' Rights under the African Charter on Human and Peoples' Rights*.

Specifically, we urge this Commission to continue to use the various mechanisms, including communications processes, review of State reports, missions, resolutions and the other mechanisms at its disposal to promote human rights in the extractive industries and address violations that occur.

Recalling the State Reporting Guidelines on the Contents of the Rights and Obligations under Articles 21 and 24 of the African Charter, we also urge this Commission to call on state parties to set up effective and

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<sup>3</sup> <https://www.business-humanrights.org/en/latest-news/headman-robert-chiadzwa/>

<sup>4</sup> <https://www.frontlinedefenders.org/en/case/human-rights-defender-sentenced-5-years-prison>

<sup>5</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/DefendersOfOurPlanet.pdf>

systemic mechanisms to monitor, document, report, and address attacks on environmental defenders, ensuring accountability and non-repetition.

**I thank you, Honorable Chairperson.**