



**STATEMENT ON THE SITUATION OF HUMAN RIGHTS DELIVERED
DURING THE 69TH ORDINARY SESSION OF THE AFRICAN
COMMISSION**

Chairperson of the African Commission, Hon. Remy Ngoy Lumbu

Members of the African Commission

Representatives from National Human Rights Institutions

Representatives from Civil Societies and Non-governmental Organizations

Representatives from governments and other non-state actors

The People of Africa and International Community

All Protocol Observed

1. I am Marie Ramtu, Executive Director at Muslims For Human Rights – MUHURI, Observer Status Number 452. MUHURI is a non-governmental organization based at the Kenyan Coast. It was founded in September 1997 with the objective of contributing towards the promotion, protection and enjoyment of human rights by all.
2. Delegates of the 69th Ordinary Session, as you all may be aware, the year 2021 marks 20 years since the September 11th, 2001 attacks on American soil that saw the beginning of the ‘global war on terror’.
3. Specific violations are meted on Muslim communities, making men subjected to the post September 11 extraordinary rendition programs developed by the United States Central Intelligence Agency (CIA). Hundreds of Muslim men globally have been subjected to kidnappings, incommunicado detention and torture.
4. The CIA has systematically abducted people from locations across the world and transported them to other countries to interrogated in ways too extreme to be allowed under international law.
5. The capture, transportation or detainment of an individual with the intent to inflict extreme levels of physical, psychological and emotional pain to gain



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intelligence means that the USA placed itself as a key actor and hence can be directly held accountable for the harm caused.

6. However, given the complex 'global spider web' used for 'targeting, apprehending and detaining terrorist suspects', suggests that multiple states have been involved in the rendition process by playing different roles. Hence, the difficulty in holding these states accountable when their involvement is temporally or causally distant from the torture is acknowledged.
7. As a result, the work of regional human rights institutions to hold the United States and its partners accountable for abuses as part of the 'global war on terror' are more important than ever.
8. The Inter-American Commission made historic steps when it heard the merits of cases brought before it by petitioners who are victims and survivors of the U.S. counter-terrorism abuses. This has provided a vital opportunity for the survivors of U.S. torture to have their voices heard and suffering acknowledged. Illustratively, on May 27, 2020 the Inter-American Commission found the U.S liable for the torture and refolement of Djamel Ameziane, an Algerian national who was formerly detained at the Guantanamo Bay.
9. Similarly, the European Court of Human Rights has issued multiple judgments condemning European States participation in extraordinary renditions. Illustratively, is the 2016's judgment in *Nasr and Ghali v. Italy* where Italy was held responsible for its [failure to punish](#) American and Italian agents for the extraordinary rendition of an Egyptian national.
10. So far, in as much as some of its member states assist in extraordinary renditions, the African human rights system is yet to address the merits of any 'war on terror' claims. *Mohammed Abdullah Saleh Al-Asad v. the Republic of Djibouti* remains alive before the African Commission for at least a decade now. We urge the African Commission to join its counterparts in the Inter-American and European human rights systems by addressing the abuses meted out by Member States as part of the U.S. extraordinary rendition program.
11. No matter how powerful and hegemonic the perpetrator is, regional human rights mechanisms should persist their vital work to establish the truth and ensure accountability for violations of human rights. Effort should also be allowed for



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different levels of blame to be attributed to states with varying degrees of involvement, even those at the periphery for aiding torture. Expanding the circle of perpetrators increases the number of states and individuals who should face the consequences.

12. At this point, MUHURI would like to commend the efforts of the African Commission in development of the Guidelines on the Protection of All Persons from Enforced Disappearances in Africa.
13. MUHURI also supports the Commission's efforts to call upon all member states to ratify the International Convention for the Protection of All Persons from Enforced Disappearance through the press release issued on the International Day for Victims of Enforced Disappearances, 2021, marked annually on August 30th.
14. To conclude, I would like to draw the attention of the Commission to MUHURI's shadow report that was submitted on September 27th, 2021 in response to paragraphs 190 & 191 of the Kenya State Report for the 12th and 13th period on The Right to National and International Peace and Security. We anticipate that the questions and recommendations made will be put forward to the Government of Kenya. Thank you all

References:

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Ross W. Bellaby (2018) Extraordinary rendition: expanding the circle of blame in international politics, *The International Journal of Human Rights*, 22:4, 574-602, DOI: 10.1080/13642987.2017.1397634

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