



RWANDA NATIONAL COMMISSION FOR HUMAN RIGHTS
CONFERENCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS
IN THE EAST AFRICAN COMMUNITY

27TH - 28TH OCTOBER 2009

KIGALI – RWANDA

SERENA HOTEL-KIGALI, RWANDA

REPORT

November, 2009

1.0 INTRODUCTION

The National Human Rights Institutions (NHRIs) in the East African Community (EAC) Conference was held in Kigali, Rwanda from 27th – 28th October 2009. The Conference was attended by two representatives from the Kenya National Commission on Human Rights, National Commission of Human Rights of Rwanda, Uganda Human Rights Commission, Commission for Human Rights and Good Governance of Tanzania, and the Government Commission on Human rights of Burundi. The conference was organised by the National Commission for Human Rights of Rwanda in collaboration with the Konrad Adenauer Stiftung, the Rule of Law Program for Sub-Sahara Africa. The Conference's objectives were:

- a) To make a room for the NHRIs to explore together on how they can reinforce their role in the whole struggle of promoting and protecting Human Rights in the East African Community;
- b) To smooth the progress of sharing information among the NHRIs as to achieve their particular mandate of promoting and protecting peoples Human Rights;
- c) To develop a spirit of solidarity and networking in the NHRIs in the East African Community;
- d) To allow the NHRIs to share experiences and gain more management skills and techniques of a greater understanding on both challenges and opportunities for Human Rights promotion in our region.

The Conference expected to yield the following results:

- ✚ To share information on the role of NHRIs in each country in promoting Human Rights (with a define theme);
- ✚ To share information on the last Draft Bill of Rights for the EAC;
- ✚ To share on the information on decisions and commitments previously adopted in the EAC meetings in which NHRIs participated;

- ✚ To find a strategy to follow up the implementation of all decisions and commitments at the State level;
- ✚ To dissect jointly EAC plan of action and find out the role of NHRIs in its execution;
- ✚ To develop a strategy for networking in reinforcing the role of NHRIs in EAC countries.

2.0 OPENING REMARKS

The opening remarks were given by Honourable Minister of the EAC from Rwanda, Ms MUKARURIZA Monique who was the Guest of Honour and Honourable Chairperson of Rwanda National Commission for Human Rights, Ms KAYITESI Zainabo Sylvie. In her opening remark, Honourable Minister of the EAC highlighted the catalyst role of the NHRIs in their respective countries in promoting and protecting Human Rights.

On the other hand, the Chairperson of Rwanda NCHR introduced the participants with main objectives and expectations of the Conference. She asked the participants to explore the best practices, differences and similarities which can be shared and be used as a base in drawing strategies to facilitate in the realisation of the institutional mandates of NHRIs.

For more information contained in speeches, refer to annexes attached hereto.

3.0 CONFERENCE PRESENTATIONS

Presentations were made by representatives from NHRIs in the EAC. The presentations highlighted the challenges and opportunities that exist and made recommendations on regional strategies and programmes that could be undertaken by NHRIs towards promoting respect for human rights while adhering to Good Governance. The Topics of presentations issued and their respective presenters were as follow:

- “Political Accountability” presented by Ms Jaoko Florence Simbiri, Chairperson of Kenya National Commission on Human Rights - Kenya;
- “Peaceful Elections”, “Update on Establishing an Independent Commission” presented by Mr Ngiye Audace, Government Commission on Human Rights – Burundi;

- **“Economic and Social Rights”** presented by Ms Jacqueline Demello, Commission for Human Rights and Good Governance – Tanzania;
- **“The Role of NHRIs in Reinforcing Human Rights Promotion and Protection”** presented by Ms Jacqueline Demello, Commission for Human Rights and Good Governance – Tanzania;
- **“Challenges in Promoting Human Rights in the EAC (Insecurities, Traditions, Myth and Culture)** presented by National Human Rights Commissioner Dr Katebalirwe Amooti wa Irumba, Uganda;
- **“Unity and Reconciliation vs Impact on Human Rights”** presented by Commissioner Ms Hope Tumukunde, Rwanda;
- **“Peace and Conflict Management”** presented by Mr Med S.K. Kaggwa, Chairperson of Uganda National Human Rights Commission;
- **“Bill of Rights, Optional Protocol on the East African Court of Justice”** by Mr Aliro Omara from Kituo Cha Katiba;
- **“Strategies on how to Promote and Protect Human and Peoples’ Rights”** by Ms Kayitesi Zainabo Sylvie, Chairperson of Rwanda NCHR;
- **“Networking in NHRIs in EAC”** by NCHR, Kenya;

In the midst of the presentations, the Conference held plenary session to discuss and brainstorm on raised challenges and issues at hand, for instance **“Conflicts in the Electoral Process”**, **“The Issue of Corruption”**, **“Establishment of an Independent National Human Rights Commission in Burundi”**, **“Strategies for Networking”**, etc.

4.0 THE CREATION OF NHRIs’ ASSOCIATION

From the plenary session, after sharing and brainstorming on raised issues, the participants agreed to create an association of National Human Rights Institutions of East Africa as to enhance better interaction and collaboration among these institutions for overseeing the implementation of adopted strategies for promotion and protection of Human Rights in the Community.

The Conference decided that, meanwhile the Rwanda – NHRI, as the Institution of the Partner State holding the Presidency of the EAC, will be holding interim chair of the

association until the rules and structures will have been elaborated and agreed upon. With this position, the secretariat of the Association will be the Rwanda NCHR.

5.0 RESOLUTION

With the above accepted agenda, participants unanimously adopted a Resolution and named it Resolution n° 1/2009 of the First Meeting of National Human Rights Commission of the EAC Partner States. It states:

PREAMBLE

At their first meeting, the National Human Rights Institution (NHRIs) of the East African Community Partner States, namely Kenya National Commission on Rwanda, Uganda Human Rights Commission, Commission for Human Rights and Good Governance of Tanzania, and Government Commission on Human Rights of Burundi, held in Kigali Rwanda between the 27-28 October 2009 at Serena Hotel, consider the possibility of working together;

NOTING: the provisions of Articles 6 (d) and 7 (2) of the Treaty for the Establishment of the East African Community and,

AWARE: of the Resolution of the Council of Ministers (EAC/CN/DECISIONS 33,34 and 35) on a Three Year Plan of Action for Human Rights,

UNANIMOUSLY RESOLVED:

Association of NHRIs of EAC Partner States

- 1. That, the National Human Rights Institutions of the Partner States of the Community, formally creates an association of national human rights institutions of East Africa.**
- 2. That, the NHRI of the Partner State holding the Presidency of the EAC African Community Summit will be the chair of the Association. The current chair will hold this position in the interim until the rules and structures have been developed and agreed upon by the members.**
- 3. The structures and functions of the Association will be elaborated later by the members.**
- 4. The Secretariat of the Association will be the NHRI holding the chair.**

Bill of Rights

- 5. The National Human Rights Institutions of the Partner States reaffirm their commitment to the promulgation of an East African Bill of Rights, and agreed to submit the current draft to the Secretary General of the EAC forthwith.**

Vote of Thanks

- 6. The NHRIs register their appreciation and thanks to the National Human Rights Commission of Rwanda with the support of Konrad Adenauer Stiftung for making this first meeting possible.**

6.0 RECOMMENDATIONS AND THE WAY FORWARD

In concluding this meeting, participants drawn up following recommendations to be implemented by these institutions as their way forward in realising their goals in the EAC partner States:

A. On Accountability and Good Governance:

- 1. The NHRIs in the EAC should advocate for legal mechanism to deal with hate speech spread during election campaigns;**
- 2. The NHRIs in the EAC should develop common standards and jointly monitor the whole electoral process in their countries.**
- 3. The NHRIs in the EAC should empower the population to know their rights and duties at elections.**
- 4. The NHRIs in the EAC should develop a harmonized curriculum of civic education that addresses democracy as a pillar of good governance.**

5. The NHRIs should develop an entry point to collaborate with public institutions in order to influence the development of rights-based policies and programmes.
6. The NHRIs should develop workable strategies to engage the Legislature on various issues.
7. The NHRIs should send early warnings and demand rapid responses from their Governments, in situations of potential violations of human rights.

B. On Burundi:

8. The NHRIs should urge the EAC secretariat to assist Burundi in establishing an independent National Human Rights Commission in conformity with the Paris Principles.
9. The NHRIs should conduct a promotional mission to Burundi with the view to discussing with Government the urgency of creating an Independent National Human Rights Commission, and other pertinent human rights issues.

C. On Economic and Social Rights:

10. The NHRIs should advocate for prompt, fair and adequate compensation for land or other properties taken by the Government.
11. The NHRIs note with concern the negative impact of corruption on Human Rights and therefore recommend that the NHRIs, on their own initiative, should collaborate with anti-corruption institutions to fight and prevent corruption.

12. The NHRIs note with concern the delays in the administration of justice and advocate for the reforms in the justice system and speedy resolution of cases in their countries.

D. On the Bill of Rights for the EAC:

13. The Interim Chair of the EAC Association of NHRIs should submit the Draft Bill of Rights in its current form without delay to the Secretary General for onward transmission to the Council of Ministers.

14. The NHRIs should undertake to popularise the idea of the EAC Bill of Rights and its content in their individual countries.

15. The NHRIs recommend that there should be a focal point in each NHRI charged with advancing EAC matters relating to Human Rights.

E. On the Role of NHRIs:

16. The NHRIs should strengthen their activities for the promotion and protection of human rights.

17. The NHRIs should regularly share experiences of their work and devise strategies in dealing with various human rights issues including conflict management.

18. The NHRIs in collaboration with their Governments should develop National Action Plans on Human Rights.

At the end of the all sessions, participants agreed to conduct the first meeting of this "Association" created in early December 2009.

ANNEXES

1. Opening Remarks by Hon. Minister in the EAC

KEY NOTE ADDRESS BY HON. MINISTER OF EAC

IN THE CONFERENCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN EAC

Honorable Chairperson of Rwanda National Human Rights Commission

Honorable Chairpersons of National Human Rights Institutions from EAC Partner States

Delegates from EAC Secretariat

Distinguished guests,

Ladies and gentlemen

Allow me to begin my remarks by thanking the organizers of this conference. This reflects a genuine commitment by the EAC partner states for establishment of the rule of law, social justice through good governance and human rights respect.

Human rights are one of the pillars of Good governance. The treaty for the establishment of the EAC, in its article 6 provides that “The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner states shall include : good governance including adherence to the principle of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and peoples’ Rights.”

We appreciate the tasks being done by Commissions in promoting and protecting human rights in our society. Those tasks are human rights education, the development of teaching tools and manuals for schools, annual social justice reports highlighting pressing societal

needs, fighting sexual harassment, and information sharing with National Parliaments to ensure human rights compliance and among others. All these sustain the full enjoyment of human rights in our societies.

The promotion and protection of Human Rights are among the fundamental principles of the success of the Community. In support of article 6 (d) of the Treaty for the establishment of EAC, a number of activities have been undertaken to pave ways for sustainable Community. In this context, several fora have been conducted to harmonize systems and enhance cooperation in the area of human rights. An EAC Action Plan on promotion and protection of Human Rights in East Africa was adopted; many workshops on development of a regional framework on Good Governance took place...

Throughout these fora and workshops, different valuable recommendations and decisions were taken in laying strategy foundations to improve the human rights realisation in our region.

Distinguished guests,

Ladies and gentlemen

This conference is taking place at the time we are celebrating the 10th anniversary of EAC, since the treaty establishing this community was signed in November 1999. The last 10 years have witnessed the implementation of the Customs Union protocol since 2005, negotiations of the Common Market protocol scheduled to be signed next month, and consultations on political federation.

The Objectives of the EAC Anniversary Observance are:

First, to record the achievements of the EAC during the 1st decade of its operations; showcase the achievements that the EAC has made in the past 10 years, since the Signing of the Treaty for the Establishment of the East African Community in 1999; recognizing the roles and contributions of the key players and actors and the broad spectrum of stakeholders in the

EAC integration process; and, in this way, encourage them and others to embrace the integration effort in the subsequent stage where the EAC is moving;

Secondly, to identify the challenges that the EAC faced during the 1st decade of its operations (1999-2009); focus on the EAC operations into the 2nd decade (2010-2020) and how it is going to reinvent itself in light of the new challenges; and resolve into a truly effective and visibly achieving regional organization; and

Thirdly, to stage a celebratory moment, not forgetting that, while the first EAC, which was established in 1967, collapsed on its 10th Anniversary in 1977, the new EAC that was established in 1999 is resurgent, enlarged and full of promise and prospects as it marks its 10th Anniversary. In this regard, EAC 10th Anniversary celebrations should reinforce the spirit of unity, pride, good feeling and hope among the people of East Africa about their Community; and galvanize a passionate, visionary and broad participation in the EAC integration process.

As we are inspired by a common determination to promote mutual understanding among our peoples and cooperation among our states, at the end of this workshop, we shall define a common vision dedicated to:

- Promote the unity and solidarity in our community
- Struggle to eradicate all forms of human rights violations committed by some individual groups to our fellow citizens;

Distinguished guests,

Ladies and gentlemen

Before concluding my remarks, I would like to express my gratitude to Konrad Adenauer Stiftung, Rule of Law Program for Sub-Saharan Africa for the financial support that it has availed to make this conference success.

I wish you fruitful deliberations and do hope that you will, in spite of your busy schedule, find some times to visit some of our historic sites as well as some of our areas of beauty and splendor.

On this note I would like to announce this conference on National Human Rights Institutions in EAC open.

2. Opening Remarks by Hon. Chairperson of Rwanda NCHR

THE CONFERENCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE EAST AFRICAN COMMUNITY

27th-28th October, 2009

Serena Hotel, Kigali-Rwanda

Honourable Minister in East African Community,

Honourable Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen

On behalf of the National Human Rights Commission, reward me this unique privilege to welcome you to this extraordinary occasion of a two day meeting of which the National Human Rights Commission would like to share with you as together we look at the way these National Human rights Institutions in our EAC can reinforce their responsibilities in promoting and protecting Human rights in our region.

Honourable Minister,

Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen,

Please allow me to introduce to you our conceptual objectives of this conference.

First and fore most we wish to make a room for the NHRIs to explore together on how they can reinforce their role in the whole struggle of promoting and protecting Human rights in the East African Community.

Secondly, we have to find together the smooth way of sharing information among the NHRIs as to share our strategies and mechanisms so that we can be able to breakthrough in achieving our special mandates.

Likewise, we are focusing to develop a spirit of solidarity and networking in the NHRIs in the East African Community by sharing experiences and gain more management skills and techniques for a greater understanding of both, challenges and opportunities for human rights promotion in our region.

The struggle for Human rights as exemplified in the Universal Declaration in 1948 has certainly been one of the great progressive achievements of the century.

The government of Rwanda like any other country, struggling to shape its dignity and respect for its citizens human rights, recognized a need to have a pioneering organ to facilitate in the instituting the plan. The National Commission for Human Rights as a constitutional independent institution got established with a clear mandate of promoting and protecting the respect of human rights in our country.

Honourable Minister,

Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen,

The National Commission for Human rights of Rwanda came into existence on 12th March 1999. The institution emerged as one among other organs established to reinstate a culture of respect to human rights in a Rwandan society which has suffered unspeakable human rights violations. And so as to empower it, to uphold its autonomy and strengthening it, got reaffirmation by the Constitution of the Republic of Rwanda of year 2003.

Honourable Minister,

Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen,

The National Commission for Human rights of Rwanda in its short journey of ten years which have been completed in early March this year, has endeavored to curb violations or ameliorate neglect of human rights occurring anywhere in the country which comes to its notice.

In executing its mandate, the Commission has attended to many types of human rights violations since its establishment and almost all of its recommendations to the government have been accepted and

implemented by the government. More of its achievements can be retrieved from its annual reports submitted to the Parliament and to the President's office since its foundation.

We realize as a human rights activist organ that, protection and promotion of civil or political rights is not enough as deprivation or disparities in economic, social and cultural areas which are widespread have reduced large number of citizens to the margins of human existence. Thus, all rights whether political, civil, economic or cultural are inter-dependent. Any one of the rights alone can not be effectively exercised for a person who lives in utter poverty; political and civil rights may not have any significance. The Commission has been making efforts to minimize such aberrations and create an environment in which rights can be better promoted or protected.

Honourable Minister,

Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen,

With these I mean, apart from sensitizing the community for Human rights awareness and advocating for the redress of violations noticed, the Commission has also undertaken work in other fields like eradicating child exploitation, child labour and advocating for the marginalized group for better welfare. The insight behind this is that economic and social inequalities create differences in access to political power, justice, basic goods, services all of which are essential for the full realization of human rights. The process of development must strive to realize all human rights entitlements of all rights holders. This is particularly relevant for the poor and the marginalized. For them, it is necessary that the development process move away from needs based exercise in charity and assistance to one that creates and sustains genuine entitlements that span all aspects of their life –economic, social, cultural as well as civil and political.

While Rwanda was trying to nurture the culture of peace in all its systems to adhere with the respect of Human rights as to bring back the unvalued human dignity, the Commission has played a greater role in advising the legislature while instituting laws by giving its opinions and proposals. From this, the scope of Human rights has been expanded by judicial interpretation of the fundamental rights including the right to life, where with all our bad history which violated such a fundamental right to life, many of our population has reached a step in life to agree the right to life to be a fundamental one and no one should be denied it, hence accepted to end the capital punishment to the society.

The Commission has endeavored to promote a culture of Human rights in the country by facilitating for the introduction of Human rights education in the curricula, from lower schools up to the

University. Not only in formal sector is the Commission developing the Human rights respecting culture but also in informal sector, especially in some of known to be impermeable sectors like in the religious, police and Military sectors. With these, the Commission has been able to lighten their awareness to Human rights respect and even changing them to be its ambassadors to advocate for the promotion and protection of these rights. For instance in its established mechanism for monitoring Child's rights, commonly known as "Child's rights Observatory", the Commission purposely ensured that in every committee at sector level and that at the district level, a religious leader is one of its members.

Honourable Minister,

Chairpersons for Human rights Institutions,

Distinguished guests,

Ladies and Gentlemen,

The National Commission for Human Rights of Rwanda has continually maintained that the main obligation to protect human rights is that of the state itself; the Commission acts as a facilitator and for this as we look ahead there are numerous challenges before us we have to meet.

We have to be more sensitive to the situation of Human rights realization in our East African Community as this should reflect how far we have executed the mandate entrusted to us by our people – to safeguard their principal interests which for them are the realization and respect of their human rights in full. And we should also remember that this can only be done by continue sticking to steam up full awareness to human rights, promoting good governance by advising our governments and advocating for democracy prior to political conflicts, educating for accountability in managing public property as to ease the accomplishment of developmental policies for our population and advocating for the respect of rule of law in case of mismanagement.

We have to put more efforts in resolving human rights violations complaints as we all know that when unresolved become to be a source of conflict in our societies.

In this meeting I challenge you to think of how we can include the EAC objectives which mark up with the respect of Human rights and integrate them in our plan of actions and see how our institutions can help our government to realize these rights.

I hope with the two days meeting of heads of our institutions in our community, together with eminent speakers' familiar to this field, we can come up with valued technicalities to empower our efforts to

overcome existing challenges. I expect also that, from this event we will gain and share tangible strategies to reinforce our abilities as a full package to sustain as we continue in future struggle of realising human rights for our communities.

I would like to take this opportunity too to give thanks to our Guest of Honour and to our co partners “Konrad Adenauer Stiftung”, the Rule of Law Program for Sub-Sahara Africa, of who without giving us their hands, organising this meeting would be difficult for us. I also thank the organising committee who rewarded us with their time and talents to get this done.

NB: The participants of EAC-National Human Rights Institutions Conference decided that the next meeting which will be the first conference of the NHRIs Association will be conducted in Kigali in arrear December 2009.

I THANK YOU

**RESOLUTION No. 1/2009 OF THE FIRST MEETING OF NATIONAL HUMAN RIGHTS INSTITUTIONS OF THE
EAC PARTNER STATES**

PREAMBLE

At their first meeting, the National Human Rights Institutions (NHRIs) of the East African Community Partner States, namely **Kenya National Commission on Human Rights, National Commission of Human Rights of Rwanda, Uganda Human Rights Commission, Commission for Human Rights and Good Governance of Tanzania, and Government Commission on Human Rights of Burundi**, held in Kigali Rwanda between the 27-28 October 2009 at Serena Hotel, considered the possibility of working together,

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1. That, the National Human Rights Institutions of the Partner States of the Community, formally creates an association of national human rights institutions of East Africa.
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Bill of Rights

5. The National Human Rights Institutions of the Partner States reaffirm their commitment to the promulgation of an East African Bill of Rights, and agree to submit the current draft to the Secretary General of the EAC forthwith.

Vote of Thanks

6. The NHRIs register their appreciation and thanks to the National Human Rights Commission of Rwanda with the support of Konrad Adenauer Stiftung for making this first meeting possible.

7. Further, NHRIs note with appreciation the good organization of the conference and the hospitality of the Government and the People of Rwanda.

Done at Kigali on 28th day of October 2009

Kenya National Commission on Human Rights



Signature

National Commission of Human Rights of Rwanda



Signature

Uganda Human Rights Commission



Signature

Commission for Human Rights and Good Governance of Tanzania



Signature

Government Commission on Human rights of Burundi



Signature

**First Conference of National Human Rights Institutions in the EAC
held in Kigali – Rwanda, from 27th – 28th October 2009 at Serena
Hotel**

RECOMMENDATIONS AND WAY FORWARD

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13. The Interim Chair of the EAC Association of NHRIs should submit the Draft Bill of Rights in its current form without delay to the Secretary General for onward transmission to the Council of Ministers.
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17. The NHRIs should regularly share experiences of their work and devise strategies in dealing with various human rights issues including conflict management.
18. The NHRIs in collaboration with their Governments should develop National Action Plans on Human Rights.

3. PARTICIPANTS LIST

N°	NAME	Country	INSTITUTION & POST	Email	PHONE NUMBER
1.	Dr KATEBALIRWE AMOOTI WA IRUMBA	UGANDA	Commissioner Uganda Human Rights Commission	katebalirwe.amooti@yahoo.com	+256772462673 +256712462673
2.	NAHIMANA Joseph	BURUNDI	Ministry of Human Rights	nahijoe@yahoo.fr	+25779939177 +25722258252
3.	NGIYE Audace	BURUNDI	Chair Burundi Government Human Rights Commission	ngaudace@yahoo.fr	+25779933863 +25722255422
4.	MED S.K.KAGGWA	UGANDA	Chair, Uganda Human Rights Commission	mstkaggwa@yahoo.com	+256772422116
5.	FLORENCE SIMBIRI JAOKO	KENYA	Chair Person, Kenya National Commission on Human Rights	fsimbiri-jaoko@knchr.org	+254733905643
6.	KAYITESI Zainabo Sylvie	RWANDA	Chair Person, National Human Rights Commission of Rwanda	cndh@rwanda1.com kayitesi10@yahoo.fr	+ 250 252504271 + 250 252504267 + 250 788301658
7.	KAREMERA Pierre	RWANDA	Commissioner, NHRC - Rwanda	cndh@rwanda1.com	+ 250 252504278 + 250788308278
8.	KANYANGE Anne Marie	RWANDA	Commissioner, NHRC - Rwanda	cndh@rwanda1.com	+ 250252 504268 + 250788302016
9.	Me NKONGOLI Laurent	RWANDA	Commissioner, NHRC - Rwanda	cndh@rwanda1.com nkongolilaurent@yahoo.fr	+ 250 0788302019
10.	TUMUKUNDE Hope	RWANDA	Commissioner, NHRC	cndh@rwanda1.com	+250(0)788303976
11.	JOAQUINE DEMELLO	TANZANIA	Commissioner	joaquine-demello@chragg.go.tz kmademello@yahoo.com	+255784767209
12.	TOROREI S.K	KENYA	Commissioner	tororei@knchr.org	+254722934398
13.	JACQUELINE OMARA	UGANDA	Kituo cha Katiba Consultant	kituochakatiba@kituochakatiba.org jomara@kituochakatiba.org www.kituochakatiba.org	+256783772173

14.	ALIRO OMARA	Uganda	Kituo cha Katiba	aliromara@gmail.com	+25677377173
15.	NABOR Baltazar Assey	TANZANIA	CHRAGG	amisindila@yahoo.com	+255784873761
16.	FRANK Maier	Germany	Germany Embassy	v@kiga.diplo.de	+250(0)788302404
17.	ANNE HERM	Germany	Ww- Germany Develop.Cooperation	anne.herm@klw.de	+250(0)788306584
18.	CONSTANZE VON Söhnen	Germany	GTZ- Justice	constanzesoehnen@gtz.de	+250(0)785280282
19.	MWESIGYE Gordon	UGANDA	UHRC	gordonmwesigye@yahoo.com	+256772436551
20.	RUGEGE Sam	RWANDA	Supreme court	srugege@gmail.com	+250(0)788307670
21.	MUKARURANGWA Immaculée	RWANDA	Ombudsman Office	immi_na@yahoo.fr	+250(0)788306647
22.	BABIRYE Justine	RWANDA	National Unity and Reconciliation Commission, Planning Officer	babsjussy@yahoo.com	+250(0)783789944
23.	KARENZI Christophe	RWANDA	Journalist Radio Rwanda	chriskarenzi@yahoo.fr	+250(0)788535789
24.	Me MATATA Sylvestre	RWANDA	CLADHO	symatata@yahoo.com	+250(0)788307015
25.	RUSANGANWA Eugène	RWANDA	MINIJUST	rusagene71@yahoo.fr	+250(0)788506295
26.	KAGAHE J.Louis	RWANDA	Journal Izuba Rirashe/The New Times	jlouiskagahe@yahoo.fr	+250(0)788491801
27.	NKUSI UWIMANA Agnès	RWANDA	Umurabyo	uwagnes2004@yahoo.fr	+250(0)785207524
28.	NIYONSHUTI Innocent	RWANDA	New Times	nshutinno@yahoo.fr	+250(0)788674338
29.	MUKANKUSI Vénantie	RWANDA	HAGURUKA	haguruka2009@yahoo.com	+250(0)788300834
30.	UWIMBABAZI Francine	RWANDA	LIPRODHOR	uwimbabazi1@yahoo.fr	+250(0)788568049