



EAST AND
HORN OF
AFRICA
HUMAN RIGHTS
**DEFEND
DEFENDERS**
PROJECT
(EHAHRDP)

Overview of the Human Rights Situation in the East and Horn of Africa

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Introduction

EHAHRD-Net welcomes the opportunity offered by the 48th session of the African Commission on Human and People's Rights (ACHPR) to once again highlight some of the current human rights issues in the East and Horn of Africa region. This report focuses on the situation in the field of civil and political rights which are closer to the expertise of EHAHRDP.

The human rights situation in the sub region has over the last six months continued to be intricately linked to the electoral period in the countries it covers. Restrictions on civil and political rights identified in this period range from the drafting and/or endorsement of new legislation aimed at thwarting freedom of association and expression, acts of intimidation against key actors- including human rights defenders and political opponents- such as physical and verbal threats, legal and judicial harassment, increased surveillance as well as acts of physical violence, including targeted killings.

Attacks on civil and political rights in Rwanda, at times violent in nature, were rife in the electoral period. The main targets of these attacks were members of the political opposition, former supporters/ members of the ruling party and human rights defenders- most particular journalists. Attacks on human rights defenders in the last six months have included new criminal charges against private media journalists including against the journalists of the two leading private newspapers, Umuseso and Umuvugizi, that had been suspended by the High Media Council in April 2010 for six months, the assassination of the acting editor of the Umuvugizi newspaper, Mr Jean-Leonard Rugambage, an assassination which have not been sufficiently and independently investigated, and a smear campaign against one of the leading human rights organisations, LDGL. These developments have gone hand in hand with targeted acts of intimidation and harassment of opposition party members – including criminal charges, repeated police interrogations, restrictions on freedom of movement and association. Furthermore, the vice-president of the Green Party, André Kagwa Rwisereka, was murdered in July; the circumstances surrounding his death are unclear.

A relatively open space for civil and political action in Burundi has come under threat, notably in the run up to, during and following the electoral process. Human Rights Defenders involved in high profile judicial investigations, notably the Justice for Ernest Manirumva Campaign, and independent media bodies and journalists have been the main targets of these restrictions. Since July 2010 these attacks have become more systematic and widespread. Restrictions against defenders have included legal and judicial harassment, arbitrary detention and trial, verbal harassment and surveillance. On July 17 2010, for example, Jean Claude Kavumbagu, editor of the online news service Net Press was arrested on treason charges. The legality of the charges as well as the justification of Kavumbagu's lengthy pre-trial detention are questionable. Since the elections, the staff, including the director of the private radio stations Radio Publique Africaine, perceived by the authorities as serving the opposition, have faced judicial harassment, intimidation and also received death threats. Activists have not been spared such challenges. In October, widely respected activist, Pierre-Claver Mbonimpa was publicly threatened in a press conference by the police spokesperson as a result of his denunciation of extrajudicial killings of National Liberation Forces (FNL) members. Targeted violence by both supporters and members of the ruling party and opposition parties in the electoral period were also documented. Restrictions on political freedoms increased as opposition party members faced harassment, intimidation and saw their meetings disrupted while others were arrested. Political violence is reported to have persisted following the elections. The outright victory of the ruling CNDD-

FDD party in the 2010 election marathon generates concerns that these restrictions may heighten with civil society increasingly being seen by the authorities as political opponents.

The human rights situation in Somalia has shown no improvements since last reporting. Somali civilians continue to bear the brunt of the armed conflict. Indiscriminate and targeted attacks persist. The majority of abuses reported have been attributed to non-state armed groups, including al-Shabaab and Hizbul Islam, yet there are regular reports that TFG security forces and the African Union Mission in Somalia (AMISOM) militarily respond to attacks without taking all feasible precautions to avoid loss of life and injury to civilians. Impunity prevails. Press freedom in Somalia is severely restricted in part due to the general security situation but also due to targeted attacks on the media most notably at the hands of the insurgents. In the last few months several radio stations in Mogadishu have been ransacked and/or taken-over by the insurgent groups, including the popular Radio Shabelle. South and Central Somalia remains one of the most dangerous places in the world to be a journalist.

Concerning developments in Uganda, where elections are scheduled for February 2011, must also be highlighted. Restrictions on freedom of expression and association in Uganda have increased. The authorities have made use of a range of formal and informal means to curtail freedom of expression including criminal charges, intimidation and threats and in some instances physical violence. Legislative measures are also being used to restrict the legitimate work of human rights defenders and political opponents these include: a draft media bill, that would create new crimes and would further entrench government control over media regulatory bodies, the draft Anti-Homosexuality Bill, which seeks to give legal grounds to ongoing attacks on Uganda's lesbian, gay, bisexual, transgender and intersex (LGBTI) community and punishes homosexuality with up to life imprisonment and instances of "serial" homosexuality with the death penalty and finally the draft Public Order Management Bill which seeks to regulate the conduct of public meetings and grants the Inspector General of Police and Minister of Internal Affairs unjustifiable powers over the management of public meetings. Provisions in these three drafts are in clear contravention of Uganda's commitments under the African Charter amongst other regional instruments. Concerning developments following the July 2010 bombings in Kampala must also be highlighted. In October a local Magistrate's court in Kampala released an injunction banning media from reporting on the July 11th bombings. Similarly, in September Kenyan human rights lawyer, Mbugua Mureithi, and human rights activist, Al-Amin Kimathi who had come to attend the 2nd hearing in the case of the July 11th bombings were arbitrarily detained. Mr. Mbugua was later released from police custody and escorted to the plane back to Kenya, his passport was tampered with, while Mr. Kimathi was held in incommunicado detention for six days before being charged with terrorism and murder.

Finally the situation of civil and political rights in Ethiopia remains dire. The ruling EPRDF party was re-elected in a landslide victory in May; however, the severe restrictions on civil and political rights imposed in the run-up to the elections and before undermined the credibility of the polls. The pre-electoral period saw further restrictions on political rights- notably through cases of intimidation of voters as well as through direct attacks on the political opposition. Birtukan Mideksa, the respected and popular head of the Unity for Democracy and Justice (UDJ) Party, remained in detention throughout the election period, and was released, in somewhat questionable circumstances, the day of Prime Minister Meles' inauguration. The restrictive legal framework put in place by the authorities since 2009 continues to indirectly and directly prevent all forms of independent human rights work and reporting. The broad and haphazard implementation of the Charities and Societies Proclamation has frozen most human rights activities. Despite the clear violations of key rights the international community, and particular the European Union as well as member of the African Union fail to give this situation the attention it urgently requires.

Very little positive developments in terms of civil and political rights can be identified in the sub-region in the last six months with the possible exceptions of the passing of a new progressive constitution in Kenya and the elections in Somaliland which finally took place after several delays which have been described by both international and national observers as free and fair elections.

With this situation in mind EHAHRDP would therefore once again call on the African Commission on Human and People's Rights to:

- Make the fight against impunity a key focus of the ACHPR and its special mechanisms and recommend that this fight be prioritized by all mechanisms and instruments of the African Union;
- Provide support - logistical and political- to entities and bodies that can help to establish accountability mechanisms as well as to international and regional efforts aimed at ensuring that those responsible for grave violations of human rights and humanitarian law are held to account notably in Somalia, Sudan, Ethiopia and Kenya;
- Take a proactive role in ensuring the implementation of the African Charter on Democracy, Elections and Good Governance in light of the key influence that elections continue to have on the human rights situation in the continent;
- Establish a more permanent international human rights monitoring and reporting on the ground for countries like Somalia and Sudan;
- Promote the establishment of international criminal investigations into the human rights violations being committed in countries where an impartial national investigation is unlikely to take place- notably in Somalia and Sudan;
- Ensure that human rights is at the heart of all diplomatic and peace and reconciliation dialogues, notably in Somalia, Kenya and Sudan;
- Publicly condemn the continuing harassment and discrimination of LGBTI persons, and take the lead in ensuring the inclusion of LGBTI rights and persons into AU work notably by granting Observer Status to LGBTI organizations at the Commission;
- Call on African Union member States to offer standing invitations to the ACHPR's special mechanisms, notably the Special Rapporteur on HRDs, and to provide them with necessary assistance in the course of eventual visits whilst ensuring the protection of all witnesses meet by the mandate holders in the course of their missions;
- Continue monitoring the situation facing human rights defenders (HRDs) throughout the East and Horn of Africa;
- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights, in particular the freedom of expression, and legitimate work of HRDs;
- Call on member States to ensure the protection of HRDs, notably by observing the African Charter on Human and People's Rights and other human rights treaties to which most of these countries are signatory.

Country Overviews

The following report offers a series of country overviews that look at the key human rights issues in East and Horn of Africa Region focussing more specifically on civil and political rights and the situation facing human rights defenders.

Burundi

Situation of HRDs

Human rights defenders (HRDs) in Burundi have been granted a certain amount of space to exercise their rights notably in terms of freedom of expression. Nevertheless this space has come under threat, notably in the run up to, during and following the electoral process. Defenders involved in high profile judicial investigations and certain independent media bodies have been the main targets of these restrictions. The outright victory of the ruling CNDD-FDD party in the 2010 election marathon generates concerns that these restrictions may heighten with civil society increasingly being seen by the authorities as political opponents.

HRDs are subjected to threats and intimidation due to their reporting and work. Defenders involved in the Justice for Manirumva campaign, a campaign seeking to ensure justice for Ernest Manirumva, Vice President of Observatory for the Struggle against Economic Corruption and Embezzlement (OLUCOME), who was assassinated in April 2009, have been targeted. Forum for the Strengthening of Civil Society (FORSC), an umbrella organization, that has taken the lead in the Manirumva campaign, was banned in November 2009 by the Minister of Interior on the basis of an alleged technical error in the group's registration application.¹ This marked the first time that the government of Burundi has outlawed a civil society organization. The legal status of FORSC has to date not been resolved. On Monday 3rd May 2010, Pierre Claver Mbonimpa, President of the Association for the Protection of Human Rights and Detained Persons (APRODH), was interrogated by the Prosecutor of Bujumbura about his involvements in the Manirumva investigations. According to sources on the ground he was informed that a special file had been opened to investigate those involved in efforts to ensure accountability in this case.²

Defenders continue to face threats for their work on other rights' issues and activities. Gabriel Rufyiri, President of OLUCOME, recently received a series of threats and intimidation, notably as a result of a report in which OLUCOME denounced a draft law granting significant benefits to the country's Generals.³ In fact in early April 2010 he received information that a complaint addressed to the Attorney General from the Minister of Public Security had been filed calling for his arrest. The arrest warrant was never produced. Such form of intimidation is often used against defenders. In July 2010, Mr. Rufyiri was summoned to respond to a complaint deposited by the director of COGERCO, a state-owned cotton company, claiming that Mr. Rufyiri had falsely accused him of making use of government vehicles to campaign on behalf of the ruling CNDD-FDD party. The case was dropped by the presiding magistrate who was subsequently transferred outside of Bujumbura. More recently, on 21st October 2010, Pierre-Claver Mbonimpa was publicly threatened in a press conference by the police spokesperson as a result of his denunciation of extrajudicial killings of National Liberation Forces (FNL) members.

¹ HRW, EHAHRDP, AI, Burundi; Reverse Ban on Civil Society Group, <http://www.hrw.org/en/news/2009/11/25/burundi-reverse-ban-civil-society-group>, 25th November 2009, last visited on 7th May 2010

² Informal communications, 3rd May 2010

³ Meetings carried out by EHAHRDP in Bujumbura, April 2010.

Restrictions against independent human rights work are also on occasion imposed on international organizations. The decision by the Burundian Ministry of Foreign Affairs on the 24th May 2010 to expel Human Rights Watch (HRW) Burundi Researcher, Ms Neela Ghoshal, from the country, a week before the first round of elections took off, based on allegations that the most recent report Ms Ghoshal had produced was biased.

Since the run up of the local elections in May, intimidation and threats against journalists and the media by the authorities have increased. On July 17, 2010 Jean Claude Kavumbagu, editor of the online news service Net Press was arrested on treason charges. This followed an article published in Net Press which criticized Burundi's security forces and questioned their ability to defend the country against attack. The article was in response to the July 11 bombings in Kampala, Uganda and threats from the Somali insurgent group al-Shabaab to target Burundi because of the presence of Burundian troops in the African Union Mission in Somalia (AMISOM). He was charged with treason under article 570 of Burundi's criminal code, which penalizes "any Burundian who, in times of war... knowingly participates in an attempt to demoralize the Army or the Nation, with the object of weakening national defense."⁴ He remains in pretrial detention to date, a detention which is in itself questionable given that it's grounds- that the accused needed to be at the disposition of the justice system- are haphazard and somewhat unjustifiable.

More recently the RPA (Radio Publique Africaine in french), a private radio station founded by former journalist and current head of the opposition party Alexis Sinduhije, has come under significant pressure from the authorities since the elections. In September 2010 the Director of RPA, Eric Manirakiza, received death threats by someone believed to be working with the intelligence services.⁵ Several other members of RPA staff have since September been interrogated for a variety of reasons.⁶

General Overview

General elections at the local and national level took place in between May and August 2010. However, the pre-election period that officially started in July 2009 was marred by restrictions on civil and political rights as well as targeted violence by both supporters and members of the ruling party and opposition parties. Restrictions on political freedoms increased as opposition party members faced harassment, intimidation and saw their meetings disrupted while others were arrested.⁷ Two weeks before the presidential elections, a series of grenade attacks occurred injuring several people, one of which went off near the offices of the European Union's observation team, in an apparent attack on the international community.⁸ The June 28 presidential elections saw President Pierre Nkurunziza standing as the sole candidate given that the opposition boycotted the elections.⁹ Thirteen opposition parties had in fact pulled out of the polls claiming massive fraud following the May 2010 district elections. In early June, twelve of these parties formed a coalition, the Alliance of Democrats for Change (ADC-Ikibiri), and announced a boycott of the presidential elections which the government illegal. Subsequently, the opposition also boycotted the legislative elections that were held in late July.¹⁰ Restrictions on the

⁴ Joint Statement by EHAHRDP and Human Rights Watch

⁵ Informal email communication with HRW, October 2010

⁶ Statement to the Human Rights Council on Burundi <http://www.hrw.org/en/news/2010/09/29/statement-human-rights-council-burundi> last visited 3rd November 2010

⁷ Violence, Rights violence mar elections last visited 2nd July

⁸ Burundi Holds Single Candidate Presidential Election. <http://www1.voanews.com/english/news/africa/Burundi-Heads-to-Polls-with-Only-One-Candidate-97337174.html> last visited 29th June 2010.

⁹ Journalists under threat from mounting violence and political unrest

¹⁰ Burundi votes in opposition-boycotted elections . www1.voanews.com/.../Burundi-Votes-in-Opposition-Boycotted-Election

freedom of association of opposition parties have persisted in the aftermath of the elections notably with the police breaking up opposition party meetings.¹¹

The Burundian authorities have so far failed to put in place key institutional mechanisms for the protection of human rights, notably a national human rights commission, key to re-enforcing a culture of human rights and ending the deeply entrenched culture of impunity.¹² A draft bill was presented at the last parliamentary session but was one of the last items on the agenda and was therefore not discussed before the end of the session, which ended shortly before the start of the first round of the elections.

Mob justice attacks on suspected criminals are on the rise in Burundi and have led to a number of deaths. Reports indicate that authorities have at times either been directly involved in public killings and beatings of suspected criminals or stood by without acting. Furthermore, such killings rarely result in official investigations, let alone prosecutions.¹³

The LGBTI community in Burundi suffered significant discrimination in the past primarily at the hands of non-state actors. This discrimination has been further aggravated of late by a state endorsed discrimination against homosexuals witnessed by the passing of the new penal code in April 2009 that criminalises same sex relationships. The contested article 567 clearly violates Burundian's national, regional and international standards notably regarding the right to privacy and freedom from non discrimination. The provision also states that those found guilty risk imprisonment for up to two years.

Djibouti

Situation of HRDs

Human rights groups in Djibouti do not operate freely and most of the civil society organisations in the country have links with the government. The main, if not only, independent human rights organisation the Djibouti League for Human Rights (Ligue Djiboutienne des Droits Humains - LDDH), EHAHRD-Net Focal Point, operates with limited freedom. In fact, the President of LDDH, Mr. Jean-Paul Noel Abdi, has been awaiting his appeal to be heard since April 2007.¹⁴ Despite regular interventions by the International Federation for Human Rights (FIDH) and by the Special Rapporteur of the UN on HRDs the trial continues to be delayed.

General overview

Recently, Djibouti's parliament approved a constitutional amendment removing term limits allowing the current president Ismail Omar Guelleh to run for the third term, most certainly in the forthcoming elections in May 2011.¹⁵ In 1999, President Guelleh succeeded his uncle, who was the country's first president, and he was re-elected in 2005 in what was seen as a one-man Presidential elections since he was the sole candidate of the Union for a Presidential Majority (UPM). The opposition parties claimed that they were prevented from campaigning as a result of

¹¹ HRW, Statement to the HR Council on Burundi, 29th September 2010,

<http://www.hrw.org/en/news/2010/09/29/statement-human-rights-council-burundi>, last visited on 9/11/2010

¹² International Crisis Group report; ensuring credible elections. <http://www.crisisgroup.org/home/index>. Last visited 24th March 2010

¹³ HRW and APRODH, Mob Justice in Burundi; Official Complicity and Impunity, March 2010

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¹⁴ Informal report sent by Djibouti focal point to EHAHRDP prior to EHAHRDP Focal Point Meeting, May 2010.

¹⁵ MPs in Djibouti scrap term limits. BBC news last visited 19th April 2010 <http://news.bbc.co.uk/2/hi/africa/8630616.stm>

government control over the media and repression of the opposition's activities and therefore boycotted the elections which they saw as neither free nor fair.

The constitution and the law provide for freedom of speech and the press however, this is almost inexistent in Djibouti and this greatly hampers the work of human rights defenders (HRDs). There are very few media outlets to speak of with the government owning the main newspaper, La Nation, as well as the only national radio and television broadcasting agency. There are no private broadcasters in Djibouti. Le Renouveau, the sole independent newspaper, was closed in May 2007 and since then no new independent newspaper has been established. According to the law legislating on freedom of the press, media entities can only be owned or funded by Djiboutians.

Political freedoms are also limited. Opposition parties are in theory allowed to organise but in reality are faced with many restrictions. They are subjected to harassment, police repression as well as to more subtle legal and logistical constraints. Government continuously monitors their activities and most times permits are also required from them in order to hold assemblies. Several leaders of the opposition have as a result been forced into exile or resorted to self censorship.

The judicial system in Djibouti is weak with State actors in particular accorded more or less impunity.

Women's rights are not respected in Djibouti and very little effort has been made by the government to improve the situation. Female Genital Mutilation (FGM) still remains rampant and the criminal legislation dealing with FGM is not enforced. There have in fact so far been no legal proceedings deposited against individuals carrying out FGM.¹⁶

Eritrea

Situation of HRDs

Eritrea has had no independent civil society or media to speak of since a September 2001 crackdown by the authorities that lead to the arrest and detention of members of civil society and journalists, the forced exile of others and the closure of the few independent media houses in operation. The clampdown on the nascent independent media and on all forms of critical reporting began as a result of the extensive reporting by the independent media on the growing divisions within the ruling People's Front for Democracy and Justice (PFDJ) party and on the increasing restriction on freedom of the press in 2001. Eritrea is the only country in Sub-Saharan Africa which does not have a single operating independent or private news outlet as private ownership of media and international influence or ownership of media are banned. The on-going tensions with Ethiopia shape both internal and external policies of the authorities. Human rights activists or critical journalists are perceived and described by Eritrean authorities as subversive and as a tool used by the West and Ethiopia to undermine Eritrean sovereignty. The absence of critical and independent human rights reporting obscures to the outside world the extent of the human rights violations occurring in the country.

The fate of the journalists who disappeared into secret prisons following the September 2001 government crackdown is to date unknown however recent reports suggest that five of these journalists have died whilst in detention and the whereabouts, health, and detention conditions of

¹⁶ 2009 Annual report of the situation of human rights. US department report¹⁷ Truth about jailed journalists is locked away in Eritrea; last visited 16th April 2010 <http://cpj.org/africa/eritrea/>

the others is not known.¹⁷ Journalists working for the governmental media have also, more recently, been targeted. Eyob Kessete a journalist of the state-owned radio Dimtsi Hafashi's Amharic-language service was arrested as he was trying to cross the border to neighbouring Ethiopia.¹⁸ His whereabouts are unknown.

Freedom of assembly and association is inexistent in Eritrea. The government of Eritrea does not allow the formation of any political parties or private associations. No independent civil society organizations exist.

General Overview

Eritrea gained independence from Ethiopia in 1993. Eritrea is a one-party state, with the ruling People's Front for Democracy and Justice the only party allowed to operate, and one of the most repressive States in the world. Freedoms of movement, religion, expression, and assembly are severely restricted contrary to the country's domestic and international legal responsibilities.

Arbitrary arrest and detention without trial are an everyday practise in Eritrea. People are regularly arrested without warrants, in particular during clampdowns on draft evaders, members of non-registered churches or on critics or alleged critics of the government or the military.

Political freedom is inexistent as the country is a one-party state under the control of the ruling People's Front for Democracy and Justice (PFDJ). The presidential elections which were planned for 1997 have never taken place. On the 18th September 2001, a more reformist group of the ruling party, which included several generals and former ministers, known as the Group of 15 (G15) were arbitrarily arrested after they called for the implementation of democratic reforms, including the implementation of the Constitution. This group continues to be held incommunicado and none of them have yet been charged or brought to court. It is believed that several have since died as a result of the harsh prison conditions and the torture and cruel, inhumane and degrading treatment or punishment to which they have been subjected to. As a result opposition parties are forced to operate in exile.

Prison conditions in the country are dire. The prison conditions in Eritrea are harsh and life threatening in the country's large-scale prison infrastructure. Besides the make-shift prisons that are found in every sizable military unit, there are numerous conventional prisons, open-air prisons, under-ground dungeons, and metal shipping containers being used throughout the country. Thousands of prisoners, notably political and religious prisoners as well as draft evaders and military deserters, are held incommunicado, in shipping containers or underground.

Freedom of religion is restricted in Eritrea since 2002. Members of the four religions, Islam, Orthodoxy Catholicism, and the Lutheranism are given some space to practice while persecution of members of minority Christian churches, notably Pentecostals, Evangelical and the Charismatic by the Eritrean authorities continues. They are pressured to renounce their faith on a precondition for their release¹⁹

The compulsory military and national service conscription is enforced through a range of methods notably mass round-ups and house-to-house sweeps. The men and women that are detained and are conscripted 'indefinitely' in staunch contravention of the statutory national service of 18 months. Female conscripts face a particularly harsh reality: subjected to sexual, emotional and physical abuse.²⁰

¹⁷ Truth about jailed journalists is locked away in Eritrea; last visited 16th April 2010 <http://cpj.org/africa/eritrea/>

¹⁸ Journalists still Hunted Down nine years after September 2001Purges; <http://en.rsf.org/eritrea-journalists-still-hunted-down-nine> last visited 27-10-2010

¹⁹ Religious Freedom in Eritrea; November 2009 Unpublished Research by Christian Solidarity Worldwide

²⁰ Stakeholder report on the Human Rights Situation in Eritrea UPR April 2009

Ethiopia

Situation of HRDs

The situation facing HRDs in Ethiopia is dire. The passing of the Proclamation on Charities and Societies (CS), the most restrictive of such laws in the region, is having a negative impact both on the work of defenders, notably in terms of scope and nature, and on individual defenders themselves; recent research carried out by EHAHRDP reveals that at present independent human rights work in Ethiopia is more or less at a standstill.²¹ Recent efforts by the national human rights commission to work with civil society organizations are still premature to judge. The CS Proclamation prevents organizations receiving more than 10% of their funds from abroad from working on human rights amongst other issues. The law has so far been implemented in a haphazard and subjective manner by the Charities and Societies Agency established by the law. Registration requirements for the most prominent organizations have been increased, even for those deciding to stop human rights work and register as Resident organizations, calling on certain organizations to change the name of their organisation and others to remove certain key activities, notably voter education and election monitoring from their mandate. In addition to being forced to drop the 'Ethiopian' from its name, Ethiopian Human Rights Council(EHRCO) was also forced to remove the "monitoring elections or providing voter education" from the list of organizational objectives stated in its statutes as a condition before it could finally be registered. Two of the most prominent rights organizations, EHRCO (now HRCO) and the Ethiopian Women Lawyers' Association(EWLA), both of which have decided to register as Ethiopian charities in order to be able to carry on their human rights work, have had their bank accounts blocked since December 2009. The law does not grant the Agency such powers. Furthermore, the Charities and Societies Board which amongst other functions is to receive appeals by organizations against decisions by the Agency's General Director has only recently been established and has as yet not received any cases.

Press freedoms in Ethiopia are significantly restricted. Since 2009 the government has further entrenched a legal framework aimed at limiting independent reporting notably by passing the Mass Media and Freedom of Information Proclamation that stiffens penalties for libel and the Anti-Terrorism Proclamation that requires journalists to disclose sources and contains a very large definition of support to terrorists- which includes writing on groups deemed terrorist.

The media, and the small remnants of the independent media, continues to face attacks. On the 8th March 2010, the Ethiopian Supreme Court reinstated fines against four newspaper publishing companies over their coverage of the disputed 2005 national election. In doing so the ruling overturned a February 2009 High Court decision that had struck down the fines. Earlier on, a July 2007 presidential pardon had been granted to numerous journalists and political dissidents who were facing anti-state charges related to the elections. This also applied to the four publishing houses. The government later blocked two of the publishers, award-winning journalist Serkalem Fasil and editor Sisay Agena, from launching new publications.²²

Public intimidation campaigns against independent journalists as well as activists have occurred on several occasions over the course of the last year. The case of the Addis Neger is a telling example. Having faced significant surveillance by security services and a smear campaign in a series of articles in government papers accusing the newspaper and its staff of supporting terrorist groups, the Addis Neger, a leading independent newspaper finally shut down in

²¹ EHAHRDP mission to Addis Ababa, 6th-10th April 2010.

²² CPJ; Ethiopia reinstates hefty fines against publishing houses March 10. <http://www.cpj.org/2010/03/ethiopia-reinstates-hefty-fines-against-publishing.php>

December last year and its editors fled the country after learning that the government was preparing criminal charges against them based on the new anti-terrorism law.²³ The Addis Neger has since been re-established in exile- but it's website is regularly blocked in Ethiopia. In another incident, the Awramba Times recently filed complaints to the Ethiopian postal service saying that its mails are tampered with. The paper has previously been harassed by government for its critical reporting.²⁴

In addition, in the run-up to the elections the Ethiopian government jammed the Amharic-language broadcasts of the U.S. government-funded Voice of America (VOA). Prime Minister Meles accused the station of engaging in destabilizing propaganda, and compared it to Radio Télévision Libre des Milles Collines, the Rwandan station whose broadcasts helped stoke the 1994 genocide.²⁵ The same station was also jammed in 2005 and 2008 during elections.

General Overview

Prime Minister Meles Zenawi was re-elected in the country's May 23rd elections with a landslide victory. However, the pre-election period saw the Ethiopian ruling EPRDF party imposing further restrictions on freedom of expression and association; systematic acts of intimidation and pressure on voters to register and vote for the EPRDF were documented. In fact, according to Human Rights Watch, access to jobs, food aid and other government controlled resources was made conditional on joining the ruling party.²⁶ The EU Electoral Mission Observer's report which was released in early November also indicates that the electoral process and field was tilted in favour of the ruling party.²⁷ The report concluded that the elections did not meet the international standards

Civil and political rights in Ethiopia are severely restricted. Political freedom are limited by the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF); in fact several key opposition leaders continue to be arbitrarily detained. The most publicized case has been that of Birtukan Mideksa, the head of the Unity for Democracy and Justice (UDJ) Party. Ms Mideska who was initially amongst the group of opposition party members arrested in November 2005 after her party disputed the results of the local and parliamentary elections. Whilst in detention she was held in solitary confinement. She was later released in June 2008 only to be re-arrested after she refused to retract a statement in which she rejected having accepted to sign a governmental pardon in order to be released. Ms Mideksa was finally released on the 6th October 2010 a day after the PM's inauguration. The official explanation given to her release was that Ms Mideksa had requested for the pardon which they granted her. However, many political prisoners still remain in detention. Two killings of opposition party members in the run-up to the May elections have also raised concerns and questions about the political motivations of these killings. One such example is the murder of Aregawi Gebreyohannes an opposition candidate for the Arena-Tigray opposition party. He was stabbed to death by five men at his home in Shire, in Ethiopia's northern Tigray region, on the evening of March 1st in unclear circumstances; the assassination has not been sufficiently investigated.²⁸

²³ Ethiopian newspaper shuts down, editors flee; last visited 9th April 2010 Voice of America

²⁴ Ethiopian newspaper reports tempering of its mail CPJ <http://cpj.org/2010/06/ethiopian-newspaper-reports-tampering-of-its-mail.php>

²⁵ *ibid*

²⁶ One Hundred Ways of Putting Pressure; <http://www.hrw.org/en/reports/2010/03/24/one-hundred-ways-putting-pressure>

²⁷ EU Observers say Ethiopian Vote Skewed in favour of Ruling Party; <http://www.voanews.com/english/news/africa/EU-Observers-say-Ethiopian-Vote-Skewed-in-Favour-of-Ruling-Party> last visited 9th November 2010

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²⁸ Open Impartial Inquiry into candidate's killing. March 5, 2010 Human Rights Watch

Discrimination against women in Ethiopia is still widespread especially in rural areas, despite adoption of the National Policy on Women (1993) and the National Action Plan on Gender Equality (2006-2010). Harmful traditional practices like FGM, domestic violence, rape, early marriage, and abduction of girls for marriage are perpetrated in a large scale. Due to the huge gap between the legal framework and the reality on the ground, in most cases, discrimination against women is not adequately addressed by national authorities and the offenders face no prosecution or conviction for their acts, preventing women from legal redress.²⁹

Kenya

Situation of HRDs

Since the contested elections of 2007 human rights defenders have faced a range of challenges and come under significant threat. Defenders involved in investigations into rights violations that occurred during the post election violence as well as those working on extrajudicial killings have come under particular threat. Although 2010 has on the surface witnessed a lull in cases of threats and attacks on HRDs, the ICC investigations and the failure by the authorities to adequately respond to past attacks on defenders render the situation particularly unstable.

Impunity for those responsible for attacks against defenders is rife. An example of this has been the failure by the authorities to carry out adequate and independent investigations into the assassinations of Mr. King'ara and Mr. Oulu of the Oscar Foundation Free Legal Clinic, on the 5th March 2009 in broad daylight. The investigations have at this point been stopped based on claims of insufficient evidence. On the 12th April 2010 Kenneth Kirimi a defender working with Release Political Prisoners (RPP) was kidnapped and tortured. His kidnap is reported to be linked to his work on extrajudicial killings and his active membership with the Bunge la Mwananchi, a grassroots movement which aims to fight social injustice and promote accountable leadership at all levels in Kenya. On 15th September 2010, two Kenyan human rights defenders were arrested and detained in Kampala Uganda. Human rights lawyer, Mbugua Mureithi, and human rights activist, Al-Amin Kimathi had come to attend the 2nd hearing in the case of the July 11th bombings. Mr. Mbugua was later released from police custody and escorted to the plane back to Kenya, his passport was tampered with, while Mr. Kimathi was held in incommunicado detention for six days before being charged with terrorism and murder. Mr Kimathi's name was merely added to the general charge sheet, including the names of the other suspects, and no details or evidence have been produced to date to explain the charges against Mr Kimathi's. Meanwhile, Kenya National Human Rights and Equality Commission indicated that they would take legal action against officials who violated the rights of the Kenyans by transferring them for trial to Uganda without due process.³⁰ On 28th September, the High Court in Kenya ruled that it was illegal for the Kenyan suspects to be transferred to another country without due process.³¹ This decision after the wife of one of the Kenyan suspects in the July 2010 Kampala bombings, Mr. Mohammed Hamid Suleiman's, filed a case calling for Mr. Suleiman to be produced in court.

The LGBTI community in Kenya came under attack at the beginning of the year in Mtwapa, Kilifi district after it was rumored that a gay wedding was going to take place. The mob tried to attack LGBTI activists and people suspected of being homosexual. Among the perpetrators were

²⁹ 2009 Human Rights Report-Ethiopia; U.S. Department of State last visited 28th April 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>

³⁰ <http://www.nation.co.ke/News/Activists%20to%20sue%20over%20arrests%20in%20Uganda%20blasts%20-1056/1017702/-g08eifz/-/index.html>

³¹ Court Rules Uganda Renditions Illegal; <http://allafrica.com/stories/201010010012.html> last visited 9th November 2010

religious leaders who said that homosexuals should be driven out of Mtwapa while others were saying that rather than taking the homosexuals to police, they should take the law in to their own hands.³² Activists feel that the case has not been sufficiently investigated.

General Overview

On 4th August 2010, Kenyans voted in a referendum on a draft constitution. It was passed receiving 67 percent of the votes³³. The new constitution in Kenya forms part of the power sharing agreement that ended the post election violence in 2008. Among other things, the constitution limits the executive's power, reforms the judiciary, deals with land ownership issues, all issues believed to have been at the heart of the post-election violence. Kenya has ratified both the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and People's rights. However, in January 2010, the Parliamentary Select Committee (PSC), in charge of revising the draft Constitution, removed the rights to food, housing, water, health, education and social security as enforceable rights from the draft Constitution, and treated such rights only as guiding principles. The PSC also entirely removed the right to sanitation, provisions for equal rights of men and women and the rights of minorities, persons with disabilities, older members of society, youth and children.³⁴ Other clauses in the new constitution that have ignited controversy, notably amongst Kenya's religious groups and leaders are: one clause that allows doctors to perform an abortion if a woman's life is in danger and the decision to keep the kadhi's courts-which deal with legal matters of Muslims.³⁵

Ensuring accountability for the violations that occurred during the post election violence is widely viewed as a crucial first step to preventing such violence from occurring again notably during the general elections of 2012. The Kenyan authorities have so far failed to establish a special tribunal. On a more positive note, on March 31st 2010, the pre-trial chamber of the International Criminal Court (ICC) approved the Prosecutor General's request to investigate into the post-election violence.³⁶ On 3rd September, the Kenyan government signed an agreement with the ICC granting the ICC base in the country.³⁷ The lack of an ineffective and viable witness protection mechanism has been of great concern in the country. However, on 7th April the parliament of Kenya passed the Witness Amendment Protection Bill 2010. The bill establishes a Witness Protection Agency mandated to institute and maintains a Witness Protection Program to protect crucial witnesses who require protection from a threat or risks that exist on account of their testimonies.³⁸ It is unlikely however that the Agency will have the capacity to take on witnesses of the ICC investigations. The original Bill stipulated that the Attorney General and the police are those given the responsibility to accord protection to witnesses. The amended bill stipulates that the agency will be headed by a director with a statutory security of tenure yet concerns remain about the independence and the credibility of the mechanism's admissions policy.³⁹

³² HRW, Halt Anti-gay campaign; last visited 28th April 2010 <http://www.hrw.org/en/news/2010/02/17/kenya-halt-anti-gay-campaign>

³³ Kenyans approve new constitution; www.nytimes.com/2010/08/06/world/africa/06kenya.html last visited 5th August

³⁴ New constitution must ensure rights for all; <http://www.amnesty.org/en/library/asset/AFR32/001/2010/en/06617acd-90e1-42e3-9ab2-b4461fa08ca8/afr320012010en.html> last visited 22nd April 2010

³⁵ Church leaders' views on 'contentious' issues in draft constitution rhetorical; last visited 3rd May 2010

<http://www.nation.co.ke/oped/Opinion/Church%20leaders%20views%20on%20draft%20constitution%20rhetorical%20-/440808/909632/-/5upilz/-/index.html>

³⁶ HRW; Judges approve Kenyan investigations <http://www.hrw.org/en/news/2010/03/31/icc-judges-approve-kenyan-investigation?tr=y&aid=6156542>

³⁷ <http://www.nation.co.ke/News/Govt%20signs%20deal%20for%20ICC%20base%20in%20Kenya/-/1056/1002892/-/p83bme/-/index.html>

³⁹ The Witness Protection Bill

<http://www.kenyalaw.org/Downloads/Bills/2010/THE%20WITNESS%20PROTECTION%20BILL,%202010.pdf>

A culture of impunity, notably for security and law enforcement agencies reigns, in part as a result of weaknesses within the judicial system - a system that continues to lack transparency, efficiency and largely failing to offer redress for key human rights violations.⁴⁰ Independent and impartial investigations or legal sanctions against those responsible for clear human rights violations during the 2008 post election period are almost non-existent. Significant reform of the judiciary is one of the key areas of the reform agenda as stipulated in the peace accords of 2008. Under the new constitution, all judges and magistrates are required to be vetted by an independent board which is intended to make the judiciary more independent.⁴¹ The Judicial Service Bill 2010 which was recently approved by parliament also establishes a new independent judiciary

The rights of women continue to be violated. Cases of sexual violence have been particularly high in situations of conflict notably during the post election violence and the military deployment in the Mount Elgon region. Domestic violence is widespread and yet the government appears to be delaying the enactment of key legislation relating to the protection of women.

Kenya has ratified the Rome Statute establishing the ICC court in which member states are supposed to cooperate with the court. However in August during the promulgation of the new Constitution, President Omar Hassan al-Bashir who is sought by the ICC for war crimes and genocide committed in Darfur was also invited to which Kenya did not comply with the ICC. Following an international outcry when it was made clear that President Bashir was to visit Kenya again in October 2010 to attend the Intergovernmental Authority on Development to discuss the January 2011 referendum on Southern Sudan's secession, the meeting was postponed.⁴²

Rwanda

Situation of HRDs

The space accorded to human rights defenders in Rwanda is limited. Significant attacks on HRDs have occurred in 2010, including the assassination of a journalist, the suspension of two leading private newspapers and a smear campaign against one of the leading human rights organisations. The genocide and its consequences continue to influence the human rights community and to shape the discourse used by the authorities to restrict and repress critical defenders.

Certain private newspapers continue to bear the brunt of the government's attacks. In 2010 a number of journalists have been threatened, several arrested and one journalist has been killed while others have fled the country.

On the 13th April, two popular Kinyarwanda newspapers, Umuseso and Umuvigizi, were suspended by the High Media Council, for a period of six months which have since elapsed. However, the papers cannot resume publication since they are not re-registered which is a requirement under the new media law and besides, the editors of the two papers have ongoing criminal charges against them which also hinders their operation. While the legal grounding of the suspension was questionable, the six months suspension hindered the papers from covering the election process. The on-line versions of the Umuvigizi and Newline, launched by the Umuseso journalists were blocked within Rwanda; the Rwandan government denied being involved in the blocking of Umuvigizi⁴³. The editors of the two papers were forced to flee the country. In July

⁴⁰ http://www.imlu.org/index.php?option=com_content&task=view&id=47&Itemid=29; UN Special Rapporteur on extrajudicial killings, UN Special Rapporteur on extrajudicial killings Concludes fact-finding missions to Kenya, 25th February 2009, <http://www.extrajudicialexecutions.org/>, last visited on 7th may 2009;

⁴¹ US Ambassador says Judicial Vetting in Kenya is Critical to Reform; <http://www.voanews.com/english/news/africa/east/US-Ambassador-Says-Judicial-Vetting-in-Kenya-Critical-to-Reform> last visited 3rd November 2010

⁴² Kenya Urged to arrest Sudan leader; http://www.nation.co.ke/News/Kenya_urged_arrest_Sudan leader Bashir

⁴³ Rwanda's President Paul Kagame <http://news.bbc.co.uk/2/hi/world/africa/10479882.stm>

Agnes Nkusi Uwimana, editor of the Urubayo newspaper another private paper, was arrested and charged with publishing material defamatory to the person of the president, inciting public order and genocide ideology. Ms Uwinana and her colleague Saidati Mukakibibi remain in detention.

On 24th June, Jean-Leonard Rugambage acting editor of the suspended Umuvugizi independent newspaper was shot dead in Kigali. This was after the publication of an article linking Rwandan government military intelligence officers to the recent shooting of Kayumba Nyamwasa a former high-ranking Rwandan general who recently defected to South Africa.⁴⁴ Two men have been tried for the killing in what appears to be neither free nor fair trial.

The right of freedom of expression and association of human rights activists are also severely restricted. On 23 April 2010, Carina Tertsakian, Human Rights Watch's senior researcher on Rwanda was denied a work visa on the pretext that there was some inconsistencies in her visa application, specifically signatures and dates on the documents she had submitted.

More recently, in September 2010, a smear campaign led by other civil society organisations was mounted against the Rwandan section of the Human Rights League of the Great Lakes (LDGL), a regional umbrella human rights organisation. The organisations accused LDGL of having falsely included them in the joint NGO Universal Periodic Review report that was submitted to the UN Human Rights Council. These organisations had been invited to take part in the UPR process by LDGL and had sent delegates from their organisations to attend the session. LDGL was also the only organisation to have carried out an independent monitoring exercise during the recent August 2010 elections.

The genocide and its consequences continue to influence the human rights community in Rwanda. The Genocide Ideology Law (2008) is extremely broad. It has a broad definition of genocide ideology and acts constituting genocide ideology and does not include the need for intent in the definition of these acts. The law also contains specific penalties directed at organisations, including non-profit organisations. It has been used both directly and indirectly as a means of silencing critical and independent human rights work and reporting.

General Overview

The political space in the country has greatly narrowed especially in the months that led to the presidential elections. President Paul Kagame was re-elected as president of Rwanda in the 9th August presidential elections. His three official challengers are satellite parties of the ruling RPF party.⁴⁵ Several key opposition parties were barred from contending in the elections.

Individual opposition party members in Rwanda have faced a series of threats and attacks in the last six months. An example is Victoire Ingabire who returned to the country after 17 years in exile, to lead a campaign for president as the candidate of the opposition party, FDU- Inkingi. Most recently, Ingabire was arrested on 21st April 2010 on charges including genocide ideology and collaborating with a terrorist group- the Democratic Forces for the Liberation of Rwanda (FDLR). She was restricted from travelling outside the capital city and was under house arrest⁴⁶ a move that hindered her from taking part in the August presidential elections. The government has on several occasions used accusations of participation in the genocide as a way of targeting and discrediting its critics.⁴⁷ On October 14th, Ingabire was once again rearrested from her house

⁴⁴ Rwandan Editor Who Accused Officials in Shooting Is Killed
<http://www.nytimes.com/2010/06/26/world/africa/26rwanda.html?ref=africa>

⁴⁵ Rwandan leader heads to new term under shadow of repression.
http://www.nytimes.com/2010/08/11/world/africa/11rwanda.html?_r=1&ref=africa

⁴⁶ AI-Rwanda Opposition leader must receive fair trial-Press release 27th April 2010

⁴⁷ HRW, End Attacks on Opposition Parties, last visited 10/03/2010

and taken to the Criminal Investigation Department for questioning in line with a testimony from a former commander of the Democratic Forces for the Liberation of Rwanda implicating her in activities of forming a new armed group.⁴⁸ On July 14 the body of André Kagwa Rwisereka, vice president of the opposition Democratic Green Party was found dead near the southern town of Butare. Investigations into his murder have stopped after a suspect initially arrested was released. Furthermore, Bernard Ntaganda, president of another opposition party, the PS-Imberakuri, was arrested on 24th June 2010 and his party was prevented from contesting the elections. Mr Ntaganda remains in pretrial detention to-date and has been on a hunger strike. He was transferred from prison to a hospital on October 14, 2010.⁴⁹

The government's decision to review the Genocide ideology after criticism and pressure from human rights organisation, governments and media, is a positive step given the negative impact this legislation has had on almost every layer of society. The law which was passed in 2007 has been of particular concern given the rather vague list of criteria it sets down as defining genocide ideology and due the fact that it fails to consider the question of intent in the manifestations of behaviour deemed to fit into this definition. It has been used as a means for government to silence its critics.⁵⁰

The LGBTI community in Rwanda continues to face significant challenges. In December 2009 it appeared that the new penal code, which included a provision criminalising the promotion and sensitization of same sex relations- and some versions of which appeared to include the word 'practice' thereby criminalizing the act, was tabled for parliament. Nevertheless as a result of significant outcry by national human rights and health organizations and international ones, as well as the diplomatic community on the ground, this provision was removed from the draft.

Somalia

Situation of HRDs

HRDs, in particular journalists, have been subjected to persistent and targeted violations from all parties involved in the conflict. In 2009 nine journalists were killed, three of whom were victims of targeted killings. In 2010, although the number of attacks and intimidation against defenders from the Transitional Federal Government (TFG) of Somalia forces appear to be decreasing, a number of journalists, notably radio journalists, have been arrested by al-Shabab.

Press freedom in Somalia is severely restricted in part due to the general security situation but also due to targeted attacks on the media. Media houses are banned and attacked. In April, for example, al-Shabaab announced a ban on local radio stations in the regions it controls from retransmitting the broadcasts of the BBC and Voice of America on the grounds that they carry Christian propaganda.⁵¹ Another militant group Hizbul-Islam banned radio stations from playing music saying that it is "un Islamic". In a twist of events, following the ban, the government also threatened to shut down all the radio stations that complied with the banning of playing music on their radio stations.⁵² More recently, in Mogadishu, according to reports, the offices of several key

⁴⁸ Protect Rights and safety of Opposition Leaders; <http://www.hrw.org/en/news/2010/10/15/rwanda-protect-rights-and-safety-opposition-leaders>

⁴⁹ HRW, Rwanda: Protect rights and safety of opposition leaders, October 15th 2010, <http://www.hrw.org/en/news/2010/10/15/rwanda-protect-rights-and-safety-opposition-leaders> ,last visited on 29/10/2010

⁵⁰ Rwanda orders review of genocide denial law. Last visited 15th April 2010 <http://fesmedia.org/african-media-news/detail/datum/2010/04/15/rwanda-orders-review-of-genocide-denial-law/>

⁵¹ Al-Shabab uses terror to stop local radio stations from retransmitting BBC and VOA; last visited 9th April 2010

⁵² The New York Times; radio stations with no music may be shut in Somalia last visited 5th May 2010 <http://www.nytimes.com/2010/04/19/world/africa/19somalia.html?ref=africa>

media outlets have in been ransacked or taken over by insurgent groups, both Al-Shabab and Hizbul Islam, including Radio Shabelle.⁵³

On 21 February 2010, Ali Yussuf Adan, a reporter with the Somaliweyn Media Center a private broadcaster in Somalia was abducted by the al-Shabab group. The reporter was picked up shortly after reporting al-Shabab's alleged killing of a man accused of being late to a Saturday prayer mandatory under 'their version' of Sharia law. Most recently on 4th May, a radio journalist Sheik Nur Mohamed Abkey working with radio Mogadishu was shot dead as he was returning from work in the evening. Fellow journalists reported that they suspect he was tortured after finding his body dumped in an alleyway in Wardhigley. It is also reported that al-Shabaab militias later called in at the station to announce that they had killed Abkey⁵⁴ As a result, many journalists have either been forced to exert self-censure, notably by reducing their reporting on 'taboo' issues such as human rights violations, forced into hiding or forced to seek refuge abroad.

The situation of journalists in the semi-autonomous region of Puntland, has since 2009 also deteriorated. Most recently, Abdullahi Omar Gedi, a journalist on Radio Daljir in Galkayo, was murdered on his way home.⁵⁵ On a positive note though, on November 8 2010, Journalist Abdifatah Jama Mire director of Horseed Media FM was released after 86 days in jail for interviewing a rebel leader. Mr. Jama had been sentenced for six years for broadcasting an interview of the rebel leader linked to Al Qaeda but he was pardoned by the Puntland president Abdirahman Mohamed Farole.⁵⁶ Mr. Jama was arrested on 4th August 2010 with seven other journalists from his radio stations however the others are yet to be released.

Human rights activists working in South and Central Somalia face a range of challenges which affect both the scope of their monitoring work and the outreach of their advocacy. Some of the challenges identified by human rights defenders currently working both in the TFG-controlled zone of Mogadishu and outside of it are: the current lack of capacity or ability particularly in the case of those working in al-Shabaab-controlled areas, to carry out human rights reporting and advocacy; the lack of contact and collaboration with international actors including the donor and the diplomatic community; and the lack of concrete security measures available to them to mitigate some of the security challenges they face.

Individual human rights activists have also come under attack from al-Shabaab. On 16th April 2010, Alin Hilowle a human rights activist of the Isha Human Rights Organisation in Baidoa was arbitrary arrested and detained by al-Shabaab. He was arrested at his home in Baidoa and taken to a local police station by al-Shabaab militia. He was shortly transferred to Mogadishu before being sent back to Baidoa as a result of significant lobbying by a group of elders. His laptop and USB key were also seized.⁵⁷ Mr Alin was tortured whilst in detention. It is believed that the arrest of the defender was in connection to his work since Isha Human Rights organization is one of the remaining few human rights organizations working in Al-Shabab controlled areas of the country. After several months in detention, Mr Hilowle escaped in October 2010.

General Overview

The human rights situation in Somalia remains poor. Mass violations of international humanitarian law (IHL) and human rights are committed against civilians during the fighting by

⁵³ RSF, Attacks on Mogadishu radio stations leaves journalists in untenable position, , 19th September, , last visited on 29th October 2010, <http://en.rsf.org/somalie-attacks-on-mogadishu-radio-19-09-2010,38405.html>

⁵⁴ CPJ; Somali gunmen kill veteran broadcast reporter, last visited 7th May 2010 <http://cpj.org/2010/05/somali-gunmen-kill-veteran-broadcast-reporter.php>

⁵⁵ RSF, Journalist is stabbed to death in Puntland, 1st September 2010, <http://en.rsf.org/somalia-journalist-is-stabbed-to-death-in-01-09-2010,38261.html>, last visited in 29th September 2010

⁵⁶ Puntland Journalist Freed after 86 days in Jail for Interviewing Rebel leader; <http://en.rsf.org/somalie-puntland-court-jails-journalist-14-08-2010,38153.html> last visited 9th November 2010

⁵⁷ EHAHRDP Memo; Al-Shabaab should end attacks on Human Rights Defenders 20th April 2010

all actors involved in the conflict, notably armed opposition forces, government forces and al-Shabaab members. The implementation of extreme interpretations of sharia law in al-Shabaab controlled areas has had a significant impact on the human rights situation of civilians, most particularly women and girls.

Since May 2009, the Somali capital has been affected by incessant fighting between al-Shabaab and other insurgent groups with forces of, or affiliated to, the TFG of Somalia. Civilians in general have greatly suffered from massive rights violations and continue to bear the brunt of the deteriorating security and human rights situation in the country. All actors involved in the fighting, from the insurgent groups notably al-Shabaab through the TFG forces and African Union (AMISOM) troops, dispatched on a United Nations mandate to protect the transitional government, have carried out indiscriminate and disproportionate attacks on civilian areas of the capital. The fighting has claimed countless civilian lives and left hundreds of thousands displaced from their homes notably along the Afgooye corridor outside of Mogadishu. On August 24th at least 30 people and 4 lawmakers were killed when the insurgents disguised themselves in government military uniform. This followed an increase in shelling against government positions, which resulted in the death of dozens of people and sent shells crashing into camps for internally displaced people⁵⁸

Right to life has been gravely violated notably as a result of the continued fighting in Mogadishu and in south and central Somalia as well as a result of targeted killings of politicians and journalists.

The country has no formal justice system to speak of and a culture of impunity is deeply entrenched. In fact the country has not seen any form of accountability or redress for the serious abuses that have been committed by any of the warring parties. According to reports, ad hoc tribunals have been set-up in areas controlled by insurgent groups that are unfairly trying civilians and sentencing them punishments that violate the right to life and represent torture, inhumane and degrading punishment, including death by stoning or decapitation, and amputation of limbs and other forms of corporal punishment.⁵⁹

The increase in application of extreme version of sharia law in areas dominated by al-Shabaab is leading to a further deterioration in women's basic rights. Sexual and gender-based violence (SGBV) is a significant problem and yet women have little access to health care and no access to justice, a situation which is made worse by attacks on humanitarian workers.⁶⁰ Many of those living in displacement camps are particularly vulnerable to SGBV. Rape is widespread. All actors involved in the conflict, from the TFG forces, to the Ethiopian troops, to the different militias have and in some instances continue to take advantage of the situation to exploit women and girls.

Targeted attacks, kidnappings and killings of humanitarian workers continue to occur. The abduction and attacks carried out on humanitarian personnel has forced many NGOs to pull out. Early this year, the World Food Program was forced to pull out from southern Somalia and suspend the delivery of food after the area become increasingly insecure with the program receiving a lot of pressure from the armed groups in the region.⁶¹ As a result, access to the greatly needed humanitarian assistance by the Somali population is further thwarted.

⁵⁸ <http://www.nytimes.com/2010/08/25/world/africa/25somalia.html?ref=somalia>

⁵⁹ Report by the Special Rapporteur, Technical Assistance and capacity building: Report by the Independent Expert of the situation of human rights in Somalia, A.HRC.12.44(1), 17th September 2009, available at <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>, last visited on 06/11/09

⁶⁰ Ibid

⁶¹ WFP facing growing humanitarian challenge in Somalia; last visited 3rd May 2010 <http://www.wfp.org/stories/wfp-facing-growing-humanitarian-challenge-somalia>

Somaliland

Situation of HRDs

Civil society and the media in the de-facto autonomous territory of Somaliland is accorded some space and was significantly involved in the recent elections notably in terms of civic education activities. The former government has on occasion targeted independent journalists, in July 2009, for example, the Managing Director Mohamed Osman and News Editor Ahmed Dhuhul of the Dutch-based Radio Horyaal were arrested and accused of inciting violence for reporting on a conference between the president and clan elders regarding a land dispute. The two were later released on bail 15 days at Somaliland's Criminal Investigation Department in Hargeisa⁶². Nevertheless, the pre-election period was calm.

General Overview

After repeated postponement of the presidential elections originally scheduled to take place in April 2008 and then again pushed to September 2009, Somaliland finally held their elections on the 26 June 2010.⁶³ According to the observers, the elections were seen to be free and fair. Ahmed Mohamud Silaanyo one of the two opposition candidates from the Kulmiye Party emerged as the newly elected president of Somaliland.

According to a US state department report, the judiciary is not independent and the courts lack trained judges and a shortage of legal documentation to build judicial precedence. Untrained police and other unqualified persons reportedly serve as judges⁶⁴

With no laws specifically addressing domestic violence against women, it remains a serious problem in Somaliland. Sexual violence in the home is a serious problem and linked to general gender discrimination.

Impunity remains a problem in Somaliland as police and security agencies use excessive force. Abuses committed by the police and other militia groups are never investigated thereby accelerating impunity the more.

Sudan

Situation of HRDs

Human Rights Defenders working in Darfur face a particularly harsh situation. The authorities are keen to silence any voice of dissent in this war torn region and therefore human rights defenders, along with foreign aid workers, leaders of displaced communities and politically active students are often harassed and their legitimate work curtailed. The lull in attacks in the media experienced around the April 2010 elections, ended shortly after with a renewed wave of attacks by the National Intelligence and Security Services (NISS) on the media. . The NISS has in the last months shut down newspapers while journalists have been harassed, intimidated and hindered from carrying out their work.

The Press and Printed Press Material Act, was passed by the Sudanese Parliament on the 8th June 2009 despite significant opposition to the draft from national, regional and international media

⁶² CPJ; Attacks on Press 2009 Somalia

⁶³ Somaliland elections; peaceful expression of popular will. <http://www.progressio.org.uk/blog/news/somaliland-elections-peaceful-expression-popular-will>

⁶⁴ 2009 US state department report, last visited 19th April 2010

and civil society as well as from within the Parliament itself. In fact, several opposition parliamentarians walked out of Parliament in protest. The Act imposes heavy fines for infractions by the media, establishes a Press Council which lacks independence, with eight of its twenty-one members including the Chairperson being appointed by the Presidency itself, and is granted extensive regulatory powers, notably the power to suspend newspapers without judiciary approval for up to three days. The Press Council is also granted the power to assess the eligibility of journalists to exert their profession. Furthermore, the law allows the State to impose restrictions on the press for national security and public discipline considerations and requires that journalists do not publish material at odds with religious values and traditions

Although the pre-election period saw a slight decline in instances of pre-print censorship, there has been a further clampdown on freedom of expression in Sudan since the April 2010 elections. NISS agents carry out daily visits to the newspaper and remove articles on subjects considered sensitive or threatening to the government. On May 16th, shortly after arresting Hassan al- Turabi head of the opposition Popular Congress Party from his home, they raided the printing house of the party's newspaper Rai-al-Shaab and took all the copies that had been printed. On the 6th June, another paper Al Midan affiliated with the Sudanese Communist party was subjected to the same censorship and was stopped from being published.⁶⁵

Most recently, on 7th August, the government once again announced the lifting of the censorship on the press. Announcing the lifting, the NISS spokesperson warned journalists to act 'responsibly' and not to write or broadcast issues that threaten the national unity of the country. Days before this, the government of Sudan had halted the broadcast of BBC Arabic on FM radio stations in the Capital city and northern cities. The reasons given for the halt included the fact that BBC operates in Southern Sudan without the central government's approval and that satellite equipment was brought in through diplomatic channels.⁶⁶

Freedom of expression and association are protected under the Interim National Constitution (INC) of 2005 however significant restrictions and attacks on the rights of free association continue to take place. However, on 30 October, six Darfuri human rights defenders disappeared in Khartoum and it was later confirmed that all the six, three of whom are women had been arrested. The defenders had been attending a youth forum on social development hosted by Girifna, a pro-democracy student movement. The disappearances occurred at two separate incidents with National Intelligence and Security Services (NISS) agents arresting Abdelrahman Mohamed Al-Gasim, a prominent human rights defender from Tulus, South Darfur and then shortly the other five activists were also arrested.⁶⁷ At the time of releasing this report, the activists were still in custody of the NISS and no charges pressed against them

General Overview

The ongoing civil conflicts in Darfur as well as the tensions between the north and South continue to shape the human rights situation in Sudan. Renewed violence has been reported recently in. The attacks are by both the Sudanese army and the Janjaweed on unarmed civilians living in Darfur. According to the UN, more than 300,000 people have been killed while 2.7 million displaced since 2003⁶⁸

Widespread human rights violations were witnessed and reported during the course of the Parliamentary and Presidential elections held on April 11-15. The elections were a key component

⁶⁵ Protect Freedom of Expression in Sudan last visited 1st July 2010 <http://www.amnesty.org/en/appeals-for-action/protect-freedom-expression-sudan>

⁶⁶ Sudan Suspends BBC Arabic on FM radio. <http://www.bbc.co.uk/news/world-africa>

⁶⁷ Darfuri Human Rights Defenders Arrested; <http://acjps.org/Publications/Press%20releases/2010/11-1-10DarfuriHumanRightsDefenders>. last visited 2nd Nov 2010

⁶⁸ Time to Push for Darfur Agreement; <http://www.voanews.com/english/news/africa>

of the Comprehensive Peace Agreement (CPA). Political repression and other rights violations were witnessed ahead of the April general elections undermining the credibility of the elections. The restrictions on opposition parties and the continued insecurity in Darfur had raised concerns about whether the conditions for credible elections existed in the country. In fact, on 30th March, the South Sudan's ruling Sudan People's Liberation Movement pulled out of the race for the Sudanese presidency. It is reported that this was in response to allegations of vote rigging on the part of its tenuous peace partners in the north.⁶⁹ This greatly hampered the credibility of the elections. Similarly, prior to the elections, the European Union withdrew its election observers from Darfur citing safety considerations like violence, making it difficult to access certain areas. Earlier, President Omar al-Bashir had threatened to expel international observers who pushed for a delay in the ballot, saying he would cut off their fingers and tongues.⁷⁰

The elections were marred with rigging which was just a climax of the cumulative irregularities that occurred prior to the elections. The pre-election period saw restrictions on journalists, opposition party members and election monitors.⁷¹ Significant procedural irregularities were reported.

Displaced women and girls in towns, camps and villages continue to experience sexual violence at the hands of government forces, militia and rebels especially in the area of Darfur.

South Sudan

Situation of HRDs

The legacy of the civil war continues to have a significant impact on the human rights and civil society movement in South Sudan which is very limited. Restrictions on civil society and on the media in particular have increased in the electoral periods.

Prior to the country's elections, the media environment in South Sudan deteriorated. On March 3 2010, armed security officials stormed the offices of Bakhita FM, a community-based radio station run by the Catholic Church, and Liberty FM, a private radio station, and arrested the two directors at the stations. The incident occurred after Liberty FM aired an interview with the campaign manager of an independent political candidate in Juba.⁷²

The electoral period also saw restrictions on the freedom of movement of HRDs. Salih Mahmoud Osman, Mariam Alsadig Almahadi, and Dr. Albukhari Abdalla Aljaali all activists were stopped from travelling to the International Criminal Court's Review Conference in Kampala.

General Overview

Insecurity is a major problem in the South especially after the failure of the government of National Unity to implement agreements under the CPA on border demarcations and troop deployment. The most affected are the civilians especially in the areas around the North-South border. The Ugandan Lord Resistance Army operating in the DRC and inside Southern Sudan has also furthered the situation leading to the displacement of a number of people. The security

⁶⁹ VOA, South Sudan's ruling party pulls out of presidential race. Last visited 1st April. <http://www1.voanews.com/english/news/africa/east/South-Sudan-Ruling-Party-Pulls-Out-of-Presidential-Race-89673362.html>

⁷⁰ As Bashir threatens to cut observers figures off, UN silent on Venezuela trip; <http://undpwatch.blogspot.com/2010/03/as-bashir-threatens-to-cut-observers.html> last visited 9th April

⁷¹ EU Withdraws Darfur Poll Monitors; <http://news.bbc.co.uk/2/hi/8608019.stm> last visited 7th April 2010, March 21 2010.

⁷² South Sudan radio stations say raided ahead of vote, last visited March 6th <http://arabnews.com/middleeast/article>

situation is of particular concern given the approach of the January 2011 referendum which will determine whether the South becomes a State of its own. Furthermore, the fact that President Omar al-Bashir was re-elected, he is politically expected to oversee the referendum in the South of which it is reported that he got a slightly more than 10% in the just concluded elections.⁷³ This could have implications on the outcome of the coming referendum

Torture continues to be used by the security forces in order to extract information despite attempts by human rights organizations to carry out trainings in order to raise awareness of the fact that this constitutes a human rights abuse.

The justice system in Southern Sudan is weak notably due to a lack of capacity largely resulting from the legacy of the region's 20 year conflict. Judges are unqualified and absenteeism is high.⁷⁴ Customary justice is presently the main form of justice available in Southern Sudan even though the judges of these courts are rarely aware of key national and international legal standards.⁷⁵

Tanzania

Situation of HRDs

Although attacks on human rights activists are rare on the leading human rights organisations, the Legal and Human Rights Centre (LHRC) reports that some of their paralegals and collaborators have been victimized by the Tanzanian authorities for their human rights work. The cases brought against these activists are generally never carried through and are clearly aimed at merely intimidating and harassing the defenders. Intimidation of activists, notably by District Commissioner, through administrative means amongst others, is frequent. More public actions aimed at restricting freedom of association also occur. On the 6th May 2010, a group of 10 HIV/AIDS activists were arrested in Dar es Salaam during protests at the World Economic Forum for Africa; the group had previously seen their permission to carry out a demonstration revoked by the Tanzanian authorities. Subsequently, they were released and 'escorted' back to their countries.⁷⁶ The media has also been targeted.

The private media in Tanzania is facing a range of challenges both from the authorities and non state actors seeking to use the media for political ends . On 10th January, the Minister of Information, Sports and Culture Captain George Mkuchika announced the de-registration of the Leo Tena newspaper which was accused of producing pornographic material and suspension of the publication of Kulikoni newspaper for 90 days which the Minister accused of violating national security laws by covering a story on the army.⁷⁷ According to reports, the decision was politicized because of upcoming election nominations especially given that the Kulikoni paper is critical of the government and frequently investigates corruption issues.

General overview

The fourth multi-party presidential and parliamentary elections in Tanzania were held on the 31st October of 2010 and President Jakaya Kikwete running for the second time was representing the Chama Chama Mapinduzi party. Some concerns over irregularities were raised following the announcement that the results would be delayed. This caused sparked protests by youth in certain

⁷³ Sudan's rigged elections; the post election implication on Sudan's stability Position paper 5

⁷⁴ Report of the Special Rapporteur on the Situation of Human Rights in Sudan, Sima Simar, A

⁷⁵ Ibid

⁷⁷ One newspaper closed, another suspended. http://www.ifex.org/tanzania/2010/01/12/newspapers_closed_suspended/ last visited 21st April 2010

areas of the country notably in Mwanza, Arusha Dar es Salaam and even Zanzibar city as youth protested over the delay in the announcement of the elections. With this, the anti riot police was forced to disperse the crowds using teargas. EU observers also raised concern in the delay of the results as this raises suspicion in the transparency of the whole process.⁷⁸

Female Genital Mutilation continues to be practiced by certain groups in the population notably by the Maasai. Those carrying out these practices are rarely held accountable. The legislative environment in Tanzania is generally favourable to the rights of women yet contains gaps, notably the existence of a discriminatory Law of Marriage Act, which restricts women's right to own land and property; furthermore the implementation of laws guaranteeing women's rights often poor.⁷⁹

Violations to the right to life take several forms in Tanzania. The death penalty continues to be retained in the Penal Code and used in Tanzania for treason and murder although no executions have been carried out since 1994.⁸⁰ The Human Rights Committee of the UN recommended in its concluding comments called on the Tanzanian authorities to abolish the death penalty and called on it to become party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. A group of Tanzanian human rights organisations had submitted a petition calling for the abolishing of the death penalty to the High Court last year which is expected to be considered shortly.⁸¹ Mob violence is an issue of concern as well. According to reports, there has been an increase in mob violence which is usually as a result of lack of trust and confidence in the police forces, distance of the police stations lack of knowledge on the legal proceedings on how to handle a criminal and a tendency of the criminals getting away unpunished.

Rights of minority groups in the country are violated. Violations of the right to life of albinos still persist in Tanzania. State and non state actors are believed to be involved in these killings either directly or indirectly. According to a report released by Legal and Human Rights Centre (LHRC) the killing of albinos has reduced compared to the previous years from 2007. However, according to reports, the killings persist notably as a result of the campaigning period given that albino organs are alleged to help grant power, but are increasingly being covered up.

The economic, social and cultural rights of pastoralists continue to be violated most notably as a result of land appropriation by the authorities for purposes of foreign investment. Pastoralists and Hunter-gatherers are a minority community in the mainstream Tanzania society and marginalized through national policies and laws formulation and implementation. The policies and laws are designed to restrict access to resources (land, forest, water and other grazing resources) necessary to practice pastoralism and traditional hunting and gathering.

Uganda

Situation of HRDs

⁷⁸ Tanzania Electoral Commissions Under Fire Over Handling of Polls; <http://www.theeastafrican.co.ke/news/Tanzania%20electoral%20commissions%20under%20fire%20over%20handling%20of%20poll/-/2558/1048212/-/dcdan2z/-/index.html> last visited 9th November 2010

⁷⁹ Tanzanian NGO Coalition report, T_NGO_COALITION_HRC95_Tanzania(1), available at <http://www2.ohchr.org/english/bodies/hrc/hrcs95.htm>

⁸⁰ Legal and Human Rights Centre, Tanzania Human Rights Report 2008, available on the LHRC website under publications.

⁸¹ LHRC, Newsletter, September 2009, http://alpha.web2-netshine-hosting.co.uk/~lhrc/index.php?option=com_letterman&task=view&Itemid=65&id=21, last visited on 06/11/09

The media in Uganda has faced a series of challenges in the recent months. Journalists have faced physical attacks and legal challenges while those outside Kampala have faced significant levels of intimidation and in some cases violent attacks. Impunity for violations against HRDs persists.

Physical attacks on HRDs continue to occur. In March 2010 Moses Lemisa a photo journalist from Bukkede a local newspaper was shot at while covering the Kasubi tomb fires and was later admitted in the hospital as a result of assault by Presidential Guard Brigade (PGB). He received intimidating calls from the army asking which hospital he was in, and the where about of the photos he took. Benjamin Ssebagala, another freelance photojournalist who works with Bukkede, said he was struck by stones as he tried to take photos of the protestors. The journalists were said to be targeted by protesters because of their affiliation with a media outlet perceived as pro-government.⁸² More recently, in September 2010, two journalists have been killed, one of whom in slightly unclear circumstances. Paul Kiggundu was attacked and beaten to death by motorbike cyclists while he was filming some of them demolishing a fellow cyclist's house in a town in southwest Uganda. The drivers accused the journalist of working for the police. News presenter with the local radio station in Mukono District, Dickson Ssentongo, who was running for a position in the Democratic Party was killed on the 13th September on his way to work. According to sources on the ground the killing has not been sufficiently investigated.

On a slightly positive note, on 25th August the Constitutional Court ruled that the law on Sedition was unconstitutional on the grounds that it limits peoples' freedom of speech and expression. The law was regularly used against journalists and politicians infringing on their freedom of speech which is guaranteed in the constitution.⁸³ Following the ruling a Chief Magistrates' court dismissed a case against journalists Karundi Serumaga. Mr Serumaga had, in September 2009, been charged with six counts of sedition but had been released on bail as the constitutionality of the charge of sedition was still under review. He had on the 11th September been abducted by unknown persons and held in detention, initially in an ungazetted area and later transferred to Central Police Station (CPS), without charges or access to his lawyer. He was severely beaten during his interrogations and was therefore admitted on Sunday 13th September 2009 to a police medical unit and later transferred to one of Kampala's main hospitals.

Further, just days before the presidential nominations on 25th October 2010, government reopened Central Broadcasting Station after more than a year of closure. The radio station was arbitrarily closed after the September 2009 riots in Kampala which resulted from the government's decision to block the traditional King of Buganda from attending a youth celebration in Kayunga. CBS is owned and run by the Buganda Kingdom the largest ethnic group in Uganda and promotes the kingdoms activities and agenda.

The increasing restrictions on freedom of the media are most visibly seen with the approach of elections. A draft Press and Journalists Bill 2010 has been proposed by the Ministry of Information and National Guidance to the Cabinet. The bill proposes annual registration and licensing of newspapers by the government -controlled media council, restricts foreign ownership of the press, seeks to influence newspaper content by criminalizing the publication of information that is deemed prejudicial to national security, stability, unity or economic interests.⁸⁴ If passed such a bill will significantly undermine and restrict free and open reporting during the election period.

Further undermining the space in which journalists work, on in August the Nakawa Chief Magistrate's court released an order stating that if any journalist who operates in Uganda writes about police investigation in regard to the July 11th bomb blasts risks being charged with

⁸² CPJ; Ugandan photographers take heat after fire at royal tombs, March 18th, <http://cpj.org/blog/2010/03/ugandan-photographers-take-heat-after-fire-at-roya.php>

⁸³ <http://www.voanews.com/english/news/africa/Ugandan-Media-Hail-Court-Ruling-Sedition-Law-Unconstitutional>

⁸⁴ The Press and Journalist Bill (Amendment) 2010 http://www.iccsf.org/pubs/Uganda_Proposed_amendment_to_P&J_Act_-_Jan_29_2010.pdf

terrorism.⁸⁵ The Anti-Terrorism Act, 2002 states that any person who establishes, runs or supports any institution for promoting terrorism, publishing and disseminating news or materials that promotes terrorism is also liable to suffer death upon conviction.⁸⁶

Attacks on freedom of association persist. On October 27th, three activists from the Twerwaneho Listeners Club were arrested and released the next day on police bond. They were arrested on grounds that they had not notified the authorities about their protest to which they say they had informed the police a week earlier. At the time of the arrest, they were staging a protest against the alleged unlawful sale of 13 parcels of community land, covering 13.5 square mile. The land is said to have been purchased by the Ugandan government, from the queen mother of Tooro Kingdom. TLC is a local human rights organisation working in Western Uganda. In September last year, court dismissed a case in which five of the club's members had been on trial after the case had dragged on for nearly two years. They were arrested after taking part in a weekly local radio talk show in which they criticized the district's political leadership and discussed cases of corruption and abuse of office. The program moderator, Gonza William of Life FM, was also arrested. The six accused had been charged with two offences: incitement to violence and defamation and were acquitted on both charges but the case was seen by many as highly politicized.⁸⁷

The NGO Act of 2006 along with the draft NGO Regulations put forward to parliament as they currently stand severely restrict and hamper the legitimate work of NGO's and HRDs. It's now over a year since the Civil Society Organisations in Uganda Petitioned the constitutional court for interpretation of the NGO registration Act however their efforts are being frustrated as the hearing keeps being postponed having last applied on 15th January 2010. The regulations define NGOs in a very limited manner, primarily as service delivery organizations and reflect a deep distrust towards these organisations. They are the extensive bureaucratic procedures required of NGOs for them to register, notably having to renew licences on a regular basis (after the first year the licence is renewed every three years) and to provide significant details of their activities, excessive requirements for NGOs with limited resources. Under the NGO Regulations the NGO board is granted significant power over NGOs, notably with discretion to deregister, disband NGOs and impose conditions on permits as to areas of operation thereby threatening their autonomy.⁸⁸ Finally, the provision in the NGO Regulation which stipulates that organizations are prevented from making direct contact with local people in rural areas without giving 7 days notice in writing to the district authorities clearly further undermines their work, particularly activities of human rights monitoring. Besides, the postponement of the hearing is also in violation of Article 126 of the constitution which provides that justice shall not be delayed.

The LGBTI community are severely discriminated against both by state and non-state actors in Uganda: regularly attacked in the press, ostracised by their communities and even their families. Individuals presumed to be LGBTI are harassed, subjected to verbal and legal attacks, including death threats, and ill treatment whilst in detention. The Anti-Homosexuality Bill (2009), which seeks to criminalise homosexuality, is currently on hold and shelved off pending parliamentary deliberations. If such a bill is passed into law, it could have a serious impact on, the fight against HIV/AIDS and access to health of HIV/AIDS affected LGBTI individuals as well as hamper the work of human rights organisations and activists in Uganda. The Bill allows for the death penalty for consensual homosexual sex, punishes support or promotion of sexual minority rights with prison terms and calls for the nullification of international treaties at odds with the spirit and provisions of the Bill. Most recently, the community came under attack when a local weekly newspaper Rolling Stone run by journalism graduates published names, photos and contacts of

⁸⁵ Uganda; Media Protest Ban on Bomb Coverage; <http://allafrica.com/stories/201008190039.html>

⁸⁶ The Anti-terrorism Act 2002; <http://www.icj.org/IMG/ATA.pdf>

⁸⁷ EHAHRDP, Dismissal of politicised trial of HRDs in Western Uganda, 23rd September, EHAHRDP-Net Index UGA 27/008/09

⁸⁸ See NGO Petition on the NGO Act 20611(2)

100 homosexuals and called for them to be hanged. Following this, some LGBTI members were attacked within the communities they live in. The media council condemned the paper saying that intruding into people's private lives was not journalism and warned that the paper would be closely watched.⁸⁹ Following this, on November 1st court made an order stopping the newspaper from publishing the names and photos of the people from the LGBTI community saying that the paper was publishing what they perceived and not what they knew. The interim order was effective as from 1st to 23rd November when there will be hearing about the case

General overview

Presidential elections are scheduled in Uganda for February 2011. The human rights situation in the country has seen ongoing human rights violations notably with cases of excessive use of lethal force by the police, significant restrictions on freedom of expression and association, notably as a result of the controversial draft Anti-Homosexuality Bill which seeks to give legal grounds to ongoing attacks on Uganda's lesbian, gay, bisexual, transgender and intersex (LGBTI) community and the Public and Management Order Bill which regulates the conduct of public meetings. There have also been mounted tensions after the September 11 bombings in Kampala.

Freedom of assembly is restricted. The Public Order Management Bill, 2009, which has created an outcry amongst rights activists, seeks to regulate the conduct of public meetings and grants the Inspector General of Police and Minister of Internal Affairs unjustifiable powers over the management of public meetings. The bill violates a number of provisions of the 1995 Constitution of Uganda notably the right to freedom of assembly and to demonstrate freely. It not only infringes on the fundamental freedoms and human rights guaranteed by the 1995 Constitution but also those in the African Charter on Human & People's Rights, the UN Declaration on Human Rights Defenders and the International Convention on Civil and Political Rights.

On 14th July 2010, just two day after the September 11 Kampala bombings, the parliament of Uganda passed the controversial Interception of Communications Bill seeking to authorize the tapping of telephones and other private communications. The bill allows government to intercept any postal, telephone, email and text message communications which according to the Security Minister Amama Mbabazi is used worldwide to fight terrorism. One positive amendment to the bill is that it does not give the Minister in Charge of Security the power to consent to the interception as earlier proposed by the government but rather, a Judge of the High Court.

Violence against women continues to be a significant problem in Uganda and Sexually Gender Based Violence (SGBV) has been particularly rife in Northern Uganda as a result of the conflict and avenues for redress are still scarce. A report released by Amnesty International indicated that rape is widespread in Uganda quoting that "two thirds of women who have experienced domestic violence say it was perpetrated by an intimate partner, while one in four women report that their first sexual experience was forced", The report urged the Ugandan authorities to provide support for women seeking justice for sexual and domestic violence.⁹⁰ However on a positive note, on March 17th, the president assented to the Domestic violence bill act 2010. The bill seeks to hold to account perpetrators of domestic violence. The act also penalises a partner in a domestic relationship who injures or endangers the health of the other.⁹¹ Similarly on the same day, the president also signed the Prohibition of Female Genital Mutilation bill into law. The 2010 act criminalizes voluntary FGM, criminalizes whoever helps in procuring equipment used in carrying

⁸⁹ Media Watchdog Condemns Ugandan Paper Exposing Gays, 21st October 2010
<http://www.voanews.com/english/news/Media-Watchdog-Condemns-Ugandan-Paper-for-Exposing-Gays>

⁹⁰ Victims of rape and sexual violence denied justice in Uganda; last visited 13th April 2010 <http://www.amnesty.org/en/news-and-updates/report/victims-rape-and-sexual-violence-denied-justice-uganda>

⁹¹ Museveni signs domestic Bill; the new vision Friday, April 9th

out FGM and it also out laws justification of FGM on the basis of cultural and religious beliefs.⁹²
It is hoped that these two laws will counter on the increasing violence going on in the region.

⁹² M7 signs anti-FGM Bill 2010 into Law; Red Pepper, Tuesday, April 9th