



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

The current situation of Human Rights/Defenders in the East and Horn of Africa

Report to the Forum on the participation of NGOs at
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Regional Coordination Office

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Introduction

EHAHRD-Net welcomes the opportunity offered by the 43rd Session of the African Commission on Human and People's Rights (ACHPR) to highlight some of the current human rights situations in the sub-region. EHAHRD-Net is particularly concerned by the fact that in most of the countries in the region the situation facing HRDs, in particular, has deteriorated.

Since reporting at the 42nd Session of the ACHPR the human rights situation in Somalia has significantly deteriorated as a result of ongoing warfare between the Transitional Federal Government (TFG) forces, their Ethiopian counterparts and the insurgency, notably Al-Shabab. The resulting attacks against the civilian population has led to mass displacement – with 60% of the population of Mogadishu believed to have fled the town and increasing incidences of human rights violations being committed by all the warring parties. Attacks on human rights defenders, and particularly on journalists, have skyrocketed in recent months. Independent media outlets have been repeatedly attacked and closed notably by the TFG forces; journalists have been subjected to arbitrary arrests, have received death threats and have also been victim of targeted killings. Many journalists have as a result been forced to seek exile in neighbouring countries. Despite this reality the international community continues to fail to give human rights in Somalia the greatly needed attention that it deserves.

Another country in which the human rights situation continues to be of particular concern but remains neglected by many States is Ethiopia. The recent April 2008 legislative elections revealed to what extent political freedom and space for civil society activism in Ethiopia has continued to be eroded ever since the contested May 2005 general elections.

The violence and human rights violations committed against civilians and human rights defenders during the post-election violence in Kenya and more recently in Western Kenya revealed how easily a situation of apparent stability in the sub-region can be transformed very rapidly. Many prominent HRDs in Kenya were threatened and in some cases attacked as a result of their efforts to continue their legitimate work, notably by speaking out about the electoral irregularities and the human rights violations being committed against civilians.

Finally the situation in Eritrea continues to be of utmost concern: freedom of expression, thought, media, religion and movement are inexistent and all forms of activism has been entirely crushed forcing an ever increasing number of Eritreans from all walks of life to risk their lives and flee abroad.

One of the issues that affects the human rights situation in all of the countries under review in this report is impunity. Bringing an end to the prevalence of impunity and establishing independent and impartial accountability mechanisms will help to ensure the protection of HRDs and the further promotion of human rights and lasting peace in the region.

Another key area of concern relates to freedom of media and of expression as there has been a significant rise in violations of these rights in all of the countries in the sub-region, even in Tanzania whose human rights record tends to be taken in example.

Human Rights/ Defenders in the East and Horn of Africa

Below is a series of country overviews looking at the human rights situation in the sub-region which focuses on the situation facing human rights defenders.

Djibouti

Following Independence in 1977 the country's first President Hassan Gouled Aptidon installed an authoritarian one-party state. The Rally for Progress (RFP) party, which is now headed by Gouled's nephew, Ismael Omar Guelleh's, has been in power ever since.

The first, although very limited, elections took place in 1992- yet the presidential party took all the seats in the National legislature.

Ismail Omar Guelleh, the current president, was re-elected in 2005 in what was a one-man Presidential elections seeing as Guelleh was the sole candidate of the Union for a Presidential Majority (UPM) (a coalition which includes the Rally for Progress party). The opposition parties claimed that they were prevented from campaigning as a result of 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 coalition continues to hold all the seats in the national legislature.

The recent legislative elections, held in February 2008, were once again won by the regime after the opposition boycotted the elections due to a lack of reform of the electoral system and a preponderance of governmental candidates on the electoral list rendering inevitable that they would take the 65 parliamentary seats being fought for.

Women's rights are poor in Djibouti but very little effort has been made by the government to improve this situation. Female Genital Mutilation (FGM) remains rampant and the criminal legislation dealing with FGM is not enforced; the number of girls going to primary school lags behind that of boys and women continue to suffer from discriminations as a result of customary laws, notably regarding inheritance practices.¹ Many of the organisations working on women's rights are in fact linked to the regime. No laws currently exist on sexual harassment.

Restrictions on the free operation of trade unions are numerous and a new labour law is likely to further restrict the development of free and independent trade unionism. Members of trade unions have themselves in recent years been arbitrarily detained. In 2006 two trade unionists were detained after they returned from Israel where they had been participating in a training course. They were accused of having passed on information to foreign power and thus of having committed an affront to the President.²

Opposition parties are in theory allowed to organise but in reality are faced with many restrictions. Permits are required in order to hold assemblies and the government continuously monitors the activities of the opposition. Opposition members have been subjected to harassment, police repression as well as to more subtle legal and logistical constraints. Certain opposition leaders resort to self-censorship and refrain from organising popular

¹ Ligue Djiboutienne des Droits Humains (LDDH), Unpublished report presented at EHAHRD-Net Strategic Planning Meeting on 28th April 2008 in Entebbe

² Ibid

demonstrations in order not to face the reprisals of the authorities. In the run-up to the February 2008 legislative elections, the main opposition party leaders were subjected to house arrest by the armed forces. Several leaders of the opposition have as a result been forced into exile notably the President of the opposition party Mouvement pour le Renouveau et le Développement (MRD) who was forced into exile in 2005 and has still not returned.

There is a significant number of what could be considered as civil society organisations but most have links with the government. Certain groups are allowed to work with relatively little government interference but human rights groups do not operate freely. As a result there are currently only a few human rights organisation in operation in Djibouti. The main organisation is EHAHRD-Net Focal Point, the Djibouti League of Human Rights (Ligue Djiboutienne des Droits Humains- LDDH).

Freedom of expression is almost inexistent thereby greatly hampering the work of human rights defenders (HRDs). There are currently no legal mechanisms in place offering protection to HRDs.

Mr Jean Noel Abdi, President of LDDH, has been subjected to ongoing intimidation and harassment in recent years. He has been arbitrarily detained on several occasions and aggressively interrogated regarding his work and denunciations his organisation has made against government violations. In March 2007, after an unfair trial, Mr Abdi was sentenced to one year imprisonment after having been accused of defamation when he spoke out about the discovery of a mass grave containing the bodies of 7 civilians which are believed to have been killed by government forces in 1994. Mr Abdi was released but was once again detained on the 2nd December 2007 and interrogated after he denounced the irregularities which he had witnessed in the run up to the February 2008 legislative elections. More recently, on the 1st February, one week prior to the legislative elections, the Djibouti authorities placed prominent opposition leaders and Mr Abdi under house arrest. Mr Abdi has also had his passport confiscated on several occasions which has prevented him from attending key regional and international events.³

The constitution provides for freedom of press yet this is rarely adhered to. There are very few media outlets in Djibouti. The government owns the main newspaper, La Nation, as well as the national radio and television broadcasting agency. There are no private broadcasters in Djibouti.

In May 2007 le Renouveau, the sole independent newspaper, which had links to the main opposition party was forced to close as a result of continued harassment and attacks by the authorities. Prior to the closure, the offices had been raided and vital equipment seized. The managing editor of the paper had on several occasions been arbitrarily detained and accused of crimes such as defamation, and was again detained on this occasion for ten days. The offices were raided again some days later.⁴

Although private newspaper are allowed to circulate many journalists resort to self-censorship- notably by refraining from dealing with taboo issues such as the human rights situation in the country, the army and relations with Ethiopia. This helps them to protect themselves against the country's defamation laws and escape government controls, which have in the past seen bans imposed on publications whose reports were perceived as being critical of the government.

³ See EHAHRD-Net Index: DJIB 005/001/2007, *EHAHRDP-Net dismayed by the conviction of human rights defender in Djibouti*, at <http://www.protectionline.org/Jean-Paul-Noel-Abdi-Conviction.html>

⁴ Unpublished report by Ligue Djiboutienne des Droits Humains (LDDH)

Government control over the electronic media has increased after the authorities came to realise that the internet was gaining in popularity and was being widely used- notably amongst the Djiboutian youth. The government has as a result blocked access to a number of sites- notably those of the LDDH, the Association for Respect of Human Rights in Djibouti (ARDHD) and certain of the opposition parties' sites.

The Djibouti authorities are largely responsible for the series of violations described above but impunity reigns and the perpetrators have not been held accountable or brought to justice.

Eritrea

The regime of President Isayas Afewerki, who has officially been in power since independence in 1993, maintains an authoritarian grip over the country. The President uses the continued border dispute with Ethiopia as a justification for his oppressive rule and for severe curtailments on the human rights in his country by claiming that the implementation of the 1997 Constitution would not be possible until the border demarcation with Ethiopia had been finalized. The President himself has described the Constitution as 'just a piece of paper'.

Political freedom is inexistent. Eritrea is a one-party state with the ruling People's Front for Democracy and Justice (PFDJ) being the only party allowed to exist. The presidential elections which were planned for 1997 have never taken place. Opposition parties are forced to operate in exile and are making extensive use of the internet.

Security forces frequently resort to torture notably during interrogations. Some of the forms of torture which have been identified and are frequently used are the helicopter technique and Jesus Christ.

The prison conditions in Eritrea are terrible. Prisoners, notably political and religious prisoners as well as draft evaders, are, according to reports and rare testimonies, held incommunicado, underground or in shipping containers. 'Track B' for example is a military prison in the suburbs of Asmara and consists of underground cells which are believed to hold about 2000 detainees. Recently the authorities have begun to detain prisoners in houses in the centre of towns in order to obscure the violations taking place. Several high interest prisoners are detained in the notorious and remote Eirareiro centre, which has been named the 'African gulag'.

Although it is very difficult to monitor the fate and the conditions facing detainees the very few reports and investigations which are carried out reveal that many detainees have in fact died in custody as a result of torture and lack of access to medical facilities. The authorities refuse to allow local and international NGOs to monitor the prison conditions, with the notable exception of allowing the International Committee of the Red Cross to visit certain Ethiopian soldiers and to visit and register Ethiopian civilians.⁵

Arbitrary arrest and detention without trial are a serious problem in Eritrea. Security forces regularly detain people for much longer periods than stipulated in national law. People are regularly arrested without warrants, in particular during clampdowns on draft evaders and members of non-registered churches.

⁵ US Department of State, Eritrea: Country Reports on Human Practices, March 11 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100480.htm>

Prolonged and repeated military and national service continue to be compulsory in Eritrea and are violently enforced; the service has become more military in nature as a result of a renewed fear of conflict with Ethiopia. Conscription continues to be enforced through mass round-ups and house-to-house sweeps; the men and women that are detained during the raids are forced to serve for periods much longer than the required 18 months. As a result, almost every week hundreds of young Eritreans seek refuge in neighbouring countries in order to evade conscription. Draft evaders and their families are severely punished. In addition to risking torture – draft evaders also risk their lives: a number of evaders caught trying to escape abroad have been killed. Family members have been fined, arbitrarily detained and, according to reports, sometimes even forcefully conscripted, to replace missing relatives.⁶

Religious freedom is not respected or guaranteed. In fact members of minority churches, notably Pentecostal churches, continue to be persecuted in Eritrea. The Government still operates according to a 2002 Decree that compels all religious groups to register. The only four religions allowed a certain amount of freedom in the country are the Eritrean Orthodox, Evangelicals (Lutheran) of Eritrea, Islam, and the Roman Catholic Church. Minority churches notably independent evangelical groups, Pentecostals, and Jehovah's Witnesses have seen their registration applications ignored or rejected by the authorities. Public religious activities as private activities involving more than five people of unregistered churches are banned. Members of minority denominations continue to be subjected to intimidation and arbitrary arrests by the armed forces. A considerable number are believed to be held in detention at any one time, some are released, others held indefinitely. Torture is often used against these prisoners in the aim of forcing them to renounce their faith. As a result, an increasing number of members of these minority churches are seeking refuge abroad.

Violence against women, and notably domestic violence, is pervasive. Although the law prohibits domestic violence the government has not enforced it. FGM continues to be widespread. Women undertaking their military service face harassment, discrimination and at times sexual violence. Many high level commanders take women undergoing their service as their 'wives' expecting them to do their chores and also carry out sexual favours. Women who fall pregnant of rape in the military are expected to remain silent concerning the identity of the perpetrator.

There is currently no human rights movement to speak of in Eritrea. Human rights organisations can only operate from outside of the country and are perceived by the regime as subversive and as a tool used by the Ethiopian authorities to undermine Eritrean sovereignty. There are currently no international human rights organisations working in Eritrea; the only attempt to establish a domestic human rights organisation, the Regional Centre for Human Rights and Development, only lasted for a year and was closed in 2003.⁷

NGOs working on non-rights issues have been systematically dismantled. The authorities have on several occasions expelled international organisations and employees of NGOs, aid agencies and the UN. In fact the staunch registration requirements make it almost impossible for international NGOs to establish a presence in the country.

Freedom of speech and press are largely inexistent in Eritrea.⁸ Eritreans live in complete dearth of information – with the rare exception of news which they can get from the odd

⁶ Human Rights Watch

⁷ Eritrean Movement for Democracy and Human Rights (EMDHR), Unpublished report presented at EHAHRD-Net Strategic Planning Meeting on 28th April 2008 in Entebbe

⁸ See EHAHRD-Net Index: ERIT 025/002/2007, *Eritrea must respect media freedom*, at <http://www.protectionline.org/Eritrea-Must-Respect-Media-Freedom.html>

foreign radio station which they can pick up in their country. Private ownership of media and international influence or ownership of media is banned. Eritrea is in fact the only country in Sub-Saharan Africa which does not have a single independent news outlet. The government has had total control over the media since September 2001, following a massive crackdown by the authorities on peaceful protests that were calling for democratic reforms. This ended with the arrest of thirteen journalists and the closure of the few independent media houses in operation. The incarcerated journalists were transferred in 2002 to secret detention centres. As a result of government control over the national media, a fear of reprisals amongst the prisoners' families along with the tight restrictions on foreigners' movement within Eritrea it is very difficult to shed light on the fate of these journalists.⁹ Nevertheless, it appears that several of the journalists are still being held incommunicado in secret locations without being charged or given a fair trial. Furthermore, reports suggest that at least 4 of the journalists, notably Fesshaye 'Joshua' Johannes a prominent journalist and intellectual, have died in detention.¹⁰ One of the journalists, Fetisha Khaled, arrested has reportedly been forced into prolonged military service.

On the 24th April 2008 Reporters without Borders learnt that Tura Kubaba, who had been working for a state-run radio station had in fact been detained since 2006 and had been transferred to an unknown place of detention in 2007.¹¹

At least 19 journalists have fled from Eritrea since 2002, and this number could be much higher.¹² The decision to flee ones country is never an easy one but in Eritrea it has even more serious repercussions. Those caught whilst trying to escape have been immediately imprisoned and thereafter detained incommunicado. Furthermore, as is the case of the situation facing families of draft evaders, the families of journalists who flee the country have also been targeted with government reprisals.

These defections of journalists are just some of the most recent examples in a long series. As a result, the security forces have retaliated and the number of arbitrary arrests of journalists, which includes those working for the state-run media outlets, has been increasing ever since 2006. The authorities hoped that by carrying out regular arbitrary arrests and heavy handed interrogations they could discourage others from following their counterparts. One journalist, Paulos Kidane, who worked for the state-run media, had been subjected to continual intimidation and harassment within Eritrea, following the defection of several fellow journalists; as a result he sought to flee and seek asylum in Sudan but died along the way of exhaustion in June 2007.¹³

The very few foreign journalists allowed to operate in Eritrea are under staunch control and risk expulsion at the smallest reference made to the country's human rights situation.¹⁴

Ethiopia

The human rights record of the Ethiopian People's Revolutionary Democratic Front (EPRDF) and security forces remain poor, not only in the Ogaden and Oromia regions of Ethiopia, but also in Somalia; yet the international community largely continues to turn a blind eye to the

⁹ Committee to Protect Journalists (CPJ), *Attacks on the media in Africa in 2007: Eritrea*, <http://www.cpj.org/attacks07/africa07/eri07.html>

¹⁰ Amnesty International, *Eritrea: prominent journalist reported dead in a secret prison*, 15 February 2007

¹¹ Reporters Sans Frontières, RSF, *Journalist employed by state-owned Radio Dimtsi Hafash held since 2006*, 24th April 2008, http://www.rsf.org/article.php3?id_article=26695

¹² Ibid

¹³ RSF, *Annual Report, Eritrea: Annual Report 2008*, http://www.rsf.org/article.php3?id_article=25386

¹⁴ Ibid

record of this regime with whom many have diplomatic, economic and military ties and who is seen by certain States as a key ally in the war against terror.

The political situation in the country has deteriorated since the disputed 2005 general elections. The elections were followed by widespread protests throughout the country which the government responded to by carrying out a widespread crackdown on civil society leaving hundreds dead and tens of thousands detained. The mass arrests which took place were followed by a series of unfair political trials involving opposition leaders and members, including human rights defenders, journalists, publishers and ordinary citizens, who were accused, without reliable evidence, of offences of genocide, treason and attempts to overthrow the constitutional order.

Although in recent months the human rights situation seemed to improve the recent April 2008 legislative elections clearly revealed that political freedom continues to be hampered.¹⁵ In the months leading up to the elections the number of cases of arbitrary arrests, prolonged illegal detentions, interrogations and threats by the police as well as by local administrators, of leaders or members of opposition parties, notably of the Oromo Federalist Democratic Movement (OFDM), greatly increased, notably in the highly populated and repressed Oromia region.¹⁶ Much of the repression against government critics is carried out by local authorities who have become increasingly powerful as a result of the government's decentralisation policies and who justify their actions by accusing the victims of being sympathisers of the Oromo Liberation Front (OLF). Members of the opposition party are intimidated into renouncing their membership by the local affiliates of the ruling EPRDF.¹⁷ Such OLF 'sympathisers' have also apparently been arrested in Addis Ababa and many have been detained at the notorious Central Crime Investigation Department (Maikelawi).¹⁸

As a result, candidates from the ruling party ran almost unopposed as many opposition candidates have been forced to pull out or have been prevented from registering, due to more 'subtle' legal restrictions and harassment which they have faced in recent months. The largest coalition of opposition parties - the United Ethiopian Democratic Forces - for example decided to boycott the vote because about 14 000 of its candidates had been forced to drop out after receiving threats or being denied registration.¹⁹ Although the government refused to allow international monitors into the country during the elections the international community continues to largely overlook the abuses of this regime.

The Ethiopian Human Rights Council (EHRCO), EHAHRD-Net focal point, has reported on a number of cases of extrajudicial killings - notably of people who had in the past been linked to opposition parties and who had suffered from human rights violations at the hands of the authorities in the 2005 clampdown.²⁰

Authorities, and notably the police forces, continue to arbitrarily detain people without arrest warrants, denying access to counsel and family members for periods longer than the Constitutionally stipulated time restrictions of 48 hours and at times in defiance of court

¹⁵ HRW, *Ethiopia: Repression sets stage for non-competitive elections*, 11th April 2008
<http://hrw.org/english/docs/2008/04/10/ethiop18510.htm>,

¹⁶ IBID

¹⁷ EHRCO, *The human rights situation in Ethiopia : 28th Regular Report*, 20th September 2007,
<http://www.ehrco.org/reports/reg28eng.pdf>

¹⁸ IBID

¹⁹ Mail and Guardian, *Ethiopia votes in first round of elections*, 14th April 2008,
<http://www.mg.co.za/articledirect.aspx?articleid=336914>

²⁰ EHRCO, *The human rights situation in Ethiopia : 28th Regular Report*

rulings particularly in the more remote regions and notably in Oromia. Most cases of arbitrary arrest and detention involve people suspected of being opposition members or sympathisers of insurgent groups, notably the Oromo Liberation Front (OLF) or of the Ogaden National Liberation Front (ONLF), two outlawed groups which has been carrying out low-level insurrection against the government.²¹ EHRCO has recorded several cases of people being arrested upon leaving the court after they were released on bail for previous charges.²² Although prisoners are by law supposed to be detained in official detention centres-many continue to be held in unofficial local detention centres.

The Constitution and law prohibit torture, however reports show that torture continues to be practiced by the security forces, notably those working at the Maikelawi in Addis Ababa, against people suspected of having links with the Oromo Liberation Front.²³

Besides the 2005 incidents, there have also been serious accusations of human rights abuses arising from the long standing fighting between the Ethiopian army and the Ogaden National Liberation Front (ONLF) rebels in the Somali region. The Ethiopian army has responded to the increase in attacks by the ONLF which has taken place since the Ethiopian Troops invaded Somalia, by subjecting the civilian population to extrajudicial killings, rape, forced disappearances and arbitrary detentions.

Although the law criminalises rape, the government fails to implement the law or to hold those responsible, in several cases security and armed forces notably in the Ogaden region, accountable. Domestic violence is rampant and prosecution of offenders is, once again, limited. Women, in particular in rural areas, continue to suffer from discrimination- notably regarding marriage law and access to land.

Following the disputed elections of May 2005 and the subsequent demonstrations of November 2005, the space accorded to civil society organisations, in particular human rights organisations, has been greatly restricted.

In the aftermath of the November 2005 demonstrations, 38 members of the main opposition party, the Coalition of Unity and Democracy (CUD) including several human rights defenders, in particular journalists were detained. In July 2007 they were sentenced, after a lengthy trial, by the Ethiopian Federal Court ranging from one year to life imprisonment.²⁴ Professor Mesfin Woldemariam, founder and former Chair of EHRCO and a member of the main opposition party, was amongst this group. After the sentencing many of those detained were in fact released, having received a presidential pardon after they agreed to sign 'an acknowledgement of mistakes' for their activities during and after the 2005 elections.

However, two human rights activists, Daniel Bakele and Netsanet Demissie, refused to sign this acknowledgement and decided to defend themselves in the trial. In December 2007 they were sentenced to 30 months imprisonment having been accused of inciting violence and provoking 'outrages against the constitution', a decision which was based on weak and implausible evidence. They were held until the end of March 2008 when they finally agreed to sign the acknowledgement and received a presidential pardon.²⁵

²¹ EHRCO, *The human rights situation in Ethiopia : 28th Regular Report*

²² EHRCO, *The human rights situation in Ethiopia : 29th Regular Report*, January 2008, <http://www.ehrco.org/reports/reg29eng.pdf>

²³ EHRCO, *The human rights situation in Ethiopia : 28th Regular Report*

²⁴ See EHAHRD-Net Index: ETHIO 017/003/2007, *EHAHRD-Net condemns sentencing of Ethiopian journalists*, at <http://www.africafiles.org/article.asp?ID=15563>

²⁵ Amnesty International, *Activists released from prison in Ethiopia*, 31st March 2008, at <http://www.amnesty.org/en/news-and-updates/good-news/activists-released-prison-ethiopia-20080331>

The 2005 clampdown and subsequent trials have had a very negative impact on human rights activists who have had to exercise much more caution in their legitimate work and at times to result to self-censure. According EHRCO government censorship of reports, press releases and statements by human rights organisations has increased and the Ministry of Justice has on several occasions called on organisations to refrain from making certain statements deemed ‘undesirable’ and not valid for public consumption.

In response to this restrictive atmosphere several HRDs notably members of EHRCO, which is the only nationwide human rights organisation, have been forced into exile. Harassment of those remaining in the country persists: in August 2007, three EHRCO members were arrested, without an arrest warrant, along with other activists in the Oromia region and accused of inciting violence.²⁶ One of the EHRCO members, Abdi Abate was transferred to Maikelawi where he continued to be held in defiance of a court order.

Others, that have chosen to remain within the country, have recently sought to establish networks of HRDs in the hope of trying to overcome some of these constraints and create a stronger common front. Nevertheless, the authorities appear determined to further increase their oversight and control over the legitimate work of human rights defenders, notably through more subtle ‘legal’ constraints. According to EHRCO’s, a recent draft NGO bill, which seeks to set-up a supervisory board which will be appointed by the Minister of Justice, appears to further extend government control over NGO registration.²⁷

Although the Constitution and law provide for freedom of expression the government has greatly restricted these rights – in particular since 2005. The government continues to harass, intimidate and prosecute journalists, publishers and editors thus forcing many journalists to exert self-censure. The authorities use criminal law, and notably defamation charges, as a means of stifling critical journalism.²⁸

Despite the acquittals and the beginning of a revival of the free press, with a few new small circulation papers, attacks on freedom of press continue to occur and independent media outlets remain sparse. Several of the independent media outlets shut during the post elections clampdown remain closed, notably Asqual, Netsanet and Menilik.

Although the authorities, upon the release of the journalists following the ‘treason trial’, had agreed to allow the released journalists to resume their work, the government has been using bureaucratic tactics as a means of preventing them from doing so, notably by withholding press licences. Although two journalists formerly released have now been allowed to launch their own papers- three of their colleagues, notably Eskinder Nega and Serkalem Fasil, continue to be denied licenses without any explanation.²⁹ Mr Nega and Mrs Fasil recently tried to publish a book relating to their ordeal whilst in prison, but security agents intervened and blocked its publication³⁰

Media coverage by certain international media institutions, notably Deutsche Welle (DW) Amharic language broadcasts and the Voice of America’s Amharic and Oromifa language

²⁶ See EHAHRD-Net Index : ETHIO 024/003/2007, *EHAHRD-Net calls for urgent release of EHRCO members*,

²⁷ EHRCO, Unpublished Country Report presented at EHAHRD-Net Strategic Planning Meeting on 28th April 2008 in Entebbe

²⁸ CPJ, *Ethiopia: Two newspaper editors, publisher arrested for Libel*, March 6th 2008, <http://www.cpj.org/news/2008/africa/ethiopia06mar08na.html>

²⁹ CPJ, *Ethiopia lifts restraints on licenses to 2 freed journalists*, 6 February 2007

³⁰ <http://www.ehrco.org/reports/reg29eng.pdf>

broadcast, has on occasion been jammed.³¹ Articles critical of the government which have been written by foreign journalists have been censored. Websites and blogs run by the Ethiopian diaspora are still blocked by the government.

As of yet no independent and impartial accountability mechanism have been established to look into the human rights violations which took place in the aftermath of the elections; the results of the first 'Commission of Inquiry' that looked into the elections were more or less rejected by the Ethiopian authorities who came up with their own version of the report.

Kenya

Kenya was for a long time seen as one of the more stable and peaceful countries in the sub-region. Nevertheless the events that unfolded following the contested December 2007 elections, notably widespread ethnic and political violence and serious attacks on freedom of expression and HRDs, revealed how fragile and somewhat superficial this stability actually was. The recent establishment of the Grand Coalition government in order to bring the post-election violence to an end can be seen as a threat to civil society and human rights activism given that the opposition has now joined the government both parties may be reluctant to accord activists the space which they need to serve as effective watchdogs.

Although the law prohibits arrest and detention without warrants, police have continued to arbitrarily detain. Lengthy pre-trial detentions is a problem. Prison conditions, although improving, continue to be harsh and at times life threatening. Although the International Committee of the Red Cross and the Kenya National Commission for Human Rights have been granted inspection rights the government does not consistently allow for independent monitoring.

As has been widely documented, notably by the Office of the High Commissioner for Human Rights (OHCHR) fact-finding mission to Kenya, disproportionate and excessive use of force by the police against unarmed protestors during the post-election violence was widespread notably in their attempt to impose the illegal ban on demonstrations which had been decreed by the government following the contested presidential election results.³² The heavy handedness of the police and unjustified reactions resulted in the deaths of several hundred civilians as they used live ammunition against protestors and then cracked down on highly densely populated slum areas to prevent crowds from gathering.³³ Bystanders, women and children running away out of fear for their lives, were killed in these clearly unjustified police actions. According to Human Rights Watch although the police was largely overwhelmed by the post-election violence some forces, notably in Kisumu, which is an opposition party, the Orange Democratic Movement, stronghold, and Nairobi, reacted in a unjustifiably heavy-handed and possibly politicised manner.³⁴ A forensic investigation carried out by EHAHRD-Net Focal point in Kenya, the Independent Medico-Legal Unit (IMLU), appears to confirm this. Around 43% of the victims which they looked at had died of gun wounds. In certain regions- notably in Kisumu, the percentage who died as a result of gun shot wounds was much higher than in Rift Valley for example. They concluded that around 30% of the

³¹ See EHAHRD-Net Index : ETHIO 003/003/2008, *EHAHRD-Net concerned about jamming of media broadcast in Ethiopia*, at http://www.protectionline.org/Jamming-of-media-broadcast,5908.html?pmv_nid=13

³² See EHAHRD-Net Index : ETHIO 003/003/2008

³³ HRW, *Ballots to Bullets: Organised political violence and Kenya's Crisis of Governance*, http://hrw.org/reports/2008/kenya0308/7.htm#_Toc193008573

³⁴ Ibid

deaths of the sample were from the result of police action.³⁵ Some investigations into the police violence are apparently being carried out but not in sufficient proportion to the extent of cases of unlawful killings. Impunity is likely to persist.

The deployment of Kenyan military to the Mount Elgon region of western Kenya in order to put down an insurgency by the Sabaoth Land Defence Force (SLDF) in March 2008 has been marked by severe violations- which include mass detentions, rape, torture and killings. As a result of the fact that the national and international attention is elsewhere directed much of these violations have taken place under a veil of secrecy.

SLDF was formed in 2005 supposedly to defend land owned by a clan, which belongs to the Kalenjin ethnic group, against government eviction policies. Following the December 2007 presidential elections SLDF abuses increased. The military was deployed and initiated a strategy aimed at rounding up the entire male population in the district; in the process not only arbitrarily detaining thousands but also torturing many of those detained and deliberately killing a significant yet as of yet unknown number. A report by IMLU reveals that the military are the main perpetrators of the cases of torture identified but in some cases victims reported to having been tortured by police.³⁶ All victims claimed that the torture had taken place at the Kaptoka Military Camp. A range of forms of torture were used. The report by IMLU suggests that there may be as many as 4000 cases of victims of torture, which given the fact that in the past the organisation tended to deal with a yearly average of 300 throughout Kenya is clearly of considerable concern.³⁷ According to newspaper reports and accounts from HRDs, the bodies of the victims of unlawful killings being carried out are in fact being dumped by the army in the surrounding forests, a practice which used to be carried out by the SLDF.

Political freedom was greatly reduced following the fraudulent 2007 elections and the violence which unfolded subsequently. On the 20th December President Kibaki imposed a ban on public demonstrations which was illegal under both Kenyan and international law. Leaders on both sides of the political divide, local leaders and political mobilisers of both the ruling Party of National Unity (PNU) and of the opposition Orange Democratic Movement (ODM) are largely responsible for inciting ethnic and political violence in the lead up to and during the elections. This is clearly largely a result of the fact that many of the, often high-ranking, politicians who had already sought to ignite violence and use ethnicity for political ends in the past had remained in office and have not been held accountable for their actions. Politically motivated killings occurred in several areas. In the Rift Valley, for example, and in the Nairobi slums, supporters of the party of ODM attacked pro-government supporters, of predominantly kikuyu origin.³⁸

At least 4000 000 were forcefully evicted or forced to flee from their homes following the elections in order to escape from the ethnically and politically motivated violence. Most remained within Kenya, seeking refuge in police stations and churches, but around 12 000 at least are believed to have crossed the border into Uganda. During their flight many fell victim to organised attacks mainly at the hands of armed gangs.

³⁵ IMLU, *Forensic Investigations into police election violence related deaths*, 24th February 2008 , <http://www.imlu.org/images/documents/forensic%20investigations%20into%20post-election%20violence-imlu%20report%20%28pdf%29.pdf>

³⁶ IMLU, *Preliminary Report of Medico-Legal Investigation of Torture by the Military at Mount Elgon* 'Operation Okoa Maisha', April 2008, http://www.nationmedia.com/dailynation/downloads/mt_elgon_Investigations_IMLU_report.pdf

³⁷ Ibid,

³⁸ HRW , *Ballots to Bullets: Organised political violence and Kenya's Crisis of Governance*

Kenya has an active civil society. The establishment of the National Commission on Human Rights by the previous government has according to IMLU, helped to raise the profile of human rights. Human Rights Defenders continued to face more conventional forms of harassment but the events of recent months have led to a very significant shift in the sort of threats and violations facing HRDs in Kenya. Furthermore, a shift in donor support away from civil society organisations following the election of Kibaki in 2003, which was seen at the time as the advent of a more reformist regime, has clearly placed human rights organisations in a much weaker position.

In the weeks following the 27th December general elections many prominent HRDs, particularly those that sought to speak out against the electoral irregularities, hate speech, incitement to violence and other violations being committed against the civilian population, were threatened and harassed as they came to be seen by both the authorities and armed gangs as carrying out political propaganda in favour of the opposition.

According to IMLU since December 2007 two significant attacks on HRDs in Nairobi have been reported, one against James Maina, member of the People's Parliament (Bunge La Mwananchi) and one against Clifford Derrick a journalist. Over twenty prominent human rights defenders have received death threats in Eldoret, Narok, Mombassa, Kisumu and Nairobi.³⁹ James Maina continued to receive death threats notably from the Mungiki even after he was aided to flee abroad with the help of the Kenya Human Rights Commission. Maina Kiai, Chairman of Kenya National Commission on Human Rights and Haroun Ndubi, a human rights lawyer both received phone calls from anonymous people who told them that they would cut off their heads if they went on criticising the outcome of the elections. Several other defenders received threats- as did the Nobel Peace Prize environmental activist, Wangari Muta Maathai.⁴⁰

The current military operations in Mount Elgon also constitute a significant threat to HRDs who are speaking out against the violations currently taking place. Several activists are reported to have been intimidated and interrogated. Job Bwonya and Wilberforce Lumbuku of Western Kenya Human Rights Watch and Taiga Wanyanja (Mwatikho) have been arrested in relation to their work while Mr. Wanyoike Bonface of the Catholic Justice and Peace Commission Kitale has been threatened and asked to record a statement with the police on his allegations of torture. It appears that at present at least three have been forced into exile.⁴¹

Although Kenya has a relatively diverse and independent media - freedom of expression and press have also come under considerable attack in recent months.

The proclamation of a blanket ban on all public rallies and live broadcasts on the 30th December 2007, shortly after President Kibaki was proclaimed winner of the controversial elections was a very significant step against freedom of the media. The government justified the ban by accusing the media of inciting violence. This clearly further impeded the legitimate work of human rights defenders, particularly journalists, and may in fact have contributed to the spreading of violence as a result of frustration, disinformation and a sudden proliferation

³⁹ IMLU, Unpublished Country Report presented at EHAHRD-Net Strategic Planning Meeting on 28th April 2008 in Entebbe; See EHAHRD-Net Index : KEN 008/004/2008, *Call for an end to impunity on Amnesty International's day of international action in solidarity for Kenya*

⁴⁰ Ibid

⁴¹ Saturday Nation, *Activists sought by military over torture claims*, 7th April 2008, http://www.nationmedia.com/dailynation/nmgcontententry.asp?category_id=1&newsid=120672

of rumours and threats via text messages.⁴² The ban was finally lifted on the 4th February 2008.

Journalists received personal threats and harassments during the post election violence. The following renowned journalists were threatened.⁴³

The military has also abused its authority and physically abused journalists trying to report on the military operations in Mount Elgon. In mid-March several reporters, notably Sammy Cheboi of the Nation Media Group (NMG), and NTV cameramen Hillary Obinda and Bakari Juma who were trying to cover troop movements, were arrested, assaulted and had their equipment and materials temporarily confiscated by the Kenyan armed forces at a base in the area. These actions reveal a complete disregard of the army for press freedom and laws protecting journalists.⁴⁴

Accountability for these violations remains largely inexistent yet for peace to be lasting and concrete the climate of impunity which continues to reign in Kenya will need to be dealt with by the new coalition government.

Somalia

The current attention accorded to Somalia by the international community is inadequate and generally misdirected. Political issues continue to dominate the discussions and thus, as a result, the human rights situation is neglected and ignored at a terrible cost to civilians and in particular to human rights defenders (HRDs). There is currently no international human rights presence in Somalia.⁴⁵

The human rights situation in Somalia has been of grave concern ever since the overthrow of President Siad Barre in 1991 ending years of his violent rule. Over the last two decades the rights of Somali civilians have been violated time and again by all actors involved in the struggle to fill the power vacuum which resulted from Barre's overthrow. The perpetrators, whether governmental or members of insurgency groups, clan militias or warlords, have all been accorded virtual impunity.

The human rights situation in Somalia has significantly deteriorated following the December 2006 invasion of Ethiopian troops in support of the Transitional Federal Government of Somalia (TFG). The invasion succeeded in pushing the Union of Islamic Courts (ICU), which had emerged as a powerful political force in Mogadishu in early 2006 and later in the southern and central regions, out of the capital.

The TFG continues to be incredibly weak and largely lacks the essential support of the Somali population where as the ICU is once again gaining control over certain areas. Lawlessness prevails in many parts of the country as the TFG has failed to consolidate control over the Somali territory. The failure of the TFG to even gain control over certain areas of Mogadishu and its inability to assure the security of the civilian population has given free reign to al-

⁴² Office of the High Commissioner for Human Rights (OHCHR), *Report by the OHCHR fact-finding mission to Kenya*, 6-28 February 2008, <http://www.ohchr.org/Documents/Press/OHCHRKenya-report.pdf>

⁴³ See EHAHRD-Net Index : KEN 008/004/2008, *Call for an end to impunity on Amnesty International's day of international action in solidarity for Kenya*

⁴⁴ RSF, *Journalists mistreated by soldiers operating against militia in Mount Elgon region*, 17th March 2008, http://www.rsf.org/article.php3?id_article=26245

⁴⁵ Report by the independent expert appointed by the Secretary-General on the situation of human rights in Somalia (A/ HRC/ 5/2), at <http://daccess-ods.un.org/TMP/904055.6.html>

Shabab fighters, clan-based insurgents and warlords. 'War-lordism' is in fact on the increase in many parts of the country.

Somali civilians continue to bear the brunt of the deteriorating security and human rights situation in the country. The fighting between TFG forces backed by the Ethiopian forces and the insurgents have resulted in the killing of more than 2,000 civilians. Sixty percent of the civilian population of Mogadishu is believed to have deserted the town since the fighting started as the different warring parties have indiscriminately attacked civilian areas and terrorized the population of the capital.⁴⁶ Those fleeing Mogadishu have often been injured, assaulted, raped and looted of all their property during their flight. The internally displaced camps are overcrowded and lack access to basic sanitation.⁴⁷

Right to life has evidently been gravely violated notably as a result of the fighting in Mogadishu and in south and central Somalia. According to reports, 60% of those killed during the fighting have been women, children and elderly.⁴⁸ The number of cases of unlawful executions, notably at the hands of TFG and Ethiopian troops, has greatly increased since October 2007 – as both forces increase their raids on civilian areas suspected of supporting or hiding insurgents. Amnesty International has reported on a number of horrific extra-judicial and indiscriminate killings by Ethiopian forces, notably involving the slitting of the victim's throat. Human rights defenders, and in particular journalists, humanitarian workers, peace activists continue to be the victims of targeted killings.

Insurgent groups are responsible for numerous killings of government officials and police. Politically motivated killings by the insurgents have resulted in the deaths of considerable number of senior TFG officials and members of the Banadir regional administration, including district commissioners and their deputies, and security and court officials. The population is also victim of violations committed by the insurgents who have launched indiscriminate attacks on civilian areas in Mogadishu

Targeted attacks and killings of humanitarian workers continue to occur. Two aid workers, a Kenyan and a Briton who had been working in Somalia for the UN Food and Agriculture Organisation, were kidnapped by gunmen in the southern Juba region in early April 2008 and are still being held. On the 8th April a UNHCR convoy was ambushed by gunmen.⁴⁹ Aid operations are also hampered by attacks from the different warring parties. The abduction and attacks carried out on humanitarian personnel has forced many NGOs to pull out. As a result access to greatly needed humanitarian assistance by the Somali population is further thwarted.

Human rights violations against civilians by the TGF forces and their Ethiopian allies have been increasing since late 2007. In response to the insurgents' actions in Mogadishu the TFG and their Ethiopian counterparts have carried out a series of mass arrests and arbitrary detentions. Many of those detained have been transferred to unknown locations, kept in makeshift prisons as well as in some of the more notorious prisons where they have been held without trial.⁵⁰ Reports have revealed that in some instances people arrested are brought to

⁴⁶ HRW, The Human Rights Situation in Somalia. Statement prepared by HRW FOR THE 'Arria Formula' meeting on Somalia, 31 March 2008, <http://hrw.org/english/docs/2008/03/31/somali18408.htm>

⁴⁶ Report by the independent expert appointed by the Secretary- General on the situation of human rights in Somalia (A/ HRC/ 5/2)

⁴⁷ Ibid

⁴⁸ Report by the independent expert appointed by the Secretary- General on the situation of human rights in Somalia (A/ HRC/ 5/2)

⁴⁹ Relief Web, *Ambush on UNHCR vehicle in Somalia's Puntland region*, 08 April 2008 <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHIG-7DHFAS?OpenDocument&rc=1&cc=som>

⁵⁰ HRW , Country Report: Somalia, January 2008, <http://hrw.org/wr2k8/pdfs/somalia.pdf>

Ethiopia to be interrogated. In their supposed search for Al-Qaeda members in ‘insurgent strongholds’, both forces have carried out raids on villages, looting, arbitrarily arresting and killing people in the process. Sexual violence, notably gang rape, is also prevalent during these raids.

Although torture is prohibited by the TFG Charter, there are reports that both the TFG forces and militia groups tortured their detainees. According to the Independent Expert on Somalia, some efforts are being made to ensure that police trainees were receiving human rights training and that some monitoring of prisons was taking place to tackle arbitrary detention. Nevertheless these efforts were minimal.⁵¹

Women’s rights have always been poor in Somalia. Nevertheless, the current lawlessness, insecurity and forced displacement have led to a further deterioration of the reality facing women and girls. Sexual and gender-based violence (SGBV) is a significant problem. Many of those living in displacement camps are particularly vulnerable to SGBV. Women continue to be discriminated against in access to land and property. FGM, notably the most serious forms, continues to be practised. Rape at the hands of TFG and Ethiopian armed forces, the police but also resulting from inter-clan rivalry is widespread but perpetrators are rarely held accountable.

Civilians in general have suffered from massive rights violations but certain groups of the population, notably human rights defenders (HRDs) and in particular journalists, have been subjected to persistent and targeted violations.

Human rights activists have come under considerable attack notably with the apparent closure by the TFG forces of the Elman Human Rights organisation, which was one of the country’s oldest human rights NGO.⁵² As a result a significant number have been forced into exile: the chairperson of Somali Human Rights defenders Network and its legal adviser are currently living in exile in Uganda. Peace activists have also fallen victim of targeted killings. Those still operating on the ground, notably the Peace and Human Rights Network (PHRN) have resigned themselves to using self-censorship in order to protect themselves from TFG and insurgent attacks. In spite of this they continue to be subjected to intimidations and threats.

Somalia is at present the second most deadliest place in the world to be a journalist, after Iraq, and the situation has continued to rapidly deteriorate ever since the Ethiopian invasion.⁵³ This has created a climate of intimidation and fear which greatly hampers freedom of expression amongst these key proponents of human rights. Journalists and media organisations in all regions reported harassment, killings, detention without charges and assaults.

This crackdown on independent media is largely due to the fact that following the closure of prominent human rights organisations and the flight of key human rights activists, journalists are at present one of the few voices still speaking out against the massive human rights violations being perpetrated against innocent civilians in the country and have thus become prime targets of these attacks.

The attacks on the media and media workers have come from all sides and parties in the conflict- from TFG forces, to insurgents, to Ethiopian troops. All of the warring actors accuse journalists of siding with the opposition and covering the abuses of certain parties in the

⁵¹ Report by the independent expert appointed by the Secretary- General on the situation of human rights in Somalia (A/ HRC/ 5/2)

⁵² HRW , Country Report: Somalia, January 2008

⁵³ CPJ, *Attacks on the Press in 2007: CPJ annual report*, see www.cpj.org

conflict more than others. In October 2007 for example TFG security forces closed Radio Simba after it conducted a telephone interview with a former Islamist leader.

The leading independent radio stations, HornAfrik, Radio Shabelle and Holy Q'uran Radio, have been repeatedly attacked. All of these have been closed at one time or another by the TFG forces. Crucial equipment has been destroyed. On the 2nd March 2008, TGF forces forcefully entered the offices of Simba and Shabelle, destroyed recording equipment and detained the Director of Radio Shabelle.⁵⁴ On the 17th March 2008 heavily armed police forces entered the privately-owned Radio Voice of Peace and arrested five of the radio's employees; they were later released without any explanation. The journalists believed that their arrests may have been linked to their reporting of a recent attack by insurgents.⁵⁵

Journalists have been subjected to systematic attacks: arbitrarily arrested and detained without charge, threatened with imprisonment or death, followed and harassed in the streets and intimidated at their place of work. Several journalists have had their houses searched, property destroyed, members of their families intimidated, received death threats, and some have seen members of their families kidnapped. One of the journalists currently in exile in Uganda was arrested by Ethiopian troops and taken to Ethiopia where he was held incommunicado and interrogated before finally being released. At least nine journalists have been the victims of targeted killings since 2007.

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 and military operations, forced into hiding or forced to seek refuge abroad. Although the exact number of journalists that have fled from Somalia is not known there at present at least 60 scattered around the sub-region. The number of exiled journalists and HRDs in the sub region continues to rise.

One potentially positive development which needs to be highlighted was the appointment as Minister of Information and Deputy Prime Minister of Ahmed Abdisalam Adan, who had co-founded HornAfrik; a new media law has since been approved which contains certain positive elements which promote free expression. Nevertheless there are some concerns within the human rights community that this law may in fact further undermine freedom of expression by establishing a rather restrictive regulatory framework, not only over registration but also media output.⁵⁶

These violations continue to occur in a climate of impunity and no efforts have been made by the still very weak and unpopular TGF to end these violations and bring the perpetrators to justice.

Somaliland

Somaliland declared its independence from Somalia in 1991, following the overthrow of former Somali dictator Mohamed Siad Barre. It has since enjoyed relative stability but has still not been recognised as a sovereign state by the international community. Somaliland has witnessed increasing attacks on free press, public meetings and cases of torture.

⁵⁴ See EHAHRD-Net Index: SOMA 009/005/2008, *EHAHRD-Net condemns most recent attacks on the media in Somalia*, at <http://www.protectionline.org/Attacks-on-the-independent-media,6413.html>

⁵⁵ RSF, *Five Radio Stations employees arrested then released, Station back on air*, 18th April 2008, http://www.rsf.org/article.php3?id_article=26636

⁵⁶ Article 19, *Notes on Draft Media Law of Somalia*, May 2007, <http://www.article19.org/pdfs/analysis/somalia-notes-on-draft-media-law.pdf>

The rivalry between the two breakaway semi-autonomous regions of Somaliland and Puntland seems to be worsening with clashes during 2007 claiming the lives of at least 30 people and forcing another wave of displacement. The two territories are conflicting over the control of the city of Las Anod, the capital of Sool region. The fighting which escalated in October, involving exchanges of heavy artillery fire, took place in and around Las Anod, a town near the Ethiopian border.

The government continues to use its current legal status, or lack of recognition, as a means of restricting civilians' political rights. The opposition is viewed with hostility and their movements are restricted, any criticism made of the regime by the opposition is countered by hostile propaganda in which they are accused of endangering peace and stability. Opposition parties are prevented from staging public gatherings in key, symbolic locations. In July 2007 three opposition members who had recently set-up a party, the Qaran, were arrested by the Somaliland police and sent to a high security prison. They were given an unfair trial, with no access to legal assistance. In spite of national and international pressure the President refused to release the three politicians and in fact ordered the rounding up of friends and relatives of one of the detainees, Dr Mohamed Abdi Gabose. The three politicians were finally released on the 29th December 2007 following extensive pressure from the international community.

The municipal elections which were supposed to take place on the 15th December 2007 were postponed for a year; the Council of Elders, which is largely unrepresentative of the population and plays a significant part in maintaining negative traditions, saw its' term extended for a further 4 years and the Presidential elections which were due to take place in April 2008 will now take place in May 2009.

The security services continue to unlawfully arrest civilians under the pretext of protecting national peace. The Somaliland authorities persist in rounding up refugees from Somalia and Ethiopia and handing them over to the Ethiopian authorities on the pretext of belonging to Oromo Liberation Front, Ogaden National Liberation Front, AL-Qaeda or Union of Islamic Courts. Others have been arrested and 'disappeared'.

Societal discrimination against women continues to be a serious problem in Somaliland. According to EHAHRD-Net's Focal Point in Somaliland, Samotalis Coalition of Human Rights, the bill approved by parliament on quotas set for the minority groups and women which was supposed to be initiated during the Municipal Elections of December 2007 has since been disregarded by the government. Most forms of violence against women are widespread in Somaliland. Rape, including gang rape, continues to take place in a climate of impunity as cultural norms prevent women from seeking redress. In fact, on many occasions women who speak out end up being forced to marry their violators. The perpetrators go unpunished and the victims are left untreated, un-rehabilitated and without reparation. Women continue to face physical, sexual and psychological abuses throughout the country. The practice of female genital mutilation, in its worst form, is pervasive. The judicial system in Somaliland which is made up of three parallel legal systems- Sharia law, traditional Somali customary law and a more modern legal component- has a very negative impact on women in particular with regards to the fight against FGM.

Religious freedoms are curtailed notably by customary law which make it illegal to proselytize for any religion except Islam.

The Somaliland authorities are determined to gain control over human rights organizations and transform them into GONGOs (Governmental NGOs). The excuse of national peace is often used as a means of restricting public gatherings. Stringent registration criteria greatly undermine the space accorded to human rights NGOs. Human rights defenders are denied access to key information and continue to be branded as enemies of the nation. Nevertheless according to EHAHRD-Net member, human rights activists are able to a certain extent to pursue their work.

Freedom of expression, though constitutionally provided for, continues to be restricted. The Somaliland government has openly banned the opening of private radio stations. Journalists are cruelly dealt with by the police and subjected to frequent unlawful arrests, beatings, harassments, having their offices raided and properties destroyed by police units acting on the orders of the Government.

The editor of Somaliland's leading independent newspaper, the *Jamhuuriya*, Hassan Said Yusuf, has been arrested more than fifteen times. Restrictions and attacks on free expression have been justified as being carried out in the name of national unity. Mr Yusuf's last arrest in September 2007 followed the publication of a report he had written on the Somali Peace Conference, which included comments by Somali warlords accusing the Somaliland authorities of being soft.⁵⁷

The Haatuf Media Network and its journalists have come under attack on several occasions. In a recent case, Ahmed Adan Dhere, a journalist from Haatuf newspaper, was arrested by the Police in Berbera "on the false pretext of printing anti-government slogans and mobilizing young people to stage a demonstration."⁵⁸ However, independent sources suggest that the main reason behind his arrest had been his involvement in critical reporting against government actions. He has since been released.

In November 2007 two journalists were arrested without charges and badly treated at the hands of the security forces; one of the journalists, Abdiqani Hassan Farah, believes that he was arrested after he reported on the issue of the disputed Las Anod region which the Somaliland authorities make claim to.⁵⁹

Another example of the authorities lack of respect for freedom of expression and press was the threat made against Somali journalists that arrived in Hergeisa in December 2007 that they would be expelled from Somaliland as their presence risked to undermine relations with Ethiopia; this was clearly in disrespect of international law and largely ignored the fact that the lives of these journalists were at risk. The authorities eventually gave into pressure for human rights groups and did not expel the journalists.

Sudan

The situation in Sudan has become much more complex in recent months with a proliferation of rebel fractions in Darfur, the refusal of several rebel groups to join in the peace process

⁵⁷ AFROL News, *Somaliland Editor Freed, paper deplures oppression*, 08th September 2008 <http://www.afrol.com/articles/13905>

⁵⁸ Somaliland Times, 11th August 2007 <http://www.somalilandtimes.net/sl/2007/290/01.shtml>

⁵⁹ CPJ, in *Somaliland two journalists arrested in separate incidents*, 29th November 2007, http://www.cpj.org/cases07/africa_cases_07/somalia29nov07ca.html

which was initiated in Libya, and a failure both on the part of the Khartoum government and the Southern Sudanese authorities to implement many of the key arrangements of the Comprehensive Peace Agreement of 2005 notably the Bill of Rights. The National Human Rights Commission has of yet still not been established largely as a result of continued political disagreements between the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) – the two main parties on making-up the current Government of National Unity.⁶⁰ Rights violations in Darfur, which include unlawful killings, gender-based violence, arbitrary arrests and torture, occur on a massive scale. Insecurity remains high in South Sudan where the disarmament process has still not been fully implemented. At the same time curtailment on freedom of expression and press has increased notably in Khartoum as have attacks on civil society- notably local and community activism. The national census, which is key to the holding of the planned elections in 2009 and marks a crucial step on the road to achieving the aims of the Comprehensive Peace Agreement, begun in April 2008; nevertheless many groups are either opposed to it, notably the rebel groups in Darfur, or weary of it.⁶¹

The authorities have used disproportionate force against civilians in Darfur and continue to sponsor rebel 'proxy' groups, notably the Janjawid militias, which have subjected civilians, and particularly internally displaced people in the region, to significant abuse. According to Amnesty International whilst claiming to protect the people of Darfur, the government continues in fact to arm the Janjawid, integrate them into paramilitary forces and to in many ways enable their impunity.⁶²

Much of the legislation currently in place still needs to be brought into line with the standards established by the Interim National Constitution and other international agreements to which Sudan is party. Current laws regarding the National Intelligence and Security Services (NISS), for example, give the NISS sweeping powers to arbitrarily arrest and detain people for up to nine months without charge. According to EHAHRD-Net Focal Point in Sudan, the Sudanese Organisation Against Torture (SOAT), this legislation allows for individuals to be held for six months with no right to challenge their detention. Detainees are in some cases held incommunicado for indeterminate periods of time. Although torture is prohibited under Sudan's Interim National Constitution as well as by several of the international agreements that Sudan is party to, in practice, however, physical abuse in custody is widespread in Sudan and is encouraged by a culture of impunity underpinned by mechanisms including immunity laws, pardons and amnesties for state officials responsible for human rights violations.

Arbitrary arrests, against HRDs, peace activists, journalists and individuals believed to be linked to Darfuri rebel groups, continue to occur in Khartoum. According to reports by SOAT, recent demonstrations by Darfuri students at Khartoum University led to an unknown number of arrests. SOAT believes that several of those detained have suffered from physical abuse whilst in custody.⁶³ Similarly, around 30 presumed Sudanese Liberation Army (SLA), a rebel group in Darfur, supporters, mainly Darfuri students at Khartoum University, had been

⁶⁰ The report by the Independent Expert on the Situation of Human Rights in Sudan, <http://daccessdds.un.org/doc/UNDOC/GEN/G08/114/97/PDF/G0811497.pdf?OpenElement>

⁶¹ BBC, *Key Sudan census gets underway*, 22 April 2008, <http://news.bbc.co.uk/2/hi/africa/7360066.stm>

⁶² AI, *UN Security Council must censure government*, 11th April 2008, <http://www.amnesty.org/en/for-media/press-releases/sudan-un-security-council-must-censure-government-20080411>

⁶³ Pambazuka, *Sudan: Darfuris arrested and physically abused following student protests*, 18th April 2008, <http://www.pambazuka.org/en/category/rights/47474>

arrested in December prior to the beginning of the peace talks on Darfur.⁶⁴ In Darfur, civilians, presumed to have links to rebel groups, continue to be arbitrarily arrested, detained for long periods of time without charge and in some cases subjected to torture by the NISS.⁶⁵

The group of influential opposition politicians and former members of the police who had been arrested in July in connection with an alleged coup plot continued to be detained until December 2007 when they finally received a Presidential pardon in the name of 'national reconciliation'. Several members of the group reported having been tortured.

The violent murder of Mohamed Taha in September 2006, the editor of the newspaper Al Wifaq, by a group of Darfuri civilians following harsh reports he made on Darfuris, has led since 2006 to the arrest of 72 people of Darfuri origin. Nine of those accused of the murder were finally released after one year in detention when it was found that there was insufficient evidence. Nearly all of those detained have said that they were tortured in order to give confessions or information. On the 10th November 2007, the ten remaining detainees – which include Al-Tayed Abdel Aziz who was 15 years old at the time of the murder - were sentenced to death.⁶⁶ This decision was re-confirmed by the Khartoum-North Court on the 13th March 2008. Evidence used to find them guilty was largely based on confessions which they had made after several months in detention, during which they had not had access to legal counsel, and where, according to certain reports, they had been subjected to torture and ill-treatment.

The United Nations Special Rapporteur on the Situation of Human Rights in the Sudan, Sima Samar, recently described women as 'second class citizens' despite constitutional provisions guaranteeing equality before the law. Some of the issues highlighted in the report as being of key concern were early and forced marriages, widespread violence against women and practice of FGM and the frequent detention of women for lack of payment of dowry, family debts, acts committed by family members or on adultery charges.⁶⁷ Women and girls in Darfur, and particularly those that are internally displaced, are particularly vulnerable to sexual and gender based violence. Much of the violence occurs at the hands of armed groups.

Sudan is in certain ways an exception in the region as despite increasing levels of censure and restrictions by the Khartoum regime it continues to have quite a diverse independent media and an often outspoken civil society. Nevertheless, although the interim constitution guarantees freedom of assembly, expression and press, in practice restrictions on human rights defenders, arbitrarily detentions and harassments have increased in Darfur since 2006 and in Khartoum since mid-2007.⁶⁸

Government control over NGOs has been further entrenched by the introduction of the Organisation of Humanitarian and Voluntary Work Act in 2006. This Act grants enormous oversight to a government appointed commissioner- who can periodically review the activities of NGOs and refuse to re-register them. The act also allows the authorities to review NGOs' documents, dismiss their members and expel foreign workers. Under this act registration requirements are stringent.

⁶⁴ The report by the Independent Expert on the Situation of Human Rights in Sudan

⁶⁵ Ibid

⁶⁶ The report by the Independent Expert on the Situation of Human Rights in Sudan

⁶⁷ Ibid

⁶⁸ Human Rights Watch, *Sudan, Country Summary*, January 2008, <http://hrw.org/wr2k8/pdfs/sudan.pdf>

HRDs have increasingly faced harassment, intimidations notably by being subjected to lengthy interrogations by the NISS. In November 2007 several human rights defenders, notably members of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), were detained and subjected to protracted interrogations concerning their legitimate work.⁶⁹ According to SOAT, in the course of the month the NISS summoned, detained and interrogated: KCHRED chairperson Amir Suleiman, two members of the center's freedom of expression programme, Faisal al-Bagir and Lemia el-Jaili Abu Bakr and the financial officer, Mashair Abdullah Omer. In some cases they were summoned repeatedly, threatened, maltreated and ordered to produce documents relating to the organizations' finances.

Local activists notably denouncing the construction of a series of dams in Northern Sudan, in the Kajbar and Merowe Regions, have been subjected to harassment and to arbitrary detentions. Mr. Osman Ibrahim, spokesperson of the committee against the Kajbar Dam, for example, was arrested on 20th July 2007 while at his home in Farraig village, Halfa Municipality (Northern Sudan). No warrant of arrest was issued to him and he was not informed of where the police was taking him.⁷⁰ This is just one amongst a wave of arrests and arbitrary detentions which have occurred aimed at stifling community activism.

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.

Since mid-2007, and in particular since February 2008, attacks on freedom of expression, notably through case-by-case pre-print censorship, public information bans, legislation, intimidation and arrests of journalists, have increased. This recent attack on freedom of expression is the toughest since the signing of the Comprehensive Peace Agreement in 2005 and is in clear contravention of the Interim National Constitution which firmly guarantees freedom of press and media.

The NISS appears determined to control the media and to prevent it from undermining the Khartoum regime.⁷¹ It has increasingly been paying visits to the main media houses, checking the content of reports and ordering the withdrawal and replacement of articles deemed unacceptable.⁷² The authorities have also been imposing bans on the reporting of certain issues a means of stifling criticism. In December 2007 a ban was imposed on all reporting of criminal cases that were under investigation. This censorship appears to have been taken to a new level. SOAT reported that on April 13th 2008 newspaper editors in Khartoum were informed that they would have to submit a copy of every edition which they produced to the NISS prior to publication. Two days later the NISS prevented the publication of three newspaper, Ajas al-Hurriya, al-Ayyam and Rai al-Shaab, which were refusing to comply with these orders.⁷³ Although this new requirement has since been abandoned, several other newspapers have been banned from publishing.

⁶⁹ See EHAHRD-Net Index: SUD 031/006/2007 (Public), *EHAHRD-Net irked by harassment of HRDs in Sudan*, at http://www.protectionline.org/Mistreatment-of-human-rights.html?pmv_nid=13

⁷⁰ EHAHRD-Net Index: SUD 020/006/2007, *EHAHRD-Net disturbed by forced disappearance of HRDs in Sudan*

⁷¹ Reporters without borders, *Sudan: Annual report 2008*, http://www.rsf.org/article.php3?id_article=25406

⁷² The report by the Independent Expert on the Situation of Human Rights in Sudan <http://daccessdds.un.org/doc/UNDOC/GEN/G08/114/97/PDF/G0811497.pdf?OpenElement>

⁷³ SOAT, *Human Rights Alert 18th April 2008. Several Newspapers prevented from publishing amid ongoing crackdown on the media*,

The authorities have no qualms about arresting and allegedly torturing journalists who have witnessed abuses, notably those which witnessed and sought to report on the police crackdown on peaceful protestors opposing the construction of a dam in Northern Sudan on the 13th June 2007.⁷⁴ Journalists have also received death threats as a result of their public stances on key political issues notably on the question of the deployment of UN peacekeeping troops in Darfur.

As a result journalists are often forced to resort to self-censorship and overlook the taboo issues, notably developments in Darfur and Chad, as they know that the risks involved in taking on such issues are increasingly significant.

These restrictions are of particular concern given that Sudan has recently initiated its national census process which is supposed to pave the way for the elections in 2009 – journalists- as all HRDs- will play a crucial part in ensuring that any abuses in this process are brought to public and international attention; such restrictions however are likely to prevent them from playing their role as watchdogs.⁷⁵

Sudan's National Intelligence and Security Services are the main perpetrators of these rights violations yet they continue to work in a climate of impunity. For example, the findings of the investigations into the killings which resulted to the protests against the Kajbar dams were stalled when police refused to cooperate; no one has been identified as the perpetrator of the killings or held accountable.⁷⁶ In Darfur this culture of impunity is particularly widespread and once again most investigations into violations are generally thwarted by a lack of cooperation this time on the part of the military.

South Sudan

According to sources the human rights situation in the region has seen some improvements. However, much work still needs to be done for even basic human rights to be guaranteed. Lack of resources is a considerable problem and at present there are no mechanisms in place to protect and promote human rights as the Southern Sudanese assembly has largely failed to implement key legislation of the Comprehensive Peace Agreement.

Military personnel continue to carry out illegal arrests. Cases of sexual assault involving Sudanese People's Liberation Army units continue to occur and yet local police are often unwilling to investigate the reports. Ill treatment in order to gain information continues to be practiced by the security forces.⁷⁷

Political freedom is largely undermined by the fact that majority of members of parliament are members of the SPLM- thus running the risk that Southern Sudan could turn into a one-party state. This also clearly thwarts attempts to bring an end to impunity. In fact, most legislation which has been promulgated so far by the SPLM tends to protect the government from future prosecution.

<http://www.soatsudan.org/Human%20Rights%20Alerts%20and%20Miscellaneous%20Documents%202008/Human%20Rights%20Alert,%2018,4,08.pdf>

⁷⁴ Human Rights Watch, Sudan. *Country Summary*, January 2008, p. 4, at <http://hrw.org/wr2k8/pdfs/sudan.pdf>

⁷⁵ SOAT, *Human Rights Alert 18th April 2008*.

⁷⁶ The report by the Independent Expert on the Situation of Human Rights in Sudan

⁷⁷ Ibid

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. Customary justice is presently the main form of justice available in Southern Sudan.

Civil society is largely inexistent in South Sudan as a result of the years of warfare which have thwarted the development of a national civil society. As a result, most of the human rights work is carried out by International NGOs or UN agencies and this is likely to persist given that donor attention is currently focusing on institution building rather than on offering greatly needed support to civil society.

Efforts to challenge or critique government practices by human rights activists tend to be perceived as treason or offences against the state. The few human rights organizations which operate on the ground face considerable constraints; the Legal Aid Centre, which is run by South Sudan Law Society, has been threatened with closure as a result of their work on land rights and access to land in urban areas.

Activists are concerned by the fact that one of the only domestic human rights entities in existence on the ground is the Human Rights Commission, which has been established as part of the CPA, and is a governmental entity.

Tanzania

Tanzania is the country in this sub-region with the most positive human rights record. However there are clearly gaps between the political and legal commitments and the reality on the ground. Furthermore, a series of recent violations against journalists seeking to report on government corruption issues in particular have slightly tainted this record.

The death penalty continues to be retained and used in Tanzania. Extra judicial killings do continue to occur throughout the country. According to a report by the Legal and Human Rights Centre (LHRC), EHAHRD-Net Focal Point in Tanzania, the police was involved in the killings of 14 alleged bandits from Kenya. Findings revealed that there were many inconsistencies in the police's description of the event and suggested that instead of having been killed in a shoot-out some of the members of the group may have in fact have been tortured before they were shot.⁷⁸

Discrimination against minority groups persists. Members of the Hadzade tribe for example have seen their access to and control over land restricted. The government recently decided to evict the tribe from their ancestral land in two districts in order to sell the land to an investor. Female Genital Mutilation continues to be practiced by certain groups in the population notably by the Maasai.

Although violations of the rights of human rights defenders are rare in Tanzania defenders continue to work in a climate which is not always productive and does not guarantee the protection of their rights and their ability to carry out their legitimate work. According to, LHRC, Human Rights Defenders continue to be perceived as a threat to the government rather than an actor with which to work with so as to improve the country's record. Human Rights Defenders are not specifically mentioned or recognized by the Constitution or any other law

⁷⁸ LHRC, "Fact-finding mission on the Extermination of 14 alleged bandits from Kenya killed at Mailsita area, at Hai District in Kilimanjaro Region", conducted October 6-11, 2007. This report has not been published.

in Tanzania. There are therefore insufficient safeguards available to HRDs in Tanzania as compared to those made available in international human rights instruments. The concept of human rights defenders continues to be misunderstood both by the authorities and by many human rights defenders. As a result HRDs are forced to be affiliated with human rights organizations in order to have access to some sort of formal protection and support

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.

As a result of social and cultural norms prohibiting women's involvement in the public sphere there are very few women human rights defenders in Tanzania. In fact even feminist organizations tend to be headed by men.

The authorities continue to exert a certain amount of control over the country's media through a series of laws – notably the National Security Act which allows the government to control information which goes out to the country and is disseminated abroad.

The human rights record of Tanzania has recently been tainted however by a series of attacks on journalists which clearly undermine freedom of expression as these incidences appear to be directly linked to the journalists' legitimate work. In early January 2008 two editors of *Mwanahalisi*, a privately owned newspaper which tends to be highly critical and often covers sensitive issues notably regarding cases of public mismanagement and government corruption, were attacked at their offices in the Dar es Salaam suburb of Kinondoni, and seriously injured with acid and machetes by unknown assailants. On the 18th February 2008, two editors of an online popular discussion forum, Maxello Mello and Mike Mushi, were detained by police forces, without any charges being made against them. The Inspector General of Police Sam Mwema later stated that the editors were arrested on suspicion of criminal activity. The police confiscated their equipment including computers, shutting-down their website for five days. The editors stated that their discussion forum had played a major role in exposing a questionable energy contract involving the former Prime Minister Edward Lowassa and an American energy firm. The Prime minister resigned on 7th February 2008 after a parliamentary probe into the incident.

Uganda

The greatest humanitarian and human rights crisis facing the people of Uganda continues to be the effects of the long-term conflict in the North between the Lord's Resistance Army (LRA) and Ugandan military forces. The conflict has led to the murder of tens of thousands of people by both sides over the course of the last 22 years, and the uprooting of around two million people in Northern Uganda alone. The most recent figures available report that, as of February 2008, 1,168,501 internally displaced persons (IDPs) in Northern Uganda remain in camps plus transit sites. The IDPs who have returned home are as yet not receiving the resettlement packages which had been promised by the governments and are often facing situations which are even worse than those they had experienced in the camps, notably as a result of a lack of infrastructure in return areas. The LRA has been widely accused of committing atrocities, including torching homes and camps for the displaced, killings, rape and the abduction of children for military conscription and sexual slavery. The Acholi

population of the region has also suffered from significant violations at the hands of Uganda People's Defense Forces (UPDF).

Violence against women is a significant problem in the whole of Uganda and SGBV has been particularly rife in Northern Uganda as a result of the conflict. The perpetrators of these violations, whether government soldiers, members of the rebel Lord's Resistance Army, or ordinary citizens, are largely granted impunity as a result of social and cultural barriers and state failure to uphold its responsibilities to ensure redress and to guarantee that legal routes are made available to the survivors.⁷⁹ The justice, law and order sector in the region is non-functional.

The peace talks between the LRA and Museveni's government, which began in July 2006 and saw the signing of the Cessation of Hostilities Agreement (CHA) in August of that year, have stalled over recent months, and the CHA has expired. The LRA leader, Joseph Kony, has demonstrated little commitment to the peace talks, through lack of attendance and cooperation with mediators. He finally refused to sign the Final Peace Deal on the 10th April. As a result, the peace process and the predicament of Northern Uganda's IDPs appear increasingly uncertain.

Despite the arrest warrants issued by the International Criminal Court (ICC) in 2005, interest in domestic trials for serious crimes committed in northern Uganda gained momentum during the peace talks as a substitute. However, there remain serious concerns about the capacity of the national justice system to offer effective prosecutions and convictions in fair trials, which meet international standards of due process.⁸⁰

In Karamoja, the UPDF has continued to torture, arbitrarily detain and unlawfully kill civilians during law enforcement activities aimed at disarming the region's cattle raiders. The authorities have attempted to clamp down on these violations and the UPDF's record has slightly improved, but as of yet their efforts have not been sufficient.⁸¹

Mass arbitrary arrests of vagrants and criminals also took place in Kampala in the run-up to the November 2007 Commonwealth Heads of Government Meeting (CHOGM).⁸²

Freedom of assembly and association by political activists continues to be threatened by the police imposed bans on holding rallies in certain key, central or symbolic areas of the capital. The police, which under the recent Police Act have been charged with the duty of providing security during demonstrations, have often used these provisions as an excuse to break up demonstrations, notably by members of the opposition or peaceful protests calling for government accountability on human rights issues. On several occasions the police forces have used very heavy handed tactics to deal with protestors.

⁷⁹ AI Index: AFR 59/005/2007, Uganda: Doubly Traumatized: The lack of access to justice by women victims of sexual and gender-based violence in northern Uganda, 30 November 2007, <http://www.amnesty.org/en/library/info/AFR59/005/2007>

⁸⁰ AI Index: AFR 59/001/2008, *Uganda: Agreement and Annex on Accountability and Reconciliation falls short of a comprehensive plan to end impunity*, 21 March 2008

⁸¹ HRW, *Army abuses civilians in plan to secure Karamoja*, 11th September 2007,

<http://hrw.org/english/docs/2007/09/07/uganda16821.htm>

⁸² Ibid

The controversial Land Amendment Bill continues to create a lot of unease throughout the country. In some regions, notably in the Kayungu district in central Uganda, it is believed that tenants are being forcefully evicted from the land in order to ensure that they are no longer there when the bill comes into being. UPDF soldiers have been involved in illegal land evictions.

Uganda's record regarding HRDs has definitely improved in recent years nevertheless recent repression against minority rights activism and constraints on freedom of expression are of concern.

Minority rights activists, notably members of lesbian, gay, bisexual and transgender (LGBT) organizations, continue to be harassed and subjected to verbal and legal attacks by the authorities. Homosexuality is still a crime in Uganda; in recent months certain members of the government have sought to further entrench legislation, notably the country's draconian sodomy law, against homosexuality. In November 2007 representatives from sexual minority groups were prevented from talking in the designated 'speaker's corner' at the Commonwealth Heads of Government Meeting (CHOGM). Furthermore, the government took no action against the Red Pepper tabloid which in September 2007 printed an article naming a list of 50 'prominent' homosexuals and giving their contact details. In March 2008 one of the young men who had been named by Red Pepper- known as 'Stevie' -was murdered. Sexual Minority Rights Uganda (SMUG) has informed the Network that their attempts to investigate the case have been thwarted. The activists have in fact been intimidated- received anonymous threats notably by text messages- warning them not to investigate the case any further. In February 2008, a coalition of 120 religious leaders called on the government of Uganda to protect the human rights of lesbians, gays, bisexuals and transgender (LGBT) citizens in the East African nation.⁸³

In March 2008 the Ugandan government banned a workshop for sex workers from all over East Africa which was aimed at raising awareness amongst sex workers of their rights. The Ethics minister, Nsaba Buturo claimed that it was illegal and a vice which was not in tune with the Ugandan way of life. The venue of the workshop was therefore moved to Nairobi. According to SMUG, one Ugandan transgender sex worker who was supposed to attend the workshop was denied a passport when she went to the immigration authorities. 'Brenda' was in fact told by the authorities that 'transformed people' could not get passports.

Legislative and administrative measures in Uganda continues to limit the space accorded to critical reporting as does government interference with the legitimate work of journalists and broadcasters, notably through public statements, intimidation, threats and arbitrary police actions against those seen as errant or too critical of the government.

Sedition laws and other criminal laws continue to be used against journalists who are seen as overtly critical of the authorities or are willing to tackle certain 'taboo' issues, notably the government's war against terrorism.

Several journalists were beaten and sustained significant injuries when they covered the peaceful Mabira demonstration in April 2007 during which members of the public were demonstrating against Government's proposed give away of parts of the Mabira forest to an

⁸³ HRW, "No one should have to live in fear simply because of who they are", <http://hrw.org/english/docs/2008/02/22/uganda18133.htm>

investor. On the 26th-27th April 2008 the Ugandan security agents arrested one of the country's leading political journalists, Andrew Mwenda, Managing editor of the Independent, apparently as a result of a series of articles published in the news magazine which reported on the cases of 17 people who had allegedly been tortured in illegal detention centers known as safe houses. Security services raided the offices of the magazine, confiscating key equipment in their supposed attempt to find incriminating material. Mr Mwenda has not yet been charged but he was interrogated for several hours by Criminal Investigators and is likely to be charged with sedition and being in possession with seditious material.⁸⁴

The authorities exert at times more subtle constraints on the media- notably calling talk show hosts and telling them who should appear on their shows, or using the Broadcasting Council as a means through which to dismiss presenters who host guests or tackle issues which are deemed unacceptable or 'immoral'. In August 2007 a talk show host on a private radio station was dismissed after he invited a gay rights activist onto his program.

Many of the cases brought against journalists are never heard till their conclusion but several journalists are forced to continue to report to court nevertheless. The government and ministry of information continue to claim that government monitoring activities are for security reasons.

⁸⁴ Daily Monitor, *Police record video of Mwenda interrogation*, Wednesday 30th April 2008, http://www.monitor.co.ug/artman/publish/news/Police_record_video_of_Mwenda_interrogation.shtml

Recommendations

Accountability is one of the key issues which should be prioritised in all agendas focusing on the region. Bringing an end to the prevalence of impunity and establishing independent and impartial accountability mechanisms can help to ensure the protection of HRDs and the further promotion of human rights and lasting peace in the region.

Another key set of issues relate to freedom of expression and freedom of the media as there has been a significant rise in violations of these rights in most of the countries focussed on above.

EHAHRD-Net therefore calls on the governmental authorities in the countries concerned to:

- Ensure prompt, impartial, effective and independent investigations into all cases of human rights violations affecting human rights defenders;
- End impunity by bringing those responsible for current and past abuses to justice whilst ensuring that they are ensured access to a fair trial which adheres to international standards;
- Bring an immediate end to arbitrary arrests, harassments and targeted killings of all human rights defenders, and more particularly journalists;
- End all practices which threaten the freedom of expression and prevent human rights defenders from pursuing their legitimate work;
- Ensure the protection of Human Rights Defenders, notably by observing the provisions of the 1998 UN Declaration on HRDs, the African Charter on Human and People's Rights and other human rights treaties to which most of these countries are signatory, in particular Article 12 (1 and 2) of the UN Declaration of Human Rights Defenders which states that *“Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms”*;
- End all practices which threaten the freedom of the press notably by
 - Ending all ill-treatment of journalists, for example arbitrary arrests,
 - Ending attacks on the independent media – notably by reopening all media outlets that have been shut-down and allowing them to operate normally,
 - Introducing legal reforms in line with international standards,
 - Removing all criminal sanctions for press offences such as defamation;
- Ensure strict compliance with the regional and international mechanisms put in place for the protection of the media; notably to adhere to the African Charter on Human and Peoples' Rights, which guarantee freedom of expression (Article 9);
- Facilitate any eventual future visits by the UN Special Representative on Human Rights Defenders or by any other Special Procedures' mandate-holders, notably the Special Rapporteur of the ACHPR on Human Rights Defenders in Africa.

EHAHRDP-Net calls on the international community and relevant human rights mechanisms and key stakeholders to:

- Initiate international criminal investigations into the human rights violations being committed in countries where an impartial national investigation is unlikely to take place- notably in Kenya, Somalia and Ethiopia;
- Use their influence to bring an end to impunity and ensure that all actors responsible for current and past abuses are held accountable for their actions;
- Provide support - logistical, political and financial - to entities and bodies that can help to establish accountability mechanisms, notably to the field offices of Office of the High Commissioner for Human Rights (OHCHR);
- Continue monitoring the situation facing HRDs in these countries, notably by encouraging and supporting all efforts by human rights mechanisms, notably the UN Special Procedures' mandate-holders, to pay specific attention to the situation of human rights in the region;
- Ensure that human rights is at the heart of all diplomatic and peace and reconciliation dialogues, notably in Somalia and in Kenya;
- Support initiatives by HRDs in the countries concerned to strengthen their position, notably through join initiatives and networks;
- Ensure that all HRDs in particular journalists that have been forced into exile can pursue their vital work by providing them with assistance, protection and training, notably Eritrean HRDs.