



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

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

Report presented to the 50th Ordinary Session of the
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Regional Coordination Office

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Introduction

EHAHRD-Net welcomes the opportunity offered by the 50th Ordinary Session of the African Commission on Human and People's Rights (ACHPR) to highlight some of the current human rights issues in the East and Horn of Africa region for the period of May 2011 to October 2011. This report especially assesses the status of civil and political rights in the sub-region, given the worrying range of restrictions implemented during this period. Restrictions range from the implementation of restrictive laws mainly aimed at thwarting freedom of association and expression, acts of intimidation against key civil society actors and physical and verbal threats. Violations against journalists in particular have been on the increase in most of the countries in the sub-region. Another trend worth noting also is the increase in the collaboration among states in the region in regard to the repatriation of refugees.

The last six months have seen human rights defenders in **Burundi** facing restrictions in the process of carrying out their work. These restrictions have included legal and judicial harassment, arbitrary detention and trial, verbal harassment and surveillance. Human rights defenders involved in the Justice for Ernest Manirumva Campaign, journalists and lawyers have been the main targets of these restrictions. For example, Bob Rugurika, the chief editor for African Public Radio (*Radio Publique Africaine*, RPA) was summoned four times by the Bujumbura public prosecutor's office in July and August and accused of disseminating information that incites the population to civil disobedience.

Following the massacre on 18th September of between 30 to 40 people at a bar in Gatumba, the National Security Council recommended that the media "abstain from any communication that could compromise peace and security" and "from publishing, commenting or making analyses related to cases under instruction," in effect imposing a media blackout on the events. This follows repeated judicial summonses and intimidation of prominent journalists and civil society activists over recent months. Rugurika was again summoned for questioning on 14th October.

Two staff members of Manirumva's organisation, the Observatoire de Lutte Contre la Corruption et les Malversations Économiques (OLUCOME) experienced security incidents against them in early July. These included an intrusion into the compound of current vice-president, Prudence Bararunyeretse, by men armed with knives. OLUCOME has additionally reported finding threatening unsigned notes near their office in several instances.

Ethiopia is increasingly becoming a difficult place for human rights defenders to work. The repressive legislation in Ethiopia, specifically the anti-terrorism law and Charities and Societies Proclamation, continue to remain a challenge to human rights defenders restricting them from carrying out their work. Of late, journalists are being arrested using the antiterrorism law. On 21st June, Reyot Alemu, a columnist with weekly newspaper Fitih, and Wubeshet Taye, editor of the weekly Awramba Times, were arrested and accused of complicity with Ginbot 7, a US-based opposition group which was declared a terrorist organisation by parliament.

18th September 2011 marked 10 years since the crackdown on independent media and the imprisonment of a number of journalists in **Eritrea**. 10 years on, and the situation in the country has not changed as some of the journalists still remain in detention and no independent human rights organisations operate in the country. Eritrea has yet to comply with a Commission decision from 2007 that found it to be in violation of Articles 1, 5, 6, 7(1), 9 and 18 of the African Charter and urged the Government of Eritrea to release or to bring to a speedy and fair trial the 18 journalists detained since September 2001, and to lift the ban on the press. It also recommended

that the detainees be granted immediate access to their families and legal representatives; and further requested that the Government of Eritrea take appropriate measures to ensure payment of compensation to the detainees. There is still no confirmation of the fate of the journalists.

The human rights situation in **Somalia** has shown no improvements since the last reporting. Somali civilians continue to bear the brunt of the armed conflict. The country has been hit by famine which has led to the death of many, while others have fled across the border. This has been worsened by the Al-Shabaab militants blocking people who are fleeing. Journalists especially those from Puntland have been targeted while restrictions and threats on the relatively free Somaliland media have also been reported. On June 29th, Faysal Mohamed Hassan a local reporter for Hiiraan online in Puntland was arrested and sentenced to one year in jail for reporting false information that could endanger the security of Puntland. His sentence came only two hours after his arrest and no evidence was even produced. In Somaliland, on 5th September, Ahmed Muse Mohamed, a reporter with the Waheen newspaper was detained at the police station in Buro region on orders of the governor of the region. An arrest warrant was not presented and the legal formalities were not followed. In the same month, on 10th September, another of the newspaper's journalists, Saleban Abdi Ali, was beaten by members of the police Special Protection Unit in Hargeisa.

The situation has not been any easier in **Sudan**. Besides journalists being arrested and threatened, newspapers have also been closed and copies blocked from being published. On 8th July, Khalid Ibrahim Ewaiss of *Al-Arabija* newspaper, was detained after participating in a political protest. After being questioned by police, he was released on bail and told he could not leave the country but has not so far been formally charged. In another case, on 7th August, the National Intelligence and Security Services (NISS) confiscated all the copies of the Arabic-language daily *Al-Abdath* from the printers. Copies of another newspaper *Al-Jarida* were also confiscated in September by security forces without any explanation.

Finally, we cannot neglect to also highlight the human rights situation in the world's youngest country - **South Sudan**. Since attaining its independence on 9th July 2011, tensions have continued between Sudan and South Sudan. These tensions have primarily resulted from the struggle for control of the oil rich Abyei region.

Against this backdrop, we must also highlight a handful of notable positive developments during this period. In Burundi, the long-awaited National Independent Human Rights Commission (CNIDH) was established, with the nomination and appointment of commissioners in May. Kenyan human rights defender Al-Amin Kimathi was released following a year in detention in Uganda on unsubstantiated terrorism charges and after continual advocacy by a number of actors.

Considering the challenges and opportunities in the region, EHAHRDP would therefore call on the African Commission on Human and People's Rights to:

- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights, in particular the freedom of expression, and work of human rights defenders;
- Prioritize the issue of impunity as a key focus for the ACHPR and its special mechanisms notably in Burundi, Somalia and Kenya;

- Promote international criminal investigations into serious human rights violations committed in the region, where domestic remedies have failed;
- Strengthen the protection mandate of the Commission and commit to reducing the backlog of communications awaiting consideration, by allocating greater time during the
- Follow up on previous decisions by the Commission, including its decision at the 41st Ordinary Session on 18 journalists held incommunicado in Eritrea; Call on African Union member States to offer standing invitations to the ACHPR's special mechanisms, notably the Special Rapporteur on HRDs and Freedom of Expression and to provide them with necessary assistance in the course of eventual visits whilst ensuring the protection of all witnesses met by the mandate holders in the course of their missions;
- Continue monitoring the situation facing human rights defenders (HRDs) throughout the East and Horn of Africa;
- Call on member States to ensure the protection of HRDs, notably by observing the African Charter on Human and Peoples' Rights and other human rights treaties to which most of these countries are signatory.

Country Overviews

Burundi

Situation of HRDs

The situation of human rights defenders in Burundi has not improved since the last reporting. Freedom of expression and association has been greatly restricted especially with the persistent harassment of human rights defenders. In his report to the 17th session of the UN Human Rights Council, the Independent Expert on Burundi pointed out the involvement of security agencies in human rights violations and encouraged the Burundian government to lift restrictions on freedom of expression, especially the media.

The past few months have seen the sustained harassment of lawyers and journalists. On 15th July, Suzanne Bukuru a lawyer was arrested at the order of a prosecutor on charges of 'complicity in espionage'. She was released on 1st August but with her charges pending. Few days later, another lawyer Isidore Ruyikiri, president of the Burundi Bar Association, was arrested on 27th July. He was accused of 'insulting magistrates' at a rally in Bujumbura. He was also released on 5th August and the charges against him were dropped.¹

The media equally continues to face restrictions as they carry out their legitimate work. Bob Rugurika, the chief editor for African Public Radio (*Radio Publique Africaine*, RPA), a private radio station (founded by Alexis Sinduhije – a former journalist and head of the MSD opposition party), was summoned four times by the Bujumbura public prosecutor's office in July and August 2011. Rugurika was accused of disseminating "information that incites the population to civil disobedience."² This was after his radio station broadcast a report covering an opposition coalition news conference. Furthermore, Patrick Mitabaro, the editor in chief for Radio Isanganiro, was on August 1st accused of 'dissemination of language that insults the judiciary'. This was after broadcasting an interview with Isidore Ruyikiri in which he 'contended that

¹ HRW: Stop Harassing Lawyers and Journalists <http://www.hrw.org/news/2011/08/11/burundi-stop-harassing-lawyers-and-journalists> last visited 13th October 2011

² *ibid*

certain judges were dishonoring the judiciary by their actions'.³ Earlier in May, Mitabaro had been accused of dissemination of information that was alleged would affect the security of the country.

More recently, following a massacre of between 30 and 40 people at a bar in Gatumba on 18th September, the National Security Council ordered journalists not to publish, comment on, or analyze information on the ongoing investigations into the massacre and other cases under investigation, in effect imposing a media blackout on the events⁴ Following this, there have been tensions between the government and the local media as some of the media houses initially defied this order. Rugurika was again summoned for questioning on 14th October.

Following the Gatumba incident, the UN called on the Burundian government to bring the perpetrators to justice and expressed their concern about the increasing level of violence in the country.⁵

On a more positive note, on May 17th 2011, Jean Claude Kavumbagu was finally released after spending 10 months in prison. The chief editor of the online newspaper Net Press had been arrested in July 2010, charged with treason and held in pre-trial detention for ten months. He was arrested for publishing an article after the bombings in Kampala questioning the capacity of the Burundian security services to respond to a potential terrorist attack.⁶

Since his death in 2009, justice for the murder of Ernest Manirumva is yet to be attained as investigations still drag on. On 15th June, EHAHRDP was among those present in Bujumbura to observe the trial at a hearing for 14 accused in the case though only 11 were present. Following the hearing, on June 22, the judges granted the public prosecutor's office request to have the case file returned to them for further investigations, as new information had been received.

Activists and members of the civil society who have been involved in the campaign for justice for Manirumva have faced numerous threats and harassment. In early July 2011 two staff members of Observatoire de Lutte Contre la Corruption et les Malversations Économiques (OLUCOME)- the organization of which Manirumva was vice-president - experienced security incidents against them, including an intrusion into the compound of Vice-President Prudence Bararunyeretse by men armed with knives. OLUCOME has additionally reported finding threatening unsigned notes near their office in several instances.⁷

General Overview

Impunity continues to prevail and crimes committed by the security services in particular are rarely investigated. Following the violence during the 2010 elections, a commission of inquiry was set up to investigate crimes and killings that took place. The commission was called upon to

³ *ibid*

⁴ AI, HRW, EHAHRDP: Strengthen Support for National Human Rights Commission <https://www.amnesty.org/en/library/asset/AFR16/009/2011/en/1cc125ea-a39d-4aba-a4aa-47a52f4112af/afr160092011en.pdf> last visited 10th October 2011

⁵ All Africa: Perpetrators of Recent Killings must be Brought to Justice, UN tells Burundi <http://allafrica.com/stories/201109231154.html>

⁶ HRW: Journalist Acquitted of Treason charges <http://www.hrw.org/news/2011/05/18/burundi-journalist-acquitted-treason-charges> last visited 28th May 2011

⁷ EHAHRDP: Targeted investigations and timely justice needed in Ernest Manirumva assassination case <http://www.defenddefenders.org/index.php/our-publications/press-releases/125-burundi-targeted-investigations-and-timely-justice-needed-in-ernest-manirumva-assassination-case->

‘redress the Burundian government’s failure to fulfil past promises to investigate allegations of torture and other ill-treatment by Burundi’s intelligence service in late June and early July 2010 and prosecute those responsible.’⁸ The body of Audace Vianney Habonarugira, a former FNL rebel commander, was discovered on July 15, 2011. He had reportedly been receiving threats from people linked to the security services since early 2011, and in March was shot and hospitalised for 10 weeks. This is in addition to other politically motivated killings that took place in late 2010 and early 2011.⁹

In December 2010, the National Assembly passed a law establishing the long-awaited Independent National Human Rights Commission, and the law was promulgated by President Nkurunziza in early February 2011. Finally on 19 May 2011, seven commissioners were elected by the National Assembly of Burundi which formally established the National Independent Human Rights Commission (CNIDH). The Commission began its work in June after the swearing in of the commissioners. Support for the effective and independent functioning of the Commission becomes all the more important with the termination of the mandate of the UN Independent Expert on Burundi by the Human Rights Council in September 2011, at the same time as human rights violations in the country are on the increase.

Djibouti

Situation of HRDs

Human rights defenders in Djibouti especially journalists continue to face challenges in the course of carrying out their work. Freedom of expression is greatly hindered. On 26th June, the president of the Djiboutian Journalists Association, Kenedid Ibrahim, was threatened and insulted by the minister of communication for questioning the suspension of a number of journalists the previous week. Three print journalists working with the Nation newspaper - Ibrahim Miyir Ali, the editor-in-chief, Fahim Ibrahim Ali, a senior journalist and Abdourazak Diraneh Ali, a recently employed reporter - were suspended by the government without reasons being given.¹⁰

On a positive note though, on 22nd June, six reporters for *La Voix de Djibouti*, an opposition radio station were freed four months after their arrest. The six who include Farah Abadid Hildid, Houssein Ahmed Farah, Houssein Robleh Dabar, Abdillahi Aden Ali, Moustapha Abdourahman Houssein and Mohamed Ibrahim Waïss had been held for the four months without being tried.¹¹

General overview

Djibouti is currently hit by famine which has affected many households. While at the UN General Assembly on September 23rd, the President of Djibouti Ismaël Omar Guelleh took the opportunity and called on the world to not only provide immediate aid but also long term remedies.¹²

⁸AI: Commission must Investigate Conduct of Security Forces
<http://www.amnesty.org/en/library/asset/AFR16/004/2011/en/6c3f2c05-7a54-46c7-8a1e-c7723f39ba7d/afr160042011en.pdf>

⁹HRW: Investigate Political Killings <http://www.hrw.org/news/2011/07/25/burundi-investigate-political-killings>

¹⁰ East African Journalists Association, Journalist’s union leader threatened over defense of sacked colleagues
<http://eaja.org/en/contents/journalists-union-leader-threatened-over-defense-of-sacked-colleagues>

¹¹ Reporters Without Borders, Six radio station contributors freed after four months in prison, <http://en.rsf.org/djibouti-six-contributors-to-opposition-11-06-2011,40445.html>

¹² All Africa: Government at UN Appeals for Proactive Aid to prevent Drought and Famine
<http://allafrica.com/stories/201109240036.html>

Eritrea

Situation of HRDs

The human rights situation in Eritrea has not improved in the past 10 years since the crackdown on independent media in the country. Eritrea is the only country in Sub-Saharan Africa which does not have a single operating independent or private news outlet, as private ownership of media and international influence or ownership of media are banned. Human rights defenders are forced to operate from the diaspora, thereby making it difficult to obtain firsthand information on the situation of human rights in the country.

18th September 2011 marked 10 years since the crackdown of independent media in Eritrea. In 2001, the Eritrean government shut down all independent media, while many newspaper editors and journalists were thrown in jail. According to Reporters without Borders, at least 30 journalists are currently detained. More recently in February this year, three radio journalists were arrested, while another was arrested in March¹³. None of the detained journalists has ever been brought to trial. Marking the 10 years, the European Parliament passed a resolution urging the Eritrean government to free the jailed journalists, and lift the ban on independent media.¹⁴

General Overview

Eritrea is a one-party state under the control of the ruling People's Front for Democracy and Justice (PFDJ). The country has been ranked as one of the most repressive States in the world. Freedoms of movement, religion, expression, and assembly are severely restricted contrary to the country's domestic and international legal responsibilities.

Besides the journalists who were jailed in the September 2001 media crackdown, some senior government members were also detained for criticizing President Isaias Afewerki. While recently attending the UN General Assembly on 22nd September, President Afewerki's government was called upon to release those detained including journalists, and also allow international monitors into Eritrean prisons.¹⁵

Freedom of assembly and association is non-existent in Eritrea. The government of Eritrea does not allow the formation of any political parties or private associations. No independent civil society organizations exist. This has made it difficult for human rights defenders to monitor the human rights situation in the country.

Freedom of religion is restricted in Eritrea since 2002. Followers of Islam, Orthodox Christianity, Roman Catholicism, and Lutheranism are given some space to practice their faith, while members of minority Christian churches, notably Pentecostals, Evangelical and the charismatic groups, continue to be persecuted by the Eritrean authorities. Those that are imprisoned on account of their faith are pressured to renounce their beliefs as a precondition for their release.

Compulsory military and national service conscription is enforced through a range of methods notably mass round-ups and house-to-house sweeps. Many young people leave the country in a bid to escape this.

¹³ Reporters Without Borders, Issaias Afewerki – no less dangerous than Muammar Gaddafi or Bashar al-Assad

<http://en.rsf.org/eritrea-issaias-afewerki-no-less-dangerous-16-09-2011,40996.html>

¹⁴ CPJ; EU urges Eritrea to free long jailed journalists <http://www.cpj.org/blog/2011/09/eu-resolution-urges-eritrea-to-free-long-jailed-jo.php> last visited 20th September 2011

¹⁵ HRW: Free political Prisoners 10 Years on <http://www.hrw.org/news/2011/09/22/eritrea-free-political-prisoners-10-years>

Furthermore, prison conditions are inhuman as prisoners are identified by numbers and not names. They are handcuffed for close to 23 hours a day while food is limited and unvaried.

Ethiopia

Situation of HRDs

Since the last reporting, the human rights situation in Ethiopia has deteriorated especially for the media.

Press freedoms in Ethiopia are significantly restricted. The independent media continues to face attacks and restrictions, in particular through the increased use of the anti-terrorism law. On 21st June, Reyot Alemu, a columnist with weekly newspaper *Fitih*, and Wubeshet Taye, editor of the weekly *Awramba Times*, were arrested and accused of complicity with Ginbot 7, a US-based opposition group which was declared a terrorist organisation by parliament. Two other journalists, Haileyesus Worku, editor of the state-owned Ethiopian Radio and Television Agency (ERTA), and one of his reporters, Abdulsemed Mohammed were released on bail on 22nd July, having been arrested in April 2010 on charges of 'illegally obtaining TV news content and passing it to a foreign TV company for personal profit, causing considerable losses for ERTA and violating copyright'. Their hearing is scheduled for 12th November.¹⁶

Furthermore, two Swedish photo-journalists Martin Schibbye and Johan Persson, working for the *Kontinent* photo agency were arrested by the Ethiopian authorities in July after crossing from Puntland into Ethiopia in the Ogaden region to investigate reports of human rights violations. They were charged of terrorist activities when they appeared in court on 6th September.¹⁷

On 5th September, police interrogated an Ethiopian journalist Argaw Ashine forcing him to reveal the identity of his source. This followed the disclosure by WikiLeaks referring to the journalist by name, and referring to his unnamed government source. This later forced the journalist to flee the country.¹⁸ Ashine is chairman of the Ethiopian Environment Journalists Association and deputy chair of Ethiopia's Foreign Correspondents' Association.

General Overview

Political freedoms are limited by the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF). Those who are critical of the government may be arrested. On September 14th, security forces arrested journalist Eskinder Nega when he went to collect his child from school. On the same day, Andualem Aragie, vice chairman of the opposition party Unity for Democracy and Justice (UDJ) and executive committee member of Medrek, the largest opposition coalition, was also arrested on his way to the UDJ offices. These arrests are believed to have been in connection to their criticism of the anti-terrorism law and the ruling party.¹⁹ Earlier this year in February, Eskinder had been arrested by the Federal Police as he left an internet café, after he published an article referring to the protests in Egypt. The article urged that if protests did break out in

¹⁶ Two Swedish and three Ethiopian Journalists charged with terrorism <http://en.rsf.org/ethiopie-two-swedish-and-three-ethiopian-08-09-2011,40944.html>

¹⁷ *ibid*

¹⁸ CPJ: Ethiopian journalist ID'd in WikiLeaks cable flees country <http://www.cpj.org/2011/09/ethiopian-journalist-idd-in-wikileaks-cable-flees.php>

¹⁹ VOA: Government Critics Detained In Ethiopian Anti-Terror Sweep <http://www.voanews.com/english/news/africa/Government-Critics-Detained-In-Ethiopian-Anti-Terror-Sweep-129845693.html>

Ethiopia, the army should acknowledge Ethiopians' right to peacefully demonstrate, and should protect them.²⁰ He was accused of attempting to incite the public into similar protests.

Furthermore, on 27th August, two other Ethiopian opposition leaders were arrested – Bekele Gerba, deputy Chairman of the opposition Oromo Federalist Democratic Movement (OFDM) and Olbana Lelisa of the Oromo People's Congress party (OPC). Their arrest occurred within days of meeting a delegation from Amnesty International. They were arrested the same day as the Amnesty International delegation was asked to leave the country.²¹ The two politicians are being held without charge under the 2009 anti-terrorism law²²

Violence against women, and notably domestic violence, is pervasive. Aberash, an Ethiopian Airlines flight attendant was stabbed in both eyes by her ex-husband, Fisseha Tadesse and is now reported to be in a hospital in Bangkok. It is reported that many other cases occur without being officially reported. It has been suggested that the rise in this violence is can be linked to the 2009 CSO Law (Charities and Societies Proclamation), which prohibits local organisations working on human rights and women's issues from receiving international funding thereby leaving many women's organizations without sufficient funds to carry out their campaigns against such acts.²³

Kenya

Situation of HRDs

After one year in prison, Kenyan human rights defender Al-Amin Kimathi was finally released on 12th September and terrorism charges against him dropped. Kimathi was arrested on a visit to Uganda in September 2010 to observe the hearings of Kenyan suspects of the July 2010 Kampala bombings. He was charged with terrorism and had since been detained. Upon his release, his passport was returned to him and he immediately returned to Kenya.

On 7th August, three journalists from Western Kenya working with Nation Television were attacked by a prison guard as they were covering an escape attempt by six inmates. This is even after the NTV crew has secured permission to allow them do their work.²⁴

Civil society members have expressed great concern over a proposed National Intelligence Service Bill which contains provisions that would violate the right to privacy and freedom to information. The bill allows the surveillance of telephone conversations by government agents as well as the search of private homes by police to obtain information.²⁵ Although the bill is intended to pave the way for creation of a new intelligence service as provided under the new constitution, its provisions directly contravene constitutional guarantees under the bill of rights.²⁶

General Overview

²⁰ Amnesty International, "Ethiopia: Threats against journalist are another attack on freedom of expression," 18 February 2011, <http://www.amnesty.org/en/library/asset/AFR25/001/2011/en/54b7f640-8654-461c-8a45-c629c6f0cd28/afr250012011en.html>

²¹Amnesty International, Ethiopian opposition leaders detained after meeting with Amnesty International <http://www.amnesty.org/en/for-media/press-releases/ethiopian-opposition-leaders-detained-after-meeting-amnesty-international-2>

²² All Africa.com: Free Detained Opposition Leaders <http://allafrica.com/stories/201109140558.html>

²³ All Africa.com: Violence Against Women on the Rise <http://allafrica.com/stories/201109230898.html>

²⁴ CPJ: Kenyan Prison Guards Shoot Cameraman Attack Crew <http://cpj.org/2011/08/kenyan-prison-guards-shoot-cameraman-attack-crew.php#more> last visited 3rd October 2011

²⁵ <http://allafrica.com/stories/201109290008.html>

²⁶ <http://www.standardmedia.co.ke/InsidePage.php?id=2000044067&cid=4>

Investigations by the International Criminal Court (ICC) have led to much debate in Kenya on how those responsible for the post-election violence in 2007-2008 should be prosecuted. One year since the Kenyan government signed an agreement in September 2010 with the ICC allowing the court to set up a base in the country, the six suspects accused of participating in the post-election violence appeared before the court at The Hague. Three of the suspects in case 1 of the ICC confirmation of charges hearings- William Ruto, Henry Kosgey and Joshua Sang appeared before the Pre-Trial Chamber of the court on 1st September 2011. The other three suspects in case 2 of the hearings- Uhuru Kenyatta, Francis Karimi Muthaura and Mohammed Hussein Ali appeared before the chamber on 21st September 2011. The hearings at the Pre-Trial Chamber are expected to determine whether there is sufficient evidence to commit the six suspects to trial. All six are accused of committing crimes against humanity in the 2008 post-election violence in which it is reported that about 1,300 people were killed while more than 300,000 displaced from their homes.²⁷ The Pre-Trial Chamber is expected to issue a ruling on the confirmation of charges within 60 days of the end of the hearing in both cases.²⁸ Due to the political impact of the decision by the chamber, judges have been requested to consider issuing the decision in the two cases concurrently.²⁹ Many Kenyans remain hopeful that the ICC process will deliver justice for victims of the post-election violence.³⁰

One of the most pressing concerns for victims of the post-election violence remains the resettlement of internally displaced persons (IDPs). The Special Rapporteur on the human rights of IDPs, Chaloka Beyani made a country visit to assess the situation of IDPs. He stated that “there is an urgent humanitarian need to address the dire living conditions and human rights of IDPs in Kenya, including persons displaced by the 2007-2008 post-election violence, and those displaced by natural disasters and environmental conservation projects.” The special rapporteur urged the Kenyan government to put in place a comprehensive strategy to respond to the challenges faced by IDPs in the country.³¹

Following the ICC hearings, journalists in Kenya were blamed for not being fair, independent and impartial in their reporting while reporting on the proceedings of the hearing. They are accused of creating ‘an ethnocentric prism with which the public should look at the ICC.’³²

Protection of witnesses has been of great concern in the country. The name of one of the ICC suspects was mentioned during police investigations into the threats and attack on the home of one of the families of a witness.³³ The family was forced to flee to another area for safety. On conclusion of the confirmation of charges hearings, the presiding judge issued a warning to the six suspects to desist from activities that may trigger violence in the country.³⁴ The judge also urged the country to “respect the life, security and property of victims and witnesses” in the two cases.³⁵ On 7th April 2010, the Parliament of Kenya passed the Witness Amendment Protection Bill 2010. The bill establishes a Witness Protection Agency mandated to institute and maintain a Witness Protection Program to protect crucial witnesses who require protection from a threat or

²⁷ VOA Ex-ministers Face World Crimes Court Over Kenya Bloodshed <http://www.voanews.com/english/news/africa/Ex-ministers-Radio-Executive-Face-World-Crimes-Court-Over-Kenya-Bloodshed-128891438.html>

²⁸ <http://www.standardmedia.co.ke/InsidePage.php?id=2000044405&cid=4&ttl=Anxious%20wait%20for%20suspects%20as%20Hague%20hearings%20close>

²⁹ <http://www.standardmedia.co.ke/InsidePage.php?id=2000044405&cid=4&ttl=Anxious%20wait%20for%20suspects%20as%20Hague%20hearings%20close>

³⁰ Citizens Hope ICC Opens Window to Justice <http://allafrica.com/stories/201109131255.html>

³¹ UN Expert Urges Durable Solutions for Internally Displaced Persons <http://allafrica.com/stories/201109280886.html>

³² All Africa.com The Media are not Objective or Fair in Covering Hague Hearing <http://allafrica.com/stories/201110051294.html>

³³ All Africa.com Ocampo Suspect Linked to Witness Home Attack <http://allafrica.com/stories/201110041445.html> last visited 4th October 2011

³⁴ Hague Judge's Message to all Kenyans <http://allafrica.com/stories/201110060030.html>

³⁵ End of Confirmation of Charges Hearing in Top Kenyan Officials Case <http://allafrica.com/stories/201110060430.html>

risks that exist on account of their testimonies.³⁶ However, questions remain about the credibility of the Witness Protection Agency as well as willingness of witnesses to be protected by the Agency.³⁷

The LGBTI community in Kenya is also increasingly facing attacks and harassment. They are discriminated against in the communities where they live, with community members calling them outcasts. While their families are reported to be the main source of discrimination, religious leaders have also recently harassed them. During a workshop on 13th June 2011, the Muslim religious leaders called on the government to introduce the death penalty particularly for the LGBTI and also called on the people to boycott their businesses.³⁸

Due to a culture of impunity, independent and impartial investigations or legal sanctions against those responsible for clear human rights violations during the 2008 post-election period are almost non-existent. Significant reform of the judiciary is one of the key areas of the reform agenda as stipulated in the peace accords of 2008. Under the new constitution, it was required that all judges and magistrates be vetted by an independent board intended to make the judiciary more independent.³⁹ The Judicial Service Bill 2010 approved by parliament also establishes a new independent judiciary. Following this, Willy Mutunga and Nancy Barasa were among those nominated by Kenya's Judicial Service Commission for the positions of chief justice and deputy chief justice respectively. On 15th June, Mutunga was voted as the new Chief Justice of Kenya. However, some politicians were against the nomination of Mutunga saying that he was not fit for the position because he wore an earring.⁴⁰ Mutunga has in the past publically denounced discrimination on the basis of sexual orientation and gender identity. Other constitutional reforms on course include police reforms and the setting up of an Independent Electoral and Boundaries Commission. The passing of the Police Service Act will facilitate the vetting and recruitment of police officers in the country.⁴¹ While female genital mutilation was banned in 1983, the practice still goes on in Kenya. It is reported that 50% of Kenyan women undergo FGM, while in some areas the percentage is as high as 95%. NGOs are campaigning against the practice and educating people against its dangers, as well as encouraging parents take their daughters to school.⁴²

Rwanda

Situation of HRDs

The space accorded to human rights defenders in Rwanda is limited. Independent media, particularly newspapers, together with other activists, continue to bear the brunt of the government's attacks. Those that flee the country continue to be intimidated and harassed.

On 3rd June, Jean Bosco Gasasira, an exiled independent journalist, was sentenced by the supreme court in absentia to two and half years in prison. It is alleged that he insulted President Kagame in

³⁷ Witness Protection Agency Weak, Says Omar <http://allafrica.com/stories/201107191320.html>

³⁸ Kenyan islamists want death penalty for being gay <http://infidelsarecool.com/2011/06/kenyan-islamists-want-the-death-penalty-for-being-gay/>

³⁹ US Ambassador says Judicial Vetting in Kenya is Critical to Reform; <http://www.voanews.com/english/news/africa/east/US-Ambassador-Says-Judicial-Vetting-in-Kenya-Critical-to-Reform> last visited 3rd November 2010

⁴⁰ Kenya's Judicial reform moves forward with Key nominations <http://www.voanews.com/english/news/africa/Kenyas-Judicial-Reform-Moves-Forward-With-Key-Nominations-121892509.html>

⁴¹ <http://allafrica.com/stories/201109250135.html>

⁴² Report on the human rights situation in Kenya from the Kenyan Coalition

the Umuvugizi online newspaper. The newspaper's website was temporarily blocked in June last year in the run-up to the presidential elections, while the newspaper was suspended for six months by the Media High Council.⁴³

On 19th August, Joseph Sanane and Epimack Kwokwo, the president and acting executive secretary of the regional Human Rights League in the Great Lakes Region (LDGL) and both Congolese nationals, were stopped by border officials while traveling through Rwanda to Burundi for a management committee meeting. They were transferred to Kigali for questioning about LDGL's executive secretary Pascal Nyilibakwe and his reasons for leaving the country. Neither Sanane nor Kwokwo was charged with any criminal offence.⁴⁴ In September 2010, a smear campaign led by other civil society organisations was mounted against the Rwandan section of LDGL. The organisations accused LDGL of having falsely included them in the joint NGO submission in advance of Rwanda's Universal Periodic Review at the UN Human Rights Council. These organisations had been invited to take part in the UPR process by LDGL and had sent delegates from their organisations to attend the session. Following this, Pascal Nyilibakwe, the group's executive secretary, left the country after repeated threats on his life.

On a positive note, on 1st June, the Rwandan cabinet approved various proposed media reforms, namely the Access to Information Bill, the Media Bill 2011, the Media High Council Bill 2011 and the Rwanda Broadcasting Agency Bill, as well as the overall media policy.⁴⁵ Under the Access to Information Bill, any public official who refuses to release public information would be liable, before the office of the Ombudsman, to a fine ranging from Rwf 100,000 to Rwf 300,000 and, before a court, to a fine ranging from Rwf 100,000 to Rwf 500,000.⁴⁶ The draft legislation is now at the parliamentary level, but it is hoped that the proposed reforms will help facilitate the work of journalists and other human rights defenders.

General Overview

Political space continues to be restricted in Rwanda. Individual opposition party members have faced a series of threats and attacks.

The trial of Victoire Ingabire, president of the FDU-Inkingi, started on 5th September 2011. She was arrested on 14th October 2010 and has not been granted bail. She is charged with giving financial support to a terrorist group and planning to cause divisionism and insecurity to the country.⁴⁷ She was arrested from her house and taken to the Criminal Investigation Department for questioning in relation to a testimony from a former commander of the Democratic Forces for the Liberation of Rwanda implicating her in activities of forming a new armed group.⁴⁸ Her application for bail has been rejected several times. She was first arrested in April 2010 and accused of collaboration with armed groups but later released on bail with travel restrictions. Members of her party have suffered repeated intimidation and threats.

Somalia

Situation of HRDs

⁴³ CPJ: Rwanda news Website Blocked After Paper Suspended <http://www.cpj.org/tags/john-bosco-gasasira>

⁴⁴ Stop intimidating regional human rights groups <http://www.hrw.org/news/2011/08/23/rwanda-stop-intimidating-regional-human-rights-group>

⁴⁵ All Africa.com: Media Fraternity Urges MPs to Expedite Reforms <http://allafrica.com/stories/201106030020.html>

⁴⁶ *ibid*

⁴⁷ All Africa.com: Victoire Ingabire Trail- Husband Fears Life Imprisonment <http://allafrica.com/stories/201109052317.html>

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

Civilians in general have suffered from massive human 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 from all parties involved in the conflict, leaving defenders with no protection to speak of.

In early September, Noramfaizul Mohd Nor, a cameraman with Malaysia's national Bernama TV, was killed and another journalist was wounded in the course of their work, in a shooting in Somalia capital. They were accompanying Putera 1Malaysia Club, who were carrying out a humanitarian mission. A witness said that the journalists were heading to the airport when AMISOM soldiers opened fire on their vehicle.⁴⁹

On June 29th, Faysal Mohamed Hassan, a local reporter for Hiiraan online in Puntland, was arrested and sentenced to one year in jail for reporting false information that could endanger the security of Puntland. His sentence came only two hours after his arrest and no evidence was even produced.⁵⁰ He was later released at the beginning of July.

Reports of attacks on journalists in this region have also been on the rise recently. Hassan Mohamed Ali, a reporter with privately-owned *Voice of Peace* radio, sustained serious gunshot injuries when he was attacked by three unidentified people. On September 14th, another journalist Horriyo Abdulkadir Sheik Ali, with *Radio Galkayo*, was also seriously injured when unidentified people fired at her as she was returning to the radio station. She sustained wounds in the stomach and chest. Unfortunately those responsible have not been brought to justice thereby accelerating impunity.⁵¹ Furthermore, on 26th August, there was a grenade attack on radio Dalijir which left the security guard injured. It is reported that this is the second attack on the radio station.⁵²

General Overview

Massive violations of international humanitarian law (IHL) and human rights are committed against civilians during the fighting by all actors involved in the conflict. Such attacks include indiscriminate attacks, shelling, and exchange of mortar fire in civilian areas. Right to life has been gravely violated notably as a result of the continued fighting in Mogadishu and in South and Central Somalia.

A car bomb that exploded outside the Ministry of Education in Mogadishu on 4th October killed between 69 and 82 people, and left many injured. The attack by Al-Shabaab affected mainly students and their parents who were waiting for their exam results outside the ministry. The attack is one of the worst that has been committed.⁵³

National elections in Somalia scheduled for August 2011 were postponed until 2012. On 9 June 2011, Somalia's Transitional Federal Government which was established in 2004 had its term extended once again. An agreement was signed, known as the Kampala Accord, extending the mandates of President Sheikh Sharif Ahmed, speaker Sharif Hassan Sheikh Aden and the parliamentary deputies were extended until 20 August 2012. Following this, public

⁴⁹ BBC: Journalist Killed in Shooting Attack Somalia Capital <http://www.bbc.co.uk/news/world-africa-14771821>

⁵⁰ CPJ: Puntland Sentences Online Reporter to One Year in Jail <http://www.cpj.org/2011/07/puntland-sentences-online-reporter-to-a-year-in-ja.php>

⁵¹ Harassment and attacks on Journalists in Puntland and Somaliland <http://en.rsf.org/somalia-harassment-and-attacks-on-23-09-2011,41047.html> last visited 23rd September

⁵² CPJ Grenade Attack Damages Puntland radio Station <http://cpj.org/2011/08/grenade-attack-damages-puntland-radio-station-in-s.php#more> last visited 5th October 2011

⁵³ HRW AL-Shabaab Attack Indefensible <http://www.hrw.org/news/2011/10/05/somalia-al-shabaab-attack-indefensible>

demonstrations erupted in Somalia as people were protesting the signed accord and the resignation of the Somali Prime Minister Mohamed Abdullahi Mohamed.⁵⁴ He later stepped down. Civilians in general have greatly suffered from massive rights violations and continue to bear the brunt of the deteriorating security and human rights situation in the country with fighting between armed opposition forces, government forces and Al-Shabaab fighters.

Gender-based discrimination in Somalia is manifest in various ways. Polygamy is culturally sanctioned, allowing men to marry more than one woman, while the opposite is forbidden. Few women hold positions of high responsibility at the local and state levels. Even though more women than men participate in commercial activities, this is mainly at the level of petty trade, whereas large business is male-dominated. The continued fighting has also greatly affected women as many of those living in displacement camps are particularly vulnerable to sexual and gender-based violence (SGBV). Rape by TFG forces and the insurgent groups, but also resulting from inter-clan rivalry, is widespread. The increased application of sharia law in areas dominated by Al-Shabaab further undermines women's basic rights. Furthermore, female genital mutilation continues to be practiced in Somalia and in Somali communities outside the country, including in Kenya. This is done for religious and cultural purposes. It is a painful process which may lead to debilitating complications.⁵⁵

The food crisis in the Horn of Africa is severely restricting the right to basic needs, including the right to food in Somalia. In July 2011, the UN declared famine in the country. More than 166,000 people have fled to neighboring countries of Kenya and Ethiopia as a result.⁵⁶ Furthermore, Al Shabaab has worsened the situation by blocking starving people from fleeing the country. In 2009, the group forced out international aid organisations which were providing food to the population. Tens of thousands of Somalis are reported to have died so far and more than 500,000 children are on the brink of starvation.⁵⁷

Somaliland

Situation of HRDs

Somaliland has witnessed increasing attacks on the independent media. Journalists have faced threats and harassment as they carry out their work. These threats and attacks are mainly at the hands of police and judicial authorities.⁵⁸

The independent daily *Wabeen* has been especially targeted. On 5th September, Ahmed Muse Mohamed, a reporter with the newspaper, was detained at the police station in Buro region on orders of the regional governor. An arrest warrant was not presented and neither were the legal formalities followed. On 10th September, one of the newspaper's journalists, Saleban Abdi Ali, was beaten by members of the police Special Protection Unit in Hargeisa. This followed the publication of articles that were said to be 'offensive'.⁵⁹

⁵⁴ VOA Somali PM Defies Kampala Accord Refuses to Step Down <http://www.voanews.com/english/news/africa/Somali-PM-Defies-Kampala-Accord-Refuses-to-Step-Down---123913229.html>

⁵⁵ CARE, "Female Genital Mutilation," <http://www.care.org.au/Page.aspx?pid=932> (last visited 20th February 2011)

⁵⁶ BBC: UN Declares Somalia Famine in Bakool and lower Shabella <http://www.bbc.co.uk/news/world-africa-14211905>

⁵⁷ New York Times: Somalis Waste Away as Insurgents Block Escape From Famine http://www.nytimes.com/2011/08/02/world/africa/02somalia.html?_r=1

⁵⁸ Harassment and attacks on Journalists in Puntland and Somaliland <http://en.rsf.org/somalia-harassment-and-attacks-on-23-09-2011,41047.html> last visited 23rd September

⁵⁹ *ibid*

In the same month, other journalists – Saleban Abdi Ali, Ahmed Muse Mohamed and Ali Ismail Aare, all from the independent daily *Wabeen* – were also targeted and attacked.⁶⁰

General Overview

Impunity remains a problem in Somaliland as police and security agencies use excessive force. Abuses committed by the police and other militia groups are rarely investigated thereby further nourishing a culture of impunity. Most of the attacks against the journalists have not been investigated.

According to the report of the UN Independent Expert on Somalia, genital mutilation is highly practiced with almost 98% of women between 15-49 years going through the procedure. The government, civil society and religious leaders carried out different programs all aimed at discouraging the practice.⁶¹

Sudan

Situation of HRDs

Human rights defenders working in Khartoum and Darfur have increasingly faced restrictions in the course of carrying out their work in this period. While attacks on freedom of expression and the press were prevalent during the elections in April 2010, these attacks have persisted. In the months leading up to and following secession between north and south Sudan, the Government of Sudan implemented a systematic attack on human rights defenders in the north including the harassment, abuse and arbitrary arrest of journalists, advocates and activists.

On June 25, 2011, Mr. Burshra Gamar Hussein Rahma, Executive Director of the Human Rights and Development Organization (HUDO) based in South Kordofan, was arrested by Sudanese Intelligence and Security Services (NISS) in his home in Omdurman. Reports indicate his arrest came as a direct result of his efforts to draw attention to human rights abuses in the region. He has been denied access to his lawyer and family and his current state and whereabouts are unknown. In another incident, one of the co-founders of Ru-ya Women's Organization was forced to flee the country under the threat of persecution for her activities as a human rights defender. In response to the heightened risks faced by human rights defenders in Sudan, urgent appeals and press releases have been issued by the international, regional and national human rights organizations calling for support and protection for HRDs in the country.⁶²

The media has been most affected in this crackdown on human rights defenders. As of late last year, the country was ranked among the world's ten worst as regard to respect of journalists. Following news coverage of the rape of Safia Is'hag in February 2011 in which at least three officers of the National Intelligence and Security Services have been accused, a series of court summons were issued in June 2011 demanding the appearance of ten journalists who had reported on the incident. The journalists - Faisal Mohamed Salih, Babikir Omer Al-Garrai, Abdalla Al-Shaik, Mohamed Latif, Faiz Al-Selaik, Amal Habani, Fatima Ghazali, Saadeldin Ibrahim, Mohamed Osman and Dr. Nahid Al-Hassan - 'are liable to be prosecuted under the

⁶⁰ *ibid*

⁶¹ Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari, United Nations Human Rights Council: Eighteenth Session, 29th August 2011 (A/HRC/18/48)

⁶² ACJPS <http://www.acjps.org/Publications/Press%20releases/2011/06-30-11SouthKordofan.html> and <http://defenddefenders.huritech.org/2011/02/press-statement-on-sudan>

1991 Criminal Code and the 1999 Press Act on charges of defaming and spreading false information about the security forces, which are protected by the National Security Act.⁶³

Another journalist with *Al-Arabiya*, Khalid Ibrahim Ewaiss, was on 8th July detained after participating in a political protest. After being questioned by police, he was released on bail and told he could not leave the country but has not so far been formally charged.

On 7th August, the National Intelligence and Security Services (NISS) confiscated all the copies of the Arabic-language daily *Al-Abdath* from the printers.⁶⁴ Copies of another newspaper *Al-Jarida* were also confiscated in September by security forces without any explanation. On a more positive note though, Abuzar Ali Al-Amin, deputy editor of the closed *Rai Al-Shaab* daily, was finally released on bail on 22nd August having been detained for over a year. He had been arrested in May last year in connection with articles he wrote.⁶⁵

In addition to harassing activists, their families have also been targeted. Adil Ibrahim Karar, a political activist, was arrested on 31st January by the National Intelligence and Security Services (NISS). According to a report by the African Center for Justice and Peace Studies, he was tortured even when in poor condition and is currently being held in an unknown place in Khartoum. Karar's reasons for his arrest are unclear. His family was strongly advocating for his release and their harassment and interrogation, especially that of his 13-year-old child violates international standards.⁶⁶

Humanitarian agents have also been affected in the wave of human rights violations. With South Sudan approaching its independence, the North demanded that there is no longer any need for humanitarian or human rights presence, particularly that of the United Nations, in Northern Sudan. Even in the months leading up to the country's secession, restrictions were emplaced by the Northern Government critically hindering the work of humanitarian and human rights bodies. The United Nations Mission in Sudan (UNMIS) ended its operations on 9th July 2011.

General Overview

The security situation in Sudan is of great concern ever since the referendum took place in January. A special referendum for the oil-rich region of Abyei was postponed in January 2011 due to erupting tensions. Armed forces from both the North and the South have been engaged in clashes in the region which has resulted in a number of people being displaced.

Besides Abyei, Southern Kordofan is another troubled area. Although negotiations took place in Addis Ababa, Ethiopia on June 28th on the political and security framework for Blue Nile and South Kordofan, clashes between the North and South have continued. Prior to that, on 20 June 2011, an agreement had been reached between Sudan and armed forces from the South in efforts to quell the violence in Blue Nile and South Kordofan. More than 70,000 civilians have been displaced and lives lost. The clash over the area is suspected to be a result of the natural resource

⁶³ Ten journalists hounded and prosecuted for covering human rights violations <http://en.rsf.org/sudan-ten-journalists-hounded-and-18-06-2011,40485.html>

⁶⁴ Censorship, Persecutions and extended detention signal steady decline in media freedom <http://en.rsf.org/sudan-censorship-prosecutions-and-12-08-2011,40772.html>

⁶⁵ Journalist freed on bail but daily prevented from publishing for three days and return of prior censorship mooted <http://en.rsf.org/sudan-journalist-freed-on-bail-but-daily-24-08-2011,40839.html>

⁶⁶ ACJPS Sudan Human Rights Monitor June-July 2011 http://www.acjps.org/Publications/HRM/2011/SudanHumanRightsMonitor_JuneJuly_FINAL.pdf

abundance in the Nuba region. During the climax of violence, the United Nations Mission in Sudan reported that militants had deceptively coerced the extraction of 7,000 displaced persons from the UNMIS compound on 20 June 2011. Formally, the whereabouts of this group of civilians remains unknown however there are strong suspicions and evidence indicating a mass killing has occurred.⁶⁷

Since June 5, Sudanese government security forces have carried out indiscriminate attacks on civilians and committed other serious human rights abuses in South Kordofan, including killings, arbitrary arrests and detention of scores of people suspected to be members of the Sudan People's Liberation Movement (SPLM), including in the vicinity of the UNMIS compound and protective perimeter. The extent of these abuses is difficult to fully assess, as the Sudanese army has also blocked roads and denied humanitarian agencies and independent journalists access to the area. More than 70,000 are believed to have been displaced already as a result of this crisis.

South Sudan

Situation of HRDs

Before the referendum, human rights defenders, the media and civil society groups afraid of possible reprisals resorted to self-censorship or relied on international human rights organizations to document and disseminate information regarding human rights violations or emerging trends of human rights abuse.

Given that the country has just emerged from a civil war, the media is also still struggling for respect of freedom of expression. Journalists fear that the former rebels who are now government officials still have a war mentality and that changing their attitude towards the press may be challenging. Reporting on human rights or security, let alone obtaining access to information from government officials, is very difficult.⁶⁸ Without a legal framework for the media to operate, most are resorting to self censorship.

General Overview

On 9th July 2011, South Sudan became the youngest independent state in Africa. The referendum on independence held on 9th-15th January 2011 was internationally commended for being free, fair and peaceful, except for the clashes in the disputed oil rich region of Abyei in which 30 deaths were reported.⁶⁹ However, the months leading to independence saw a raise in the insecurity in the South with reports of killings and attacks in some states. This continued even after independence and has created tensions between the North and South.

Nearly 20,000 residents of Abyei were forced to flee the area due to continued clashes between the Northern troops and the southern forces.⁷⁰ In another incident, one person died when a train carrying South Sudanese back home from the North was attacked by a northern Arab group in South Kordofan.

⁶⁷ Jordan, Frank. *UN concerned at fate of 7,000 missing Sudanese* Associated Press, 28 June 2011
http://www.google.com/hostednews/ap/article/ALeqM5h74fzPbhlc_SiATnleQky977PipQ

⁶⁸ CPJ; Mission Journal: South Sudan's Struggle for a Free Press <http://cpj.org/blog/2011/09/south-sudans-struggle-for-a-free-press.php#more> last visited 2nd October 2011

⁶⁹ Reuters 2011. Clashes escalate in Sudan's Abyei as south votes. <http://www.reuters.com/article/idUSTRE70814A20110109>

⁷⁰ VOA: UN Sudan Mission condemns looting in Abyei <http://www.voanews.com/english/news/africa/UN-Reports-Burning-Looting-in-Sudans-Abyei-122443919.html>

In agreement with the Government of South Sudan, the UN established a successor mission to UNMIS in the South. UNMISS has a mandate for one year, starting on 9th July 2011, renewal as required. While the support of the new nation is a positive sign, an attack on the UNMISS director of human rights, Benedict Sannoh, by 10-14 South Sudanese police officers in August 2011 raises renewed serious concerns about violations by the police and underlines the need for accountability.

Tanzania

Situation of HRDs

Human rights defenders in Tanzania, especially those confronting issues of corruption, land-grabbing and discrimination against minority groups, have been harassed for their work. Journalists in particular face difficulties in Tanzania when they question powerful interests. For example, Saed Kubunea, the owner of Mwanahalisi newspaper, has faced numerous legal challenges in relation to his writings and is currently being sued by one of Tanzania's biggest businessmen.

LGBTI human rights defenders in Tanzania also face a challenging working environment. Tensions erupted during the Tanzania Gender Networking Programme festival in Dar es Salaam on 16-18th September, where an alleged doctor provoked heated debate and extensive media coverage after claiming that LGBTI persons chose their sexual orientation. Although the immediate tensions have died down, discrimination continues to be widespread and reaches the highest levels of government. During Tanzania's UPR, the Minister of State for Good Governance, Mathias Chikawe, stated that the government could not "commit itself to protect the rights of the lesbian, gay, bisexual and transgender because it is against the public opinion which regards relationship between same sex partners as against the culture, traditions and religious beliefs of the people of Tanzania." The government is neglecting its duty to protect the fundamental human rights of all its citizens.

General overview

Refugees have come under harassment and attacks in the sub-region as a whole. On 25th May, the Tanzania and Burundi governments together with the UN High Commissioner for Refugees met to discuss on the status of approximately 38,000 refugees in Mtabila camp in Tanzania. It was finally agreed that the camp would be closed at the close of this year. Based on interviews carried out with some refugees in this camp by the International Refugee Rights Initiative and Rema Ministries', the refugees are concerned about their physical, economic and security wellbeing once sent back to Burundi. At the moment, their medical provisions and education opportunities have been cut.⁷¹

Uganda

Situation of HRDs

The harassment and arrests of journalists witnessed during the election period in early 2011 have continued into the second half of the year.

⁷¹ Resisting Repatriation: Burundian refugees Struggling to Stay in Tanzania <http://www.refugee-rights.org/Assets/PDFs/2011/ResistingRepatriation-FINAL2.pdf>

Over 14 journalists were physically attacked, and the equipment of others was confiscated while covering the return of the opposition Forum for Democratic Change (FDC) leader Dr. Kiiza Besigye to Uganda from Kenya on May 13th. One of the journalists, Mulindwa Mukasa, a reporter with Wavah Broadcasting Service (WBS) TV, sustained injuries on his left arm and his camera was forcefully confiscated while he was filming anti-riot and military police dispersing Dr. Besigye's supporters using live ammunition and tear gas. Other journalists whose equipment was confiscated include Joseph Mary Buule, a reporter with Uganda Broadcasting Service (UBC), Stephen Otago, a photojournalist with the *Daily Monitor*, Francis Tumwekwasize, a freelance journalist, Ayebare Allan, a photojournalist with the *Razor* newspaper and Michael Kakumirizi, a photojournalist with the *Red Pepper*. Following the Walk to Work campaigns, a group of civil society called for transparent and independent investigations into the killings that occurred during that time, arrest of opposition leaders when police and military responded to protesters with live ammunition in Kampala, Gulu, Mbale, and Masaka, leaving at least nine unarmed people dead.⁷² Furthermore, on 13th July Augustine Okello, a presenter on Lira based *Radio Rhino FM* in the northern part of the country was arrested by Joint Anti Terrorism Task Force (JATF). It is reported that his arrest is in connection with the death of Edison Muzoora, a former colonel who deserted the Uganda People's Defence Forces in 2003.⁷³

In another incident, journalists who were covering an eviction of Lubigi wetland encroachers were attacked and beaten as a result of covering the process while the police was arresting, beating and undressing some of the encroachers. The journalists affected were Stephen Otago with the *Daily Monitor*, Sulaiman Mutebi, a journalist with Bukedde television, Ivan Mukasa, a journalist with Eddoboozi News Paper and Umar Kyeyune, a journalist with UBC television.⁷⁴

More recently this October, *Radio Kitara FM*, a radio station in western Uganda, had to suspend its political talk show and replaced it with a sports show due to harassment from the Residential District Commissioner. The presenter of the show Samuel Kajumba has on a number of times been questioned by the district security.⁷⁵

Human rights activists continue to be threatened, harassed and restricted from carrying out their work. On 17th September, police arrested Vincent Nzaramba with charges of 'inciting violence' due to the book he authored which is said to be critical of President Museveni's human rights record. He was arrested from his home, and later released on 21st September after allegedly being tortured⁷⁶.

Al-Amin Kimathi, the Kenyan human rights activist in detention in Luzira prison, Kampala since September 2010 was finally released. Kimathi, along with 17 other defendants appeared in court on September 12, 2011, for a pre-trial hearing on charges of terrorism for the July 2010 bombings in Kampala.

⁷² Uganda Coalition wants UN probe of April protest killings <http://www.voanews.com/english/news/africa/decapua-uganda-human-rights-16jun11-124011409.html>

⁷³ Anti-terrorist unit holding radio journalist who disappeared two weeks ago http://en.rsf.org/uganda-anti-terrorist-unit-holding-radio-26-07-2011_40698.html

⁷⁴ IFEX Four Journalists Beaten by Police, Camera Confiscated http://www.ifex.org/uganda/2011/05/20/lubigi_assaults/

⁷⁵ All Africa.com Radio Station Succumbs to Pressure Suspends Political Show <http://allafrica.com/stories/201110080068.html>

⁷⁶ Daily Monitor Writer arrested over anti Museveni book <http://www.monitor.co.ug/News/National/-/688334/1240058/-/biqavoz/-/index.html>

On a more positive note, after civil society's calls for the amendment of the NGO Act along with the draft NGO Regulations, the Ministry on Internal Affairs through the NGO Board placed advertisements in the local newspapers at the beginning of July inviting NGO stakeholders and the general public to submit their comments and views on the Act. The regulations severely restrict and hamper the legitimate work of NGOs and HRDs. A number of NGOs through the National NGO Forum submitted their recommendations calling on the requirement for mandatory registration, issuance of yearly permits among other things.⁷⁷

General overview

As Uganda's economic situation deteriorates, it is affecting the general human rights situation of the country. The Walk to Work campaign organised by the Activists for Change group began on April 11th and reflected the public's frustration at the escalating cost of food and fuel prices. During this time, a number of people also lost their lives as police used lethal force to disperse crowds, especially those taking part in the walk. Journalists were also caught up in this case as their equipment was confiscated in an attempt to hinder them from covering the events. Opposition leader Kizza Besigye was arrested by police and released the next day. Following this, the Uganda Law Society also went on strike, women activists protested, and traders closed their shops.⁷⁸ More recently, teachers also went on strike, demanding a rise in their salaries.

There have been reports of land grabbing with people being evicted from their land. A report released by Oxfam details how people were evicted from their land, destroying their crops. The report also indicates that more than 22,000 people were evicted in Kiboga and Mubende districts between 2006 and 2010.⁷⁹

Besides poor prison conditions, inmates are also subject to brutal compulsory labour, frequent violence, miserable overcrowding, and diseases. According to a report released by Human Rights Watch, the illnesses the prisoners suffer from are a result of inadequate food, water, and basic hygiene, while prisoners in rural areas especially the elderly and pregnant women are beaten and caned when they refuse to do hard labour.⁸⁰

The Constitution of the Republic of Uganda provides for the protection of the right to life. However, Uganda still retains the death penalty for several capital offences although no executions have been carried out since 2002. It is reported that there are currently more than 470 prisoners on death row in Uganda.⁸¹ In 2009, Uganda abolished the mandatory death sentence and several penal provisions that carried mandatory death sentences were nullified. However, the laws are yet to be amended to bring them in line with the court ruling.

⁷⁷ HURINET Review and Amendment of the NGO Registration Act: Ugandan NGO views needed
<http://hurinet.blogspot.com/2011/07/review-and-amendment-of-ngo.html>

⁷⁸ The East African Gravedigger problem: How Museveni's very success is now bringing him down
<http://www.theeastafrican.co.ke/OpEd/comment/How+Museveni+very+success+is+now+bringing+him+down/-/434750/1234100/-/p5bvbkz/-/index.html>

⁷⁹ Land and Power <http://www.oxfam.org/en/grow/policy/land-and-power>

⁸⁰ HRW Uganda; Forced labour disease imperil prisoners : <http://www.hrw.org/en/audio/2011/07/08/forced-labor-and-ill-health-ugandas-prisons>

⁸¹ Abolish the Death Penalty; it Undermines Human Dignity Daily Monitor 10th October 2011

Domestic violence also continues to be reported especially in the northern part of the country. According to the police, physical violence and aggravated defilement are the most reported cases. Many of these cases are said to be aggravated by excessive alcohol consumption.⁸²

The Anti-Homosexuality Bill (2009), which seeks to criminalise homosexuality, seemed to have stalled as the eighth parliament was dissolved before the bill could be tabled to parliament. However, the bill still poses a challenge as it could be introduced back to parliament. The Uganda National Parents Network (UNPN) and the Uganda Coalition for Moral Values (UCMV) are leading a campaign in favour of the bill, calling on the government to do what is 'right'. The groups also threatened to recall back Members of Parliament who do not support their cause.⁸³

⁸² Daily Monitor; Domestic Violence on the Increase in Acholi Sub region <http://www.monitor.co.ug/News/National/-/688334/1233924/-/bjaju5z/-/index.html> last visited 4th October 2011

⁸³ All Africa.com Parents launch Bid to Pass Shelved Gays Bill <http://allafrica.com/stories/201109050915.html>