



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

Overview of the Human Rights Situation in the East and Horn of Africa November 2011 – April 2012

Report submitted at the 51st Ordinary Session of the
African Commission on Human and Peoples' Rights (ACHPR)
Banjul, The Gambia, April 2012

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

Human Rights House, Plot 1853, Lulume Rd., Nsambya

P.O. Box 70356 Kampala, Uganda

Phone: +256-312-265820/1/2/3/4

Fax: +256-312-265825

Website: <http://www.defenddefenders.org>

Contact persons

Hassan Shire Sheikh (Executive Director)

executive@defenddefenders.org, +256-772-753753

Rachel Nicholson (Advocacy Officer)

advocacy@defenddefenders.org, +256-312-265824

Introduction

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 51st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) to highlight some of the current human rights issues in the East and Horn of Africa region for the period of November 2011 to April 2012. This report was prepared with the input of reports and information received by the East and Horn of Africa Human Rights Defenders Project (the secretariat of the East and Horn of Africa Human Rights Defenders Network) from our members and partners, and participants in the East and Horn of Africa sub-regional group at the Forum for the Participation of NGOs in the African Commission on Human and Peoples' Rights (NGO Forum).

Regrettably, this period has been marked by a continuation of negative practices impeding the work of human rights defenders. Many governments in the East and Horn of Africa continue to introduce new legislation that would place additional restrictions on civil society, as well as implementing existing restrictive laws. NGOs face administrative challenges, such as complicated and inconsistent registration processes.

Human rights defenders may also face illegal interference with their work, such as the closing down of workshops they have organized, arrests for taking part in peaceful demonstrations or threats to remove their licenses. In **Tanzania**, sixteen prominent human rights defenders were arrested, charged with “unlawful protest”, and released on bail in Dar es Salaam on 9th February 2012, one day after around 200 activists had occupied a major bridge and surrounding roads in the city to press the government to reconcile with health professionals over an ongoing strike in the country.

Human rights defenders continue to be the target of physical attacks and even murder. Impunity for such acts prevails. Ernest Manirumva, a **Burundian** anti-corruption campaigner, was murdered three years ago. After repeated delays and adjournments and concerns that investigations were not complete, the trial for his murder was concluded in April 2012 with a hearing that lasted only a few days. A verdict is now awaited.

On a positive note, the **Rwandan** Supreme recently decided to drop on appeal charges of genocide ideology and divisionism against journalists Agnès Uwimana Nkusi and Saïdati Mukabibi and to reduce their sentences. EHAHRD-Net is concerned, however, that the convictions for threatening national security were upheld as well as Uwimana's conviction for defamation for insulting President Paul Kagame. In light of international and regional standards protecting freedom of expression EHAHRD-Net supports calls for a presidential pardon.

Journalists play a vital role in promotion and protection of human rights on the continent. EHAHRD-Net is deeply concerned therefore about the range of challenges facing this group of human rights defenders. In the past five months, five journalists have been killed in targeted assassinations in **Somalia**, in and outside of Mogadishu. In **Uganda**, in March 2012 alone, at

least six journalists were beaten or injured by police vehicles while covering the arrest, release on bail and transfer of opposition politician, Kizza Besigye.

In **Ethiopia**, anti-terrorism legislation has been instrumentalised in an attempt to silence dissenting voices. Several journalists are among 24 defendants on trial charged with supporting Ginbot Seven, a political party that the government has designated a terrorist group, including the blogger Eskinder Nega who has acknowledged having written about whether an Arab Spring style movement would be possible in Ethiopia and called for peaceful protests, but denied advocating violence. He had also written an article online shortly before his arrest criticising the government's use of the anti-terrorism law to suppress dissent.

Three years after the Charities and Societies Proclamation came into force in Ethiopia, the devastating impact on the work of human rights groups is stark. Since the law came into force, at least 17 human rights organisations have changed their mandates and ceased to work on human rights issues. The appeal of the oldest Ethiopian human rights organisation, the Human Rights Council (HRCO), to remove the freeze on its bank accounts, is currently being considered at the Supreme Court. EHAHRD-Net calls on the Ethiopian government to amend the law to allow human rights NGOs to carry out their important work without unnecessary restrictions.

EHAHRD-Net has repeatedly raised the dire human rights situation of **Eritrea**. We acknowledge the Commission's resolutions on Eritrea and decisions on the government officials and independent journalists held incommunicado since September 2001. Thousands of Eritreans have been arrested and imprisoned for years upon end. The humanitarian situation is critical, with widespread hunger and disease. EHAHRD-Net therefore urges the Commission to follow up and push for the implementation of their decisions on Eritrea and to support calls for the establishment of a UN special rapporteur. Equally, the network requests Eritrea to invite the special mechanisms of both the UN and ACHPR to visit the country.

Sudan's periodic report will be examined at this session. Severe human rights violations are a daily reality in Sudan. Freedom of expression and media freedoms are severely curtailed, and we are concerned by indications of a new strategy of post-printing censorship with newspapers confiscated and distribution prevented. Many human rights defenders and journalists have been arrested, tortured and prosecuted. Activists linked to Girifna have been particularly targeted.

In **Kenya**, the confirmation of charges against four of the six suspects in the post-election violence cases at the International Criminal Court on 23rd January 2012 heightened already existing fears of reprisals among possible witnesses, persons affiliated to witnesses and human rights defenders. With presidential elections scheduled for March 2013, EHAHRD-Net calls on the Commission to remain vigilant as the campaign season approaches. Welcoming the ratification of the African Charter on Democracy, Elections and Good Governance in February this year, the network calls on all AU member states to ratify, and encourage the Commission to play a proactive role in its implementation given the key influence of elections on the human rights situation on the continent.

Finally, EHAHRD-Net calls on the Commission to support measures to end all practices and legal restrictions, which threaten the fundamental rights, in particular the freedom of expression, and legitimate work of HRDs.

Recommendations

In light of the updates and observations contained in this report, the East and Horn of Africa Human Rights Defenders Networks, recommends the following actions to the African Commission on Human and Peoples' Rights:

- Take all necessary measures to follow up on decisions taken by the Commission on communications that remain unimplemented, so that victims' may receive a remedy for the violations of their rights as contained in the Charter;
- Encourage all members of the African Union to ratify and implement the provisions of the African Charter on Democracy, Elections and Good Governance;
- Continue to monitor the situation of human rights defenders and to establish a reporting mechanism to gather information on cases of reprisals against human rights defenders who cooperate with the Commission and its special mechanisms;
- Promote international criminal investigations into serious human rights violations committed in the region, where domestic remedies have failed;
- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights contained in the Charter, in particular the freedom of expression, and work of human rights defenders;
- Recognise that the rights contained in the African Charter apply to all people without discrimination on any grounds, including sexual orientation and gender identity;
- 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

The past six months have seen increasing tensions between the Burundian government authorities and civil society, among other groups, in a context of fears of a new rebellion, protests over crippling increases in living costs and serious weaknesses in the justice system.

Civil society and trade unions have been campaigning against rising costs of living in Burundi. The recent increases in water and electricity prices have made living conditions that were already hard for many Burundians, even more challenging. A general strike was called on 27th March. Members of the campaign have written to the President of the Republic, Pierre Nkurunziza, calling on him to initiate a dialogue with their organisations so that durable solutions can be implemented as soon as possible.

The justice sector in Burundi continues to be under-resourced and faces numerous challenges. Prison conditions are very poor, with malnutrition, unsanitary conditions and overcrowding rife. On 23rd March 2012, the Bujumbura Bar Association announced a legal assistance project in support of the most vulnerable groups of prisoners. Allegations of corruption within the Ministry of Justice, pertaining to the appointment of magistrates, met with a heavy-handed response (see below).

Situation of human rights defenders

Human rights defenders in Burundi continue to be harassed and intimidated as a result of their work. On 7th February 2012, Faustin Ndikumana, an anti-corruption activist and president of the organisation PARCEM, was arrested and charged with making “false accusations”. He had written to the Minister of Justice asking him to investigate and halt corruption in the recruitment of judges. He also publicly denounced alleged corruption within the Ministry of Justice. He was detained in Mpimba Central Prison in Bujumbura, before being released on bail on 24th February.

Léonard Hakizimana, a local representative of the national human rights group Ligue Iteka in Matongo commune in Kayanza was killed on the night of 15th February, shortly after his return from following up on some legal cases in Bujumbura. Police inquiries were opened, but no suspects have been arrested.

After almost a nine month delay, the trial for the murder of anti-corruption campaigner, Ernest Manirumva, was reopened on 5th April 2012. After final hearings on 9th and 11th April, the trial adjourned for the judges to consider their verdict. Burundian civil society groups have expressed concerns about how the trial was conducted and that the judge seemed in a hurry to close the case without all the proposed lines of investigation having been explored.¹ The East and Horn of

¹ Burundian civil society statement on Manirumva trial, April 2012, <http://www.burunditransparence.org/Mot%20liminaire%20du%2012%20avril%202012.pdf>

Africa Human Rights Defenders Project has repeatedly called for all the avenues of investigation proposed by the 3rd Commission of Inquiry and FBI report to be exhausted.²

Continuing a pattern of intimidation and harassment of independent journalists in 2011, on 8th November 2011, the public prosecution interrogated the acting director of Radio Bonesha FM, Patrick Nduwimana and the editor-in-chief of Radio Publique Africaine (RPA), Bob Rugurika, over programs they broadcast about the Gatumba massacre in September, including an RPA interview with one of the accused who was contacted in prison. Two days later, Nduwimana along with the directors of Radio Publique Africaine and Radio Isanganiro was summoned again to answer questions related their respective stations sources of funding. Again, on 14th November, Rugurika and his colleague Bonfils Niyongere were summoned by the public prosecutor's office and questioned for around 10 hours on their reporting of a police raid at the University of Bujumbura the previous month in which two students were killed. Government officials have also made threatening statements against civil society and the media.³

On 28th November 2011, Hassan Ruvakuki, a reporter with Bonesha FM radio and Radio France Internationale (Swahili service), was arrested by the National Intelligence Service (SNR) for allegedly abetting and aiding a new rebel group, Front for the Restoration of Democracy (FRD)-Abanyagihugu. Reporters Without Borders has identified a number of problems with the process to date, including the fact that his place of detention has been repeatedly transferred.⁴

Djibouti

The 2010 amendment of the Djibouti Constitution that lifted two-term limit allowed the incumbent president Ismail Omar Guelleh to run for a third term. Since he won the presidential elections in December 2011, no improvement has been registered towards the opening up of free political space. His re-election has been coupled with negative effects on press freedoms in particular and human rights in general. The severe restrictions on media freedoms have put Djibouti in the categories of countries where the press is not free⁵. Vocal critics including opposition leaders and human rights defenders are arbitrarily apprehended, detained and tortured at the hands of security agents. The government has not provided legal redress for these abuses. The Executive has frequently disregarded the independence and impartiality of the Judiciary. Judge Mohamed Cheick Souleiman was arrested on 21st November 2011 for having released 40 political opponents who had been arrested and detained arbitrarily.⁶

² EHAHRDP, "Ernest Manirumva: a Lost Light, a Derailed Trial, and an Embattled Civil Society" (October 2011), www.defenddefenders.org/images/docs/ManirumvaEN.pdf

³ Human Rights Watch news release, "Burundi: Stop Menacing Media," (21 November 2011), <http://www.hrw.org/news/2011/11/21/burundi-stop-menacing-media>

⁴ Reporters Without Borders, "Defence rights flouted in terrorism case involving RFI reporter," (15 February 2012), <http://en.rsf.org/burundi-defence-rights-flouted-in-15-02-2012,41882.html>

⁵ Freedom House country profile, <http://www.freedomhouse.org/country/djibouti>

⁶ International Commission of Jurists news release, http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=23940

Situation of human rights defenders

Journalists and other human rights defenders continue to face repression at the hands of the Djiboutian authorities, including frequent arrests and re-arrests.

On 21st November 2011, two correspondents of a Europe-based opposition radio '*La voix de Djibouti?*', Farah Abadid Hildid and Houssein Robleh Dabar were re-arrested by the police investigation and documentation section (SRD) for having allegedly participated in an insurrectional movement. Although they were provisionally released after 4 days on 24th November, they underwent beatings and inhumane treatment⁷ and no investigations have been carried out. It is worth noting however that two journalists were released on 23rd June 2012 after having served a 4-month sentence in Gabode prison.

Eritrea

The human rights situation in Eritrea remains dire. In September 2001, eleven prominent government officials who demanded implementation of the Constitution and ten independent journalists were arbitrarily arrested and detained. Over ten years later, their fate is unconfirmed: while some are reported to have died in detention, the others remain in harsh detention centres without due legal process. The Government has so far refused to implement the decisions of the African Commission on Human and Peoples' Rights on these cases.⁸

Thousands of their fellow citizens face a similar fate. An Eritrean can be arrested and imprisoned without charge or trial for years upon end merely for being critical of the government, belonging to what the government defines as a 'wrong' religious group, or refusing to comply with the indefinite national service imposed on all Eritreans over the age of 18 years. Torture, arrests, killings and forced labour are common.

The humanitarian situation in Eritrea is critical. Food is rationed and distributed by the government and severe hunger is widespread. The health infrastructure, such as it exists, cannot cope with the burden of widespread infectious diseases.

In this period concerns on the situation have been expressed at the UN level. In a resolution tabled by Nigeria and Gabon in December 2011, the UN Security Council decided to extend sanctions on Eritrea. In March 2012, 44 countries from all regions supported a statement at the Human Rights Council requesting the High Commissioner on Human Rights to report on the situation of human rights in Eritrea.⁹

⁷http://www.ifex.org/djibouti/2011/11/25/hildid_tortured/

⁸ The Commission has found the government to be in violation of fundamental rights contained in the Charter and requested the release of the government officials held incommunicado since September 2001 (250/02 Liesbeth Zegveld and Mussie Ephrem vs. Eritrea; November 2003) and for at least 18 journalists also held incommunicado to be given access to their lawyers (275/03 Article 19 vs. Eritrea; May 2007).

⁹ To watch a video of the statement presented by the Ambassador of Somalia at the Human Rights Council, please see: <http://www.unmultimedia.org/tv/webcast/2012/03/somalia-general-debate-item-4-34th-meeting.html>

Situation of human rights defenders

No independent civil society organizations have permission to operate inside Eritrea, and since the crackdown on journalists and government critics in 2001 there has been virtually no independent domestic media. At least 32 journalists are currently thought to be in detention.

Reporters Without Borders (RSF) has reported that Yirgalem Fisseha Mebrahtu, who has been in detention since her arrest in February 2009, was admitted to Halibet hospital in Asmara in January 2012 in a serious condition. She had previously been admitted to the hospital in November 2011. Mebrahtu is under permanent guard and is not allowed visitors. Her family and friends have not been told of the nature of her illness but her treatment requires the purchase of medication abroad. Originally from the southern city of Adi Keyih, Mebrahtu was arrested during a raid on Radio Bana on 22 February 2009 in Asmara.

On a rare positive note, RSF has also reported that Said Abdulhai has been released. The journalist had been working for the foreign ministry at the time of his arrest in 2010.

Ethiopia

During 2011, there were reports of a significant increase in cases of illegal dispossession of land by government officials and private investors. Thousands of individuals living in the Southern Nations, Nationalities and Peoples Region (SNNPR) have had their land confiscated without adequate compensation or alternative provisions being made. Some residents took the matter to the Regional Agricultural Bureau, which ordered an appropriate remedy to be offered, following its own investigations. When the decision was not implemented, representatives of the Lante Farmers' Association appealed to the relevant regional and federal authorities, but were arrested and detained without warrant from 10th to 26th October 2011.¹⁰

Human Rights Watch has reported the forcibly relocation of approximately 70,000 indigenous people from the western Gambella region to new villages that lack adequate food, farmland, healthcare, and educational facilities as part of the government's "villagisation" program. Villagers who have resisted the transfers have been threatened, assaulted and arbitrarily detained on repeated occasions. The program is said to be designed to provide access to "basic socioeconomic infrastructures" but the government has not provided sufficient resources to sustain people in the new villages. Many Gambellan residents have fled to Kenya.¹¹

Situation of human rights defenders

Since the passing of the Charities and Societies Proclamation in 2009, restrictions on civil society in Ethiopia have severely impeded the work of human rights organisations in the country.

¹⁰ Human Rights Council (HRCO), 119th Special Report, December 2011, "Illegal Dispossession of Land and Arbitrary Detention in the Southern Nations, Nationalities and Peoples Region"

¹¹ Human Rights Watch, "Ethiopia: Forced Relocations Bring Hunger and Hardship," (January 2012), <http://www.hrw.org/news/2012/01/16/ethiopia-forced-relocations-bring-hunger-hardship>

Human rights NGOs may receive no more than 10% of their funding from foreign sources. On 8th December 2009, the Ethiopian Charities and Societies Agency (CSA) ordered the freezing of the bank accounts of the Human Rights Council (HRCO), Ethiopia's oldest and most prominent human rights group. HRCO's appealed against the move on the grounds that is the CSA did not distinguish between foreign funds received after the new regulations came into force and funds collected from local and foreign sources since 1991. The outcome of the appeal, currently being considered by the Supreme Court, will have a significant impact on the ability of HRCO and other human rights groups to continue their work.

Ethiopia continues to use anti-terrorism measures against critical voices in the country. Several journalists are among 24 defendants on trial charged with supporting Ginbot Seven, a political party that the government has designated a terrorist group. Journalist Eskinder Nega gave evidence on 4th April 2012 refuting the prosecution's case against him. He acknowledged having written about whether an Arab Spring style movement would be possible in Ethiopia and called for peaceful protests, but denied advocating violence. He had also written an article online shortly before his arrest criticising the government's use of the anti-terrorism law to suppress dissent.

Kenya

The realization of economic and social rights, specifically in education and health, under the new constitution in Kenya is slow. Corruption and repeated strikes by health professionals employed by the government has hindered the implementation of these rights.

Reproductive health rights are now guaranteed in the Constitution of Kenya. Despite this, the Government has not yet taken positive steps to ensure women's enjoyment of the same. As a result, the maternal mortality rate continues to rise especially as occasioned by unsafe abortion.

The adoption of legislation putting into effect the right to access information is yet to be enacted. Its development has been unnecessarily prolonged which is a clear sign of a lack of political will common when democratic spaces are set to be expanded.

The country is behind in preparation for the impending elections. The election date itself remains uncertain because of a pending case in court that challenges the premise of the current date of 4th March 2013. Regulations to govern the elections are yet to be enacted. Human rights defenders in Kenya remain hopeful for credible and peaceful elections yet fearful that the Government is not prioritising reform in the areas that failed resulting in the 2007 post election violence. This may be evidenced by the following:

- Special dispute resolution mechanisms for quick handling of election related disputes are not yet in place.
- Accountability has not yet been put in place in terms of prosecution of middle and lower level perpetrators of the 2007 post election violence. This level of impunity has left many

victims of the violence apprehensive, especially victims of sexual and gender based violence who still come across their violators.

- Slow pace of reform of various institutions that will affect the electoral process such as the police and political parties.

The Constitution guarantees that no more than two thirds of any elective or appointive bodies shall be comprised of one gender. However an amendment is needed to certain provisions of the Constitution to guarantee the implementation of this principle during the upcoming elections. The government has taken no initiative to remedy this situation and put into effect this affirmative action provision and women will bear the brunt of non-representation and also likely plunge the country into a constitutional crisis should elective bodies not satisfy the two thirds representation rule.

In February and March 2012, senior Kenyan government officials called on Somali refugees to return to Somalia, claiming that it is safe for them to do so, despite the fact continued fighting is reported in the border areas. Registration of refugees in the Dadaab by the Kenyan authorities has been suspended since October 2011 and in a police raid in December more than 100 refugees were beaten.

Police reforms are moving at a slow pace hampering the move towards eradication of torture and ill-treatment with fresh reports of police brutality. Legislation on the prevention of torture has not yet been tabled in Parliament. Despite the progressive provisions in the Constitution safeguarding the right to life and the right to fair trial incidences of forced disappearance continue to be reported in Kenyan media.

Situation of human rights defenders

The confirmation of charges against four of the six suspects in the post-election violence cases at the International Criminal Court on 23rd January 2012 heightened already existing fears of reprisals among possible witnesses, persons affiliated to witnesses and human rights defenders. There have been media reports of hacking of emails of witnesses in the cases at the ICC.

On 13th March 2012 at least 10 plainclothes police officers assaulted and detained Suleiman Mbatiah, a reporter for the Daily Nation, after he had taken photographs of an undercover traffic operation in the western Kenyan town of Nakuru. Other two journalists, James Gitau with the Kenya News Agency and Sam Kimani of Radio Mwananchi and Kameme FM, who witnessed the assault against their colleague were also assaulted, although they were not detained by police. The two journalists went to Nakuru Central Police Station to demand the release of Suleiman Mbatiah. He was released without any legal case lodged against him.

Rwanda

Although Rwanda is praised for improving the delivery of public services and socio-economic development, the government continues to severely restrict civil and political rights. During a visit to the country in November 2011, Susan Rice, the US ambassador to the United Nations,

expressed concerns about the minimal freedom of the press in Rwanda and that activists, journalists, political opponents do not have the ability to organize peacefully.¹²

In mid-April 2012, Rwandan opposition politician, Victoire Ingabire, announced that she will boycott the remainder of her trial on charges of divisionism and aiding and abetting terrorism, citing interference with witnesses. She was arrested three months after returning from exile to stand in the 2010 presidential elections.

On 1st March 2012, Charles Ntakirutinka, a former Rwandan government minister, was released after serving a 10 year sentence following an unfair trial. After serving as a minister in the post-genocide government, he launched a new political party in 2001 with Pasteur Bizimungu, the former president. In 2004 he was convicted of “inciting civil disobedience” and “association with criminal elements”.

Genocide suspect Leon Mugesera is currently being tried in Kigali, having been deported from Canada to Rwanda in January 2012. The International Criminal Tribunal for Rwanda has decided to transfer Jean-Bosco Uwinkindi back to Rwanda for trial. This is the first time that the ICTR transferred a suspect to Rwanda. His defense had appealed the original decision on the grounds that he would not receive a fair trial in the country.

Situation of human rights defenders

Human rights defenders in Rwanda continue to face serious challenges while doing their daily activities. As well as arrests and other forms of judicial harassment, human rights organisations are also faced with administrative hurdles.

On 3rd November 2011, the offices of the Rwandan human rights league, LIPRODHOR, were closed by the district authorities of Nyarurenge, the doors padlocked with office equipment and documentation still inside. LIPRODHOR had received a letter from the district authorities in January 2011 informing them that the office would need to be closed by 21st June, as the building was designated exclusively for residential use, despite the fact that LIPRODHOR had been using the premises as an office since 31st December 2002 when they bought the property. LIPRODHOR made a request to change the usage designation of the office in April 2011 and later that month received a visit from an ad hoc commission that inspected that the premises. In August, the organisation received another letter ordering the closure of the office on the grounds that they were carrying out “commercial activities”, and submitted a request to the courts by to cancel the decision to close the office. This closure should be taken in the context of severe restrictions on freedom of association and expression in the country.

A number of journalists were arrested in December 2011. Joseph Bideri, the Managing Director editor-in-chief of the *New Times*, a pro-government private newspaper, was arrested on 14th November 2011 for having published article on the embezzlement cases in the construction of

¹² Washington Post, 23rd November 2011, http://www.washingtonpost.com/world/middle-east/us-feared-killing-spree-in-libya-rice-tells-rwanda-urges-kagame-to-expand-political-freedoms/2011/11/23/gIQAuBcoN_story.html

Rukara Hydro-Electric Dam. The article published online was swiftly removed after the arrest. Joseph Bideri was released a day later without any charges.

Another editor of the bimonthly newspaper *Urushyashya*, Jean Gualbert Birasa, was arbitrarily arrested on 11th November 2011 and released after four days when the Rwanda Police Force failed to adduce substantiated evidence to justify his detention. According to the police, Jean Gualbert Birasa was arrested and detained for having allegedly been caught driving under the influence of the alcohol. But his arrest is believed to have links to an article that the bimonthly newspaper published about the desecration of the grave of the former Social Affairs Minister Christine Nyatanyi.

René Anthère Rwanyange, the editor of vernacular newspaper *Isonga* was arrested on 10th November 2011 and detained. The Rwanda Police Force said his detention was linked to the loss of a laptop computer.¹³

On a more positive note, the Rwandan Supreme recently decided to drop on appeal charges of genocide ideology and divisionism against journalists Agnès Uwimana Nkusi and Saïdati Mukabibi and to reduce their sentences. EHAHRD-Net is concerned, however, that the convictions for threatening national security were upheld as well as Uwimana's conviction for defamation for insulting President Paul Kagame. In light of international and regional standards protecting freedom of expression EHAHRD-Net supports calls for a presidential pardon.

Somalia

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 as a result of the continued fighting in South and Central Somalia.

The human rights situation in Somalia is marked by a lack of justice for violations of international human rights and humanitarian law, which allows impunity to prevail. Pro-government militia groups occupying the towns of Beletweyne and Baidoa are reported to have committed summary executions and torture, while their allies, the Ethiopian forces, are accused of arbitrary detentions and beatings. Al-Shabaab has attacked civilians perceived to support the occupying forces.¹⁴

On 4th April 2012, a suicide bombing on the newly reopened National Theatre in Mogadishu claimed the lives of at least six people and left many others critically injured. The attack was attributed to Al-Shabaab.

¹³Reporters Without Borders, "Rwanda: Three journalists arrested in the space of a week," <http://en.rsf.org/rwanda-three-journalists-arrested-in-the-16-11-2011,41395.html>

¹⁴ Human Rights Watch, "Somalia: Pro-Government Militias Executing Civilians," (29th March 2012),

Situation of human rights defenders

In the past five months, five journalists have been killed in targeted assassinations in Somalia, in Mogadishu and outside the capital.

On 5th April 2012, Mahad Salad Adan, the editor-in-chief of radio *Voice of Hiran*, was murdered in Beledweyn, the capital of the central region of Hiran. He also worked with Radio Shabelle, and shortly before his death had reported on a dispute between Al-Shabaab and another militia. According to the reports of TFG forces he was killed by a member of Al-Shabaab, who was in turn shot dead by a government soldier as he was trying to escape.

Ali Ahmed Abdi, a radio journalist based in the north-central city of Galkayo, was shot dead by three gunmen as he returned home on 4th March 2012.

On 28th February 2012, Abukar Hassan Mohamoud was shot by unknown gunmen outside his home in the Wadajir district of Mogadishu, killing him instantly. He was the former director of the Somaliweyn radio station, which shut down following looting by the Islamist armed group al-Shabaab in 2010. There are reports that he had been planning to reopen the radio station in March. He was also active in a youth organization that organized protests in Mogadishu against the announced merger of al-Shabaab with al-Qaeda.

Hassan Osman Abdi, the director of Shabelle Media Network, was shot by five gunmen outside his home on 28th January 2012. The gunmen were said to have followed him home from his office. He died on the way to hospital. TFG President has condemned the killing. Investigations were started, but there do not appear to have been any charges filed.

On 18th December 2012, Abdisalam Sheik Hassan, a freelance reporter with Horn Cable TV Station, was shot in broad daylight in the Hamer Jabjab district of Mogadishu by a gunman in a government military uniform after receiving a series of threats, including a death threat in person. According to Human Rights Watch, a suspect in the case was arrested but then apparently released.

In part due to the lack of a substantial international civilian presence on the ground, human rights defenders have not been receiving adequate protection or emergency support. In cases where they need to leave quickly, they may face travel restrictions, such as in Kenya where they must apply for entry clearance prior to travel, and other countries where there are increased security checks. Human rights defenders face additional challenges that limit the monitoring, documentation and reporting of violations that they are able to achieve, such as safe communication channels because the only telecom company used by activists is based in a militia-controlled area. Where HRDs are able to document atrocities in very difficult circumstances, they are often discouraged by the lack of response in terms of seeking justice and to end the climate of impunity.

Somali civil society activists who met in Entebbe on 23rd-26th March 2012 selected representatives and expressed their readiness to work with the other stakeholders towards the

end of the transition. They reemphasised the central role of human rights in the peace process, as well as the need for concrete protection measures for human rights defenders and journalists, who often become targets for attack in times of political change in Somalia due to their role in setting the agenda and informing the public.

Somaliland

Journalists in Somaliland continued to be targeted. On 14th January 2012, HornCable TV was shut down by around 100 policemen who ordered the staff to leave and sealed the doors. The President of Somaliland described the media house a “nation destructor” in parliament. When HornCable TV employees demonstrated against the closure, they were beaten by members of the Somaliland Special Protection Unit and eight were arrested. Thirteen others who wanted to assist their colleagues were also arrested. All 21 were released the same day.

Four other journalists - Ali Ismail Aare, Mohamed Omar Sheikh, Abdqani Hassan Farah, Yusuf Abdi Ali – were arrested on a variety of charges between 8th and 11th January 2012 and detained for longer periods.

South Sudan

Inter-tribal conflict in South Sudan has caused widespread insecurity in Jonglei State. Large-scale loss of life and displacement has been aggravated by the availability of small arms in the country. The Government of South Sudan has recently begun a campaign of civilian disarmament in Jonglei in an attempt to diffuse tensions between the different groups, but concerns have been voiced about reported human rights violations (including alleged beatings, mistreatment and harassment of civilians) committed by security forces during their house-to-house searches. The United Nations Mission in South Sudan reports that these abuses do not appear to be systematic and in some cases the alleged perpetrators have been apprehended.

Conflict in contested border regions between South Sudan and Sudan has brought the two countries to the brink of war, most recently with South Sudan occupation of the Heglig oil-producing region, which the UN Secretary-General declared illegal on 19th April. The civilian population has endured aerial bombings while human rights defenders in South Kordofan and Nuba Mountain regions have been targeted for their human rights documentation work.

In November 2011 journalist Peter Ngor, in his capacity of editor of *Destiny* newspaper was detained and tortured for 18 days despite the progressive guarantee in South Sudan’s Constitution limiting pre-charge detention to 24 hours. Ngor was released without charge on 18th November. The incident stemmed from the publication in his paper of an editorial written by fellow journalist Dengdit Ayok, who himself was imprisoned for 15 days, criticizing the marriage of President Salva Kiir’s daughter to an Ethiopian national. *Destiny* newspaper issued an apology

for the editorial but the publication was still shut down by the South Sudan National Security Services.¹⁵

Women and girls in South Sudan also face a struggle to ensure their rights are respected. In January 2012, it was reported that only 16% of those taking their primary exams in Rumbek, capital of Lakes State, were female.¹⁶

Situation of human rights defenders

Human rights defenders in South Sudan face unpredictable constrictions on freedom of expression, occasional threats, as well as the generalized violence and risks stemming from inter-tribal conflicts and escalating violence in contested northern border zones.

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.¹⁷ Without a legal framework for the media to operate, most are resorting to self censorship.

Sudan

At the time of writing, there are serious fears about the risk of conflict between Sudan and South Sudan, catalysed by South Sudan's seizure of the Heglig oil field in April 2012. Sudan's parliament unanimously passed a resolution on 16th April 2012 stating that "the government of South Sudan is an enemy and all Sudanese state agencies have to treat her accordingly."

There has been no progress to end attacks on civilians and secure a ceasefire in South Kordofan and Blue Nile. Serious human rights violations are being committed in the conflict areas, with arbitrary arrests, detentions, and indiscriminate bombings of civilians. The abuses perpetrated in these two states are repeating the patterns seen in Darfur, and while the humanitarian situation in Darfur may have dropped out of the international spotlight the situation there continues to be dire. The number of internally displaced persons is on the increase, although exact figures are difficult to confirm given the severe restrictions on access to NGOs and UN agencies.

Another pressing issue in this period is the question of citizenship following the independence of South Sudan and the passing of the 8th April deadline for the return of citizens in Sudan to South Sudan. The amended nationality law states that Sudanese people would automatically lose their citizenship when they acquire South Sudanese nationality "de jure or de facto". There are reports

¹⁵ CPJ: South Sudan journalist speaks out after illegal detention. <https://www.cpj.org/blog/2011/11/south-sudan-journalist-speaks-out-after-illegal-de.php>

¹⁶ Sudan Tribune, January 2012, <http://www.sudantribune.com/Only-16-of-students-taking-primary,41248>

¹⁷ 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

of Sudanese nationals with South Sudanese ancestry already being stripped of their Sudanese citizenship and being left stateless. With around half a million people of South Sudanese origin reportedly still living in Sudan, the issue of statelessness is a major concern.¹⁸

Sudan established a national human rights commission by presidential decree in January 2012. It awaits to be seen whether it will operate independently and in conformity with the Paris Principles.

Situation of human rights defenders

On 25th January 2012, while marking the passing of seven years since the massacre of members of the Beja minority tribe in Port Sudan and protesting the human rights conditions in East Sudan, five members of the pro-democracy organisation Girifna demonstrating at Umma Party headquarters were arrested by Sudan's National Intelligence and Security Services (NISS). Amar Dirar, Nagi Musa Hasab Elrasul, Ghazi Eltayen, Mohammed Mahjoub and Sharif Kamal have been held without charge at Kober prison. The same day another student activist and Girifna member Omar Hamid, was reportedly taken by NISS agents. The arrest of the six activists came shortly after the arrest of another youth activist and Girifna volunteer Taj Alsir Jafaar. Jafaar was held for nearly three weeks before his family was alerted to the location of his detention.

Bushra Gamar, chairperson of the Human Rights and Development Organisation (HUDO), working in the Nuba mountains, who was arrested in January 2011 by the National Intelligence and Security Services (NISS) remains in detention. He was held incommunicado for the first three weeks of his detention, handcuffed and blindfolded, his head banged against the wall and beaten with a hose, while being questioned about his human rights work. He was also threatened with rape. After his release he was rearrested in June 2011. Although the prosecutor declined to press charges against him, he is still in the detention of the NISS. Gamar has been on hunger strike twice since September 2011 in protest against his continued detention without trial. In December 2011 it was reported that he had been sentenced to death, despite the fact he has yet to be charged. On 2nd January he was transferred into the custody of the Attorney-General. In March 2012, the prosecutor again ordered his release, but he was returned to Kobar prison against the prosecutor's orders.

Since early 2011, the National Intelligence and Security Services have imposed increased restrictions on freedom of expression in response to protests inspired by the Arab Spring. Numerous student activists have been arrested, detained and ill-treated, including rape and torture, and the crackdown continues. On 28th March 2012, for example, student activist Haidar Mahmoud Abderrahman Manis was arrested and is still detained in an unknown location, at risk of torture with no access to his family or lawyer. He had reportedly given speeches at a number of campuses on the situation in Darfur, South Kordofan and Blue Niles States.¹⁹ Mr Manis is just one of many student activists and other human rights defenders to be detained in recent months.

¹⁸ Human Rights Watch, 'Sudan: Don't Strip Citizenship Arbitrarily', March 2012, <http://www.hrw.org/news/2012/03/02/sudan-don-t-strip-citizenship-arbitrarily>

¹⁹ Amnesty International, 'Sudan: Sudanese student activist detained: Haidar Mahmoud Abderrahman Manis', 5 April 2012, www.amnesty.org/en/library/info/AFR54/015/2012

Media freedoms continue to be severely curtailed. It appears that while pre-print censorship was lifted by presidential decree in 2009, the National Intelligence and Security Services are operating a new strategy of post-printing censorship with newspapers confiscated and distribution prevented. This method entails far more crippling costs to the media houses affected.

Tanzania

In this period, Tanzania underwent an extensive review of the human rights situation in the country under the Universal Periodic Review mechanism at the UN Human Rights Council. The review was concluded on 14th March 2012, with the Government accepting the majority of the recommendations received, while rejecting 33 and accepting another 13 “in part”. Among the positive recommendations, was the Government’s commitment to prioritizing the finalization of the National Human Rights Action Plan for the Promotion and Protection of Human Rights and its implementation.

A 2010 study by the World Health Organisation estimated that 1 out of 4 people in Tanzania are victims of gender-based violence. The Government’s acceptance of a number of UPR recommendations aimed at tackling gender-based violence and laws and practices that discriminate against women was welcomed, as additional measures are still required to address this issue. While the penal code does criminalize some forms of gender-based violence, there is no legal provision, for example, for the protection of victims, rehabilitation and to prevent repeated offences. Existing laws do not provide for penalties on spouse battering or for other forms of violence such as psychological, emotional or discriminatory economic practices.

The use of excessive force and extrajudicial killings by the police and other law enforcers continues to be of concern. There have been a number of incidences where brutal force has been used during arrest, interrogations and to disperse people during assembly. In an incident on 22nd February this 2012, at least two people were shot dead in Songea when a group went to the regional police commander to demand action following a recent spate of murders in the area. The Government accepted a UPR recommendation to establish an independent body for investigating complaints about the actions of law enforcement officials, which should be implemented without delay. Greater transparency is needed around the process of investigations, prosecutions and sanctions in such cases, and information on the steps to be taken must be made available to the public, to guarantee protection from violence committed by law enforcers and to provide appropriate reparations to victims’ families.

Indigenous peoples in Tanzania who practice pastoralism and hunter-gathering continue to face discrimination and other human rights violations. In November 2011, hunter-gatherers and pastoralists were forcibly evicted from their land in Meatu District in Shinyanga Region. It is reported that armed policemen, soldiers, paramilitary forces and game rangers forced their way into Makao, Mwabagimu, Mbushi, Lukale, Jinamo, Irambandogo and Sapa villages on 10th

November 2011. According to police reports, six villagers were arrested for inciting others not to obey the eviction order. One villager was shot by police.²⁰

Situation of human rights defenders

Human rights defenders in Tanzania, especially those confronting issues of corruption, land-grabbing and discrimination against minority groups, have continued to be harassed for their work arrests during this period.

Sixteen human rights defenders were arrested, charged with “unlawful protest”, and released on bail in Dar es Salaam on 9th February 2012. They were arrested on their way to observe a meeting at Muhimbili National Hospital in Dar es Salaam, one day after around 200 activists had occupied a major bridge and surrounding roads in the city to press the government to reconcile with health professionals over an ongoing strike in the country. The protestors called on the Minister of Health and other senior officials to resign over their failure to resolve the health crisis in the country. Human rights defenders had released a joint statement condemning the hundreds of deaths in Tanzania during the crisis.

Those arrested include Dr. Helen Kijo Bisimba, the Executive Director of the Legal and Human Rights Centre (LHRC) - EHAHRDP’s focal point organisation in Tanzania - and LHRC staff members Marcus Albany, Anna Migila, Advocate Godfrey Mpandikizi and an intern from the Canadian Bar Association, Erin Riley. The Executive Directors of TAMWA and SIKIKA, Ananilea Nkya and Irenei Kiria respectively, as well as five staff members of the Tanzania Gender Network, were also among those arrested. After the activists were released on bail the same, they were required to report back to the police station the next week.

On 24th January, human rights defender Bruno Mwambene was arbitrarily arrested and beaten in Mbozi in Mbeya Region, Southern Highlands. A member of the Human Rights National Association of Educators for World Peace, Mwambene was initially denied bail. He was eventually granted bail on 30th January and summoned to appear at the Magistrates Court on 9th February.

Uganda

Uganda underwent its Universal Periodic Review at the United Nations in October 2011, and its UPR report was adopted in March 2012. The Government accepted many key recommendations made by fellow States during the process. It stated its commitment to end torture and to pass the Torture Bill into law. It should demonstrate this commitment by adopting this private members Bill as a government Bill and expedite the process of its passing into law. The state should also reconsider the recommendation to ratify the optional protocol of the Convention against Torture.

²⁰ Pastoralists Indigenous Non-Governmental Organisations Forum (PINGOs), *The Meatu Evictions*, January 2012, <http://www.pingosforum.or.tz/>

The Anti-Homosexuality Bill was reintroduced in parliament on 7th February 2012, one of ten bills ‘saved’ from the previous parliament. It had its first reading on 7th February 2012 and was referred to the Legal and Parliamentary Affairs Committee for scrutiny. It is understood that the bill was re-tabled in its original form but that amendments recommended by the Committee last year will be incorporated. Although Hon. Bahati is reported in the media to have said that the death penalty for ‘serial’ acts of homosexuality will be dropped, this is not yet confirmed.

The Uganda Human Rights Commission has repeatedly highlighted concerns about the Bill, and in its 2010 annual report that “some of the provisions in the bill are unnecessary, and that most of them violate international human rights standards.” The rejection of certain regional and international standards envisaged in the 2009 bill sets a dangerous precedent regarding Uganda’s respect for the human rights commitments it has made.

Situation of human rights defenders

In Uganda, journalists have been attacked on repeated occasions while reporting on the continuing opposition protests. To take a snapshot of the situation, at least six journalists were attacked or injured while covering the movements of the opposition politician Dr. Kizza Besigye in late March. A journalist working with NBS TV was knocked down by a police vehicle as he covered Besigye’s transfer from Kampala to Kasangati police on Saturday 31st March. Earlier in the week, three journalists who were covering Besigye’s release on bail were beaten by police on 28th March. A one week before that, two journalists were beaten by police as they tried to cover Besigye’s arrest on 21st March. On the same day, a police officer, John Bosco Ariong, was killed during the disturbances (although some witness reports suggest he was not in uniform and not targeted as a member of the police). Similar incidents have been reported into April, and earlier in the reporting period.

Effective and proportionate policing is required to balance the freedoms of assembly, association, expression and access to information, with the need to maintain public order and the safety of demonstrators, state officials, observers and the general public. On 12th April 2012, it was reported that the Parliamentary and Legal Affairs Committee had recommended that the contested Public Order Management Bill (2011) be passed immediately by Parliament, but with a number of important amendments. The committee recommended that police should have powers to regulate rather than prohibit public assemblies. In a disturbing move, on 4th April 2012, the Ugandan Government declared the Activists for Change (A4C) group an unlawful society, ‘dangerous to the peace and order in Uganda’, ahead of a demonstration planned the next day.²¹

Among many serious concerns about the Anti-Homosexuality Bill in Uganda is the fear that it would have a chilling effect on the work of civil society, with its requirement to report “suspected homosexuals” to the authorities, as well as further legitimising discrimination against LGBTI persons. On 14th February 2012, just one week after the legislation was re-tabled in

²¹ Human Rights Watch, ‘Uganda: Walk to Work Group Declared Illegal,’ (April 2012), <http://www.hrw.org/news/2012/04/04/uganda-walk-work-group-declared-illegal>

Parliament, the Minister of State for Ethics and Integrity ordered the unconstitutional shutdown of a capacity-building workshop organized by LGBTI human rights defenders in Entebbe on the grounds that such a gathering was “illegal”. Uganda underwent its Universal Periodic Review in October 2011 and has accepted recommendations to take immediate concrete steps to stop discrimination and assaults against LGBT persons. All branches of government should urgently demonstrate this commitment.

In March 2012 the government introduced a Uganda Communications Regulatory Authority Bill to Parliament. As currently drafted, the bill would impose more restrictive procedures of radio and television licensing. Any broadcast that infringes on a person’s privacy or contains false information would be banned.