



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

Overview of the Human Rights Situation in the East and Horn of Africa April- September 2013

Report submitted to the 54th Ordinary Session of the
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Introduction

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 54th 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 April to September 2013. This report was prepared with the assistance 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 from the sub-region.

The past six months has been marked in most countries in the sub-region by renewed government clampdowns on fundamental human rights, and the targeting through various means of human rights defenders working on the front lines of human rights protection. In many countries regressive legislation was passed, curtailing citizens' rights to free expression and peaceful assembly. Increasingly, administrative and bureaucratic obstacles were used by governments to disrupt the work of human rights defenders and journalists.

In **Burundi**, continued political tensions resulted in occasional outbreaks of political violence across the country. A new law regulating the media was passed in June, with the very real potential to undermine Burundi's free press. Two equally concerning laws on freedom of assembly and the regulation of NGOs remain in draft form at the time of writing.

In **Djibouti**, the fallout from the February 2013 elections (in which the ruling Union for the Presidential Majority (UMP) retained its electoral majority) continued to result in the widespread targeting of journalists and political opponents, many of whom were jailed.

EHAHRDP remains deeply concerned about continuing serious human rights violations in **Eritrea**, and the government's failure to engage with regional and international human rights mechanisms. We continue to call on the Commission to take decisive action to protect Eritrean citizens from further human rights abuses.

In **Sudan**, the human rights situation deteriorated dramatically during the period. There were ongoing and egregious violations of international human rights and humanitarian law in Darfur, Northern and Southern Kordofan and Blue Nile, with evidence of widespread indiscriminate aerial bombardment of civilian populations. Spontaneous protests erupted across Sudan in late September 2013 following a rise in fuel prices, resulting in mass arrests, further closure and censorship of national newspapers, a total nationwide internet blackout, credible reports of at least 170 deaths at the hand of state security forces, and many hundreds of people (including journalists, lawyers and human rights defenders) arrested and detained by state security forces. We call on the Commission to publicly condemn these actions, and to take all actions within its power to hold those responsible to account.

In **Kenya**, the trial of Deputy President William Ruto before the International Criminal Court commenced in September. His trial and the upcoming trial of President Kenyatta have been marred by widespread reports of witness intimidation, within a more general climate of intimidation and murder of human rights defenders in the country.

EHAHRDP is seriously concerned by the **Ugandan** government's clampdown on freedoms of expression and peaceful assembly during this period. In May 2013, the government closed several media houses and placed them under armed occupation for several days. Peaceful protests against the closures were violently dispersed by state security forces. To widespread national and international condemnation, Uganda's parliament passed a new law governing freedom of assembly in August. At the time of writing, the government has not yet made public the content of the law passed.

In all countries in the sub-region, EHAHRDP has reported on the harassment and intimidation of human rights defenders and journalists, and increasing attempts by state and non-state actors to undermine and disrupt the activities of civil society. These attacks take many forms: from the widespread murder of journalists in **Somalia**, to the government-led takeover of a human rights NGO in **Rwanda**. Consistently throughout, human rights defenders continue to place themselves on the front line of human rights protection in the region, often at intolerable risks to their own safety.

Recommendations

In light of the updates and observations contained in this report, the East and Horn of Africa Human Rights Defenders Project offers the following recommendations for actions by the African Commission on Human and Peoples' Rights:

- 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;
- 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, the freedoms of assembly and association, and the work of human rights defenders;
- Carry out a Commission of Inquiry into violations of the Charter and international humanitarian law in the regions of Southern Kordofan and Blue Nile in Sudan;
- Reaffirm its support for the International Criminal Court, and again urge AU member states to “ensure that the perpetrators of crimes under international human rights law and international humanitarian law should not benefit from impunity” (resolution 87, 5th December 2005);
- 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, especially requests for provisional measures;
- Recognise that the rights contained in the African Charter apply to all people without discrimination on any grounds, including sexual orientation and gender identity;
- Promote international criminal investigations into serious human rights violations committed in the region, where domestic remedies have failed;
- Encourage all members of the African Union to ratify and implement the provisions of the African Charter on Democracy, Elections and Good Governance;
- Encourage full engagement with the ACHPR by States in the sub-region, especially those in transition periods, such as Somalia and South Sudan, including by urging states to invite visits from the Commission and to submit periodic reports;
- Call on member States to deposit the declaration under article 34 (6) of the protocol of the African Court on Human and Peoples' Rights to allow individuals and NGOs to directly submit their cases to the court.

Country Overviews

BURUNDI

The human rights record of Burundi has been under scrutiny during this period. Following its Universal Periodic Review (UPR) at the UN Human Rights Council on 24th January 2013, ¹ Burundi rejected 39 of the 176 recommendations it had received at the time of adoption of the outcome in June 2013. These included recommendations regarding freedom of assembly and the role of the press, to address impunity for extra-judicial killings, and all eleven recommendations concerning sexual relations between people of the same sex, arguing that these ran counter to the 'values and views' of the government².

Transitional Justice

In spite of some promising signs in late 2012, no progress was made between April- September 2013 towards establishing a Truth and Reconciliation Commission (TRC) and Special Tribunal to address human rights violations between 1962 and 2008. It is however, encouraging to note that Burundi accepted numerous recommendations on this matter as part of its UPR, including recommendations calling for an independent Special Tribunal, conforming to international standards and drawing on national consultations³.

Political Freedom

Dialogue between the ruling CNDD-FDD party and other political parties appeared to improve throughout the course of 2013.

However, the relationship between the ruling CNDD-FDD and other political parties remained extremely tense. There were several outbreaks of political violence among supporters (and particularly the youth wings) of different parties nationwide. On 26th September 2013, local authorities issued a two-week ultimatum to political parties to bring their supporters under control. On 6th October 2013, violent clashes broke out in Bujumbura between the youth wings of the ruling CNDD-FDD party, and the opposition Movement for Security and Democracy (MSD)⁴.

Agathon Rwasa, former head of the National Liberation Forces (FNL), returned to Burundi in August 2013, having fled after his unsuccessful bid in the 2010 presidential elections. He was immediately prevented by police forces him from addressing a crowd of his supporters⁵.

In September 2013, prosecutors announced a formal investigation into Rwasa's role in a 2004 refugee camp massacre of some 160 Banyamulenge in Gatumba. Rwasa claimed that the charges

¹ Please see joint UPR submission by East and Horn of Africa Human Rights Defenders Project, Protection International, and Front Line Defenders, July 2012, <http://www.defenddefenders.org/wp-content/uploads/2013/01/EHAHRDP-PI-Front-Line-UPR-Burundi-Submission-July-2012-11.pdf>

² United Nations Office of the High Commissioner for Human Rights, "Human Rights Council adopts outcomes of the Universal Periodic Review of Burundi, Luxembourg and Barbados", 6th June 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13421&LangID=E>

³ See for example, Recommendation 116: Submitted by the Republic of Ireland and accepted by Burundi. Agence-France Presse published in IOL News, "Burundi political rivals in street battles", 7th October 2013, <http://www.iol.co.za/news/africa/burundi-political-rivals-in-street-battles-1.1588354>

⁵ Agence France-Presse published in Global Post, "Burundi's veteran rebel surfaces, denied rally", 6th August 2013, <http://www.globalpost.com/dispatch/news/afp/130806/burundis-veteran-rebel-resurfaces-denied-rally>

were politically motivated, and engineered to hamper his prospects for running for election again in 2015⁶.

Freedom of Expression

On 4th June 2013, President Nkurunziza promulgated a new media law, which falls far short of Burundi's obligations under its own constitution, and domestic and international law. The law came into force in spite of widespread condemnation by local civil society, regional and international NGOs⁷, and the United Nations Secretary General⁸.

The new law⁹ requires journalists to have a journalism qualification, which is an unrealistic and burdensome requirement. It makes untenable and sweepingly broad exceptions to the right (and indeed international norm) of journalists not to reveal their sources, where it relates to matters of state security, public order, defence secrets and the physical or moral integrity of one or several persons.

The new law further creates create new restrictions on subjects that journalists may cover, and introduces sanctions- including criminal prosecutions and substantial fines of up to 6 million Burundian Francs for breaches of the new law.¹⁰

Throughout the period, journalists continued to face harassment and attacks. On 26th April 2013, Willy Abagenzinikindi, a journalist for Télé Renaissance was attacked in his home by armed assailants after returning from covering a civil society meeting. On 30th April, Patrick Niyonkuru, a journalist with African Public Radio (RPA) was shot at by a police officer he saw extorting money¹¹

On 30th May 2013, *Iwacu*, a respected and popular independent newspaper in Burundi, received a written decision from the National Communication Council (CNC) announcing a 30-day suspension of its online readers' forum, as a result of the content of unspecified reader comments allegedly "endangering national unity, public order and security, incitement to ethnic hatred, justification of crimes, and insults to the head of state" ¹².

Freedom of Assembly

On 28th August 2013, a draft law on demonstrations on public roads and public gatherings was adopted by the National Assembly. This law, in its current form, has the potential to be highly repressive, and interfere with the rights of Burundi's citizens to peacefully assemble and to hold peaceful public demonstrations.

General problems with the draft law include the absence of any provision limiting the scope of the act and the failure to define basic terms such "public order" (which in turn is the purported

⁶ Reuters, "Burundi opens probe over killings of Congo Tutsi refugees", 13th September 2013, <http://www.reuters.com/article/2013/09/13/us-burundi-rebel-idUSBRE98COKS20130913>

⁷ See, for example: 1.) Article 19, "Assent for media law blow for free expression", 6th June 2013, <http://www.article19.org/resources.php/resource/3783/en/burundi:-assent-for-media-law-blow-to-free-expression>, 2.) Reporters Sans Frontieres, "La loi sur la presse promulguée : "journée noire pour la liberté de l'information", 4 Juin 2013, <http://fr.rsf.org/burundi-la-loi-sur-la-presse-promulguee-04-06-2013,44571.html>, 3.) East and Horn of Africa Human Rights Defenders Project, « Burundi : Amend new Press Law », 3rd May 2013, <http://www.defenddefenders.org/2013/05/2525/>

⁸ See Statement attributable to the Spokesperson for the Secretary-General on Burundi, 5th June 2013, <http://www.un.org/sg/statements/index.asp?nid=6878>

⁹ Loi n°1/11 du 04 Avril 2013 portant modification de loi n°1/25 du 27 Novembre 2003 régissant la presse au Burundi

¹⁰ Equal to 3,828 US Dollars, as at 9th October 2013

¹¹ See East and Horn of Africa Human Rights Defenders Project, "Burundi- Amend New Press Law", 3rd May 2013, <http://www.defenddefenders.org/2013/05/2525/>

¹² Human Rights Watch, "Burundi: Online Newspaper Forum Suspended", 3rd June 2013, <http://www.hrw.org/news/2013/06/03/burundi-online-newspaper-forum-suspended>

basis for widely granted state powers of refusal). Specific criticisms include article 9 of the draft law, which allows for an administrative authority to send one or more delegates to any public meeting, with the express power to suspend or dissolve the meeting. Article 10 of the draft law establishes civil and criminal liability for damage (caused by vandals, or counter-protestors) on the organiser of a public meeting.

Civil Society and Freedom of Association

A draft law governing Non-Profit Organisations and NGOs is currently under consideration. Article 18 of the draft law sets out a complex registration process, and creates an annual registration requirement. Article 30 of the draft law further states that coalitions cannot be formed between profit making organisations – effectively a prohibition on trade unions and agricultural collectives. Under Article 59 of the draft law the state is granted wide ranging powers to close the premises and suspend the activities of an association where it is deemed to cause a disturbance to state security or public order.¹³

Both draft laws should be reviewed and amended before they are passed into law to ensure that they will protect rather than further restrict civil society space in the country and that they conform to the principles adopted in the Burundian Constitution and the UN Declaration on Human Rights Defenders. The new media law should likewise be amended as a matter of priority.

DJIBOUTI

Between April and September 2013, the fallout from the February 2013 elections (in which the ruling Union for the Presidential Majority (UMP) retained its electoral majority) continued to result in the widespread targeting of journalists and political opponents, many of whom were jailed.

Also during this period, Djibouti underwent its Universal Periodic Review (UPR) at the United Nations Human Rights Council on 25th April 2013 with the outcome adopted on 19th September 2013 at the Human Rights Council¹⁴.

Political Freedom

More than 10 political opponents of the ruling party were arrested after the legislative elections of 22nd February 2013, and are still being held in inhumane conditions at Gabode prison¹⁵.

Mahmoud Elmi Rayaleh, of the Union pour la Salut National (USN, a coalition of opposition parties) died on the night of 28th to 29th August 2013 in Gabode Prison. Rayaleh was arrested on 2nd August 2013 after leaving Friday prayers in Balbala, along with Hassan Ahmed Ali, Abdourahman Moussa Mohamed, and Mahad Abdourazack. On 3rd August 2013, all were charged by the public prosecutor with 'participating in an illegal demonstration'. On 20th August 2013, Abdourahman Moussa Mohamed and Mahad Abdourazack were acquitted of the charges against them, but Rayaleh and Hassan Ahmed Ali were sentenced to two months imprisonment. Rayaleh died in detention a few days later. At the time of his death, Rayaleh's lawyer, Zakaria

¹³ Projet de Loi portant cadre organique des Associations Sans But Lucratif (2013)

¹⁴ See Office of the High Commissioner for Human Rights, Universal Periodic Review (2nd Cycle)- Documents available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DJSession16.aspx>

¹⁵ Oral Intervention on Djibouti's UPR by Me Abdillahi Zakaria, President of the Ligue Djiboutienne des Droits Humains (LDDH) at the United Nations Human Rights Council, 19th September 2013, <http://www.defenddefenders.org/2013/09/intervention-orale-sur-lexamen-periodique-universel-de-djibouti-au-conseil-des-droits-de-lhomme/>

Abdillahi, president of the Ligue Djiboutienne des Droits Humains (LDDH) had submitted an appeal against his client's conviction¹⁶.

Daher Ahmed Farah, a former journalist and spokesman for the USN was arrested and detained on multiple occasions throughout the course of this six month period. Most recently, on July 2nd 2013, he was sentenced to two months in prison, and detained in Gabode for 'failing to comply with a judicial order', following a court appearance on 26th June 2013¹⁷. He was released on 14th August 2013.

Daher Farah returned to Djibouti in January 2013 after a decade spent in exile. Upon his return, he was reportedly closely followed by the Service de Documentation et de Securite (SDS), and was jailed for two months in March 2013 on charges of 'disturbing public order and participating in an insurrectional movement'.

On 23rd April 2013 he was again detained after responding to a summons to report to gendarmerie headquarters. He was held under a Djibouti supreme court decision of 19th September 2004, finding him guilty (in spite of being in exile at the time) as editor and publisher of the newspaper *Le Renouveau Djiboutien*, of defaming the army chief of staff.

Freedom of Expression

Four contributors to *La Voix de Djibouti*, a radio station, were provisionally released from detention on 23rd June 2013. Farah Abadid Hildid, Houssein Ahmed Farah, Moustapha Abdourahman Houssein and Mohamed Ibrahim Waïss were then ordered to appear in court again on inflated charges of "inciting public order disturbances". All four (along with two other colleagues, charges against whom were dropped) were first detained in 2011.

Freedom of Assembly

Maydaneh Abdallah Okie, a former technician for the *La Voix de Djibouti* was sentenced to 45 days in Gabode prison on May 19th 2013, after he was arrested for posting pictures on his Facebook profile that showed police breaking up an opposition protest. It was reported by the USN that Okie was badly beaten by security forces, and is being denied medical care¹⁸. He was further ordered to pay more than 9,000 Euros in fines and damages.

Camp Lemonnier

Djibouti's international airport hosts the United States Naval Expeditionary Base, Camp Lemonnier, which is a known base for the United States' drone operations in Yemen and elsewhere. The highly controversial use of drones for targeted and/or indiscriminate extra-judicial execution violates the right to life under international law.

Over the course of several years, Djibouti has allowed its airspace and airports to be used for flights associated with CIA extraordinary rendition operations¹⁹, and as such is complicit in

¹⁶ FIDH, "Djibouti : un militant de l'opposition meurt en détention", 30th August 2013, <http://www.fidh.org/fr/afrique/Djibouti,63/DJIBOUTI-LIGUE-DJIBOUTIENNE-DES/djibouti-un-militant-de-l-opposition-meurt-en-detention-13889>

¹⁷ RFI, "Djibouti: Daher Ahmed Farah condamné à deux mois de prison, immédiatement incarcéré", 3rd July 2013, <http://www.rfi.fr/afrique/20130703-djibouti-daher-ahmed-farah-condamne-deux-mois-prison-immEDIATEMENT-incarcere>

¹⁸ Sabahi, published by All Africa, "Jailed Djiboutian Journalist Denied Medical Care, Opposition Says", 18th September 2013, <http://allafrica.com/stories/201309190124.html>

¹⁹ Open Society Foundations, "Globalizing Torture: CIA Secret Detention and Extraordinary Rendition", 2013, available to view online at <http://www.opensocietyfoundations.org/reports/globalizing-torture-cia-secret-detention-and-extraordinary-rendition>

violating international law. It was announced in September 2013 that US military operations would move from Camp Lemonnier to a more remote desert location in Djibouti²⁰.

ERITREA

During this period, little or no change has been seen in the human rights situation of Eritrea. Eritrea remains one of the world's most repressive and closed regimes, making human rights monitoring impossible. Journalists, opposition politicians, and ordinary citizens languish *en masse* in inhumane detention facilities, where torture is common. Eritrean citizens routinely risk being killed crossing the borders into Ethiopia and Sudan in order to flee the desperate conditions in the country.

On 5th June 2013, the UN Special Rapporteur on Eritrea presented her first report to the Human Rights Council in which she gave an overview of the most serious human rights concerns in the country²¹. Ms Sheila Keetharuth reiterated her desire for open and frank discussion with the Eritrean government, which has to date denied her access to the country. She also denounced the appalling human rights situation in Eritrea, which in one way or another touches the life of almost every family. Further, she stated that real change would require a fundamental reform process transforming the current culture of rights denial into one anchored in the rule of law and in respect for and the realization of all human rights. The Special Rapporteur's mandate was extended by a consensus resolution adopted in June 2013²².

Eritrea was ranked last in the 2013 Reporters without Borders Press Freedom Index²³. It has held this position for the past six years. The Eritrean government appears determined to maintain a blackout on news and information and journalists are persecuted for doing their work. The country has no privately owned media, and media based in the diaspora constitute the only source of independent news coverage of the situation in Eritrea.

Eritrea's detention facilities have very poor conditions, with minimal food and medical care. Prisoners are held in underground cells and shipping containers in desert locations, subject to boiling and freezing temperatures and many succumb to these harsh conditions. Torture and other abuses during detention are routine with punishments such as; mock drowning, being hung from trees by the arms, being tied up in the sun in contorted positions for hours or days, being doubled up inside a rolling tire, having handcuffs tightened to cut off circulation, as well as frequent beatings.

Restrictions on Freedoms of Expression and Association

The independent press was closed by the government in 2001, by revoking their licenses and mass arrests of editors and publishers.²⁴ Based on the testimony of former guards, Reporters

²⁰ Washington Post, "An end to drone flights from Camp Lemonnier, Djibouti", 24th September 2013, http://www.washingtonpost.com/world/national-security/an-end-to-drone-flights-from-camp-lemonnier-djibouti/2013/09/24/b935857e-2585-11e3-b75d-5b7f66349852_graphic.html

²¹ Report of the Special Rapporteur on the Situation of Human Rights in Eritrea, A/HRC/23/53, 28th May 2013

²² East and Horn of Africa Human Rights Defenders Project, "Geneva: Action on Eritrea, South Sudan and Somalia at Human Rights Council", 18th June 2013, <http://www.defenddefenders.org/2013/06/geneva-action-on-eritrea-south-sudan-and-somalia-at-human-rights-council/>

²³ Reporters Without Borders, Press Freedom Index 2013, <http://fr.rsf.org/press-freedom-index-2013,1054.html>

²⁴ Human Rights Watch, World Report 2013, Eritrea Country Chapter <http://www.hrw.org/world-report/2013/country-chapters/eritrea?page=2>

without Borders reported that seven journalists died in prison in 2012: Dawit Habtemichael, Mattewos Habteab, Sahle Tsegazab, Medhanie Haile, Yusuf Mohamed Ali, Said Abdulkader and Fessehaye Yohannes. Journalists working for government agencies, arrested since 2009 for allegedly providing information to Western nongovernmental organizations and governments, remain incarcerated incommunicado.

All domestic media is controlled by the government. Two of four internet service providers prohibit access to sites unapproved by the government and persons using internet cafes are subject to surveillance. Eritrea periodically jams satellite radio transmissions by opposition groups.

Defectors describe a climate of intense fear in the country. To question authority, much less criticize it, can result in imprisonment and worse. Gatherings of more than seven unrelated people are forbidden and formation of NGOs is prohibited. Political organization is restricted to the ruling party, the Peoples Front for Democracy and Justice (PFDJ). Unions are prohibited, except for PFDJ subsidiaries.

ETHIOPIA

During this period, Ethiopian authorities have continued to violate the rights of its citizens to free expression, association and assembly. Journalists and opposition leaders have been convicted under the Anti-Terrorism Proclamation. Protestors from the Muslim community, particularly in Oromia and Addis Ababa, were arbitrarily arrested, detained and beaten. Muluken Tesfahun, a reporter for Etho-Mehedar, a private weekly publication was arrested and detained on 30th May 2013 for interviewing people evicted from their homes in a region where the government is building a contentious hydro-electric dam on the Blue Nile.²⁵

On 31st August 2013, federal police and intelligence officers forcefully entered the offices of the Blue party, a political opposition party, where party members were planning for a peaceful demonstration for the following day. Everyone present at the office was arrested and taken to three police stations in Addis Ababa: Sostegna, Gedam Sefer and Jan Meda stations. All those arrested were eventually released without charge after several hours in detention. They said they were severely beaten while in detention²⁶.

Freedom of Assembly and Freedom of Expression

On 15th July 2013, Ethiopian police detained 40 opposition supporters of the Unity for Democracy and Justice (UDJ) Party for distributing leaflets calling for the repeal of Ethiopia's highly restrictive anti-terrorism laws.

In August, Ethiopian Muslims took to the streets of Addis Ababa, as part of a long running campaign against perceived government interference in their religion. There were reports of

²⁵ Committee to Protect Journalists, Press Release, published in All Africa, 30th May 2013, <http://allafrica.com/stories/201305311212.html>

²⁶ Amnesty International, "Ethiopia: End Stifling of Peaceful Protests", 5th September 2013, <http://www.amnesty.org/en/library/asset/AFR25/003/2013/en/a60d622d-e502-4073-9e73-be5d23fefdc2/afr250032013en.html>

arrests and detention of peaceful protestors, as well as contradictory reports indicating that several protestors were killed by state security forces²⁷

Restrictive legislation

The effect of the Anti-Terrorism and Charities and Societies Proclamations, coupled with the government's widespread and persistent harassment, threats, and intimidation of civil society activists, journalists, and others who comment on sensitive issues or express views critical of government policy, has been severe. Ethiopia's largest human rights organisations have been compelled to narrow down operations or remove human rights activities from their mandates, and an unknown number of civil society organisations have closed entirely, due to insufficient funding. Several of the country's most experienced and reputable human rights activists have fled the country due to threats. The environment is equally hostile for independent media.

According to the Committee to Protect Journalists, more than ten journalists have been charged under Ethiopia's anti-terrorism law. The law contains a vague prohibition on moral support which makes anyone caught publishing information that could 'induce readers to commit acts of terrorism' liable to a jail term of ten to twenty years. On 29th September 2013, a major demonstration took place in Addis Ababa against the deliberate misuse and selective application of the law by the government to target journalists, human rights activists and dissidents²⁸.

KENYA

The terrorist attack on the Westgate shopping mall in Nairobi that began on 21st September 2013, purportedly by members of Al-Shabab, rightly caused international outrage, and an outpouring of international goodwill towards Kenya.

This tragic event occurred in the context of a deteriorating human rights situation in Kenya over the preceding six months. During this period, human rights groups and others documented a pattern of serious attacks, harassment, intimidation and murder of Kenyan citizens, including journalists and human rights defenders. There remain several hundred thousand²⁹ internally displaced people in Kenya, following the post-election violence in 2007-8 which led to over 600,000 people being displaced.

Right to Justice

The trial before the International Criminal Court of Deputy President William Ruto began on 10th September 2013. Mr Ruto (along with his co-accused Joshua Arap Sang) is accused of crimes against humanity (murder, deportation or forcible transfer of population and persecution) allegedly committed in the context of the 2007-2008 post-election violence³⁰.

²⁷ Amnesty International, "Ethiopian repression of Muslim protests must stop", 8th August 2013, <https://www.amnesty.org/en/for-media/press-releases/ethiopian-repression-muslim-protests-must-stop-2013-08-08>

²⁸ Reporters Without Borders, "Anti-terrorism law among targets of Addis Ababa protest", 1st October 2013, http://en.rsf.org/ethiopia-big-demonstration-against-law-used-01-10-2013_45264.html

²⁹ See Kenya country profile at Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/countries/Kenya>

³⁰ International Criminal Court, Trial in the Ruto and Sang Case- Relevant Information, http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200109/related%20cases/icc01090111/Pages/ruto-sang.aspx

President Uhuru Kenyatta has been charged with crimes against humanity in the same context (murder, deportation or forcible transfer, rape, persecution, and other inhumane acts)³¹. President Kenyatta's trial is due to begin on 12th November 2013.

On 5th September 2013, Kenyan MPs voted to approve a motion to withdraw from the Rome Statute (the international treaty establishing the International Criminal Court). The decision, which has no legal bearing on the cases currently before the court, has met with widespread condemnation. The African Union hosted an extraordinary summit on the International Criminal Court in Addis Ababa on 11th-12th October. On 7th October, 130 groups from across Africa called on African states to affirm their support for the Court. In its public letter, the groups noted that “Kenya has put governments in an awkward position by pressing for action to avoid the ICC's cases while having failed to avail itself of the court's procedures to authorize such a move based on credible domestic investigation and prosecution”³²

Witness Intimidation

There have been widespread and increasingly serious allegations of intimidation of witnesses in the cases against Mr. Ruto and Mr. Kenyatta. On 2nd October 2013, the Pre-Trial Chamber II of the International Criminal Court unsealed an arrest warrant against Walter Osapiri Barasa, a journalist with close ties to both the President and Vice-President. He is charged with several offences against the administration of justice under Article 70 of the Rome Statute, including corruptly influencing or attempting to corruptly influence ICC witnesses³³. The factual allegations are that Mr. Barasa had attempted to pay ICC prosecution witnesses to withdraw from the case.

Attacks on Human Rights Defenders

On 3rd October 2013, Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and a prominent Kenyan human rights defender, released a public statement detailing serious threats against him and his family. Mr. Kiai's statement spoke of a vicious clampdown on Kenyan civil society over the last six months, with ICC witnesses being “vilified, threatened and exposed”³⁴, and noted widespread threats and harassment of human rights defenders across the country.

On 7th August 2013, Hassan Ali Guyo, a human rights defender who worked as the Programme Director for Strategies for Northern Development (SND), was shot dead by an army officer as he documented the use of excessive force and other human rights violations against demonstrators in a joint operation of the Kenyan defence Force and the National Police Service in Moyale, Marsabit County³⁵. Between May and August 2013, human rights groups recorded over 100 extra-judicial killings by Kenyan security services.

³¹ International Criminal Court, The Prosecutor v. Uhuru Muigai Kenyatta, http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200109/related%20cases/icc01090211/Pages/icc01090111.aspx

³² Human Rights Watch and others, “130 groups across Africa call for countries to back ICC”, 7th October 2013, <http://www.hrw.org/news/2013/10/07/130-groups-across-africa-call-countries-back-icc>

³³ International Criminal Court, “Arrest Warrant Unsealed in Kenya situation: Walter Barasa suspected of corruptly influencing witnesses”, 2nd October 2013, http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr948.aspx

³⁴ Maina Kiai, The extremely intimidating environment in Kenya today: Public Statement, 3rd October 2013, <http://www.pambazuka.org/en/category/advocacy/89111>

³⁵ Joint Press Release on the killing of Hassan Guyo, Kenya National Human Rights Commission and others, 16th August 2013

Freedom of Expression

During the period, two new bills concerning regulation of the media and communications continued to be debated in parliament. The Media Council Bill and the Kenya Communications (Amendment) Bill are expected to be passed before the end of this year. The Media Council Bill was materially amended in July 2013, following extensive consultations over numerous contentious clauses in the draft law.

In April 2013, two investigative journalists reported receiving anonymous death threats via telephone and social media. This followed their broadcast of a story suggesting foul play in a government official's death³⁶.

In September 2013, Robert Wanyoni, a TV journalist, received death threats following his coverage of wrongdoing at a hospital in the western Kenyan town of Bungoma³⁷.

Freedom of Association

The Public Benefits Organizations (PBO) Act 2013, which will govern both national and international NGOs operating in Kenya, is expected to enter into force in the near future. The Act provides a legal, regulatory and institutional framework for civil society organizations. The PBO Act will effectively repeal the NGO Coordination Act 1990, and includes a number of welcome changes. Section 4 of the new act makes the Government responsible for providing an enabling environment for public benefit organisations to operate.

There are however concerns that some provisions of the new Act may limit the space for civil society organisations, and specifically human rights defenders working on intrinsically sensitive issues.

Of notable concern is the granting of wide regulatory powers under the new Act and the provision for fines, suspension or cancellation of the registration certificate of an organisation which is deemed to be working in nonconformity of the Act or in a way that the Authority deems is contrary to the organization's own constitution. This could allow the regulator considerable discretion in determining which organisations are allowed to operate – a great concern for NGOs engaged in intrinsically sensitive work, such as LGBTI rights, and matters relating to the International Criminal Court.

Discussions remain ongoing regarding the accompanying rules and regulations to accompany the Act. It is hoped that these discussions will embrace the concerns of civil society groups.

RWANDA

Civil Society

NGOs and individual human rights defenders – particularly those engaged in the promotion and protection of human rights – continued to face serious threats and existential challenges during the period.

³⁶ Committee to Protect Journalists, "Two investigative journalists threatened in Kenya", 19th April 2013, <https://cpj.org/2013/04/two-investigative-journalists-threatened-in-kenya.php>

³⁷ Committee to Protect Journalists, "KTN reporter threatened for exposing hospital scandal", 5th September 2013, <https://www.cpj.org/2013/09/ktn-reporter-threatened-for-exposing-hospital-scan.php>

Gustave Sharangabo Makonene, coordinator of the Advocacy and Legal Advice Centre in Rubavu for Transparency International Rwanda, was murdered on 17th July 2013³⁸. Police have promised to investigate the horrific circumstances surrounding his death³⁹, but as yet no arrests have been announced.

On 21st July 2013, the leadership of the Rwandan League for the Promotion and Defence of Human Rights (LIPRODHOR) – a long-established and consistently independent national human rights organisation was transferred to an unlawfully elected new executive committee with the apparent support of the government body responsible for civil society oversight, the Rwandan Governance Board.

On 21st July 2013, a group of LIPRODHOR members held an unauthorised extraordinary general meeting at which the executive committee of the organisation was replaced. In contravention of LIPRODHOR's own governing statutes, the meeting was held without informing the executive committee, including the President and Vice-President, or the conflict resolution committee.

The meeting followed the withdrawal of LIPRODHOR and two other human rights organisations, the Association for the Defence of Human Rights and Public Liberties (ADL) and the Maison de Droit (MDD), from the national collective of human rights organisations, CLADHO, on 3rd July 2013, as a result of government interference in its internal affairs. This decision was cancelled during the meeting of 21st July.

The newly elected committee was recognized by the Rwanda Governance Board (RGB) despite complaints from the ousted committee, including a 23rd July decision by the conflict resolution committee declaring the general assembly to have been illegally held. LIPRODHOR's ousted president has since filed a legal challenge to the decisions taken at the 21st July meeting, namely to replace the executive committee and to rejoin CLADHO. As of October 2013, the substantive matter remains to be heard in court⁴⁰.

Political Freedoms

Parliamentary elections were held in Rwanda in September 2013. As universally predicted the ruling party of President Paul Kagame, the Rwandan Patriotic Front (RPF), maintained a large electoral majority, winning 76% of the vote, and 40 out of 53 directly elected seats⁴¹.

No serious challenger to the RPF was able to meaningfully participate in the elections. The leaders of two opposition parties, Bernard Ntaganda of the PS-Imberakuri, and Victoire Ingabire of the FDU-Inkingi, have both been imprisoned since 2010. The PS-Imberakuri, whilst able to register for the recent elections was taken over by a pro-RPF faction. Those loyal to its former leader Ntaganda have been "paralysed by constant threats and intimidation"⁴²

³⁸ Transparency International Press Release, 5th August 2013, http://www.transparency.org/news/pressrelease/ti_expresses_deep_sadness_over_the_murder_of_ti_rwand_a_member

³⁹ The New Times, Police investigate murder of TI Staff, 20th July 2013, <http://www.newtimes.co.rw/news/index.php?i=15424&a=68828>

⁴⁰ For further detail, please see: East and Horn of Africa Human Rights Defenders Project, "Rwanda: Independence of Civil Society undermined", 19th August 2013, <http://www.defenddefenders.org/2013/08/rwanda-independence-of-civil-society-undermined/>

⁴¹ BBC News, RPF wins parliamentary landslide, 17th September 2013, <http://www.bbc.co.uk/news/world-africa-24132887>

⁴² Human Rights Watch, Dispatches: Rwanda's Green Party registered at last- but what does it really mean?, 12th August 2013, <http://www.hrw.org/news/2013/08/12/dispatches-rwandas-green-party-registered-last-what-does-it-really-mean>

The Democratic Green Party was unable to participate in the recent elections⁴³. In September 2012, Frank Habineza, the president of the Democratic Green Party of Rwanda (who had fled the country in 2010 following the horrific murder of the Green Party's former vice-president, André Kagwa Rwisereka) returned to Rwanda to attempt to register his party prior to the Parliamentary elections of September 2013. The party had to postpone its congress planned for November 2012 because the government did not grant the necessary authorization. The party was finally granted registration by the Rwanda Governance Board on Friday 9th August 2013 – one working day before the deadline for parties to submit their candidate lists. The late registration meant that they were effectively unable to participate in the elections⁴⁴.

Child Soldiers and Cross-Border activities in Democratic Republic of Congo

In 2012 Rwanda was accused of providing military assistance to the M23 rebel movement in the Democratic Republic of Congo (DRC) by Human Rights Watch and the United Nations' Group of Experts on the DRC⁴⁵. In July 2013, the Rwandan government and military were again accused by the United Nations of providing continuous - but more limited - support to the M23⁴⁶. Between March and July 2013, Human Rights Watch documented widespread patterns of human rights violations by the M23, including summary execution, rape, and the forced recruitment of men and boys from inside Rwanda. Its report noted “regular movements from Rwanda into Congo of men in Rwandan army uniforms, and the provision of ammunition, food, and other supplies from Rwanda to the M23”⁴⁷

In June 2013, the US Department of State listed Rwanda as being complicit, by virtue of covert military support to M23, in the recruitment of child soldiers⁴⁸. On 23rd July 2013, the State Department noted “a credible body of evidence that supports the key findings of the Human Rights Watch report, including support by senior Rwandan officials to the M23 and of Rwandan military personnel in the D.R.C”⁴⁹

On 30th September 2013, the United States issued a de facto suspension of military aid to Rwanda, by failing to grant it a waiver for the use of child soldiers (under the prerogative of its own national security interest waiver).

⁴³ Democratic Green Party of Rwanda, “DGPR will not participate in the upcoming parliamentary elections”, 12th August 2013, <http://www.rwandagreendemocrats.org/news/dgpr-will-not-participate-upcoming-parliamentary-elections>

⁴⁴ Reuters, Rwandans vote but no contest seen for Kagame's party, 16th September 2013, <http://www.reuters.com/article/2013/09/16/us-rwanda-election-idUSBRE98F0E320130916>

⁴⁵ See: 1.) Addendum to the Interim report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2021 (2011), S/2012/348/Add. 1, 27th June 2012, and 2.) Human Rights Watch- “Rwanda should stop aiding war crimes suspect”, 4th June 2012, <http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-0>

⁴⁶ Midterm report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012), S/2013/433, 19th July 2013, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/433

⁴⁷ Human Rights Watch, “M23 Rebels Kill, Rape Civilians”, 22nd July 2013 <http://www.hrw.org/news/2013/07/22/dr-congo-m23-rebels-kill-rape-civilians>

⁴⁸ United States Department of State, Trafficking in Persons Report, <http://www.state.gov/j/tip/rls/tiprpt/2013/210544.htm>

⁴⁹ United States Department of State, Daily Press Briefing for 23rd July 2013 (Comments by Jen Psaki), <http://www.state.gov/r/pa/prs/dpb/2013/07/212358.htm>

SOMALIA

During this period, Somalia's Federal Government continued to publicly affirm its commitment to human rights. The government released its first ever Human Rights Roadmap in September 2013, aimed at improving the human rights situation in Somalia. This move was widely praised, including by the UN Independent Expert on the situation of human rights in Somalia, Shamsul Bari⁵⁰. At the 'Vision 2016' conference, held in Mogadishu in September, it was agreed that the government will promote a culture of integrity, transparency and accountability.

However, the human rights situation in Somalia during this period remained deeply troubling. Journalists and human rights defenders continued to be killed, and face harassment and intimidation in the course of their work.

There is an urgent need for the Somali Federal Government to move beyond rhetoric supporting human rights, and implement concrete measures to uphold human rights standards and protect human rights defenders.

Human Rights Defenders

On 13th July 2013 Abdi Farah Dhere, a prominent human rights defender and deputy chair of the Peace and Human Rights Network (PHRN/INXA), was killed in the semi-autonomous Puntland region of Somalia. He was gunned down by two unidentified men as he left a mosque in the northern part of Galkayo town⁵¹.

Freedom of expression and access to information

A draft media bill, approved by the Prime Minister's office in July 2013, poses a considerable threat to press freedom in Somalia.

The draft law would place the National Media Council under direct control of the Ministry of Information, eliminating its independence. Further, the law would allow for the suspension of foreign journalists from the country for breaching poorly defined media laws. The law includes broad and poorly defined 'offences', and allows judicial officers to order journalists to reveal their sources if the dissemination of the information stirs public sentiments.⁵² The Somali government has been criticised for failing to take on board the concerns of journalists as part of its public consultations on the law⁵³.

Attacks on journalists

At least six journalists have been killed in Somalia so far this year⁵⁴.

⁵⁰ Office of the High Commissioner for Human Rights, Somalia: UN expert hails Human Rights Roadmap, but calls on Government for broader consultation, 3rd September 2013,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13677&LangID=E>

⁵¹ East and Horn of Africa Human Rights Defenders Project, 'Somalia: Investigate killing of Puntland Human Rights Defender', 17th July 2013, <http://www.defenddefenders.org/2013/07/somalia-investigate-killing-of-puntland-human-rights-defender-2/>

⁵² Statement to the United Nations Human Rights Council on Situation in Somalia delivered by Abukar Albadri, 25th September 2013,

<http://www.defenddefenders.org/2013/09/statement-to-human-rights-council-on-situation-in-somalia/>

⁵³ Inter Press Service, "Media law hits Somali journalists", 20th August 2013, <http://www.ipsnews.net/2013/08/media-law-hits-somali-journalists/>

⁵⁴ Reporters Sans Frontieres, "Al-Shabaab terror continues to threaten news providers", 25th September 2013, <http://en.rsf.org/somalia-al-shabaab-terror-continues-to-25-09-2013,45232.html>

On Sunday 21st April 2013, journalist Mohamed Ibrahim Rageh was shot dead by unknown assailants outside his home in Dharkenley district, Mogadishu. Mr. Rageh was a reporter for the state-run Radio Mogadishu and Somali National Television. He returned to Mogadishu to continue his work as a journalist, after fleeing Mogadishu in September 2009 after a spate of killings⁵⁵.

On 7th July 2013, journalist Libaan Abdullahi Farah (also known as Libaan Qaran) was gunned down by two unknown assailants in Gassor neighbourhood, in northern Galkayo in the Puntland region of Somalia on his way home from work⁵⁶.

On 17th August 2013, radio technician Ahmed Sharif Hussein was killed by three assailants outside his home in the Shibis neighborhood of Mogadishu⁵⁷.

Restrictions on humanitarian assistance

Humanitarian access remains restricted due to ongoing conflict in large parts of the country. Al-Shabab continues to restrict humanitarian assistance in areas under its control.⁵⁸

On 14th August 2013, Medecins Sans Frontiers-MSF (Doctors Without Borders) closed all its projects in Somalia citing long series of threats, kidnappings, extreme violent attacks on its staff and murders.⁵⁹

Sexual and Gender Based Violence

Sexual and gender based violence remain endemic problems in Somalia. In August 2013 Amnesty International reported on widespread patterns of rape and sexual violence across the country during this period, and an entrenched culture of impunity for these crimes⁶⁰. Also in August 2013, the United Nation's Independent Expert on Somalia noted "reports of widespread sexual violence in Mogadishu and in other parts of Somalia" and also that "violence against women has occurred on a daily basis"⁶¹.

Puntland

Local council elections were scheduled to take place on 15th July 2013. However on 14th July 2013, the president of the Puntland state of Somalia issued a statement once again postponing

⁵⁵ New York Times, "Reporter for government radio is killed in Somalia", 21st April 2013, http://www.nytimes.com/2013/04/22/world/africa/reporter-for-government-radio-is-killed-in-somalia.html?_r=0

⁵⁶ East and Horn of Africa Human Rights Defenders Project, "Somalia: Ensure justice for murdered journalist", 9th July 2013, <http://www.defenddefenders.org/2013/07/somalia-ensure-justice-for-murdered-journalist-2/>

⁵⁷ Committee to Protect Journalists, "Veteran Somalia radio technician shot dead in Mogadishu", 19th August 2013, <https://www.cpj.org/2013/08/veteran-somalia-radio-technician-shot-dead-in-moga.php>

⁵⁸ Human Rights Watch World Report 2013, Somalia Country Chapter, Page 2, <http://www.hrw.org/world-report/2013/country-chapters/somalia?page=2>

⁵⁹ Medecins Sans Frontieres, "Why MSF Left Somalia", 20th August 2013, <https://www.doctorswithoutborders.org/publications/article.cfm?id=7008&cat=op-eds-articles>

⁶⁰ Amnesty International, "Rape and Sexual Violence in Somalia- An ongoing epidemic", 30th August 2013, <http://www.amnesty.org/en/library/info/AFR52/009/2013/en>

⁶¹ Report of the Independent Expert on the Situation of Human Rights in Somalia, Shamsul Bari, 16th August 2013, A/HRC/24/40, pp. 5 and pp.21.

the elections, citing threats to peace, security and stability. The elections have now been provisionally rescheduled for November 2013⁶²

There were outbreaks of serious violence in the weeks leading up to the cancelled local council elections. Violent clashes broke out at protests held against alleged electoral malpractices. On 14th July 2013, residents of several major towns in Puntland burned ballot boxes that they said had been pre-filled and sealed. The residents also claimed that the Election Committee had not announced the locations of polling stations where residents would cast their votes. Five people were reported to have been killed and more than ten wounded in fighting in the city of Gardo between the residents and government troops on Sunday 14th July.

The Puntland administration frequently and arbitrarily arrested and detained journalists especially those reporting on sensitive political issues. On 21st September 2013, the Puntland minister of Information, Communication, Culture and Heritage, Hon. Ahmed Sheikh Jama announced the closure of Universal Television, based in London for an indefinite period for failure to broadcast live coverage of the speech by the Puntland president during the New Deal Conference in Brussels, Belgium on 16th September.⁶³

SOMALILAND

In April 2013, Somaliland signed an agreement with the Federal Government of Somalia, following presidential level talks. In August 2013, the United Nation's Independent Expert on Somalia noted that whilst there were clear signs of social and economic progress in most parts of Somaliland, "political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights to justice and to freedom of expression and of the media"⁶⁴.

Freedom of Expression

In April 2013, Yasiin Jama, a journalist working for Universal TV was arrested on government orders in Berbera, Somaliland for allegedly reporting about irregularities in the exploration of oil and other resources⁶⁵

In June 2013, a court ordered the suspension of the independent daily newspaper Hubaal at the request of the acting Attorney General. On 3rd July 2013, a Somaliland court convicted Hubaal's manager and editor of defamation and sentenced them to prison. Editor Hussein Hassan Abdullahi received a two year sentence, while the paper's manager Mohamed Ahmed Jama, received a one year sentence for defamation and 'false publication of news capable of disturbing

⁶² Sabahi, "Somaliland election commission sets date for local council elections", 15th August 2013, http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/08/15/feature-02

⁶³ International Freedom of Expression Exchange Clearing House, Press Release, " Somalia: Puntland TV Station Closed for Not Airing Live Presidential Speech, <http://allafrica.com/stories/201309251294.html>

⁶⁴ Report of the Independent Expert on the Situation of Human Rights in Somalia, Shamsul Bari, 16th August 2013, A/HRC/24/40, pp. 14

⁶⁵ See, 1.) Somaliland Press, "Somaliland: the arrest of Yasin Jama Ali, journalist, violates the freedom of the press", 9th April 2013, <http://somalilandpress.com/somaliland-the-arrest-of-yasin-jama-ali-journalist-violates-the-freedom-of-the-press-40949>, and 2.) Report of the Independent Expert on the Situation of Human Rights in Somalia, Shamsul Bari, 16th August 2013, A/HRC/24/40, pp. 16

public order'⁶⁶. Both were later released, and are appealing against their sentences. In August, the newspaper was allowed to reopen following a Presidential pardon.

Detention of civilians by military courts

On 1st April 2013, the Somaliland Military Court of Appeal commuted the sentences of 22 civilians who had been controversially sentenced to death and life imprisonment by the Military Court of Hargeisa. The lower court had convicted the 22 men of “armed insurrection against the power of the State” following an attack in May 2013 on a military camp, thus allowing it to claim jurisdiction over civilians during peacetime⁶⁷. The appeal court overturned all death sentences, and reduced the sentences to between 15-20 years.

SOUTH SUDAN

As reflected in the June 2013 report of the Office of the UN High Commissioner for Human Rights, South Sudan has taken some positive steps in this period, including the incorporation of human rights norms and standards from key international human rights conventions in the transitional Constitution of South Sudan⁶⁸.

However, the same report noted an inability on the part of the government to guarantee these very rights, linked in part to ongoing conflict in parts of the country. A pattern of grave human rights violations against civilians by Sudan People’s Liberation Army (SPLA) soldiers fighting a Murle rebel group in Jonglei state was reported by Human Rights Watch in September 2013⁶⁹.

Other major areas of concern during this period include concerted clampdowns on journalists, lawyers, and human rights defenders. President Salva Kiir’s decision to dismiss his entire cabinet on 24th July 2013 caused a period of instability and vulnerability for the new state. It is imperative that human rights standards be respected by the state, and the rule of law be upheld, in order for South Sudan to move beyond its current impasse.

Human Rights Defenders

In August 2013, a group of five prominent South Sudanese advocates petitioned the Supreme Court of the Republic of South Sudan to challenge the constitutionality of an order from the Chairperson of the Sudan People’s Liberation Movement (SPLM) to restrict the freedom of movement and expression of the Secretary General of the SPLM. Shortly thereafter, two of the advocates began to receive text messages threatening their lives and the lives of their families⁷⁰.

Freedom of Expression

In its June 2013 report to the Human Rights Council, the OHCHR noted “serious constraints on the right to freedom of expression and assembly, with threats and attacks against journalists and civil society actors when perceived to be critical of or in opposition to the Government.

⁶⁶ Committee to Protect Journalists, “In Somaliland, Hubaal journalists sentenced to jail”, 3rd July 2013, <https://www.cpi.org/2013/07/in-somaliland-hubaal-journalists-sentenced-to-jail.php>

⁶⁷ Sabahi, “Somaliland Court Commutes Death Penalty Sentences”, 3rd April 2013, http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/04/03/newsbrief-04?change_locale=true

⁶⁸ Office of the High Commissioner for Human Rights, Progress of technical assistance and capacity-building for South Sudan in the field of human rights, A/HRC/23/31, 4th June 2013

⁶⁹ Human Rights Watch, “South Sudan’s army must be held accountable”, 13th September 2013, <http://www.hrw.org/news/2013/09/13/south-sudan-s-army-must-be-held-accountable>

⁷⁰ South Sudan Law Society, Press Release, 15th August 2013

Media laws have been under development for some time, but are still under parliamentary review, where amendments have been proposed to improve protection ”⁷¹

In May 2013, Michael Koma, the Managing Editor of Juba Monitor Newspapers, and Alfred Taban, the Editor-In-Chief of the same newspaper, were arrested, detained, and interrogated on the orders of the Deputy Minister of Interior, whom the newspaper had accused of killing a traffic officer⁷².

In late July 2013, following the President's decision to dismiss his cabinet, two Ugandan journalists were arrested, detained for five days in military conditions, and forced to delete all of their materials⁷³

Civil Society and Freedom of Association

During this period, a draft bill on Voluntary and Non-governmental Humanitarian Organizations was tabled before Parliament in May 2013. Subsequently, the Bill has gone through several readings and is expected to come into force soon.

The draft law is problematic, with the potential to restrict the operating space for human rights NGOs. The manner in which the Bill defines the organisations it regulates is vague and ambiguous. As noted by a civil society working group on the VHO Bill, it is not clear whether the Bill is meant to regulate the *full* spectrum of civil society organizations or whether it is narrowly targeted to those organizations that provide humanitarian relief⁷⁴.

Section 25 of the Bill states that organizations carrying out research or educational activities can be punished with a five thousand pound fine and six-month prison sentence for failing to register under the legislation.

In May 2013, a group of civil society organisations wrote to the government to voice concerns over the Bill. They raised concerns over the clause stipulating that humanitarian organisations should not 'interfere in the internal affairs of the country', annual registration fees, and annual renewal requirement under Article 30⁷⁵.

In the same letter, the civil society organisations also questioned the provision that the government registrar should supervise the electoral process of the boards of humanitarian organisations under Article 14(2)(a) of the bill.

Further problems include the bureaucratic and multi-stage processes for registration (at both national and local level) under Article 18 of the Bill.

SUDAN

The human rights situation in Sudan deteriorated dramatically during the period. There were ongoing and egregious violations of international human rights and humanitarian law in Darfur, Northern and Southern Kordofan and Blue Nile. In Southern Kordofan and Blue Nile, evidence indicates that Sudanese government forces continue to carry out indiscriminate aerial bombardment and shelling in civilian areas, in violation of international humanitarian law.

⁷¹ Ibid, above note 66.

⁷² South Sudan Human Rights Society for Advocacy, Press Release, 10th May 2013

⁷³ Human Rights Network for Journalists- Uganda, Press Release, 31st July 2013

⁷⁴ Civil Society Working Group on the VHO Bill, Statement on the VHO Bill (unpublished)

⁷⁵ The New Nation, “Civil Society raises concerns over new NGO bill”, 26th May-9th June 2013 edition

Satellite images obtained by Human Rights Watch show the wholesale destruction of villages during an April 2013 attack in Central Darfur⁷⁶.

Spontaneous protests erupted across Sudan in late September 2013 following a rise in fuel prices, resulting in mass arrests, further closure and censorship of national newspapers, an internet blackout, credible reports of at least 170 deaths at the hand of state security forces, and many hundreds of people (including journalists, lawyers and human rights defenders) arrested and detained by state security forces.

Freedom of Assembly

On September 22nd 2013 spontaneous protests erupted in Wad Madani in central Sudan, after President al-Bashir announced the end of state fuel subsidies, which effectively doubled the price of fuel. Mass protests rapidly spread to other parts of the country, prompting a violent and wildly disproportionate response from state security forces.

The African Centre for Justice and Peace Studies has confirmed and corroborated at least 170 deaths at the hands of state security forces, and the use of “excessive and disproportionate force, including live ammunition and tear gas, to disperse demonstrators”⁷⁷.

Human Rights Defenders

The scale and severity of the clampdown on human rights defenders in Sudan during this period cannot be overstated.

On 24th September 2013, Khartoum University student Abubaker Alnour Hamad was shot and killed by the National Intelligence and Security Services whilst demonstrating in the Shambat neighbourhood in Khartoum Bahri. The following day, Musab Mustafa Muhi Eldein was shot and killed whilst filming a demonstration in the Banat neighbourhood of Omdurman. Eldein, a known artist and activist, was shot by a NISS officer who, according to eyewitnesses, approached his body after firing the first shot and shot him twice again at close range. Dr. Salah Mudathir Sanhoury, was shot and killed on 27th September while participating in a demonstration in the Buri neighbourhood of Khartoum. Hamad and Dr Sanhoury were both known active volunteers with the Nafeer initiative. Nafeer is a youth-led volunteer initiative which was set up in 2013 to support communities affected by flooding and is estimated to have at least 5,000 members⁷⁸.

In addition to those killed, at least 23 human rights defenders have been arrested as a direct result of the recent protests, and detained by the National Intelligence and Security Services without access to lawyers, families or friends⁷⁹.

Political Freedoms

The Government continues to use the National Intelligence and Security Services (NISS) and other security forces to harass and arbitrarily detain perceived opponents of the ruling National Congress Party (NCP). The National Consensus Forces (NCF, a coalition of opposition parties)

⁷⁶ Human Rights Watch, “Sudan: Satellite images confirm villages destroyed”, 18th June 2013, <http://www.hrw.org/news/2013/06/18/sudan-satellite-images-confirm-villages-destroyed>

⁷⁷ African Centre for Justice and Peace Studies, “Bloody repression of protests in Sudan: FIDH and ACJPS call upon the African Union to Send an Urgent Commission of Inquiry”, 1st October 2013, <http://www.acjps.org/?p=1641>

⁷⁸ Joint Statement by African Centre for Justice and Peace Studies and East and Horn of Africa Human Rights Defenders Project, 4th October 2013, <http://www.defenddefenders.org/2013/10/sudan-guarantee-safety-and-give-access-to-detained-human-rights-defenders/>

⁷⁹ Ibid.

continued to report harassment and intimidation at the hands of state security forces in South Darfur throughout this period.⁸⁰

Amnesty International reported that a wave of arrests took place between the night of Monday 30th September and the early hours of Tuesday 1st October. According to its research, 800 “activists, members of opposition parties, journalists, and others” were arrested.⁸¹

Freedom of Expression

The Sudanese government continued to increase restrictions on freedom of expression during the period, in what appears to be a concerted effort to shut down independent dialogue. The NISS and other security forces continued to arbitrarily detain perceived opponents of the ruling party, censor media and shut down public forums and protests⁸².

Specifically, on 3rd April 2013, NISS re-imposed direct pre-printing censorship on at least four independent daily newspapers: al-Ayyam, al-Sahafa, al-Khartoum, and al-Youm al-Tali⁸³.

On 25th September 2013, there was a total internet blackout in Sudan – the largest blackout globally since Egypt’s internet blackout in January 2011. Analysts concluded that the pattern of the mass disconnection suggested a “co-ordinated action to remove Sudan from the internet”⁸⁴.

On 2nd July 2013, a Scottish correspondent with Bloomberg fled the country in fear of his life, having been assaulted, threatened and arbitrarily detained after covering a meeting by the Umma opposition party⁸⁵

TANZANIA

During this period Tanzania embarked on a constitutional review process. A Constitutional Review Commission (CRC) was established in April 2013, and in May Commissioners were sworn in. The Commission released the first draft of the new Constitution in May 2013 and according to the Tanzanian Human Rights Defenders Coalition, the Constitution does not recognize the role of human rights defenders nor does it have any provisions protecting HRDs. The review process is due to be completed by October 2013.

Human Rights Defenders

During this period, there have been several incidents where human rights defenders and journalists have been targeted by state security forces. In May 2013, residents of Mtwara town were protesting the piping of natural gas from Mtwara to Dar es Salaam, claiming that it would not benefit them. The Tanzania People’s Defence Forces intimidated journalists, demanding that

⁸⁰ Radio Dabanga, printed in All Africa, “Sudan: National Consensus Forces Appeal to Citizens of South Darfur to Demonstrate Against Arrests”, 3rd October 2013, <http://allafrica.com/stories/201310040226.html>

⁸¹ Amnesty International, “Sudan escalates mass arrests of activists amid protest crackdown”, 2nd October 2013, <http://www.amnesty.org/en/news/sudan-escalates-mass-arrests-activists-amid-protest-crackdown-2013-10-02>

⁸² Statement to the Human Rights Council on Sudan, delivered by Mr. Hassan Shire, Executive Director of the East and Horn of Africa Human Rights Defenders Project, 25th September 2013, text available at <http://www.defenddefenders.org/2013/09/statement-to-the-human-rights-council-on-sudan/>

⁸³ Human Rights Watch, “Sudan: Stepped up assault on media freedom”, 3rd May 2013, <http://www.hrw.org/news/2013/05/03/sudan-stepped-assault-media-freedom>

⁸⁴ Renesys, “Internet blackout in Sudan”, 25th September 2013, <http://www.renysys.com/2013/09/internet-blackout-sudan/>

⁸⁵ Committee to Protect Journalists, “Sudan detains and threatens Bloomberg correspondent”, 17th July 2013, <https://www.cpi.org/2013/07/sudan-detains-and-threatens-bloomberg-corresponden.php>

they do not report on the incident. Kassimu Mikongolo, a journalist, lost all his property during the demonstration.

The government has made overt threats against human rights defenders. In April 2013, the Minister of Tourism and Natural Resources, Khamis Kagasheki, in an interview on BBC threatened that he had a list of all activists who were behind the Loliondo land eviction saga. The minister repeated this statement threatening action on the activists in parliament on 2nd May 2013 while responding to members of parliament concerned about the Loliondo land issue.

Freedom of Expression

Tanzania continued to regulate the media with laws that are contrary to its Constitution and international law. The Newspaper Act, National Security Act and Penal Code were used to suppress media freedom. On Friday 27th September 2013, Tanzanian authorities banned Mwananchi and MTanzania newspapers for fourteen and ninety days respectively. This brings the total of banned newspapers to three after Mwanahalisi tabloid was banned in July 2012 for allegedly publishing seditious articles likely to incite violence and jeopardize peace following the beating of Dr. Steven Ulimboka, chairperson of the Special Committee of Doctors and leaders of the doctors' strike.

State impunity following murder of journalists

A number of journalists have been murdered with the state slow to hold the perpetrators accountable in line with international human rights standards. On 5th March 2013, Mr. Absalom Kibanda, Chairman of Tanzania Editor's Forum and Managing Editor of New Habari (2006) Corporation, was attacked by unknown people, a few meters from his residence in Mbezi beach and seriously injured. To date, the attackers have not been arrested despite the fact that the police in Dar es Salaam formed a nine-strong committee to investigate the beating of the senior journalist.

A year after veteran television journalist, David Mwangosi was killed by police while covering an opposition rally in the rural areas of Nyololo village in Iringa region, little has been done to bring the perpetrators to justice. One junior officer was arrested and has since been on remand. Other six officers who were captured on video and in camera as being involved in the fight were never charged.

The perpetrators responsible for the attack on Dr. Stephen Ulimboka, the leader of the doctors' strike in Tanzania last year, have not been apprehended. The first suspect was acquitted in July this year.

UGANDA

During this period, the Ugandan government accelerated its clampdown on freedom of assembly, civil society, and independent journalists.

Human Rights Defenders

A national coalition for human rights defenders was formed in June 2013 in Uganda. Over fifty grassroots human rights defenders from across Uganda contributed to developing the coalition's vision, objectives, and a plan of action and a declaration, aimed at enhancing the protection and co-ordination of HRDs. The coalition extends nationwide, and includes HRDs representing numerous minority groups. The formation of this coalition marks a historic

moment for Ugandan civil society, and represents a major step forward in strengthening the work of human rights defenders across Uganda.⁸⁶

However despite these positive steps towards the promotion of human rights, the space for civil society in Uganda continues to shrink.

Freedom of expression

Journalists, opposition leaders and activists critical of the government continue to face intimidation, harassment and trumped up charges. The Human Rights Network for Journalists (HRNJ) continues to report regular cases of harassment faced by the journalists. According to the Amnesty International annual report on Uganda⁸⁷, published in May 2013, seventy journalists reported physical attacks.

On 20th May 2013, Ugandan police raided the premises of four media offices and blocked the broadcast of two radio stations. Police began raids on the offices of the Monitor Publications Limited (MPL) in Namuwongo, Kampala, as well as those of the Red Pepper Newspaper in Namanve, a suburb neighbouring Kampala. Broadcasts of the MPL-owned English-language KFM Radio 93.3 and Luganda-language Dembe FM 90.4 were blacked out. Printing presses servicing the Daily Monitor and Red Pepper Newspaper were also switched off. The intent of the raids was allegedly the recovery of a leaked letter dated 29th April 2013 authored by General David Sejusa (formerly General Tinyefuza) claiming the son of President Yoweri Museveni, Brigadier Muhoozi Kainerugaba, was being groomed to succeed his father in power. The leaked letter, widely reported on and discussed in the media over the past week, went on to claim that internal opponents to the 'Muhoozi Project' were being targeted for assassination.⁸⁸

Although the media houses eventually re opened after eleven days, the incident showed an alarming disregard for media freedoms and freedom of expression, as enshrined in the Ugandan Constitution.

Freedom of assembly

On 6th August 2013, the Public Order Management Bill was passed into law by parliament. The Bill will become an Act of Parliament when the president assents to it. The final Bill that was passed has up to date not been published despite continuous calls by different stake holders to do so.

The Bill caused much public uproar as it required the organizers of a public meeting in a public place discussing "principles, policy, actions or failure of any government, political party or political organisation", to give notice in writing to the Inspector-General of Police of their intention to hold such a meeting at least seven days in advance but not more than fifteen days before the proposed date. The government says that the law is aimed at maintaining peace and stability for economic development through ensuring order during demonstrations that often turn violent.

The 2011 version of the Bill defined a public meeting as a group of three or more people. This Bill is seen as unduly limiting the freedom of expression, peaceful assembly and association.

⁸⁶ East and Horn of Africa Human Rights Defenders Project, "National Coalition for Human Rights Defenders Uganda launched", 14th June 2013, <http://www.defenddefenders.org/2013/06/kampala-national-coalition-for-human-rights-defenders-uganda-launched/>

⁸⁷ <http://www.amnestyusa.org/research/reports/annual-report-uganda-2013>

⁸⁸ East and Horn of Africa Human Rights Defenders Project, "Uganda: Halt Crackdown on Media Houses in Kampala", 20th May 2013, <http://www.defenddefenders.org/2013/05/uganda-halt-crackdown-on-media-houses-in-kampala/>

National Action Plan

In August 2013, the Uganda Human Rights Commission (UHRC) launched the country's first National Action Plan (NAP) for improving the protection and promotion of human rights. UHRC Chairperson, Med Kaggwa, said that Uganda had pledged it during, during a UN review meeting held in Geneva in 2011. The plan is a sign to commitment by Uganda to human rights including civil, political, economic, social and cultural rights.⁸⁹

⁸⁹ The Observer, "National Action Plan on Human Rights Unveiled", 15th August, 2013, http://www.observer.ug/index.php?option=com_content&task=view&id=26985&Itemid=114