



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

Overview of the Human Rights Situation in the East and Horn of Africa April 2014- April 2015

Report submitted to the 56th 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 56th 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 2014 to April 2015*.

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. Due to the cancellation of the scheduled ACHPR session in October 2014, this report covers the full twelve-month period since the 55th Ordinary Session of the ACHPR, held in Luanda, Angola, in April 2014.

The past year 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 (HRDs) 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, counter-terrorism laws were passed, and/or wilfully misapplied to target the work of journalists and human rights defenders. Across the region, administrative and bureaucratic obstacles were used by governments to disrupt the work of human rights defenders and journalists. In many countries, including Sudan and South Sudan, brutal armed conflicts resulted in appalling human rights abuses against civilian populations.

In **Burundi**, the operating space for human rights defenders, and for civil society more generally, continued to narrow, with a number of activists and journalists targeted for arrest and detention throughout 2014.

In **Eritrea**, the United Nations Human Rights Council decided to establish a landmark commission of inquiry to investigate alleged violations of human rights in Eritrea. At the time of writing, the government of Eritrea had failed to cooperate with the commission.

In **Rwanda**, fundamental civil and political rights continued to shrink, as the ruling Rwandan Patriotic Front appeared to further entrench its political dominance ahead of Presidential elections in 2017.

In **Sudan**, More than 450,000 people have fled violence in Darfur since the beginning of 2014, and ongoing armed conflicts in South Kordofan, and Blue Nile states resulted in large numbers of civilian deaths and displacement.

In **Uganda**, as the country edges closer to 2016 general elections, there are reports that the government has become increasingly hostile towards civil society.

In **South Sudan**, civilians are caught in the midst of a humanitarian and human rights crisis of almost unimaginable proportions, and one which has so far failed to receive adequate attention from the regional and international community.

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 smear, undermine, and disrupt the legitimate activities of civil society. These attacks take many forms: from threats against activists in **South Sudan**, to the jailing of prominent human rights defenders and journalists in **Burundi**, to the public smearing and targeting of legitimate human rights organisations in **Kenya**, on the basis of wholly spurious links to terrorist organisations.

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 action by the African Commission on Human and Peoples' Rights:

- Call on member States to ensure the protection of human rights defenders, 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 fundamental rights contained in the Charter which are vital for the work of human rights defenders, in particular the freedom of expression, the freedoms of assembly and association;
- 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;
- Call upon the African Union Peace and Security Council to release the report of its own Commission of Inquiry on South Sudan, in an attempt to deliver the first steps in accountability for the many egregious human rights violations and violations of international law that have been committed in South Sudan since December 2013;
- 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 or conflict 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

During the period from April 2014 to April 2015, the human rights situation in Burundi deteriorated sharply. There was a dramatic escalation in political violence across the country, most notably by the youth wing of the ruling CNDD-FDD party. In tandem, the operating space for human rights defenders, and for civil society more generally, continued to narrow, with a number of activists and journalists targeted for arrest and detention.

In February 2015, Human Rights Watch documented 'at least 47 extrajudicial executions between December 30, 2014, and January 3, 2015, following a clash with an armed group in the northwestern province of Cibitoke'¹.

Human Rights Defenders and Civil Society

Human Rights Defenders in Burundi are operating in what is now one of the most restrictive and hostile environments in East Africa. Throughout the course of 2014, EHAHRDP undertook a major research project, culminating in a 56 page report, entitled "*2015: Burundi at a Turning Point*"². The report documented a worsening pattern of harassment, intimidation, threats, and legislative reforms, all targeting Burundian human rights defenders. In advance of elections scheduled to begin in May 2015, these trends appear to be worsening.

The relationship between civil society and the Burundian authorities dramatically deteriorated during the course of 2014 and early 2015. State authorities increasingly sought to portray human rights defenders and members of civil society as being 'enemies of the state', and routinely claimed that legitimate criticism of the government's practices stemmed from an affiliation to the political opposition. Throughout this 12 month period, numerous attempts were made by the government to discredit independent civil society voices, as well as to stifle the activities of human rights defenders through overt harassment and intimidation.

In May 2014, internationally renowned human rights defender Pierre Claver Mbonimpa of the *Association for the Protection of Human Rights and Detained Persons* (APRODH) was arrested, detained, and charged with 'endangering state security'. Following an enormous international outcry³, he was eventually released on September 29th 2014 on medical grounds.

In November 2014, Mr Michel Forst, the *United Nations Special Rapporteur on the Situation of Human Rights Defenders*, conducted an extensive official visit to Burundi in order to assess the operating environment for human rights defenders. In his public statement at the end of his visit, Mr Forst expressed his concerns about the serious obstacles HRDs face. In April 2015, United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein undertook a three-

¹ See "Burundi: Summary Executions by Army, Police", Human Rights Watch, 12th February 2015, <https://www.hrw.org/news/2015/02/12/burundi-summary-executions-army-police>

² Full report available to view online at: <http://www.defenddefenders.org/wp-content/uploads/2015/02/burundi-2015-en.pdf>

³ See EHAHRDP's own statement on Pierre Claver Mbonimpa's detention: "Burundi: Release Human Rights Defender Pierre Claver Mbonimpa", EHAHRDP, 27th May 2014, <http://www.defenddefenders.org/2014/05/burundi-release-human-rights-defender-pierre-claver-mbonimpa/>

day visit to Burundi – his first official country visit as the United Nations top human rights official.

Freedom of Expression

At least five journalists have been subjected to legal action since April 2014, and asked to reveal their sources. Several human rights defenders have been exposed to legal harassment, whereby they are repeatedly summoned to court for no particular reason. In January 2015, Burundian authorities arrested and detain Bob Rugurika, the director or *Radio Publique Africaine* (RPA), following RPA's broadcast of a series of investigative reports into the September 2014 murderers of three Italian nuns in the country. Following widespread national and international outcry, Rugurika was released on bail on February 18th 2015.

Freedom of Assembly

As indicated in EHAHRDP's previous report to the 55th Ordinary Session of the ACHPR, in December 2013, a new law on Public Gatherings Law was passed. The new law, in practice, restricts freedom of assembly by allowing for peaceful protests and public meetings to be denied authorisation if they pose a threat to public order. 'Public order' is loosely defined as anything touching upon the "*organisation of the nation, the economy, morality, health, security, public peace and the rights and freedoms essential to every individual*". During his academic visit in July 2014, Maina Kiai, the UN Special Rapporteur on the Freedoms of Peaceful Assembly and of Association, expressed his concern over the use of this law⁴. In practice, the law has been used by the authorities to systematically refuse public meetings or peaceful marches organised by civil society. 'Threatening public order' has become the most common reason for denying the right to organise public meetings or peaceful marches. In 2014, authorities intervened to prevent two meetings organised by the Burundian Bar Association from taking place. Some NGOs, faced with categorical refusals from the authorities, were unable to hold a single public meeting in 2014⁵.

DJIBOUTI

During this period, human rights continued to be severely curtailed in Djibouti, with political freedoms and freedoms of expression being most notably restricted. Djibouti was ranked number 170, of 180, in the 2015 Reporters Without Borders Press Freedom Index (a drop of one place, since the 2014 Index). In November 2014, there were reports from the isolated country, of demonstrations against leader Ismaïl Omar Guelleh⁶.

In August 2014, Mohamed Ibrahim Waiss, a journalist with the radio station 'La Voix de Djibouti', was arrested and detained in Djibouti City, and accused of 'incitement and publishing

⁴ Radio Isanganiro, "Burundi: l'ONU de plus en plus en colère face à l'espace politique verouillé", 22 July 2014, <http://www.isanganiro.org/spip.php?article7332>

⁵ EHAHRDP Interviews, July, September and November 2014

⁶ See , "The overthrow of Blaise Compaoré sparks protests against Djibouti's leader", Public Radio International, 5th November 2014, <http://www.pri.org/stories/2014-11-05/overthrow-blaise-compaor-sparks-protests-against-djiboutis-leader>

false news⁷. This followed his coverage of a demonstration organized by a coalition of opposition political parties.

Camp Lemonnier and Involvement with US Extraordinary Rendition

Djibouti's international airport continues to host the United States Naval Expeditionary Base, Camp Lemonnier, which is a known base for the United States' drone operations in Yemen and elsewhere. The 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 operations,⁸ and as such is complicit in violating international law. In May 2014, The United States and Djibouti signed a 10-year lease on Camp Lemonnier⁹. In October 2014, the African Commission on Human & Peoples' Rights rejected a complaint (on admissibility grounds) concerning Djibouti's alleged involvement in the extraordinary rendition and mistreatment of a Yemeni national¹⁰.

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 virtually 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.

In recognition of the gravity of the human rights situation in Eritrea, in a landmark move, in June 2014 the United Nations Human Rights Council decided to establish a commission of inquiry to investigate all alleged violations of human rights in Eritrea. The mandate of the Commission of Inquiry on Human Rights in Eritrea includes violations of international human rights law committed since the country became an independent State. In its oral update to the Human Rights Council in March 2015, the Commission noted that "*the Government of Eritrea has so far not cooperated with the Commission and has left unanswered our repeated requests to visit the country and to obtain additional information that would be relevant for its investigation*"¹¹.

Freedom of Expression

⁷ See: "Police arrest Djibouti journalist covering demonstration", Committee to Protect Journalists, 12th August 2014, <https://cpj.org/2014/08/police-arrest-djibouti-journalist-covering-demonstr.php#more>

⁸ 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>

⁹ See, "US signs long-term lease for military base in Djibouti", Voice of America, 5th May 2014, <http://www.voanews.com/content/us-expands-presence-in-strategically-located-djibouti/1907900.html>

¹⁰ Al-Asad v. Djibouti, decision available to view at: <http://www.achpr.org/communications/decisions/383.10/>

¹¹ See Oral Update by Mr. Mike Smith, Chair of the Commission of Inquiry on Human Rights in Eritrea at the 28th session of the Human Rights Council, 16th March 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15699&LangID=E#sthash.Rrt4FueR.dpuf>

Eritrea was ranked last globally (180/180) in the 2015 Reporters without Borders Press Freedom Index.¹² It has held this position for the past eight years, and at present, at least 16 journalists are detained. Many have been held incommunicado for over a decade. In 2014 alone, Reporters Without Borders reported receiving approximately 30 requests for international protection filed by Eritrean journalists who had fled their country¹³.

The Eritrean government appears determined to maintain a complete blackout on news and information, and independent journalism is effectively non-existent in the country. The country has no privately owned media, and media based in the diaspora constitute the only source of independent news coverage of the situation of Eritrea.

The independent press was effectively closed by the government in 2001, through the revocation of licenses and mass arrests of editors and publishers, several of whom are reported to have died in detention¹⁴. 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. As noted by the UN Commission of Inquiry on Eritrea in March 2015, "*the Government has curtailed most freedoms, from movement to expression; from religion to association. It has created a condition in which individuals feel that they have hardly any choice with regard to the main decisions in their lives: where to live, what career to pursue, when to marry or who to worship*"¹⁵.

Defectors have repeatedly described 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 the formation of NGOs is effectively prohibited. Political organization is restricted to the ruling party, the Peoples Front for Democracy and Justice (PFDJ). Unions are prohibited, except for PFDJ subsidiaries.

National Service

Young people are conscripted into the military without any prospect of demobilization. Once they complete military training, they are assigned to various Government sectors, including in the civilian administration. In its update to the UN Human Rights Council in March 2015, the UN Commission of Inquiry on Eritrea commented, "*national service is universal and of an indefinite duration. Most Eritreans have no hope for their future: national service, whether in a military unit or in a civil assignment, is the only thing that from the age of seventeen they can expect to spend*

¹² Reporters Without Borders, Press Freedom Index 2014, <https://rsf.org/index2014/en-index2014.php>

¹³ See, Reporters Without Borders, Press Freedom Index 2015, Country details on Eritrea, <http://index.rsf.org/#!/index-details/ERI>

¹⁴ Human Rights Watch, World Report 2013, Eritrea Country Chapter <http://www.hrw.org/world-report/2013/country-chapters/eritrea?page=2>

¹⁵ Ibid. Above note 11.

their life doing – paid between less than one and a maximum of two dollars a day. On such wages, they struggle to fulfil their basic needs, let alone think about raising a family”.

Prison Conditions

Eritrea's prisoners suffer in inadequate and inhumane detention facilities, 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.

ETHIOPIA

From April 2014 to present, ongoing and severe restrictions on freedom of expression, association and assembly continue to mark Ethiopia as one of the most challenging countries in the sub-region for human rights defenders. As the 55th Session of the ACHPR was being held in Angola last year, nine journalists and bloggers were arrested and detained, in one of the most egregious assaults on freedom of expression ever seen in Ethiopia. All nine remain detained at the time of writing.

The *Charities and Societies Proclamation* (2009), one of the strictest laws regulating civil society anywhere in the world, continued to impose strict parameters on the work of human rights NGOs in Ethiopia. Since the law's enactment six years ago, human rights organisations and organisations working on other rights-based areas are only allowed to receive 10% of their funding from foreign sources. The remaining 90% must be raised domestically- a condition that is effectively impossible in Ethiopia, subsequently leading to the wholesale implosion of large swathes of civil society. In addition, all domestic fundraising activities must be pre-approved by the Charities and Societies Agency. Details of organisations' members and donors must be provided to the government, adding a further layer of government oversight.

Throughout 2014, the sweepingly broad provisions of the Anti-Terrorism Proclamation (2009) has been used to target- and, specifically, to jail- journalists and other human rights defenders. Those detained under this law include members of opposition groups, journalists, bloggers, peaceful protesters, and others seeking to express their rights to freedom of assembly or expression.¹⁶

Human rights defenders, independent journalists and civil society organisations in Ethiopia are subject to some of the most draconian and repressive legal restrictions in the world. Deliberately misapplied restrictions on freedom of expression and peaceful assembly have contributed to an environment in which conducting human rights work has effectively been criminalized.¹⁷ In its Universal Peer Review held in May 2014 by the UN Human Rights Council,

¹⁶ See, United Kingdom Foreign & Commonwealth Office, Human Rights & Democracy Report 2013.

¹⁷ See HRW: Ethiopia: Media Freedom in decline, 6th March 2015:
<http://www.hrw.org/news/2015/03/05/media-freedom-decline>

Ethiopia continued to reject recommendations to eliminate obstacles to development of nongovernmental organisations including financial restrictions and also failed to respond to individual invitation requests by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association in 2011 and 2013.¹⁸

Attacks on Human Rights Defenders

In a bid to further stifle media freedoms, the Ethiopian government has intensified its digital attacks targeting independent press, nongovernmental organizations and journalists. Quoting Ms. Cynthia Wong, Senior Internet Researcher at Human Rights Watch, "*Ethiopia's government has over the past year intensified its assault on media freedom by systematically trying to silence journalists. These digital attacks threaten journalists' ability to protect the safety of their sources and to avoid retaliation.*"¹⁹ With such software governments can have access to computer files including emails and sensitive information that may endanger the lives of human rights defenders.

Temesgen Desalegn, an Ethiopian editor and former editor of Feteh, a defunct weekly newspaper faced up to 10 years in prison after being convicted of 'inciting the public against the government' through his newspaper articles. On 13th October 2014, he was convicted by the Federal High Court on charges that also included defaming the government and distorting public opinion, after being on trial for two years. On 27th October 2014, he was sentenced to 3 years in prison.²⁰

In October 2014, three magazine owners: Endalkachew Tesfaye of the Addis Guday magazine, Fatuma Nuriya of Fact and Gizaw Taye of Lomi were sentenced in absentia to sentences ranging from three years and three months to three years and eleven months. They were charged with "inciting violent revolts, printing and distributing unfounded rumours and conspiring to unlawfully abolish the constitutional system of the country." In August 2014, the Ministry of Justice accused six weekly papers of committing unsubstantiated crimes against the state. There were concerns that the three other newspapers listed in the communique, including Afro-Times, Enqu and Jano, will also be targeted.²¹

Six members of the 'Zone 9 bloggeing collective, and three other journalists have been held in detention since April 2014. All have been charged with 'terrorism' offences by the Ethiopian Federal High Court. Befeqadu Hailu, Atnaf Berahane, Mahlet Fantahun, Zelalem Kiberet, Natnael Feleke and Abel Wabela, all bloggers and activists at Zone9, were arrested along with journalists Tesfalem Waldyes and freelance journalist Edom Kasaye on 25th April 2014. Asmamaw Hailegiorgis, editor of the weekly magazine Addis Guday, was subsequently arrested on 26th April while another member of Zone 9 bloggers, Soliyana Shimelis, was charged in absentia.

¹⁸ See UN HRC: Oral Intervention Following Report of the Working Group on the Universal Periodic Review of Ethiopia, 19th September 2014, <http://www.defenddefenders.org/2014/09/un-hrc-oral-intervention-following-report-working-group-universal-periodic-review-ethiopia/>

¹⁹ See HRW: Ethiopia: Digital Attacks Intensify, 9th March 2015:

<http://www.hrw.org/news/2015/03/08/ethiopia-digital-attacks-intensify>

²⁰ See Bloomberg News "Ethiopian Editor Convicted for Inciting Public with Articles", 14th October 2014
<http://www.bloomberg.com/news/2014-10-14/ethiopian-editor-convicted-for-inciting-public-with-articles.html>

²¹ EHAHRDP: Ethiopia: Crackdown on Dissent Intensifies as Journalists Convicted, 31ST October 2014:
<http://www.defenddefenders.org/2014/10/ethiopia-crackdown-dissent-intensifies-journalists-convicted/>

They are accused of working in collusion with the banned opposition groups Ginbot 7 and Oromo Liberation Front (OLF)²², and for collaborating with mainstream human rights groups, and using widely available (and entirely lawful) digital security tools.

Freedom of Assembly and Association

Though guaranteed by national, regional and international instruments, the right to freedom of Assembly remains one of the most infringed rights in the country. Peaceful protests are met with harassment, arbitrary detentions, use of excessive force resulting in numerous causalities and even deaths. As the country gears up for its 2015 elections, any dissenting voices are countered with force to silence them. Leslie Lefkow, Human Rights Watch Deputy Africa Director stated, "*The Ethiopian government fell back on tried and true measures to muzzle any perceived dissent in 2014. Journalists and dissenters suffered most, snuffing out any hope that the government would widen political space ahead of the May 2015 elections.*"²³

In April 2014, students from Ambo and other large towns throughout Oromia protested against the government's plan to substantially expand the municipal boundaries of Addis Ababa, which they felt would threaten communities under regional jurisdiction. The security forces responded to the protests by beating and shooting at the peaceful protestors resulting into eight deaths according to official government statements. Since these events, the security forces have allegedly used excessive force against protestors throughout the region resulting in further casualties.²⁴

KENYA

As Kenya grapples with the wave of terrorist attacks that have hit the country from Mandera, Mombasa to the most recent attack in Garissa²⁵, its efforts to address insecurity have been tainted with reports of serious human rights violations including extra judicial killings, arbitrary detention and torture all committed by security forces. Quoting Human Rights' Watch Africa Deputy Director, "*Kenyan authorities need to find lawful ways to address the country's growing security problems. Instead, from Mandera to Mombasa, Kenyan forces use tactics that have resulted in abuses of thousands of people.*"²⁶ As this report went to press, the deputy President of Kenya, William Ruto, instructed the United Nations High Commission for Refugees to 'close' Dadaab Refugee camp, failing which Kenya would "relocate them ourselves"²⁷. Dadaab refugee camp is home to more than 500,000 Somali refugees.

The Anti-Terrorism Police Unit (ATPU) was created within the Criminal Investigations Department (CID) in 2003 in response to terror attacks against Kenya that have recently

²² See Ethiopia: Zone 9 Bloggers and Journalists Charged with Terrorism, 24th July 2014

<http://www.defenddefenders.org/2014/07/ethiopia-zone-9-bloggers-journalists-charged-terrorism/>

²³ See HRW: Ethiopia: Crackdown on Dissent intensifies, January 29th 2015:

<http://www.hrw.org/news/2015/01/29/ethiopia-crackdown-dissent-intensifies>

²⁴ See Human Rights Watch, Ethiopia: Brutal Crackdown on Protests, 5th May 2014

<http://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests>

²⁵ See Amnesty International: Kenya University attack highlights security failures, 2nd April 2015:

<https://www.amnesty.org/articles/news/2015/04/kenya-university-attack-highlights-security-failures/>

²⁶ See HRW: Kenya: Counterterrorism Operations undermine Rights, 29th January 2015:

<http://www.hrw.org/news/2015/01/29/kenya-counterterrorism-operations-undermine-rights>

²⁷ "Kenya tells UN to close Dadaab camp after Garissa attacks", BBC News, 11 April 2015,

<http://www.bbc.com/news/world-africa-32269944>

increased. However the ATPU has allegedly been responsible for extra judicial killings and enforced disappearance of terrorism suspects. According to research conducted in Kenya between November 2013 and June 2014, Human Rights Watch documented 10 cases of killings, 10 cases of enforced disappearance and 11 cases of mistreatment or harassment. Kenyan authorities have not effectively investigated these allegations or any anti-terrorism unit officers for alleged abuses including the targeted killings of high profile clerics such as Sheikh Abubakar Shariff who was killed on 1st April 2014.

On a positive note, Kenya's High Court suspended²⁸ sections of the Security Laws (Amendment) Act²⁹ that infringed on the Bill of Rights and Civil Liberties enjoyed by Kenyans. Among the clauses suspended were those that required the media to seek authorisation from the police before publishing information or images of victims of terrorism. The section imposing heavy penalties on social media users was also suspended and so was the section calling for more state control of the media. These clauses were an outright abuse of press freedoms and freedom of expression.

International Criminal Court

In December 2014, the International Criminal Court withdrew charges against President Uhuru Kenyatta, following widespread claims that the government of Kenya was deliberately blocking the ICC's investigation into the case against him. Kenyatta, along with Deputy President Williams Ruto and journalist Joshua Sang has been charged with crimes against humanity following the violence that rocked Kenya during the presidential and parliamentary elections in 2007. According to Amnesty International, there have been reports of witness intimidation and harassment and as such some witnesses have withdrawn from the proceedings citing security concerns.³⁰

Human rights defenders

The Nongovernmental Organizations Board has consistently denied the application by the National Gay and Lesbian Human Rights Commission (NGLHRC) to register and legally carry out its work in Kenya since 2013 claiming that the group's name is unacceptable. NGLHRC challenged this decision in court and it was scheduled to be heard on 9th October 2014 by the Constitutional and Judicial Review division of the Kenyan High Court.

Kenya's High Court ordered the education authorities to change the name on a school certificate of a transgender activist who was born male. Audrey Mbugua has been struggling to live as a female in Kenya.³¹ Earlier in July 2014, the High Court of Kenya delivered a judgment ordering

²⁸ See The East African: Kenya's high court suspends sections of new terrorism law, 3rd January 2015: <http://www.theeastfrican.co.ke/news/Kenya-s-high-court-suspends-sections-of-new-terrorism-law/-/2558/2577434/-/tfddl0z/-/index.html>

²⁹ See Human Rights Watch: Kenya: Security Bill Tramples Basic Rights, 14th December 2014: <http://www.hrw.org/news/2014/12/13/kenya-security-bill-tramples-basic-rights>

³⁰ Amnesty International: Kenya's ICC trials, September 2013, <http://www.amnesty.org/en/news/kenya-s-icc-trials-2013-09-16>

³¹ BBC News: Kenya court victory for transgender activist Audrey Mbugua, 7th October 2014: <http://www.bbc.com/news/world-africa-29519881>

the NGO Coordination Board to register a transgender organisation, Transgender Education and Advocacy.³²

In December 2013 Lucy Hannan, a British journalist and head of Inform Action, a local NGO that screens human rights films in rural areas and holds community discussions on justice and governance, sued the state for refusing to renew her work permit . The government declared her "subversive" and ordered she be removed from the country. Ms. Hannan was denied a work permit without formal communication which was violation of transparency and accountability by state officers as provided for in the constitution. In September 2014 the high court ruled that Ms Hannan be issued with a work permit pending the completion of the matter to be heard on 8th December 2014.

In April 2015, as this report was being finalised, the Inspector General of Police of Kenya issued a public notice, freezing the bank accounts of two highly respected Kenyan human rights organizations, and linking them (without any basis), to the terrorist organization Al-Shabaab. According to Gazette Notice 2326 of 7th April 2015, the Inspector General has listed both *Muslims for Human Rights* (MUHURI) and *Haki Africa* amongst 85 individuals and institutions that are notified of the intention to specify them as a 'terrorist entity' under the Prevention of Terrorism Act 2012. Under the terms of the Gazette Notice, the two organizations were required, within 24 hours, to demonstrate why they should not be declared as 'specified entities'. Both organizations have subsequently found their bank accounts to be frozen³³.

Restrictive legislation

Proposed amendments to the Public Benefits Organisation Act (PBO) 2013

On May 30th 2014, the Attorney General published the Statute Law (Miscellaneous Amendment Bill) of 2014 that among other things, made recommendations to amend certain aspects of PBO Act 2012. The amendments seem to vest additional powers in the President and Cabinet Secretary as opposed to the public benefit organisations.

Some new amendments have the potential to negate or claw back on the freedom of association in the Preamble and other provisions: the new Section 10 A, which provides that "The Authority may from time to time impose terms and conditions for the grant of certificates of registration, permits of operation and public benefits organisation status" is a potentially dangerous provision that is open to abuse.

Proposed amendments to the National Intelligence Act 2012

The Statute Law (Miscellaneous Amendment) Bill 2014 also proposed to amend the National Intelligence Service Act 2012 ("NIS Act").

Section 36 of the National Intelligence Service Act 2012 provides that:

"The right to privacy set out in Article 31 of the Constitution, may be limited in respect of a person suspected to have committed an offence to the extent that subject to section 42, the privacy of a person's communications may be investigated, monitored or otherwise interfered with."

³² See Human Rights Watch, Kenya: Allow Rights Group to Register, 2nd October 2014:
<http://www.hrw.org/news/2014/10/02/kenya-allow-rights-groups-register>

³³ For further details, see "Freezing of Human Rights Groups' Accounts in Kenya", EHAHRDP, 10th April 2015

The current rise in digital surveillance is simply an extension of the monitoring that political activists and Human Rights Defenders (HRDs) face in their everyday life. Extensive monitoring occurs despite the fact that, in theory, Kenya enjoys the constitutional right to privacy under Article 31.

The uncertainty surrounding the effect of the proposed amendments threatened to create a chilling effect on the work of Human Rights Defenders, who may be inhibited from carrying out their role in the promotion and protection of human rights due to fear of surveillance.

Fortunately, the Statute Law (Miscellaneous Amendment) Bill 2014 was thrown out of parliament in August 2014.

RWANDA

During this period, human rights defenders in Rwanda continued to operate under profound duress, amidst a progressively narrowing and restrictive operating environment for civil society more widely. Political freedoms continued to shrink, as the ruling Rwandan Patriotic Front appeared to further entrench its political dominance ahead of Presidential elections in 2017.

Human Rights Defenders and Civil Society

On 21 July 2013, the leadership of LIPRODHOR, Rwanda's last remaining independent human rights organisation was effectively forced out and replaced by an executive committee favoured by the government and supported by the Rwanda Governance Board (RGB) –the state body with oversight on NGOs despite the fact that the ousted leadership protested against this move. The decision to arbitrarily replace the executive committee was in violation of the internal governance regulations of LIPRODHOR, as the meeting during which the decision was taken was held without the knowledge of the president, conflict resolution committee or the executive. LIPRODHOR's laws also require that general meetings are announced 8 days in advance in writing and that a majority of its members are present if decisions such as replacing the executive committee are to be taken. Before the take-over, it was targeted on several occasions by the government because of its human rights activities. After launching an appeal, In August 2014, a court finally ruled on procedural grounds that the case brought by the former, lawful, leadership of LIPRODHOR, was unfounded. A further appeal has subsequently been launched.

Freedom of Expression

On 27th February 2015, journalist Cassien Ntamuhangwa of Amazing Grace Radio was sentenced to 25 years in prison on nonsensical charges of conspiracy to murder, conspiracy against the government, and for creating a criminal gang. He was reported missing on 7th April 2014 after he attended a ceremony commemorating the 20th anniversary of the Rwandan genocide, before the Randan police later confirmed that they had him in custody. He had been interrogated repeatedly before his arrest about a journalist who had fled Rwanda to avoid persecution. The prosecutor had initially proposed a life sentence, and following the verdict, Cassien plans to appeal the sentence³⁴.

³⁴ See, 'Joint UPR Submission', EHAHRDP and CIVICUS: World Alliance for Citizen Participation, March 2015, accessible at: <http://www.defenddefenders.org/wp-content/uploads/2015/03/Joint-UPR-Submission-on-Rwanda-CIVICUS-and-EHAHRDP-23rd-Session.pdf>

On 24 October 2014, the Rwandan Utilities Regulatory Authority (RURA) suspended the British Broadcasting Corporation's (BBC) Kinyarwanda Service following the broadcast of a documentary, "Rwanda's Untold Story," on BBC2 on 1 October 2014. The FM Frequency for the radio service was pulled off-air, and the website blocked. The RURA noted that the reason for the suspension was that Rwandans had protested against the broadcast of the documentary and complained that it incited hatred. RURA stated further that it was concerned about violations of journalistic responsibility by the BBC which had been going on for several years. Prior to the suspension, Rwanda's Parliament had called on the government to charge the makers of the documentary with genocidal denial and cancel BBC's operating license in Rwanda³⁵.

On 18 June 2014, Agnes Uwimana Nkusi and Saidati Mukakibibi of the independent Kinyarwanda newspaper Umurabyo were released from prison after serving 4 years, on wholly spurious charges of defamation of the President, genocide denial, divisionism and harming state security motivated by their independent reporting. They were initially arrested on 10 July 2010 after publishing articles in the Umurabyo newspaper which were critical of the government and leadership of Rwanda. On 4 February 2011, they were sentenced to 17 years imprisonment but the Supreme Court cleared them of the charges of genocide denial and divisionism on 5 April 2012 and their sentence was reduced to four years³⁶.

Political Freedoms

In August 2014, a South African court convicted two Rwandans and two Tanzanians of the attempted murder of General Kayumba Nyamwasa—a former senior military official and political opponent of President Paul Kagame. The court stated that the attack was politically motivated and emanated from a group of people in Rwanda³⁷.

SOMALIA

Somalia remains one of the most dangerous countries in the world for journalists to operate. Journalists continue to be attacked by both state and non-state actors. Impunity prevails as the perpetrators of these violations are not held accountable.³⁸ Somalia is ranked number 172/ 180 in the 2015 Reporters Without Borders Press Freedom Index. In early 2015, renewed violent attacks by the terrorist group Al-Shabaab threatened the relative progress made by AMISOM in maintaining peace in Mogadishu.

Human Rights Defenders

On 15th August 2014, following two controversial broadcasts, NISA raided Radio Shabelle and Sky FM and arrested 19 journalists and media workers. Several journalists alleged mistreatment during interrogations at "Godka-Jilaow," a NISA detention facility. All but three were subsequently released. Shabelle Media Network owner Abdimalik Yusuf Mohamed, Sky FM director Mohamud Mohamed Dahir, known as "Mohamed Arab," and Radio Shabelle presenter Ahmed Abdi Hassan were remanded on charges of high treason and inciting violence, among

³⁵ Ibid. Above note 33.

³⁶ Ibid. Above note 33.

³⁷ Human Rights Watch World Report 2015, Rwanda Chapter, accessible at: <https://www.hrw.org/world-report/2015/country-chapters/rwanda>

³⁸ See Amnesty International: Amnesty International Report 2014/15, <https://www.amnesty.org/countries/africa/somalia/report-somalia/>

other charges. Radio Shabelle editor, Mohamed Bashir Hashi, was also arrested. The four are currently detained in Mogadishu Central prison, with no date set for their hearing.

On 3rd September, NISA briefly arrested and questioned Hassan Gessey, director of the independent Dalsan radio after he criticized a NISA order calling on journalists to restrict reporting on a Somali-African Union military offensive against the Islamist armed group Al-Shabaab.

On 6th September, 2014, Mr. Mohamed Bashir Hashi, Editor of Radio Shabelle was sent to NISA prison in Godka Jilicow where he remains detained and without a formal charge. On the same evening, NISA shut down SIMBA Radio, arrested three journalists and seized their equipment. All three journalists are still being held by the authorities. On 7th September 2014, NISA also shut down Radio Kulmiye and arrested the Director Osman Abdullahi Gure along with Abdirahin Isse Adow, Director of Radio Mogadishu. Both were later released.

"The harsh treatment by National Intelligence Security Agency (NISA) towards media workers is unwarranted and an infringement of their rights as enshrined in the Provisional Constitution of Somalia, and anchored in Articles 5 and 19 of the Universal Declaration of Human Rights" said Mr. Hassan Shire, Executive Director, EHAHRDP.³⁹

Abdirisak Jama, the Mogadishu Bureau Chief for Independent, UK- based Somali Chanel Television was shot on 12th October 2014, outside his home in Howlwadaag, Mogadishu by un identified gunmen.⁴⁰

Freedom of expression

The Somali Cabinet endorsed a draft media law in September 2014. The law gives the National Media Council the power to impose severe sanctions, including fines of US\$5,000 to \$10,000, on journalists and media houses for ill-defined offenses, including "falsification" and "baseless propaganda." Additionally, the law proposes that the Ministry of Information appoint 6 of the 13 council members, clearly compromising the council's independence. Other provisions on media ethics and "unregistered" media are broad, vaguely defined, and could be misused or prompt self-censorship.

Sexual violence

On 8th September 2014, Human Rights Watch released a report⁴¹ documenting alleged sexual exploitation and abuse of Somali Women and girls on two AMISOM bases in Mogadishu, Somalia since 2013. According to the report, the African Union soldiers have applied a range of tactics including access to humanitarian aid to coerce vulnerable women and girls into sexual activity.

³⁹ See East and Horn of Africa Human Rights Defenders Project, Somalia: Government Clampdown on Independent Media Houses and Freedom of Expression, 9th September 2014:
<http://www.defenddefenders.org/2014/09/somalia-government-clampdown-independent-media-houses-freedom-expression/>

⁴⁰See Committee to Protect Journalists: Somali journalist attacked outside home, 21st October 2014:
<https://cpj.org/2014/10/somali-journalist-attacked-outside-home.php>

⁴¹ Human Rights Watch, "The Power These Men Have Over Us", 8th September 2014
<http://www.hrw.org/reports/2014/09/08/power-these-men-have-over-us>

SOMALILAND

Human Rights Defenders

On 6th August 2014, Fatima Yusuf, female reporter for Radio Dajir Puntland alongside, Puntland Television Reporter Khadro Mohamed and Kalsan TV reporter Abdinasir Da'ad were arrested after police raided Puntland. Fatima was released the following day at noon. She told Committee to Protect Journalists that she suspected that police had detained her in connection with an interview she had on 5th August with Voice of America's reporter Abdulaziz Oman on the brief seizure of the state radio and television building by armed soldiers.⁴²

On Monday 7th April 2014, Somaliland police officers reportedly entered the Hargeisa premises of Haatuf, an independent Somali language newspaper, and its English language sister publication The Somaliland Times. Police officers ordered the newspaper's immediate closure, and newspaper staff was told to leave the building. According to reports from the National Union of Somali Journalists (NUSOJ), police officers were executing a judgement issued by Marodi Jeeh Regional court, which authorised Haatuf's closure on the basis of articles 'insulting' to members of parliament.⁴³ As rightly put by EHAHRDP's Executive Director, Mr. Hassan Shire, "*The Somaliland government should respect the rule of law, the provisions of its own constitution, and allow journalists and media houses to report and publish freely*".

On 12th May 2014, a regional court in Somaliland remanded Yusuf Abdi Gabobe, Chairman of the Haatuf Media Network, and Ahmed Ali, Chief Editor of the network in custody after charging them with libel, false publication, and anti-state propaganda, according to news reports and the local Somaliland Journalists' Association.⁴⁴

SOUTH SUDAN

Since 15th December, 2013, South Sudan has been in the midst of a humanitarian and human rights crisis of almost unimaginable proportions. The degree of suffering experienced by civilians in the course of this latest war is unimaginable, and its scope still unknown. Entire villages have been emptied and razed; men, women and children killed, injured and subject to sexual violence. UNMISS, Human Rights Watch, Amnesty International, and national NGOs including Community Empowerment for Progress Organisation, have documented human rights violations at the hands of both government and non-state forces, which could constitute war crimes and crimes against humanity. These include extrajudicial killings, enforced disappearances, rape and other forms of sexual violence, arbitrary arrests and detention, and targeted attacks against civilians. Regional peace talks, brokered by IGAD, collapsed in March 2015 without a substantive resolution between the warring parties.

Human Rights Defenders and Civil Society

⁴² See Committee to Protect Journalists: In Somalia, Puntland authorities detain radio journalist, 7th August 2014, <https://cpj.org/2014/08/in-somalia-puntland-authorities-detain-radio-journ.php>

⁴³ East and Horn of Africa Human Rights Defenders Project, Somaliland: Government Forces Closure of Independent Newspapers, 11th April 2014: <http://www.defenddefenders.org/2014/04/somaliland-government-forces-closure-independent-newspapers/>

⁴⁴ See Committee to Protect Journalists, Somaliland authorities arrest two journalists, 12th May 2014: <http://cpj.org/tags/Somaliland>

As researched and documented by EHAHRDP throughout 2014, The Government of South Sudan has instrumentalised the conflict as a pretext to silence critical and independent human rights voices within the country. Through its various security organs, the government has stepped up the harassment and intimidation of human rights defenders (HRDs). The government has attempted, through a combination of existing and new tactics, to stifle civil society's ability to monitor, document and report on the current crisis, as well as on existing and entrenched human rights concerns⁴⁵.

EHAHRDP kept detailed records of its protection interventions on behalf of HRDs in South Sudan, which occurred between December 2013 and November 2014. During this period, EHAHRDP provided protection services to nineteen HRDs. A number of these cases, which were verified by the EHAHRDP Protection Team, illustrate the challenges facing HRDs outlined in the preceding sections.

Where HRDs were able to identify the person or persons making threats against them, they overwhelmingly identified NSS agents, or other state security personnel (namely, military and police). Two reported being arbitrarily arrested and detained at security apparatus premises (one at a military intelligence installation, another at an SPLA location), where they were subsequently beaten. A number of others were unable to confidently identify the source of the threats against them, but intimated security service involvement. Two HRDs reported receiving threats they identified as from state officials while in Kampala. In one case, one of the threatening phone calls was received from a Kenyan mobile phone number, in the other case the HRD received word that he was being 'looked for' by the South Sudanese security personnel in Kampala. A third reported that threats against him continued even after he had relocated from South Sudan to Kenya⁴⁶.

SUDAN

As Sudan edges closer towards heads of state elections, scheduled for April 2015, the wider human rights situation across the country continued to deteriorate during the period from April 2014 to present.

Fighting continues between government forces and rebel groups in several parts of Darfur. More than 450,000 people have fled violence in Darfur since the beginning of 2014, according to the United Nations Office for the Coordination of Humanitarian Affairs⁴⁷. Ongoing armed conflict, including government aerial bombardments targeting civilians, continued in South Kordofan, and Blue Nile states, resulted in large numbers of civilian deaths and displaced.

Government authorities continued to target human rights defenders, civil society activists, journalists, and students.

⁴⁵ See, "For Us, Silence is not an option: Human Rights Defenders and the South Sudan Civil War", EHAHRDP, December 2014, accessible at: <http://www.defenddefenders.org/wp-content/uploads/2014/12/South-Sudan-2014-Report.pdf>

⁴⁷ See Human Rights Watch World Report 2015, Sudan Chapter, accessible at: <http://www.hrw.org/world-report/2015/country-chapters/sudan>

Freedoms of Assembly, Association and Expression

Similar to other countries in the sub region, Sudanese government has greatly infringed upon the freedom of assembly, association and expression. According to Amnesty International's report⁴⁸, there are allegations of human rights violations committed against Sudanese people by security forces mostly against peaceful protestors over the last two years. The report shows a pattern of arbitrary arrests, detention, torture and use of excessive force including live ammunition leading to scores of deaths and injuries. It also highlights the impunity of the state in holding those allegedly responsible accountable for the violations committed.

Human rights defenders

Renowned Sudanese human rights lawyer, Dr. Amin Mekki Medani and two other activists, Mr. Farouq Abus Eisa and Dr. Farah Ibrahim Mohamed Alagar were held in incommunicado detention from December 2014 to April 2015. Following a widespread international outcry, on 9 April 2015, Medani was released after the Minister of Justice decided to suspend the case against him and Faruq Abu Eisa.

On 24th June 2014, the Director of Salmah Women's Resource Centre, Ms. Fahima Hashim was served with a decree signed and stamped by the Sudanese Ministry of Justice, ordering for the cancellation of the registration license of the company and its immediate liquidation, and the appointment of a five-person committee to oversee the Company's dissolution process. The decree did not justify this decision. The execution of the order did not follow the due legal process and procedures. Regular clothed civilians who did not identify themselves accompanied the Dissolution Committee and prohibited any non-staff members from staying at the premises.⁴⁹

Student activists have also borne the heavy hand of Sudanese security forces. These forces have repeatedly cracked down violently on Darfuri students protesting government policies. On 5th and 6th October 2014, government security forces forcibly evicted about seventy female students from the Zahra dormitory complex in Khartoum, beating and arresting many students.⁵⁰ The attacks on students is meant to intimidate them from speaking out against poor policies as stated by Daniel Bekele HRW Africa Director, "*Sudanese security forces apparently think they can intimidate Darfuri students by beating them up and throwing them out of their dorms. There is no justification for treating students that way.*"

Freedom of assembly

Since 20th September, Sudan's security services have arrested student and political activists from the streets, cafes and private homes of Khartoum in an attempt to prevent them from

⁴⁸ See Amnesty International "Excessive and deadly: The use of force, detention and torture against protestors in Sudan" 3rd September 2014, <http://www.amnesty.org/en/library/info/AFR54/020/2014/en>

⁴⁹ East and Horn of Africa Human Rights Defenders Project, SUDAN: Closure of Leading Women's Rights Organisation, 27th June 2014 : <http://www.defenddefenders.org/2014/06/sudan-closure-leading-womens-rights-organisation/>

⁵⁰ See Human Rights Watch: Sudan: Police Beat, Arrest Female Students, 15th October 2014, <http://www.hrw.org/news/2014/10/15/sudan-police-beat-arrest-female-students>

organising memorial events to mark the first anniversary of the brutal suppression of protests that started on 23rd September 2013. At least 35 people were detained.⁵¹

Political activists

On 11th August, political activist Mariam al-Sadiq al Mahdi and deputy leader of Sudan's National Umma Party (NUP) was arrested by National Intelligence and Security Services at Khartoum airport as she returned from Paris and was detained for almost a month until she was later released on 9th September 2014.⁵²

TANZANIA

As Tanzania gears up for its 2015 polls, and its ongoing constitution making process, threats to NGOs, independent media and human rights defenders continue to mount. On 4th August, 2014, Dodoma Regional Commissioner suspended all CSOs, citizenry activities and open meetings on the constitutional process. Dodoma Regional Commissioner justified her administrative decision on the basis that the activities and meetings would paralyze the ongoing Constituent Assembly activities in Dodoma. On 5th August 2014, Hon. Samuel Sitta, the Chairman of the Constituent Assembly, threatened media outlets for airing dialogues on the constitutional process.

Threats to Journalists

Christopher Kidanka, prominent human rights defender and Managing Director of Africa Tomorrow, a monthly magazine was continuously harassed by unknown people. Tanzania Human Rights Defenders Coalition (THRDC) re allocated him and his family after assessing the situation. Kidanka suspects the harassment was due to his work.

On 16th June 2014, THRDC received another case from Mr Shaban Ndyamukama a reporter with Kiswahili daily, Mwananchi, a newspaper owned by Mwananchi Communications Ltd (MCL), who was rounded up by Police officials and beaten thoroughly following an incident of taking photographs when the law enforcers were dispersing an angry mob. His camera was snatched and the photographs that he took were deleted immediately. He suffered injuries on several parts of his body including his right leg, ankle, left hand and the chest.

In January 2015, the government of Tanzania banned the regional newspaper, '*The East African*'.

UGANDA

Like other African countries, the impact of restrictive laws on the work of human rights defenders is evident in Uganda. According to Amnesty International's recently released report, '*Rule by Law: Discriminatory legislation and legitimised abuses in Uganda*', it documents the cumulative human rights effects of three laws passed in Uganda during 2013-2014- Public Order Management Act, Anti-Pornography Act and the now nullified Anti-Homosexuality Act.

⁵¹ African Centre for Justice and Peace Studies, Sudan responds to calls for justice and accountability with mass detentions of activists on anniversary of protest killings, 26th September: <http://www.acjps.org/sudan-responds-to-calls-for-accountability-with-mass-detentions-of-activists-on-anniversary-of-protest-killings-in-sudan/>

⁵² Amnesty International, Sudan: Opposition leader detained without charge: Mariam al-Sadiq al-Mahdi, 22nd August 2014: <http://www.amnesty.org/en/library/info/AFR54/019/2014/en>

In August 2014, Uganda's Constitutional Court declared the Anti-Homosexuality Act (AHA) null and void, as the Parliament had passed it without the required quorum for it to become law. This was a positive step toward ending state engineered discrimination against people on the basis of their sexual orientation. However, the government has since filed a notice of appeal against this ruling and the case is expected to go to the Supreme Court.⁵³ Since the AHA came into force in March 2014, there was a reported increase in arbitrary arrests, police abuse and extortion against sexual minorities.⁵⁴

Restrictions on civil society

As the country is nearing to the 2016 general elections, there are reports that the government has become increasingly hostile towards civil society. Activists with dissenting views on oil governance, land, corruption and human rights have been intimidated and their work obstructed by authorities. A few human rights organisations have been burglarised and their data and equipment stolen by unknown people.⁵⁵

Members of the opposition have also not survived the axe of harassment. Sam Mugumya, opposition party activist disappeared in November 2014⁵⁶. The Government Spokesperson, while on social media, displayed a photo of Sam stating that he was in detention in Congo. In the past, the government has harassed opposition members in the run up to the 2006 and 2011 elections, including former presidential candidate Dr. Kiiza Besigye.

Journalists and press freedom

Television journalist, Andrew Lwanga was on 12th January 2015, brutally assaulted by Joram Mwesigye the former Division Police Commander of Old Kampala Police Station as he covered protests by a group of unemployed youth in Kampala. He sustained severe injuries and was hospitalized⁵⁷. The case is currently before court.

Gerald Kankya, a journalist and Director of Tweraneho's Listeners Club (TLC) in Fort Portal has constantly come under attack for his opinion on the Tooro Queen mother, Best Kemigisa on alleged land grabbing. On 23rd October 2014, Kankya was attacked by a group of men who left him injured and attempted to make off with a file containing documents of TLC. Attempts to file a complaint with the police were futile, as a police officer told him that the Fort Portal police commander had given orders not to take any police statement filed by a TLC staff member.⁵⁸

On 20th October, the High Court of Uganda at Kampala ordered the Chief Magistrate's court at Buganda Road to allow journalists and the public to attend the trial of Ronald Poteri, a journalist

⁵³ Notice of appeal by the Attorney General in Constitutional Petition No. 08 of 2014, 8th August 2014.

⁵⁴ See Amnesty International ,Uganda: Anti-Homosexuality Act struck down in step towards ending discrimination, 1st August 2014 <http://www.amnesty.org/en/news/uganda-anti-homosexuality-act-overturned-2014-08-01>

⁵⁵ Human Rights Network Uganda, " Civil society Organizations Office- Break Ins in Uganda: The Unanswered Questions", 5th May 2014: <http://www.hurinet.or.ug/latest%20Press%20Release.pdf>

⁵⁶ Human Rights Watch: Dispatches: Uganda's Missing Opposition Activist, 20th November 2014, <http://www.hrw.org/news/2014/11/20/dispatches-uganda-s-missing-opposition-activist>

⁵⁷ See Human Rights Network for Journalists-Uganda, HRNJ-Uganda alert, journalist weeps as he testifies against senior police officer, 25th February 2015, <https://www.hrnjuganda.org/index-al-01.php>

⁵⁸ See Committee to Protect Journalists, In Uganda, mob assaults radio journalists, 9th February 2015, <https://cpj.org/2015/02/in-uganda-mob-assaults-radio-program-producers.php>

who is accused of leaking secret audio recordings between the Inspector General of Police and ruling party, National Resistance Movement(NRM) youth. The High Court judge ruled that the trial magistrate acted unreasonably and unfairly in her decision. Earlier on 25th June 2014, the trial magistrate had ordered for an in-camera trial to exclude journalists and the public citing threats to national security.⁵⁹

⁵⁹ Human Rights Network for Journalists-Uganda: HRNJ-Uganda alert; Chief Magistrate ordered to allow journalists in Court, 20th October 2014: <http://hrnjuganda.org/index-al-02.php>