



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

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

Report submitted to the 57th Ordinary Session of the
African Commission on Human and Peoples' Rights (ACHPR)
Banjul, The Gambia, November 2015

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Introduction

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 57th 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 2015 to November 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.

The past six months have seen a number of elections take place in the sub-region, in Sudan, Ethiopia, Burundi and recently in Tanzania. Several elections are planned in 2016, including in Uganda, Djibouti and Somalia. These elections are directly related to renewed government clampdowns in the sub-region, and the rapid and worsening restriction of civil society space. Numerous human rights defenders (HRDs) have been targeted, and many have been forced into exile due to their human rights work during these election periods.

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.

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 on all parties to stop violence in Burundi, and urge the authorities to allow independent radios to resume broadcast and lift a ban on protests;
- Follow up and take action on the recommendations of the African Union Peace and Security Council 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 ACHPR 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

Burundi is currently in the midst of a deep-rooted political and human rights crisis. Ever since President Pierre Nkurunziza announced his candidacy to a third term in office, a move considered in direct violation of the Constitution of Burundi and the 2000 Arusha Accords, the situation in Burundi has spiralled out of control. Political opposition and civil society organised a campaign against the President's run for a third term, which was brutally repressed. The organisers of this campaign continue to be targeted through assassinations, physical attacks and intimidation to this date.

Within four months of the outbreak of the protests in April 2015, over 181,630 Burundians had fled the country as a result of the insecurity caused by the crisis.¹ As of August 14, 2015, there are 96 reported individuals who have been killed and another 600 arrested or detained.² Assassination attempts against political opposition, HRDs, and even ruling party leaders have become frequent.³

Presidential elections

On May 5, 2015 the Constitutional Court of Burundi ruled in favour of President Pierre Nkurunziza and he was able to campaign for the presidency. Regional and international actors criticized the Court's decision and in July 2015, the Pan African Lawyers Union (PALU) and East African Civil Society Organisations' Forum (EACSO) filed a case against the Burundian government with the East African Court of Justice questioning the ruling of the Constitutional Court.⁴

On May 13, 2015, while President Pierre Nkurunziza was in Tanzania at a summit of the East African Heads of State to discuss the situation in Burundi, a group of military generals led a coup d'état attempt. The coup failed two days later, and HRDs, feeling increasingly vulnerable, quickly began to flee the country. As of August 14, 2015, EHAHRDP has documented at least 118 HRDs and journalists living in exile; however, the figure is likely much higher.⁵

¹ OCHA, "Burundi Humanitarian Snapshot", 10 August 2015,

http://reliefweb.int/sites/reliefweb.int/files/resources/Burundi_Snapshot_20150810.pdf

² Shamdasani, Ravina, Spokesperson for the UN High Commissioner for Human Rights, "Press briefing note in Burundi and Iraq", 14 August 2015,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16320&LangID=E;>

³ EHAHRDP, "Prominent Human Rights Defender Injured in Brutal Attack", 4 August 2015, <https://www.defenddefenders.org/2015/08/burundi-prominent-human-rights-defender-injured-brutal-attack/>

⁴ The East African, "Regional lobby sues to stop Nkurunziza third term bid", 13 July 2015, <http://www.theeastafrican.co.ke/news/Regional-lobby-sues-to-stop-Nkurunziza-term-bid/-/2558/2787726/-/i84qvo/-/index.html>

⁵ EHAHRDP, "Caught up in Bitter Contests: Human Rights Defenders Working on Elections in Sudan, Ethiopia, Burundi and Uganda", September 2015, <https://www.defenddefenders.org/wp-content/uploads/2015/09/Caught-Up-in-Bitter-Contests.pdf>

While the election was postponed several times and despite a resolution from the African Union Peace and Security Council calling for further postponement, presidential elections were finally held on July 21, 2015.⁶ The election was neither free nor fair and yet President Pierre Nkurunziza claimed victory and was sworn into office on August 20, 2015 in a hasty surprise inauguration ceremony one week ahead of schedule.

Civil and political rights

Many human rights defenders and political opposition members in Burundi experienced a variety of attacks as a result of the tense elections. During this period, EHAHRDP documented a rise in digital targeting, harassment, physical attacks, and arbitrary arrests, detentions and torture. These abuses took place over two distinct periods prior to Burundi's election: before the announcement of the candidacy of President Pierre Nkurunziza on April 25, 2015 and post-announcement.

Prominent HRDs, particularly heads of organisations and journalists, have been the primary targets of threats and harassment as a result of their visibility and vocal roles. Individuals highlighting the arming and training of the *Imbonerakure* and against the third term were at particularly high risk, especially those living in the rural provinces.⁷

Independent media were heavily targeted in the pre-election period. Just days after President Pierre Nkurunziza announced his candidacy sparking widespread protests, *Radio Public Africaine (RPA)*, *Radio Bonesha* and *Radio Insanganiro* were forbidden from broadcasting about the demonstrations and in several areas broadcasts were blocked.⁸ The targeting of the media continued and on April 27, 2015 the *Maison de la Presse*, where the Synergy of Media was located, was raided and shutdown. Following the coup attempt, *RPA*, *Radio Bonesha* and *Radio Isanganiro* were attacked and suffered grave material losses. Most private independent radios are no longer able to operate in the country, or do so at a significantly reduced rate.

Arbitrary arrests

The judicial harassment and arbitrary arrest and detention of HRDs increased dramatically in the lead-up to elections. In the first phase of the pre-election period, radio and newspaper journalists were the primary targets of judicial intimidation for reporting on the arming, training and activities of the *Imbonerakure*. Journalists

⁶ African Union Peace and Security Council, "Communiqué of the Peace and Security Council of the African Union (AU), at its 523rd meeting on the situation in Burundi", 9 July 2015, <http://www.peaceau.org/en/article/communique-of-the-peace-and-security-council-of-the-african-union-au-at-its-523rd-meeting-on-the-situation-in-burundi>

⁷ Extensively documented by EHAHRDP in its report: De Montjoye, Clementine, "2015: Burundi at a Turning Point", East and Horn of Africa Human Rights Defenders Project, January 2015, <https://www.defenddefenders.org/wp-content/uploads/2015/02/burundi-2015-en.pdf>

⁸ EHAHRDP, "Burundi: Unprecedented State assault on human rights defenders and journalists", 27 April 2015, <https://www.defenddefenders.org/2015/04/burundi-unprecedented-state-assault-on-human-rights-defenders-and-journalists/>

were also falsely accused of serious crimes in an attempt to silence their reporting.⁹ Others were forced to regularly report to police commissioner offices and endure lengthy questioning as a result of their investigations.¹⁰ Since the election, Burundians, including HRDs, are routinely subjected to arbitrary arrests. Many are released within a few hours, or a few days.

Two of the most visible arrests were those of Pierre Claver Mbonimpa, the Director of the *Association pour la Protection des Droits Humains et des Personnes Détenues* (APRODH), and Bob Rugurika, the Director of *Radio Publique Africaine* (RPA). The first major arrest in the pre-election period was that of Mbonimpa on May 14, 2014. He was charged with inciting public disobedience and threatening national security after speaking on RPA about the training of the *Imbonerakure* in the Democratic Republic of Congo. He was provisionally released on September 29, 2014 on medical grounds, after spending over four months in prison.

Digital Targeting

The pre-election period in Burundi saw a series of digital attacks take place against human rights defenders and civil society organisations. This appears to be a new trend in Burundi that has greatly intensified in the months prior to the elections. These digital attacks have included the hacking of email, websites and social media. During this period, WhatsApp, Facebook, and Viber were periodically blocked.¹¹

In March 2015, two cases were documented where the email accounts of heads of prominent human rights organizations were hacked. In another case, also in the same month, a Burundian human rights organization shared a suspicious email with EHAHRDP that specifically targeted an HRD to gain access to their organization's email accounts.¹²

Many HRDs are worried their email and social media accounts are being monitored.¹³ Burundians digital surveillance capabilities have so far been limited, however few HRDs follow digital security best practices.

DJIBOUTI

Since the legislative elections were held in February 2013, Djibouti has been battling an unprecedented political crisis, which has been the source of a noticeable

⁹ RPA, "Arrestation du journaliste Eloge Niyonzima à Bubanza", <http://www.rpa.bi/index.php/component/k2/item/766-arrestation-du-journaliste-elope-niyonzima-a-bubanza>

¹⁰ Radio Télévision Nationale du Burundi, "La journaliste Yvette MUREKASABE de la RPA a comparu au parquet de NGOZI", <http://www.rtnbdi.bi/?p=4646>; RPA "Deux journalistes de la RPA convoqués par la justice au nord du pays", <http://www.rpa.bi/index.php/component/k2/item/1004-deux-journalistes-de-la-rpa-convoques-par-la-justice-au-nord-du-pays>

¹¹ International Business Times, "Burundi Elections 2015: President Blocks Twitter, Facebook, WhatsApp, Tango Mobile Access In Protest Crackdown," 29 April 2015, <http://www.ibtimes.com/burundi-elections-2015-president-blocks-twitter-facebook-whatsapp-tango-mobile-access-1901246>

¹² Email provided to EHAHRDP by Burundian HRD in March 2015

¹³ Burundian HRD interviewed in April 2015

democratic regression, and the increasing repression of independent civil society. This already tense context is likely to worsen as the Presidential elections, planned for April 2016, approach.

At the same time, the framework for dialogue and civil harmony signed by the government and the opposition on 30 December 2013 has still not been implemented. The repression of civil society and human rights defenders does not cease to increase, and as well as the attacks against political opposition parties and independent unions.

Arbitrary detentions

In June 2015, independent journalist Maydaneh Okieh, was arrested and sentenced to pay 11,000 US dollars in compensation to a police officer whom he had mentioned in a post on social media. Complaints lodged for torture and other ill treatments of detainees are not filed and or followed up on. It has become frequent for detainees who have had charges against them dropped to illegally remain in custody or imprisoned. As such, 6 militants of the political opposition were arrested in Dikhil during a peaceful march in September 2015, and were only freed on 11 October 2015 after spending 3 weeks detained in deplorable conditions.¹⁴

Freedom of movement

Freedom of movement for the political opposition and civil society has been heavily restricted in Djibouti. Several members of the political opposition have been stopped at the airport and had travel documents confiscated. On 11 September 2015, members of Sudanese NGO KACD, invited by a local NGO, were refused access to the country and stopped at their arrival at Djibouti airport.

Civil and political rights

State authorities regularly prevent the political opposition in Djibouti from holding meetings in front of their headquarters, pretexting the need to preserve public order and social peace. Djibouti has no independent media, and civil society is prevented from accessing and speaking to public media.

Human rights defenders working in this context of permanent political repression struggle to promote and protect human rights, particularly in the run up to the 2016 election. There are serious concerns that the elections will be neither free nor fair, especially considering the absence of an independent electoral commission, which the government had pledged to set up in December 2014.

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 military headquarters are used by US Special Forces for covert, anti-terror and other operations in Yemen and in Africa.

¹⁴ They are: Said Hassan Miguil, Ibrahim Hassan Abdi, Abdoukarim Djama Guedi, Yahya Elmi Yonis, Hamza Raye Hassan et Mahmoud Robleh Mireh.

France, the former colonial master, and Japan also have bases in the port, which is used by many foreign navies to fight piracy in neighbouring Somalia.

China is also negotiating a military base in the strategic port of Djibouti, a historic development that would see the US and China each have bases in the small nation that guards the entrance to the Red Sea and the Suez Canal. President Ismail Omar Guelleh says that discussions are "ongoing" and that Beijing is "welcome".

Many of the operations conducted from these bases, such as the use of drones for targeted extra-judicial assassinations, are in direct violation of international law.

ETHIOPIA

In Ethiopia, civil society continues to face severe restrictions on freedom of expression, assembly and association, which have endangered their ability to operate. The most recent period of repression began in April 2014 when 9 journalists and bloggers were arrested and charged with terrorism in an attempt to silence civil society. In April 2015, at least three journalists fled the country after facing harassment and threats from the Ethiopian government.

Prior to the May 2015 elections, civic and political space in Ethiopia severely diminished. In the post-election period, restrictions have begun to ease and the journalists arrested in April 2014 were released and charges dropped. However, the situation for journalists remains tense. Just days after the charges were dropped against four of the Zone 9 bloggers, the Federal Prosecutor filed an appeal to the Federal Supreme Court.¹⁵

Ethiopia remains one of the most closed societies for human rights work with those undertaking efforts to promote civic and politic rights encountering enormous risks. Even those in exile have faced harassment and threats by Ethiopian authorities. Since April 2014, at least 37 journalists have fled the country and 8 journalists remain in prison.

Religious and political leaders also encounter brutal repression. On August 3, 2015, 17 Muslim activists and a journalist were sentenced between 7-22 years in prison for participating in demonstrations between 2011-2013.¹⁶

Restrictive legislation

The Charities and Societies Proclamation (2009) continues to severely restrict the ability of human rights defenders to operate. The requirement that NGOs obtain 90% of their funding from within the country has made it nearly impossible for organisations to undertake human rights work.

¹⁵ FBC, "Prosecutor appeals acquittal on terrorism charges of Zone 9 bloggers", 19 October 2015, <http://www.fanabc.com/english/index.php/news/item/4190-persecutor-appeals-against-acquittal-on-terrorism-charges-of-%E2%80%98zone9-bloggers%E2%80%99>

¹⁶ Reuters, "Ethiopia hands lengthy prison terms to Muslim activists," 3 August 2015, ["http://www.reuters.com/article/2015/08/03/us-ethiopia-arrests-idUSKCN0Q82AC20150803](http://www.reuters.com/article/2015/08/03/us-ethiopia-arrests-idUSKCN0Q82AC20150803)

In 2015, the Ethiopia authorities continued to use the Anti-Terrorism Proclamation (2009) to target human rights defenders and civil society members. Since the law was passed, at least 24 journalists have been charged with terrorism. Most recently, in September 2015, Omot Agwa Okwoy, Messrs Ashinie Astin, and Jamal Oumar Hojele were charged with terrorism.¹⁷ The three work to “promote and protect the rights of indigenous peoples and are land rights activists” and were arrested in March 2015 when traveling to attend a workshop on food insecurity in Nairobi.

Freedom of expression

Habtamu Minale, Editor-in-Chief of 'Kedami' newspaper and reporter with 'YeMiliyonoch Dimts', was arrested and harassed by security just few days before President Obama's visit on 9 July 2015. He was subjected to ill treatment and interrogated for four days while in police custody. On 13 July police brought him to the Federal First Instance Court and accused him for attempting to incite violence during Obama's visit. During his arrest, police denied his right to access legal counselling and his right to a family visit. After his first court appearance he was visited by his relatives and released after Obama's visit on 26 July.

Mr. Taye Gizaw, the Manager of Lomi Monthly Magazine, was charged and sentenced in his absentia on 18 October 2015. The court sentenced him to serve 18 years imprisonment and to pay 4700 USD. Mr. Taye has been living in exile in Nairobi for the past year and was previously sentenced in absentia with two other journalists in October 2014.

ERITREA

The human rights situation in Eritrea remains extremely concerning and the country continues to be one of the most repressive in the world. Since 2001, independent press or civil society organisations have not been able to operate in the country.¹⁸

According to the United Nations Commission of Inquiry on Human Rights in Eritrea, established in June 2014 to investigate all alleged violations of human rights in Eritrea, as outlined in the reports of the Special Rapporteur on human rights in Eritrea, “the Government has proceeded to establish a system by which individuals in society are silenced and isolated through the organised repression of the freedoms of opinion, expression, assembly, association and religion.”¹⁹

Forced conscription, arbitrary arrest and detention, torture, disappearances, and other abuses against human rights defenders, journalists, opposition politicians and ordinary citizens are commonplace in the country. The poor conditions have resulted

¹⁷ Frontline Defenders, “Ethiopia: Ongoing arbitrary detention of Omot Agwa Okwoy and fellow human rights defenders,” 29 September 2015, <https://www.frontlinedefenders.org/node/29754>

¹⁸ EHAHRDP, “UNHRC 29 Statement delivered during interactive dialogue with the commission of inquiry on Eritrea”, 24 June 2015, <https://www.defenddefenders.org/2015/06/un-hrc-29-statement-delivered-during-individual-interactive-dialogue-with-the-commission-of-inquiry-on-eritrea/>

¹⁹ Report of the commission of inquiry on human rights in Eritrea, A/HRC/29/42, Office of the High Commissioner for Human Rights, p.8

in widespread migration with an estimated 5,000 Eritreans risking their lives to leave the country every month.²⁰

In June 2015, the Commission of Inquiry released a report accusing the Eritrean government of committing “systematic, widespread and gross human rights violations that have created a climate of fear” which may include crimes against humanity.²¹ The Eritrean government has repeatedly refused requests from the Commission for permission to conduct an investigation within the country.

According to Amnesty International, since 1993 Eritrea has detained 10,000 prisoners of conscience without charge or trial, including at least 23 journalists that are in prison in Eritrea, many of whom have been held since 2001.²² Another 7 have died while incarcerated according to figures gathered by Reporters Without Borders and the Committee to Protect Journalists. Prison conditions in Eritrea are incredibly harsh and prisoners endure starvation and illnesses as a result of poor sanitation, forced labour and inhumane treatment.

According to the Commission of Inquiry, “Eritreans are subject to systems of national service and forced labour that effectively abuse, exploit and enslave them for indefinite periods of time”.²³ National service is mandatory for all Eritreans under 50 and it is estimated that 1 out of 20 Eritreans are living in the country’s desert barracks.²⁴

The Eritrean government possesses wide-reaching surveillance capabilities that have been used to monitor the population both inside the country and in the diaspora. This created an atmosphere of intense fear that has prevented Eritreans from engaging on human rights.

KENYA

Kenya’s efforts to tackle an increasing array of security threats have been marred by on-going patterns of serious human rights violations by Kenyan security forces, including extrajudicial killings, arbitrary detentions, and torture. Impunity prevails as the government rarely investigates or prosecutes security officers for such abuse.

²⁰ Martin Plaut and Mirjam van Reisen, “Eritrea faces day of reckoning as UN weighs choice between sanctions or aid”, The Guardian, 9 October 2015, <http://www.theguardian.com/global-development/2015/oct/09/eritrea-un-monitoring-group-report-eu-sanctions-aid> (accessed October 12, 2015)

²¹ OHCHR, “UN Inquiry reports gross human rights violations in Eritrea”, 8 June 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E> (accessed October 12, 2015)

²² Committee to Protect Journalists, “2014 prison census: 221 journalists jailed worldwide” 1 December 2014, <https://cpj.org/imprisoned/2014.php#eritrea>

²³ OHCHR, “Report of the Commission of Inquiry on Human Rights in Eritrea”, 8 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx>

²⁴ The Economist, “Miserable and Useless: National Service in Eritrea”, 10 March 2014, <http://www.economist.com/blogs/baobab/2014/03/national-service-eritrea>

Although Kenya's non-governmental organisations have enjoyed a relatively open environment consistent with the rights to freedom of association and expression, over the past year that has begun to change. The government has increasingly tried to restrict civil society and independent media.

Targeting civil society organisations

While the Kenyan government struggles to address issues of terrorism and violent extremism from neighbouring Somalia, it has antagonised civil society organisations and two in particular have suffered the brunt of the crackdown.

On 7 April 2015, MUHURI and HAKI Africa organizations in Kenya were listed amongst 85 individuals and institutions that were 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 organisations were required, within 24 hours, to demonstrate why they should not be declared as 'specified entities'. Both organisations subsequently found their bank accounts to be frozen.²⁵

On 8 April 2015, the two organisations separately wrote to the Inspector General of Police protesting their inclusion on the gazette Notice, denouncing the baseless allegations of links to Al Shabaab, and providing relevant documentation in support of their case.

A ruling was entered on 12 June 2015 restraining the Inspector General of police from recommending to the Cabinet Secretary to declare the organisations as specified entities. However their bank accounts remain frozen because they did not enjoin Central Bank of Kenya in the suit. The two organizations since filed another suit on 17 June 2015²⁶, against the CBK to unfreeze their accounts. The matter is ongoing and judgement shall be heard on 12 November 2015.

National Gay and Lesbian Human Rights Commission ruling

On 24 April, 2015, the High Court of Kenya passed a landmark decision recognising that members of a lesbian, gay, bisexual, and transgender (LGBTI) rights groups can formally register non-governmental organisations²⁷ working on issues of gender identity and sexual orientation. The court's verdict was a momentous triumph for the LGBTI community in Kenya. This was in response to a petition filed by Eric Gitari seeking to have the National Gay and Lesbian Human Rights Commission (NGLHRC) registered under the Non-Governmental Organisations Coordination Board Act that the Non-Governmental Organisations Coordination Board had earlier rejected in March 2013.

In addition, the judgment evidently affirmed that the denial of registration of NGLHRC violated article 36 of the Constitution of Kenya. The High Court stated that

²⁵ See, Freezing of Human Rights Groups' Accounts in Kenya, 10th April 2015:

<https://www.defenddefenders.org/2015/04/freezing-of-human-rights-groups-accounts-in-kenya/>

²⁶ MUHURI & HAKI Africa V IG of Police& others Constitutional petition No 19 Of 2015

<http://kenyalaw.org/caselaw/cases/view/110659/>

²⁷ <http://kenyalaw.org/caselaw/cases/view/108412/>

the Constitution is supreme in Kenya and pointed out clearly that it cannot rely on religious texts or views or moral and religious convictions of Kenyans to justify a limitation of a right.

However, since the ruling, there have been numerous attacks on LGBTI activists from politicians and churches in Kenya seeking to criminalise actions of individuals based on their sexual orientation choices leading to harassment of sexual minority human rights defenders by security agencies, discrimination, threats and stigma from the society.

Malicious prosecution

Human rights defenders across the country continue to face malicious prosecution for their work, especially those that are working on sensitive issues including land rights and extractive industry. On 16 May 2014 Joel Ogada, a human rights defender and farmer from Marereni area in Kenya was sentenced to seven years imprisonment for a conviction of arson. Joel Ogada has been among the more vocal and visible human rights defenders working closely with the Malindi Rights Forum (MRF), since the investment of salt companies in the Marereni area. His land borders that of the Kurawa Salt Company. It is alleged that his imprisonment was a wider strategy to silence him and other community members in order to work undisturbed on the respective piece of land.²⁸ Ogada has resisted numerous evictions carried out by Kurawa Salt Company. Mr. Ogada was released on 16 September 2015 and acquitted of other charges including assault.

Media Restrictions

In 2014 the Parliamentary Powers and Privileges Bill 2014 was tabled before the Kenyan National Assembly. This law declares and defines certain powers, privileges and immunities of the National Assembly and of the members of the National Assembly.²⁹ On 14 October 2015 the bill came up for debate and the MPs passed the Bill despite the uproar on the unconstitutionality of numerous sections. The Act limits the media from accessing information from Parliament and limits media freedom.³⁰ Under sections 32 and 33, a person commits an offence if the person - (a) publishes any false or scandalous libel on Parliament, its committees or its proceedings; or (b) speaks words defamatory of Parliament, its committees or its proceedings. A person convicted of an offence under this Act for which no penalty is provided shall be liable on conviction to a fine not exceeding five hundred thousand Kenyan shillings or to a term of imprisonment not exceeding two years, or to both. The Bill still needs to be tabled before the Senate for approval before presidential assent into law. If the bill is passed without amendments it would clearly violate

²⁸ See, Protection International, Justice Delayed for Malindi Farmer and Human Rights Defender, Joel Ogada. 15th March 2015 <https://protectioninternational.org/2015/03/06/kenya-appeal-put-off-imprisonment-malindi-farmer-defender-joel-ogada/>

²⁹ <http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2014/ParliamentaryPowersandPrivilegesBill2014.pdf>

³⁰ See Kenya Union of Journalists, Journalists Ask Speaker Justin Muturi to Throw Out Parliamentary Powers and Privileges Bill, <http://www.kenyaunionofjournalists.org/latest-news/130-journalists-ask-speaker-justin-muturi-to-throw-out-parliamentary-powers-and-privileges-bill.html>

regional and international norms for the respect of the right to freedom of expression.

RWANDA

The situation in Rwanda has continued to deteriorate since April 2015, as the space for civil society and political opposition tightens ahead of 2017 elections. In October 2015, Rwandan Parliament voted to approve a project to revise the Constitution, which limits presidents to two terms in office. President Kagame will reach the end of his second term in 2017, and if the Senate approves the removal of Article 101, he will be able to present himself for a third term in office.³¹

Space for political opposition is close to non-existent ahead of the 2017 elections, and two leaders of opposition parties are currently in jail, Victoire Ingabire of the FDU-Inkingi and Deo Mushayidi of the PDP-Imanzi. Bernard Ntaganda was recently released. Two parties are also currently operating in exile after their leaders were assassinated, Amahoro People's Congress and the RNC. The few opposition parties permitted face a repressive environment. Legal procedures for establishing political parties remain lengthy and time-consuming.³²

Freedom of expression

While law 02/2013 regulating the media officially guarantees the right to freedom of expression and opinion, it does not clearly define the restrictions that can be implemented on free expression. Moreover, it has been found that it does not adequately guarantee the protection of journalists' sources.³³ National and international journalists remain threatened and harassed for their work.

On 29 May 2015, the Rwanda Utilities Regulatory Authority made public its decision to suspend indefinitely the BBC's Kinyarwanda broadcasts. Its radio broadcasts, which had been provisionally suspended since 25 October 2014 over a controversial BBC TV documentary about the Rwandan genocide, are now permanently banned.³⁴ Rwanda is classed 161 out of 180 countries in Reporters Without Borders' 2015 World Press Freedom Index.³⁵

Freedom of Association

At this point in time, independent national and international NGOs attempting to register and operate in Rwanda experience great regulatory and legal obstacles. Most recently, on 12 and 13 October 2015, the Ligue des Droits de l'Homme des Grands Lacs (LDGL) was subjected to heightened harassment. The Immigration and Emigration Service has refused to deliver the NGO's registration certificate, giving neither a positive nor a negative response to their request. The Executive Secretary

³¹ <http://www.rfi.fr/afrique/20151014-rwanda-opposition-denonce-projet-revision-constitution-mandat-kagame>

³² Amnesty State of the World report 2014/15, p.311

³³ <https://www.fidh.org/IMG/pdf/rwanda632f2014bassdef.pdf>

³⁴ http://en.rsf.org/rwanda-what-lies-behind-the-indefinite-02-06-2015_47958.html

³⁵ <http://index.rsf.org/#/>

of the organisation was arrested and detained on 12 October during several hours and subject to questioning about his work permit and the registration of his organisation. On 13 October, the newly elected members of the Executive Committee were arrested during the handover meeting, which was taking place at the organisation's offices. They were questioned until late that day on the legality of the General Assembly that elected them. The Executive Secretary of the LDGL was forced to resign a week later due to the intense harassment he was facing.

A similar situation was observed regarding the state's interference in the affairs of the Ligue Rwandaise de défense des droits de l'homme (LIPRODHOR). In September 2015, the police interrupted their General Assembly, just as it was proceeding to vote on the new administrative board. The vote was to replace members of the Board who had been accused by several members of the organisation of being government agents. Before the interruption, the General Assembly had already voted to elect their president, vice-president and secretary general, all of whom were independent human rights defenders.³⁶

Unlawful detentions

In a recent report, Human Rights Watch (HRW) documented the prolonged and unlawful detention in Gikondo Transit Centre in Kigali. The arbitrary detention of people such as street vendors, sex workers, beggars, homeless people, and suspected petty criminals at Gikondo is said to be related to the authorities' plan to remove "undesirable people" from the public eye.³⁷

SOMALIA

Somalia remains one of the most dangerous countries in the world in which journalists operate. According to the Committee to Protect Journalists, at least 30 journalists have been killed in the last decade without any consequences for perpetrators. Somalia topped this year's Global Impunity Index for the first time due to the government's unwillingness and/or inability to carry out investigations into violations committed against those involved in the promotion and protection of human rights. Freedom of expression continues to be under threat not only from Al-Shabaab but also the government itself, which has closed radio stations and arrested journalists deemed critical of the government.

Freedom of expression

The Somali Cabinet endorsed a draft media law in September 2014, which contains provisions that are problematic in terms of free media principles. These include ill-defined offenses that could be misused or prompt self-censorship. The United Nations Independent Expert on Somalia, Bahame Tom Nyanduga, expressed concern

³⁶ "Rwanda: l'assemblée générale de la Liprodhor tourne au bras de fer", RFI, 6 September 2015, <http://www.rfi.fr/afrique/20150906-rwanda-ligue-defense-droits-homme-crise-direction-conseil-administration-militant-t>

³⁷ "Rwanda: Rounded Up Off the Streets", HRW, 24 September 2015, <https://www.hrw.org/news/2015/09/24/rwanda-rounded-streets>

in his most recent report to the Human Rights Council stating that “the draft legislation contains broad definitions that could be used to restrict media activities, places restrictions on who can practice journalism, criminalises defamation and imposes penalties that are disproportionate to the offences.”³⁸

In May 2015, the Somali government also issued a directive banning Al-Shabaab’s name from all media ordering media workers to refer to them as “the group that massacres the Somali people.” EHAHRDP recently released a statement to express its deep concern about the move by the Somali government which could endanger the lives of journalists, will make sensible and lawful news reporting and public debate about matters of genuine national concern virtually impossible.³⁹

Attacks on human rights defenders during this period

(a) South central

Though guaranteed by national, regional and international instruments, the right to freedom of expression remains one of the most violated rights in Somalia. In April 2015, twenty-five journalists were detained and two radio stations – Radio Shabelle and Sky FM - closed down, following their coverage of Al-Shabaab’s attack in Garissa, Kenya. One of the media networks, Radio Shabelle, had only re-commenced broadcasting in mid-March, after authorities raided its offices in August 2014 and arrested three journalists.⁴⁰

Also in April, Farhan Suleiman Dahir, a photographer for the websites of Radio Mogadishu and the state-run Somali National Television, was shot on his way home. He reportedly covered clashes between government troops and Al-Shabaab militants and may have been targeted by the group for working for state-run media. In the same month Daud Ali Omar, a journalist for Radio Baidoa, and his wife were shot dead inside their home in Berdale village, Baidoa by unidentified men. The motive behind this killing is not yet clear although Al-Shabaab are suspected to be responsible for the killings.

In another incident, in May this year, three field staff from the same organisation were detained by the district authorities after they filed rape case. When the staff took the victim to the police station with the medical report, the Police Commander confiscated the report, accused the staff of creating false rape cases and detained them for several hours. The human rights defenders were subjected to verbal harassment before their eventual release.

In June 2015, a paralegal for a women’s organization - based in Mogadishu - filed a case of rape at the police station for investigation. The police officer in charge of the station refused to write the complaint. After an argument between the police officer

³⁸ Report of the independent expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, A/HRC/30/57, September 2015, p.8

³⁹ See EHAHRDP, Somalia: Freedom of Expression under attack, 5 May 2015, <http://www.defenddefenders.org/2015/05/somalia-freedom-of-expression-under-attack/>

⁴⁰ See Committee to Protect Journalists, Authorities arrest Shabelle Media Network journalists, close station again, 7 April 2014, <https://cpj.org/2015/04/authorities-arrest-shabelle-media-network-journali.php>

and the paralegal, who was accompanied by the victim and her mother, the police ordered the arrest of both the paralegal and the victim's mother. Another staff member of the human rights organization reached the station and negotiated their release.

More recently, in October, the Somali National Intelligence and Security Agency (NISA) raided the offices of privately owned Universal TV in Mogadishu and arrested Abdullahi Hersi, the station's East Africa director, and Awil Dahir Salad, a producer. The arrests and raid of the station took place after the broadcast of a show called Doodwadaag that saw two elected members of parliament discuss the presence of foreign troops in Somalia as part of the African Union Mission in Somalia (AMISOM), as well as the motion of no confidence against the Somali government. The two journalists were not charged and denied access to a lawyer. They were arbitrarily detained for six days before their release.

(b) Puntland

Similar cases of arbitrary arrests and detentions of journalists have emerged from Puntland. In May 2015, two journalists working for Radio Daljir – Abdirahman Gardi and Jamal Farah Aden, were arrested after police raided their work headquarters in Garowe while airing live programs. They were detained overnight and subsequently released. This followed the arrest of another journalist a few days earlier and the shutdown of the Somali National Television station office in Bosaso. The journalist was later freed and the TV ban lifted.

In August, a journalist who writes for a Somali website, was physically attacked by police and then taken into custody for several hours. He was eventually released but sustained some injuries on his head, neck and shoulder. Also in the same month, Puntland's Ministry of Information filed a case against Sahan Radio, a community radio station based in Garowe for defamation. The radio was accused of being anti-government following its coverage of Puntland's anniversary celebrations. The case was eventually dismissed.

(c) Somaliland

EHAHRDP's last submission - which reported on the period of *April 2014 to April 2015* – reported on a case where Somaliland police officers entered the premises of Haatuf, an independent Somali language newspaper, and its English language sister publication The Somaliland Times (in April 2014). Police officers had ordered the newspaper's immediate closure on the basis of articles 'insulting' to members of parliament.⁴¹ The following month, 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. Both were eventually released but the newspaper remains closed.

⁴¹ 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/>

In April 2015, Guleid Ahmed Jama, a lawyer and the Chairperson for the Human Rights Centre, was arrested following an interview he gave to the BBC during which he discussed recent executions by the Somaliland authorities and the need for judicial reforms. He was charged with subversive or anti-national propaganda, intimidation of the public and publication or circulation of false, exaggerated and tendentious news capable of disturbing public order, charges which have no factual or legal basis. He was eventually released on bail in May and the charges against him have now been dropped.

On 6 October 2015, Abdirahman Egge, a reporter for Somnews-TV and Ahmed Said Mohamed who works for Kalsan TV were arrested and detained by Somaliland authorities allegedly for recording footage of a group of people hissing at representatives from the government. The journalists were detained for three days without charge before their release.

SOUTH SUDAN

Since fighting broke out on 15 December 2013, the human rights and humanitarian situation has continued to deteriorate inflicting widespread suffering on the population. Both government and non-state forces have been accused of committing abuses, which could constitute war crimes and crimes against humanity. These include extrajudicial killings, enforced disappearances, rape and other forms of sexual violence, torture, arbitrary arrests and detention, and targeted attacks against civilians.

Despite the August 2015 peace agreement, insecurity remains pervasive across South Sudan. The implementation of the peace agreement has been slow going, fighting has continued and parties have failed to demonstrate their commitment and instead have taken steps to weaken the peace agreement. Since the conflict began in December 2013, 1.65 million people have been internally displaced and another 771,152 have taken refugee outside of the country.⁴²

South Sudanese authorities and militia groups continue to hamper human rights and humanitarian initiatives. In June 2015, the South Sudanese government expelled Toby Lanzer, the Resident Coordinator and Humanitarian Coordinator for the UN Mission in South Sudan.

Harassment, intimidation and death threats have all been used to discourage human rights defenders from conducting reporting or providing a platform to those critical of the government, and those voicing concerns over the on-going conflict and Intergovernmental Authority on Development-led peace agreement process.

A severely restrictive NGO Bill was passed by Parliament in May 2015, with measures that could jeopardise humanitarian and human rights work. Since President Salva Kiir sent the bill back to Parliament, it's future is unclear.

⁴² OCHA, "South Sudan: Humanitarian Snapshot," 8 October, 2015, <http://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-8-oct-2015>

Freedom of Expression

Journalists in South Sudan face serious threats. Since April 2015, there have been over 20 reported incidents of journalists receiving threats from individuals claiming to be officials from the government or the National Security Services.”⁴³

Since May 2015, at least 5 journalists have been arbitrarily arrested or had their equipment confiscated. Journalists have also been attacked. On 20 May 2015, Pow James Raeth, a reporter with Radio Tamazuj, was shot and killed along with his friend as they exited an NGO office in Akobo.⁴⁴ On 6 August 2015, Clement Lochio Lormonana, a South Sudanese journalist was arrested in Eastern Equatoria. His whereabouts remain unknown and he is believed to be dead.

In August 2015, President Salva Kiir threatened journalists stating, “Freedom of press does not mean that you work against your country. And if anybody among them does not know this country has killed people, we will demonstrate it one day on them”.⁴⁵ Just days later on 19 August 2015, Peter Moi Julius, a journalist working for the New Nation and Corporate newspapers was shot and killed in Juba.

In August alone, Al Rai Newspaper, Citizen Newspaper, and the Free Voice Office, which also hosts Radio Tamazuj and shares an office with Voice of America, South Sudan, were targeted and forced to close their office.⁴⁶ On 16 September 2015, South Sudan National Security Services ordered the closure of the Juba Monitor.

SUDAN

The situation of human rights defenders in Sudan remains dire. The conflicts in Darfur, South Kordofan and Blue Nile have displaced 3.1 million people with 137,600-297,600 living in areas inaccessible as a result of conflict according to the United Nations Office for the Coordination of Humanitarian Affairs.⁴⁷

Human Rights defenders, civil society activists, students and political opposition members are regularly harassed, threatened, arrested, and tortured. During the Sudan election period, abuses against HRDs were commonplace.

Human Rights Defenders

On April 11, 2015, human rights defender Mr. Abdalla Hamid Mohamed, 29 years old, who is also medical doctor at the base in Algardarif, Eastern Sudan managed to

⁴³ EHAHRDP, “South Sudan: Journalists under brutal government attack”, 23 September 2015, <https://www.defenddefenders.org/2015/09/south-sudan-journalists-under-brutal-government-attack/>

⁴⁴ Committee to Protect Journalists, “Journalists killed in South Sudan”, 2015, <https://cpj.org/killed/2015/pow-james-raeth.php>

⁴⁵ Radio Tamazuj, “Kiir threatens to kill journalists 'working against the country'”, 17 August 2015, <https://radiotamazuj.org/en/article/kiir-threatens-kill-journalists-working-against-country>

⁴⁶ CEPO. August, a dark month for Journalists and Media in South Sudan <http://www.cepo-southsudan.org/news/august-dark-month-journalists-and-media-south-sudan>

⁴⁷ OCHA, “Sudan: Humanitarian Snapshot,” 31 August 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_Humanitarian_Snapshot_31_Aug_2015_A3.pdf

escape and avoid being arrested by NISS. He fled his town of Algardarif and after returning two months later NISS agents interrogated him about his organization, the Algardarif Initiative, its activities and members of initiative. He was forced to sign a pledge stating that he would not engage in any political activities.

On April 12, 2015, Dr. Sandra Kadouda, a prominent Sudanese activist was pulled from her car and allegedly kidnapped by NISS. She was detained for 3 days during which she was beaten, tortured, and her shoulder dislocated before being dumped unconscious in the street. This incident created intensive fear among civil society.

On April 16, 2015, Adil Bakheit, a prominent human rights leader, was charged with “crimes against the State” for conducting a workshop on human rights for TRACKS for Training and Human Development. The TRACKS office was raided on 26 March 2015 and documents and laptops, including those of Adil Bakheit, were seized.

Nour Eldaim Khidir, a teacher and member of Sudanese Communist Party was arrested on May 5, 2015 at 6:00 pm by NISS of Algardarif. He was interrogated about his relationship with the Sudan Call Forces, the body that introduced the campaign for the election boycott. He was also interrogated about his relationship with Alshrooq forum, one of the actors in the campaign for an election boycott. Mr. Khidir later received a phone call from one of the NISS personnel informing him that he was being monitored.

On 24 August 2015, Abdullah Abdelkader, a judge and member of the Sudan Human Rights Monitor, was shot and killed by unknown gunmen in South Kordofan.⁴⁸

Freedom of Expression

Security forces frequently target journalists in Sudan; this was particularly frequent during the election period. On April 12, 2015, the day prior to elections, two online newspapers, Hurriyat and Sudanile, were hacked and taken offline.⁴⁹

The NISS regularly confiscates newspapers for crossing various “redlines” such as reporting on the conflict areas, security and the economy. Between January-July 2015, 75 print runs from newspapers in Sudan were confiscated.⁵⁰ The biggest incident during the reporting period took place on May 25, 2015, when 10 newspapers were confiscated and 4 suspended.

Freedom of Assembly

⁴⁸ Frontline Defenders, “Sudan – Killing of human rights defender Mr Abdullah Abdelkader,” 24 August 2015, <https://www.frontlinedefenders.org/node/29467>

⁴⁹ ACJPS, “Sudan’s electoral period marred by arrests and incommunicado detention; Insecurity in Darfur,” 17 April 2015, <http://www.acjps.org/sudans-electoral-period-marred-by-arrests-and-incommunicado-detention-insecurity-in-darfur/>

⁵⁰ The Guardian, “Sudan seizes another daily newspaper, making 2015 worst year for country's media,” 30 June 2015, <http://www.theguardian.com/world/2015/jun/30/sudan-press-freedom-newspaper-seizures-el-jareeda>

The Sudanese government regularly restricts freedom of assembly by violently dispersing peaceful gatherings. The Sudanese government has yet to hold accountable the perpetrators of violence that led to the deaths of 185 civilians killed during peaceful demonstrations in September 2013 or provide reparations for the families of the victims or those injured.

According to the report of the Independent Expert on Sudan, April 14-15, 2015, students from El Fasher University were violently suppressed by police and 20 students were arrested.⁵¹

TANZANIA

At the end of October 2015, Tanzania will hold its fifth general election since the restoration of the multi-party system in 1992. Tanzania has been relatively politically stable since attaining its independence in 1981, and as such does not get much media attention. However since January 2015, the Tanzanian Coalition of Human Rights Defenders has documented 21 cases from human rights defenders citing arrest, malicious prosecutions and decriminalisation of expression from different parts of Tanzania.

Civil Society Space

The Government of Tanzania continues to use administrative measures to restrict the operating space for civil society in Tanzania. Earlier this year, an international NGO, Action Aid Tanzania was summoned by the Registrar of NGOs and cautioned that it will be deregistered if it does not adhere to the provisions of the NGO Act. This action followed a corruption report published by Action Aid in regard to land grabbing in Bagamoyo.

Threats to Journalists and Media freedom

In 2015, Tanzania Human Rights Defenders Coalition protection office has documented over fifteen cases of intimidation and threats from journalists. In January 2014, regional newspaper The East African was banned in Tanzania, after being in circulation for 20 years. The letter, dated 21 January 2014, ordered an immediate stop to publication, printing and circulating in Tanzania until it was officially registered.

On 3 August 2015 Tanzania Communications Regulations Authority (TCRA) served Kyela radio station a letter temporarily suspending the radio station. The radio alleges that TCRA actions stem from a special programme aired on 25 July 2015 on a contestant of 'Chama Cha Mapinduzi' (CCM) party who is also the Chief Executive Officer of the radio station. Soon after the programme was aired TCRA went to the radio station and requested for a copy of programme. However TCRA alleges that they suspended the radio's operation because its license and radio transmitter were found inside the station, which is contrary to the rules.

⁵¹ UNGA, "Report of the Independent Expert on the situation of human rights in the Sudan, Aristide Nononsi," 24 August 2015.

On 17 August 2015, a group of journalists in Ruvuma region, southern Tanzania were attacked by a gang mob while carrying out their duties. The attack was confirmed by the police on 18 August. Regional Police Commander, Msikhela identified journalists who survived the clash as Kassian Nyandindi of the BusinessTimes, Aden Mbelle and Pastory Mfaume of the Songea-based Jogoo FM Radio.

On 31 July 2015 a journalist, Benson Mwakalinga was beaten and harassed by Emmanuel Bongo, the Chairman of the Kyela town while covering a CCM meeting. Emmanuel Bongo was restricting journalists and other CCM members from accessing the meeting.

Enactment of Cybercrime Act

On 1 April 2015, the Parliament of Tanzania passed the Cybercrimes Act, which drew a lot of criticism from national and international human rights organisations.⁵² The Act conveys excessive powers to the police and lacks adequate procedural safeguards and judicial oversight. It empowers police or law enforcement officers to storm premises and to confiscate computer systems or device and computer data if the police law enforcement officers believe that such information can be used as evidence to prove an offence has been committed. The police are equally given the right to search devices like cell phones, laptops or computers if they believe they contain information that can be used as evidence to prove a crime has been committed. The officer does not need a court order to conduct searches except in cases where the person in possession of such information does not cooperate, or if force is needed. Following calls for a complete review of the Act by the media, civil society, members of the political opposition and the international community, the Cybercrimes Act has been suspended by the Authorities.

State of Impunity

To date the State has made no significant efforts to investigate and prosecute cases involving violations of the rights of human rights defenders (HRDs). In several cases involving HRDs, the perpetrators have not been held accountable for their actions.

On 2 September 2012, Daudi Mwangosi, a reporter with Channel Ten, a local television station, was killed while carrying out his duties at the launch ceremony of an office by the opposition party Chadema in Nyororo, Iringa. A police officer fired a tear gas canister at close range causing his death. Authorities filed a murder case against Pacifius Cleophas Simon, the police officer who allegedly killed Mwangosi and the case has been dragging in court ever since. To-date, none of the eyewitnesses, including a journalist who took all the photos, has been called for questioning by the police involved in the investigation. Sadly, the State did not file any charges nor take disciplinary measures against the six police officers whose pictures or footages indicated that they were involved in the brutal attack. The killing of Mwangosi was one of the worst in the media fraternity for a country like Tanzania, once considered 'heaven of peace.'

⁵² See, "Tanzania: Cybercrime Act 2015", Article 19, 13th July 2015: <https://www.article19.org/resources.php/resource/38058/en/tanzania:-cybercrime-act-2015>

Dr. Stephen Ulimboka, former Chairperson of the Medical Doctor's Association and leader of the 2012 doctors' strike was kidnapped and dragged into an unidentified vehicle by a group of armed men who brutally beat and tortured him before deserting him in the middle of a heavy forest in Mabwepande. To date, there have been no serious efforts by the State to investigate the case and bring to justice Dr.Ulimbokas' assailants.

Instead, some media outlets have suffered a ban under the infamous Newspaper Act of 1976 due to carrying out investigations over his abduction and subsequently publicising the story. A weekly tabloid, Mwanahalisi suffered an indefinite ban as a result.

UGANDA

Uganda will be conducting its general elections in March 2016, the third since the country shifted to a multi-party political system. The pre-election period has not been void of tension, with human rights defenders working on civil and political rights suffering crackdown from the state. There are fears that 2016 elections will be held under a very restrictive legal regime.

Targeting of journalists

The media is often classified as partisan; especially during this period. On 21 July 2015, three journalists were suspended after hosting Kiiza Besigye, President of Forum for Democratic Change (FDC) political party, for an interview. On the same day in Gulu district, northern Uganda, police and the Resident District Commissioner (RDC) for Gulu arrested Payira Bonny a radio talk-show host for allegedly using abusive language against the Ugandan President Yoweri Kaguta Museveni during a one hour talk-show which discussed political developments in the country.⁵³ In August 2015, Eshato Publications Limited, under state duress, deleted a congratulatory message to Amama Mbabazi, former ally of President Museveni and presidential aspirant for the 2016 polls. Two individuals were arrested for overseeing the sale of the publication.⁵⁴

Surveillance

On 15 October 2015, BBC broke the news that a UK-based firm had sold surveillance technology to Uganda, which has been used to crush and potentially blackmail opponents of the President.⁵⁵ According to a new report published by Privacy International, officials of the Chieftaincy of Military Intelligence (CMI) and Uganda Police Force (UPF), acting on presidential orders, used an intrusion malware to infect

⁵³ See, HRNJ-Uganda alert, Police and President's representative arrest radio station manager for criticizing the President, 23rd July 2015, <http://hrnjuganda.blogspot.ug/2015/07/hrnj-uganda-alert-police-and-presidents.html>

⁵⁴ See, HRNJ, "State House Orders Journalist to delete Mbabazi's Congratulatory Message From Magazine and Apologize," 5th August 2015, <https://hrnjuganda.wordpress.com/2015/08/05/hrnj-uganda-alert-state-house-orders-journalist-to-delete-mbabazis-congratulatory-message-from-magazine-and-apologize/>

⁵⁵ See, "UK firm's surveillance kit 'used to crush Uganda opposition'", 15th October 2015, <http://www.bbc.com/news/uk-34529237>

the communications devices of key opposition leaders, media and establishment insiders. The secret operation was codenamed Fungua Macho ('open your eyes' in Swahili).⁵⁶ Privacy International has previously warned that powerful surveillance technologies are used to facilitate serious human rights abuses with insufficient technological and legal safeguards against the abuse. Although the government of Uganda has denied the allegations, state surveillance in Uganda is not a new phenomenon. In 2011, human rights defenders reported Ugandan security forces followed them as they went about their daily lives. HRDs working on sensitive issues including security, police brutality, media freedom, corruption and land related issues fear they are being monitored during the elections period.⁵⁷

Non-Governmental Organizations Bill (2015)

Uganda's NGO sector is growing rapidly and currently there are over 11,500 registered NGOs in the country⁵⁸. As such there is need for comprehensive and unambiguous legal framework on the registration and operations of these organisations to address issues of accountability and transparency in the sector. On 10 April 2015, the Government of Uganda gazetted the Non-Governmental Organisations Bill, 2015 (NGO Bill). The NGO Bill is intended to repeal the Non-Governmental Organisations Registration Act, Cap. 113 (as amended in 2006).

A more thorough assessment of the provisions in the NGO Bill suggests that it is controlling and restrictive in nature rather than facilitative. The Bill, for instance, provides for wide discretionary powers to reject registration, impose hefty criminal sanctions and dissolve registered organisations, all without judicial oversight. Further the Bill in its current form does not allow for public consultation during the nomination and appointment process of members to the board of directors. It also does not specify the inclusion of any members from the NGO sector. The Bill further provides the NGO Board with overreaching powers to intervene in the operations and privacy of organisations. For instance, the Board can take any disciplinary action it deems fit.⁵⁹

The Parliamentary Committee on Defence and Internal Affairs drafted a report with strong recommendations informed by the NGO community and other stakeholders in Uganda that if incorporated into the Bill would make a positive impact.

Police Brutality Ahead of Polls

Uganda's police force continues to use excessive force against political opponents and human rights defenders working on civil and political rights. Quoting Maria Burnett, a senior Africa researcher at Human Rights Watch, "Arrests of opposition activists and dispersals of their gatherings deny the population the right to hear divergent views." Police blocked a planned opposition rally in western Uganda on 10

⁵⁶ See, "For God and My President: State Surveillance in Uganda", https://privacyinternational.org/sites/default/files/Uganda_Report.pdf

⁵⁷ See EHAHRDP report, "Caught Up in Bitter Contests: Human Rights Defenders Working in the Context of Elections in Sudan, Ethiopia, Burundi and Uganda," www.defenddefenders.org on page 30

⁵⁸ Foundation for Human Rights Initiative (FHRI) interview with Mr. Stephen Okello, Ag. Secretary, National Non-Governmental Organisations Board, on 16th April 2015.

⁵⁹ Article 7(1)(b) of the Non-Governmental Organisations Bill, 2015.

October 2015 and assaulted a female opposition member. The female member of Forum for Democratic Change (FDC) was publicly stripped as police tried to arrest FDC party members who were heading to Rukungiri district for political mobilisation.⁶⁰

National Action Plan

On a positive note, Uganda is developing a national action plan on human rights for the first time, as a key outcome of its Universal Periodic Review (UPR) in 2011 by the United Nations Human Rights Council. The national action plan for Human Rights is an integrated and systematic national strategy to help realise the advancement of human rights in any country. The national action plan will set out the ways in which the Government fulfils its responsibility to protect and promote human rights in Uganda. It will spell out the specific objectives and priorities in this regard, and the role of other bodies and individuals in ensuring respect for human rights.

⁶⁰ See, UN condemns Uganda police brutality ahead of polls, 20th October 2015:
<http://www.theeastafrican.co.ke/news/UN-condemns-Uganda-police-brutality-ahead-of-polls/-/2558/2922100/-/1fbichz/-/index.html>