



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

## **Overview of the Human Rights Situation in the East and Horn of Africa October 2015- March 2016**

---

Report submitted to the 58<sup>th</sup> Ordinary Session of the  
African Commission on Human and Peoples' Rights (ACHPR)  
Banjul, The Gambia, April 2016

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

Human Rights House, Plot 1853, Lulume Rd., Nsambya  
P.O. Box 70356 Kampala, Uganda  
Phone: +256 393 256 820  
Website: <http://www.defenddefenders.org>

### **Contacts**

Hassan Shire Sheikh (Executive Director)  
[executive@defenddefenders.org](mailto:executive@defenddefenders.org), +256-772-753-753

Clementine de Montjoye (Advocacy & Research Officer)  
[advocacy@defenddefenders.org](mailto:advocacy@defenddefenders.org), +256-752-183-305

Estella Kabachwezi (Advocacy Officer)  
[advocacy@defenddefenders.org](mailto:advocacy@defenddefenders.org), +256 312 265 824

## **Introduction**

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 58<sup>th</sup> 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 from October 2015 to March 2016.

This report was prepared with the assistance of reports and information sent to DefendDefenders (East and Horn of Africa Human Rights Defenders Project) the secretariat of the East and Horn of Africa Human Rights Defenders Network by our members and partners from the sub-region.

The past six months have seen heightened restrictions of civil and political freedoms during electoral periods in countries across the sub-region such as Uganda, Tanzania and Djibouti, as well as the grave and extremely worrying deterioration of on-going crises in Burundi and South Sudan. We have witnessed worsening patterns of harassment, intimidation and attacks on human rights defenders across the board, and renewed government clampdowns on human rights activities.

In many countries regressive legislation was passed, curtailing citizens' rights to free expression and peaceful assembly. Increasingly, counter-terrorism laws are being misused to target the legitimate work of human rights defenders. NGO and Media Bills are increasingly being passed with broad and vague terminology, facilitating judicial proceedings against independent human rights organisation and media outlets under the guise of "threatening national security". Across the region, administrative and bureaucratic harassment is used to disrupt the work of human rights defenders and journalists.

## **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 signatories;
- 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 serious violations of the Charter and international humanitarian law in the regions of Southern Kordofan and Blue Nile in Sudan and ensure that perpetrators are held to account without delay, and call on the Government of Sudan to instruct forces under State control to immediately end all deliberate and indiscriminate attacks against civilians and grant immediate and unfettered access for humanitarian aid agencies to all populations in need;
- Call on the government of Ethiopia to cease the violent crackdown on the Oromo Protests, which has been unfolding since November 2015, and to authorise

independent investigations into the human rights violations committed by security forces;

- Call on all parties to stop violence in Burundi, urge the authorities to allow independent radios and human rights organisations to resume operations freely, to allow the African Union human rights monitors in Burundi safe access to information, witnesses and victims, and release the findings of the Commissioners' visit to the country in December 2015;
- Call on the African Union to advance the process of establishing a Hybrid Court in South Sudan to deliver the first steps towards accountability for the many egregious human rights violations and violations of international law that have been committed in South Sudan since December 2013 and to seek to implement the African Union Commission of Inquiry on South Sudan's recommendations;
- Call on all member States who have not done so 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, and condemn Rwanda's decision to withdraw its declaration;
- 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, 5<sup>th</sup> 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, and closely monitor upcoming elections in Djibouti, Somalia, Rwanda, and Kenya;
- 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;

## **COUNTRY OVERVIEWS**

### **BURUNDI**

Since April 2015, the human rights situation in Burundi has markedly deteriorated, following President Pierre Nkurunziza's bid for a third term in office. Protests that erupted over the President's decision to run for a third term were violently crushed and the rights to freedom of association, of assembly and of expression have ever since been heavily curtailed. The Burundian authorities have effectively silenced independent media and the vast majority of human rights defenders have fled the country. Many of those who remain in Burundi continue to be subject to intimidation, threats, harassment, and physical attacks.

Extra-judicial and arbitrary killings remain routine, and torture, rape, sexual violence and arbitrary arrests have all been reported by national and international monitoring groups.<sup>1</sup> According to the United Nations Office of the High Commissioner for Refugees (UNHCR), over 240,000 Burundians fled the country between April 2015 and February 2016 to neighbouring countries including Rwanda, Tanzania, DRC and Uganda, which has significantly heightened the spectre of greater regional spill over.<sup>2</sup>

The December 2015 Special Session of the UN Human Rights Council culminated in the adoption of a resolution mandating the High Commissioner for Human Rights to deploy a mission by independent experts to visit the country to investigate human rights violations.<sup>3</sup> The mission took place in March 2016 and found that while the crisis was less visible, violence continued to increase in the small Great Lakes country. In addition, the UN Security Council conducted a visit to Burundi in January 2016, followed by a visit from the UN Secretary-General Ban Ki-moon on 22 February 2016. Throughout these visits, the Burundian Government clearly expressed its rejection of the deployment of an AU or UN peace-keeping forces.<sup>4</sup> On 1 April 2016, the UN Security Council voted to send a peace-keeping police force in Burundi to tackle persisting insecurity and restore stability to the country.

On 11 December 2015, Burundian security forces shot dead a large number of people, mostly in contested neighbourhoods of Bujumbura, following attacks on four military installations that were attributed to the opposition. A military spokesperson claimed that 87 people were killed, while independent national and international human rights groups believe this number may be much higher.<sup>5</sup> National human rights monitoring groups have also reported the presence of several mass graves, which has been

---

<sup>1</sup> "Burundi: Abductions, Killings, Spread Fear", Human Rights Watch, 25 February 2016, <https://www.hrw.org/news/2016/02/25/burundi-abductions-killings-spread-fear>

<sup>2</sup> "Burundi Situation", Inter-agency Information Sharing Portal, UNHCR, <http://data.unhcr.org/burundi/regional.php>

<sup>3</sup> Report of the Human Rights Council on its twenty-fourth special session (A/HRC/S-24/2), 17 December 2015, <http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session24/Pages/24thSpecialSession.aspx>

<sup>4</sup> "African Union decides against peacekeepers for Burundi", Al Jazeera, 1 February 2016, <http://www.aljazeera.com/news/2016/01/african-union-decides-peacekeepers-burundi-160131102052278.html>

<sup>5</sup> *Ibid*

confirmed by Amnesty International through satellite imagery<sup>6</sup> and the UN Office of the High Commissioner for Human Rights on 15 January 2016.<sup>7</sup>

### **Freedom of association**

Freedom of association in Burundi has continued to steadily deteriorate in the country, and most organisations have been forcibly closed, had their bank accounts frozen, and have had to cease their human rights activities.

On 23 November 2015, the Minister for Internal Affairs of Burundi suspended the activities of ten NGOs, including six major human rights organisations. The leaders of many of these organisations have been the subject of international arrest warrants, accused of taking part in the attempted coup, and have long since fled the country.<sup>8</sup>

Recently, on 28 March 2016, one of the suspended organisations, PARCEM, was allowed to resume activities, however there are concerns over whether it will be able to operate freely and independently given the current context. Since April 2015, over 100 human rights defenders have been forced to flee the country due to well-founded fears that they or their families will be targeted. On 6 November 2015, as the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights was taking place, renowned human rights defender Pierre Claver Mbonimpa's son was found dead mere hours after being arrested by the police.<sup>9</sup>

Since October 2015, surveillance of the few remaining human rights organisations in the country has increased and intensified. Many human rights defenders have reported that their offices and homes are under surveillance, and some have had to close their offices and remove their equipment. The vehicles and equipment of certain organisations, including *Radio Publique Africaine*, have been seized. National human rights monitors remaining in the country have attempted to collaborate with regional and international observers and experts who have visited the country over the course of the past 6 months, however, this has often led them to flee the country for fear of reprisals.

### **Freedom of expression**

Since the attempted coup d'état on 13 May 2015, most independent radio stations in Burundi have been forcibly closed and had their equipment partially or completely destroyed. The majority of journalists have fled the country, and those remaining are struggling to conduct investigations and report on the current situation. Several initiatives are underway to establish radios in exile, which would allow journalists who

---

<sup>6</sup> "Burundi: Satellite Evidence Supports Witness Accounts Of Mass Graves", Amnesty International, 28 January 2016, <https://www.amnesty.org/en/press-releases/2016/01/burundi-satellite-evidence-supports-witness-accounts-of-mass-graves/>

<sup>7</sup> "Alarming new patterns of violations emerging in Burundi", United Nations Office of the High Commissioner for Human Rights, 15 January 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=E#sthash.mFUGEMrj.dpuf>

<sup>8</sup> List of 10 organisations: FOCODE, FORSC, FONTAINE ISOKO, APRODH, Maison SHALOM, AMINA, ACAT – Burundi, PARCEM, SPPDF, RCP

<sup>9</sup> "EHAHRDP strongly condemns assassination of Pierre-Claver Mbonimpa's son and escalating violence in Burundi", EHAHRDP, 6 November 2015, <https://www.defenddefenders.org/2015/11/ehahrdp-strongly-condemns-assassination-of-pierre-claver-mbonimpas-son-and-escalating-violence-in-burundi/>

have fled Burundi to continue to report on the situation from the relative safety of surrounding countries.

In February 2016, the National Council for Communications gave permission to two private radios that had been banned from broadcasting since May 2015 to re-open. However the radios, *Radio Isanganiro* and *Rema FM*, were forced to sign an undertaking to be “balanced and objective” and not to threaten the country’s “security”.<sup>10</sup>

Independent newspaper *Iwacu* is one of the only independent media outlets still operating inside the country today, despite the difficulties faced by its journalists. On 16 November 2015, Antoine Kaburahe, the director of *Iwacu* newspaper was summoned to the Prosecutor’s office, on the accusation that he had taken part in the failed coup d’état in May 2015. He was accused of plotting it alongside a number of other leading members of civil society, and was forced to flee the country after his hearing.<sup>11</sup>

### **Arrests and enforced disappearances**

Thousands of Burundians have been arrested and detained in official and unofficial detention sites, according to rights groups on the ground. Many have been targeted for their affiliation or perceived affiliation with the anti-third term movement, or to the political opposition, and have not been given access to their lawyers or their families.

On 10 December 2015, Marie-Claudette Kwizera, treasurer of leading NGO *Ligue Iteka*, was abducted and forced into a vehicle of the National Intelligence Service in Bujumbura. Two days later, an intelligence agent informed her family that she was being detained in their offices, and demanded a ransom of 3.5 million Burundian francs. Despite the ransom being paid, no further information has been provided on her whereabouts, and neither her family nor her lawyers have been given access to her.<sup>12</sup>

### **DJIBOUTI**

As Djibouti gears up for its presidential election on 8 April 2016, the government has significantly tightened its grip over civic and political space, with reports of repeated violations of the rights to freedom of expression, peaceful assembly and association.

Since parliamentary elections were held in February 2013, Djibouti has been battling a worsening political crisis. The framework for dialogue and civil harmony signed by the government and the opposition on 30 December 2013 has yet to be implemented. Since then, the repression of independent and critical voices within the country has only increased, with a particular tightening of the political space of the opposition and independent unions.<sup>13</sup>

---

<sup>10</sup> “Two of five closed radio stations allowed to reopen”, Reporters Without Borders, 23 February 2016, <http://en.rsf.org/burundi-two-of-five-closed-radio-stations-23-02-2016.html>

<sup>11</sup> “Dispatches: Fresh Attempts to Muzzle Free Speech in Burundi”, Human Rights Watch, 1 December 2015, <https://www.hrw.org/news/2015/12/01/dispatches-fresh-attempts-muzzle-free-speech-burundi>

<sup>12</sup> “Burundi: No news from Marie-Claudette Kwizera since her kidnapping, the Observatory refers the case to the UN”, International Federation for Human Rights, 22 January 2016, <https://www.fidh.org/en/region/Africa/burundi/burundi-no-news-from-marie-claudette-kwizera-since-her-kidnapping-the>

<sup>13</sup> “Political deadlock and intensified repression, three months prior the presidential election”, FIDH, EHAHRDP and LDDH, 19 January 2016,

The presidential campaign for the president's fourth mandate began in October 2015, and resulted in quasi-daily human rights violations. In the run up to the presidential elections, hundreds of individuals have reportedly been arbitrarily arrested and tortured in connection with their affiliation to the political opposition, and the offices and homes of opposition leaders have been raided. Many were never presented with charges or brought before a court, but were detained for several days before being released, according to the *Ligue Djiboutienne des Droits de l'Homme*.<sup>14</sup>

### **Freedom of peaceful assembly and association**

Since September 2015, rights groups have recorded a significant increase in arbitrary arrests and detentions, as well as acts of violence, harassment and intimidation against opposition leaders and activists, independent journalists, human rights defenders, and the civilian population more broadly.<sup>15</sup>

On 10 December 2015, Saïd Hussein Robleh, the Secretary General of the *Ligue Djiboutienne des Droits de l'Homme* (LDDH), the only remaining human rights organisation in the country, and an opposition member of parliament, was insulted and publicly beaten by the Chief of Police while sitting in a café. He was prevented from leaving, and had to be hospitalised to treat the serious injuries he sustained after the beating.<sup>16</sup>

On 24 November 2015, the Government of Djibouti adopted restrictive measures to limit the right to peaceful assembly after the Paris and Bamako terrorist attacks. A state of emergency was established, effectively giving the authorities the power to dissolve peaceful assemblies without due process. Since its establishment, violence against opposition groups and critics of the government has intensified.

### **Freedom of expression**

On 21 December 2015, during a public gathering for a religious festival in Bouljougou, at least 27 people were killed and over 150 wounded by government forces.<sup>17</sup> The government responded to the *Ligue Djiboutienne des Droits de l'Homme*'s advocacy on the massacre with further attacks, and later on 21 December 2015, the organisation's General Secretary, Saïd Hussein Robleh, and the President of opposition party *Union pour le Salut National* (USN) were shot by police forces. Robleh received bullets in the throat and collarbone. Despite his critical injuries from the shooting, his discharge was ordered from French military hospital Bouffard on 29 December 2015.

---

<https://www.fidh.org/en/region/Africa/djibouti/political-deadlock-and-intensified-repression-three-months-prior-the>

<sup>14</sup> "Rapport Annuel 2015", Ligue Djiboutienne des Droits de l'Homme, 11 March 2016, <http://www.lddh.net/?p=1391>

<sup>15</sup> "Political deadlock and intensified repression, three months prior the presidential election", FIDH, EHAHRDP and LDDH, 19 January 2016, <https://www.fidh.org/en/region/Africa/djibouti/political-deadlock-and-intensified-repression-three-months-prior-the>

<sup>16</sup> "Djibouti, Ethiopia, and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists", EHAHRDP, 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>

<sup>17</sup> "L'escalade dans la répression fait au moins 27 morts à Djibouti", Fédération Internationale des Droits de l'Homme, 23 Décembre 2015, <https://www.fidh.org/fr/regions/afrique/djibouti/l-escalade-dans-la-repression-fait-au-moins-27-morts-a-djibouti>

The same day, Omar Ali Ewado, one of the leaders of LDDH, was arrested by the National Gendarmerie and held incommunicado for several days. Ewado had published a provisional list of victims of the 21 December massacre. Additionally, police raided the offices of LDDH on 29 December, and the organisation archives and computer equipment were seized.<sup>18</sup>

After his appearance in court on 3 January 2016, Ewado was transferred to Gabode Central Prison without access to his family. On 7 January 2016 he was charged with public defamation for inciting hatred and spreading false news related to the 21 December 2015 massacre and was handed a prison sentence of 3 months on 17 January 2016. He was released on 14 February 2016 after the Appeal Court found that the constitutive elements used in his trial were not valid, after serving 1½ months of his sentence.<sup>19</sup>

### **Foreign interests in Djibouti**

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 have been used by US Special Forces for covert, anti-terror and other operations in Yemen and in Africa. France and Japan also have bases in the port, which is used by many foreign navies to fight piracy in neighbouring Somalia. On 25 February 2016, China's Ministry of Defence confirmed the start of the construction of "support facilities" for the People's Liberation Army-Navy (PLAN) in Djibouti.<sup>20</sup>

### **ERITREA**

Eritrea remains one of the most oppressive and closed countries in the world. The situation in the country has significantly deteriorated since 2001, after a severe crackdown created an inhospitable environment for human rights defenders. Since then, the space for civil society organisations and independent media has been completely crushed, with journalists and activists facing a choice between exile and imprisonment in one of Eritrea's infamous and insalubrious jails.

Despite shoot to kill orders along the border, the lack of basic civil liberties and forced life-long conscription in the army has led an estimated 5,000 Eritreans to flee the country on a monthly basis.<sup>21</sup>

---

<sup>18</sup> "Djibouti, Ethiopia, and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists", EHAHRDP, 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>

<sup>19</sup> "Djibouti : Libération de M. Omar Ali Ewado, membre fondateur de la Ligue Djiboutienne des Droits Humains", Fédération Internationale des Droits de l'Homme, 16 February 2016, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/djibouti-liberation-de-m-omar-ali-ewado-membre-fondateur-de-la-ligue>

<sup>20</sup> "Defense Ministry's regular press conference", Ministry of National Defence of the People's Republic of China, 25 February 2016, [http://eng.mod.gov.cn/Press/2016-02/25/content\\_4644801.htm](http://eng.mod.gov.cn/Press/2016-02/25/content_4644801.htm)

<sup>21</sup> "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>



On 14 March 2016, Sheila Keetharuth, the UN Special Rapporteur on the Situation of Human Rights in Eritrea and a member of the UN Commission of Inquiry on Eritrea, submitted an oral update to the Human Rights Council.<sup>22</sup> She noted that there is pervasive “*fear of a future constrained by indefinite military conscription and arbitrary detention for exercising fundamental freedoms such as freedom of expression or religion.*”<sup>23</sup>

According to the Special Rapporteur, at least 3,092 unaccompanied children fled to Sudan in 2015. Many left as a result of indefinite conscription and forced labour, and while the Eritrean government claims the length of national service was reduced to 18 months, the Special Rapporteur noted that there has been no sign that this has taken place. National service is mandatory for all citizens between 18-50 years old, however it is also common practice to enlist children under the age of 18 years.

Even outside of the country, independent voices promoting human rights in Eritrea or critical of the government continue to face harassment and intimidation by authorities. Articles attacking and threatening human rights defenders in exile have been posted onto websites that are supportive of the current government. Several human rights activists have reported being threatened and followed by Eritreans working for the government in their new homes in Europe and in Africa. For example, in the Netherlands, eight court cases have been brought against academics, the Dutch government, a website and media houses by individuals and groups linked to the Eritrean regime.<sup>24</sup> These court cases, which are costly and time consuming, generally target entities or individuals who have expressed themselves openly about Eritrea’s catastrophic human rights record.

Despite the abysmal conditions in Eritrea caused by the repressive policies of the government, in December 2015 the European Union announced it will provide €200 million to “*promote poverty reduction and socio-economic development in Eritrea.*”<sup>25</sup> No mention was made of Dawit Isaac during the negotiations, the Swedish-Eritrean journalist who has been detained incommunicado in Eritrea since 2001.<sup>26</sup> Additionally, some European countries are considering returning asylum seekers and refugees, which would place them at high risk.

### **Freedom of association and peaceful assembly**

The right to freedom of association and peaceful assembly remains tightly controlled in Eritrea. According to Freedom House, independent NGOs are not tolerated and there have been no international NGOs operating in the country since 2011.<sup>27</sup> Since 1993, Eritrea has detained an estimated 10,000 prisoners of conscience without charge or

---

<sup>22</sup> “Statement by Ms. Sheila B. Keetharuth, Special Rapporteur on the Situation of Human Rights in Eritrea at the 31th session of the Human Rights Council”, OHCHR, 14 March 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17224&LangID=E>

<sup>23</sup> Ibid.

<sup>24</sup> “How Eritrea is Turning to Dutch Courts to Silence its Critics”, The Guardian, 1 March 2016, <http://www.theguardian.com/world/2016/mar/01/how-eritrea-is-turning-to-dutch-courts-to-silence-its-critics>

<sup>25</sup> “EU Announces Support for Poverty Eradication in Eritrea”, European Union, 11 December 2015, [http://europa.eu/rapid/press-release\\_IP-15-6298\\_en.htm](http://europa.eu/rapid/press-release_IP-15-6298_en.htm)

<sup>26</sup> “EU aid to repressive Eritrea indefensible”, Africa Review, 14 March 2016, <http://www.africareview.com/Opinion/EU-aid-to-repressive-Eritrea-indefensible/-/979188/3116218/-/ck9mj6z/-/index.html>

<sup>27</sup> “Freedom in the World 2015”, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/eritrea>

trial. Prisoners are often detained indefinitely in inhumane conditions resulting in starvation, illness, and even death.<sup>28</sup>

### **Freedom of expression**

According to the Committee to Protect Journalists, Eritrea is the most censored country in the world.<sup>29</sup> There are currently at least 15 journalists in prison<sup>30</sup> and since 2010, at least 32 have gone into exile.<sup>31</sup> Many of the detained journalists have been held incommunicado since 2001, such as Dawit Isaak, a Swedish-Eritrean journalist, and Seyoum Tsehaye, the former head of national television, who have yet to be given access to their lawyers, and whose families have not received any sign of life since their imprisonment.<sup>32</sup>

## **ETHIOPIA**

In Ethiopia, the rights to freedom of peaceful assembly, expression, and association continue to be undermined and restricted, and civic and political space is particularly controlled for those undertaking human rights activities. During this reporting period, the targeting of HRDs and journalists significantly increased in the wake of the Oromo protests that began in December 2015.

### **Freedom of peaceful assembly**

Security forces in Ethiopia have used excessive force to disperse widespread demonstrations in the Oromo region of Ethiopia.<sup>33</sup> The protests began in response to the expansion of the capital Addis Ababa under the government's Integrated Development Master Plan. The government's subsequent crackdown on the protests in Oromia region has led to the deaths of at least 150 protesters and to thousands being arbitrarily arrested and detained.<sup>34</sup> On 15 December 2015, the Ethiopian government called those participating and supporting the demonstrations "an organised and armed terrorist force" in an attempt to legitimise the restrictions on and targeting of peaceful protesters.<sup>35</sup>

---

<sup>28</sup> "Map of Secret Prison Network in Eritrea Pinpoints "Infrastructure of Repression"", Amnesty International, 8 May 2013, <http://www.amnestyusa.org/news/press-releases/map-of-secret-prison-network-in-eritrea-pinpoints-infrastructure-of-repression>

<sup>29</sup> "10 Most Censored Countries", Committee to Protect Journalists, 27 April 2015, <https://cpj.org/2015/04/10-most-censored-countries.php>

<sup>30</sup> "2016 Press Freedom Barometer", Reporters Sans Frontières, <http://en.rsf.org/press-freedom-barometer-journalists-imprisoned.html?annee=2016>

<sup>31</sup> "452 Journalists Forced Into Exile Since 2010", Committee to Protect Journalists, <https://cpj.org/exile/>

<sup>32</sup> "HRC31: Individual Interactive Dialogue with the Special Rapporteur on Eritrea (Oral Update)", EHAHRDP, 14 March 2016, <https://www.defenddefenders.org/2016/03/hrc31-individual-interactive-dialogue-with-the-special-rapporteur-on-eritrea/>

<sup>33</sup> "Ethiopia: Civil Society Calls Upon Human Rights Council to Investigate Government Crackdown on Oromo Protest", EHAHRDP, 24 February 2016, <https://www.defenddefenders.org/2016/02/ethiopia-civil-society-calls-upon-human-rights-council-to-speak-investigate-government-crackdown-on-oromo-protest/>

<sup>34</sup> *Ibid.*

<sup>35</sup> "Civil society groups urge the international community to address killing of Oromo protesters", DefendDefenders, 14 January 2016, <https://www.defenddefenders.org/2016/01/ethiopia-civil-society-groups-urge-the-international-community-to-address-killing-of-oromo-protesters/>

## Freedom of expression

According to the Committee to Protect Journalists, 10 journalists currently remain in prison<sup>36</sup> and 57 have gone into exile<sup>37</sup> since 2010, making Ethiopia the fourth most censored country in the world.<sup>38</sup>

Numerous HRDs and journalists have faced intimidation, threats and arbitrary arrests as a result of their work on the Oromo protests. On 19 December 2015, Fikadu Mirkana, a news anchor at Oromia Radio and TV, was arrested and taken into police custody.<sup>39</sup> Within the same week, on 25 December 2015, Getachew Shiferaw, Editor-in-Chief of Negere Ethiopia, was also arrested in relation to his work covering the Oromo protests.<sup>40</sup> Both remain imprisoned and have been denied access to legal counsel. Even after the Ethiopian Government withdrew their Master Plan, the protests and targeting of the media has continued. On 3 March 2016, Bloomberg correspondent William Davison and freelance journalist Jacey Fortin were arbitrarily detained for 24 hours along with their translator for reporting on the Oromo protests.<sup>41</sup>

Violations of freedom of expression and the press have become commonplace in Ethiopia. Since the Anti-Terrorism Proclamation was enacted in 2009, it has repeatedly been used to silence the media and at least 24 journalists have been charged with terrorism.<sup>42</sup>

On 10 March, Solomon Kebede, the former managing editor of *Ye Muslimoch Guday* newspaper, who has been detained since January 2013 on anti-terrorism charges, was sentenced to at least 3 years and 10 months in prison.<sup>43</sup> It is unclear whether the sentence may actually be longer, or if time served would count towards the sentence.

## Freedom of association

The Charities and Societies Proclamation (2009) continues to hamper the efforts of human rights defenders in the country. The law requires that NGOs obtain 90% of their funding from within Ethiopia, which has severely restricted the capacity of organisations to continue to operate and organise human rights activities.

---

<sup>36</sup> “2015 prison census: 199 journalists jailed worldwide”, Committee to Protect Journalists, 1 December 2015, <https://cpj.org/imprisoned/2015.php>

<sup>37</sup> “452 Journalists Forced Into Exile Since 2010”, Committee to Protect Journalists, 31 May 2015, <https://cpj.org/exile/>

<sup>38</sup> “10 Most Censored Countries”, Committee to Protect Journalists, 27 April 2015, <https://cpj.org/2015/04/10-most-censored-countries.php>

<sup>39</sup> “Djibouti, Ethiopia and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists”, DefendDefenders, 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>

<sup>40</sup> *Ibid.*

<sup>41</sup> “Ethiopia Detains Journalists Covering Oromo Protests”, Newsweek, 7 March 2016, <http://europe.newsweek.com/ethiopia-detains-journalists-covering-oromo-protests-434307>

<sup>42</sup> “Caught Up in Bitter Contests”, East and Horn of Africa Human Rights Defenders Project, 30 September 2015, <https://www.defenddefenders.org/wp-content/uploads/2015/09/Caught-Up-in-Bitter-Contests.pdf>

<sup>43</sup> “In Ethiopia, journalist detained since 2013 handed jail sentence”, Committee to Protect Journalists, 11 March 2016, <https://cpj.org/2016/03/in-ethiopia-journalist-detained-since-2013-handed-.php>

NGOs that manage to operate do so in a heavily restrictive environment. For example, two field investigators working for the Ethiopian Human Rights Council (HRCO), essentially one of the few Ethiopian human rights NGO operating in the country, were briefly arrested and questioned by police in December 2015 in relation to their work on the Oromo protests.<sup>44</sup>

## **KENYA**

As a result of continued attacks carried out by Al Shabaab extremist group, the Kenyan government has reinforced its counter-terrorism operations, which has led to increased human rights violations, including extrajudicial killings and enforced disappearances.<sup>45</sup> The government has used judicial and administrative measures to further restrict the right to freedom of association in the country, and in October 2015, 957 organisations were threatened with closure.<sup>46</sup>

### **Freedom of association**

The Government has often used administrative measures to restrict the operating space for civil society. On 28 October 2015, the Kenyan NGO Registration Board passed a decision to de-register 957 Kenyan organisations, including the Kenya Human Rights Commission (KHRC), if they failed to present audited accounts to the Board within 14 days. KHRC was accused of failing to account for approximately KES 1.2 billion (approx. 10 million euros), managing four illegal accounts, and transmitting inaccurate financial reports.<sup>47</sup> On 30 October 2015, the Cabinet Secretary for Devolution and National Planning revoked the decision to deregister the 957 organisations, and the Kenyan Human Rights Commission launched a lawsuit against the NGO board.

On 12 November 2015, the High Court sitting in Mombasa revoked the freezing of the bank accounts for MUHURI and HAKI Africa. In his ruling, Justice Emukule stated that the Inspector General of Police (IGP), Joseph Boinnet's actions to freeze the organisations' bank accounts were unconstitutional and therefore invalid. MUHURI and HAKI Africa's bank accounts were frozen in April 2015 after being listed as specified entities under the Prevention of Terrorism Act (2012). The Judge ruled that only the Cabinet Secretary has the powers to name "specified entities" if satisfied with the IGP's recommendations. Justice Emukule further stated that it was unclear when the 24 hours notice given to the two organisations to respond to the Gazette Notice commenced and the actions of the IGP should have been specific.<sup>48</sup>

---

<sup>44</sup> "Djibouti, Ethiopia and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists", East and Horn of Africa Human Rights Defenders Project, 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>

<sup>45</sup> "2015/2016 Annual Report", Amnesty International, <https://www.amnesty.org/en/countries/africa/kenya/report-kenya/>

<sup>46</sup> *Ibid.*

<sup>47</sup> "Kenya: Administrative Harassment of The Kenyan Human Rights Commission" OMCT, World Organisation Against Torture, 13 November 2015, <http://www.omct.org/human-rights-defenders/urgent-interventions/kenya/2015/11/d23463/>

<sup>48</sup> "Kenya: Court's Decision to Unfreeze The Banks Accounts For Haki Africa And Muslims For Human Rights", OMCT - World Organisation Against Torture, 13 November 2015, <http://www.omct.org/human-rights-defenders/urgent-interventions/kenya/2015/11/d23466/>

## Freedom of expression

Following an attack on the Kenya Defence Forces in El Adde in Somalia on 15 January 2016, the Kenyan Cabinet Secretary for Interior and National Coordination, Joseph Nkaissery, warned that anyone who circulated images of soldiers killed in the Somalia attack would be arrested for being sympathetic to Al-Shabaab. *“These characters who amplify terror by sharing such pictures have ignored such warnings in the past and would not be tolerated,”* he said. The police have either arrested or summoned for questioning 5 journalists and 8 bloggers, who have been charged with “demeaning the authority of a public officer,” “annoying a public officer,” or defamation- contrary to the Penal Code or section 29 of the Kenya Information and Communications Act 2013.

The 2013 Communications Act introduced a new offence of “improper use of a licensed communications system”, which has since been used to impede the work of journalists and human rights defenders. On 19 January 2016, Edwin Reuben Ilah, a Kenyan blogger was arrested and charged with “improper use of a licensed communications system” for posting images of Kenyan soldiers killed in an Al Shabaab attack in Somalia.<sup>49</sup> Other cases of human rights defenders and journalists being charged under this provision have been reported, particularly in cases where individuals published materials related to terrorism and criticism of the government.

On 14 March, Joel Ogada, a renowned environmental human rights activist, was arrested by Kenyan police allegedly for his human rights activities. Ogada is a farmer in the Marereni area at the Kenyan coast and is among the most vocal HRDs standing up for the land rights of the Marereni community.<sup>50</sup> Ogada has been repeatedly confronted with arrests and detentions since May 2014 when he was sentenced to seven years imprisonment on a conviction of arson.<sup>51</sup>

## RWANDA

Rwanda remains one of the most restrictive environments for human rights defenders in the sub-region, with little or no independent media and human rights organisations.

Independent media have been largely silenced, and the government has maintained long-standing and tight control on dissenting views. Space for political opposition is close to non-existent ahead of the 2017 presidential elections, and two leaders of opposition parties are currently in jail, Victoire Ingabire of the FDU-Inkingi and Deo Mushayidi of the PDP-Imanzi. Two parties are also currently operating in exile after their leaders were assassinated, Amahoro People’s Congress and the Rwanda National Congress. The few opposition parties permitted face a repressive environment and legal procedures for establishing political parties remain lengthy and time-consuming.<sup>52</sup>

---

<sup>49</sup> “Dispatches Media Freedom Under Attack In Kenya”, Human Rights Watch, 23 March 2016, <https://www.hrw.org/news/2016/03/23/dispatches-media-freedom-under-threat-kenya>

<sup>50</sup> “Human Rights Defender Joel Ogada Arrested In Kenya” Civil Rights Defenders 14 March 2016 <https://www.civilrightsdefenders.org/news/human-rights-defender-joel-ogada-arrested-in-kenya/>

<sup>51</sup> “ACHPR: Overview of the Human Rights Situation in East and Horn of Africa (April 2014-April 2015)”, EHAHRDP, April 2015, <https://www.defenddefenders.org/wp-content/uploads/2015/11/ACHPR-57th-Session-report.pdf>

<sup>52</sup> Rwanda in: “Amnesty International Report 2015/16: The State of The World's Human Rights”, Amnesty International, 25 February 2015, <https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/>

A referendum was held on 18 December 2015, ahead of the 2017 presidential elections, to vote for the amendment of the 2003 Constitution, which limited the President to two seven-year terms in office. The vote to remove this constitutional limit took place despite irregularities, intimidation and threats, according to local sources, and the amendment was adopted.

### **Freedom of expression**

The December 2015 Rwandan Constitution protects and promotes the right to freedom of expression. However, the newly amended Constitution has placed Rwanda's obligations under international treaties, such as the International Covenant for Civil and Political Rights, beneath the authority of the Constitution and the country's laws. Law 02/2013 regulating the media officially guarantees the right to freedom of expression and opinion, however the parameters for restricting free speech are not clearly defined, and it does not adequately guarantee the protection of journalists' sources.<sup>53</sup> National and international journalists remain threatened and harassed for their work. The government's permanent ban on BBC's Kinyarwanda programs has been maintained since 29 May 2015.<sup>54</sup>

On 28 January 2016, John William Ntwali, an investigative reporter and editor for the *Ireme* news website, was accused of raping a minor, arrested and taken into police custody. He was taken to a Prosecutor's office five days later, and charged with indecent exposure after it was revealed that the woman showed no signs of violence and was 20 years old.<sup>55</sup> He was held for another 10 days before being released, although it is unclear whether the charges were dropped. Ntwali is one of the few investigative journalists left in the country, and has a background of arrests and detentions. In an interview with *Radio France Internationale*, he condemned these charges and reported that he had been threatened in connection with his work as a journalist.<sup>56</sup> The *Ireme* website had previously been blocked in November 2015, reportedly by the Rwandan Media Commission.<sup>57</sup>

On 3 February 2016, Rwandan police entered the offices of regional newspaper The East African with warrants to search the newspaper's computers. One journalist was briefly arrested and taken to a police station for interrogation. He was released several hours later. The reasons for this search and arrest are not clear, however they could be related to several sensitive articles that had recently been published by the newspaper.<sup>58</sup>

---

<sup>53</sup> "Rwanda: Garantir les libertés publiques et individuelles, l'envers du décor", Fédération Internationale des Droits de l'Homme, 5 April 2014, <https://www.fidh.org/IMG/pdf/rwanda632f2014bassdef.pdf>

<sup>54</sup> "What lies behind the indefinite ban on the BBC", Reporters Without Borders, 2 June 2015, <https://rsf.org/en/news/what-lies-behind-indefinite-ban-bbc>

<sup>55</sup> "Le dossier contre le journaliste John William Ntwali se dégonfle", Reporters Without Borders, 10 February 2016, <https://rsf.org/fr/actualites/le-dossier-contre-le-journaliste-john-william-ntwali-se-degonfle>

<sup>56</sup> "Rwanda: un journaliste d'investigation arrêté puis relâché", *Radio France Internationale*, 10 February 2016, <http://www.rfi.fr/afrique/20160210-rwanda-journaliste-investigation-arrete-puis-relache>

<sup>57</sup> "Rwanda: News website Ireme latest to be blocked", Great Lakes Voice, 1 December 2015, <http://greatlakesvoice.com/rwanda-news-website-ireme-latest-to-be-blocked/>

<sup>58</sup> "Newsletter: Freedom of Expression in Eastern Africa", Article 19, 7 March 2016, <https://www.article19.org/resources.php/resource/38282/en/newsletter:-freedom-of-expression-in-eastern-africa>

## **Freedom of association**

Rwandan human rights organisations continue to be the target of intense harassment and intimidation, and face difficulties in ensuring that their leadership remains independent from political influence.

On 12 October 2015, the Executive Secretary of the *Ligue des Droits de l'Homme des Grands Lacs* (LDGL) was arrested, detained for several hours, and questioned about his work permit and the registration of his organisation. The Immigration and Emigration Service had previously refused to deliver the NGO's registration certificate. On 13 October, seven members of the executive committee were taken in for questioning on the legitimacy of the general assembly that elected them. The Executive Secretary of the LDGL was forced to resign a week later, and on 21 November 2016, a new executive committee was elected.<sup>59</sup>

Several other human rights organisations, such as the *Ligue Rwandaise de defense des droits de l'homme* (LIPRODHOR) and the *Maison de Droit* (MDD), have experienced similar interference with their leadership to the point where independent human rights defenders have had to cease their activities or flee the country.

## **Access to justice**

On 29 February 2016, the government of Rwanda deposited its withdrawal from its Article 34(6) declaration of the Protocol on the African Charter on Human and Peoples' Rights. This article provides the opportunity for individuals and non-governmental organisations (NGOs) to file cases directly before the African Court, which is the main human rights tribunal on the continent. This decision significantly reduces access for survivors and victims of human rights violations seeking redress and hampers the capacity of the Court to carry out its crucial mandate.<sup>60</sup> Only eight African Union countries have submitted declarations allowing individual complaints to the Court, and Rwanda is the only State to withdraw, which would set a worrying precedent and reduce the number of countries where individuals and NGOs have direct access to the Court to seven.<sup>61</sup>

## **SOMALIA/SOMALILAND**

The long running civil war in Somalia and increased reports of violence committed by both government forces and Al Shabaab extremist group continue to affect civilians and the human rights situation in the country. Human rights defenders have been caught in the crossfire of attacks from both the state and non-state actors, and have faced an onslaught on their rights to life, security and freedom from arbitrary detention.

---

<sup>59</sup> Rwanda in: "Amnesty International Report 2015/16: The State of The World's Human Rights", Amnesty International, 25 February 2015,

<https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/>

<sup>60</sup> "Joint Civil Society Statement on Rwanda's Withdrawal of its Article 34(6) Declaration from the Protocol on the African Court on Human and Peoples' Rights", East and Horn of Africa Human Rights Defenders Project, 17 March 2016, <https://www.defenddefenders.org/2016/03/joint-civil-society-statement-rwandas-withdrawal-article-346-declaration-protocol-african-court-human-peoples-rights/>

<sup>61</sup> "Rwanda withdraws access to african court for individuals and NGOs", International Justice Resource Center, 14 March 2016, <http://www.ijrcenter.org/2016/03/14/rwanda-withdraws-access-to-african-court-for-individuals-and-ngos/>

There has been a crackdown on media houses that are critical of the government, and Al Shabaab regularly threatens and kill HRDs speaking out on the widespread human rights violations across the country. Somalia's next presidential elections, which are scheduled for 2016, are likely to place independent civil society and media at heightened risk.

Though not recognised internationally, Somaliland has its own government institution, police force and currency. The Somaliland Government has arbitrarily detained journalists for reporting on sensitive political issues without regard to due process.

### **Freedom of expression**

On 29 December 2015, the Somali Federal Parliament passed a media law that was signed into law on 9 January 2016 by the President of Somalia. The law contains several provisions that infringe on media freedoms. Articles 18 and 35 place restrictions on who can practice journalism. Journalists must be examined by the Media Council before they can be officially registered by the Ministry of Information. Journalists have expressed concern that the registration should be administered by an independent body to guarantee impartiality. Article 25 of the Media Law empowers the courts to order a confidential source be revealed, a provision which has been included in several other media laws in the sub-region. Journalists and media houses that contravene this law can face excessive fines between 500 and 3000 US Dollars.<sup>62</sup>

Somalia remains one of the most dangerous countries in the world to be a journalist. It is ranked 172 out of 180 countries in Reporters Without Borders' 2015 World Press Freedom Index.<sup>63</sup> According to Committee to Protect Journalists (CPJ), 41 journalists have been killed in Somalia between 1992 and 2015.<sup>64</sup> Despite the fact that Somalia committed to eradicate continued impunity for perpetrators of the violations of the right to freedom of expression during its 2011 Universal Periodic Review, little has been done to that effect. There is a trend of inadequate criminal investigations into violations committed against HRDs.

On 18 December 2015, Abdirisak Ahmed, a freelance journalist, was arrested by the Somali National Intelligence Security Agency along with Star FM reporter Abukar Mohamed in Mogadishu. Abukar Mohamed was released without charge the following day, however Abdirisak Ahmed has remained detained at Godka Jilacow prison to date. He has neither been charged with an offence, nor brought before a court or granted access to visits.<sup>65</sup> In November 2014, Abdirisak has been held for four days before he was eventually released.

On 4 December, female journalist Hindiya Mohamed was badly wounded by a bomb planted in her car and later succumbed to the injuries. Hindiya was a producer and reporter with the state-run outlets Radio Mogadishu and Somali National TV. Al Shabaab

---

<sup>62</sup> Between A Rock And A Hard Place, Human Rights Defenders Under Attack In Somalia and Somaliland, East and Horn of Africa Human Rights Defenders Project, February 2016 <https://www.defenddefenders.org/wp-content/uploads/2016/02/Between-a-rock-and-hard-place-human-rights-defenders-under-attack-in-Somalia-and-Somaliland.pdf>

<sup>63</sup> 2015 World Index, Reporters Without Borders, <https://index.rsf.org/#!/>

<sup>64</sup> "41 Journalists Murdered In Somalia Since 1992", Committee to Protect Journalists <https://cpj.org/killed/africa/somalia/murder.php>

<sup>65</sup> "Somalia: DefendDefenders Calls For The Immediate Release Of Journalist Abdirisak Ahmed", East and Horn of Africa Human Rights Defenders Project, 22 December 2015, <https://www.defenddefenders.org/2015/12/3574/>



terrorist group claimed responsibility for the attack.<sup>66</sup> A military Court in Mogadishu upheld the sentence imposed on the six people responsible for Hindiya's murder.<sup>67</sup>

On 30 November 2015, Abdirashid Nur, Chairman of Husbad Newspaper and Said Khadar, Editor-in-Chief of Husbad Newspaper were arrested in Hargesia, Somaliland. Before their arrest, Abdirashid and Said appeared at the Attorney General's Office to register the change in leadership and ownership of their newspaper, but were instead sent to the police station on the Attorney General's orders where they were arrested. They were released on 3 December 2015, and later charged with publication or circulation of false, exaggerated or tendentious news capable of disturbing the public order, and unauthorised business or prohibited business agencies and public trading concerns. If convicted the journalists could face one or more years in prison and the revocation of the newspaper's license.<sup>68</sup>

In November 2015, Jama Deperani a reporter and presenter with Somalia Channel TV was summoned by the Garowe Police and arrested without charge. Jama Deperani produced and presented a critical talk show consisting of interviews with politicians. A few weeks before his arrest he had interviewed the Minister of Information. The Ministry also ordered privately owned Somali Channel TV to temporarily suspend Deperani. He was eventually released on 29 November 2015.<sup>69</sup>

On 2 October 2015, Abdullahi Hersi, East Africa director, and Awil Dahir Salad, a producer of privately-owned Universal TV in Mogadishu were arrested after agents of the Somali National Intelligence and Security Agency (NISA) raided the station. Although the journalists were not charged, they were remanded in Godka Jilacow prison and NISA given 21 days to conduct its investigations.<sup>70</sup> They were denied access to a lawyer and Universal TV's broadcast signal was suspended indefinitely.

## **SOUTH SUDAN**

Following the outbreak of conflict in December 2013, the human rights and humanitarian situation in South Sudan has significantly declined resulting in extensive suffering throughout much of the country. The African Union Commission of Inquiry on South Sudan, the United Nations Mission in South Sudan, and the Office of the High Commissioner for Human Rights have all comprehensively documented the shocking human rights violations committed since the outbreak of the conflict, which may amount to war crimes and crimes against humanity. Parties to the conflict have murdered, tortured, inflicted cruel, inhumane and other degrading treatment, used rape as a

---

<sup>66</sup> "Somalia: EHAHRDP strongly condemns targeted killing of journalist in car bomb attack yesterday", East and Horn of Africa Human Rights Defenders Project, 4 December 2015, <https://www.defenddefenders.org/2015/12/statement-fifth-journalist-killed-in-somalia-this-year-in-car-bomb-attack/>

<sup>67</sup> "Six sentenced in killing of journalist in Somalia", Committee to Protect Journalists, 23 March 2016, <https://cpj.org/2016/03/six-sentenced-in-killing-of-journalist-in-somalia.php>

<sup>68</sup> *Ibid.*

<sup>69</sup> "Puntland: Release Journalist Jama Deperani", East and Horn of Africa Human Rights Defenders Project, 15 November 2015, <https://www.defenddefenders.org/2015/11/puntland-release-journalist-jama-deperani/>

<sup>70</sup> "Somalia: EHAHRDP Calls For The Immediate And Unconditional Release of Two Universal TV Journalists And Resumption of The Broadcast After Latest Government Crackdown", East and Horn of Africa Human Rights Defenders Project, 6 October 2015, <https://www.defenddefenders.org/2015/10/somalia-ehahrdp-calls-for-the-immediate-and-unconditional-release-of-two-universal-tv-journalists-and-resumption-of-the-broadcast-after-latest-government-crackdown/> Accessed 25 March 2016

weapon of war, committed widespread sexual and gender-based crimes against civilians, forcibly conscripted children, and looted and destroyed civilian property.

In January 2016, the UNMISS report found that despite the August 2015 peace agreement, “[t]he scale, intensity and severity of human rights violations and abuses have increased with the continuation of the hostilities, particularly during spikes in fighting in the middle and latter part of 2015.”<sup>71</sup> It also found that conflict had spread to the Equatoria region of the country, which had previously been relatively unaffected by violence. UNMISS noted the absence of any tangible domestic accountability despite the rhetoric of the main belligerents, thus reinforcing the need for the establishment of regional accountability measures.

Civil society space in South Sudan is under constant attack, and over the last 3 months alone at least 6 journalists and human rights defenders have been arbitrarily detained, some of whom were brutally tortured. Human rights defenders are repeatedly beaten, attacked, harassed, intimidated and threatened by the National Security Services and Military Intelligence in response to their work on the implementation of the August 2015 peace agreement and transitional justice. As a report by the UN Office of the High Commissioner on Human Rights (OHCHR) found, “Civil society activists, human rights defenders, humanitarian actors, journalists and print media and even UN staff members have been the subject of threats, intimidation, harassment, detention and in some instances death by the Government”.<sup>72</sup>

The AU Commission has not yet taken any specific steps towards the creation of a hybrid court, which was a crucial element of the 2015 Peace Agreement. A credible, independent hybrid court to try crimes under international law committed during the conflict and that meets internationally accepted standards of fairness and impartiality has the potential to make a critical contribution to the achievement of sustainable peace in South Sudan.

### **Freedom of expression**

The United Nations Mission in South Sudan (UNMISS) and OHCHR noted that since the civil war began, “the media has repeatedly faced intimidation, harassment, threats and censorship, primarily from the security forces”.<sup>73</sup> Numerous journalists and human rights defenders have been beaten, received death threats, and reported they are under surveillance as a result of their work covering the conflict and the implementation of the August 2015 peace agreement.

In 2015, at least seven journalists were killed and thus far none of the attacks have been investigated.<sup>74</sup> These abuses have continued into 2016 and since the beginning of the

---

<sup>71</sup> United Nations Mission in South Sudan, *The State of Human Rights in the Protracted Conflict in South Sudan*, 4 December 2015, p. 1, available at:

[http://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/Human%20Rights%20Update%20Report%20of%204%20December%202015%20\(final\).pdf](http://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/Human%20Rights%20Update%20Report%20of%204%20December%202015%20(final).pdf)

<sup>72</sup> “Assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan”, OHCHR, 10 March 2016, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6_en.doc)

<sup>73</sup> “The State of Human Rights in the Protracted Conflict in South Sudan”, UNMISS and OHCHR, 4 December 2015,

[http://reliefweb.int/sites/reliefweb.int/files/resources/UNMISS\\_HRD4December2015.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/UNMISS_HRD4December2015.pdf)

<sup>74</sup> “Assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan”, OHCHR, 10

year at least 6 journalists and human rights defenders have been subjected arbitrary detention. Many of those detained have been tortured and endured cruel and inhumane treatment.<sup>75</sup>

On 30 December 2015, Joseph Afendi journalist and editor of El Tabeer newspaper, was arrested and detained for writing an article critical of the SPLM a week before.<sup>76</sup> He was held without charge until 19 February 2016. On 4 March 2016, he was kidnapped by unknown men and found four days later on 8 March 2016 in a graveyard with severe burns and torture marks on his body.<sup>77</sup>

In 2013, South Sudan passed three laws regulating the media: the Media Authority Act, Right of Access to Information Act, and Broadcasting Corporation Act, however they have yet to be implemented.

### **Freedom of peaceful assembly and association**

While the Transitional Constitution of South Sudan provides protections for the right to freedom of peaceful assembly, it continues to be inhibited in the country. In October 2015, Dr. Luka Biong Deng was dismissed from Juba University and left the country reportedly after an order from President Kiir in reaction to an event organised by Deng on the Government's plan to create 28 states.<sup>78</sup>

Freedom of association in South Sudan continues to be inhibited both at the state and national level. The National Security Service (NSS) and Military Intelligence (MI) regularly subject NGOs in South Sudan to threats and harassment.

In late November 2015, 13 civil society activists were arrested and detained without charges in Wau, the capital of Western Bahr el Ghazal state.<sup>79</sup> The arrests were ordered by the city's mayor in response to a petition submitted by 14 civil society organisations about misconduct by security services. At least three were reportedly subjected to torture and two were held for over seven days.

---

March 2016, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6_en.doc)

<sup>75</sup> "SOUTH SUDAN: DefendDefenders condemns recent increase in detention and torture of journalists and HRDs", East and Horn of Africa Human Rights Defenders Project, 8 March 2016, <https://www.defenddefenders.org/2016/03/south-sudan-defenddefenders-condemns-recent-increase-detention-torture-journalists-hrds/>

<sup>76</sup> "Djibouti, Ethiopia and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists", East and Horn of Africa Human Rights Defenders Project, 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>

<sup>77</sup> "SOUTH SUDAN: DefendDefenders condemns recent increase in detention and torture of journalists and HRDs", East and Horn of Africa Human Rights Defenders Project, 8 March 2016, <https://www.defenddefenders.org/2016/03/south-sudan-defenddefenders-condemns-recent-increase-detention-torture-journalists-hrds/>

<sup>78</sup> "Assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan", OHCHR, 10 March 2016, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-CRP-6_en.doc)

<sup>79</sup> "Urgent appeal: 13 activists arbitrarily detained in South Sudan should be immediately released", East and Horn of Africa Human Rights Defenders Project, 1 December 2015, <https://www.defenddefenders.org/2015/12/urgent-appeal-13-activists-arbitrarily-detained-in-south-sudan-should-be-immediately-released/>

On 10 February 2016, President Salva Kiir signed the 2016 NGO Bill and the Relief and Rehabilitation Commission Bill into law, which according to the UN Humanitarian Coordinator for South Sudan and EU Commissioner for Humanitarian Aid & Crisis Management could have a widespread impact on the ability of NGOs to effectively operate and provide assistance. The Acts largely refer to humanitarian and development NGOs leaving a gap for the regulation of NGOs working on areas such as human rights and governance.

The NGO Act imposes hefty fines and up to three years in prison for those found making false statements about the new law. Additionally, it requires NGOs to obtain prior written approval from the Registrar before engaging in new activities. The law also places strict restrictions on the NGO hiring processes, requiring that 80% of NGO staff be South Sudanese and that expatriate staff obtain work permits before arriving in the country. This could be severely problematic for NGOs as they struggle to find sufficient numbers of qualified South Sudanese candidates to deal with the large-scale humanitarian crisis.

## **SUDAN**

Sudan continues to experience significant levels of insecurity and repression, particularly in the zones affected by conflict. There are currently 3.2 million Sudanese internally displaced by the conflicts in Darfur, South Kordofan, and Blue Nile with over 110,000 people from the Jebel Marra region of Darfur newly displaced by fighting in 2016 alone.<sup>80</sup>

Human rights defenders, students, and political opposition members frequently face intimidation, arrest, detention, and torture as the Sudanese government attempts to suppress critical and independent voices.

### **Freedom of peaceful assembly**

Freedom of assembly is regularly violated by Sudanese security services with excessive use of force during protests.

On 10 January in West Darfur, security forces opened protestors that had gathered outside the state governor's office to demand protection after their village was looted and burned to the ground by suspected members of Sudan's Rapid Support Forces earlier the same day. At least seven protestors were killed that day and three people were killed the following day when security forces fired at their funeral to disperse it.<sup>81</sup>

On 31 January 2016, a peaceful student gathering at El-Geneina University in West Darfur was violently dispersed by the National Intelligence and Security Services (NISS) and a pro-government student militia who beat students with metal bars. Over 24 students were arrested and reported that NISS beat them while in custody.<sup>82</sup> One of the

---

<sup>80</sup> "Humanitarian Bulletin Issue 11", OCHA, 13 March 2016, [http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_Issue\\_11\\_%287\\_-\\_13\\_March\\_2016%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_11_%287_-_13_March_2016%29.pdf)

<sup>81</sup> "Sudan must protect civilians in West Darfur and reign in security forces after village burned and protestors lethally shot", African Centre for Justice and Peace Studies, 14 January 2016, <http://www.acjps.org/sudan-must-protect-civilians-in-west-darfur-and-reign-in-security-forces-after-village-burned-and-protestors-lethally-shot/>

<sup>82</sup> "One Student Dead After Heavy Beatings and Serious Concern for Safety of Another Student Detained Incommunicado at Security Offices", African Centre for Justice and Peace Studies, 8

students arrested, Salah Gamar-Eldin, was found the following day unconscious in front of his family home with signs of torture on his body. He later died as a result of his injuries in a nearby hospital.<sup>83</sup>

On 3 February 2016, 15 female protestors were beaten by security forces and arrested after staging demonstrations calling for justice for victims killed during Sudan's September 2013 protests, which led to the deaths of 185 people.<sup>84</sup>

### **Freedom of expression**

Freedom of expression and the press remain deeply restricted within Sudan. Newspapers are regularly confiscated and suspended and in the lead up to Sudan's elections in April 2015, NISS confiscated newspapers from media houses on 42 occasions.<sup>85</sup>

The 2009 Press and Publications Act gives the National Council on Press and Publications the ability to suspend newspapers for up to three days, however this is regularly violated as media houses are frequently suspended for extended periods of time. The Act also imposes severe punishments for editors of newspapers, which leaves them criminally liable for content published by their media houses.

On 15 December 2015, Ahmed Yousef El Tay, editor of Al-Saiha, and Osman Marghani editor of El Tayar, were arrested and accused of publishing false news and undermining the Constitution. On 12 December 2015, both editors had written columns on energy consumption in Sudan with criticism of the Finance Minister's comments blaming citizens for electrical cuts.<sup>86</sup> NISS confiscated the entire print run of El Tayar on 14 December 2015 and on the following day suspended the paper indefinitely. This was the 15<sup>th</sup> time it had been confiscated over the course of 2015.<sup>87</sup>

### **Freedom of association**

The Freedom of association is constrained by the Organisation of Humanitarian and Voluntary Work Act, which has been used to shutdown and restrict the work of NGOs in the country.

---

February 2016, <http://www.acjps.org/west-darfur-one-student-dead-after-heavy-beatings-and-serious-concern-for-safety-of-another-student-detained-incommunicado-at-security-offices/>

<sup>83</sup> "Sudan: Darfur Activist Dies After Arrest, Suspected Torture", Freedom House, 4 February 2016, <https://freedomhouse.org/article/sudan-darfur-activist-dies-after-arrest-apparent-torture>

<sup>84</sup> "Protestors Calling for Justice for Victims of 2013 Protest Killings Beaten and Detained by Sudan's Security Agency in Khartoum", African Centre for Justice and Peace Studies, 10 February 2016, <http://www.acjps.org/protestors-calling-for-justice-for-victims-of-2013-protest-killings-beaten-and-detained-by-sudans-security-agency-in-khartoum/>

<sup>85</sup> "Entrenched Repression: Freedom of Expression and Association Under Unprecedented Attack", Amnesty International, 2 April 2015, <https://www.amnesty.org/en/documents/afr54/1364/2015/en/>

<sup>86</sup> "Sudanese Editors Could Face Death Penalty Over Critical Coverage", Committee to Protect Journalists, 21 December 2015, <https://cpj.org/2015/12/sudanese-editors-could-face-death-penalty-over-crit.php>

<sup>87</sup> "Sudanese Editors Face Death Penalty for 'Inciting an Arab Spring'", The Guardian, 21 December 2015, <http://www.theguardian.com/world/2015/dec/21/sudan-editors-death-penalty-arab-spring-charges>

On 29 February 2016, the Sudanese National Intelligence and Security Services (NISS) once again raided the office of TRACKs for Training and Human Development.<sup>88</sup> Since the most recent raid, NISS agents forced TRACKs staff and visitors who were in the office at the time of the search to report to security offices repeatedly, subjecting them to inhumane treatment. On the day of the raid, officials from NISS entered the offices of TRACKs without a warrant and held all staff and visitors in the office while they confiscated laptops, phones, publications, organisational documents and later their passports.

## **TANZANIA**

Tanzania held its presidential and parliamentary elections in October 2015. Similar to other countries in the sub region, the elections were flawed with reports of the ineffectiveness of the biometric voter registration process leading to disenfranchisement of the electorate.

During this period, legal restrictions were imposed on the right to freedom of expression. The Cyber Crimes Act (2015), which was adopted in April 2015 contains vague provisions that criminalise sharing “false or misleading” information online.<sup>89</sup> The Tanzania Human Rights Defenders Coalition filed a petition against the Cyber Crimes law challenging the contentious provisions. The first hearing of the petition was on 10 February 2016.

### **Freedom of expression**

On 18 March 2016, Salma Said, a female journalist from Zanzibar was forced into a car by unidentified men and driven to an unknown place where she was confined in a room. She was severely assaulted and warned against reporting on the elections in Zanzibar. She was released on 20 March after being dropped off from the place where she was abducted.

On 16 January 2016, the Tanzanian Minister of Information, Culture, Arts and Sports announced the government decision to ban Mawio, a weekly investigative paper. Simon Mkina, the Editor-in-Chief of the newspaper was also brought in for questioning by the police, along with his assistant editor Jabir Idrissa, for undisclosed reasons.<sup>90</sup> This is not a unique occurrence, and in late 2013, Tanzania suspended a daily newspaper, Mtanzania, for 90 days and another daily, Mwananchi, for 14 days.

### **Human rights defenders**

On 29 October 2015, Tanzanian Police raided the offices of Legal and Human Rights Centre, the secretariat of the Tanzanian Civil Society Consortium on the Election Observation (TACCCEO) and confiscated electronic equipment including computers and mobile phones. Thirty six staff members were arrested but later released on bail. They

---

<sup>88</sup> “Sudan TRACKs Office Once Against Raided and Staff Targeted by National Intelligence”, East and Horn of Africa Human Rights Defenders Project, 23 March 2016, <https://www.defenddefenders.org/2016/03/sudan-tracks-office-once-against-raided-and-staff-targeted-by-national-intelligence/>

<sup>89</sup> Annual Report 2015/2016, Amnesty International, <https://www.amnesty.org/en/countries/africa/tanzania/report-tanzania/>

<sup>90</sup> “Tanzania Bans Paper, Detains Editor” The Media Project, 19 January 2016 <http://themediaproject.org/article/tanzania-bans-newspaper?page=full>,

were arrested for collecting and disseminating election results contrary to the Election Act.<sup>91</sup>

## **UGANDA**

During this period Uganda conducted its fifth presidential and parliamentary elections. HRDs working on civil and political rights, journalists, independent media houses and political activists were frequently targeted. Overall, it was found that the elections did not meet minimum standards, and there were widespread reports of vote-rigging, voter intimidation and electoral malpractice.<sup>92</sup>

Dr. Kiiza Besigye, presidential aspirant for Forum for Democratic Change was under house arrest for forty days since the conclusion of the 18 February 2016 polls. Police brutality was also reported in cases where the forces dispersed peaceful protestors in the run up to the elections.

### **Freedom of expression**

On 24 March 2016, Ugandan Minister Without Portfolio, Engineer Abraham Byandala assaulted Judith Naluggwa a female journalist with Bukedde Television. Naluggwa was covering court proceedings involving the Minister who is accused of misusing public funds allocated to the construction of the Mukono-Kyetume-Katosi road when he was Minister for Works and Transport.<sup>93</sup> During the 2016 election cycle, undue restrictions were placed on journalists' access to information in Uganda.<sup>94</sup> This practice has been common for journalists covering political rallies, public assemblies, and election-related events. Journalists have been repeatedly assaulted, arrested and in extreme cases shot.<sup>95</sup>

On 22 February 2016, four days after the presidential and parliamentary elections, Isaac Kasamani, a photojournalist with Associated Free Press, was pepper-sprayed by the Police Forces while taking pictures of the police arresting Dr. Kiiza Besigye at his residence in Wakiso District. Journalists were barred from accessing the home of Dr. Besigye after his house arrest on 20 February 2016.<sup>96</sup>

The government tabled the Uganda Communications Amendment bill (2016) on 9 March 2016, seeking to amend Section 93(1) of the Uganda Communications Act (2013), and remove the requirement for Parliament approval of regulations made by the

---

<sup>91</sup>“Tanzania: Arrest of 36 Human Rights Defenders At TACCEO Election Observation Centre” Protectionline 4 November 2015, <http://protectionline.org/2015/11/04/tanzania-arrest-38-human-rights-defenders-tacceo-election-observation-center/> Accessed 27 March 2016

<sup>92</sup> “Ugandan elections marred by shambolic polls and claims of fraud”, The Guardian, 22 February 2016, <http://www.theguardian.com/global-development/2016/feb/22/ugandan-elections-polls-fraud-yoweri-museveni>

<sup>93</sup> “Government Minister PUNCHES Female TV Journalist, Dragged To Court” Human Rights Network for Journalists-Uganda, March 2016, <https://hrnjuganda.org/?p=2612>

<sup>94</sup> “Another journalist arrested covering Besigye”, Daily Monitor, 1 March 2016, <http://www.monitor.co.ug/News/National/Another-journalist-arrested-covering-Besigye/-/688334/3098466/-/d877tc/-/index.html>

<sup>95</sup> “UGANDA: Targeting of Journalists During Election Period Must End”, East and Horn of Africa Human Rights Defenders Project, 10 March 2016, <https://www.defenddefenders.org/2016/03/uganda-targeting-journalists-election-period-must-end/>

<sup>96</sup> State attacks on journalists must stop”, The Observer, 7 March 2016, <http://observer.ug/viewpoint/42972-state-attacks-on-media-must-stop>,

Minister under the Act<sup>97</sup>. This would give overarching powers to the executive branch to impose regulations on communications services and technologies. The amendments were proposed soon after the social media shutdown that took place over the course of the February 2016 presidential elections, fuelling well-founded fears that these overarching powers would be abused.

### **Freedom of association**

The President of Uganda signed the Non-Governmental Organisations Act (2016) into law on 30 January 2016, and there are growing concerns that it may be selectively applied to target civil society.<sup>98</sup> Some clauses of the law may be used to restrict the operating environment of NGOs by outlawing activities interpreted as being prejudicial to the security, dignity, and interest of Uganda. These provisions could potentially be used to prevent organisations from conducting sensitive work or expressing criticism of the government. Section 30 of the law limits the registration of organisations whose objectives are in contravention of the laws of Uganda.<sup>99</sup> Section 145 of the Penal Code Act prohibits same sex relations and the courts of Uganda have enforced these provisions, which could therefore allow the law to be used to prevent LGBTI organisations from carrying out activities.<sup>100</sup>

Civil society organisations monitoring the electoral process were targeted in the process and often labelled partisan. On 27 November 2015, the Electoral Commission ordered the Citizen's Coalition for Electoral Democracy in Uganda (CCEDU) to stop airing its Topowa, Honour Your Vote campaign message, which they accused of supporting the opposition.<sup>101</sup> The campaign was later re-aired after negotiations between the Electoral Commission and CCEDU on the content of the campaign.

### **Freedom of peaceful assembly**

The right to freedom of peaceful assembly is guaranteed at national, regional, and international levels and in Article 29(1d) of Uganda's Constitution (1995). Despite these guarantees, freedom of assembly is regularly restricted in Uganda and excessive force is used to disperse peaceful demonstrations.

The Public Order Management Act (2013) (POMA) was signed into law on 2 October 2013 to regulate public gatherings. Article 5 of the Act stipulates that organisers of public gatherings must give at least three days notice with onerous levels of details or can be shutdown and held liable if they fail to give sufficient notice or adhere to conditions of the Act. Additionally, the Act gives broad powers to Police to authorise or end public meetings. These provisions were used repeatedly in the run up to the 18 February 2016 presidential elections to prevent public gatherings from taking place and violently disperse those underway.

---

<sup>97</sup> Uganda Communications Amendment Bill 2016, Parliament Watch, <http://parliamentwatch.ug/bills/the-uganda-communications-amendment-bill-2016/>

<sup>98</sup> "Uganda: Stranglehold on Independent Groups", Human Rights Watch, 2 July 2015, <https://www.hrw.org/news/2015/07/02/uganda-stranglehold-independent-groups>, Accessed 25 March 2016

<sup>99</sup> "NGOs State Position On Repressive NGO Bill, 2015", Chapter Four: Uganda, 18 May 2015, <http://chapterfouruganda.com/articles/2015/06/04/uganda-ngos-state-position-repressive-ngo-bill-2015>, Accessed 25 March 2016

<sup>100</sup> Ugandan Penal Code Act, Section 145

<sup>101</sup> "EC Bans Topowa Campaign," The Independent, 7 December 2015, <http://www.independent.co.ug/column/insight/10833-ec-bans-topowa-campaign>, Accessed 25 March 2016



Between July 2015 and February 2016, presidential opposition candidates Amama Mbabazi and Dr. Kizza Besigye and their supporters were repeatedly arrested for attending and organising public gatherings, which Ugandan authorities attempted to justify under the Public Order Management Act. According to the authorities, Besigye was attempting to attend events that were in violation of POMA since ample notice had not been provided and the demonstrations had not been approved.