



**DEFENDDEFENDERS**

**East and Horn of Africa Human Rights Defenders Project**

**Overview of the Human Rights Situation  
in the East and Horn of Africa  
November 2016 – April 2017**

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Report submitted to the 60<sup>th</sup> Ordinary Session of the  
African Commission on Human and Peoples' Rights (ACHPR)  
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## INTRODUCTION

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) welcomes the opportunity offered by the 60th 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 sub-region for the period of November 2016 to April 2017. This report was prepared with the assistance of reports and information sent to DefendDefenders, the secretariat of the East and Horn of Africa Human Rights Defenders Network, by our members and partners from the sub-region.

Disregarding their obligations under the African Charter on Human Rights Peoples' Rights, the past six months have seen governments in the sub-region seek to restrict legitimate expressions of dissent in their many forms, and target civil society through sustained strategies of repression across the board, often with complete impunity.

Since November 2016, DefendDefenders and its partners have documented grave human rights violations and abuses throughout severe political, human rights, and humanitarian crises escalating in Burundi and South Sudan. According to the UN High Commissioner on Refugees (UNHCR), the number of Burundians fleeing political violence is expected to exceed more than 500,000 this year, with the government continuing to refuse cooperation with the recently appointed UN Commission of Inquiry on Burundi, and resisting international efforts to deploy peacekeepers. DefendDefenders welcomes the ACHPR's Resolution 357(LIX) on Burundi and urges the Government of Burundi to grant the ACHPR access for a follow up mission.

In December 2016, the Chair of the UN Commission on Human Rights in South Sudan and the UN Special Representative for the Prevention of Genocide confirmed that a steady process of ethnic cleansing was already underway in the country, and that all of the early warning signals for mass atrocities were present. Human rights defenders shining light on these violations and abuses have been repeatedly targeted, including through harassment, arrests and detentions, physical attacks and torture, disappearances, and killings.

In November 2016, a civil disobedience campaign was launched against the Sudanese government's announcement of subsidy cuts to fuel and electricity alongside an increase of 20% of government workers' salaries. Since 31 October 2016, Sudan's government has led a crackdown against protests organised by the Sudanese Doctors' Central Committee (SDCC). Since November 2016, the government led a crackdown on newspapers through the confiscation of printed issues. The main purpose was to seize newspapers publishing news regarding civil disobedience as well as ruling party policies.

In Ethiopia, the State of Emergency imposed in October 2016 and extended in late March 2017 as a result of unrest and large demonstrations in Amhara and Oromia regions, continues to be used as a means to curtail citizens' rights to free expression, association, and peaceful

assembly. Under the guise of national security and counter-terrorism, Command Post has allegedly arbitrarily detained tens of thousands of individuals. Thousands have been released leading to the emergence of reports of torture and ill treatment in detention. DefendDefenders welcomes the ACHPR's call for an international, independent, and impartial investigation into allegations of the use of excessive and unnecessary lethal force by security to disperse and suppress peaceful protests in November 2016, and urges the Government of Ethiopia to grant the ACHPR access to the concerned regions of the country.

In Eritrea, no significant steps have been taken to bring justice to victims of grave human rights violations, which may amount to crimes against humanity according to a UN Commission of Inquiry report released a year ago. The Eritrean Government continues to disregard ACHPR resolutions and decisions, and little improvement in the situation on the ground has been noted by Eritrean human rights groups operating outside the country.

Authorities seeking to obstruct human rights activities continue to launch spurious or baseless judicial proceedings against independent human rights defenders, and continue to employ administrative harassment to disrupt the work of legitimate human rights organisations. In Tanzania, Kenya, and Uganda, a clear escalation in attacks, harassment, and arrests targeting human rights defenders have been documented, raising serious concerns for three of the most stable countries in the sub-region.

### **Recommendations:**

In light of the updates and observations contained in this report, DefendDefenders makes the following recommendations for action by the African Commission on Human and Peoples' Rights:

- Renew calls for the Ethiopian government to allow access to an international, independent and impartial investigation and ensure that the current state of emergency does not lead to further violations of fundamental non-derogable human rights as they are enshrined in the African Charter on Human and Peoples' Rights and international covenants which Ethiopia had ratified, as per Resolution 356(LIX) 2016 on Ethiopia adopted by the Commission during its 59<sup>th</sup> Ordinary Session in Banjul, the Gambia;
- Refer Eritrea to the African Union Executive Council for the consistent failure to comply with the decisions and recommendations of the ACHPR; urge the African Union Peace and Security Council to place Eritrea on its agenda and periodically review the situation of human rights in the country, and urge the African Union to implement the recommendations of the UN Commission of Inquiry on Eritrea;
- 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 Burundian government to fully cooperate with AU-mandated observers and allow them safe access to information, witnesses and victims in all parts of the country, and renew its call on the Government of Burundi to allow the Commission access for a follow up mission, as per Res. 357(LIX) on Burundi adopted by the Commission during its 59<sup>th</sup> Ordinary Session in Banjul, The Gambia;
- Call on the African Union Commission to ensure the establishment of the Hybrid Court for South Sudan (HCSS), to prioritise the prompt establishment of the investigative branch of the HCSS, and call on the Government of South Sudan to cooperate fully with this process;
- Call on all 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, and by adopting national laws for the protection of human rights defenders;
- 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;
- Reaffirm its support for the International Criminal Court (ICC), and urge AU member States to ensure that the perpetrators of crimes under international human rights law and international humanitarian law do not benefit from impunity, and condemn Burundi's decision to withdraw from the ICC;
- Recognise that the rights contained in the African Charter on Human and Peoples' Rights apply to all people without discrimination on any grounds, including sexual orientation and gender identity;
- 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 ACHPR and to submit periodic reports.

## BURUNDI

The decision by President Pierre Nkurunziza to seek a third term in office in April 2015 triggered a grave, persistent, and deadly crisis that affects all echelons of Burundian society. A failed *coup d'état* in May 2015 sparked a swift and systematic crackdown by the government and its security forces against real and perceived perpetrators. The targeted and repeated attacks on Burundi's once thriving civil society have become so severe that there are no independent human rights defenders (HRDs) working freely in the country today. Local human rights groups painstakingly attempt to document enforced disappearances<sup>1</sup>, torture and other forms of ill-treatment, and extrajudicial killings taking place on an alarmingly regular basis with complete impunity. Since the beginning of the crisis, the deliberate and violent targeting of HRDs, journalists, and their family members has resulted in the deaths or serious injury of several activists, while the United Nations High Commissioner for Refugees (UNHCR) reports that, as of late April 2017, an estimated 413,477 Burundians have fled the country.<sup>2</sup> Following the publication of a damning report by the UN Independent Investigation on Burundi (UNIIB) in September 2016, the Burundian government declared the three experts *persona non grata*, suspended its cooperation with the Office of the High Commissioner for Human Rights (OHCHR), and adopted legislation to withdraw from the International Criminal Court.<sup>3</sup> A Commission of Inquiry created by the UN Human Rights Council in September 2016 gave an oral update to the Council in March 2017, noting that trends documented throughout 2015 and 2016 seemed to be persisting in 2017, and deploring the Government of Burundi's refusal to cooperate with the Commission.

### Freedom of Association

Throughout 2016, Burundian authorities have continued to harass, arrest, disappear, and, at times, kill civil society and media activists, as well as political opposition members in retribution for their role in organising or participating in the April 2015 protests against the third mandate. Since the government froze the bank accounts of prominent human rights organisations in November 2015, independent civil society has been decimated and its ability to conduct human rights monitoring and advocacy remains heavily impeded. Many HRDs now work from exile, while those who remain in the country face one of the most restricted and dangerous working environments in the East and Horn of Africa sub-region.

*Forum pour le Renforcement de la Société Civile au Burundi* (FORSC), *Forum pour la Conscience et le Développement* (FOCODE), *L'Action des Chrétiens pour l'Abolition de la Torture au Burundi* (ACAT), *l'Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues* (APRODH) and *Réseau des Citoyens Probes* (RCP) are

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<sup>1</sup> Ndondeza, "Rapports d'enquêtes sur les disparitions forcées", <http://ndondeza.org/category/rapports-ndondeza/>, Accessed 27 April 2017.

<sup>2</sup> UNHCR, "Refugees from Burundi: Current Situation", April 24 2017, <http://data2.unhcr.org/en/situations/burundi>, Accessed 27 April 2017.

<sup>3</sup> Human Rights Watch, "Burundi: ICC Withdrawal Major Loss to Victims", October 27 2016, <https://www.hrw.org/news/2016/10/27/burundi-icc-withdrawal-major-loss-victims>, Accessed April 27 2017.

among the leading civil society organisations in Burundi. For years, they have engaged public authorities and decision-makers on a number of issues, including human rights, torture, good governance and the rule of law. When the current crisis broke out, ten civil society organisations were suspended on 23 November 2015 and prevented from working in Burundi, as the General Prosecutor and the Minister of Home Affairs argued that investigations were underway in respect of their alleged involvement in the “2015 insurrection.”

On 19 October 2016, Minister of Home Affairs, Pascal Barandagiye, announced that the five NGOs mentioned above are permanently banned under Burundian law. The criminal case against these organisations is still under investigation, and their legal representatives have been forced into exile after receiving death threats. These organisations have played a key role in documenting and exposing gross human rights abuses and violations. The Home Affairs Minister’s decision was a major step towards the radicalisation of a regime that targets civil society and aims to close civic space altogether.

On 24 October 2016, Minister Barandagiye signed a ministerial order suspending five other NGOs, namely *Ligue Iteka*, the *Forum de la Société civile pour le Monitoring des Elections* (COSOME), the *Coalition Burundaise pour la Cour Pénale Internationale* (CB-CPI), the campaign SOS-Torture, and *Union Burundaise des Journalistes* (UBJ). Authorities allege that the activities of these organisations do not meet the official objectives and mandate of the NGOs, and undermine order and safety of the State. It is worth noting that SOS-Torture is not a national NGO registered in accordance with Burundian law regulating non-profit organisations because it is a campaign initiated in exile to document gross human rights violation following the 11 and 12 December 2015 massacres in Bujumbura. Meanwhile, UBJ is a union of journalists and its registration and regulation falls under the jurisdiction of the Ministry of Labour and Civil Servants.

On 3 January 2017, a Home Affairs ordinance issued on 21 December 2016 that banned Burundi’s oldest human rights NGO *Ligue Iteka* was disclosed. Over the course of more than a quarter century, *Ligue Iteka* played a critical role in creating and strengthening the human rights movement in Burundi and engaged public authorities even when opposition groups and government forces fought each other in a deadly civil war. Since the outbreak of the current crisis, *Ligue Iteka* has documented human rights abuses and released regular reports warning of escalating violence and the risk of genocide.<sup>4</sup> According to several HRDs, the ban on *Ligue Iteka* marks a decisive step towards the complete closure of civic space and the strengthening of a dictatorial regime.

On 16 January 2017, the Court of Appeal of Bujumbura decided to disbar Dieudonné Bashirahishize, Vital Nshimirimana, and Arnel Niyongere, three human rights lawyers registered with the Burundi Bar Association, while a fourth, Lambert Nigarura, was

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<sup>4</sup> Ligue Burundaise des droits de l’homme, "Rapport sur la situation des Droits de la Personne Humaine" 2013-2016, <http://web.archive.org/web/20161026044622/http://ligue-iteka.bi/index.php/rapports/situation-des-droits-de-l-homme>, Accessed April 21 2017.

suspended from practicing law for one year and prohibited from participating in the Governing Council for five years. The disbarment process was initiated in July 2016 following the collaboration of said lawyers with the UN Committee Against Torture and their participation in its 58<sup>th</sup> special session where Burundi was reviewed.<sup>5</sup>

The four lawyers are prominent leaders of Burundian civil society and have investigated a number of human rights violations amounting to crimes under the jurisdiction of the ICC. Their disbarment was unanimously condemned by international observers as an act of reprisal. The four lawyers fled Burundi after April 2015 and were not heard by the Court, which initiated an expeditious process. The lawyers were also denied the right to due process as their demand to be granted enough time to prepare and allow their legal counsel travel was not taken into account.

Burundi's National Assembly adopted two bills regulating national and international non-governmental organisations in December 2016 aimed at closely controlling the action of local and international NGOs. This new legislation requires local NGOs to obtain authorisation from the Minister of the Interior to carry out any activity and to transfer funds of foreign origin through the Central Bank. The work of foreign NGOs must now comply with priorities set by the Government.<sup>6</sup> Stéphane Dujarric, spokesman for UN Secretary-General António Guterres, expressed concern "that the enactment of this law could impede or even threaten the continued free operation of important organisations that are working to assist the Burundian people."<sup>7</sup>

## **Freedom of Expression**

Since April 2016, the government-led crackdown on free and independent media has continued to the point where today most independent reporting has been stamped out. Following the May 2015 mob attacks on Burundi's major independent media stations, over 100 journalists have fled to neighbouring countries, and those that remain face arbitrary arrests, enforced disappearances, or extrajudicial killings.

Due process is rarely respected during these arrests and detentions, and no investigations have been conducted into allegations of torture and other forms of ill-treatment. The difficulties and risks faced by journalists have had a direct impact on the amount of information available on the situation in the country. The pervasive climate of fear that reigns

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<sup>5</sup> DefendDefenders, "Burundi: Government threatens reprisals and walks out during special review by UN Committee against Torture", 12 August 2016, Accessed on 4 May 2017

<sup>6</sup> United Nations Humans Rights Office of the High Commissioner, "Burundi: UN experts raise alarm at growing repression of NGOs and human rights defenders", 6 February 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21145&LangID=E#sthash.SATuWrtg.dpuf>, Accessed 2 May 2017.

<sup>7</sup> United Nations, "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General", 3 January 2017, <http://www.un.org/press/en/2017/db170103.doc.htm>, Accessed 2 May 2017.

in Burundi today has led most outspoken critics to leave the country or practice self-censorship, and extensive censorship of the media has been reported.

As Burundi celebrated the 26<sup>th</sup> anniversary of the Charter of National Unity on 5 February 2017, Dorine Niyungeko and Eddy Hatungimana, journalists working for IWACU Press, were reportedly prevented from accessing the Memorial of National Unity where the official celebrations were held. Security forces told the journalists that their media house was not accredited to cover the event. Another journalist of Burundi Eco was also prevented from accessing the venue. Only public media including *Radio Télévision Nationale du Burundi*, *la Radio Scolaire Nderagakura*, newspapers *Ubumwe* and *le Renouveau*, and ruling-party-backed *Radio Télévision Rema FM* were allowed to cover the event, according to local monitoring groups. In the same vein, protocol and security services of the President of the National Assembly prevented Voice of America journalists Diane Ndonse and Pacifique Cubahiro from accessing the venue in Buzanza where the anniversary was celebrated. In response, Vice-President of the National Communication Council (CNC) Gabriel Bihumugani explained that when public authorities organise an event with expected media coverage, it can limit access to journalists. The next week on World Radio Day, Bihumugani nonetheless reiterated that “media freedom is real in Burundi. This is a warning against journalists using Internet to tarnish Burundi’s image, who claim that there’s no media freedom here.”<sup>8</sup>

### **Freedom of Peaceful Assembly**

Though Article 30 of the Burundian Constitution protects the right to peaceful assembly, public demonstrations in the country have become virtually impossible due to systematic and excessive use of force by security forces. Peaceful demonstrations in April 2015 against the President’s third term sparked a brutal and deadly repression of dissent by government forces. In early June 2016, spontaneous protests, which broke out in response to the arrest of schoolchildren for defacing pictures of the president, were met with violence by police who fired live ammunition and wounded three protestors.

Since July 2016, the government and the ruling CNDD-FDD party, as well as allied groups including non-profit organisations backed by the government, frequently organise rallies dedicated to challenging human rights reports and international human rights mechanisms. It has been reported by local observers that hate speech along political and ethnic lines has become common at these rallies.<sup>9</sup>

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<sup>8</sup> Cape Times, “Burundi media warned”, 15 February 2017, <https://www.pressreader.com/south-africa/cape-times/20170215/281590945318431>, Accessed 2 May 2017.

<sup>9</sup> Forum pour le renforcement de la société civile, "Burundi, troisième mandat au rythme du discours de la haine institutionnalisée", August 2016, <http://forscburundi.org/wp-content/uploads/2016/11/Troisi%C3%A8me-mandat-au-rythme-dun-dicours-de-la-haine-institutionnalis%C3%A9-FINAL.pdf>, Accessed April 27 2017.

## DJIBOUTI

Djibouti continues to be ruled by one of the most repressive governments in the East and Horn of Africa sub-region, with little to no independent HRDs operating in the country today. Since November 2016, civil society has suffered a number of attacks where journalists, HRDs, and union workers have been arbitrarily arrested. Since March 2017, local sources report an increase in harassment by authorities, with arbitrary detentions happening on a daily basis.

### Freedom of Association

Freedom of association is highly restricted in the country, with little to no human rights NGOs able to operate independently, and since 2005, independent trade unions are no longer recognised by the State, which has outlawed their activities and meetings.

Omar Ewado, a prominent Djiboutian HRD with the *Ligue djiboutienne des droits de l'homme* (LDDH), was arrested by Djiboutian national intelligence agents at his home on 19 March 2017. Dressed in plain clothing and heavily armed, the agents threatened his family and took him away in a minibus to an unknown location.<sup>10</sup> Mr. Ewado was released 8 days later after starting a hunger strike in detention. The reason for his arrest is still unknown.

Mr. Ewado was previously arrested in January 2016 and sentenced to three months in prison. He was found guilty of public defamation by Djibouti's Criminal Court after LDDH issued public statements condemning the security forces' killing of up to 27 people during a public gathering on 21 December 2015.<sup>11</sup> Mr. Ewado's sentence was overturned on 14 February 2016 by the Appeals Court of Djibouti.

On 13 March 2017, four high profile members of the opposition party *Mouvement pour le Renouveau Démocratique et le Développement* were arrested, according to LDDH reports. While one member was later released, the others are still being detained without access to legal representation. Local human rights observers and the president of MRD believe the arrests to be politically motivated.

### Freedom of Expression

In October 2016, Djibouti officially launched its new National Commission on Communications, whose mandate is to advise the government and submit recommendations

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<sup>10</sup> DefendDefenders (East and Horn of Africa Human Rights Defenders Project), "Djibouti: Immediately release Omar Ewado", 20 March 2017, <https://www.defenddefenders.org/2017/03/djibouti-immediately-release-omar-ewado/>, Accessed April 27 2017.

<sup>11</sup> DefendDefenders (East and Horn of Africa Human Rights Defenders Project), "Djibouti, Ethiopia, and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists", 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>, Accessed 27 April 2017.

on safeguarding freedom of the press and the right to information. While this is a positive step, no substantial activities have been recorded by local partners since the Commission was established.

In addition to HRDs and political activists, media professionals, artists, independent thinkers, writers, and speakers in Djibouti are frequently subjected to interrogation, detention, and torture by authorities. Most recently, in early March 2017, the famous caricaturist Idriss Hassan Mohamed was arrested and held in an undisclosed location for five days. According to LDDH, his leg was broken during the interrogation and detention. LDDH also claims he was arrested in retaliation for an article he published criticising the regime.<sup>12</sup>

## **ERITREA**

Eritrean citizens continue to live under one of the most repressive governments in the world. The 1997 Constitution has not been implemented, democratic elections have been repeatedly postponed, and the independent media, only in existence since 1994, has been effectively destroyed. Recent developments in Eritrea demonstrate that the government continues to extensively control its population. The rights to freedom of expression, association, and peaceful assembly remain largely curtailed – any dissent is met with swift repression.

### **Freedom of Association**

There are currently no independent national or international NGOs able to function in Eritrea. The Non-Governmental Organisation Administration Proclamation (2005) places severe restrictions on NGOs, including on the funding which the UN and bilateral agencies can provide, and requires that donor funds flow through the government. In 2002, the government outlawed worship and assembly of religious groups outside registered denominations; in order to freely practice their faith, religious groups must register with the Department of Religious Affairs.

### **Freedom of Expression**

Since the crackdown on civil society, political dissidents, and journalists in September 2001, there has been no functioning independent media in Eritrea. The country consistently features on the bottom of rankings that measure the enjoyment of freedom of expression such as Reporters without Border's World Press Freedom Index and the CIVICUS Monitor. As of November 2016, at least 17 journalists are detained in Eritrea, many of whom have been held *incommunicado* since 2001. Although verified information from Eritrea's expansive prison system remains scarce, it is believed that at least seven of the journalists arrested in September 2001 have since died in prison.

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<sup>12</sup> Ligue Djiboutienne des droits humains, "Arrestation des Internautes à Djibouti", 8 March 2017, <http://www.ldap.net/arrestation-des-internautes-a-djibouti/>, Accessed 27 April 2017.

On 19 February 2017, the exiled Eritrean Forum Radio reported that two journalists working for the state-owned Eritrean Radio and Television Agency were jailed on suspicion of attempting to flee the country, which is considered an act of treason by authorities.<sup>13</sup> Despite a shoot-to-kill policy at the border, the UNHCR estimates that about 5,000 Eritreans continue to flee the country each month, and that as of the end of 2015, there were 474, 296 Eritrean refugees and asylum seekers across the world – roughly 12 percent of the country’s official 3.6 million population estimate.<sup>14</sup>

### **Freedom of Peaceful Assembly**

The right to freedom of peaceful assembly is severely restricted in Eritrea. Groups of more than seven individuals cannot gather without prior approval from the government. Human rights organisations working from exile that remain connected with sources on the ground report that a network of spies works vigorously across the country to report any suspicious behaviour. Surveillance extends to Internet cafés where spies watch the frequency and the activity of Internet users. Since 2016, the government has ordered all Internet cafés owners to keep a detailed record of all people using their facilities.<sup>15</sup>

## **ETHIOPIA**

In response to mass protests held since November 2015 across the country, which, according to local and international human rights groups, have claimed the lives of over 800 protestors and led to the arbitrary detention of tens of thousands, the Ethiopian Government declared a six-month nationwide State of Emergency in October 2016 that was extended by an additional four months, with an easing on some of the restrictions, on 30 March 2017.<sup>16</sup>

The ACHPR has called for an international, independent, and impartial investigation into allegations of the use of excessive and unnecessary lethal force by security to disperse and suppress peaceful protests in November 2016.<sup>17</sup> The State of Emergency directives give sweeping powers to Command Post, which has been appointed by the House of Representatives to enforce the decree, including the suspension of fundamental and non-

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<sup>13</sup> Sudan Tribune, “Eritrea jails journalists working for state-run media”, 19 February 2017, <http://www.sudantribune.com/spip.php?article61694>, Accessed 27 April 2017.

<sup>14</sup> Human Rights Watch, “Eritrea: Events of 2016”, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/eritrea>, Accessed 2 May 2017.

<sup>15</sup> Asmarino, “[Eritrea: Security forces target Internet Cafes in Search of ‘Opposition Activities’](http://www.asmarino.com/news/4775-eritrea-security-forces-target-internet-cafes-in-search-of-opposition-activities)”, 7 September 2016, Accessed on 4 May 2017

<http://www.asmarino.com/news/4775-eritrea-security-forces-target-internet-cafes-in-search-of-opposition-activities>

<sup>16</sup> Al Jazeera, “Ethiopia extends state of emergency by four months”, 30 March 2017, <http://www.aljazeera.com/news/2017/03/ethiopia-extends-state-emergency-months-170330110807086.html>, Accessed 2 May 2017.

<sup>17</sup> African Commission on Human and Peoples' Rights, “Press Statement of the African Commission on Human and Peoples’ Rights on the Human Rights Situation in the Federal Democratic Republic of Ethiopia”, 12 October 2016, <http://www.achpr.org/press/2016/10/d321/>, Accessed 27 April 2017.

derogable political and democratic rights protected by the Ethiopian Constitution, the African Charter on Human and Peoples' Rights, and other international human rights treaties to which Ethiopia is party.

### **Freedom of Association**

Three of Ethiopia's main opposition parties, the Unity for Democracy and Justice (UDJ), Blue Party, and All Ethiopian Unity Party (AEUP) have claimed that a large number of their leaders and members were targeted by Command Post and arbitrarily arrested. It is reported that tens of UDJ members were arrested both under the State of Emergency and before the decree was announced. AEUP reported that approximately 20 of its members were arrested in the last few weeks.

On 18 November 2016, former UDJ leader Daniel Shibeshi was detained. On October 30 2017, Dr. Merera Gudina, a professor and prominent opposition leader of the Oromo People's Congress (OFC) was arrested after his return from Brussels where he provided testimony on the current political crisis the European Parliament and accused Ethiopian security forces of committing human rights violations.<sup>18</sup> On 3 March, prosecutors formally charged Dr. Merera with a bid to "dismantle or disrupt social, economic and political activity for political, religious and ideological aim [...] under the guise of political party leadership," according to a charge sheet brought before a high court in Addis Ababa. Dr. Merera was also accused of backing a terrorist group and flouting guidelines of a state of emergency imposed in October during his trip to Belgium.<sup>19</sup>

Local human rights monitors were also informed about the criminal charge against the *Wolqayit* committee members, who have been targeted by security forces since the beginning of the protests in the Amhara region in July 2016. Members of the committee, including Colonel Demeqe Zewude whose attempted arrest sparked protests in the Amhara capital of Gondar in August 2016, have faced criminal charge under the 2009 Anti-Terrorism Proclamation.

### **Freedom of Expression**

In the last six months, freedom of expression in Ethiopia has been severely compromised. Under the current State of Emergency, access to social media platforms such as Facebook and Twitter has been restricted, as attempts to exchange with, report on or display diaspora-based broadcast media like the Ethiopian Satellite Television and Radio (ESAT) and the Oromia Media Network (OMN) have been prohibited. The decree restricts the organisation of political campaigns, demonstrations, and any communication that may cause "public disturbance" and unauthorised communication with foreign governments and NGOs. The

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<sup>18</sup> Al Jazeera, "Ethiopia: Oromo opposition leader arrested", 1 December 2016, <http://www.aljazeera.com/news/2016/12/ethiopia-oromo-opposition-leader-arrested-161201105801067.html>, Accessed 3 May 2017.

<sup>19</sup> Reuters, "Ethiopian opposition leader pleads not guilty to incitement charges", March 3 2017, <http://www.reuters.com/article/us-ethiopia-court-idUSKBN16A1YI>, Accessed 3 May 2017.

State of Emergency restricts disseminating information through traditional and social media, and limits mobile Internet communications, particularly Viber and other secure messaging applications.<sup>20</sup>

On 18 October 2016, Abebe Wube, general manager of *Ye Qelem Qend* newspaper, was arrested by security forces in Addis Ababa. On 11 November 2016, police detained Zone 9 blogger and a co-founder Befeqadu Hailu, who received the 2015 Committee to Protect Journalists' (CPJ) International Press Freedom Award, at his parents' house in Addis Ababa. CPJ reported that Befeqadu was arrested in relation to an interview he gave to Voice of America's Amharic service, criticising the government's handling of protests.<sup>21</sup> Abebe and Befeqadu were released on 22 December 2016, along with thousands of other detainees who had been arrested under the State of Emergency.

On 18 November 2016, journalists Elias Gebru and Ananiya Sori were arrested by security forces. Ananiya, an outspoken journalist and former political activist, was arrested following his criticism of government policies in reaction to the protests during a radio debate organised by the pro-government *Fana Broadcasting* in October 2016. Elias, a freelance journalist and social media activist, was reportedly arrested in relation to his political analysis and articles published on social media. Ananiya was released on 13 March 2017. At the time of publication, Elias is still being held in prison without due process of law.<sup>22</sup>

In March 2017, Amnesty International published the testimony of torture survivor Seyoum Teshome, a university professor and blogger, who was arrested in September 2016 and charged with incitement of violence against the State.<sup>23</sup> After these charges were dropped, Seyoum was sent to Tolay military camp together with thousands of others and released on 22 December 2016.<sup>24</sup>

On 6 April 2017, Ethiopia's Supreme Court ruled that two bloggers from the Zone 9 collective previously acquitted of terrorism charge should be tried instead on charges of inciting violence through their writing. If convicted of the charge, Atnaf Berhane and Natnael

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<sup>20</sup> Horn Affairs, "Ethiopia: Directive for the Execution of the State of Emergency [full text]", 19 October 2016, <http://hornaffairs.com/2016/10/19/ethiopia-directive-execution-state-emergencyfull-text/>, Accessed on 7 May 2017

<sup>21</sup> Association for Human Rights in Ethiopia, "Ethiopia: End State of Emergency restrictions on political dissent and targeting of human rights defenders", 6 December 2017, <https://ahrethio.org/2016/12/06/ethiopia-end-state-of-emergency-restrictions-on-political-dissent-and-targeting-of-human-rights-defenders/>, Accessed 27 April 2017.

<sup>22</sup> Association for Human Rights in Ethiopia, "Ethiopia: Detained journalist Elias Gebru denied due process", 6 May 2017, <https://ahrethio.org/2017/05/06/ethiopia-detained-journalist-elias-gebru-denied-due-process/>, Accessed on 7 May 2017

<sup>23</sup> Seyoum Teshome, Amnesty International, "A license to torture", 28 March 2017, [https://www.amnesty.org/en/latest/campaigns/2017/03/a-license-to-torture/?utm\\_source=facebook&utm\\_medium=article&utm\\_term&utm\\_campaign=social](https://www.amnesty.org/en/latest/campaigns/2017/03/a-license-to-torture/?utm_source=facebook&utm_medium=article&utm_term&utm_campaign=social), Accessed 27 April 2017.

<sup>24</sup> Front Line Defenders, "Seyoum Teshome released", 22 December 2016, <https://www.frontlinedefenders.org/en/case/seyoum-teshome-released>, Accessed 2 May 2017.

Feleke would face a maximum prison sentence of 10 years. The court also upheld the lower court's acquittal of two other Zone 9 bloggers, Soleyana S Gebremichael and Abel Wabella.<sup>25</sup>

### **Freedom of Peaceful Assembly**

Freedom of assembly has been heavily restricted under the State of Emergency. Since it was implemented, reports from local and international monitoring groups suggest that tens of thousands have been arbitrary arrested and transported to different military centres throughout the country. Most of the detainees have been held for about three months in Awash, Alage, Bir Sheleko, and Tolay military camps. In late March, state media announced that Command Post – which is charged with overseeing the martial law – said 4,996 of the 26,130 people detained for allegedly taking part in protests would be brought to court.<sup>26</sup> Since December 2016, authorities announced the release of 11,607 people who were detained under the State of Emergency following “rehabilitation training programs.” Many of them have been reportedly subjected to torture, harsh prison conditions, and other forms of ill treatment.

On 18 April 2017, the Ethiopian Human Rights Commission submitted its second oral report to Parliament on the protests that occurred in parts of Oromia, Amhara, and SNNPR regions. The Commission outlined that 669 people were killed, including 63 members of the security forces, and concluded that security forces had taken “proportionate measures in most areas.”

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## **KENYA**

Although Kenya is one of the more open countries in the East and Horn of Africa sub-region for civil society to operate, civic space has been under pressure ahead of the August 2017 general elections. In response to a series of terrorist attacks by al-Shabaab militants, Kenyan security forces have allegedly widely used arbitrary arrests and extra-judicial killings against suspects, often arbitrarily targeting the large Somali or Muslim communities within the country.<sup>28</sup> Upcoming elections on 8 August will see opposition politician Raila Odinga again challenging incumbent President Uhuru Kenyatta.

### **Freedom of Association**

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<sup>25</sup> Committee to Protect Journalists, “Ethiopia Supreme Court says two Zone 9 bloggers should face incitement charges”, 6 April 2017, <https://cpj.org/2017/04/ethiopia-supreme-court-says-two-zone-9-bloggers-sh.php>, Accessed 2 May 2017.

<sup>26</sup> Ethiopian Satellite Television and Radio, “Ethiopia: Regime to charge 5000 protesters”, 28 March 2017, <https://ethsat.com/2017/03/ethiopia-regime-charge-5000-protesters/>, Accessed 2 May 2017.

<sup>27</sup> Human Rights Watch, “Fear of Investigation: What Does Ethiopia’s Government Have to Hide?”, April 21 2017, <https://www.hrw.org/news/2017/04/21/fear-investigation-what-does-ethiopias-government-have-hide>, Accessed 7 May 2017.

<sup>28</sup> Human Rights Watch, “Deaths and Disappearances: Abuses in Counterterrorism Operations in Nairobi and in Northeastern Kenya”, 19 July 2016, Accessed 4 May 2017, <https://www.hrw.org/report/2016/07/19/deaths-and-disappearances/abuses-counterterrorism-operations-nairobi-and>

On 25 October 2016, unknown intruders broke into the home of Khelef Khalifa, chairperson of the Board of Directors of Muslims for Human Rights (MUHURI). Before the break-in, Khalifa reported repeatedly receiving threats related to his demands for investigations and accountability for allegations of enforced disappearances and extra-judicial killings of Muslim clerics and youths in response to the growing threat of terrorism and radicalisation in Eastern Kenya.

Ahead of the August 2017 general elections, civil society organisations have been confronted with increased pressure from the government.<sup>29</sup> In December 2016, the NGO Coordination Board issued an order that the International Federation for Election System (IFES) cease operations in Kenya, accusing the organisation of operating without required licenses. IFES moved to court to challenge the decision from the NGO Coordination Board.<sup>30</sup> Other international organisations have raised concerns that the government delayed renewal or refused work permits to foreign applicants.

In January 2017, the NGO Coordination Board alleged through the media that the Kenya Human Rights Commission (KHRC), a leading human rights institution, was unaccountable and non-compliant with statutory requirement. In an internal memorandum circulated to various government agencies, the NGO Board called on the Office of Director of Public Prosecution (ODPP) and Kenya Revenue Authority to investigate the organisation. The NGO Board also asked the Central Bank of Kenya to freeze KHRC's accounts. KHRC has been a vocal critic of government anti-terrorism measures that do not meet human rights standards, particularly those involving enforced disappearances and extrajudicial killings of suspects, as well as corruption and abuse of office by government officials.<sup>31</sup>

The NGO Board has already been known to target KHRC when, in October 2015, it suspended 957 NGOs including KHRC over allegations that they could not account for funds and were supporting terrorist activities. This decision was ultimately reversed by the High Court, which found that the NGO Board had violated KHRC's constitutional rights by not giving the organisation a hearing before arriving at its decision.

This negative profiling that accuses CSOs and HRDs of being sympathetic to terrorists or engaging in activities that are detrimental to national interests climaxed on 12 December 2016, when the President publicly denounced the work of CSOs and foreign missions, accusing them of planning to foment violence and manipulate the election outcome in favour

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<sup>29</sup> United Nations Human Rights Office of the High Commissioner, "UN experts urge Kenya to end crackdown on rights groups to ensure fair elections", 14 February 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21172&LangID=E>, Accessed 27 April 2017.

<sup>30</sup> Associated Press, "Kenya stops US election education program ahead of polls", 20 December 2016, <http://www.foxnews.com/world/2016/12/20/kenya-stops-us-election-education-program-ahead-polls.html>, Accessed 27 April 2017.

<sup>31</sup> Mwaniki Munihe, Standard Media, "Board wants KHRC accounts frozen over tax evasion", 8 January 2017, <https://www.standardmedia.co.ke/article/2000229072/board-wants-khrc-accounts-frozen-over-tax-evasion>, Accessed April 27, 2017.

of the opposition. Echoing the president's message, politicians, administrators, and the police have repeatedly denounced human rights groups and activists as "anti-national" and working against national interests. The transfer of regulation of the NGO sector to the Ministry of the Interior through a directive issued in October 2016 has raised concerns that the government is committed to further curtail civic space.<sup>32</sup> Community-based CSOs have been most affected through a January 2017 directive by the Ministry of the Interior to all county commissioners calling for investigations into the activities of NGOs in their counties, leaving local NGOs particularly vulnerable to harassment.<sup>33</sup>

## **Freedom of Expression**

On 10 December, Jerome Starkey, a British journalist working for The Times was deported from Kenya after being detained for more than a day at the airport without explanation or charges. Starkey had reported extensively on terrorism, security, miscarriages of justice, conservation and drugs trafficking while based in East Africa. He was locked in a cell overnight after arriving from the UK, questioned by immigration, detectives and anti-terrorism police and later tweeted that police had prevented his lawyer from seeing him.<sup>34</sup>

In February 2017, the Kenyan High Court ruled that criminal defamation is unjustifiable on the grounds that it infringes on freedom of speech as guaranteed by the Constitution, after considering a petition. Jaqueline Okuta and Jackson Njeru had been previously charged under Section 194 for publishing posts about a prominent Kenyan lawyer on a consumer protection Facebook page called 'Buyer Beware.' The court found that the prospect of criminal proceedings and a jail term of up to two years for defamation was unnecessary, excessive, and unjustifiable in an open and democratic society, and creates a disproportionate limit on freedom of expression.<sup>35</sup>

In a circular dated 8 February 2017, the Head of Civil Service and President Uhuru Kenyatta's Chief of Staff, Joseph Kinyua, forbade any government entities from placing advertisements in privately-owned media, cutting off as much as a third of their revenue. The decision was widely seen by human rights groups as an attempt to weaken media independence.<sup>36</sup>

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<sup>32</sup> Felix Olick, The Star, "Uhuru removes NGOs from Kiunjuri, gives to Nkaissey amid civil society protest", 13 December 2016, [http://www.the-star.co.ke/news/2016/12/13/uhuru-removes-ngos-from-kiunjuri-gives-to-nkaissey-amid-civil-society\\_c1471039](http://www.the-star.co.ke/news/2016/12/13/uhuru-removes-ngos-from-kiunjuri-gives-to-nkaissey-amid-civil-society_c1471039), Accessed 27 April 2017.

<sup>33</sup> Ally Jamah, Standard Media, "State launches crackdown on unlicensed NGOs operating in counties", 11 January 2017, <https://www.standardmedia.co.ke/article/2000229413/state-launches-crackdown-on-unlicensed-ngos-operating-in-counties>, Accessed 27 April 2017.

<sup>34</sup> Agence France Presse, "British journalist deported from Kenya", 10 December 2017, <http://www.capitalfm.co.ke/news/2016/12/british-journalist-deported-kenya/>, Accessed 3 May 2017.

<sup>35</sup> Article 19, "Kenya: Court strikes down criminal defamation laws", 6 February 2017, <https://www.article19.org/resources.php/resource/38626/en/kenya:-court-strikes-down-criminal-defamation-laws>, Accessed 27 April 2017.

<sup>36</sup> Reporters Without Borders, "Privately-owned media denied state advertising revenue", 2 March 2017, <https://rsf.org/en/news/privately-owned-media-denied-state-advertising-revenue>, Accessed 27 April 2017.

In March 2017, journalist Isaiah Gwengi and HRD Rodgers Ochieng from Siaya County, who have been at the forefront of reporting gross violations perpetrated by the police, were arrested by the Quick Response Team police unit.. The two were held in a small cell for five hours, during which time they were assaulted and tortured by seven armed police officers who stripped them naked, squeezed their genitals to ascertain if they were circumcised, and hit them with the butt of a gun.<sup>37</sup> A court in Usenge was due to hear their case on 28 March and 6 April, but postponed both hearings pending further investigation.<sup>38</sup>

### **Freedom of Peaceful Assembly**

On 31 October 2016, ten land rights activists in Taveta were arrested by police officers while meeting at the offices of Building Africa, a duly registered NGO that also hosts *Darubini ya Haki*, a community-based organisation. Both groups promote human rights, particularly in communities that have been dispossessed of their land. The ten HRDs were charged with “participation in an unlawful assembly” in breach of Section 79 of the Penal Code, and had bond terms of Ksh 300,000 (approx. 2,900 USD) per person imposed, with two sureties of the same amount. At the time of their arrest, the HRDs were meeting to discuss an ongoing matter in a higher court in Nairobi that involved their land, and which they allege was illegally allocated to well-connected individuals.<sup>39</sup>

The fact that the individuals were arrested while attending a meeting at the offices of a local human rights organisation and charged with unlawful assembly raises concerns regarding the government’s respect for the Kenyan Constitution and regional and international treaties to which Kenya is a State Party and which guarantee this right.

On 2 November 2016, HRDs mobilised Kenyans to protest after reports in local media and accusations by the opposition about graft and abuse of funds in public healthcare. The protestors met at Uhuru Park to commence a peaceful demonstration, a right guaranteed under Article 37 of the Constitution, where police fired volleys of tear gas to disperse them while officers in riot gear reportedly charged the crowd and beat some demonstrators with batons.<sup>40</sup>

On 21 March 2017, the government criminalised any refusal to accept results of the 2017 elections. The Ministry of Interior is reported to have indicated that any person who calls for

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<sup>37</sup> Daily Nation, “Police beat up and strip Standard journalist in Siaya”, 23 March 2017, <http://www.nation.co.ke/counties/Siaya/Police-Siaya-beat-arrest-journalist/1183322-3861056-15kie1p/>, Accessed 3 May 2017.

<sup>38</sup> Committee to Protect Journalists, “Journalist beaten by Kenyan police, told he 'cannot fight them with a pen'”, April 2017, <https://cpj.org/2017/04/journalist-beaten-by-kenyan-police-told-he-cannot-phi>, Accessed 3 May 2017.

<sup>39</sup> FIDH, “Arbitrary detention and disproportionate bail against 10 land rights defenders from Taita Taveta County”, 22 November, 2017, <https://www.fidh.org/en/issues/human-rights-defenders/kenya-arbitrary-detention-and-disproportionate-bail-against-10-land>, Accessed 27 April 2017.

<sup>40</sup> Katharine Houreld, Reuters, “Police beat Kenyan anti-graft protesters, fire tear gas – witness”, 3 November 2016, <http://in.reuters.com/article/kenya-protests-idINKBN12Y0U9>, Accessed 27 April 2017.

mass action, political zoning, incitement, or other forms of protest will be arrested. This directive will grossly limit citizens' rights protected by Article 37 of the Constitution.<sup>41</sup>

## **RWANDA**

Rwanda remains one of the most restrictive environments for HRDS in the sub-region, with little or no independent media and human rights organisations. Opposition parties continue to face great difficulty in registering, and journalists critical of the regime routinely self-censor or flee the country. In the past six months, authorities detained people unlawfully in unofficial detention centres; some were held incommunicado and tortured.

The presidential election scheduled for August 2017, in which President Paul Kagame is using a constitutional amendment to seek another term, could easily expose HRDs and the media to renewed tension.

### **Freedom of Association**

Although a multiparty system is guaranteed by the Rwandan Constitution and protected by Article 2 the Law governing Political Organisations and Politicians (2003),<sup>42</sup> opposition parties continue to experience extreme difficulties and harassment as they attempt to register and operate. The Democratic Green Party of Rwanda, founded in August 2009, was unable to register until August 2013 – too late to contest in that year's parliamentary elections. During this time its members were harassed and threatened and in July 2014, a month before Rwanda's Presidential elections, the Green Party's vice-president André Kagwa Rwisereka was found beheaded.<sup>43</sup> The *Forces Democratiques Unifiées* (FDU) have tried since 2010 to obtain registration but failed until now.

Illuminée Iragena, a FDU member, went missing on 26 March 2016, and sources close to the case believe she died in detention as a result of torture. Despite the repeated requests by the FDU, her family, and calls by international CSOs, the Rwandan Government has not provided any official information regarding her fate.<sup>44</sup>

Members of opposition parties have been jailed, harassed, threatened, or disappeared. FDU President Umuhiza Victoire Ingabire was convicted in 2012 to eight year imprisonment, a sentence that was later increased by Rwanda's Supreme Court to 15 years. She appealed to the African Court on Human and Peoples' Rights and the case is in progress.

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<sup>41</sup> Daily Nation, "Refusal to accept poll results an offence, says Interior team", 21 March 2017, <http://www.nation.co.ke/news/Refusal-to-accept-poll-results-an-offence-/1056-3857458-15bvs5m/>, Accessed 27 April 2017.

<sup>42</sup> The Organic Law N0 10/2013/OL of 11/07/2013 governing Political Organisations and Politicians

<sup>43</sup> The Guardian, "Rwandan opposition leader found dead", 14 July 2010, Accessed 4 May 2017, <https://www.theguardian.com/world/2010/jul/14/rwanda-opposition-politician-found-dead>

<sup>44</sup> Amnesty International, "Rwanda: Come clean about fate of missing activist Illuminée Iragena", 26 March 2017, <https://www.amnesty.org/en/latest/news/2017/03/rwanda-come-clean-about-fate-of-missing-activist-illuminee-iragena/>, Accessed 27 April 2017.

Seven members of the FDU-Inkingi opposition party, including Secretary General Sylvain Sibomana, and Léonille Gasengayire, the party's treasurer, have been arrested and sentenced to lengthy prison terms. On 7 April 2017, FDU-Inkingi issued a press release where it alleged that Sibomana had been tortured soon after being transferred to from Gasabo Prison to Rubavu Prison.<sup>45</sup>

Gasengayire was initially arrested and sentenced to two years in the case of Sibomana. In a second stage, she disappeared before reappearing. On 26 March 2016, she was abducted and forced to board a vehicle while in the compound of Kigali prison when she brought food to Victoire Ingabire. The abduction took place on the same day of the kidnapping and disappearance of Iragena. She reappeared a few days later but was finally arrested and detained irregularly since 23 August 2016. She was tried and released in March 2017.

Members of other of opposition parties founded in exile have been attempting since November 2016 to return and register their party ahead of the August 2017 Presidential elections. Nahimana Thomas, Secretary General of the opposition party *Ishema* was first blocked from boarding a flight in Nairobi on 23 November 2016 when he tried to return to Rwanda with two colleagues to submit his candidacy for the presidential elections. After a few days in transit, they returned to Europe and tried to take a direct flight to Kigali on 23 January 2017. However, they were presented an order from the Rwandan government instructing all airlines serving Kigali to prevent them from boarding.

On 14 February 2017, Violette Uwamahoro, a Rwandan national with a British citizenship, was reportedly abducted and detained in an unknown location by the police. She is married to Faustin Rukundo, a member of the Rwanda National Congress representing exiled opposition parties, and went to Rwanda for her father's funeral. The Rwandan government initially denied her kidnapping and detention. After two weeks and increasing condemnation of her disappearance, the police confirmed her arrest on 3 March 2017 after more than two weeks of illegal detention. The court ruled on her current detention and ordered a provisional release on 27 March 2017. She was pregnant at the time of her detention. As of April 12, she was back in the United Kingdom.<sup>46</sup>

The Rwanda Governance Board (RGB) has frequently interfered with the appointment of the members of the political committees and national NGOs, disregarding their freedom of association. This interference has significantly weakened the independence, freedom of expression, and credibility of NGOs. As result of this interference, combined with other forms of harassment, the activities of human rights NGOs who are dependent on external funding have significantly diminished. Despite attracting widespread criticism for their

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<sup>45</sup> Great Lakes Post, "SYLVAIN SIBOMANA, 1st SECRETARY-GENERAL OF FDU-INKINGI TORTURED BY RWANDAN SECURITY SERVICES", 7 April 2017, <http://glpost.com/sylvain-sibomana-1st-secretary-general-of-fdu-inkingi-tortured-by-rwandan-security-services/>, Accessed 3 May 2017.

<sup>46</sup> BBC, "British Rwanda 'plot' woman Violette Uwamahoro back in UK", 12 April 2017, <http://www.bbc.com/news/world-africa-39579013>, Accessed 3 May 2017.

complexity and non-transparency, the Rwandan government has still not amended its laws regulating the registration of NGOs.

In an emblematic case, authorities renewed the registration of the *Ligue des droits de la personne dans la région des grands lacs* (LDGL), after administrative obstructions and harassment of staff had delayed the process for more than two years. However, former staff allege that authorities have tried to stifle LDGL's regional organisation through the appointment of members, the steering committee, and the executive secretary. According to the former secretary of the LDGL, the organisation has been seized by the police following the internal appointment and is now controlled by people loyal to the government.

### **Freedom of Expression**

Freedom of expression is guaranteed by the Constitution of Rwanda, the Law on Media (2003), and other regional and international treaties signed and ratified by Rwanda. However, civil society in Rwanda is severely weakened and has not been able to express itself on noteworthy questions such as the upcoming presidential elections or other important political, economic, and social issues. The few media that report on these issues are very careful or self-censor, and will therefore try to avoid investigating sensitive cases. A general situation of fear and repression has caused a collective silence on issues deemed controversial by, or critical of, authorities.

On 6 March 2017, John Karasira, a journalist who disappeared in August 2016, resurfaced in Kigali. Although he told media he fled the country and returned voluntarily, the details of his disappearance remain unclear, and Human Rights Watch has documented numerous cases in Rwanda where former detainees were forced to make false claims during months of detention and torture.<sup>47</sup>

Oscar Hakundimana and other residents of Nyamyumba and Rubavu were threatened, beaten and arrested for expressing their disapproval in December 2016 of a decision by the local authority forcing families to leave their lands. Their trial is currently ongoing.

On 15 March 2017, 44 Muslims, including minors, accused of setting up a terrorist group and criminal association, were brought to the High Court of Kigali for the opening of their trial which was then delayed until 4 April 2017. On 20 April, the court announced that the trial would be heard on 2 May in camera so as to not compromise national security.<sup>48</sup> Most of the suspects denounced their arrest and detention in secret locations for several months.

Reports of illegal practices during the investigation of alleged crimes during detentions are widespread, and carried out by police officers with impunity. The events mentioned above

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<sup>47</sup> Human Right Watch, "Rwanda: Opposition Activist Missing", 29 September 2016, <https://www.hrw.org/news/2016/09/29/rwanda-opposition-activist-missing>, Accessed 27 April 2017.

<sup>48</sup> Robert Mbaraga, The East African, "Rwanda: Trial Against Rwandan Terror Suspects to Be Heard in Camera", 20 April 2017, <http://allafrica.com/stories/201704210096.html>, Accessed 27 April 2017.

took place after speeches by officials at public meetings. Officially, there has been no investigation into these cases of extra-judicial killings.

### **Freedom of Peaceful Assembly**

Although the freedom to peacefully assemble and protest is guaranteed under Article 36 of the Rwandan Constitution, the reality is that permission for a protest or demonstration is never granted and few defy this for fear of police repression.

## **SOMALIA AND SOMALILAND**

On February 8, 2017, Somalia welcomed a new President after an unprecedented electoral process in the country's 33 years of independence, bringing a dawn of new hope to a nation which has experienced gross and pervasive human rights abuses since the civil war that broke out in 1991. Despite some progress, Somalia still remains one of the most hostile working environments for HRDs, particularly journalists, on the African continent. There remain continuous attacks on HRDs, media houses, and journalists by State and non-State actors.

### **Freedom of Expression**

Numerous HRDs and media workers in Somalia have faced increased threats, intimidation, arbitrary arrests, and deprivation of life in the past three years. Restrictions are regularly placed on the right to freedom of expression by government officials on grounds of national security and accusations of unprofessional journalism.<sup>49</sup>

On 15 October 2016, Abdi Adan Guled, editor-in-chief of the prominent newspaper *Xog Ogaal*, was arrested by the National Intelligence and Security Agency (NISA). This arrest was unwarranted. Within the same week Al-Jazeera journalist, Hamza Mohamed, and several of his crew members were detained by government officials for two days after returning from an interview assignment with the militant group al-Shabaab.<sup>50</sup>

On 6 November 2016, Mahad Ali Mohamed, a journalist working for *Codka Mundug* radio, was shot dead in the central city of Galkacyo amid heavy fighting between the regional states of Galmudug and Puntland.<sup>51</sup>

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<sup>49</sup> Human Rights Watch, "Like Fish in Poisonous Waters: Attacks on Media Freedom in Somalia", 2 May 2016, <https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia>, Accessed 27 April 2017.

<sup>50</sup> CIVICUS Monitor, "Patterns of free speech violations continue in Somalia", 4 November 2016, <https://monitor.civicus.org/newsfeed/2016/11/04/pattern-free-speech-violations-continues-somalia/>, Accessed 27 April 2017.

<sup>51</sup> Committee to Protect Journalists, "Mahad Ali Mohamed", 6 November 2016, <https://cpj.org/killed/2016/mahad-ali-mohamed.php>, Accessed 27 April 2017.

On 1 April 2017, Hanad Ali Guled, editor for *Goobjoog* radio, was reportedly kidnapped and tortured by an unknown group of armed men and found two days later after he managed to escape from his captors. Prior to his kidnapping, Guled had received numerous threats for being involved in drought relief efforts under the banned campaign Media for Aid.<sup>52</sup>

### *Puntland*

Journalists in Puntland continue to face censorship and attacks from government officials who usually enjoy impunity for their actions. Threats on journalists are rarely resolved or investigated.

On 5 March 2017, the Puntland Ministry of Information released a statement barring Universal TV from operating in regions controlled by Puntland authorities. Universal TV was shut down after it was accused of broadcasting false news that hindered the peace and stability of the state when it aired a political segment criticising the Puntland president Abdiweli Mohamed Ali Gaas for his frequent trips abroad. This ban has since been lifted.<sup>53</sup>

### *Somaliland*

Although there has been relative peace in Somaliland, the past year has seen an increase in violations towards HRDs and journalists who are critical of the government; they have faced intimidation, arbitrary arrests, and accusations of publishing false news.

On 23 January 2017, both the chairperson and editor-in-chief of *Hubsad* newspaper, Abdirashid Nur Ways and Said Khadar Abdilahi, were charged with publishing false news and operating an unlicensed newspaper after they published an article discussing irregularities found in the sale of state-owned land.<sup>54</sup>

On 4 February 2017, prominent human rights lawyer and chairperson of Somaliland's Human Rights Center, Guleid Ahmed Jama, was detained and arrested for filing a petition calling for police reforms. Police then questioned the editor-in-chief of *Sahan* newspaper, to whom Guleid had given an interview discussing the petition. The following day Ahmed Hussein Ali, spokesperson for the Human Rights Center, was also arrested after he issued a press statement condemning the arrest of his colleague.<sup>55</sup>

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<sup>52</sup> Harun Maruf, Voice of America News, "Somali Journalist Manages to Escape from Abductors", 2 April 2017, <https://www.voanews.com/a/abducted-somali-journalist-found-alive/3792782.html>, Accessed 27 April 2017.

<sup>53</sup> Garowe Online, "Somalia: Puntland court nullifies ban on Universal TV", 5 April 2017, <http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-nullifies-ban-on-universal-tv>, Accessed 27 April 2017.

<sup>54</sup> CIVICUS Monitor, "Somaliland: Media Harassed for Investigative Reporting", 1 March 2017, <https://monitor.civicus.org/newsfeed/2017/03/01/freedom-expression/>, Accessed 27 April 2017.

<sup>55</sup> DefendDefenders, "Somaliland: Two prominent HRDs detained and questioned", 7 February 2017, <https://www.defenddefenders.org/2017/02/somaliland-two-prominent-hrds-detained-questioned/>, Accessed 27 April 2017.

On 15 February 2017, Abdimalik Muse Oldon, an independent journalist and blogger, was arrested at the airport in Hargeisa after returning from Mogadishu where he met with the newly elected president of Somalia. He was sentenced to two years in prison on 8 April 2017 by a regional court in Hargeisa for spreading anti-nationalist activities and endangering peace and security in the region.<sup>56</sup>

On 20 February 2017, Baashe Hassan, director of Star TV was arrested by Somaliland police after criticising the Somaliland government for allowing the United Arab Emirates to build a military base on the port of Berbera. He was released on bail five days later.

### **Freedom of Peaceful Assembly**

The provisional federal constitution of Somalia protects the right to freedom of peaceful assembly. However, in practice this right is limited. HRDs, journalists and political leaders are often subject to threats, attacks, arbitrary arrests, and detention. This has discouraged and prevented many NGOs from freely protesting and sharing their views on social, cultural, and political issues. The Federal Ministry of Interior continues to restrict public gatherings from taking place without prior approval due to security concerns. At times, protests have been met with active repression from authorities.

### **SOUTH SUDAN**

Over the past ten months, human rights violations in South Sudan have sharply increased, characterised by coordinated attacks on civilians and destruction of private property by the government along ethnic lines. The majority of these violations have been perpetrated by the army and Dinka militia. The citizens of South Sudan are now exposed to rampant human rights violations, possibly amounting to crimes against humanity, perpetrated with impunity by the State as well as through retaliatory acts by the opposition and other factions.

The Agreement on the Resolution of Conflicts in South Sudan (ARCSS) effectively collapsed with the resumption of war in July 2016. Although the government claims that the ARCSS is being implemented, this remains obscure and questionable to the general population. On 14 December 2016, President Salva Kiir announced the launch of a national dialogue addressing transitional justice within the ARCSS framework.

Humanitarian assistance has been hindered by restrictions from the government, especially by limiting access to civilians in rebel-controlled areas. Humanitarian workers have been attacked and killed while trying to deliver aid to civilians trapped in conflict areas such as

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<sup>56</sup> Hiiraan Online, "Breaking: Abdimalik Oldon sentenced to two years by Hargeisa court for anti-national activities", 8 April 2017, [https://www.hiiraan.com/news4/2017/Apr/141478/breaking\\_abdimalik\\_oldon\\_sentenced\\_to\\_two\\_years\\_by\\_hargeisa\\_court\\_for\\_anti\\_national\\_activities.aspx](https://www.hiiraan.com/news4/2017/Apr/141478/breaking_abdimalik_oldon_sentenced_to_two_years_by_hargeisa_court_for_anti_national_activities.aspx), Accessed 27 April 2017.

Pibor.<sup>57</sup> Other restrictions were registered in parts of Leer, Mayendit, Wau-shilluk, Mapel, Yei, Pajok, and Wau.

## **Freedom of Expression**

Local human rights groups report that the government has illegally issued statements restricting legitimate expressions of dissenting ideas, as well as targeted civil society and the media through sustained repressive strategies.

Arbitrary arrest and detention of journalists and HRDs are a frequent occurrence. Some have now been detained for more than two years without charge at the National Security Facilities.

Several journalists have been known to be subjected to kidnappings and torture because of their writing. On 10 October 2016, Malek Bol, a reporter for the Arabic-language daily *Al-Maugif*, was found alive in a Juba graveyard after being abducted three days earlier. Freelance journalist Isaac Vuni's body was found on 26 September 2016, four months after he was abducted, while Joseph Afandi was badly beaten and burned with plastic on 8 March 2016.<sup>58</sup> All journalists in question were instructed by their kidnappers to stop writing articles expressing dissenting opinions, or revealing human rights abuses committed by the government.

On the morning of 11 November 2016, members of the National Security Service arrived at the Juba station office of Eye Radio, switched off the transmitter, locked four studios, ordered all staff to leave the premises, and left with the keys. The security officials gave no reasons for their action and told Stephen Omiri, chief executive of Eye Media, to make an appointment with the director general of the National Security Service. No date was given for the meeting.<sup>59</sup> They went back on the air on 19 November 2016.<sup>60</sup>

On 6 December 2016, agents of the National Security Service ordered Justin Lynch, a freelance journalist working for The Associated Press, out of the country after temporarily seizing his phones. Lynch had been working in the country for six months, reporting on the

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<sup>57</sup> The Guardian, "Seven dead in worst attack on aid workers since South Sudan war began", 27 March 2017, <https://www.theguardian.com/global-development/2017/mar/27/six-un-aid-workers-killed-ambush-south-sudan-unicef-partner>, Accessed on 4 May 2017

<sup>58</sup> Reporters Without Borders, "South Sudan: Journalist tortured and left for dead in Juba cemetery," 11 October 2016, <https://rsf.org/en/news/south-sudan-journalist-tortured-and-left-dead-juba-cemetery>, Accessed 27 April 2017.

<sup>59</sup> Committee to Protect Journalists, "South Sudan station Eye Radio forced to cease broadcasting", 11 November 2016, <https://cpj.org/2016/11/south-sudan-station-eye-radio-forced-to- cease-broa.php>, Accessed 3 May 2017.

<sup>60</sup> Eye Radio, "Eye Radio back on air on Saturday", 18 November 2016, <http://www.eyeradio.org/eye-radio-air-saturday/>, Accessed 3 May 2017.

conflict. He reported being told by the agents that he was being deported for his journalistic work.<sup>61</sup>

Numerous journalists, opinion writers, and HRDs have received phone threats from anonymous callers, who threaten to kidnap and torture them should they continue their work in any media.

### **General situation**

Between July 2016 and the time of writing, numerous villages, towns, and communities have been targets of ethnic cleansing. Human rights groups report that the majority of atrocities committed in South Sudan involve perpetrators who are Dinka militia, backed by predominantly Dinka members of the SPLA, supporting the government.

In December 2016, Yasmin Sooka, Chair of the Commission on Human Rights in South Sudan announced after a visit to the country that “a steady process of ethnic cleansing is already underway in some parts of the country. We don’t use that expression lightly. Targeted displacement along ethnic lines is taking place through killing, abductions, rape, looting and burning of homes.” The UN Special Representative for the Prevention of Genocide confirmed that all of the early warning signals for mass atrocities in South Sudan were present.

President Kiir himself has announced publicly that “all the operations that will go out will go out under my directives and my supervision.”<sup>62</sup> The implementation of his directives has resulted into numerous acts that are clear indicators of genocide, including mutilation of civilians killed, widespread rape, looting of private property, and victims being burned alive.

Thousands, if not tens of thousands, of people have fled southern South Sudan into northern Ugandan after armed forces attacked the town of Pajok on 3 April 2017, killing at least 17 people. Refugees fleeing the indiscriminate attack reported witnessing their loved ones shot dead at a close range, with many arrested or slaughtered, including children, and say the town is now empty.<sup>63</sup>

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<sup>61</sup> The Associated Press, “AP reporter deported from South Sudan”, 6 December 2016, <https://apnews.com/1b694ccdafdb464884ee536a1e583378/AP-reporter-deported-from-South-Sudan>, Accessed 3 May 2017.

<sup>62</sup> Sudan Tribune, “S. Sudan president threatens personal military operation in Equatoria”, 20 October 2016, <http://www.sudantribune.com/spip.php?article60597>, Accessed on 4 May 2017

<sup>63</sup> UNHCR, “UNHCR concerned over the deteriorating South Sudan situation”, 7 April 2017, <http://www.unhcr.org/news/briefing/2017/4/58e74ec94/unhcr-concerned-deteriorating-south-sudan-situation.html>, Accessed 3 May 2017.

## **SUDAN**

Following a civil disobedience campaign in 2016 protesting subsidy cuts to fuel and electricity alongside an increase of 20% of government workers' salaries, civil society has been confronted with a further shrinking of Sudan's already extremely limited civic space. HRDs have been harassed, arbitrarily arrested and detained, and exposed to torture and other forms of ill-treatment at the hands of security services.

### **Freedom of Association**

The Government of Sudan led a crackdown on freedom of association by targeting human rights organisations and banning them. On 5 March 2017, after 24 sessions, Judge Osama Ahmed Abdullah of the Khartoum Central Criminal Court convicted TRACKs Director Khalafalla Al-Afif Mukhtar and TRACKs trainer Midhat A. Hamdan of dissemination of false information (Article 66 of the Criminal Code) and possession of immoral material (Article 14 of the Sudan Information Crimes Law of 2007) and Director of Zarqa Organisation for Rural Development (ZORD) Mustafa Adam of espionage (Article 53 of the Criminal Code). All three were sentenced to one year of imprisonment and a fine of 50,000 SDG (approx. 8,028 USD) each. Detained since May 2016, the three men were released the following day from Al-Huda prison in Omdurman after their fines were fully paid.<sup>64</sup>

### **Freedom of Peaceful Assembly**

Since 31 October 2016, Sudan's government has led a crackdown against protests organised by the Sudanese Doctors' Central Committee (SDCC). On 6 October 2016, the SDCC called a strike in response to concerns over the physical safety of doctors working in hospitals, in addition to grievances concerning pay, working conditions and inadequate funding for medical equipment. Physical attacks on doctors working in hospitals have increasingly been reported to monitoring groups by medical professionals.

On 1 November, the National Intelligence Security Services (NISS) detained 14 doctors – 12 were held in Khartoum, and two in other locations.<sup>65</sup>

### **Freedom of Expression**

On 15 December 2016, the Government of Sudan led a crackdown on freedom of expression through seizures of newspapers and detaining more than 42 opposition leaders and activists. The arrests and seizures of newspapers came during a renewed civil disobedience campaign

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<sup>64</sup> African Centre for Peace and Justice Studies, "SUDAN: TRACKs-affiliated rights defenders sentenced, fined and finally released after ten months of arbitrary detention", 8 March 2017, <http://www.acjps.org/sudan-tracks-affiliated-rights-defenders-sentenced-fined-and-finally-released-after-ten-months-of-arbitrary-detentio/>, Accessed 4 May 2017.

<sup>65</sup> African Centre for Peace and Justice Studies, "Urgent safety concern for 14 doctors held incommunicado and at risk of torture following strike", 10 November 2016, <http://www.acjps.org/4079/>, Accessed 4 May 2017.

protesting austerity measures instituted in early November 2016. The civil disobedience was called for by the activists and supported by the opposition parties.<sup>66</sup>

On 7 December 2016, the NISS arrested founder and former director of the Sudan Social Development Organization (SUDO) Dr. Mudawi Ibrahim Adam and his driver at the University of Khartoum. He was held for months in Khartoum's Kober Prison without charge or access to legal representation. Released detainees also reported to *Hurriyat* and *Radio Dabanga* that they saw Dr. Mudawi being beaten by NISS officers following the declaration of his first hunger strike.<sup>67</sup> Despite a decision by the Attorney General of Sudan on 26 March 2017 promising his release on bail, this has yet to take place.<sup>68</sup>

As of 16 January 2017, there were more than 17 opposition members and HRDs being held incommunicado by the NISS, including Al Shazali Mohamed Abdalla, arrested on 26 November 2016, and Tasneem Ahmed Taha Alzaki, arrested 26 December 2016.<sup>69</sup>

Since November 2016, the government led a crackdown on newspapers through the confiscation of printed issues. The main purpose was to seize newspapers publishing news regarding civil disobedience as well as ruling party policies. The aim is to inflict huge financial loss on newspapers that cross the "red line".

On 27 November a private television station, *Omdurman TV*, was forced to close following a decision by the Sudanese Radio and Television Broadcasting Company to cancel the station's license.

On 6 November 2016 the NISS prevented three daily newspapers in Khartoum from distributing printed copies: *Al Ayaam* and *Al Gareeda*, independent newspapers, and *Altyaar*, a traditionally pro-government newspaper. No reason was given.

On 28 November 2016 the NISS again prevented *Al Ayaam* and *Al Gareeda* from distributing printed copies without official reason. The following day, NISS prevented four daily newspapers in Khartoum from distributing printed copies: *Al Ayaam*, *Al Gareeda*, *Altyaar*, and *Alyoum Altali*. No reason was given. On 30 November 2016, NISS prevented

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<sup>66</sup> African Centre for Peace and Justice Studies, "Urgent concern for detainees held incommunicado amidst Sudan's growing civil disobedience campaign", 15 December 2016, <http://www.acjps.org/4122/>, Accessed 4 May 2017.

<sup>67</sup> African Centre for Peace and Justice Studies, "Sudan: Urgent Concern for Rights Defender on Hunger Strike Over Unlawful Detention", 14 February 2017, <http://www.acjps.org/sudan-urgent-concern-for-rights-defender-on-hunger-strike-over-unlawful-detention/>, Accessed 4 May 2017.

<sup>68</sup> Front Line Defenders, "Release of human rights defenders delayed despite Attorney General decision," 30 March 2017, <https://www.frontlinedefenders.org/en/case/mudawi-ibrahim-adam-detained>, Accessed May 4 2017.

<sup>69</sup> African Centre for Peace and Justice Studies, "UPDATE: Female human rights defender joins individuals detained incommunicado following Sudan's civil disobedience campaign; whereabouts of detainee still unknown", 16 January 2017, <http://www.acjps.org/update-female-human-rights-defender-joins-individuals-detained-incommunicado-following-sudans-civil-disobedience-campaign-whereabouts-of-detainee-still-unknown/>, Accessed 4 May 2017.

five daily newspapers in Khartoum from distributing printed copies: *Al Ayaam*, *Al Gareeda*, *Altyaar*, *Alyoum Altali*, and *Alwatan*. Once again, no official motive was given. This trend continued throughout December and was extensively documented by the African Centre for Justice and Peace Studies (ACJPS).

## TANZANIA

Since Dr. John Magufuli was sworn in to the presidency in November 2015, there have been renewed attacks on HRDs, journalists, and members of the LGBT community across the country, fuelled by both political statements and police acting with impunity.

Tanzania fell 12 spots in Reporters Without Borders' (RSF) 2017 World Press Freedom Index compared to 2016, largely due to the enactment of restrictive legislation like the Cyber Security Act, the Media Services Act, and the Statistics Act, as well as President Magufuli's intolerance for public criticism of his program. A country once heralded as an example peaceful prosperity in the region has continued a downward spiral that must be closely monitored.

### Freedom of Association

Freedom of association is guaranteed under Article 20 of the Constitution<sup>70</sup> but several measures have been put in place to restrict the enjoyment of this right. Tanzania's more than 4,000 NGOs are faced with the potential threat of deregistration. A survey ordered by the Minister for Constitutional Affairs and Justice, Dr Harrison Mwakyembe, established in August 2016 that more than 5,000 board of trustees of various civil society organisations, associations, and other NGOs were operating illegally and failing to comply with the country's laws, posing them the threat of impending deregulation.<sup>71</sup>

On 16 February 2017, Harrison Mwakyembe, then Minister of Constitution and Legal Affairs threatened to ban the Tanganyika Law Society (TLS). His statement came amid opposition party leader Tundu Lissu, also TLS president, showing interest in contesting the Presidential position.<sup>72</sup>

There has also been a considerable crackdown on the LGBT community and organisations that provide them services or advocate on their behalf. In September 2016, the Government

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<sup>70</sup> The Constitution of the United Republic of Tanzania (1977), <http://www.cssr.uct.ac.za/sites/cssr.uct.ac.za/files/Constitution%20Tanzania.pdf>, Accessed 27 April 2017.

<sup>71</sup> The Citizen, John Namkwahe, "Tanzania: '5,000 Board of Trustees Illegal'", 20 August 2016, <http://allafrica.com/stories/201608220720.html>, Accessed 4 May 2017.

<sup>72</sup> Deogratus Kamagi, The Citizen, "Lawyers fault Mwakyembe's threat to ban TLS", 17 February 2017, <http://www.thecitizen.co.tz/News/Lawyers-fault-Mwakyembe-s-threat-to-ban-TLS/1840340-3816756-vyoi77z/index.html>, Accessed 27 February 2017.

of Tanzania threatened to ban non-governmental groups that promote the rights of LGBT people in the first public statement the new government made against the minority group.<sup>73</sup>

In February 2017, health minister Umyy Mwalimu announced a ban on HIV/AIDS services at 40 drop-in centres that cater to “key populations” – including gay men, men who have sex with men, transgender people and sex workers – saying they had been “promoting homosexuality.” The import and sale of lubricants was also banned in July 2016, a move Mwalimu said was aimed at curbing gay sex, among other measures.<sup>74</sup> About 30% of gay men in Tanzania are HIV-positive; now health workers say that figure could rise.

On 18 February 2017, deputy health minister Hamisi Kigwangalla announced plans to publish online a list of homosexuals who sell their bodies in an effort to investigate “the homosexuality syndicate.” The government backed down from this controversial plan a week later, stating that it would “destroy evidence.”<sup>75</sup>

### **Freedom of Expression**

Although Article 18 of the Constitution of the United Republic of Tanzania provides for freedom of expression, this right has continued to be restricted following the enactment of the Media Services Act (2016). This law purports to provide, among other things, regulation of the media industry, but critics have argued the law is in effect restricting HRDs, the media, and the public at large from freely seeking and conveying information. Tanzania has had a number of other laws which have been used to suppress media freedom like the National Security Act (1970) and the Newspaper Act (1976). Existing legislation, together with the newly enacted laws, are used by ruling powers to restrict the free flow of information.

On 17 March 2017, the Regional Commissioner for Dar es Salaam, Paul Makonda, accompanied by police officers, invaded Clouds Media Group, one of Tanzania’s leading media houses, and demanded that the staff broadcast pre-recorded material.<sup>76</sup>

Nape Nnauye, then Minister of Information, Youth, Sports and Culture, took steps to form a committee to investigate the matter and promised to submit a report to his seniors, including

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<sup>73</sup> Reuters, “Tanzania threatens to ban groups supporting gay rights”, 8 September 2016, <http://www.reuters.com/article/us-tanzania-rights-lgbt-idUSKCN11E2FM?il=0>, Accessed 4 May 2017.

<sup>74</sup> News Deeply, “Tanzania Continues Crackdown on LGBT Communities”, 4 April 2017, <https://www.newsdeeply.com/womenandgirls/articles/2017/04/04/tanzania-continues-crackdown-lgbt-communities>, Accessed 4 May 2017.

<sup>75</sup> News24, “Tanzania backs out of plan to publish 'list of gays'”, 27 February 2017, <http://www.news24.com/Africa/News/tanzania-backs-out-of-plan-to-publish-list-of-gays-20170227>, Accessed 4 May 2017.

<sup>76</sup> The Citizen, “Makonda in hot water over night Clouds raid”, 20 March 2017, <http://www.thecitizen.co.tz/News/Makonda-in-hot-water-over-night-Clouds-raid-/1840340-3856500-gakd6sz/index.html>, Accessed on 5 May 2017

the President.<sup>77</sup> In response, President Dr. John Pombe Magufuli sacked Nnauye immediately after the release of the report.<sup>78</sup> Following his dismissal, Nnauye wanted to speak with the media, whereupon he was threatened not to engage with the press. In the move to bar the former minister from talking the press, one police officer pointed a gun at Nnauye, forcing him to leave the venue. The government has not tried to hide its intention to curtail freedom of expression, with the President recently warning the media industry that "Media owners, let me tell you: 'Be careful. Watch it. If you think you have that kind of freedom - not to that extent.'"<sup>79</sup>

On 25 March 2017, musician Ney Wa Mitego was arrested by police in Morogoro, reportedly after releasing a song in which he voiced his criticism of recent developments in Tanzania.<sup>80</sup>

International observers and CSOs have repeatedly expressed their concerns over the shrinking civic space under the Makonda administration, where media houses, artists, and other media workers, are increasingly operating under fear of closure, harassment or incarceration for expressing themselves.

### **Freedom of Peaceful Assembly**

Since the 2015 general election, the new government of Tanzania has continued to restrict freedom of peaceful assembly with the main target being gatherings of the opposition party. However, even members of the ruling party have recently become the subject of restrictions.

The Tanzanian Constitution guarantees freedom of peaceful assembly, although the government has effectively limited this right as all assemblies require police approval and demonstrations critical of contemporary politics are at times actively discouraged.<sup>81</sup> The police force has been used to suppress any kind of gatherings conducted without their approval. Tanzanian human rights organisations report that even when opposition parties sought prior approval of police, authorities have denied permission to hold gatherings, leading to a two-pronged attack on freedom of peaceful assembly by both politicians and the police.<sup>82</sup> Freedom of assembly remains curtailed by unclear regulations over the use of public

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<sup>77</sup> The Citizen, "Probe team to release report on Makonda", 21 March 2017, <http://www.thecitizen.co.tz/News/Probe-team-to-release-report-on-Makonda/1840340-3858006-format-xhtml-pd566/index.html>, Accessed 27 April 2017.

<sup>78</sup> Africa News with AFP, "Tanzania: Magufuli sacks information minister appoints new one", 24 March 2017, <http://www.africanews.com/2017/03/24/tanzania-magufuli-sack-information-minister-appoint-new-one/>, Accessed 27 April 2017.

<sup>79</sup> BBC, "Tanzania rapper Nay wa Mitego freed after Magufuli criticism", 28 March 2017, <http://www.bbc.com/news/world-africa-39404366>, Accessed on 5 May 2017

<sup>80</sup> BBC, "Tanzania rapper Nay wa Mitego freed after Magufuli criticism", 28 March 2017, <http://www.bbc.com/news/world-africa-39404366>, Accessed on 5 May 2017

<sup>81</sup> Freedom House, "Freedom in the World 2016: Tanzania", <https://freedomhouse.org/report/freedom-world/2016/tanzania>, Accessed 27 April 2017.

<sup>82</sup> The Citizen, "Activists bemoan restriction of rights", 2 March 2017, <http://www.thecitizen.co.tz/News/Activists-bemoan-restriction-of-rights/1840340-3833470-11nai2f/index.html>, Accessed 4 May 2017.

spaces, arbitrary use of force, misunderstanding of terms and responsibilities, and arbitrary limitations to peaceful assembly.

## UGANDA

Since presidential elections took place in Uganda in February 2016, there has been a steady and worrying erosion of fundamental rights affecting civic space. Attacks against journalists, which rose alarmingly during the election period, have continued, and civil society and media organisations have experienced break-ins which have yet to be thoroughly and transparently investigated.

### Freedom of Association

Article 29 of the 1995 Constitution of the Republic of Uganda protects the right to freedom of association “which shall include the freedom to form and join associations including trade unions and political and other civic organisations.”<sup>83</sup> Article 29(1) also enshrines freedom of assembly, association and expression.

NGOs in Uganda have experienced a series of office break-ins without any conclusive investigations by the Uganda Police Force (UPF), or the apprehension of any suspects. On 2 February 2017, the offices of Legal Aid Service Providers Network (LASPNET), a leading legal aid service provider for indigenous people, were broken into.<sup>84</sup> Two laptops, four camcorders, money, and a safe were taken. On 2 April 2017, the offices of the Observer newspaper were broken into by unknown assailants and 16 computers, some containing sensitive information, were stolen.<sup>85</sup> In total, nearly 30 NGO and media offices were burgled over the last four years. None of these break-ins have been conclusively investigated by the police, despite ample evidence such as CCTV footage of the perpetrators being provided in some cases.

Political and pro-democracy activists continue to face restrictions on their rights to peacefully assemble over the last six months. Following the February 2016 presidential election, opposition leader Dr. Kizza Besigye continues to be limited in his movements. On 1 December 2016, as Dr. Besigye and other political leaders planned to hold prayers for victims of violent clashes between the military and royal guards in Kasese, police detained

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<sup>83</sup> Constitution of Uganda, 1995,

[http://www.statehouse.go.ug/sites/default/files/attachments/Constitution\\_1995.pdf](http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf), Accessed 29 March 2017.

<sup>84</sup> Legal Aid Service Providers Network, “Statement on the break-in of LASPNET premises”, 2 February 2017, [http://www.laspnet.org/index.php?option=com\\_content&view=article&id=445:statement-on-the-break-in-of-laspnet-premises&catid=89&Itemid=435](http://www.laspnet.org/index.php?option=com_content&view=article&id=445:statement-on-the-break-in-of-laspnet-premises&catid=89&Itemid=435), Accessed 27 April 2017.

<sup>85</sup> NTV Uganda, “Offices of Observer newspaper broken into, 16 computers stolen”, 2 April 2017, <http://ntv.co.ug/news/local/01/apr/2017/offices-observer-newspaper-broken-16-computers-stolen-16834#sthash.ME57MxSE.BKojUU3x.dpbs>, Accessed 27 April 2017.

the opposition leader without charge.<sup>86</sup> On 13 December 2016, he was again arrested while travelling to Jinja to attend court proceedings of King Mumbere, who was arrested following clashes in Kasese.<sup>87</sup> The police stated that it had intelligence that he was likely to cause unrest.

On 13 November 2016, the Uganda Association of Women Lawyers (FIDA-Uganda) had planned a peaceful assembly to protest the continued abuse of labour rights of workers on flower farms under Uganda Horticulture Industrial Service Providers and Allied Workers Union (UHISPAU).<sup>88</sup> The state and National Organisation of Trade Unions (NOTU) issued threats and intimidation against FIDA-Uganda, alleging the protest was sabotaging government programs and interfering with the mandate of government.

### **Freedom of Expression**

Article 29 (10) of the Constitution of Uganda states that “every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media.”<sup>89</sup> Article 9 of the African Charter on Human and Peoples’ Rights provides for the protection and promotion of the right to freedom of expression. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) further holds that everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.<sup>90</sup>

The ICCPR further recognises that the exercise of these provided rights carry special duties and responsibilities which may therefore be subject to certain restrictions, however these will only be such as are provided by law and are necessary. The legal regime in Uganda falls short of the justifying restrictions it imposes on the right to freedom of expression. Uganda has a number of laws and policies that criminalise freedom of expression, and since November 2016, a number of journalists have faced criminal charges in relation to their work.

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<sup>86</sup> The Ugandan, “Kizza Besigye arrested”, 2 December 2016, <http://theugandan.com/ug/kizza-besigye-arrested-photos/>, Accessed 22 March 2017.

<sup>87</sup> The Ugandan, “Besigye arrested after storming Mumbere court hearing”, 13 December 2016, <http://theugandan.com/ug/besigye-arrested-storming-mumbere-court-hearing/>, Accessed 27 April 2017.

<sup>88</sup> Stephen Otago, The Monitor, “NOTU, FIDA clash over poisoned flower farm workers”, <http://mobile.monitor.co.ug/News/NOTU-FIDA-clash-poisoned-flower-workers/2466686-3451346-format-xhtml-150ybn5/index.html>, Accessed 27 April 2017.

<sup>89</sup> Constitution of Uganda, 1995, [http://www.statehouse.go.ug/sites/default/files/attachments/Constitution\\_1995.pdf](http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf), Accessed 29 March 2017.

<sup>90</sup> “International Covenant on Civil and Political Rights” <http://www2.ohchr.org/english/law/pdf/ccpr.pdf>, Accessed 27 April 2017.

On 11 November 2016, police summoned journalist Mabonga Darlington Kitts over allegations of criminal defamation after having published a story implicating a prominent pastor in an extra-marital relationship following a filed suit requesting child maintenance.<sup>91</sup>

On 28 November 2016, Joy Doreen Biira, a Ugandan journalist working with KTN Television in Kenya, was arrested by security officers and detained for nearly 24 hours while visiting her home in Kasese for a wedding. She was later charged with “abetting terrorism,”<sup>92</sup> following accusations by the authorities in Rwenzururu sub-region that she had taken photographs of the fighting between military forces and royal guards, when authorities arrested the traditional King of the Rwenzururu Kingdom.

On 11 December 2016, Jomeo Richard Komakech, a field officer working with Forum For Women In Democracy in Gulu reported various threats from local leaders after he spoke out on irregularities during the post-2016 election analysis. Komakech hosts talk shows in Gulu where he aims to hold political leaders accountable, and runs an online blog. He claims that he has since received death threats and intimidation from the Gulu Resident District Commissioner.

On 7 April 2017, academic and activist Stella Nyanzi was arrested and charged with cyber harassment for making allegedly offensive comments about Ugandan President Yoweri Museveni online.<sup>93</sup> She appeared in court on 25 April, was denied bail and was taken back to Luzira prison until her next court appearance scheduled for 10 May.<sup>94</sup>

On 4 April 2017, NTV reporter Gertrude Uwitware received threats through her Facebook page after posting a blog<sup>95</sup> in support of a political activist Stella Nyanzi.<sup>96</sup> On 8 April, she was abducted off the streets of Kampala by unknown assailants and assaulted.<sup>97</sup> This climate of intimidation has led to fear and self-censorship within the journalistic community.<sup>98</sup> Local human rights organisations also report a systematic rise in cyber-attacks targeting HRDs since the 2016 presidential election.

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<sup>91</sup> Human Rights Network for Journalists – Uganda, “Police summons journalist over allegations of criminal defamation”, 10 November 2016, <https://hrnjuganda.org/?p=3020>, Accessed 27 April 2017.

<sup>92</sup> Human Rights Network for Journalists – Uganda, “Journalist charged with abeting [sic] terrorism for taking photographs of soldiers”, 29 November 2016, <https://hrnjuganda.org/?p=3075>, Accessed 27 April 2017.

<sup>93</sup> BBC, “Stella Nyanzi, the Ugandan accused of insulting the president”, 11 April 2017, <http://www.bbc.com/news/world-africa-39558007>, Accessed on 7 May 2017

<sup>94</sup> The Independent, “Dr Stella Nyanzi taken back to Luzira until May 10”, 26 April 2017, <https://www.independent.co.ug/dr-stella-nyanzi-taken-back-luzira-may-10/>, Accessed on 7 May 2017

<sup>95</sup> Gertrude Uwitware, “Stella Nyanzi only did what we have feared to do”, 2 April 2017, <https://trudiz.wordpress.com/>, Accessed 27 April 2017.

<sup>96</sup> The Observer, “Uganda: How Dr Stella Nyanzi Got Janet Museveni Talking”, 7 April 2017, <http://allafrica.com/stories/201704070502.html>, Accessed 27 April 2017.

<sup>97</sup> Committee to Protect Journalists, “Ugandan journalist abducted, assaulted”, 13 April 2017, <https://cpj.org/2017/04/ugandan-journalist-abducted-assaulted.php>, Accessed 4 May 2017.

<sup>98</sup> Unwanted Witness, “Journalist receives death threats for supporting Nyanzi’s critical views”, 6 April 2017, <https://unwantedwitness.or.ug/journalist-receives-death-threats-for-supporting-nyanzis-critical-views/>, Accessed 27 April 2017.

Besides these cases, attempts are being made to enact new laws that further criminalise or threaten to curtail freedom of expression. The ICT Minister proposed to amend Section 93(1) of the Uganda Communications Amendment Bill with the intention to remove the involvement of Parliament in the approval of regulations on the media and communication industry in the country. The Bill was passed by Parliament on 6 April 2017 and poses a serious threat to freedom of expression and the media in particular, as the amendment takes away the role of Parliament in overseeing and checking the powers of the Executive.<sup>99</sup> The bill has come at a time when media is facing serious challenges and threats from both State and non-State actors.

### **Freedom of Peaceful Assembly**

Although a constitutionally protected right, the authorities have violently suppressed peaceful demonstrations and police have routinely arrested protesters. The Public Order Management Law (POMA), passed in 2013, contains unjustifiable restrictions on the right to assemble peacefully. For example, the legislation grants the police discretionary powers to prohibit public meetings if they are not deemed to be in the “public interest.” Under that mandate, the police have disrupted many public assemblies organised by opposition political parties and student movements, arresting the organisers in the process. POMA also gives enforcement agencies power to use broad force to disperse assemblies.

On 3 May 2017, as Uganda joined the rest of the world to commemorate World Press Freedom Day through different activities; some journalists were arrested by the police and kept in cells for trying to organise parallel activities to those of their association, the Uganda Journalists Association (UJA). The arrested journalists include Phillip Onyango, Bukonya Ronald, Mukisa Daniel, Kabuye Ronald, Nakabale Issa, Atusingwize Johan, and Issa Kigongo, UJA Deputy Secretary who had been arrested the previous day at the Central Police Station and later released. They were arrested in the capital Kampala as they marched to their intended venue for the day’s celebrations.

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<sup>99</sup> Uganda Today, “Parliament Passes Uganda Communications Amendment Bill, Gives More Powers to ICT Minister”, 7 April 2017, <http://www.theugandatoday.com/news/2017/04/parliament-passes-uganda-communications-amendment-bill-gives-more-powers-to-ict-minister/> Accessed on 5 May 2017