



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

**Overview of the Human Rights Situation
in the East and Horn of Africa
November 2012 – March 2013**

Report submitted to the 53rd Ordinary Session of the
African Commission on Human and Peoples' Rights (ACHPR)
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Introduction

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 53rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) to highlight some of the current human rights issues in the East and Horn of Africa region for the period of November 2012 to March 2013. This report was prepared with the assistance of reports and information received by the East and Horn of Africa Human Rights Defenders Project (the secretariat of the East and Horn of Africa Human Rights Defenders Network) from our members and partners from the sub-region.

The past six months has been a period of transition in the East and Horn of Africa sub-region. The general elections in Kenya on 4th March were observed by accredited national, regional and international observers to be largely peaceful. The new president, Uhuru Kenyatta, was sworn in on 9th April, following two separate petitions at the Supreme Court of Kenya by the runner-up, Raila Odinga, and also by a coalition of Civil Society Organizations who called for the nullification of the election on the basis that the electoral process was marred by irregularities. The unanimous decision of the Supreme Court however concluded that the presidential elections were conducted in a free, fair, transparent and credible manner.

Both Kenyatta and the deputy president William Ruto are undergoing trial at the International Criminal Court, and have stated that they will continue to cooperate with the court while continuing to run the country. However, the Chief Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, has expressed concern about ICC witnesses being bribed and intimidated, leading to the withdrawal of charges in the case against Kenyatta's co-accused, Francis Muthaura.

With far less coverage, Djibouti also held elections on 22nd February for its legislative assembly. Election observers from the African Union, the Arab League, the Organization of Islamic Conference and IGAD declared that the elections were transparent and acceptable, although opposition parties claimed numerous irregularities and intimidation. At least six protestors were killed in demonstrations against the election results that turned violent and a number of opposition figures were arrested.

Somalia continues to face serious human rights challenges as the State goes through a transition process following elections last year. Such challenges include sexual and gender based violence, the vulnerability and lack of adequate provisions for IDPs, and weaknesses in the justice system. Exercising freedom of expression is still a dangerous endeavour with 18 journalists killed in Somalia in 2012, with at least three more already killed in the first three months of this year. Despite ratifying the Charter in 1985, Somalia has never submitted a periodic report. EHAHRDP would like to encourage more engagement between Somalia and the Commission going forward.

EHAHRDP is also concerned by the entrenched situation of mass human rights violations in the context of the current conflict in Southern Kordofan and Blue Nile states in Sudan that has been ongoing since mid-2011. The Sudanese army and government-affiliated militia are responsible for serious and massive abuses against civilians in both states, such as indiscriminate bombings, forced displacement, destruction of grain and water sources that are critical to the survival of

the population, arbitrary detention, and sexual violence against women and girls. Such abuses may amount to war crimes and crimes against humanity and are creating a humanitarian crisis. It is urgent that the Commission take all actions within its power to hold those responsible to account.

EHAHRDP remains deeply concerned about continuing serious human rights violations in Eritrea, including extrajudicial executions, arbitrary arrests, incommunicado detention, and forced national service for indefinite periods, coupled with the State's lack of cooperation with regional and international human rights mechanisms. Ten years ago the Commission issued decisions on two communications regarding detained journalists and government officials, yet Eritrea continues to hold them incommunicado. Many are thought to have died in detention. We call on the Commission to take firm action to protect Eritrean citizens from further human rights abuse.

It is positive to note that South Sudan signed the African Charter on Human and Peoples' Rights on 24th January 2013. The State should proceed promptly to its ratification and implementation. Rwanda should also be commended on its decision to allow individuals and NGOs to directly access the African Court on Human and Peoples' Rights, by depositing its declaration under the protocol in January.

In every country in the sub-region EHAHRDP has reported on harassment, intimidation, arrests, detention, attacks or killings of journalists during this period. They are on the front lines of human rights protection and as such both more at risk and more in need of protection themselves. The release of journalist Hassan Ruvakuki in Burundi after intense campaigning by civil society and fellow journalists was welcomed, but others remain in detention, including in Rwanda and Ethiopia. Human rights defenders more generally continued to face threats and attacks in recent months, with key organisations closed down in Sudan, for example.

Acts of reprisal or intimidation against individuals or groups on account of their engagement with this Commission have continued to be reported. Such attacks should be recognized as an attack on the Commission itself and we encourage the Commission to respond accordingly.

Recommendations:

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

- Continue to monitor the situation of human rights defenders and to establish a reporting mechanism to gather information and follow up on cases of reprisals against human rights defenders who cooperate with the Commission and its special mechanisms;
- Call on member States to ensure the protection of HRDs, notably by observing the African Charter on Human and Peoples' Rights and other human rights treaties to which most of these countries are signatory;
- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights contained in the Charter, in particular the freedom of expression, and work of human rights defenders;

- Carry out a Commission of Inquiry into violations of the Charter and international humanitarian law in the regions of Southern Kordofan and Blue Nile in Sudan;
- Take all necessary measures to follow up on decisions taken by the Commission on communications that remain unimplemented, so that victims' may receive a remedy for the violations of their rights as contained in the Charter, especially requests for provisional measures;
- Recognise that the rights contained in the African Charter apply to all people without discrimination on any grounds, including sexual orientation and gender identity;
- Promote international criminal investigations into serious human rights violations committed in the region, where domestic remedies have failed;
- Encourage all members of the African Union to ratify and implement the provisions of the African Charter on Democracy, Elections and Good Governance;
- Encourage full engagement with the ACHPR by States in the sub-region, especially those in transition periods, such as Somalia and South Sudan, including by urging states to invite visits from the Commission and to submit periodic reports;
- Call on member States to deposit the declaration under article 34 (6) of the protocol of the African Court on Human and Peoples' Rights to allow individuals and NGOs to directly submit their cases to the court;
- Encourage the African Union to endorse the UN Plan of Action on the Safety of Journalists or a similar plan.

Country Overviews

BURUNDI

Political freedom

Since the 2010 boycotted elections, relations between the government and opposition parties have been tense. However, following a dialogue in Switzerland in May 2012, there have been some positive developments. Opposition politicians, including Alexis Sinduhije (president of the Movement for Solidarity and Development [MSD]), have returned to the country or announced their intention to return to the country in the run up to the 2015 elections.¹

Political tensions remain high, linked to events such as the enforced disappearance of Emmanuel Bwarikindi, a primary schoolteacher and MSD member from Mwaro province, on 6th March 2013. Emmanuel phoned his friends around 11pm to alert them that he had been taken aboard a jeep with tinted windows, with his head covered, to an unknown location.²

Access to information and freedom of expression

A positive development has been the provisional freedom granted to Hassan Ruvakuki, the Radio France Internationale (RFI) journalist who had been sentenced to life imprisonment on 20th June 2012 after having been found guilty of “terrorist acts” for interviewing the leader of the Front for the Restoration of Democracy. On 8th January 2013, Hassan Ruvakuki saw his sentence reduced on appeal to three years.³ On 7th March 2013 he was released, ostensibly for medical care.⁴ The exact terms of his release are still unclear however.

On 3rd April 2013, the National Assembly adopted a media law that will restrict freedom of expression and freedom of assembly in the country if it is not amended by the Senate. Despite assertions in June 2012 that the law would be revised with a view to decriminalising press offences, this did not happen⁵. The law would also require journalists to reveal their sources if they are related to infractions of state security, public order, defense secrets or the moral and physical integrity of one or several people.⁶ ⁷ It would also require radio and television stations to renew their operating licenses every 5 and 10 years respectively. One improvement compared to the existing law is that offenses would no longer be punishable by imprisonment; however, the law would create new heavy fines, which would restrict the ability of media

¹ Crisis Group, Bye Bye Arusha, 2012 http://www.crisisgroup.org/en/publication-type/media-releases/2012/africa/burundi-bye-bye-arusha.aspx?utm_source=wu22oct&utm_medium=burundireport&utm_campaign=wuemail

² Ligue Iteka, Enlevement d'un Enseignant en Province de Mwaro, 6th March 2013 http://www.ligue-iteka.africa-web.org/article.php3?id_article=3712

³ RFI, RFI Journalist sentenced to three years in prison, 12th January 2013 <http://www.english.rfi.fr/africa/20130112-rfi-journalist-sentenced-three-years-prison>

⁴ RFI, Burundi frees RFI journalist, 7th March 2013 <http://www.english.rfi.fr/africa/20130307-burundi-frees-rfi-journalist-ruvakuki-medical-care>

⁵ EHAHRDP, Burundi UPR Submission, 11th July 2012 <http://www.defenddefenders.org/wp-content/uploads/2013/01/EHAHRDP-PI-Front-Line-UPR-Burundi-Submission-July-2012-11.pdf>

⁶ Projet de loi sur la presse (Media Bill) (2012)

⁷ Doha Centre for Media Freedom, Journalists in Burundi denounce draft press law, 30th August 2012 <http://www.dc4mf.org/en/content/journalists-burundi-denounce-draft-press-law>

organizations to operate. The law introduces fines of up to 8 million Burundian francs (approximately 5000 USD).⁸

Freedom of association

Another bill being discussed that would restrict civil liberties is the bill on demonstrations and public gatherings. It contains ambivalent language and vague definitions of public order that risk being exploited to shut down public meetings or demonstrations. Article 6 of the bill proposes that “the administrative authority may at any time, notwithstanding the declaration duly made, postpone or terminate any procession, parade or meeting on public roads or spaces, if the maintenance of public order requires it”. Article 9 of the bill meanwhile suggests that “the administrative authority may delegate to any public meeting one or more employee(s), commissioned to attend. In this case, such delegates have the right to suspend or dissolve the meeting, if the maintenance of public order requires it”.

A political rally in Gatumba on 18th November 2012 jointly organised by the opposition party Frodebu and other members of the coalition Democratic Alliance for Change (ADC) clashed with police who had received orders not to allow demonstrators other than from Frodebu to take part. The police charged the demonstration, attacking people with truncheons, water cannons and tear grenades⁹.

From 15th January 2013, journalists held a number of peaceful demonstrations every Tuesday in solidarity with Hassan Ruvakuki and all prisoners of conscience. These marches had been closely supervised by a heavy police presence. On 19th February 2013, with reportedly no warning, the marchers were charged and violently dispersed by police using batons and teargas¹⁰. The following Tuesday, the marchers were confronted with a heavy police force and told to disperse¹¹.

Civil society

A draft law governing NGOs in Burundi would require organisations to renew its registration certificate on an annual basis. Article 30 of this same bill adds that coalitions can only include non-profit organisations, which effectively outlaws collectives such as trade unions or agricultural collectives¹².

Truth and Reconciliation Commission

A draft law on establishing a Truth and Reconciliation Commission (TRC) to cover grave crimes committed in Burundi since 1962 was being discussed in Parliament in November 2012, but

⁸ Ligue Iteka, Les projets de loi sur les libertés publiques inquiètent les burundais, 11th November 2012 http://www.ligue-iteka.africa-web.org/article.php3?id_article=3708; Human Rights Watch, “Burundi: New Law Would Muzzle Journalists,” 12 April 2013

⁹ RFI, Burundi police reprime rassemblement, 19th November 2012 <http://www.rfi.fr/afrique/20121119-burundi-police-reprime-rassemblement-opposition-frodebu-adc>

¹⁰ Iwacu, Liberté de la presse : la police disperse brutalement la manifestation des journalistes, 19th February 2013 <http://www.iwacu-burundi.org/spip.php?article4864>

¹¹ Iwacu, Marche pour la libération de Ruvakuki : certes étouffée, "mais l'essentiel a été fait", 26th February 2013 <http://www.iwacu-burundi.org/spip.php?article4917>

¹² Ligue Iteka, Les projets de loi sur les libertés publiques inquiètent les burundais, 11th November 2012 http://www.ligue-iteka.africa-web.org/article.php3?id_article=3708

progress on this has been slow.¹³ During Burundi's Universal Periodic Review in 24th January 2013, Canada, France, Germany, Ireland, Norway, Pakistan, Korea, Mexico, Romania, Switzerland, USA, Togo, and Uruguay emphasised the importance of a credible, transparent and independent TRC that ensures broad participation.

DJIBOUTI

Human rights defenders

On 21st February 2013, Abdi Osman, vice-president of the Djiboutian Human Rights League (LDDH), was arrested. The previous day at an opposition rally in the run-up to elections on 22nd February he had denounced the torture inflicted on political prisoners, and the terrible conditions in which they were kept in detention. Mr Osman was held incommunicado before being released on 23rd February¹⁴.

Political freedom

Elections for Djibouti's 65-person legislature were held on 22nd February. It was the first election since the government approved the replacement of the majority-list system with a mixed-list system, in which 20% of seats are awarded proportionally¹⁵. The ruling Union for the Presidential Majority (UMP) retained its majority in a vote that was declared "transparent and acceptable" by election observers from the African Union, the Arab League, the Organization of Islamic Conference and IGAD¹⁶. For the first time, 10 of the 65 seats went to the opposition coalition Union of National Salvation (USN). Opposition parties however claimed numerous irregularities and intimidation.¹⁷

Following the elections and protests, a number of opposition figures have been arbitrarily arrested in Djibouti. These include members of the leadership of the Movement for Democracy and Freedom (MoDeL) party, the local chapter of the Muslim Brotherhood, which was not cleared by the authorities to field candidates and which instead lent its support to the USN.¹⁸ Three USN officials – spokesman Daher Ahmed Farah, leader Ismail Guedi Hared and coalition president Ahmed Youssouf – were placed under house arrest¹⁹. On 5th March Daher Ahmed Farah, previously leader of the now banned Movement for the Restoration of Democracy (MRD) was called to the police station, where he was again arrested and transferred to Gabode prison.²⁰ Daher Farah was convicted of "disturbing the public order and participating in an

¹³ Human Rights Watch, Burundi UPR Submission, 30th December 2012 <http://www.hrw.org/news/2012/12/30/burundi-universal-periodic-review-submission-updated-december-2012>

¹⁴ FIDH, Liberation de M. Abdi Osman, 26th February 2012 <http://www.fidh.org/Djibouti-Liberation-de-M-Abdi-12954>

¹⁵ Sabahi, Djiboutian Ministry of Interior Reviews Candidate Lists, 6th February 2013

<http://allafrica.com/stories/201302070064.html>

¹⁶ Somaliland Sun, International observers term election as transparent and acceptable, 27th February 2013

<http://www.somalilandsun.com/index.php/regional/2373-djibouti-international-observers-term-election-as-transparent-and-acceptable>

¹⁷ Union pour le Salut National, Face au hold-up électoral et au statu quo, la mobilisation nationale, 23rd February 2013

<http://www.lavoixdedjibouti.com/2013/02/union-pour-le-salut-national-usn/#more-3811>

¹⁸ Xinhua, Législatives : les résultats divisent profondément la rue djiboutienne, 27th February 2013

<http://french.peopledaily.com.cn/96852/8144861.html>

¹⁹ Sabahi, Clashes in Djibouti continue, arrested clerics to appear in court on Sunday, 1st March 2013

http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/03/01/newsbrief-01

²⁰ Association Cultures et Progres, ACP demande la libération immédiate de l'opposant politique Daher Ahmed Farah, 7th February 2013 <http://www.acp-europa.eu/?p=3049#more-3049>

insurrectional movement” and sentenced to two months in prison on 17th March 2013. His lawyers have launched an appeal.²¹ On 14th January Daher Ahmed Farah had returned to Djibouti after a decade of exile in Belgium, and ²² was reportedly closely followed by the Service de Documentation et de Sécurité (SDS).²³ Shortly after his return, on 6th February, he was arrested without charge and detained for 24 hours.²⁴

Freedom of expression

Despite constitutional guarantees protecting free expression, criminal laws on publication of “false news” and defamation are used to stifle criticism. With nearly all employment controlled by the state, criticism of the ruling party could jeopardise any potential employment opportunities²⁵. Journalist and HRD Houssein Ahmed Farah, brother of MRD leader Daher Ahmed Farah, was arrested on 8th August 2012 and detained until 18th November, when he was released under judicial control. There have also been attempts to intimidate his lawyer, Zakaria Abdillahi, who submitted weekly release requests throughout the time he was in prison. Houssein Farah was accused of distributing identity cards for the opposition, but at no point was charged with any crime²⁶. Houssein Farah had been held in the capital’s Gabode prison despite his poor health²⁷.

The poet Farah Moussa Bouh, an MRD sympathiser, was arrested on 17th January 2013 at Balbala. He was beaten during the arrest, along with his wife, Hawa Omar Abdillahi. Farah Moussa Bouh was subsequently tortured by police chief sergeant Ahmed Abdou Said, and held for three days without legal or medical assistance, until his release on 20th January 2013²⁸.

Right to Free Assembly

On 30th December 2012, Djiboutian security forces fired on peaceful young demonstrators in the city of Obock, killing 14-year-old Hafez Mohamed Hassan, and seriously injuring many others. The demonstrators were protesting the lack of regional sports infrastructure.²⁹

The week following the elections, starting Monday 25th February, 2013, saw running street battles between Djibouti security forces and opposition supporters as protests against the

²¹ FIDH, élections législatives : Au moins 6 morts et 80% des sièges pour le régime, 18th March 2013 <http://www.fidh.org/Djibouti-elections-legislatives-80-13026>

²² Afriqinfos, Retour de l’opposant DAF après une décennie d’exile en Europe, 14th January 2013 <http://www.afriqinfos.com/articles/2013/1/15/djibouti-retour-lopposant-apres-decennie-dexile-europe-215958.asp>

²³ MRD, Communiqué de Presse, 2nd February 2013 <http://www.lavoixdedjibouti.com/2013/02/le-comite-du-mrd-en-belgique-communique-de-presse/#more-3661>

²⁴ MRD, Libération du porte-parole de la coalition de l’opposition Union du Salut National (USN) et président du Mouvement du Renouveau Démocratique et le Développement (MRD) Daher Ahmed Farah dit DAF, 7th February 2013 <http://www.lavoixdedjibouti.com/2013/02/liberation-du-porte-parole-de-la-coalition-de-loppositionunion-du-salut-national-usn-et-president-du-mouvement-du-renouveau-democratique-et-le-developpement-mrd-daher-ahmed-farah-dit-daf/#more-3720>

²⁵ CPJ, In Djibouti, journalist defiant despite revolving jail door, 27th December 2012 <http://cpj.org/blog/2012/12/in-djibouti-journalist-defiant-despite-revolving-p.php>

²⁶ Ibid

²⁷ Ifex, Journalist in Djibouti freed conditionally after being held more than three months, 21st November 2012 http://www.ifex.org/djibouti/2012/11/21/djibouti_le_journaliste/

²⁸ La Voix de Djibouti, Un poète djiboutien arrêté et torturé pour sympathie à l’égard du MRD, 2nd February 2013 <http://www.lavoixdedjibouti.com/2013/02/un-poete-djiboutien-arrete-et-torture-pour-sympathie-a-legard-du-mrd/#more-3676>

²⁹ FIDH, Security forces kill 14 year-old demonstrator, 9th January 2013 <http://www.fidh.org/Djibouti-security-forces-kill-14-12698>

UMP's victory turned violent. Some protesters threw petrol bombs while security forces fired tear gas, live and rubber bullets to disperse crowds chanting "freedom" and "free our leaders", referring to the arrests of Abdourahim Souleiman Bashir, Abdourahman Barkat God and Guirreh Meidal of MoDeL. At least six protestors are reported to have been killed in the initial violence, and more seriously injured.³⁰³¹ On 1st March, Interior Minister Hassan Darar Houffaneh banned opposition demonstrations and rallies³²³³.

ERITREA

During this period, little or no change has been seen in the human rights situation of Eritrea. The country remains one of the world's most repressive and closed regimes where journalists and opposition members languish in detention and many have died in jail. Independent human rights organisations are still not allowed to exist. Arbitrary arrest of citizens is rampant and torture in detention is common. The country appears to be on a downward trend as the regime looks increasingly unstable, and seeks to tighten security and stifle dissent. The Minister of Information, Ali Abdu Ahmed, defected in November 2012 during a business trip to Europe, and has since claimed asylum in Sweden.³⁴ His father, brother and 15-year-old daughter were arrested in Eritrea shortly after his defection.³⁵

Eritrea's legal framework allows human rights violations to continue with impunity. 21 years after independence, the regime has failed to fully implement the 1997 constitution. The Press Proclamation, the Transitional Penal Code for Eritrea, and the Proclamation to Determine the Administration of Non-governmental Organisations allow authorities to crack down on dissent³⁶.

On Monday 21st January 2013, soldiers stormed the Eritrean Ministry of Information and took over the state run television service. The mutineers forced the head of the state-owned television station to read a statement on air calling for the implementation of the constitution and release of political prisoners, although he was cut off before finishing the statement. However troops loyal to the regime surrounded the ministry and beat back the mutineers. There has been extensive debate about the circumstances of the events, but the soldiers' actions appeared to be a coup attempt³⁷. In a worrying development, in addition to the large-scale

³⁰ FIDH, élections législatives : Au moins 6 morts et 80% des sièges pour le régime, 18th March 2013

<http://www.fidh.org/Djibouti-elections-legislatives-80-13026>

³¹ FIDH, Des opposant tues par les forces de l'ordre dans les manifestations en cours, 28th February 2013

<http://www.fidh.org/Djibouti-Des-opposants-tues-par-12967>

³² Afrik News, Manifestations interdites a Djibouti, 2nd March 2013 http://www.afrik.com/manifestations-interdites-a-djibouti?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+afrikfr+%28Afrik+VF%29

³³ La Nation, La CNDH s'insurge contre les rumeurs mensongères, 3rd March 2013 <http://www.lanation.dj/m-news2.php?ID=1776>

³⁴ RFI, Un ministre érythréen disparaît lors d'un voyage en Europe «comme un repent de la mafia», 18th December 2012 <http://www.rfi.fr/afrique/20121218-erythree-ministre-proche-chef-etat-disparait-lors-voyage-europe-repent-mafia>

³⁵ Leadership, Eritrean Government Minister Has Fled The Country, 30th January 2013

http://leadership.nga/articles/46452/2013/01/30/eritrean_government_minister_has_fled_country.html

³⁶ Article 19, Eritrea Report, December 2012 <http://www.article19.org/data/files/medialibrary/3494/Eritrea-Report-2012.pdf>

³⁷ Reuters, Dissident Eritrean troops seize ministry, 21st January 2013 <http://www.reuters.com/article/2013/01/21/us-eritrea-siege-idUSBRE90K0J320130121>

compulsory national military service in the country, the Institute for Security Studies has reported that civilians are being armed in order to pre-empt and deter such coup attempts.³⁸

Freedom of Expression

Eritrea tops both the Committee to Protect Journalists (CPJ) and Reporters Sans Frontieres (RSF) lists for hostility to journalists. It is unique in Africa for being the single country with no private legally sanctioned media. This has been the case since 2001, when the last eight private newspapers were forced to close and at least 18 journalists were held incommunicado without charge or trial. Of these, at least seven are reported to have died in custody.³⁹ These include Dawit Habtemichael, Mattewos Habteab, Sahle Tsegazab aka Wedi Itay, Medhaine Haile, Yosef Mohamed Ali, Said Abdulkader, and Fessehaye “Joshua” Yohannes.

Radio Erena, a Paris-based radio station that broadcasts to Eritrea and whose signal was blocked on 4th September 2012, was finally able to resume its broadcasting on 26th December 2012.⁴⁰ The station is a rare source of independent news in the Tigrigna language inside Eritrea, and has therefore been a constant target for government hostility.⁴¹

Following reporting by Al Jazeera television on demonstrations by Eritrean exiles outside the Eritrean diplomatic missions in Cairo, London, Frankfurt, Rome, and Stockholm among others in opposition to the regime and in support of the soldiers that stormed the Ministry of Information in Asmara on 21st January, the Ministry of Information issued a decree on 1st February 2013 forbidding anyone in Eritrea to provide access to Al Jazeera. This blocking lasted 11 days before transmission was restored.⁴²

The case of the long-imprisoned Swedish-Eritrean journalist and activist, Dawit Isaak was submitted to the African Commission on Human and Peoples’ Rights on 27th October 2012 by Reporters Without Borders. This was Dawit Isaak’s 12th year of imprisonment without trial in an Eritrean prison. The case referral was in response to the failure of the High Court of Eritrea to respond to a writ of habeas corpus filed by Dawit’s lawyers in 2011.⁴³ Failure to respond the writ contradicts the Eritrean Government’s previous response to the African Commission in 2003 that its court system abides by habeas corpus, and is competent to handle this case.⁴⁴ Dawit was imprisoned by the Eritrean authorities in September 2001 after publishing articles critical of the Eritrean regime, calling for democratic reforms. The newspaper Setit which he co-founded was closed down at the same time, amid a general crackdown on independent press outlets.

³⁸ Institute for Security Studies, Where is Eritrea Heading? 5th February 2013

http://www.issafrica.org/iss_today.php?ID=1587

³⁹ Article 19, Eritrea Report, December 2012 <http://www.article19.org/data/files/medialibrary/3494/12-11-01-CR-Eritrea.pdf>

⁴⁰ L’Express, Radio Erena, la rage d’informer en exil, 17th February 2013

http://www.lexpress.fr/actualites/1/economie/erythree-radio-arena-la-rage-d-informer-en-exil_1221528.html

⁴¹ RSF, Pirate Transmission Silences Sole Independent News Outlet for Three Weeks, 3rd September 2012

<http://en.rsf.org/eritrea-pirate-transmission-silences-sole-03-09-2012,43323.html>

⁴² RSF, Government blocks access to Al-Jazeera, 5th February 2013 <http://en.rsf.org/eritrea-government-blocks-access-to-al-05-02-2013,44023.html>

⁴³ RSF, Three jurists refer imprisoned journalist’s case to African human rights panel, 29th October 2012

<http://en.rsf.org/erythree-three-jurists-refer-imprisoned-29-10-2012,43605.html>

⁴⁴ ACHPR, Article 19 vs Eritrea, 2007 <http://caselaw.ihra.org/doc/275.03/view>

ETHIOPIA

Human rights defenders

Since the Charities and Societies Proclamation of 2009 came into force, the vast majority of independent NGOs working on human rights issues in Ethiopia have been forced to discontinue their work, while human rights groups that have attempted to continue their work are struggling to survive due to the funding restrictions contained in the law. As a result, it is increasingly difficult to get an accurate picture of the human rights situation in the country given the under-reporting of violations, or for victims to receive assistance and accountability for the abuses they have suffered.

On 19th October 2012 the Ethiopian Supreme Court upheld the freezing of the assets of the Human Rights Council and the Ethiopian Women Lawyers Association. Both organisations' bank accounts were frozen in December 2009 after the adoption of the CSO law, by order of the Director of the Charities and Societies Agency, a body created under the law. HRCO and EWLA appealed the accounts freezing first to the Agency's board, then at the Federal High Court, before the appeal was finally rejected by the Supreme Court. The rigid restrictions in the CSO law combined with the freezing of their accounts, have forced HRCO to close nine of its twelve offices and cut 85 per cent of its staff. EWLA was forced to cut 70 per cent of their staff.

On 20th February 2013 authorities banned three NGOs, accusing them of breaking the Charities and Societies Law and conducting "illegal religious activities". The groups who had their licences revoked were One Euro, the Islamic Cultural and Research Centre, and the Gohe Child, Youth and Women Development Organisation⁴⁵.

Crackdown on Muslim protestors

The Ethiopian Constitution states that: "Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice." ⁴⁶ In reality, however, these rights are not upheld.

The 2009 Anti-Terrorism Proclamation has equally been used to punish dissidents and journalists who are critical of the government. The law criminalises any reporting which authorities deem to "encourage" or "provide moral support" to groups and causes the government labels as "terrorists".⁴⁷ This vague wording is open to misuse.

Throughout 2012, Muslim activists in Ethiopia had been peacefully protesting the government's attempts to impose a moderate teaching of Islam called Al-Ahbash as well as trying to influence elections on the Supreme Council on Islamic Affairs.⁴⁸ Starting on 13th July 2012, the government responded in a brutal crackdown, with Ethiopian police and security forces

⁴⁵ Sudan Tribune, Ethiopia Bans More NGOs Over 'Illegal Acts', 20th February 2013

http://allafrica.com/stories/201302220066.html?aa_source=mf-hdlns

⁴⁶ Constitution of Ethiopia, <http://www.ethiopia.gov.et/English/Information/Pages/ConstitutionDemocraticRights.aspx>

⁴⁷ CPJ, In Ethiopia, anti-terrorism law chills reporting on security, 24th June 2011 <https://cpj.org/blog/2011/06/in-ethiopia-anti-terrorism-law-chills-reporting-on.php>

⁴⁸ Reuters, Ethiopian police clash with Muslim protesters, several arrested, 21st July 2012

<http://uk.reuters.com/article/2012/07/21/uk-ethiopia-islam-protests-idUKBRE86K0IB20120721>

harassing, assaulting and arresting hundreds of protesting Muslims. While a number were subsequently released, some of those arrested in July 2012 are currently on trial under the anti-terrorism legislation along with a journalist and Muslim NGO workers.

Their trial is currently being held behind closed doors, with no access to the media, diplomatic community or the defendants' family members since 22nd January 2013.⁴⁹

One of those on trial is Yusuf Getachew, former managing editor for the publication *Ye'Muslimoch Guday* (Muslim Affairs) arrested on 20th July 2012 while trying to cover demonstrations.⁵⁰ Two of his editors, Akemel Negash and Isaac Eshet, were forced into hiding. Solomon Kebede of the same newspaper was detained on 17th January 2013 and has been held since without charge. His health is in poor condition and he has been held without access to a lawyer⁵¹. He is being held in the Maekelawi federal detention centre, where numerous detainees have reported being tortured. Kebede's arrest has been linked to columns he wrote criticizing government intrusion in religious affairs. Solomon had also covered the Muslim protests.

Freedom of Association and Peaceful Assembly

Various civil society organisations and political parties have faced difficulties in holding meetings and organising peaceful demonstrations. According to a report by the Human Rights Council (HRCO), organisers have had challenges in hiring meeting venues with bookings cancelled without explanation at the very last minute. In March 2013, demonstrators were reportedly ordered to disperse by security officials despite having notified authorities of their intention to hold a demonstration.⁵²

Freedom of Expression

Reeyot Alemu, who wrote columns critical of the government for the now defunct independent weekly *Feteh*, has been imprisoned since June 2011 on terrorism charges. In January 2012 she was sentenced to 14 years in prison and a fine of 33,000 dollars under Ethiopia's anti-terrorism law, which was reduced to 5 years on appeal in August 2012⁵³. On January 8th 2013 however, a judge rejected her further appeal.⁵⁴

Independent journalist and blogger Eskinder Nega is still in prison after being condemned in July 2012 to 18 years under the Anti-Terrorism legislation⁵⁵. His appeal case has been repeatedly postponed, most recently on 26th March 2013, with the next date set for 8th April. On 20th December 2012, Eskinder and Reeyot both received the prestigious Hellman/Hammett award for their journalism and efforts to promote free expression in Ethiopia, alongside fellow

⁴⁹ Human Rights Watch, "Ethiopia: Muslim Protesters Face Unfair Trial," 2 April 2013

⁵⁰ Human Rights Watch, *Prominent Muslims Detained in Crackdown*, 15th August 2012

<http://www.hrw.org/news/2012/08/15/ethiopia-prominent-muslims-detained-crackdown>

⁵¹ CPJ, Ethiopian journalist arrested for covering Muslim protests, 1st February 2013 <http://cpj.org/2013/02/ethiopian-journalist-arrested-for-covering-muslim.php>

⁵² HRCO 124th Special Report, *Current Situation of the Right to Peaceful Assembly and Demonstration*, March 2013

⁵³ CPJ, Ethiopian judge rejects Reeyot Alemu's final appeal, 8th January 2012 <http://www.cpj.org/2013/01/ethiopian-judge-rejects-reeyot-alemus-final-appeal.php>

⁵⁴ *Ibid*

⁵⁵ CPJ, Members of European Parliament call to free Eskinder, 18th October 2012 <http://cpj.org/blog/2012/12/members-of-european-parliament-call-to-free-eskind.php>

Ethiopian journalists Woubshet Taye Abebe of the now-closed weekly newspaper *Awramba Times*; and Mesfin Negash of *Addis Neger Online*⁵⁶.

As included in EHAHRDP's last periodic report, journalist Temesghen Desalegn was arrested and charged on 24th August 2012 with "outrages against the constitution", defaming the government, and false publishing of articles. These charges were dropped a few days later and the former chief editor of *Feteh* newspaper was released. However, three of the charges were revived on 12th December 2012. The manager of the publishing company that printed *Feteh*, before the newspaper closed, also faces charges, because printing companies are liable for prosecution under Ethiopian law for press offenses by a publication that it publishes. The court proceedings began on 26th March 2013, with the hearing due to continue on 23rd April. On 10th January 2013, Temesghen's newly launched bi-monthly publication, *Addis Times*, was blocked by the state-run Ethiopian Broadcast Authority⁵⁷.

Right to property-Land acquisitions

Human rights groups have repeatedly raised concerns about the planned construction of the Gibe III dam that threatens the livelihoods and cultures of the indigenous people of the South Omo Valley region. The dam is part of a plan to turn the region into a major centre for commercial farming, but pastoralists have been forcibly relocated, imprisoned and killed ahead of the construction phase.⁵⁸ Concerns continue to be articulated about the consequences of a policy of "villagisation", with thousands of Ethiopians being forcibly relocated and subjected to numerous human rights abuses as their land is sold off to foreign investors.⁵⁹

KENYA

Right to justice

Uhuru Kenyatta and William Ruto, the winners of the 4th March 2013 presidential election, both face trial at the International Criminal Court, with their hearings scheduled for 9th July and 28th May 2013 respectively. The Chief Prosecutor of the International Criminal Court (ICC), Fatou Bensouda has already expressed concern about ICC witnesses being bribed and intimidated leading to the withdrawal of charges in the case against Kenyatta's co-accused, Francis Muthaura.⁶⁰ Accountability for past crimes is a vital component in achieving peace and stability for Kenya.

Attacks on Human Rights Defenders

On November 9th 2012, Okiya Omtatah Okoiti, a prominent human rights activist and director of Kenyans for Justice and Development (KEJUDE) Trust, was violently assaulted in Nairobi. KEJUDE Trust is a local NGO that campaigns for transparency and accountability. Omtatah lost six teeth in the attack and suffered serious injuries to his face and the back of his head, which

⁵⁶ Human Rights Watch, Writers Honored for Commitment to Free Expression, 20th December 2012
<http://www.hrw.org/node/112138>

⁵⁷ ⁵⁸ Oakland Institute, Omo: Local Tribes Under Threat, February 2013

⁵⁸ Oakland Institute, Omo: Local Tribes Under Threat, February 2013
<http://www.oaklandinstitute.org/omo-local-tribes-under-threat>

⁶⁰ <http://www.reuters.com/article/2013/03/11/us-kenya-icc-charges-idUSBRE92A0EC20130311>

required surgery. The attackers allegedly demanded that he withdraw a lawsuit he had filed to demand accountability in the procurement of biometric voter registration (BVR) kits ahead of the March elections because of the corruption associated with the process. Omtatah was visited in hospital by a police investigator but the officer failed even to ask for a description of his attackers.⁶¹

Ethnic violence

On 15th October 2012, Salim Changu, Assistant Chief for Kombani area was hacked to death in the coastal town of Kwale. The police asserted that he was probably killed by Mombasa Revolutionary Council (MRC) supporters. The MRC accuses successive governments of marginalizing the ethnic groups living along the coast and giving land to outsiders. Calls for secession of the mostly Muslim coastal region tend to intensify in the run up to the general elections.⁶²

Rights of refugees

On 18th December 2012 Kenyan newspapers published a statement by the Department of Refugee Affairs ordering all 100,000 Somali refugees in Kenya to move to refugee camps⁶³, following a series of grenade attacks in Kenya's north-eastern regions, and in Eastleigh, the Somali district of Nairobi. Though suspected to have been carried out by Al-Shabaab, the violence has turned Kenyan security forces against the refugees living in these areas.⁶⁴

Freedom of expression

The situation in Kenya for exiled Somali journalists has been particularly tense. In December 2012, exiled Somali journalist Muhradin Ahmed Roble was beaten and robbed by soldiers from Kenya's paramilitary General Service Unit (GSU) near his home in Kairokoo, while they were investigating a recent nearby grenade attack. In another incident, on 8th December the GSU detained Somali journalist Ubah Abdi Warsame and her mentally ill brother, on suspicion of affiliation with Al-Shabaab.⁶⁵

On 20th January 2013, Dennis Okeyo, photographer for the Daily Nation, and John Otanga, cameraman for Nation TV, were also attacked by soldiers from GSU while they were attempting to cover politically motivated clashes in Kibera district of Nairobi. When Okeyo showed GSU soldiers their press cards in order to enter the neighbourhood, soldiers began to beat them with clubs. They seized Okeyo's memory card from his camera and took 2000 Kenya shillings (US\$23) from him. Both required hospital treatment after the attack⁶⁶.

On 3rd March 2013, the day before the elections, Habil Onyango, a journalist with the Star newspaper based in Homa Bay town, western Kenya was beaten up by GSU security personnel

⁶¹ www.defenddefenders.org/2012/11/kenya-investigate-attack-onrights-activist

⁶² BBC, Kenyan official killed in 'secessionist violence', 15th October 2012 <http://www.bbc.co.uk/news/world-africa-19946791>

⁶³ Standard Digital, Government orders refugees back to camps, 18th December 2012 http://www.standardmedia.co.ke/?articleID=2000073190&story_title=Kenya-Government-orders-refugees-back-to-camps

⁶⁴ CPJ, Somalis in Kenya hounded by security forces, refugee policy, 21st December 2012 <http://cpj.org/blog/2012/12/somali-journalists-in-kenya-squeezed-by-security-s.php>

⁶⁵ Ibid

⁶⁶ CPJ, Kenyan journalists attacked while covering Kibera clashes, 22nd January 2013 <http://cpj.org/2013/01/kenyan-journalists-attacked-while-covering-kibera.php>

as he covered a confrontation between two rival candidates⁶⁷. GSU officers are reported to have declined to recognize his press card and flung him into a lorry before driving him to a local police station where they eventually released him in great pain. William Oloo Janat, the Kenya Correspondents Association national chairman said a number of journalists were operating under threats and a climate of fear over the election period, especially the two months immediately prior to the elections. During the party primaries a number of journalists reported threats in Homa Bay, Magori and Siaya in the Nyanza region.⁶⁸

New legislation targeting “hate speech” has been discussed, but the government is yet to define hate speech or how they plan to quell it. Such vague terminology has been used to stifle free of expression in Rwanda where “genocide ideology” is very imprecisely defined and Ethiopia with its broad definition of terrorism.⁶⁹

Civil Society Crackdown

Manifesto pledges by the Jubilee Coalition to establish a Charities Agency and pass a Charities Act to regulate political campaigning by NGOs, and ensure they only campaign on issues that promote their core remit, is troubling, as is the stated intention to establish full transparency in funding for NGOs.⁷⁰ These proposals recall the trend towards legislation restricting and criminalising the work of human rights defenders across the globe, and particularly the Charities and Societies Proclamation in Ethiopia.

RWANDA

Direct Access to the African Court on Human and Peoples’ Rights

On 22nd January 2013, Rwanda became the sixth country to allow individuals and NGOs to bring cases directly to the African Court on Human and Peoples’ Rights. Following in the footsteps of Burkina Faso, Ghana, Malawi, Mali and Tanzania, Rwanda deposited a declaration required under Article 34(6) of the Protocol establishing the Court.

Freedom from torture, cruel, inhuman or degrading punishment

In October 2012, Amnesty International published a report documenting cases of illegal detention, torture and ill-treatment by Rwanda’s military intelligence services at Camp Kami, Mukamira military camp, and in safe houses in the capital, Kigali. The arrests reflect the government’s fear of security threats from within the army, as this parallel system is largely reserved for individuals suspected of threatening national security.⁷¹

⁶⁷ International Federation of Journalists, IFJ Calls for More Safety of Journalists Ahead of General Elections in Kenya, 3rd March 2013 <http://allafrica.com/stories/201303030246.html>

⁶⁸ Kenya Correspondents Association, Press Release, “Journalist Beaten Up, Injured Ahead of March 4, 2013 Elections”, 3 March 2013

⁶⁹ CPF, New challenges for local and foreign press in Keyra, 21st March 2013 <http://cpj.org/blog/2013/03/new-challenges-for-local-and-foreign-press-in-kenya.php>

⁷⁰ Jubilee Coalition Manifesto, <http://www.uhuru.co.ke/#manifesto>

⁷¹ Amnesty International, Rwanda must investigate unlawful detention and torture by military intelligence, 5th October 2012 <http://www.amnesty.org/en/news/rwanda-must-investigate-unlawful-detention-and-torture-military-intelligence-2012-10-05>

Pre-trial detention

An access to justice study published in February 2013 reported that over 8000 people were being held for up to six months in pre-trial detention in Rwanda's prisons, the majority of whom were petty offenders, The report was refuted by government officials.⁷²

Freedom of expression

On 14th November 2012, Stanley Gatera, editor of the Kinyarwanda language paper Umusingi, was sentenced to a one-year jail term and fines of 30,000 Rwandan francs for inciting divisionism and gender discrimination in an opinion column he published in June 2012. The state prosecutor said that the article, which suggested that men may regret marrying a Tutsi woman solely for her beauty, broke the country's laws about referring to ethnic identities⁷³. Mr Gatera appealed his conviction, but it was upheld on 25th March 2013.⁷⁴

Agnès Uwimana and Saidati Mukakibibi remain in prison, convicted of defaming the president and inciting violence (see previous reports for case details). Having exhausted the domestic appeal process, the editors have submitted a complaint to the ACHPR⁷⁵.

Political freedom

On 30th October 2012, opposition politician Victoire Ingabire was handed an eight-year prison sentence when she was found guilty of "belittling" Rwanda's 1994 genocide and threatening state security. Ingabire, the United Democratic Forces leader, had questioned why Rwanda's official memorial to the 1994 genocide does not include any Hutus.⁷⁶ From the start of investigations, President Kagame made public statements alleging Ingabire's culpability, which contradicted her right to the presumption of innocence.⁷⁷ A number of charges rest on confessions extracted from men who had been unlawfully detained at Camp Kami for seven months, interviewed more than three times a day by intelligence agents, without the presence of a lawyer.⁷⁸ Her appeal opened on 26th March 2013.

⁷² New Times, "Legal Aid Forum report on detentions inaccurate – govt", 18th February 2013, <http://newtimes.co.rw/news/index.php?i=15272&a=64038&icon=Email>

⁷³ IFEX, Rwandan editor jailed for column on Tutsi women, 15th November 2012

http://www.ifex.org/rwanda/2012/11/15/editor_column_women

⁷⁴ CPJ, , Rwandan editor, jailed for opinion piece, fails in appeal, 26th March 2013 <http://cpj.org/2013/03/rwandan-editor-jailed-for-opinion-piece-fails-in-a.php>

⁷⁵ CPJ, Jailed Rwandan editors turn to African Commission, 11th December 2012 <http://cpj.org/blog/2012/12/jailed-rwandan-editors-turn-to-african-commission.php>

⁷⁶ BBC, Rwandan opposition leader Victoire Ingabire jailed, 30th October 2012 <http://www.bbc.co.uk/news/world-africa-20138698>

⁷⁷ Amnesty International, Justice in jeopardy: the first instance trial of Victoire Ingabire, 25th March 2013 <http://www.amnesty.org/en/library/info/AFR47/001/2013/en>

⁷⁸ Amnesty International, Rwanda: shrouded in secrecy, illegal detention and torture by military intelligence, December 2012 <http://www.amnesty.org/en/library/asset/AFR47/004/2012/en/ca2e51a2-1c3f-4bb4-b7b9-e44ccbb2b8de/afr470042012en.pdf>

SOMALIA

Right to life and freedom of expression

Somalia continues to be one of the most dangerous places in the world to be a journalist. In 2012 alone 18 journalists were killed in Somalia hence the year being described as the deadliest year for the press in the country.⁷⁹

Mohamed Mohamed Tuyare, a reporter and editor for Shabelle Media Network died at Madina hospital, Mogadishu on 21st October 2012 after being shot by unknown assailants.⁸⁰ On 29th October 2012, Warsame Shire Awale, a journalist working for Kulmiye radio was shot and killed in Waberi district, Mogadishu. On 18th January 2013, unknown gunmen killed Abdihared Osman Aden, a journalist with Shabelle Media Network, while he was walking to work.⁸¹ On 23rd March 2013 Mohamed Ali Nuxurkey, a 29-year-old journalist working with several independent radio stations was killed by a car bomb exploding near the presidential palace.⁸² The following day, Rahmo Abdulkadir was killed as she was walking to a relative's house in Mogadishu. She was a reporter for Radio Abudwaq, a station that covers news and social affairs for the central region of Somalia.⁸³

On 21st November 2012, Somali authorities arrested Ibrahim Mohamed Adan, a correspondent for Somali service of the British Broadcasting Corporation (BBC), who was held for nearly a week in Mogadishu without charge. He was accused of falsely reporting that a Somali authority court had ordered a soldier's execution. Liban Ali Yarrow, chairman of the military court, ordered Ibrahim's arrest saying he was unable to verify the report.⁸⁴

On 10th January 2013, the Central Investigation Department (CID) of the Somali Police in Mogadishu arrested a woman who said she had been raped by government forces in an Internally Displaced Persons (IDP) camp a few months earlier. Over a 48 hour interrogation, in which the woman was withheld access to legal counsel, the head of CID compelled her to hand over the telephone number of journalists who had interviewed her, and coerced her into admitting being paid by a journalist attempting to discredit the government. As such, Abdiaziz Abdinur Ibrahim, a freelance journalist with Delsan Radio and Budri Media Production was also arrested without charge. Throughout his detention, top Somali officials, including the police chief and the interior minister, issued statements that prematurely judged his guilt and undermined the credibility of the judicial process. On 5th February 2013 both were sentenced at Bernadir Regional Court to one year in prison for offending the honour of a state institution and

⁷⁹ EHAHRDP, End impunity for killing of media workers, 1st November 2012 www.defenddefenders.org/2012/11/somalia-end-impunity-for-killing-of-media-workers

⁸⁰ RSF, Journalist dies of injuries a week after being shot, 29th October 2012 <http://en.rsf.org/somalia-radio-shabelle-journalist-badly-22-10-2012,43565.html>

⁸¹ CPJ, Shabelle journalist gunned down in Somalia, 18th January 2013 <http://cpj.org/2013/01/shabelle-journalist-gunned-down-in-somalia.php>

⁸² CPJ, Jubilation then tragedy for Mogadishu press this week, 22nd March 2013 <http://cpj.org/blog/2013/03/jubilation-then-tragedy-for-mogadishu-press-this-w.php>

⁸³ CPJ, Visiting Somali journalist shot dead in Mogadishu, 25th March 2013 <http://cpj.org/2013/03/visiting-somali-journalist-shot-dead-in-mogadishu.php>

⁸⁴ CPJ, In Somalia, BBC journalist held without charge, 26th November 2012 <http://cpj.org/2012/11/in-somalia-bbc-journalist-held-without-charge.php#move>

filing a false report, despite the fact that the interview between them was never published.⁸⁵ On appeal on 4th March 2013, the Somali court reduced Abdiiaziz's sentence to six months, and overturned the woman's conviction. Finally on 22nd March, Abdinuur's conviction was also overturned by the Supreme Court and he was released.

On 7th March 2013, police at Afar Irdood police station beat and briefly detained Abdullahi Ahmed Nor, a journalist for UK-based Universal Television. Ahmed Nor was taken to hospital for treatment.⁸⁶

On 9th March 2013, Somali police from the same station attacked a group of seven journalists outside the regional court in Afar-Irdood province. Reporters had come to the court following an invitation extended by the regional court chairman to cover hearings, but on the orders of Col. Mohamed Dahir, the regional police chief, they were beaten and kicked out. The journalists included Radio Simba journalist Mohamed Hassan; Somali National Television reporter Saadiyo Mohamed; Shabelle Media Network journalist Mustafa Abdinuur; Horn Cable TV reporter Mohamoud Siad and cameraman Abdulkadir Abdullahi; Royal Television cameraman Nur Mohamed Barre; and Risaala Radio reporter Bile Mire Mohamed. Later on that day regional security chief Major Abdullahi Gedi vowed to take disciplinary actions against the soldiers and asked the journalists to return. However when they did the same soldiers threatened them at gunpoint, forbidding them to enter. Some were then beaten and Bile Mire Mohamed and Nur Mohamed Barre were both briefly detained before the court chairman managed to intervene for their release.^{87 88}

Forty five media stakeholders gathered in Mogadishu on Monday 18th February 2013 to consult about the state of the media in Mogadishu, with a particular focus on media law reform, security and persecution of journalists. The stakeholders welcomed the government's decision to open the 2007 media law for consultation. Under the current law, the government has control over the media by determining rules for media operation and by defining journalists' professional standards. The meeting agreed to put together a committee to review law in consultations of media stakeholders and other concerned stakeholders in order to repeal the problematic provisions of the law.⁸⁹

Establishment of human rights bodies

On 8th February 2013, Somali Prime Minister Abdi Farah Shirdon announced the launching of a human rights task force to deal with human rights abuses. The new body was established after consultations with the speaker of Parliament and members of civil society groups and will be tasked to investigate and broadcast range of human rights abuses including the organized killing of journalists and sexual violence against women. The members of the task force on human rights include: a human rights defense lawyer, a civil society activist, human rights

⁸⁵ EHAHRDP, Release journalist who spoke about rape, 25th February 2012 www.defenddefenders.org/2013/02/somalia-release-journalist-who-spoke-about-rape/

⁸⁶ Raxan Reeb Radio, Somali police beat up and briefly detain journalists in Mogadishu, 9th March 2013 <http://www.raxanreeb.com/2013/03/somali-police-beat-up-and-briefly-detain-journalists-in-mogadishu/>

⁸⁷ Ibid

⁸⁸ CPJ, Police beat journalists attending court case in Mogadishu, 12th March 2013 <http://cpj.org/2013/03/police-beat-journalists-attending-court-case-in-mo.php>

⁸⁹ Ifex, Mogadishu media stakeholders, 21st February 2013 www.ifex.org/somalia/2013/02/21/mogadishu_media_stakeholders/NUSOJ/IFEX

campaigner, a doctor, a religious leader, police officers and a representative from the media.⁹⁰ The prime minister also announced a \$50,000 public reward for information leading to the conviction of a journalist killer.⁹¹

The Parliament of Somalia has also established a standing committee on human rights, humanitarian affairs and gender. It should be afforded the political and financial support to carry out its functions effectively.

SOMALILAND

On 23rd February 2013, journalist Ahmed Farab Ilyak also known as Ahmed Saakan was shot near his home in Las Anod Sool region, Somaliland. A week earlier, late Farah was among four journalists detained by Somaliland forces in Las Anod for allegedly reporting on Las Anod women expressing their support to the newly appointed Somali Prime Minister Abdi Farah Shirdon.

On 2nd March 2013, Hon. Fatuma Jama Eileeye, the only woman Member of Parliament in Somaliland resigned her membership. Ms. Fatuma Jama justified her action as pertaining to the fact that she has failed to make an impact of her Guurti membership as a sole woman. ⁹²

SOUTH SUDAN

Human Rights Defenders

On 4th November 2012, a human rights officer working for the United Nations Mission in South Sudan was expelled from the country by the South Sudan Foreign Affairs and International Cooperation Ministry. Her expulsion was linked to a UN report published in August 2012, accusing the SPLA of incidents of torture, rape, killings and abducting civilians in South Sudan's Jonglei State.⁹³

On 22nd October 2012, Ring Bulabuk, a defense lawyer who works with the South Sudan Civil Society Alliance (SSCSA), was abducted in Juba by unknown armed personnel in civilian clothes. Relatives and friends say the men were members of South Sudan's security services. Bulabek was later found abandoned at Juba graveyard in "a terrible shape", Athuai said, after being kept in an "undisclosed location" with no access to legal assistance and medical care until when he

⁹⁰ Hiiraan, Somalia launches state rights task force against impunity, 28th February 2013,

www.hiiraan.com/news4/2013/feb/28036/somalialaunchesstaterightstaskforceagainstimpunity

⁹¹ CPJ, Visiting Somali journalist shot dead in Mogadishu, 25th March 2013 <http://cpj.org/2013/03/visiting-somali-journalist-shot-dead-in-mogadishu.php>

⁹² Somaliland Sun, Only Women Guurti Member Resigns, 2nd March 2013,

<http://somalilandsun.com/index.php/politics/2394-somaliland-only-women-guurti-member-resigns>

⁹³ BBC, South Sudan expels UN human rights investigator, 4th November 2012 <http://www.bbc.co.uk/news/world-africa-20200042>

was found on 26th October.⁹⁴ Bulabuk had previously received threats to stop working on a legal suit against an army general about land grabbing in the Malakia area of Juba.⁹⁵

On 6th January 2013, Rabha Elis Bandas Bilal was arrested and detained by plain-clothed security personnel at the Wau Criminal Investigation section. This followed a statement that she made live on Radio Mariah regarding the demonstrations on 9th December 2012. She was later released on 11th January 2013. Rabha is a woman human rights defender and Director of Women Development Group (WDG).⁹⁶

Freedom of Expression

South Sudan's security forces have intimidated journalists and attacked press freedoms on numerous occasions during the period under review.

In early January 2013, authorities arrested two journalists following protests and ethnic clashes in the north-western town of Wau in Western Bahr el Ghazal State. Louis Pasquale, director general of the state broadcaster in Western Bahr el Ghazal, and Ashab Khamis, director of state television, were detained. Three other journalists working for the state broadcaster were arrested but released the following day.⁹⁷ Independent shortwave Radio Tamazuj reported that some journalists received death threats by phone or text messages following the clashes in Wau. Protests had erupted after the government said it would transfer the local county headquarters from Wau, the state capital, to the nearby town of Bagare. At least 10 people died in the ensuing crackdown on demonstrators.⁹⁸

On 1st November 2012, in response to an article in Juba-based English-language daily Destiny, its editor Ngor Aguot Garang, and Dengdit Ayok, one of his reporters, were arrested and held in prison for more than two weeks. The article, published on 26th October 2012, criticised President Salva Kiir Mayardit, and was branded "illegal" by National Security Chief Akol Koor.⁹⁹ On 5th December 2012, online journalist Isaiah Diing Abraham Chan Awuol was shot dead by unidentified men in Gudele, a suburb of Juba¹⁰⁰. Awuol, who went by the pen name of Isaiah Abraham, was a contributor to news websites, including Sudan Tribune, Gurtong, and Sudanese Online, typically writing opinion articles critical of the South Sudanese leadership and their relationship with Sudanese authorities. In his last article, published on 27th November 2012 in the Sudan Tribune, he urged authorities to foster a better relationship with Sudan and refrain from supporting Sudanese rebel groups.¹⁰¹

⁹⁴ Sudan Tribune, US concerned over S. Sudan's expulsion of UN official, 7th November 2012

<http://www.sudantribune.com/spip.php?article44452>

⁹⁵ Sudan Tribune, Second South Sudan civil society member kidnapped and beaten, 28th October 2012

<http://www.sudantribune.com/spip.php?article44348>

⁹⁶ Sudan Tribune, Arrest and detention of a woman human rights defender in Wau, South Sudan, 15th January 2013

<http://www.sudantribune.com/spip.php?article45190>

⁹⁷ CPJ, In South Sudan, two journalists detained in Wau, 4th January 2013 <http://cpj.org/2013/01/in-south-sudan-two-journalists-detained-in-wau.php>

⁹⁸ Al Jazeera, South Sudan protesters die in army shooting, 13th December 2012

<http://www.aljazeera.com/news/africa/2012/12/201212913437908429.html>

⁹⁹ RSF, Two destiny journalists released after two week, 21st November 2012 <http://en.rsf.org/south-sudan-authorities-urged-to-free-two-08-11-2011,41361.html>

¹⁰⁰ CPJ, South Sudan should investigate columnist's murder, 5th November 2012 <http://cpj.org/2012/12/south-sudan-should-investigate-columnists-murder.php>

¹⁰¹ Sudan Tribune, Khartoum must give peace a chance, 27th November 2012

http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=44657

On 30th January 2013, Garang John, news editor at a state owned television station, was detained by national security for speaking out against corruption and nepotism in the administration of national television.^{102 103}

In light of the cases cited above, it is encouraging to note that the Government of South Sudan has announced that it is taking steps towards being one of the first states to implement the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.¹⁰⁴

Protection of the Rights of the Child

South Sudan's parliament has discussed the Convention on the Rights of Children.¹⁰⁵ In South Sudan child marriage remains prevalent. One of the rights afforded to children under the convention is the right to protection from early marriage.

Death Penalty

On 20th December 2012, South Sudan voted in favour of a UN General Assembly resolution calling on countries that use capital punishment to place a moratorium on executions with a view to abolishing the death penalty. However South Sudan has executed at least 8 people since it gained independence in July 2011.¹⁰⁶

SUDAN

Freedom of association and human rights defenders

During the period under review, there has been an intensified government-led crackdown on Sudanese civil society and the heightened rhetoric against Western and secular influences. Sudanese authorities have accused civil society organisations of receiving funding from the United States of America to undermine the ruling National Congress Party. On 2nd January 2013, after authorities had already shut down several groups, First Vice President Ali Osman Taha told national television that the government would reveal and target other groups with links to the US Central Intelligence Agency, prompting fears of more closures¹⁰⁷.

In late 2012, a number of civil society organisations were ordered to shut down and cease all operations by Sudanese authorities. On 24th December 2012, the Sudanese Studies Centre (SSC), a civil society organisation working to promote dialogue on culture and democracy, was closed for one year by the Ministry of Culture and Media.

¹⁰² Sudan Catholic Radio Network, SSTV journalist detained for exposing malpractice, 31st January 2013
http://catholicradionetwork.org/index.php?option=com_content&view=article&id=9172:sstv-journalist-detained-for-exposing-malpractices&catid=2:south-sudan&Itemid=84

¹⁰³ Huffington Post, South Sudan: from oppressed to persecuted press, 1st February 2013
http://www.huffingtonpost.co.uk/mading-ngor/south-sudan-press_b_2596114.html

¹⁰⁴ UN News, South Sudan to Be 'Pilot Country' for New UN Initiative Protecting Journalists, 11th February 2013
<http://allafrica.com/stories/201302120351.html>

¹⁰⁵ Sudan Tribune, South Sudan parliament discusses child rights, 20th November 2012
<http://www.sudantribune.com/spip.php?article44591>

¹⁰⁶ Human Rights Watch, South Sudan: Heed Global Call to End Death Penalty, 20th December 2012
<http://www.hrw.org/news/2012/12/20/south-sudan-heed-global-call-end-death-penalty>

¹⁰⁷ Human Rights Watch, End crackdown on civil society, 13th January 2013 <http://www.hrw.org/news/2013/01/13/sudan-end-crackdown-civil-society>

On 30th December 2012, activists organised under the umbrella of the Confederation of Civil Society Organisations demonstrated outside Sudan's National Human Rights Commission. They attempted to deliver a memorandum condemning the closure of the SSC. Although the Commission's chairperson was willing to receive the memorandum, plain-clothed NISS agents surrounded the building and prevented them from entering. It was reported that one journalist was beaten and three activists were arrested and released a few hours later.

The following day, 31st December, the Humanitarian Affairs Commission (HAC), a regulatory body governing the work of Sudanese civil society, closed the ARRY Organisation for Human Rights and Development (ARRY) and the Al Khatim Adlan Centre for Enlightenment and Human Development (KACE). ARRY works on human rights monitoring and documentation in South Kordofan, and has offices in Khartoum. HAC officials had previously been accusing them of foreign links¹⁰⁸. Four members of ARRY were subjected to a 10 hour interrogation, while NISS agents reportedly threatened to detain their relatives¹⁰⁹.

KACE, a pro-democracy NGO that also works to promote multiculturalism in Sudan, was closed by a delegation of six HAC representatives, accompanied by nine other individuals, including armed NISS officers, who ordered the cancellation of KACE's registration with immediate effect, and its removal from the NGO register¹¹⁰. An inventory of the office was recorded and the assets of KACE seized. NISS agents have since kept the centre's staff under surveillance to stop KACE from continuing its activities elsewhere¹¹¹.

Political freedoms

In January 2013, members of Sudan's opposition coalition, National Consensus Forces, and rebel groups met in Kampala where they adopted the "New Dawn" document that stated the validity of either peaceful or armed means of regime change. The document laid out principles of equal citizenship and the separation of religion from the state, as well as a framework of governance, constitution-building and elections. On their return to Khartoum, seven political opposition leaders were arrested by Sudan's National Intelligence and Security Service (NISS). On 7th January 2013, the NISS arrested two members of the Socialist Unionist Nasserist Party (SUNP), Dr. Jamal Idris, and Enstar Alagali, from their homes in Khartoum. The next day, they arrested three members of the Democratic Unionist Party (DUP) from Khartoum airport, Professor Mohamed Zain Alabidein, Dr. Abdulrahim Abdalla, and Hisham Al Mufti. Adbul-Aziz Khalid and Dr. Yousef Al-Koda were arrested on 14th January 2013. Following the announcement on 1st April of a presidential amnesty for all political prisoners in Sudan, these seven detainees were released. There are fears however that many less high-profile political detainees remain incommunicado.¹¹² Sudanese media outlets have quoted a statement made by Presidential Assistant and Chairperson of the National Congress Party (NCP) Mr Nafei Ali Nafie, where he

¹⁰⁸ Ibid

¹⁰⁹ Amnesty International, Appeals for action: crackdown on Sudan NGOs, 11th January 2013

<http://amnesty.org/en/appeals-for-action/CrackdownOnSudanNGOs>

¹¹⁰ EHAHRDP, Sudan: End harassment of human rights defenders, 18th January 2013

<http://www.defenddefenders.org/2013/01/sudan-end-harassment-of-human-rights-defenders>

¹¹¹ Amnesty International, op cit

¹¹² African Centre for Justice and Peace Studies and Journalists for Human Rights, "Sudan: No space for free expression", April 2013.

warned that “2013 will be the year of cleaning of the opposition by both peaceful and military means” and that “we will not leave the traitors a chance to breathe”¹¹³.

On 13th January 2013, the leader of the youth wing of South Sudan’s governing SPLM was arrested in the border state of Northern Bahr el Ghazal. He is accused by some elements of the state administration of failing to relax his campaign against the inclusion of Mile 14, a key border area, with Sudan¹¹⁴. On 21st January 2013 security services broke into the home of Ali Al-Kanein, a local official of the Sudanese Communist Party (SCP) in Omdurman, and seized a number of documents and electronic devices¹¹⁵.

Freedom of Expression

On 5th November 2012, security forces confiscated the entire print edition of Alwan newspaper. On 22nd January 2013 NISS seized fourteen thousand copies of the pro-government Al-Sudani without any reason being given.¹¹⁶ Political developments appeared to have been at the root of their action, with Sudan’s main opposition meeting in Kampala on 5th January 2013 and the government subsequently banning the media from reporting anything about the meeting and the New Dawn Charter signed.

On 31st December 2012 the NISS summoned Sudanese writer, Zeinab Belil, for interrogation. Ms. Belil is chairperson of the Cultural Forum for Literary Criticism, a network of Sudanese writers. The NISS ordered the forum to cease all of its activities. Ms. Belil was interrogated about the relationship of the forum to the Iranian Cultural Chancellery in Khartoum, which funds a literary prize awarded yearly¹¹⁷.

On December 24th 2012, Sudanese authorities detained without charge two Eritrean journalists, Abdalal Mahmoud Hiabu and Haroun Adam, from the Sudan-based Eritrean Centre for Media Services. The Centre analyses Eritrean news coverage, especially news that relates to the Eritrean opposition, for the Eritrean diaspora in Sudan¹¹⁸.

Right to National Peace and Security

There is ongoing conflict in Southern Kordofan and Blue Nile states, with indiscriminate bombings and attacks on civilians, while the Sudanese government has refused to allow aid into rebel held areas, a violation of international law¹¹⁹.

¹¹³ African Centre for Justice and Peace Studies, 11 January 2013, Concern for safety of five political opposition leaders detained in Sudan, <http://www.sudantribune.com/spip.php?article45153>

¹¹⁴ Sudan Tribune, SPLM youth leader arrested in N. Bahr el Ghazal, 14th January 2013 <http://www.sudantribune.com/spip.php?article45174>

¹¹⁵ Sudan Tribune, Sudanese security agents break into home of opponent in capital, 22nd January 2013 <http://www.sudantribune.com/spip.php?article45268>

¹¹⁶ RSF, Sudan Intelligence Services seize Arab daily, 24th January 2013 <http://en.rsf.org/sudan-intelligence-service-seizes-arab-24-01-2013,43951.html>

¹¹⁷ African Centre on Justice and Peace Studies, Civil society organisations closed in renewed clamp down on freedom of association in Sudan, 9th January 2013, <http://www.sudantribune.com/spip.php?article45127>

¹¹⁸ CPJ, Sudan detains two Eritrean journalists, 26th December 2012 <http://cpj.org/2012/12/sudan-detains-two-eritrean-journalists.php>

¹¹⁹ Human Rights Watch, Last of the Nuba, again? 4th January 2013 <http://www.hrw.org/news/2013/01/04/last-nuba-again>

Amnesty International have reported that Sudan's Border Intelligence Brigade (BIB) were involved in attacks in January 2013 that left up to 200 people of the Beni Husseing community dead near a goldmine in Darfur. Gunmen driving government vehicles are alleged to have open fire on people using grenades and heavy machine guns¹²⁰. These events come as the government is attempting to tighten its control over gold production and exporting in light of its depleted foreign reserves.

Jalila Khamis Koko, a Nuba woman activist and teacher who was detained by NISS officers on 14th March 2012, suffering inhumane treatment in detention, was eventually released following a court hearing on 20th January 2013, after spending ten months in detention.¹²¹ In June 2011, Khamis Koko had appeared in a YouTube video denouncing the conditions in conflict-ridden South Kordofan. On 13th December 2012, she had been charged with crimes against the state by the Khartoum Criminal Court. Two of the charges carried the death penalty.¹²²

On 29th October 2012, Sudanese journalist Somalia Ibrahim Ismail Hundosa was kidnapped and tortured for five days. Hundosa had covered human rights violations in the western Darfur region and the Nuba Mountains in the South Kordofan region, and her captives accused her of opposing the regime of President al-Bashir. She was subjected to racist slurs directed at her and her tribe. Her family said that she had been subjected to "physical torture and beating with whips" and that she had her head shaved because "it looked like the hair of Arabs while she belonged to the slaves in Darfur."¹²³ She was eventually found on a roadside on 2nd November 2012. She had been summoned to the National Intelligence and Security Services (NISS) office for questioning two days prior to her abduction, and believes they were responsible for the abduction.¹²⁴

Protests and freedom of assembly

Following South Sudan's secession and in the run up to Sudan's constitution making process, the Sudanese government has stepped up its repression of civil society and popular protest. On 8th November 2012, Sudanese security forces arrested a number of students in the Emtedad neighbourhood in Nyala city. They tortured, threw acid, and beat some detainees, leaving serious traces on their bodies. They equally threatened to kill the detainees' relatives if they filed charges against them. Security forces blamed the leaking of private security documents on the students to justify their arrests and torture, but the main reason for their arrest appeared to be the students' role in sparking the widescale protests in Darfur protests on 31st July against the increase in prices, worsening economic conditions, and that demanded the overthrow of the regime¹²⁵.

¹²⁰ Amnesty International, Darfur: government forces involved in gold mine attacks, 30th January 2013

<http://www.amnesty.org/en/news/darfur-government-forces-involved-gold-mine-attacks-2013-01-30-0>

¹²¹ Amnesty International, Sudan releases prisoner of conscience Jalila Khamis Koko, 20th January 2013

<http://www.awid.org/Library/Sudan-releases-prisoner-of-conscience-Jalila-Khamis-Koko>

¹²² Amnesty International, Female teacher facing the death penalty because of her humanitarian work, 17th December 2012 http://www.amnesty.org.uk/news_details.asp?NewsID=20522

¹²³ IFEX, Sudanese journalist found after being abducted and tortured, 5th November 2012

http://www.ifex.org/sudan/2012/11/05/journalist_tortured/

¹²⁴ CPJ, Sudanese journalist found after being abducted and tortured, 5th November 2012

<http://cpj.org/2012/11/sudanese-journalist-found-after-being-abducted-tor.php>

¹²⁵ IFEX, Security Forces in Sudan Torture High School Student, November 2012,

http://www.ifex.org/sudan/2012/11/28/anhri_sudan_the_security

On 7th and 8th December 2012, the bodies of four university students were found in an irrigation channel near to Al Jazeera University after a student protest against the denial of the usual tuition waiver for Darfuri students was violently dispersed by the ruling party's student militia, NISS and police. No serious investigation has been carried by the government into the incident. The incident incited protests across the country condemning the death of the students and calling for investigations, but these protests were also violently dispersed.¹²⁶

GIRIFNA reported that on December 24th 2012, 14 year old Adam Al Sheikh Alhaj, a student living in Kosti, was shot in the head by security forces. The incident took place after clashes between youth from Kosti and Sabina, an Egyptian company. 15 people were also arrested. The company is accused of failing to uphold its contract, which provided for compensation and provision of services to the local community. When protests escalated, with youths throwing stones at the police, the state responded by sending in heavily armed central reserve troops, who shot Adam¹²⁷.

Radio Dabanga, an independent Sudanese media outlet, reported that on the night of 1st February 2013, NISS, together with students supporting the ruling National Congress Party (NCP), invaded the campus of the university of Khartoum. They beat and arrested dozens of students and burned 41 dormitories¹²⁸. This was in retaliation after undergraduates prevented Sudan's second vice-president al-Haj Adam Youssef from entering the university the previous day, at which point security services had already stormed the university, beaten and arrested students, and fired gunshots and tear gas in the air¹²⁹.

TANZANIA

Right to Freedom of Expression

Regressive laws stifle media freedoms, such as the Newspaper Act of 1976, the Official Secrets Act and the Preventive Detention Act. The government is also discussing a new Media Services Bill, which critics have opposed and likened to the 1976 Newspaper Act for the limitations it places on journalists and media practitioners.¹³⁰

On Tuesday 8th January 2013, Issa Ngumba, a reporter for Radio Kwizera, was found murdered in Kajuhuleta Forest, three days after he went missing from his home. According to local reports, residents of the region of Kigoma where he was killed suspected that he may have been

¹²⁶ EHAHRDP, Written statement to the 22nd session of the UN Human Rights Council: Crackdown on human rights defenders and peaceful protestors continuing in Sudan, March 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/113/36/PDF/G1311336.pdf?OpenElement>

¹²⁷ Girifna Press Release, 28 December 2012; <http://www.sudaneseonline.com/press-releases/6588-how-did-adam-al-sheikh-alhaj-die-on-december-24-2012.html>

¹²⁸ Radio Dabanga, 3 arrested in S. Darfur university for "requesting colleague's release", 31st January 2013 <http://www.radiodabanga.org/node/42432>

¹²⁹ Radio Dabanga, Sudan security 'storms' Khartoum university, 2 critically wounded, 1st February 2013 <http://www.radiodabanga.org/node/42497>

¹³⁰ Media Institute of Southern Africa, Tanzania: Coalition Calls for End to Ban On Newspaper, 22nd January 2013 <http://allafrica.com/stories/201301230272.html>

targeted for a story, broadcast on November 24th, which documented a brutal attack by a local cattle owner against one of his staff¹³¹.

This followed in the wake of the death of Channel Ten reporter Daudi Mwangosi, who was killed by police on 2nd September 2012 while covering clashes between police and opposition protestors. Authorities arrested and charged a junior police constable for his murder, but didn't choose to pursue at least six other officers connected to his death.¹³²

Erick Kabendera, former employee of Dar es Salaam-based Guardian newspaper and 2009 winner of the David Astor Journalism Award, has been harassed along with his family by state actors. In December 2012, he testified for the defence of British blogger Sarah Hermitage, who was being sued for libel by media magnate Reginald Mengi on account of blog posts she had written concerning Mr Mengi's influence over the output of newspapers controlled by his company, IPP Media. The case, which Hermitage won, exposed the extent to which economic interests can manipulate media in the country.¹³³ Ever since his return to Tanzania, he has been the target of intimidation attempts. His home has been ransacked three times and Immigration officials have been casting doubt on his nationality without any legal grounds. His elderly parents were escorted to a regional immigration office where they were subjected to an eight-hour interrogation and were asked to sign documents without being allowed to read them. Kabendera's parents obtained limited and unsatisfactory explanations from the officials who interrogated them. One official added that Kabendera was suspected of selling state secrets to "European powers" but "everything will be all right" if he remains "humble."¹³⁴

On 5th March 2013, Absalom Kibanda, chairman of the Tanzania Editors Forum, was attacked by three men as he was driving home in Dar es Salaam. Kibanda had to travel to Johannesburg, South Africa, to seek specialist treatment for a severe eye injury, a severed fingertip, and broken teeth. No arrests have been made following the attack. Kibanda said that he suspected the attack was linked to his journalistic work because nothing had been stolen.¹³⁵ Kibanda has also been facing legal harassment linked to his work. He was due to appear in court on 6th March, along with two former colleagues, to face sedition charges under the 1976 Newspaper Act, in connection with a column published in Tanzania Daima that claimed authorities had misused police to block opposition party demonstrations.

Resource Extractive Industries

The recent discovery of natural gas reserves in Tanzania has heightened tensions in the country and closed the space for political protest. EHAHRDP has documented incidents of harassment of human rights defenders as well as restrictions imposed on the freedoms of association, expression, and access to information in both Tanzania and Uganda in relation to work on the

¹³¹ CPJ, Tanzanian journalist found murdered in forest, 9th January 2013 <https://cpj.org/2013/01/tanzanian-journalist-found-murdered-in-forest.php>

¹³² CPJ, Attacks on the press in Tanzania, 2012 <http://cpj.org/2013/02/attacks-on-the-press-in-2012-tanzania.php>

¹³³ African Arguments, Tanzanian media magnate defeated in landmark libel case, 13th December 2012 <http://africanarguments.org/2012/12/13/tanzanian-media-magnate-defeated-in-landmark-libel-case-against-british-citizen-%E2%80%93-by-magnus-taylor>

¹³⁴ RSF, Letter to home minister about harassment of leading journalist, 26th February 2013 <http://en.rsf.org/tanzania-letter-to-home-minister-about-26-02-2013,44137.html>

¹³⁵ CPJ, Journalist beaten by unknown assailants in Tanzania, 7th March 2013 <http://cpj.org/2013/03/journalist-beaten-by-unknown-assailants-in-tanzani.php>

natural resource extractive industries. HRDs conducting their work in the fields of environmental monitoring, community organization, national and local level policy advocacy are frequently frustrated on their efforts and also receive threats to their personal security.¹³⁶

Most recently, violent riots in Mtwara, Tanzania over the construction of a natural gas pipeline resulted in at least seven deaths in January 2013¹³⁷.

Gender-Based Violence

A general culture of impunity exists relating to rape, with most cases mired in delays or ending up dismissed, and police discouraging victims from speaking out.¹³⁸

Human rights defender Eustace Nyarugenda, director of the Action Based Community (ABC) Foundation actively engaged against Female Genital Mutilation (FGM) and domestic violence, was reported missing on Monday 3rd December 2012. He was found the next day unconscious in a hotel room in Bunda District, and died in hospital that night.¹³⁹

UGANDA

Freedom of Expression

In this period, press freedom in Uganda remains under threat as journalists continue to be attacked by security agencies. Human Rights Network for Journalist (HRNJ) Uganda received eighty-five complaints in 2012, forty two of which comprised of attacks on journalists by the police force. The attacks ranged from physical beatings, direct spraying, illegal arrest and detention, manhandling and stealing of property. Police have ranked the highest violators of the media freedom in Uganda since 2009.¹⁴⁰

On November 6th 2012, Ssematimba Bwejiire, a journalist for Radio Simba, was beaten by policemen and Kampala Capital City Authority (KCCA) officers as he attempted to record them impounding a commuter taxi. His audio recorder and money was also stolen in the attack. He was later released following an intervention by Resident City Commissioner Samuel Hashaka, who referred to the incident as “unfortunate”¹⁴¹.

Mr. Gerald Kankya, winner of 2011 EU Human Rights Defenders Award, together with his colleagues from Twerwaneho Listeners Club (TLC), a project to sensitize communities in the Rwenzori region of Uganda about the relevance of freedom of speech and association and

¹³⁶ EHAHRDP, “Only the Brave Talk About Oil”: Human Rights Defenders and the Resource Extraction Industries in Uganda and Tanzania, December 2012, <http://www.defenddefenders.org/2012/12/ugandatanzania-new-report-highlights-harassment-and-restrictions-of-human-rights-defenders-engaging-with-the-resource-extraction-industries/>

¹³⁷ Wall Street Journal, Pipeline Riots Leave 7 Dead in Tanzania, 28th January 2013

<http://online.wsj.com/article/SB10001424127887324329204578269942829075484.html>

¹³⁸ Tanzania Daily News, Rape Incidents in Zanzibar - Public Blame Police, Judiciary, 30th January 2013

<http://allafrica.com/stories/201301300117.html>

¹³⁹ Tanzania Human Rights Defenders Coalition and EHAHRDP, Police Must Investigate Death of Human Rights Defender in Mara, 6 December 2012, <http://www.defenddefenders.org/wp-content/uploads/2013/01/2012-12-06-Tanzania-press-release.pdf>

¹⁴⁰ Human Rights Network for Journalists Uganda, Press Freedom Index Uganda 2012, www.hrnjuganda.org/reports.php

¹⁴¹ Human Rights Network for Journalists Uganda, Ugandan journalist attacked for recording taxi impoundment, 7th November 2012 http://www.ifex.org/uganda/2012/11/07/police_and_city_enforcement/

holding leaders accountable through open and public debate¹⁴², has been a victim of continuous harassment and intimidation from government authorities. On 19th October 2012 Mr. Kankya received verbal summons from a local officer from Fort Portal Criminal Investigation Directorate to appear at the station the same day. These summonses were in relation to inciting violence and defaming the Tooro kingdom Queen mother. He refused to present himself to the police. In November the charges were not dropped and were expected to be reinstated.

On 18th January 2013, Mr. Kankya and his colleagues received more summons to report to the police for questioning. The summonses were in relation to a broadcast on 29th November 2012 of the Twerwaneho Program on Better FM that allegedly contained defamatory statements against the First Lady. Fearing that they would be detained over the weekend without being able to apply for bond, the HRDs informed police through letter that they would report on 21st January 2013. When the HRDs reported to the police they were arrested, before being released on police bond two days later, but have not yet been officially charged.

On 21st January 2013, the Uganda Communications Commission ordered the management of a local radio station, “Endigito” to suspend a talk show host James Kasiirivu or risk losing its operational license. Mr. Kasiirivu confirmed to HRNJ-Uganda that he was stopped by his bosses from hosting the talk show on 10th January 2013. He was also stopped from airing two other programmes “News Hour” which carried political analysis and commentaries on the major news events and “World Express”, which highlighted major global news and events.

On 6th March 2013, the Resident District Commissioner for Otuke district in Northern Uganda, Alu Kalungi Ssalongo, reportedly assaulted radio journalist Joseph Ekol, damaging and deleting his recorded audio material. The assault took place after the journalist recorded an exchange between the commissioner and other political leaders who were attending a workshop on environmental preservation. Ekol filed a case of threatening violence at Lira Central Police Station, but the witness he had presented to testify against the commissioner was arrested and detained for over an hour by the police. Eventually the witness was charged with assault and released on bond.¹⁴³

On 18th March 2013, prison warders at Kalisizo prison assaulted two journalists who were covering news of an escape. The two journalists, Pascal Lutabi, a reporter with WBS television and the Daily Monitor, and John Bosco Mulyowa, a reporter for Bukedde Media, were both detained at Rakai police station for over an hour. Lutabi reported being beaten for 30 minutes by a number of officers, who also beat him with a gun butt and a stick. His video camera and photo camera were destroyed and confiscated.¹⁴⁴

Civil Society

There has been a series of arrests of anti- corruption activists. On 4th February 2013, Ugandan Police arrested nine activists for distributing anti-corruption materials at Makerere University,

¹⁴² EHAHRDP, EHAHRDP congratulates Gerald Kankya on winning EU HRD award, 3rd May 2012

<http://www.defenddefenders.org/2012/05/uganda-ehahrdp-congratulates-gerald-kankya-on-winning-eu-hrd-award/>

¹⁴³ Human Rights Network for Journalists Uganda, President’s representative assaults journalists, deletes recorded material, 11th March 2013 <http://www.hrnjuganda.org/index-al-02.php>

¹⁴⁴ Human Rights Network for Journalists Uganda, Prison warders assault journalists, destroy their gadgets, 20th March 2013 <http://www.hrnjuganda.org/index-al-01.php>

Kampala and detained them at Wandegeya Police station. They were charged with inciting violence and later released on police bond after spending several hours in the police cell. On 7th January 2013, in a similar incident, two other activists, Arthur Larok of Action Aid Uganda and Leonard Okello were also arrested for giving out the same material. In another incident in November 2012, police cordoned off a hired venue and blocked activists from using it to launch the “Black Monday Movement,” an anti-corruption campaign which distributes information booklets on the current state of corruption in the country.

Sexual Orientation and Gender Identity

The Anti-Homosexuality Bill, introduced by Hon. David Bahati, was brought back to parliament in early 2012. The bill has been on Parliament’s order paper – which means that it could be imminently discussed – since late 2012. While Parliament did not fulfil the Speaker Rebecca Kadaga’s promise to pass the bill as a “Christmas gift” to the Ugandan people, the bill’s presence is contributing to the harassment and general insecurity faced by the LGBTI community in the country.