Overview of the Human Rights Situation in the East and Horn of Africa
April 2018 – October 2018

Report submitted to the 63rd Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR)
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(THE EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS PROJECT)

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Introduction & Executive Summary

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) welcomes the opportunity offered by the 63rd Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR) to highlight some of the human rights issues in the East and Horn of Africa sub-region for the period of April to October 2018.

This submission 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 (EHAHRD-Net), by our members and partners throughout the sub-region. Disregarding their obligations under the African Charter on Human and Peoples’ Rights (the African Charter), over the past six months governments in the sub-region have sought to restrict legitimate expressions of civilian dissent like peaceful demonstrations, the free expression of human rights defenders (HRDs) and media, as well as targeted civil society organisations (CSOs) through various strategies of harassment and repression.

Tanzania’s assault on civic space continued over the last six months, with the enforcement of new draconian legislation meant to stifle independent voices and hobble CSOs under the guise of public morality and national security.

Violence during a by-election in northern Uganda sparked a brutal country-wide crackdown on political opposition figures, independent media, and peaceful demonstrators, highlighting an increasingly authoritarian streak in the country’s long-established leadership.

Despite a healthy thawing of international relations in the Horn of Africa, Eritrea and Djibouti remain two of the most repressive governments in the sub-region, regularly using both legal and extra-legal methods to quash dissent from any critical voices advocating for greater democracy or adherence to basic human rights standards.

A major shakeup in the leadership of Ethiopia has brought about significant democratic reforms, yet there remain unresolved issues such as justice and accountability for human rights violations committed against citizens during mass unrest and the State of Emergency proclamations that characterised the preceding years. Similarly, in Kenya, despite a public rapprochement of rival leadership figures, little action has been taken to address violations against citizens and HRDs amid violence that consumed the country during the hotly contested 2017 presidential elections.

A peace deal between warring factions in South Sudan offers a chance to end years of hostilities that have devastated the fledgling nation, but the situation remains grave and precarious, with significant dangers still threatening HRDs and aid workers. Burundi, on the other hand, remains mired in a political crisis, which has forced hundreds of HRDs to flee the country and decimated civil society, a situation compounded by a controversial referendum that saw the ruling party cement its stranglehold on power.
While Somalia made strides in establishing a more cohesive central government, the continued repression of journalists in the breakaway republic of Somaliland and semi-autonomous Puntland, in addition to insecurity fuelled by non-State actors like Al Shabaab, continue to make the promotion of human rights an uphill battle in the beleaguered nation.

Despite an impressive record of economic growth, small gains made in a recent parliamentary election, and the release of more than 1,000 prisoners, the ruling government of Rwanda continues to stifle and intimidate opposition figures. Conversely, a major economic crisis threatens the authoritarian leadership of Sudan, paving the way for potential unrest, and repression of demonstrators in the face of staggering inflation and rapidly rising living costs.

**Recommendations**

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

- 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;

- Call on all member States to adopt specific legislative measures to recognise the status of HRDS, protect the rights of their colleagues and family members, and provide a working environment conducive for civil society, as per Res. 376 (LX) 2017 adopted by the Commission during its 60th Ordinary Session Niamey, Niger;

- Call on member States to cease the harassment and arbitrary detention of HRDs, including those working on sexual orientation and gender identity issues, and recognise that the rights in the African Charter on Human and Peoples’ Rights are universal;

- Call on the Government on Burundi to implement all relevant resolutions, including ACHPR/Res. 396 (LXII) 2018, and continue to monitor and condemn human rights violations in Burundi, and engage in efforts to find a peaceful solution to the crisis in Burundi in all relevant fora;

- Undertake a fact-finding mission to Tanzania to investigate and document human rights violations, and urge the Government of Tanzania to respect its obligations under the African Charter on Human and Peoples’ Rights;

- Support the government of South Sudan to immediately establish and operationalise the Hybrid Court for South Sudan to insure transparent accountability for crimes.
committed during the civil war; and insure the implementation of the new peace agreement;

- Call on the government of Ethiopia, ahead of its May 2019 UN Universal Periodic Review, to address recommendations raised by civil society, including removing all undue obstacles to the registration of civil society associations, creating an environment in which independent media, and human rights defenders can operate freely in a safe and secure environment;

- Call on States to abide by the Guidelines on Freedom of Association and Assembly adopted by the Commission during its 60th Ordinary Session, ensuring that they fulfil their obligations under the African Charter by fully protecting these rights;

- 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;
Burundi

On 17 May, Burundians voted in a controversial constitutional referendum, the implications of which could entrench the power of the ruling Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD-FDD) party and allow President Pierre Nkurunziza to theoretically remain in power until 2035.¹ The referendum drew fierce criticism from opposition parties, civil society, and diplomatic missions as a violation of the 2000 Arusha Peace and Reconciliation Agreement that brought an end to the country’s civil war and which stipulate a ten-year limit for presidential mandates. According to official results, which opposition parties are challenging in Burundi’s Constitutional Court, 73 percent voted in favour of the proposed amendments,² but observers reported an overarching sense of fear surrounding the vote.³ Shortly after the referendum, Human Rights Watch published a report documenting extensive violations by state actors and members of the Imbonerakure youth militia in the lead up to the vote, including the use of sexual violence and extra-judicial killings.⁴

In a surprise move, President Nkurunziza declared on 7 June that his mandate will end in 2020 and he will support the future President of the Republic.⁵ His announcement came shortly after he signed into law a new constitution that allows him to seek another two terms in office. Some observers noted that this was by no means a clear and firm commitment not to run for president in the upcoming elections.

In an oral update to the UN Human Rights Council (UN HRC) on 27 June, the Commission of Inquiry (Col) on Burundi highlighted human rights violations, extrajudicial killings, enforced disappearances, torture, violations of civil liberties, and economic and social rights. The Col highlighted that these violations were facilitated by a continuing environment of threats and intimidation, particularly through speeches by local authorities and members of the ruling

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party, constituting barely concealed incitement to hostility or violence.\(^6\) On 28 September, the UN HRC renewed the mandate of the CoI, allowing it to continue its investigative work.\(^7\)

On 12 July, the European Parliament adopted a new resolution on Burundi, expressing its concern over impunity, torture, summary executions, enforced disappearances, arbitrary detentions, and hate speech. The resolution also called on the international community to closely follow the situation in Burundi, and support the continuing investigation by the International Criminal Court (ICC). Among other recommendations, members of the European Parliament demanded “an end to be put to any further payment to the Burundian troops and various contingents from Burundi engaged in UN and AU peacekeeping missions.”\(^8\)

In a joint report launched at the 39th session of the UN HRC, DefendDefenders and the Burundian Coalition of Human Rights Defenders (CBDDH) highlighted the situation of exiled Burundian HRDs. More than three years after the eruption of Burundi’s human rights crisis, “Between Despair and Resilience: Burundian human rights defenders in protracted exile in Uganda and Rwanda” examined the achievements of HRDs, and their professional, security, and socio-economic challenges in order to formulate concrete recommendations for the enhancement of their human rights work.\(^9\) Another DefendDefenders report published in July, “Headlong Rush,” examines Burundi’s appalling behaviour as a member of the UN HRC and calls on UN member states to commit to principled voting in relation to Council elections.\(^10\)

**Intimidation, Harassment, and Attacks Against HRDs**

On 26 April, HRD Germain Rukuki was sentenced to 32 years in prison on charges including “rebellion, breach of State security, participation in an insurrection, and attack on the Head of

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Several CSOs highlighted irregularities in his judicial proceedings, while UN experts described the case as “evidently linked to his work in defending human rights.” On 18 June, Rukuki was forcibly removed from a hospital by security officials one week after receiving surgery on his leg, before his full recovery. He could not walk unassisted, and his foot was still bandaged.

Freedom of Association

On 20 June, an official of the ruling CNDD–FDD party, Melchiade Nzoptabarusho, was released by a Bujumbura Court of Appeal after being originally sentenced to three years in prison for threatening opponents of the constitutional referendum with death in April 2018.

On 3 August, members of the Imbonerakure militia assaulted Frédéric Bujana, Denis Ncurebuguifi, and Désiré Singirankabo in Karusi province. According to SOS-Torture/Burundi the attack was targeted, as the victims were members of Forces nationales de libération (FNL) opposition party and accused of campaigning for "No" during the referendum.

On 13 August, HRD Nestor Nibitanga was sentenced to five years imprisonment by the High Court of Mukuza in Bujumbura on charges of “undermining state security.” He is accused of reporting on human rights violations on behalf of the Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH) an organisation that was shut down by the government in 2016. Nibitanga had been arbitrarily detained since 21 November 2017.
On 28 September, the Burundian government announced a three-month ban on several local and international NGOs. Few details were released except that the organisations were provisionally suspended as of 1 October for allegedly violating the January 2017 NGO Law. They will be allowed to reopen, according to the government, if they comply with the country’s regulations. The rules include strict control of their finances, the payment of administrative fees, and the implementation of ethnic hiring quotas.\(^1\)

On 27 September, the First Instance Division of the East African Court of Justice (EACJ) declined to grant the Kenya Human Rights Commission (KHRC), Foundation for Human Rights Initiative (FHRI), and International Federation for Human Rights (FIDH) the leave sought to appear as *amicus curiae* (friends of the Court) in a matter that challenges the Burundian government’s order banning the activities and programs of five Burundian NGOs and freezing their accounts.\(^2\)

**Freedom of Expression**

In the run-up to the May referendum, the National Communication Council (NCC) restricted several of the few remaining independent media outlets still operating in the country. On 11 April, Iwacu News was ordered to suspend its online comments section over allegations of "violation of professional standards."\(^3\) BBC radio operations were suspended on 4 May 2018, after a guest on the radio made remarks that the NCC considered inappropriate. Voice of America was shut down on the same day for allegedly broadcasting on a banned frequency.\(^4\) In the same statement, the NCC also warned *Radio France Internationale* (RFI) over recent “untruthful and partisan” remarks, and accused the Burundian station *Isanganiro* of poor verification of sources.\(^5\)

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Freedom of Peaceful Assembly

On 17 August, security agents arrested about 20 people attending a workshop organised by the Burundi Leadership Training Program (BLTP). Although the organisers had an authorising letter signed by the Ministry of Interior, they were also arrested. The police gave no reason for these arrests.23

Djibouti

Following the adoption of Djibouti’s Universal Periodic Review (UPR) by the UN HRC in September, DefendDefenders and the Djiboutian Observatory for the Promotion of Democracy and Human Rights (ODDH) highlighted the government’s unwillingness to accept concrete recommendations, the lack of consistency of some of its replies,24 and the fact that Djibouti has yet to implement recommendations it committed to in its previous 2013 review.25 Djibouti has received experts on the human rights situation in Somalia and Eritrea, but has never accepted any visit requests by other mandate holders concerning its own human rights situation.26

On 12 September, it was reported that Djibouti and Eritrea would normalise relations, ending a decade-long dispute instigated during a 2008 border skirmish that left several dead.27

Intimidation, and Harassment, and Attacks Against HRDs

On 15 April, agents from the country’s Information and Security Service briefly detained HRD Kadar Abdi Ibrahim and confiscated his passport without giving any justification for their actions. The incident happened two days after he returned from Geneva, having participated in advocacy activities and events ahead of Djibouti’s UPR.28 In an annual report from UN Secretary-General Antonio Guterres released on 12 September, Djibouti featured on a list of 38

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countries the UN said carried out "shameful" practices including harsh reprisals and intimidation against people cooperating with UN human rights mechanisms as well as ill-treatment, detention, surveillance, and public stigmatisation of victims and HRDs.29

**Freedom of Association**

On 18 October, police searched the home of opposition MoDEL party president Ismael Ahmed Waberi. The following day, Waberi was arrested alongside five other MoDEL leadership figures, including first vice-president Saada Ahmed Houssein, second vice-president Moussa Houssein Hadi, secretary general Kadar Abdi Ibrahim, and party member Yacin Abdillahi Boulaleh.30

**Freedom of Peaceful Assembly**

Police allegedly used tear gas and live ammunition to break up a protest in Tadjourah on 14 May after dozens of protesters gathered to denounce alleged nepotism in the recruitment of new civil servants linked to the construction of a new naval port. Some protesters suffered gunshot wounds, including one who was severely injured, and more than 80 arrests took place, although most detainees were later released.31 The right to freedom of peaceful assembly is severely restricted in Djibouti; while Article 15 of the Constitution guarantees “the full enjoyment of public rights and freedoms,” the Penal Code broadly criminalises public assemblies considered likely to “disturb public order.”

**Eritrea**

On 28 and 30 April, Eritrea presented its first state report to the 62nd ordinary session of the ACHPR in Mauritania. While this is a positive development, CSOs like Reporters Without Borders raised concerns over the state report's accuracy and credibility, describing the situation of freedom of expression as significantly worse in their own shadow report.32

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30 DefendDefenders, “Djibouti: Release critics, uphold their civil and political rights,”
On 9 July, Eritrean President Isaias Afwerki and Ethiopian Prime Minister Abiy Ahmed signed a declaration to end the "state of war" between the two rival nations, triggered during a brutal 1998-2000 border war.\(^{33}\) It remains to be seen whether the improving relationship with Ethiopia will end the indefinite conscription of Eritreans into National Service, a compulsory programme for all citizens aged 18 to 50 years old, which includes military service. Introduced in 1995, this programme has been likened to modern day slavery by human rights actors.\(^{34}\)

In a further thawing on tensions in the Horn of Africa, on 12 September, it was reported that Djibouti and Eritrea would formally normalise relations frozen after a 2008 border skirmish.\(^{35}\) While several States in the Horn of Africa called on the UN General Assembly in September to lift sanctions against Eritrea,\(^{36}\) this regional rapprochement has yet to actually translate into the relaxing of Eritrea’s egregious human rights policies.\(^{37}\) In October, Eritrea was elected, without competition in a “clean slate,” as a member of the UN HRC in a move decried by international civil society.\(^{38}\)

**Freedom of Association**

On 18 July 2018, the government released 35 detainees held for belonging to unregistered Christian denominations.\(^{39}\) Eritrea has four official religions: Orthodox Christianity, Sunni Islam, Roman Catholicism, and the Evangelical-Lutheran church of Eritrea; membership in any other religious group is illegal. On 10 August, BBC reported that National Security Agency agents arrested Pentecostal Christians who attended an informal sermon by Ethiopian preacher Surafiel Demssie.\(^{40}\)

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\(^{40}\) BBC, “Africa this week: Trump’s new conditions for ending Zimbabwe sanctions,” 10 August 2018,
Freedom of Expression

In light of thawing relations with Ethiopia, One Day SEYOUN, an organisation seeking the release of imprisoned journalist Seyoum Tsehaye, started a viral #QuestionsForIsaias campaign on Twitter, in which users posed questions to President Afwerki about his 25-year dictatorship. Tsehaye, a freelance photojournalist, and his colleagues were arrested on 18 September 2001 in Asmara for demanding democracy in Eritrea.

On 17 September, former Eritrean Finance Minister Berhane Abrehe was arrested by national security agents in Asmara and taken to an undisclosed location. Berhane had recently released a controversial book criticising the Eritrean president and calling on young Eritreans to rise up for democratic change.

Freedom of Peaceful Assembly

In early March, police in Asmara arrested and detained a large number of people after protests linked to the burial of Haji Musa Mohamed Nur who died in police custody at the age of 93. Many protesters were arrested near the Sheikh Alamin cemetery, where the burial took place, and were taken to the Adi Abeito Prison. Haji Musa, a former director of a private Islamic school and a co-founder of the Eritrean Liberation Struggle, was arrested in October 2017 and is believed to have died in custody on 1 March.

Ethiopia

In late March, the ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) elected Dr. Abiy Ahmed as its new leader following the abrupt resignation of Hailemariam Desalegn. Abiy is

a former minister and Ethiopia’s first Prime Minister from the Oromo ethnic group since the ruling party took power in 1991. Since April, he has introduced sweeping reforms, including releasing hundreds of political prisoners, unbanning several political groups, and establishing a Ministry of Peace.\textsuperscript{46} Despite these improvements, Ethiopia’s relaxing of authoritarian control has also been accompanied by renewed ethnic tensions.\textsuperscript{47} On 5 October, the EPRDF coalition voted to extend Prime Minister Abiy’s chairmanship, cementing his authority as leader of the country.\textsuperscript{48} In early June 2018, the government lifted the State of Emergency imposed in February following the abrupt resignation of the former Prime Minister.\textsuperscript{49}

On 9 July, Prime Minister Abiy and Eritrean President Afwerki signed a declaration to end the "state of war" between the two nations.\textsuperscript{50} In early September, Prime Minister Abiy announced that troops on both sides would withdraw from the Eritrean border, several months after the two former rivals officially opened the border following two decades of tensions.\textsuperscript{51}

On 4 October, for the 33rd Session of the Universal Periodic Review (UPR) Working Group, CIVICUS World Alliance for Citizen Participation, Association for Human Rights in Ethiopia (AHRE), DefendDefenders, Committee to Protect Journalists, Article 19, Consortium of Ethiopian Rights Organizations (CERO), and Pen International, submitted a joint report for Ethiopia’s review.\textsuperscript{52}

\textbf{Freedom of Association}

On 4 April, 19 political activists were released without charge. They were arrested on 24 March after travelling to Bahir Dar to discuss the formation of a new political party. Among those arrested were Dr. Dessalegn Chane (a professor at Bahir Dar University), Gashawu Mersha, Yesuf Ibrahim (a lawyer and former university lecturer), Temesgen Tessema (a lecturer at Wolo

\textsuperscript{48} Twitter, Fitsum Arega @fitsumaregaa, https://twitter.com/fitsumaregaa/status/1048199371618222083/photo/1, Accessed 18 October 2018.
University), Belete Molla (a lecturer at Addis Ababa University), Nigatu Asress (a journalist at Amhara Regional TV), Belete Kassa (a former editor-in-chief of Qelem Qend newspaper), and Kassu Hailu (a lecturer at Enjibar University).  

Bashir Makhtal, a Canadian citizen imprisoned in Ethiopia for more than 11 years, was returned to Canada on 21 April.  

On 27 May, authorities pardoned opposition leader Andargachew Tsige, who was found guilty of "terrorism" and sentenced to life in prison in absentia in 2009 over his role in the opposition group Ginbot 7. Andargachew, who has British citizenship, was pardoned "under special circumstances" along with 575 other prisoners. He had been on death row for over three years after he was seized at an international airport in Yemen in June 2014 and transferred into Ethiopian custody shortly thereafter, where he was held in solitary confinement for over a year.  

On 12 July, the President of the beleaguered Somali region, Abdi Mohamoud Omar, announced that his provincial government had released thousands of inmates who had been jailed for their involvement with the ONLF. He proceeded to say that plans were underway to turn the prisons into schools and hospitals.  

On 7 August, the Ethiopian government signed an agreement to end hostilities with the Oromo Liberation Front (OLF). This followed the declaration of a unilateral ceasefire by the group in early July, after Parliament removed it from a contentious list of banned terrorist groups

maintained by the previous government since 2008, which also included Ginbot 7 and the ONLF.  

On 15 September, the OLF leadership returned to Addis Ababa from exile in Eritrea, along with some 1500 OLF fighters. Similarly, nearly 2000 Ethiopian rebels with the Tigray People’s Democratic Movement (TPDM) returned from Eritrea in October after signing the peace agreement with the Ethiopian government in August.

On 16 October, Ethiopian police arrested Henok Aklilu, a young attorney and HRD, and his friend activist Michael Melak. They were accused of organising and inciting instability, opposing Addis Ababa’s administration and attending meetings and training sessions at the Embassy of the State of Palestine. They were allegedly arrested while preparing to establish a youth association in Addis Ababa.

**Freedom of Expression**

On 5 April, 11 journalists, bloggers, and activists were released from detention. They were arrested by Ethiopian security forces on 25 March while attending a private meeting in Addis Ababa at the home of journalist Temesgen Desalegn. They had also allegedly displayed a flag that differs from the official national banner at the meeting. Blogger Seyoum Teshome, who was arrested on 8 March, was also released in mid-April.

In a positive step, mobile Internet services that had been blocked for months, notably in the protest-heavy Oromia, Amhara, and Southern Nations, Nationalities, and Peoples’ Region (SNNPR), were restored in early April 2018. All Internet and telephone services in the country are controlled by state-owned Ethio Telecom.

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On 22 June, Ethiopian authorities allowed access to 264 previously blocked websites, news outlets, and blogs, including diaspora-based outlets like the Oromia Media Network and Ethiopian Satellite Television and Radio.67

On 13 July, a news crew from state-owned Dire Dawa Mass Media Agency was attacked in Meiso, Oromia State, by a group of unknown people who accused them of being spies. The news crew, who were travelling to Addis Ababa to cover a visit by the Eritrean president, were then taken to the police station by the attackers and later released. However, their driver Suleiman Mahamed, who left the police station alone after being released, was again assaulted in a separate attack which left him in a coma state. He died in hospital on 19 July due to injuries sustained to his head and ribs.68

In early August, the Ethiopian government cut off Internet connections in the eastern parts of the country, the first time they have done so since lifting the State of Emergency in June 2018.69 The shutdown was allegedly in response to ongoing violence in the Somali region.70

On 10 October, the government cut off Internet connection for several hours when 200 protesting soldiers, some of them armed, arrived at the Prime Minister’s office unannounced allegedly to demand a pay rise.71

Freedom of Peaceful Assembly

On 14 September, police fired tear gas in Addis Ababa to disperse crowds in the wake of clashes between OLF supporters and some residents of the city.72 The clashes were sparked by objections to OLF supporters displaying the flag and colours of their movement. Police also confirmed that five people were killed on 17 September during clashes between security forces and demonstrators in Addis Ababa, who were marching to protest the killings and violence of

the prior two days. The Oromo are the largest ethnic group in the country and were at the centre of massive protests that began in 2016 amid claims that the central government had politically and socially disenfranchised them for decades. In the days following the violence, some 3,000 youths were arrested, with nearly 1,200 detained at the Tolay Military Camp for a “rehabilitation education.” At least 1,000 of the detained were released on 18 October. Rights groups denounced these arrests as contrary to government promises of reform and commitment to the protection and respect of fundamental human rights.

On 28 September, five men were charged with terrorism in connection to a grenade attack which killed two and injured over a hundred at one of Abiy’s political rallies in June.

Kenya

After months of violence following the hotly contested August 2017 elections and the controversial October 2017 rerun, President Uhuru Kenyatta and his rival Raila Odinga publicly shook hands and pledged reconciliation in early April 2018. However, this rapprochement between the ruling party and opposition did not necessarily lead to justice for protesters killed in post-election violence, nor to a reversal of the flagrant crackdown on freedom of expression and association that has since taken place.

Intimidation, Harassment, and Attacks Against HRDs

In June 2018, Human Rights Watch accused Kenyan officials of routinely harassing and threatening HRDs advocating for accountability after the unrest that engulfed the 2017 general elections. Most of the incidents reported by HRDs include threats of arrest, warnings against posting information about police brutality, home and office raids, and confiscation of laptops


and other items. There have reportedly been up to 15 activists who have endured these intimidation tactics since the elections.78

In late August, a Kenyan lawyer filed a petition at the ICC in The Hague to officially investigate crimes against humanity allegedly committed during the eviction of families from Mau Forest.79 The indigenous Ogiek community, who live in the Mau forest complex, allege that they have been forcibly evicted from their ancestral lands without compensation for decades. In May 2017, the African Court on Human and Peoples’ Rights ruled that the Kenyan government had violated the Ogiek people’s rights to land, religion, culture, development, and non-discrimination.80

On 30 August, several CSOs collaborated to mark the international day of victims of enforced disappearances by launching Missing Voices, a website that will help document cases of enforced disappearances and extrajudicial executions in Kenya.81

Freedom of Expression

*Rafiki*, a Kenyan film that explores a love story between two young women, was banned in Kenya on 26 April ahead of its debut at the Cannes Film Festival. The Kenya Film Classification Board (KFCB) justified the ban asserting that the film "seeks to legitimise lesbian romance," while homosexual sex is against the law in Kenya.82 The KFCB also accused the film’s Kenyan director, Wanuri Kahiu, of contravening the Film and Stage Plays Act (2012),83 which states that alterations to the script of a production can only be made after the permission of the licensing officer. They accused her of changing the script to include content to “celebrate the resilience of the youngsters involved in lesbianism,” after the licensing of the film.84 Kahiu was threatened

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with arrest, yet denied the charges. In September 2018, Kahiu sued the KCFB on grounds of damage to her career, which led to the ban being temporarily lifted on 21 September by the High Court in Nairobi, allowing the film to be screened for a single week and qualify for Academy Award nominations. In her ruling, Justice Wilfrida Okwany stated that Kenyan society is not so weak that its moral foundation will be shaken by seeing such a film.

On 29 May, The High Court in Nairobi temporarily suspended 26 sections of the Computer Misuse and Cybercrimes Bill, which was signed into law by the President on 16 May 2018, after an appeal by the Bloggers Association of Kenya, among others. While the objective of the law was to address issues including cybercrime, cyber bullying, phishing, and fake news, the plaintiffs contend that it contains provisions which threaten freedom of expression, the right to privacy, and the right to a fair trial. On 3 July, the suspension of the 26 provisions was extended to October when the Court will hear an application by the Attorney General to have the suspension lifted on the basis that it was erroneously issued.

On 31 July, during a parliamentary session, two journalists with the privately-owned People Daily newspaper were criticised and threatened with being barred from covering future parliamentary proceedings, and summoned to a legislative committee. The summons was allegedly in connection to stories Dinah Ondari and Anthony Mwangi published on 30-31 July accusing MPs of taking and soliciting bribes from organisations and individuals they were meant to be investigating.

On 16 August, two Nation Media Group journalists were assaulted by security guards and construction workers while trying to cover a story related to an ongoing construction project, which had encroached on public land. Laban Walloga and Karim Rajan were then put into a car and taken to Bamburi Police Station where they were arrested. They were released the same evening after complaints by CSOs.

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91 Pulse, “Boinnet takes action after 2 NMG journalists were beaten,” 17 August 2018,
On 3 September, Sharon Otieno and photojournalist Barrack Oduor were abducted and attacked as they went to meet a story source, a meeting which later turned out to be an orchestrated ambush. It later emerged that Otieno, who had a relationship with the county governor, Okoth Obado, was seven months pregnant, and had contacted Oduor to make the story public. Oduor escaped the kidnapping by jumping out of a moving vehicle, while Otieno’s body was later found dumped in Kodero Forest, apparently stabbed to death.

In October, the Kenyan government introduced a 15 percent excise duty tax on Internet services through a new Finance Bill, which came into effect on 15 October. This levy limits freedom of expression online and makes it increasingly difficult for citizens to access information on matters of public concern.

Freedom of Peaceful Assembly

Police arrested two environmental activists on 25 May during a protest against plans to set up a coal-fired power plant at Kwasasi, Lamu County. The two activists, Walid Ahmed Ali and Ishaq Abubakar Khatib, were picked up by police on the streets of Lamu Old Town. Both work with Save Lamu, an environmental activism group. The group had sought permission to demonstrate but their request was rejected by police who deemed the protest “unlawful.”

On 29 May, activist and protest organiser, Mildred Atty Owiso, went missing two days before a nationwide anti-corruption demonstration scheduled for 31 May. It later emerged that she had been abducted by men in plainclothes, driven to an undisclosed location, and questioned. Five hours later, she was released and warned by the abductors to stay off social media and stop organising protests. The demonstration was part of a series of protests organised by an


all-female group to raise awareness of a massive corruption scandal within the National Youth Service and National Cereals and Produce Board.  

On 23 August, dozens of Kenyans took to the streets to show solidarity and protest the detention of Ugandan pop star turned MP, Robert Kyagulanyi, popularly known as Bobi Wine, and thirty two others. The protestors converged at the city’s Uhuru Park and marched to the Ugandan Embassy in demonstrations that were peaceful and not suppressed by Kenyan security forces.

Rwanda

Freedom of Association

The trial against former presidential candidate Diane Rwigara and her mother continues, despite being repeatedly delayed. The two have been charged with “inciting violence, insurrection, or trouble among the population,” as well as several tax related offences. On 18 June, authorities auctioned off almost USD $2 million of Rwigara's family tobacco business to recover tax arrears. Diane, a presidential candidate in the 2017 general election, alleges that charges against her are politically motivated. Since announcing her decision to run for presidency, Diane and her family have experienced unending threats and attacks from authorities intended to intimidate and harass them. She has been in detention since September 2017.

In a rare development, two Green Party opposition candidates were elected to parliament for the first time during elections held on 5 September. Another small party, PS Imberakuri, also won two seats for the first time. However, the ruling Rwandan Patriotic Front (RPF) party


103 Bloomberg, “Four Seats Enough, Rwanda’s Opposition Declares Vote Victory,” 6 September 2018,
retains an overwhelming majority, amid accusations that it has for years stifled, harassed, and jailed opposition figures.

On 15 September, 2,140 prisoners were released, including jailed opposition leader Victoire Ingabire of the FDU-Inkingi political party. Ingabire returned from exile in 2010 to run for president, but was arrested within a few months, and accused of undermining the government and denying the genocide. In 2012, she was sentenced to 15 years in prison, in a trial described as politically motivated by international CSOs. After her release, Ingabire called for the release of other political prisoners, while President Paul Kagame responded by warning the newly released prisoners to be "humble" and "careful" or they would return to jail.

Freedom of Expression

On 10 August 2018, the Observatoire des droits de l’homme au Rwanda reported the disappearance of Jean de Dieu Ndamira, a Rwandan citizen who had been sharing stories of his life on social media and on websites such as the Rwandan Media Network. According to reports, it is believed that he may have been detained by Rwandan authorities because of his writing, which has been considered critical of the Rwandan government.

Gospel musician Kizito Mihigo, was also released alongside Ingabire on 15 September. He was arrested in 2014 after he released a song about the 1994 genocide. He later pleaded guilty to conspiring to kill president Kagame, among other crimes, although civil society groups reported that he had been beaten and coerced into making the confessions.

Freedom of Peaceful Assembly

On 2 May, 23 Congolese refugees at the Kiziba Camp were arrested after clashes erupted with Rwandan security forces. The violence left one protester dead and at least one other injured. Clashes began when refugees in the camp allegedly pelted visiting government officials with stones, prompting police to respond with tear gas and live ammunition. Refugees have reportedly been banned from interacting with the general public since 22 February 2018, when protests over food rations left at least 11 dead. Over 17,000 Congolese refugees live in the camp.

Somalia (with Somaliland)

In a report presented during the 39th session of the UN Human Rights Council in September, the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, highlighted positive developments in the country, including forward motion on the establishment of a National Human Rights Commission, and ending the practice of public executions in Mogadishu. However, the report also raised significant challenges, including the continued crackdown on free expression and independent media.

In late June, the Human Rights Centre in Somaliland accused the government of disregarding the Paris Principles when selecting members of the National Human Rights Commission, a process the organisation said lacked transparency and disregarded national and international law.

In report published on 13 August, the UN Assistance Mission in Somalia (UNSOM) and the UN human rights office (OHCHR) urged Somalia to ensure that future elections are not marred by the human rights violations committed during the 2016-2017 parliamentary and presidential election cycles. The report outlined abuses by state security forces and non-state actors like Al Shabaab in the previous electoral period, including the killing of 44 clan leaders and electoral

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delegates, most of which were not properly investigated. It also recommended that future candidates for office be vetted with regard to their human rights records.\textsuperscript{114}

On 13 August, the Somali National Army instructed troops to ensure compliance with international humanitarian law when conducting military operations in the country, emphasising civilians protection during armed conflict.\textsuperscript{115}

Al Shabaab claimed responsibility for a suicide car bombing that targeted a European Union (EU) convoy on 1 October in Mogadishu, killing three and injuring others. The EU is a major source of funding for the African Union-mandated peacekeeping force (AMISOM) which supports the central government against various Islamists organisations across the country.\textsuperscript{116}

**Freedom of Association**

Somaliland’s Vice-Minister for Planning and Development deregistered seven NGOs in mid-July, claiming that they were registered as local organisations, despite also being registered in other countries. The organisations were based in Mogadishu and also have offices in Somaliland.\textsuperscript{117}

Somaliland is a self-declared republic, although it is internationally recognised as an autonomous region of Somalia.

In October, a defected founder and commander of militant Islamist group Al Shabaab, Mukhtar Robow, was barred from running for public office in Somalia. A day after Robow declared his intention to run, the Ministry of Interior said in a statement that he is unable to put his name forward for the presidency of the country’s South-West state, as he still faces sanctions. He is the highest ranking Al Shabaab militant to defect, despite being one of the group's founders.\textsuperscript{118}


Freedom of Expression

Somalia remains one of the most dangerous countries in the world for journalists. On World Press Freedom Day in May 2018, UN Special Representative Michael Keating called for space that would allow journalists to operate without fear.\(^{119}\)

On 4 May, authorities in Garowe, in the semi-autonomous Puntland region, arrested journalist Ibrahim Obo Daud (also known as Suldan Godogodo) who runs *Shacabka* Media, a news website that covers Somalia with a focus on Puntland politics. The journalist is a Norwegian citizen and was visiting his family in Puntland at the time of the arrest. It is unclear what triggered the arrest, but he was held at Garowe Prison and allegedly denied medical care. On 20 May, he was released on bail, though no charges had been brought against him. His passport was confiscated and held by the Puntland's Grade 1 Court, and he was allegedly ordered to report to the office of the Puntland Attorney General on a weekly basis.\(^{120}\)

Somaliland poet Naima Ahmed Ibrahim Qorane was released from prison on 7 May, after receiving a presidential pardon. She was arrested in late January and sentenced to three years in prison for spreading "unpatriotic propaganda" for allegedly promoting the idea of a united Somalia on Facebook.\(^{121}\)

Mohamed Ahmed Jama and Abdirahman Keyse Mohamed, two journalists covering the conflict between Somaliland and Puntland, were arrested in late May 2018. They were arrested in the town of Las Anod in the contested Sool region and detained at a police station until 30 May, before being transferred to the main detention centre. Neither were charged. They were granted bail and released on 31 May.\(^{122}\)

On 29 May, Somaliland's Information Ministry banned SBS TV and another privately-owned station SOMNews. The Ministry of Information accused the stations of inaccurate reporting and carrying out a "propaganda war" against Somaliland.\(^{123}\)

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On 23 May, a parliamentary committee of the Somaliland National Assembly issued a decision banning unauthorised press conferences and meetings in Sool region. The decision was taken in the wake of escalating conflict between Puntland and Somaliland.124

On 19 June, the Attorney General’s office in Somaliland sought a court order to have local newspaper Waaberi deregistered, accusing it of improper registration. Waaberi’s owner, Hassan Omar Hassan, was accused of dual registration and illegal transfer of ownership. No clause under Article 6 of Somaliland’s Press Law forbids dual registration or transferring.125 On 21 July, an appeals court lifted the ban imposed by a lower court.126

In late June 2018, the President of Somaliland pardoned journalist Mohamed Adan Dirir and blogger Mohamed Kayse Mohamoud. Dirir had been sentenced in a one-day trial on 8 October 2017 to 18 months in prison on charges of criminal defamation and publishing false news. Kayse had been sentenced to 18 months in prison for “offending the honour of the President” in a Facebook post. They were released from prison on 18 and 19 June, respectively.127

On 20 June, the government of Somaliland released tribal leader King Osman Aw Mahamoud (also known as Burmadow) after serving two months in jail. He had been imprisoned in April on charges of “bringing the State into contempt” after delivering a speech critical of the sovereignty of Somaliland at an elder’s inauguration event in the semi-autonomous Puntland earlier in the year.128

On 5 July, the European Parliament adopted a resolution recognising the need for urgent action in the face of grave violations of freedom of expression in Somalia, notably the government’s longstanding mistreatment of the National Union of Somali Journalists (NUSOJ). The resolution notably called for “the institution of independent and credible investigations of crimes committed against Somali journalists, the eradication of corruption, and the building of accountable institutions, especially in the security sector.”129

On 8 July, an appeals court in Hargesia overturned a ban on popular newspaper *Haatuf*.130 *Haatuf* and its sister publication, Somaliland Times, were suspended in 2014 on allegations of publishing false news. Their editor-in-chief, Ahmed Ali Egeh, and owner, Yusuf Abdi Gabobe, were both given three-year prison terms and hefty fines.131 They have filed a civil suit against the government at the regional court in Hargesia seeking compensation for the closure.

On 26 July, journalist and cameraman for the privately-owned Somali Broadcasting Services, Abdirisaq Qasim Iman, was shot dead by a soldier at a traffic stop in Mogadishu.132 According to witnesses, within moments of arriving at the checkpoint, an argument between the two led the soldier in question to fire two rounds at Abdirisaq’s head. The soldier fled the scene after the shooting.133

In a report presented during the 39th session of the UN HRC in September, the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, highlighted reported cases of alleged arbitrary arrest, detention without trial, harassment, and intimidation of journalists by security agents. The report also raised concerns on a proposed media law which may fall below international standards, as amendments proposed by journalists were not included when it was tabled in parliament.134

According to a report released on 6 September 2018 by the United Nations Assistance Mission in Somalia (UNSOM) between August 2016 and July 2018, eight journalists and media workers were killed and 32 injured, while 94 journalists and other media workers were arbitrarily arrested and/or subjected to prolonged detention. The report identified non-state actors like Al Shabaab as the main perpetrator of attacks against journalists and other media workers.135

**Freedom of Peaceful Assembly**

Police in Somaliland arrested more than 57 protesters on 28 May. Protesters marched through the town of Las Anod, the capital of the disputed region of Sool, in support of rejoining the

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federal government based in Mogadishu.\textsuperscript{136} All those arrested have since been released. At least eight protesters were reportedly wounded by security forces, including women and children.\textsuperscript{137}

**South Sudan**

In April, DefendDefenders released a report detailing the situation of HRDs in South Sudan since the July 2016 Juba crisis. The report explored how HRDs face a multitude of challenges, including targeted intimidation and attacks, most notably by the National Security Service (NSS). The report showed that years of civil war have created a divide between urban and rural HRDs, with the latter finding themselves insufficiently supported and lacking access to protection mechanisms. Attacks against activists and CSOs are largely committed with impunity, and a significant number of these incidents go unreported. The report also highlighted the vulnerability and lack of capacity of HRDs and CSOs preserving evidence for a future Hybrid Court for South Sudan (HCSS), which is mandated under Chapter 5 of the 2015 Peace Agreement, but has yet to be established.\textsuperscript{138}

On 8 May, the UN Security Council unanimously renewed sanctions on South Sudan for another year, which includes travel bans and asset freezes against individuals responsible for threatening peace and stability in the country.\textsuperscript{139} In that same month, the South Sudan Equatoria Community in Diaspora group began publicly lobbying the International Criminal Court in the Hague to indict President Salva Kiir and rebel leader Riek Machar for alleged war crimes, crimes against humanity, and genocide.\textsuperscript{140}

A bill introduced by the government in Parliament in early July 2018 sought to extend the term of President Kiir from 12 August 2018 to 21 August 2021. The bill also proposed term extension...
for the national transitional parliament, the first vice president, and state governors.\textsuperscript{141} On 12 July, the parliament voted to extend Kiir’s term in office.

On 25 July, the South Sudanese Government and the main rebel leader Machar signed a power sharing agreement, which is intended to put an end to a civil war that has devastated and destroyed the country for five years. The power sharing agreement sees Machar return as Vice-President – his sacking from post in 2013 initially ignited the civil war. In early August, President Kiir offered an amnesty to all those involved in the civil war, including Machar, as part of the new peace deal.\textsuperscript{142}

It remains to be seen whether this deal, the latest in a long line of ill-fated negotiations and broken ceasefires, will put a permanent end to the civil war that has decimated civil society and forced millions to flee. As the country looks forward to a fresh start following these developments, activists and HRDs still have little to celebrate. Their situation remains grave and precarious.

\textbf{Intimidation, Harassment, and Attacks Against HRDs}

On 30 April, ten aid workers, all South Sudanese citizens, were released after being held for almost a week by SPLA-IO forces. The aid workers went missing in the southwest of the country, close to the town of Yei.\textsuperscript{143}

In May, it was reported that four aid workers had been killed, and 10 others abducted in the preceding months, with the UN undersecretary–general for humanitarian affairs, Mark Lowcock, demanding an end to attacks on aid workers in the country.\textsuperscript{144}

That same month, the United States asked the United Nations Security Council to place six south Sudanese officials on a blacklist for fuelling the country’s war and actively restricting the flow of international aid and staff to beleaguered regions of the country. The list included Cabinet Affairs Minister Martin Elia Lomuro, who is accused of threatening the press, obstructing humanitarian aid and impeding the work of the UN peacekeeping mission in South Sudan.

Sudan, as well as rebel governor Koang Rambang Chol, accused of leading attacks in Northern Bieh State and ordering his forces to impede the work of aid workers.145

According to a report by the Aid Worker Security Database published in August 2018, South Sudan topped the list for a third year in a row of the most dangerous countries in the world for aid workers. According to the report, a third of the 158 major violent attacks against aid operations in 2017 occurred in South Sudan, with local staff bearing the brunt of these attacks.146

In late July, several thousand demonstrators attacked a UN compound in Maban, Upper Nile State, alleging discrimination against local people in hiring practices, because many of the staff were allegedly from Equatoria, a southern state with a different ethnic makeup.147 As protests turned violent, approximately 2,000 youth forced their way into United Nations High Commissioner for Refugees (UNHCR) offices and at least ten other compounds, many housing NGOs and relief agencies, resulting in looting, arson, destruction of vehicles, structures, humanitarian assets, and supplies of medicines. Several hundred aid staff were evacuated, and despite the extensive damage, none were fatally injured.148 Medecins Sans Frontières announced that it would suspend activities in the north-east of the country after the attack, leaving up to 88,000 people with limited access to health services.149

On 6 September, a South Sudanese military court sentenced ten soldiers to prison for the rape and sexual assault of foreign aid workers and the murder of a journalist in a violent attack on a hotel in Juba in 2016.150

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Freedom of Association

Seven aid workers were released on 15 April after being held for nearly three weeks. Rebel Sudan People's Liberation Movement-in-Opposition (SPLA-IO) forces accused them of being government spies.\(^{151}\)

On 28 July, HRD and chairman of the South Sudan Young Leaders Forum (SSYLF), Peter Biar Ajak, was arrested by national security forces at Juba airport while en route to attend the Red Army Foundation commemoration day in Aweil.\(^{152}\)

On 8 August, activist Bashir Mohamed Babiker Ahmed, who works with the Civil Society Human Rights Forum, was taken from his home in the city of Yambio by armed men and disappeared thereafter.\(^{153}\) He was allegedly held by the NSS at a detention centre in Yambio – no charges have been brought against him, and he has yet to see a lawyer.\(^{154}\)

On 18 August, the government released 21 political detainees who were held by the national security services. It remains unclear exactly which detainees were released, or what their crimes were.\(^{155}\)

Freedom of Expression

On 19 April, authorities from the South Sudan Broadcasting Corporation (SSBC) shut down the BBC’s FM relay stations in the cities of Juba and Wau, alleging that the broadcaster had failed to pay certain bills.\(^{156}\)

A joint report published on 11 August by the Open Observatory of Network Interference (OONI) and The Advocates for Human Rights and Democracy (TAHURID) outlined the blocking of media outlets in South Sudan, in addition to other deliberate attempts by the government to censor online content.\(^{157}\)


\(^{153}\) Twitter, Karen Jenson @froncalgoshi36, [https://twitter.com/froncalgoshi36/status/1035261611482388848](https://twitter.com/froncalgoshi36/status/1035261611482388848), Accessed 19 October 2018.


\(^{155}\) Twitter, Karen Jenson @froncalgoshi36, [https://twitter.com/froncalgoshi36/status/1031559155449057280](https://twitter.com/froncalgoshi36/status/1031559155449057280), Accessed 19 October 2018.


\(^{157}\) OONI, “South Sudan: Measuring Internet Censorship in the World’s Youngest Nation,” 1 August 2018,
**Sudan**

On 4 September, 31 CSOs issued a letter decrying the state of human rights in Sudan, drawing particular attention to the excessive use of force against protesters and major challenges faced by civil society and HRDs.\(^{158}\)

At the 39th Session of the UN HRC in September, 32 organisations called on the Council to adoption of a monitoring and reporting mandate on Sudan under the agenda item 4, in addition to mandating a Special Rapporteur to monitor, verify and report on ongoing human rights violations in the country.\(^ {159}\)

On 9 September, President Omar al-Bashir suddenly dissolved the government and appointed Motazz Moussa as new Prime Minister amid growing unrest in the face of rising food prices, hyperinflation, and mass unemployment, which threaten to exacerbate the country’s economic crisis.\(^ {160}\) While the size of the cabinet was slashed from 31 ministers to 21, it remains to be seen whether this new government will relax the authoritarian control over basic freedoms in the country.

**Intimidation, Harassment, and Attacks Against HRDs**

On 26 July, HRD Wini Omer was produced in court to answer charges of operating a brothel and consuming alcohol, a banned substance in Sudan. Omer was arrested in February and held for five days. At her trial, prosecutors warned that she could face additional charges, such as espionage against the State. She could face a death sentence if convicted.\(^ {161}\)

In August, the Observatory for the Protection of Human Rights Defenders and the African Centre for Justice and Peace Studies released a report outlining the precarious challenges facing WHRDs in Sudan, in addition to detailing the harassment, arrests, and arbitrary detention of 20 WHRDs from June 2016 to February 2018.\(^ {162}\)

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**Freedom of Association**

In August, two members of the Darfur Bar Association (DBA) were briefly detained after returning to Sudan from receiving an award from the American Bar Association. ¹⁶³

**Freedom of Expression**

National Intelligence and Security Services (NISS) agents summoned journalist Ahmed Abakar for questioning on 5 May and again on 7 June. Abakar has been repeatedly harassed, threatened and banned from working, allegedly for writing political commentary on the situation in Sudan. On 14 June, his press card was revoked. ¹⁶⁴

On 21 June, the Sudanese Ministers Council passed amendments to existing media legislation, giving the government increased jurisdiction over newspapers, including allowing the Council to approve the licence of online newspapers, increasing the government’s control over online content. ¹⁶⁵

In August, Sudanese authorities seized print runs of *Al-Jarida*, *Al-Ray Al-Aam*, and *Al-Shaiha* newspapers. ¹⁶⁶ NISS regularly confiscate publications to intimidate and financially cripple news outlets, often with complete impunity. ¹⁶⁷

On 31 August, NISS banned the *Al-Midan Al-Sharqi* talk show on Omdurman TV unexpectedly. No further explanation was given. ¹⁶⁸

On 8 September, NISS summoned Lina Yacoub, editor-in-chief of Baj News and interrogated her for twelve hours before releasing her. The online news source had famously covered corruption

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in Sudan. The following day, NISS also summoned journalist Maha al-Tilib with the *Al-Tayyar* newspaper, and banned columnist Abdel-Bagi al-Zafir from writing in *Al-Saiha* newspaper.\(^{169}\)

In a report published in mid-October, the African Centre for Justice and Peace Studies released a report outlining the blocking and confiscation of newspaper print runs on at least 16 different occasions between July and September alone. The report also details additional arrests and detention of journalists and media professionals during this period.\(^{170}\)

**Freedom of Peaceful Assembly**

On 10 October, several students at the University of El Gezira in eastern Sudan were injured and arrested after police used batons and tear gas to disperse demonstrators. The demonstrations were allegedly in connection to clashes the previous evening between student supporters of the ruling National Congress Party (NCP) and others on campus.\(^{171}\)

**Tanzania**

On 10 May, DefendDefenders and 64 others CSOs penned a joint letter calling on the Tanzanian Government to address the rapidly deteriorating environment for media, HRDs, and opposition party members.\(^{172}\) Since the election of President John Magufuli in October 2015, Tanzanian civic space has faced a sharp and dramatic decline, with the government increasingly intolerant of civil society, HRDs, and dissent of any kind.

In June, DefendDefenders published “Spreading Fear, Asserting Control: Tanzania’s Assault on Civic Space,” a report which examines how newly enacted draconian legislation and extra-legal methods are being used to harass HRDs, silence independent journalists, and significantly restrict freedoms of association, expression, and peaceful assembly.\(^{173}\)

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Intimidation, Harassment, and Attacks Against HRDs

In a major victory for pastoralists, in late September, the East African Court of Justice ordered the Tanzanian government to halt the eviction of Maasai pastoralists in Ngorongoro district, in the north of the country.\textsuperscript{174} The main case, which is ongoing at the regional court, involves the forced eviction of thousands of indigenous Maasai allegedly to clear the area for high-end tourist safaris and big game hunting by wealthy foreign nationals.\textsuperscript{175} Pastoralists claim that, since May 2017, HRDs and other Maasai activists have been harassed, beaten, and arbitrarily detained, while hundreds of homes have been burnt in an effort to force people from ancestral lands, which are inextricably tied to their cultural traditions and indigenous livelihood systems.\textsuperscript{176}

Freedom of Expression

On 4 May, the High Court of Tanzania issued a temporary injunction to suspend implementation of the Electronic and Postal Communications (Online Content) Regulations (2018),\textsuperscript{177} after a petition by human rights advocates claimed that it violates freedom of expression.\textsuperscript{178} Draconian provisions of the law include requiring bloggers and online content producers to pay an annual licensing fee of up to USD $900, rendering information sharing online prohibitively expensive for citizen journalists.\textsuperscript{179} On 29 May, the High Court upheld the law,\textsuperscript{180} and on 11 June, the Tanzania Communication Regulatory Authority (TCRA) ordered all unregistered blogs and online forums to shut down, banning them from publishing new content


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without licences.\textsuperscript{181} This effectively forced popular online citizen journalism and whistleblower platform Jamii Forums to shut down temporarily.\textsuperscript{182} While the Tanzanian government alleges that these regulations are meant to end the moral decadence caused by social media, civil society activists contend that it is just the latest in the Magufuli government’s attempt to stifle independent voices wherever possible.\textsuperscript{183}

On 8 August, Silas Mbise, a broadcast journalist with a local radio station, was assaulted by at least four police officers who hit him with wooden clubs and kicked him until he fell down. The incident happened at a stadium in Dar es Salaam, after a football match when police officers tried to stop journalists from entering a post-match press conference, even though they had identity cards. The assault was captured on video and widely circulated on social media.\textsuperscript{184}

On 2 October, the World Bank issued a statement expressing deep concern over Tanzania’s Statistics Act (2015),\textsuperscript{185} which harshly penalises individuals or organisations that question official statistics.\textsuperscript{186} While the World Bank worries that this legislation may hamper the generation of useful economic data, CSOs argue that it stifles independent research on human rights violations, which may contradict official government lines or use more transparent methodology.\textsuperscript{187}

**Freedom of Peaceful Assembly**

Ahead of massive demonstrations scheduled for 26 April, Tanzania deployed heavily armed police officers across major towns and cities to block anti-government protests,\textsuperscript{188} with police Chief Gilles Muroto warning that demonstrators would be crippled and “beaten like stray


dogs." On 24 April, police in Arusha arrested at least seven people accused of mobilising the population for the 26 April protests. On 25 April, authorities also briefly detained opposition member Elizabeth Mambosho for inciting demonstrations on social media.

Uganda

On the eve of a by-election in Arua in August to fill a parliamentary seat left empty after an MP was slain by unknown assailants in public, violence led to a cascade of government repression of independent media, a brutal crackdown on demonstrators, and the arrest and alleged torture of several high-profile opposition members. Since April 2018, the overall tightening by the government of freedom of association, expression, and peaceful assembly shows a worrying trend in Uganda felt by individual HRDs and CSOs working in nearly every field.

Freedom of Association

On 8 June, MP with the ruling National Resistance Movement (NRM), Ibrahim Abiriga, and his bodyguard were shot dead by unknown assailants riding a motorcycle. It is still unclear what prompted the murder, and no suspects have been identified.

On 15 August, voters headed to the polls in Arua despite a heavy police presence in the city following mass unrest, eventually electing independent candidate Kasiano Wadri to Parliament. However, on 16 August, three lawmakers, including Wadri, and more than 30

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government critics were charged with treason for their role in an alleged attack on the presidential convoy.\textsuperscript{196}

Opposition MPs Kyagulanyi and Francis Zaake were also charged with unlawful possession of firearms and ammunition at a military court in Gulu.\textsuperscript{197} Kyagulanyi appeared in court handcuffed and badly bruised, allegedly unable to speak or walk due to injuries sustained while in custody.\textsuperscript{198} He was allegedly initially denied access to a lawyer, but was eventually charged in the presence of a counsel. On 17 August, he spoke to a representative of the Ugandan Human Rights Commission, who reported that he had a “swollen face, was in pain and required support to walk. It was also observed that he had difficulty sitting and breathing.”\textsuperscript{199} Photos also emerged of a severely beaten Zaake recovering in a hospital bed.\textsuperscript{200} President Museveni denied the reports of torture as “fake news.”\textsuperscript{201}

On 9 July 2018, Uganda’s Electoral Commission suspended accreditation for the Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU) to observe local council elections, in what critics decried as a means to obfuscate the electoral process. In a letter addressed to CCEDU, the commission expressed alleged concerns that the organisation was conducting itself in a partisan manner and was in breach of guidelines for voter education and other electoral activities.\textsuperscript{202}

In mid-July, 200 people from the northern village of Apaa traveled to the town of Gulu seeking


\textsuperscript{200} Twitter, Kifefe Kizza-Besigye @kizzabesigye1, https://twitter.com/kizzabesigye1/status/1030885398287974400/photo/1?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1030885398287974400&ref_url=https%3A%2F%2Fmonitor.civicus.org%2Fnews%2F2018%2F08%2F08%2Fopposition-mps-detained-and-tortured-while-conditions-journalists-sharply-deteriorate%2F, Accessed 19 October 2018.


safety, and camped at the offices of the UNHCR. They accused Ugandan soldiers of killing three residents of Apaa, beating others, and burning over 800 homes since 2017, in an effort to designate the area as a wildlife reserve.

On 6 August 2018, unidentified burglars broke into the offices of ISIS-Women’s International Cross Cultural Exchange (Isis-WICCE) in Kampala and stole computer processors, internal and external hard drives, and cash. Similarly, on 12 September, the Twerwaneho Listener’s Club (TLC), an NGO operating in the crater lakes region of Western Uganda, was burgled for the third time in less than a month. These were only the latest in a long series of CSO office break ins. Since 2013, more than 30 CSOs in Uganda have had their offices broken into, yet investigations remain inconclusive despite available evidence such as CCTV footage.

On 20 September, MP Kyagulanyi returned to Uganda after receiving medical treatment in the United States following his alleged torture at the hands of state security forces. Upon arrival in Uganda, he was separated from other passengers, and escorted by police to his home, which he described as against his wishes. Eddie Yawe, Kyagulanyi’s brother, was arrested at the airport.

After his return, Kyagulanyi was charged with treason alongside 34 other politicians following the campaign violence in Arua. The case was adjourned to 3 December after the government

told a Magistrate’s Court in Gulu that it needed more time to conclude its investigations before the trial can begin.\textsuperscript{213} Kyagulanyi returned to Parliament on 2 October.\textsuperscript{214}

On 3 October, police raided the home of Edith Byanyima, sister-in-law of prominent opposition politician Kizza Besigye, searching for illegal material. Police then confiscated 24 red napkins, which are not illegal but symbolically linked to Besigye’s Forum for Democratic Change (FDC) party.\textsuperscript{215}

The ACHPR is investigating accusations that the Ugandan government committed mass violations of human rights against the indigenous Banyoro people of Western Uganda. The petitioners allege that the native Banyoro have been marginalised and deprived of their ancestral land and other entitlements, a claim government dismisses.\textsuperscript{216}

**Freedom of Expression**

On 19 April, Ugandan journalists were denied access to a police court that was expected to hand down a ruling on charges against former slain Buyende District Police Commander Muhammad Kirumira.\textsuperscript{217} In February, police also blocked journalists covering the same case, and a reporter with Bukedde newspaper was allegedly assaulted.\textsuperscript{218} In response to these incidents, a group of Ugandan journalists proposed boycotting coverage of court proceedings if security forces were present, as a form of protest.\textsuperscript{219}

Four reporters were interrogated by police on 22 May after being summoned to the Criminal Investigations Directorate Headquarters in Kibuli, Kampala, in relation to online articles regarding leaked bank transactions of a high-ranking Bank of Uganda official. Andrew Irumba


DefendDefenders

(Spy Uganda), Bob Atwine (Spy Reports), Taddeo Ssenyonyi (Business Focus), and John Njoroge (CEO Magazine) were later released without charge.\(^{220}\)

In a major blow to both Internet freedom and freedom of expression online, on 30 May Parliament passed the Excise Duty (Amendment) Bill (2018), which places a mandatory daily tax of 200 Ugandan Shillings (USD $0.05) on popular social media platforms like WhatsApp, Facebook, Twitter, and Instagram.\(^{221}\) While President Museveni claims that social media encourages gossip, the levy makes regular social media use prohibitively expensive for people living in poorer regions of the country, in addition to throttling potential sources of information and discussion on matters of public interest.\(^{222}\)

In early June, security officials banned radio stations from broadcasting ‘Mac Onywalo Buru’ (Fire Makes Ash), a song by popular Northern Ugandan musician Lucky Otim (also known as Bosmic Otim,) describing it as “misleading.”\(^{223}\) The song is allegedly critical of prominent politicians and MPs.\(^{224}\)

As chaos erupted in Arua on the evening of 13 August, NTV journalist Herbert Zziwa’s live broadcast amid the demonstrations abruptly cut off. He was reported missing until it was revealed that he and his cameraman, Ronald Muwanga, were detained at Arua Central Police Station.\(^{225}\) The two were released on bond on 14 August and charged with incitement to violence and malicious damage.\(^{226}\) They claimed they were tortured while in police custody.\(^{227}\)

On 27 June, politician Keihwa Patrick Besigye allegedly assaulted Voice of Kigezi radio journalist Arinitwe Emmanuel at the station’s offices in Kabale. Angered over an embezzlement story the


A journalist had published, Besigye allegedly stormed into the studio, verbally abusing and repeatedly slapping Emmanuel, threatening to have him fired over the story.\(^{228}\)

On 13 July, police in Katakwi, eastern Uganda, arrested Kenneth Odere of NTV, Eddy Enuru of NBS TV, and Simon Emwamu of the Daily Monitor, while they were covering a demonstration by local mobile money operators against the newly introduced tax on their services. The journalists were asked to share their recorded material and reveal the organisers of the protest, which they declined. The police proceeded to arrest them for allegedly covering an illegal assembly.\(^{229}\)

On 17 July, Vision Group journalist Ronald Kasasa was assaulted by a police officer while covering a demonstration in a Kampala suburb, sustaining injuries around the neck. Kasasa was later summoned to the police station on allegations of criminal defamation for a broadcast on Bukedde Television, in which he accused the District Police Commander of Jinja Road Police Station of instructing officers to assault him. He lodged a formal complaint against the officer on 20 July.\(^{230}\)

On 27 July, Vision Group journalist Damba Wiziri was assaulted while covering the local elections, allegedly by sub-county chief of Rugarama in Sheema district, Amany Jordan.\(^{231}\) On 30 July, Damba was again beaten by three attackers while covering a demonstration by opposition supporters and told to delete the footage from his video camera. He sustained injuries around the neck, chest, and hands, and his professional equipment was stolen. Damba lodged a formal complaint at Sheema Police Station on 1 August.\(^{232}\)

On 10 August, the Attorney General of Uganda withdrew an appeal filed at the East African Court of Justice challenging the court’s decision to allow the Media Legal Defence Initiative and 19 other organisations to be joined as *amicus curiae* (friends of Court).\(^{233}\) The broader case involves the late radio journalist Ronald Ssembuusi, who in 2014 began challenging Uganda’s use of criminal defamation under section 179-180 of the Penal Code, after he was sentenced to one year in prison for defamation.\(^{234}\)

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On 20 August, Reuters photojournalists James Akena was beaten and detained without charge while covering protests in downtown Kampala. Footage of Akena being beaten by police with wooden sticks, while on his knees and unarmed, was widely circulated on social media. Police said on Twitter that they would order an investigation.

On 20 August, security forces beat and detained at least four journalists covering protests in Kampala, and confiscated or damaged their equipment. These include Alfred Ochwo, a photojournalist with The Observer, and NTV journalists Ronald Galiwango, and Juma Kirya. While covering a protest in Kampala, Joshua Mujunga, a photojournalist with NBS TV, was also severely beaten by police who proceeded to forcibly delete footage from his camera.

At least eight other journalists were arrested attempting to cover Kyagulanyi’s return from treatment in the US on 20 September, with six being arrested and detained for four hours at Entebbe International Airport. BBC Nairobi correspondent Ferdinand Omondi was also detained for five hours following an interview with Kyagulanyi on 20 September.

The Human Rights Network for Journalists-Uganda also reported that several journalists had received threatening messages and phone calls after their contact information was leaked to a series of viral social media messages, identifying them as agents of the political opposition.

In a press statement issued on 12 September, the Foreign Correspondents’ Association of Uganda highlighted that at least 10 foreign reporters were denied government accreditation since August 2018, despite fulfilling all of the requirements and following the correct procedure. They linked this to the recent unrest in the country and ongoing harassment of local journalists covering these developments.

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235 Twitter, FCAU @fcauganda, https://twitter.com/fcauganda/status/1031480644692529152, Accessed 19 October 2018.
237 Twitter, Uganda Police ForceVerified account @PoliceUg, https://twitter.com/PoliceUg/status/1043165687072649216, Accessed 19 October 2018.
Freedom of Peaceful Assembly

Two LGBT+ focused events were cancelled in May 2018. The First Annual Conference on Key and Priority Populations scheduled for May 2018 was cancelled after Minister of State for Ethics and Integrity, Simon Lokodo, accused the conference of aiming to “promote homosexuality and other dirty things.” On 17 May 2018, an International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) event organised by Sexual Minorities Uganda (SMUG) was also shut down by Minister Lokodo, with the organisers accused of “promoting homosexuality.”

On 4 June, two men were arrested in Kampala after carrying a coffin to the Ugandan Parliament, protesting the lack of police investigation into a string of kidnapped and murdered women. On 5 June, several women’s organisations and women human rights defenders (WHRDs) marched to the Ugandan police headquarters, accusing authorities of an inadequate and slow response to these murders.

On 13 August, police used live ammunition to disperse crowds in Arua, who had gathered to support candidates at campaign rallies ahead of a by-election for a municipal parliamentary seat left vacant after the assassination of Abiriga in June. It is unclear what instigated this reaction from security forces, but demonstrators responded by throwing stones, further escalating violence. At least five people were injured in the chaos, while Yasin Kawuma, the driver of MP Kyagulanyi was shot dead.

On 16 August, crowd gathered to protest the continued detention of Kyagulanyi in his Kampala stronghold of Kamwokya, but anti-riot police used tear gas and live ammunition to disperse the demonstrators.

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Protests continued on 19 August in Mityana, MP Zaake’s constituency, where police reportedly killed one demonstrator and injured five others. In Kampala, new protests broke out on 20 August, which were met with a heavy-handed response from the army and police.\(^{250}\)

Protests erupted again in Kampala on 31 August after Kyagulanyi was initially barred from leaving the country to seek medical treatment, and security forces were heavily deployed to his stronghold in Kamwokya.\(^{251}\)

On 11 September, police and security broke up a preparation meeting for Kyagulanyi’s return, arresting one of the assembly organisers.\(^{252}\)

On 19 September, ahead of Kyagulanyi’s return, the government banned all rallies or demonstrations associated to his homecoming.\(^{253}\) Security forces enforced this ban on 20 September by beating unarmed protesters with wooden sticks and firing tear gas.\(^{254}\)


\(^{254}\) Twitter, Chapter Four Uganda @chapter4uganda, https://twitter.com/chapter4uganda/status/1043047732183740417, Accessed 19 October 2018.