Overview of the Human Rights Situation in the East and Horn of Africa
October 2018 – April 2019

Report submitted to the 64th Ordinary Session of the
African Commission on Human and Peoples’ Rights (ACHPR)

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Introduction & Executive Summary

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) welcomes the opportunity offered by the 64th 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 October 2018 to April 2019.

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.

**Djibouti** and **Eritrea** continue to be ruled by some of the most repressive governments in the sub-region, with little to no independent HRDs operating freely in the country. Civil society activists, journalists and other HRDs continue to suffer attacks from both security and police forces, leading to arrests, arbitrary detentions, and torture.

Since **Ethiopia’s** executive shakeup under the leadership of President Sahle Work-Zewde and Prime Minister Abiy Ahmed, the country has improved greatly. In just a few months, the country has lifted the State of Emergency, ordered the release of thousands of prisoners, allowed dissidents to return home, and unblocked hundreds of websites and TV channels. The reform has also allowed the reentry of international organisations into the country exuding the potential for a long term commitment to human rights ahead of a promised 2020 election.

The revolution in **Sudan** remains underway, as long standing president Omar Al-Bashir was ousted in April 2019, allowing for the potential of highly anticipated reform. However, with the military in power and the dissolution of the Constitution, among other impositions, the country remains in a state disarray, with protesters refusing to back down until a civilian council comes to power.

**Tanzania** has continued to aggressively crack down on civic spaces and circumscribe independent news sources, especially those that criticise the state and/or the government becoming increasingly antagonistic to international scrutiny.
As Rwanda continues to make strides towards rapid economic development, segments of society remain stagnant and others regressive, with little independent civil society active in the country. HRDs and critics of political bodies in Burundi continue to be tortured, detained, and even murdered. The two countries remain restrictive of freedom of speech, firmly controlling the domestic media and activities of international non governmental organisations (NGOs).

Conflict remains quotidian in South Sudan between government and armed groups. The Revitalised Peace Agreement has not brought an end to human rights violations, and soldiers continue to attack civilians on an ethnic basis, leading to continued internal displacement and sexual violence. The conflict continues to make it difficult for HRDs to successfully carry out their work as civic spaces fail to expand.

Freedom of expression in Somalia remains constrained as insecurity, imposed mainly by Al-Shabaab, continues to affect civilians in the country and Somaliland.

Despite Kenya’s 2010 constitution which guarantees the right to peaceful assembly, expression and association, authorities continues to disregard the rights of HRDs and peaceful demonstrators.

Uganda’s longtime President seems poised for another election win in 2021 after a controversial bill scrapped presidential age limits in 2018, dashing hopes for high-level change or an end to crackdowns on free expression and association.

**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 member states to adhere to their commitments to protect, respect and fulfil the fundamental human rights and freedoms guaranteed by the African Charter on Human and Peoples Rights;
- Call on member states to adopt specific legislative measures to recognise the status of HRDs, accord them the necessary protection, and provide a conducive working environment as per resolution 376 (LX) 2017 adopted during the 60th ordinary session in Niamey, Niger;
- Call on member states to cease the harassment 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;

- Urge the Government of Sudan to authorise the African Commission to conduct a fact finding mission in the country as per 413(EXT.OS/XXV) 2019, to monitor and report on the human rights situation in the country;

- Undertake a fact-finding mission to Tanzania to investigate and document human rights violations;

- Support the Government of South Sudan to immediately establish and operationalise the Hybrid Court for South Sudan to ensure transparent accountability for crimes committed during the conflict;

- 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; and

- Encourage 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

Freedom of Association

On 26 November 2018, HRD Germain Rukuki's appeal was heard by the Bujumbura Court of Appeal, who afterwards adjourned the case to a later date for judgment. African Union observers were present and no security incidents were reported.1 Four months later, Rukuki’s judicial case file apparently went missing after the government divided the Bujumbura Court of Appeal into three separate appeal courts. Rukuki was sentenced to 32 years in prison on 26 April 2018,2 on charges of participation in an insurrectionist movement, undermining state security, and rebellion, in a process fraught with irregularities that has been criticised by civil society organisations.3 The loss of his case file further violates Germain Rukuki’s right to a fair trial, in addition to the multiple irregularities and undue delays that have characterised the legal proceedings since his arrest in July 2017.4

On 5 December 2018, the Burundian government ordered the United Nations Human Rights Council to shut its office in the country within two months, demonstrating increasing intolerance to international human right systems.5 On 28 February 2019, the UN Human Rights Office in Burundi was closed at the insistence of the government, who claimed that the country had made sufficient progress in putting in place national mechanisms for the protection of human rights, so the existence of the Office was no longer justified.6

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Similarly, on 7 January 2019, following the expiration of the government’s deadline ultimatum for NGOs to comply with new laws governing the sector, French NGO Handicap International announced it would cease its operations in Burundi. According to a press release issued by the organisation, it opposed regulations requiring it to record the ethnic composition of its staff and to communicate this information to authorities. In October 2018, the government suspended the activities of all active international NGOs in the country, demanding that the organisations undergo a new registration exercise, and that they adhere to controversial ethnic hiring quotas. In November 2018, the government lifted the suspension of 25 NGOs after they complied with the re-registration requirements.

In positive developments, on 27 December 2018, a Burundian court acquitted three HRDs who had each been handed 10 year jail sentences for undermining state security. Emmanuel Nshimirimana, Aimé Constant Gatore, and Marius Nizigama, members of Parcem - one of the few remaining CSOs in the country, had been planning a human rights workshop when they were arrested in June 2017. The three were not released until 21 March 2019.

On 25 March 2019, the administrator of Nyabiraba commune of Bujumbura division issued a statement forbidding girls from going out past 18:00. This decision was taken a week after

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8 Humanity & Inclusion, ‘Humanity & Inclusion closes Burundi program after 26 years,’ 7 January 2019, https://www.hi-us.org/humanity_inclusion_closes_burundi_program_26_years


after the administrator of Giteranyi Commune in Muyinga Province took a similar decision. Sources say that these measures aim to fight pregnancies in schools.14

On 28 March 2019, ACAT-Burundi published findings of their research on the critical slowness and lack of willingness from the judiciary in the treatment of political prisoners, which is in violation of Article 38 of the Constitution.15 According to their investigation in four prisons of Mpimba (Bujumbura), Gitega, Rumonge, and Muramvya, 41 prisoners are acquitted but still in prison, 109 have benefited from the presidential pardon but still in prison, 52 prisoners have served their prison sentences without being freed, and 60 cases have not progressed.16

Freedom of Expression

In mid-December 2018, Justice Minister Laurentine Kanyana dismissed a BBC documentary as a 'fake report,' demanding that the broadcaster pull it down and pay damages to those it slandered.17 The documentary titled: ‘Inside Burundi’s Killing Machine’ alleges the systematic killing of opposition members by the police and intelligence units in secret torture facilities.18 The Minister also said that the Burundian government intended to sue the BBC for what they considered fake investigative reporting.

Justice Minister Aimée Laurentine Kanyana announced, on 26 March 2019 in Bujumbura, that three girls who were detained for drawing on the President’s face in their textbooks would be freed.19 The Justice Minister however added that they were mature enough to face justice as they were over 15 years.

On 29 March 2019, Burundi banned the BBC and indefinitely suspended Voice of America, moves that campaigners and the international broadcasters described as a blow to press freedom.\textsuperscript{20} The National Communication Council (CNC), the country’s media regulator, revoked the BBC’s license and accused it of airing a documentary that it said was false and damaged the country’s reputation. It extended an existing suspension on VOA, accusing it of employing a reporter who opposed the government.\textsuperscript{21}

\textit{Freedom of Peaceful Assembly}

Six National Congress for Liberty political party members were detained in Mugina Commune after holding a meeting on 14 February 2019.\textsuperscript{22} They were arrested following claims of gathering illegally despite the fact that the party was officially approved by the Ministry of Home Affairs on the same day.\textsuperscript{23}

\textbf{Djibouti}

Arbitrary and abusive arrests are still ongoing in Djibouti. As recently as 4 March 2019, two young men from the region of Kartileh were arbitrarily detained for 48 hours at the Nagad Administrative Detention Centre. No facts were presented for the reason of their arrests other than the mere false assumption that they were planning an upcoming protest against the anniversary of the RPP ruling party. They were later released on the basis of a lack of evidence.\textsuperscript{24}

\textit{Freedom of Association}

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. In an annual report from UN Secretary-General Antonio Guterres released on 12 September 2018, Djibouti featured on a list of 38 countries the UN said carried out "shameful" practices including harsh reprisals and intimidation against people cooperating with it on human rights, as well as ill-treatment, detention, surveillance, and public stigmatisation of victims and HRDs.

Eritrea

In a further thawing of tensions in the Horn of Africa, on 12 September 2018, it was reported that Djibouti and Eritrea would formally normalise relations, which deteriorated and froze after a 2008 border skirmish. While several States in the Horn of Africa called on the UN General Assembly in September to lift economic sanctions against Eritrea, this regional rapprochement has yet to actually translate into the relaxing of Eritrea's egregious human rights policies, including the arbitrary arrest and ill-treatment of political prisoners.

Eritrea has also failed to ensure investigation and accountability for the many missing journalists and political opponents over the past decade as some of these mystery cases date as far back as 2001 and the most recent dating as recently as 2018. A total of 18

experts of the committee said they have received several allegations of extrajudicial executions, torture, disappearances and other grave violations.  

*Freedom of Association*

In October 2018, The Eritrean Law Society secured the grant of Provisional Measures delivered by the African Commission on Human and Peoples’ Rights for the release of former finance minister Berhane Abrehe Kidane. Mr. Kidane was unlawfully detained and subjected to incommunicado detention on 17 September 2018, few days after he published a two-volume book and released an audio-recorded message, critical of the President of Eritrea. The provision adapted measures that asked that the state of Eritrea end the incommunicado detention of Mr. Kidane while ensuring specific legal provisions including healthcare, safety and due process. The request for Provisional Measures was communicated to the President of Eritrea in a letter dated 29 October 2018 and a response is yet to be received.

*Ethiopia*

As part of Ethiopia’s ongoing reform process, spurred by Prime Minister Dr. Abiy Ahmed, several contentious laws previously used to silence civil society are currently being reviewed. In early February 2019, after consultations with civil society actors, the Charities and Societies Proclamation (2009) was amended to allow for the re-entry of international organisations into the country. Among its many contentious provisions, the previous restrictions on funding for civil society organisations were lifted. The law formerly stipulated that organisations receiving more than 10 percent of their funding from international donors were considered foreign international organisations, and could therefore not undertake any human rights related work in the country.

In November 2018, several CSOs penned a joint letter asking the government to ensure that the draft Charities and Societies Proclamation complies with regional and international standards.

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international human rights norms and standards relating to freedom of association.\textsuperscript{37} Suggestions included ensuring that the majority of CSO Board members are sourced from civil society through a transparent appointment process, and ensuring that all foreign and domestic CSOs operating in Ethiopia, are able to choose the areas they will work in and permit them to engage in lobbying and advocacy initiatives.

In other positive developments, in mid-November 2018, the Prime Minister Abiy met members of 81 opposition parties to discuss reforming the electoral system, and promised fair and transparent multiparty elections in 2020.\textsuperscript{38} He also promised to open the political arena currently dominated by his Ethiopian People’s Revolutionary Democratic Front (EPRDF) coalition, the ruling party which has held power since 1991. Further, on 22 November 2018, it was reported that opposition leader Birtukan Mideksa, was named head of the National Electoral Board\textsuperscript{39} as part of efforts to bring former rebels into the political mainstream. Birtukan, who went on self-imposed exile in the United States in 2010, returned to Ethiopia under an amnesty granted by Prime Minister Abiy. Birtukan was among opposition figures who were arrested in the violent aftermath of the 2005 general elections, after opposition groups challenged EPRDF victory.

\textit{Freedom of Association}

On 20 October 2018, authorities released\textsuperscript{40} Henok Aklilu, a prominent lawyer who was arrested on 17 October 2018 for allegedly advocating for increased autonomy for the capital, Addis Ababa.\textsuperscript{41} Henok, a lawyer who is renowned for representing people accused of terrorism related offences, was arrested in his office alongside his friend Michael Melak, with whom he intended to form an association of Addis-born Ethiopians.


\textsuperscript{38} Reuters, ‘Ethiopia PM meets opposition parties, promises fair elections,’ 27 November 2018, \url{https://www.reuters.com/article/us-ethiopia-politics/ethiopia-pm-meets-opposition-parties-promises-fair-elections-idUSKCN1NW0Y1}


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In late January 2019, several HRDs, national, and international CSOs gathered\(^\text{42}\) in Addis Ababa for a workshop to discuss strategies to rebuild civil society ahead of the upcoming 2020 elections. Several organisations, such as the Association for Human Rights in Ethiopia, returned to the country after more than a decade in exile. This was the first such meeting since the reform process led to the opening up of civic space in 2018.

**Freedom of Expression**

In November 2018, the Attorney General’s office said it was drafting a bill to curb the rising hate speech and irresponsible use of social media.\(^\text{43}\) However, several CSOs, including Human Rights Watch, voiced concern\(^\text{44}\) over the law, considering hate speech laws are often abused, and called attention to Ethiopia’s record of vaguely-worded legislation to criminalise free expression.\(^\text{45}\)

According to the Committee to Protect Journalists’ 2018 annual prison census,\(^\text{46}\) Ethiopia had no incarcerated journalists as of 31 December 2018. The last time Ethiopia was recorded as having no journalists in prison was 2004.\(^\text{47}\)

**Freedom of Peaceful Assembly**

Various attacks based on ethnic rivalries are mushrooming across the country and are his biggest challenges to date. A week of violence erupted in Addis Ababa and its surrounding areas beginning on 12 September 2018 following disagreements between youth from the

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\(^{46}\) Committee to Protect Journalists, ‘251 Journalists Imprisoned in 2018,’ [https://cpj.org/data/imprisoned/2018/?status=Imprisoned&start_year=2018&end_year=2018&group_by=location](https://cpj.org/data/imprisoned/2018/?status=Imprisoned&start_year=2018&end_year=2018&group_by=location)

capital and its surrounding Oromia region. On 15 September 2018, several people were killed in the Oromia region’s towns of Burayu and Ashewa Meda which victims blamed on youths from the same region.

On 21 October 2018, nine people were killed by security forces during a demonstration in Alamata, Tigray Region. According to local sources, at least 50 people were beaten and injured from gunshots by security forces who intervened to disperse the protestors.

On 26-27 October 2018, security forces used force to disperse demonstrators in Afar Regional State, injuring many and arresting at least 50 people. Demonstrators were protesting against the local administration and demanding democratic reform and respect for human rights.

On 14 January 2019, people in Ethiopia’s northeastern Afar region protested against ethnic violence between Afars and Issa Somalis which broke out in December 2018, and in which seven civilians have reportedly been killed. The demonstrations, which included a blockade of the highway linking Ethiopia and Djibouti, were in protest against the ongoing violence and a government order to pull out local militias from the disputed areas and replace them with federal soldiers. The region’s leadership and local elders later held discussions that resulted in a solution and the end of the blockade.

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Kenya

Freedom of Association

In early December 2018, DefendDefenders launched a report which examines the experiences of marginalised HRDs in Kenya. The report highlighted the challenges and vulnerabilities of women HRDs, activists working for the promotion of LGBT+ rights, and indigenous minority HRDs, specifically those in the northern Turkana region fighting for land rights amid a heavy presence of extractive industries and small arms proliferation. During the same time, the National Coalition of Human rights defenders – Kenya also launched a report on the situation of Indigenous Women Human Rights Defenders in the Embobut Forest, Elgeyo Marakwet county where concrete recommendations were made and how duty-bearers can engage with the women to ensure that their concerns are taken into account.

On 14 December 2019, embattled opposition figure Miguna Miguna won a court case in which he was officially recognised as a Kenyan citizen. Miguna was seised in a dawn raid of his Nairobi home on 2 February 2018 and subsequently deported to Canada, where he holds dual citizenship. On 26 March 2018, Miguna attempted to regain entry into Kenya but was detained for more than 72 hours at the airport before allegedly being assaulted, drugged, and forcibly put on another flight out of the country. The High Court of Kenya eventually awarded him KSH 7 million (USD 70,000) as compensation for the violation of his rights during his deportation.

On 22 February 2019, the Constitutional Court was expected to rule on whether to decriminalise LGBT+ private, consensual, same-sex relations. The hearing was then postponed to May 24 due to the supposed busyness of some of the judges as mentioned by Judge Chaacha Mwita of the High Courts of Kenya. #Repeal162 (referring to the relevant clause in the Penal Code) had been trending on Twitter in Kenya.

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57 Daily Nation, ‘ Courts awards Miguna Sh7m over deportation, say he is Kenyan,’ 14 December 2018, https://www.nation.co.ke/news/Miguna-wins-Sh7m-in-deportation-saga/1056-4895582-sdlpkvz/index.html
59 Twitter, ‘#Repeal162,’ https://twitter.com/hashtag/repeal162?lang=en
A vote intended to guarantee Kenyan women more seats in Parliament fell through on 27 February 2019 because of the lack of a quorum. The motion was "lost" after only 174 MPs turned up for the vote, short of the 233 required for any constitutional amendment to be voted upon. The bill provided for extra places for women MPs, in line with the 2010 constitution which states that "not more than two-thirds of the members of elective public bodies shall be of the same gender." This is the fourth time an attempt to address the gender imbalance in the Kenyan parliament has failed.

Freedom of Expression

On 15 January 2019, Somali extremist group Al Shabaab carried out an attack on the DusitD2 Complex in Nairobi, killing 21 people and injuring hundreds of others. Graphic images of the attack were shared on social media and across international news outlets resulting in uproar from Kenyans and a public response from President Uhuru Kenyatta. The New York Times was condemned for sharing images of dead victims from the attack, with critics arguing that photos of similar tragedies in the western world always adhere to ethical media standards, and entail consideration for grieving families. New York Times photographer Kimiko de Freytas-Tamura received backlash from readers and the Media Council of Kenya, demanding that she take down the photos and issue a public apology within 24 hours. While Kimiko, in conjunction with the newspaper, issued a statement in

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response acknowledging that although the images were graphic, they were necessary to demonstrate the reality and intensity of the attack.

In January 2019, Olympic High School in Nairobi turned away a 15 year old student from registration because of her dreadlocks, which her father, Julius Wambua Mwendwa, argued are a form of her religious expression as they are Rastafarian. On 16 January 2019, Mwendwa went to court to challenge the school’s directive on the basis of religious discrimination. The courts however found that the student was sporting the hairstyle for fashion reasons following a lack of sufficient proof that it was an expression of religion.

In a related incident, on 24 January 2019, the Supreme Court, in a 4-1 majority decision, quashed a Court of Appeal decision that had found it discriminatory for church-sponsored schools to bar Muslim students from wearing the hijab and white trousers. This now leaves school management with the prerogative to determine what students can or cannot wear as uniform, regardless of religious affiliation. The Court of Appeal had found that preventing Muslim girls from wearing the hijab and white trousers in church-sponsored schools violated the Constitution. However, the Supreme Court quashed the decision on account of a technicality and not on the constitutional and human rights issues of equality before the law. The Methodist church who had filed the initial case had appealed to the Supreme Court arguing that the Court of Appeal had technically misdirected itself in entertaining a counter petition by an interested party to the case contrary to the rules. The Supreme Court therefore did not pronounce itself on the substantive rights in question.

On 10 February 2019, Amnesty International Kenya reported the disappearance of woman HRD Caroline Mwatha, co-founder of the Dandora Community Social Justice Centre that works on public accountability and eradication of extrajudicial killings in Kenya. On the same day, the HRD supporter Billian Okoth Ojiwa went missing without a trace. Two days

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72 Twitter, ‘Dandora Community justice centre,’ https://twitter.com/dandorajustice?lang=en
later, Mwatha was found dead. Police stated that she died of a botched abortion while the doctor stated that she died of diarrhoea. The activist’s father stressed that his daughter was killed as a direct result of her human rights work.\(^{74}\) The organisation demanded an independent autopsy and further investigation on how her phone called her father and husband two days after her death and who was in possession of it.\(^{75}\)

On 11 February 2019, Governor Muthomi Njuki of Tharaka-Nithi County was accused of misusing his right to freedom of expression by a group of Kenyan women claiming he had insulted women.\(^{76}\) Protesters accused Njuki of demeaning women by referring to them as filthy and demanded that he withdraws and apologises or they will continue protesting.\(^{77}\)

\textit{Freedom of Peaceful Assembly}

On 5 November 2018, students from Maseno University staged a demonstration to protest the harassment of students by police.\(^{78}\) The demonstration was triggered by the detention of several students after they went to report an attack by thugs. According to the University’s Communications Director, the students disagreed with the police officers at the station after which they were detained. During the protest which followed the detention, the students barricaded roads and lit bonfires. Later that day, a video and pictures circulated on social media showing protesters being beaten and mistreated by security officers.\(^{79}\)

On 3 December 2018, at least 20 students from the Technical University of Mombasa were arrested after they staged a demonstration to protest the introduction of new rules by the

\(^{74}\) Citizen Digital, ‘Carol Mwatha did not die from botched abortion: family,’ 12 February 2019, https://citizentv.co.ke/news/activist-carol-mwatha-did-not-die-from-a-botched-abortion-family-231218/?fbclid=IwAR0zxWgGJrL6rCCeVBh-qbjRQn5bCD1ifoZa2-F7a4Z2-8YTijiMhqEumqw


University’s administration. During the protest, students damaged vehicles along the Nyali bridge, barricaded roads and threw stones at the police officers who had been deployed to control the situation. The police in turn fired in the air to disperse demonstrators.

On 12 December 2018, LGBT refugees in the Kakuma Camp were beaten with wooden sticks and iron bars while protesting outside the UNHCR office about rising homophobic attacks in recent months. About 20 people were injured during the demonstration after they were attacked by locals and fellow refugees. The UN has since confirmed that at-risk LGBT refugees were being moved to safe houses in Nairobi.

On 16 February 2019, police lobbed teargas canisters to disperse a crowd that had gathered for a rally called by former Lamu County governor Issa Timamy. Timamy had been on a week-long tour of Lamu County to thank his followers for their support during his election petition against the current governor, a battle he lost at the Supreme Court. According to sources, Timamy had been warned by the police not to proceed with the rally, with police setting up abrupt road blocks.

On 6 March 2019, thousands of passengers were stranded at Nairobi’s Jomo Kenyatta International Airport as aviation workers went on strike. The workers, under the Kenya Aviation Workers Union (KAWU) opposed the planned merger of the airport with Kenya Airways. A few hours into the strike, it was reported that KAWU secretary-general Moses Ndiema was arrested over the ongoing strike, as six Kenya Airways and Kenya Airport Authority staff were injured as anti-riot broke up demonstrations.

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82 Daily Nation, ’Issa Timamy protests police disruption of his Mpeketoni rally,’ 17 February 2019, https://www.nation.co.ke/counties/lamu/Timamy-protests-police-disruption-of-his-Mpeketoni-rally/3449192-4985824-agwdwuz/index.html?fbclid=IwAR0Lml8rnW1XLTvKiqi0F04bQ5NA3qn3T_yrq2xkryW-jctcN2CCThKY
85 Twitter, ’#JKIA,’ 5 March 2019, https://twitter.com/NationBreaking/status/1103180210034364417
Rwanda

General Situation

Rwandans have been advised to desist travel to Uganda following safety concerns warned by the Minister of Foreign Affairs. There have been over 40 cases of harassment and imprisonment with no consular access since January 2018. During this period, over 800 Rwandans have also been denied entry while others have allegedly been deported from Uganda. Rogers Donne Kayibanda, a 43-year old Rwandan, was one victim of alleged illegal detention and repeated harassment of Rwandans who travel to or through Uganda.

Freedom of Association

Rwandan activist Diane Rwigara and her mother were released on bail on 5 October 2018. Among the bail conditions, the Rwigaras were asked to seek permission to leave Kigali and also submit their travel documents to the authorities. On 6 December 2018, the High Court in Kigali acquitted Rwigara and her mother of charges of inciting insurrection and forgery. The two had spent over a year in jail after Diane was barred from running in presidential elections against incumbent President Paul Kagame, on charges largely decried as politically-motivated. The country’s chief prosecutor has said he will appeal the decision.

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On 7 October 2018, opposition party FDU-Inkingi’s deputy leader Boniface Twagirimana, “disappeared” from Mpanga prison in southern Rwanda after supposedly jumping the fence with another inmate shortly after being transferred to a new prison.\(^{94}\) Party members, however, cried foul, alleging that Twagirimana was abducted and driven away\(^{95}\) in a state prison vehicle – his family has also expressed doubts over the official account of his disappearance.\(^{96}\) Recently released party leader Victoire Ingabire was summoned for questioning by the Rwanda Investigations Bureau in connection to the disappearance.\(^{97}\)

On 7 December 2018, the African Court of Human and Peoples' Rights ordered the Rwandan government to pay Ingabire USD $61,000 in compensatory damages for the suffering she endured in prison.\(^{98}\) It ruled that Ingabire suffered material and moral injury as a result of rights violation. The court rejected her application to have her criminal record cleared and be refunded for expenses she incurred while in detention. Ingabire was released on 15 September 2018 after being sentenced to 15 years in prison in 2012, in a trial described as politically motivated by international civil society organisations.

Anselme Mutuyimana, assistant to opposition party leader Victoire Ingabire, was found dead in a forest in Northern Rwanda with signs of strangulation. Mutuyimana who had only been released from prison six months prior to his death is amongst a long line of murder victims, disappearances, politically motivated arrests, and unlawful detentions in Rwanda, especially of suspected government opponents, including those from the FDU-Inkingi.\(^{99}\)

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In January 2019, an inquest\textsuperscript{100} in South Africa was initiated to establish who assassinated Patrick Karegeya,\textsuperscript{101} a former spymaster turned critical opponent of President Kagame, in a Johannesburg hotel room in January 2014. His family has publically maintained that president Kagame was involved in the murder.

\textit{Freedom of Expression}

On 21 November 2018, BBC journalist Phocas Ndayizera was arrested in Kigali by Rwandan security forces, who did not publicly disclose the arrest for a week.\textsuperscript{102} Ndayizera was accused of receiving explosives and plotting with terrorists, and faces 20 years in prison if found guilty.\textsuperscript{103} In June 2015 the BBC Kinyarwanda radio service was suspended indefinitely following the broadcast of a documentary on the genocide, a topic which remains controversial for media to cover.\textsuperscript{104}

\textit{Freedom of Peaceful Assembly}

Rwanda has yet to formally investigate the killing of Congolese refugees who protested cuts on subsistence allowance they had been receiving from UNHCR demanding to be repatriated to DRC or relocated to a new country.\textsuperscript{105} While no official investigation has been published into the killing of protesters, 11 are dead and at least 63 refugees are facing charges in connection with the protests, ranging from ‘participating in and organising illegal demonstrations’ to ‘spreading false information with intent to create a hostile international opinion against the Rwandan government’. They are also charged

with ‘violence against public authorities.’\textsuperscript{106}

\section*{Somalia (with Somaliland)}

\textit{Freedom of Association}

Mukhtar Robow, defected founder and commander of militant Islamist group Al-Shabab, was barred from running for public office in October 2018. Despite the federal government’s intention to bar Robow from elections in the South West State, the electoral commission later granted him the permission he needed.\textsuperscript{107} Despite this, on 13 December, Robow was arrested and detained.\textsuperscript{108} Unconfirmed reports indicated that the arrest was made by Ethiopian security forces working with the African Union Mission in Somalia (AMISOM), in Baidoa and later transported to Mogadishu.\textsuperscript{109} The arrest was based on suspicions that the former militant was involved in the smuggling of Islamic militants and weapons into Baidoa.\textsuperscript{110} Subsequently, on 19 December 2018, lawmakers in the South West State elected a new president. Mukhtar Robows’ name was excluded from the ballot, despite protests in Baidoa.\textsuperscript{111}

\textit{Freedom of Expression}

Media professionals in Somalia and Somaliland continue to face threats, intimidations, arbitrary arrests, and judicial persecutions as a result of their work - these attacks\textsuperscript{112} are

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often perpetrated by both State\textsuperscript{113} and non-State actors. Somalia topped the Committee to Protect Journalists’ 2018 Global Impunity Index for the fourth time in a row in 2018.\textsuperscript{114}

On 4 December 2018, Ismael Sheikh Khalifa, journalist and chairman of Human Rights Journalists, an NGO in Somalia, suffered serious injuries after an explosive device which was planted in his vehicle exploded in Mogadishu’s Waberi district.\textsuperscript{115}

The National Union of Somali Journalists reported and condemned police brutality on 18 February that targeted two local journalists in Mogadishu.\textsuperscript{116} Warsame Sabriye and Abdullahi Dahir Abdi were allegedly handcuffed and beaten by security forces and ten more journalists were barred from reporting a news event.\textsuperscript{117}

A Somali-born U.S citizen, Abdi Hassan, was arrested in the United States in connection with the kidnapping of a freelance journalist in Somalia.\textsuperscript{118} Although not disclosed, the victim is believed to be Michael Scott Moore, who was kidnapped on 12 January 2012, while working on a book about piracy, and held captive for almost three years, allegedly by Hassan and his co-conspirators, who demanded $20 million for the ransom.\textsuperscript{119}

On 10 February 2019, the privately-owned Foore newspaper, suspended publishing for a year in compliance with an order from a regional court in Somaliland. Editor-in-chief Mohamed Mohamud Yusuf received a three million Somaliland shilling fine (USD

\textsuperscript{113} International Anti-Corruption Conference, ““The Biggest Threat to Press Freedom in Somalia is Not Al-Shabab – it’s Farmajo’s Regime”” 21 February 2019, \url{https://iaccseries.org/blog/press-freedom-in-somalia/?fbclid=IwAR2JsHX0nz0b2NzQJW3WIGz2N5K8385qSp74vNGjA36tjAI_rDiHbdn108}

\textsuperscript{114} Committee to Protect Journalists, ‘Impunity index; Getting Away With Murder Killed Justice,’ October 2018, \url{https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php}


\textsuperscript{119} The Guardian, ‘My 997 days held hostage by Somali pirates,’ 2 June 2015, \url{https://www.theguardian.com/world/2015/jun/02/my-977-days-held-hostage-by-somali-pirates}
$577.85), after being found guilty of publishing fake news and anti-government propaganda. 120

Somaliland poet Abdirahman Ibrahim Adan, was detained on 12 January 2018 at the Lake Assal Hotel, following a recital of a poem121 that highlighted several human rights concerns surrounding the treatment of detainees. On 18 February, the poet was charged with “insulting the police and the government.”122

Freedom of Peaceful Assembly

On 13 December 2018, Mukhtar Robow’s arrest (see above) sparked protests in Baidoa, the South West State’s administrative headquarters, where at least 11 people including civilians and soldiers were killed.123 Photos of the protests showed burnt tires and stones scattered on the roads. At least 200 civilians were arrested following the protests.124

Separately, on 11 December 2018, security forces opened fire on peaceful protesters in Baidoa, who were demonstrating in support of the Lower House Speaker Mohamed Mursal who hails from the region, and who has been under immense pressure to stop the impeachment motion against President Mohamed Abdullahi.125 Two demonstrators were seriously injured while police officers seized the cameras of journalists covering the demonstrations.126

On the last week of February, women in Galkayo, in the semi-autonomous Puntland region of Somalia, demonstrated against the rape and murder of a 12-year-old girl, in what they said was a surge in rapes in the area. A video of the impassioned protest went

120 Committee to Protect Journalists, ‘Somaliland court suspends newspaper for one year for publishing ‘fake news’,’ https://cpj.org/2019/02/somaliland-court-suspends-newspaper-for-one-year-f.php
viral. In the clip, two unidentified women appeal to the authorities and tribal leaders to find the perpetrators who violently raped and murdered the girl in February.127

South Sudan

General Situation

On 12 September 2018, warring parties in South Sudan signed128 the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).129 The agreement outlines,130 among other measures, a permanent ceasefire, a special fund for reconstruction, and more importantly a path forward for the long-overdue operationalisation of the Hybrid Court for South Sudan. Despite the ceasefire civil society organisations have noted that violations continue to occur as the warring parties failed to observe the ceasefire across the country.131

A UN report released in late October 2018 documented targeted attacks against some 900 civilians, including the abduction of young women to be given as brides to soldiers.132 A similar report133 released by Amnesty International in September accuses government soldiers of several crimes against humanity, including mass rape and torture of civilians since April 2018.

On 18 December 2018, a team from the independent Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) was assaulted and

129 Intergovernmental Authority of Development, ‘Revitalized Agreement on the resolution of conflict in the Republic of South Sudan,’ 12 September 2018 https://www.dropbox.com/s/6dn3477q3f5472d/R-ARCSS.2018-i.pdf?dl=0
131 Twitter, ‘#ExecuteRARCSSTimely,’ 15 September 2018, https://twitter.com/froncalgoshi36/status/1040928038433771521
detained by government security forces in Luri area.134 At the time of the attack, the team was conducting duties under its mandate to monitor the ceasefire in support of the R-ARCSS.135 The United Nations Mission in South Sudan136 (UNMIS), United States, Norway, the United Kingdom, and the Intergovernmental Authority on Development (IGAD)137 all condemned the attack and urged for immediate investigations in order that perpetrators are held to account.138

There is growing international concern about fighting between rival armed groups which has forced thousands to flee, despite a peace agreement signed in December. Norway, the UK and the US, known as the Troika, have called on the government of South Sudan and the National Salvation Front to end the violence immediately around Yei and to respect last year’s peace agreement.139 The Troika also called on regional leaders to respect the UN arms embargo.

Sexual violence in South Sudan remains commonplace.140 There have been countless documented cases of “brutal rapes including multiple gang rapes, sexual slavery, abductions, forced marriage, forced pregnancy, forced abortion, and mutilation of sexual organs, as well as killings.”141 These incidents are not new to South Sudan where sexual

135 Intergovernmental Authority of Development, ‘Revitalized Agreement on the resolution of conflict in the Republic of South Sudan,’ 12 September 2018 https://www.dropbox.com/s/6dn3477q3f5472d/R-ARCSS.2018-i.pdf?dl=0
violence is a systematic and widespread characteristic of the conflict where rape and sexual violence are used as a tactic of warfare against women and girls.\textsuperscript{142}

A three-day peace conference that brought together representatives from Jonglei and Eastern Lakes States ended on 9 February 2019 with calls to end crimes along the River Nile. Twic South County commissioner, Daniel Deng, said the two neighbouring communities resolved to end hostilities over the Nile where conflicts often arise over fishing rights.\textsuperscript{143} Parties agreed to control the flow of weapons and ensure that consent from relevant authorities is provided prior to crossing each other’s waters.

119 children were released from an armed group on 11 February 2019 in Yambio where they were associated with the South Sudan National Liberation Movement.\textsuperscript{144} There have been reintegation programs set up to assist children and their host families smoothly transition back into society. This release coincided with the International Day Against the Use of Child Soldiers.

On the second week of February, thousands of civilians fled\textsuperscript{145} from Equatoria state, seeking safety in neighbouring Democratic Republic of the Congo (DRC). Over 8000 people have been internally displaced near the town of Yei following clashes that began on 19 January 2019 between government forces and the National Salvation Front rebel group.

On 20 February 2019, the UN's Commission on Human Rights in South Sudan expressed outrage over renewed fighting in the country which has forced thousands of people to flee their homes.\textsuperscript{146} The commission stressed the need for a special court to be set up as well as a Commission for Truth, Reconciliation and Healing in order to end impunity and help build sustainable peace.

\textsuperscript{142} East African Monitor, ‘Mothers in South Sudan are teaching their daughters how to survive sexual violence,’ 26 March 2019, https://eastafricamonitor.com/mothers-in-south-sudan-are-teaching-their-daughters-how-to-survive-sexual-violence/
In March 2019, Amnesty International expressed concern at the rising use of the death penalty in South Sudan.\textsuperscript{147} Most of those executed had been convicted of murder but Amnesty says at least three of the cases were shrouded in secrecy and relatives only learnt of the deaths after they had been executed. The group says South Sudanese authorities executed more people in 2018 than in any other year since independence in 2011.

South Sudan’s government has allegedly allocated over half of the funds meant for the peace deal to the renovation of politicians’ homes, according to an investigative report by The Guardian newspaper. The government had originally pledged more than $1.4 million to the peace fund but only deposited $400,000 into the account.\textsuperscript{148}

\textit{Freedom of Association}

On 25 October 2018, the government announced that it would release five political prisoners.\textsuperscript{149} While the R-ARCSS stipulates\textsuperscript{150} the release of several key rebel leaders, none of the five appear to be high-ranking rebel officials. On 20 October 2018, the International Committee of the Red Cross (ICRC) facilitated the release of 24 people detained in relation to the conflict.\textsuperscript{151}

Makeur Dhok, the ruling Sudan People’s Liberation Movement Party’s (SPLM) secretary general, was detained by national security in Rumbek town following a disagreement with General John Deng over administrative issues.\textsuperscript{152}

Investigations following the disappearance of two South Sudanese critics in Nairobi have been dropped by the Kenyan courts. In 2017, Dong Samuel Luak, a prominent South

Sudanese lawyer and human rights activist, and Aggrey Idri, a member of the political opposition were snatched off the streets of Nairobi. The men’s disappearance is believed by their families to be the result of collusion between South Sudan and Kenya, but both governments have denied having custody of the men or knowledge of their whereabouts.  

Freedom of Expression

On 7 January 2019, the South Sudanese Media Authority ordered the *Al Watan* Arabic-language newspaper to stop covering the ongoing protests in neighbouring Sudan. This restrictive move came after the Sudanese embassy in Juba lodged a complaint with the Media Authority, accusing the newspaper of supporting the protests in Sudan. Between 3-7 January, the *Al Watan* published three separate reports about the Sudan protests. The regulator ordered the paper to immediately desist from "writing anything on topics relating to the ongoing protests in Sudan, which is an internal political issue of a friendly neighbouring country." In addition, the regulator also ordered the newspaper to publish an official apology to the Sudanese Embassy in Juba within 72 hours, an order which the outlet refused.

Sudan

On 19 November 2018, the European Council highlighted Sudan’s lack of respect for civic freedoms, and urged Sudanese authorities to uphold commitments to freedom of

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154 IFEX, ‘Newspaper receives directive to stop reporting on protests in neighbouring Sudan,’ 14 January 2019, [https://www.ifex.org/south_sudan/2019/01/14/protests-sudan/](https://www.ifex.org/south_sudan/2019/01/14/protests-sudan/)
association, peaceful assembly, and expression. In particular, the statement voiced concern over the shrinking space for civil society ahead of upcoming elections in 2020 the persecutions of HRDs, students, political activists, media professionals, as well as with the situation for women and girls.

The statement came just after the adoption of Sudan's new Media Charter on 1 November 2018. While the charter acknowledges the unrestricted right to the freedom of expression, local groups claim it is worthless if Sudanese authorities continue to persecute independent journalists and confiscate entire print runs of newspapers. It is recognised that these aggressive tactics have led to a situation where self-censorship is rife among journalists in Sudan.

Sudan is currently witnessing the largest wave of protests against the economic policies and allegations of human rights violations by the government of President Omar al-Bashir since he came to power in 1989. There have been more than 300 protests in 15 out of Sudan’s 18 states since the protests began on 19 December 2018. The protests were sparked by high school students in Atbara City who were challenging the steep increase of the cost of bread and in a matter of a day, the government had shut down all access to social media platforms in an attempt to limit international attention to the crisis.

In response to persistent protests, on 22 February, President Bashir declared a year-long state of emergency that has given sweeping powers to the armed forces. The legal framework for emergencies as set out in the Emergency and Protection of Public Safety Act of 1997, read together with the Emergency and Public Safety Bylaw of 1998, permits...
preventive arrest and detention on vague grounds. These include the belief of the authorities that the person in question has acted or may act in a way that “affects public security, or public safety, or ... participated in any crime related to the declaration.” The 1998 Bylaw provides neither time limits for this type of detention, nor judicial oversight, and therefore authorises prolonged if not indefinite detention. The broad powers given to the Executive under the 1997 Act and 1998 Bylaw have repeatedly given rise to concerns over arbitrary arrest and detention, ill-treatment and torture, and violations of the right to a fair trial, which are facilitated by the virtually complete absence of safeguards and judicial oversight. In emergency situations, there are no adequate safeguards against unjustified infringements on the peaceful exercise of rights to freedom of expression, assembly and association.

President Bashir also dissolved the federal and local governments and appointed a former Defence Minister Awad Ibnouf as a vice president, and replaced all state governors with military officials. It important to mention that Mr. Awad is one of people placed on the United States sanctions by former US President George W. Bush’s administration in May 2007 for his alleged role in the perpetuation of war crimes in Darfur. The state of emergency was approved by the Parliament but reduced to six months on 11 March. Legal experts assert that the state of emergency violates the Constitution.

A Sudanese news source reported on 21 March 2019 that al-Bashir intends to attend the League of Arab States summit, which will be held in Tunisia, a member of the International Criminal Court (ICC), on 31 March 2019. Al-Bashir is sought on two ICC warrants for alleged genocide, war crimes, and crimes against humanity committed in Darfur, Sudan. The Human Rights Watch has asked that ICC members put pressure on Tunisia to exercise compliance with the court’s rules.

After three decades in charge, Sudanese president Omar al-Bashir was forced out of office on 11 April after months of unrelenting protests. The move was orchestrated by the military. Reports indicate that the former president was detained and held under house

arrest while the military announced a raft of measures to rein in protesters. On the same day, shortly after Bashir was ousted, a military council dissolved the government, suspended the country’s constitution and declared a three month state of emergency. The military said it will remain in control for at least two years to oversee a "transition of power," leading to dismay from protesters and outside observers that elections will not be held anytime soon.

**Freedom of Association**

Civil society activists have been arrested in the sweeping mass arrests after the protests. On 3 January 2019, local sources alleged that members of the National Intelligence and Security Service (NISS) raided the headquarters of the National Civic Forum in Khartoum and arrested its director Dr Hasan Abdelati, Ambassador Ibrahim Taha, and Professor Montasir El Tayeb who is a professor of genetics at the University of Khartoum. At least 30 human rights defenders were detained incommunicado without charge, some have since been released after spending more than 2 months in custody.

**Freedom of Expression**

Sudan’s new media charter also imposes regulations on news outlets. In particular, the

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charter stipulates that no material or news about the Sudanese regular forces may be published without authorisation by a government spokesperson. Unsurprisingly, local civil society groups have voiced opposition to the rules. A similar charter was implemented in 2009, which Sudanese authorities used as a pretext to interfere with and censor print based media.

Amid, the restrictions, Sudanese journalists have also received recognition for their work. On 21 November 2018, the Committee to Protect Journalists' annual International Press Freedom Award was presented to Amal Habbani, who has suffered numerous threats and attacks. As a freelance journalist and contributor to the Sudanese news outlet Al-Taghyeer, Habbani has been repeatedly harassed and detained by Sudanese authorities for her work. Despite the highly challenging environment, Habbani fearlessly continued her work as an investigative journalist amid threats of harassment, detention and even violence. Upon receiving the award, Habbani stated that she hoped to shine a spotlight on Sudan's treatment of independent media groups and journalists.

The ongoing nationwide protests have also seen the Sudanese authorities take systematic measures to silence media outlets. Sudanese authorities, especially the NISS, are alleged to have done everything possible to prevent journalists from covering the protests. In particular, journalists have been subjected to arbitrary arrests and attacks and the National Industrial Security System especially has a well-documented track record of coercing and harassing independent outlets and journalists.

According to the Reporters without Borders (RSF), since the protests began on 19 December 2018, more than 90 press freedom violations have been registered by the organisation. These include 62 arrests and 21 seizures of newspapers by the NISS.\(^{186}\)

On 15 January 2019 a total of 28 journalists were reportedly arrested while taking part in a peaceful sit-in outside the NISS’ Khartoum headquarters to protest the *Al-Jareeda*’s paper’s almost daily confiscation in recent weeks.\(^{187}\) On 14 and 17 January 2019, 5 journalists were detained incommunicado and their locations remain unknown.\(^{188}\) The lack of access to lawyers and family members to the detainees, together with the well-documented use by the NISS of torture and other forms of ill-treatment against detainees, particularly whilst held in unknown locations, gives rise to serious concerns for their safety.\(^{189}\) Incommunicado detention significantly enhances vulnerability to torture and other ill-treatment.

Confiscation of newspapers is regularly used to censor independent outlets in Sudan. Censorship is often ramped up around key events with post-print censorship, whereby entire print-runs of daily editions are confiscated prior to morning distribution, at great cost to newspapers, which along with other forms of harassment and intimidation enforces self-censorship as editors are unable to afford to publish opinions that might result in the print run being confiscated.

During these protests, a similar campaign was launched as the NISS imposed a "strict prior-publication censorship" mainly targeting daily newspapers *El Tayyar* and *Al-Jareeda*.\(^{190}\) Censorship followed instructions by NISS to chief editors not to report on the protests. Since the unrest began in December 2018, *Al-Jareeda* has been confiscated 11


times by the NISS.\textsuperscript{191} Moreover, the government-controlled Press and Publications Council filed a complaint\textsuperscript{192} against Al Arabiya TV office in Sudan and its correspondent in Khartoum under article 66 of the Criminal Code, concerning the publication of false news, which carries a penalty of six months imprisonment or a fine or both.\textsuperscript{193} On 20 December 2018, NISS without giving reasons imposed a pre-publication censorship on Akhbar Al-Watan newspaper for 11 weeks until 11 March 2019. Al Maidan newspaper was denied publication from 11 January to 11 March 2019 whilst Albaath newspaper, which is affiliated with the Arabic Baath party was denied publication from last week of December 2018 to 17 March 2019. Algareeda, an independent newspaper, was denied publication for 76 days from 20 December 2018.\textsuperscript{194}

Osman Mirghani, Chief Editor of the Altyaar, an independent newspaper, was freed on 29 April 2019 after a month in detention for speaking out against President Omar al-Bashir’s state of emergency law.\textsuperscript{195}

\textit{Freedom of Peaceful Assembly}

Since 19 December 2018, tens of thousands of Sudanese have participated in protests against the government throughout Sudan. At least 57 peaceful protesters, including children, have been killed\textsuperscript{196} and dozens injured as a result of excessive use of force by state security forces in dispersing the protests.\textsuperscript{197} Sudanese security forces, including the NISS, Anti-riot police and the military have used live ammunition, tear gas and rubber

\begin{itemize}
\item[	extsuperscript{197}] RFI, ‘40 killed in Sudan protests as security forces use live rounds,’ 2 January 2019, http://en.rfi.fr/africa/20190102-40-killed-sudan-protests-security-forces-use-live-rounds
\end{itemize}
bullets to clamp down on a large-scale anti-government demonstrations. Different types of tear gas bombs are being used, some of them are explosive and cause deep burns and tissue damage, this has led to two university students losing their hands when they attempted to throw fired canisters away from protestors. Injuries resulting from tear gas bomb/missile include; loss of an eye (three cases), rib fractures (four cases), skull fractures (three cases), various abdominal injuries leading to internal bleeding, in addition to three cases of fractured legs. Sudanese authorities have also responded by orchestrating mass arrests. Authorities confirmed that at least 816 people had been arrested as of 6 January 2019 in connection with the demonstrations. The crackdown has seen security forces arresting journalists, students, human rights defenders and doctors among others. At least 116 opposition leaders were detained incommunicado with charge across various prisons in Sudan.

In March 2019, NISS released 54 peaceful protesters, including 36 women released on 8 March 2019 following an order by President Bashir to the Director of NISS. The 54 spent more than 2 months in NISS custody with charge. There are serious concerns for the physical and psychological wellbeing of hundreds of peaceful protesters who still remain in custody without charge or access to courts of law, many are detained through the use of emergency laws, which permit prolonged, if not indefinite, detention through arbitrary preventative arrest. Those detainees face inhumane and degrading treatment and torture.

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both of which have been widely reported by organisations, including in the context of the current protests\(^{204}\).

Images and videos were circulated online providing evidence of state forces restricting basic peaceful assembly rights and use of violence against protesters. Security agencies have used the most inconceivably barbaric tactics including running over the bodies of protestors while chasing them by military pickup trucks. Sudan Doctors Syndicate confirmed at least three cases of such kind, with one reported death and two injuries of protestors\(^{205}\). Doctors have also provided testimonial evidence of treating protestors suffering from injuries consistent with the use of live ammunition and allegations of protestors being directly targeted, stating many suffered of gunshots often to the head or upper part of the body.\(^{206}\)

Security forces have also attacked hospitals and medical staff. According to reports, injured protestors seeking treatment after the protests were followed and attacked by security forces in hospitals.\(^{207}\) On 9 January 2019, Sudanese security forces fired tear gas and live ammunition inside the premises of the Omdurman Hospital.\(^{208}\) Doctors were also beaten in the ensuing encounter.\(^{209}\) Reports also suggest that on 13 January 2019 police fired tear gas inside Bahri Teaching Hospital and Haj Al-Safi Hospital in Khartoum North area where a large protest was organised by opposition groups.\(^{210}\) According a report


published by Sudanese doctor’s syndicate, over 28 doctors were detained in Khartoum alone for either being on strike or for providing medical aid to the protestors in the streets. One doctor was shot dead by the security forces for providing emergency care for severely wounded protestors in the field\textsuperscript{211}. At least 5 female doctors were detained incommunicado without charge at Omdurman women’s prison in inhumane conditions for more than 2 months for suspected involvement in the protests\textsuperscript{212}.

Additionally, NISS has targeted university students by carrying out raids and arrests in student’s residences and university campuses. At least three university students died in December 2018 as a result of torture they were allegedly subjected to while in NISS custody\textsuperscript{213}.

Since 30 December 2018, 30 Darfuri university students have been detained incommunicado without charge by the NISS in Khartoum. The students were arrested after a house raid by NISS in Sennar and transferred to an unknown location in Khartoum. On the same day, the Director of the NISS held a press conference stating that the detained students were members of an armed Darfuri movement (SLA/Abdelwahid) that had received training from Mossaad, the Israeli intelligence agency, and that they had been sent to infiltrate the protests. Videos broadcasted on Sudan TV and other government affiliated television channels showed the detained students confessing to instigating the demonstrations with clear signs of beatings and fatigue\textsuperscript{214}. Their incommunicado detention and allegations against them significantly enhances vulnerability to torture and other ill-treatment.

\begin{footnotes}
\footnotetext[212]{ACJPS, 30 women detained in inhumane conditions following suspected involvement in protests’, 20 February 2019, \url{http://www.acjps.org/sudan-30-women-detained-in-inhumane-conditions-following-involvement-in-protests/}}
\end{footnotes}
On 7 March 2019, security forces used tear gas to disperse hundreds of students protesting at the National University campus in Khartoum.  

The emergency courts and prosecution offices established under the emergency decrees announced by President Bashir in February 2019 have continued to violate the right to a fair trial, which is guaranteed under the Sudanese constitution, regional and international treaties ratified by Sudan. Peaceful protesters have been unfairly subjected to harsh sentences. Some of these sentences have since been quashed by the appeal courts. In March 2019, the appeal court overturned a decision of the El Imtidad emergency court sentencing 9 female peaceful protesters to flogging and jail term.

Women have played a prominent role at the protests, calling for freedom, change and claiming space to assert their rights defying serious threats, violence. They are resisting an increasingly hostile patriarchal environment, institutionalised gender discrimination and harassment by authorities that women human rights defenders (WHRD) have been increasingly subjected under the current regime. In response, security forces have targeted WHRD using different repressive tactics including arbitrary arrests, detention without access to family and lawyers, intimidation and physical abuse, or the use of family members to pressure the activists to reveal information. Activists released from detention have testified to the abuse, various forms of torture and inhumane and degrading treatment, including threats of rape and sexual harassment, as well as being beaten in detention by a "special female unit" that seemed specially designated to abuse detained women activists, including submitting women to body cavity search that can

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216 Twitter, ‘Young women demanding an end to the Al-Bashir Presidency as another day of protests gets underway in Sudan,’ 12 March 2019, https://twitter.com/samirasawlani/status/1105407502001364992
219 YouTube, ‘The women on the frontline of the protests in Sudan,’ 1 February 2019, https://youtu.be/2G9IYXIAT1g
amount to sexual violence.\textsuperscript{220} Since the start of the demonstrations,\textsuperscript{221} at least 100 WHRDs, including journalists, have been subjected to arbitrary detention, according to the Regional Coalition for Women Human Rights Defenders in the Middle East and North Africa (WHRD-MENA).\textsuperscript{222}

Sudanese officials and leaders of the ruling National Congress Party have issued numerous statements threatening peaceful protesters. Sudan’s President Omar al Bashir has stated “the objective is not to kill protesters, but to safeguard the security and stability of citizens.”\textsuperscript{223} However on 8 January 2019 former Vice President Ali Osman Taha, and current member of the leading bureau of the ruling NCP, warned opponents of the government that militia “brigades” would defend the regime.\textsuperscript{224} On 10 January the former Speaker of the Parliament Al-Fatih Izzeldeen threatened those who protest saying “we will cut their heads off.”\textsuperscript{225}

However, in a joint statement, the Troika - comprising of the US, Britain and Norway - and Canada, stated they were “appalled by reports of deaths and serious injury” of protesters, calling on the Government of Sudan to ensure a “fully transparent and independent investigation.”\textsuperscript{226}

\textbf{Tanzania}

\textit{Freedom of Association}

\textsuperscript{220} Twitter, ’Injuries imposed on Human Rights Defender at the hands of security forces,’ 21 January 2019 \url{https://twitter.com/whrdmena/status/1087428898365808640}
\textsuperscript{221} Civicus Monitor, ‘Widespread protests in Sudan see excessive force and systematic repression of civic freedoms,’ 17 January 2019 \url{https://monitor.civicus.org/newsfeed/2019/01/17/Widespread-protests-excessive-force-systematic-repression/}
\textsuperscript{224} HRW, ‘A Bloody Day of Protest in Sudan’ 10 January 2019, \url{https://www.hrw.org/news/2019/01/10/bloody-day-protest-sudan}
\textsuperscript{225} Sudan Akhbar 11, January 2019, \url{https://www.sudanakhbar.com/424245}
Ms. Ingrid De Draeve and Clinton Mshao were arrested in Loliondo in September 2018. The two were arrested while the former was attending the marriage ceremony of Clinton Mshao. They were taken to Arusha Central Police for further investigation. Police mistakenly arrested Ingrid who was mistaken for a Swedish blogger, Suzan Nodrud, who has written extensively on the issues facing the Maasai in the region. Later on when she was taken fingerprints it was determined that she was not Suzan and then was released after staying in police custody for approximately 5 days.\textsuperscript{227}

On 29 October 2018, Dar es Salaam’s Regional Commissioner, Paul Makonda, announced plans to form a government taskforce to hunt down people believed to be lesbian, gay, bisexual, transgender or intersex (LGBTI), due to begin its “work” on 5 November.\textsuperscript{228} On 4 November, the Government of Tanzania, through its Ministry of Foreign Affairs, distanced itself from Makonda’s remarks terming them “personal opinion.”\textsuperscript{229}

Two Pastoralist Land Rights Defenders were arrested in December 2018. Supuk Ole Maoi and Clinton Mshao were arrested by police in Loliondo and stayed under police custody for one week before they were released on bail. Despite the reason for their arrest being unexplained, analysts believed that their arrest was highly likely connected to their human rights work as they have been working tirelessly in defending land rights in Loliondo.\textsuperscript{230} Supuk and Clinton Mshao Kairungi had in 2016 been arrested and charged with espionage contrary to the National Security, 1967. Their case was successfully litigated by an advocate hired by THRDC and won against the government after the prosecution side failed to prove their case beyond reasonable doubt.\textsuperscript{231}

\textit{Freedom of Expression}

\textsuperscript{227} The Report on the Situation of Human Rights Defenders and Civic Space in Tanzania,’ 2018  \url{https://www.thrdc.or.tz/}
\textsuperscript{231} Facebook, ‘Tengeneza jimbo la ngorngoro,’ July 2016,  \url{https://m.facebook.com/groups/189241674451156/?bac=MTQ2OTQxOTY0NToxMTg2MDAyODA0Nzc1MDMzQjExODYwMDI4MDQ3NzUwMzMsMDo3Og%3D%3D&multi_permalinks&_rdr=1&_rdr}
In September, lawmakers passed amendments to the Statistics Act that would impose fines, at least three years jail time, or both, on anyone who questioned the accuracy of official figures. The attorney general said the changes were needed to enforce standards. The World Bank said it was deeply concerned about new Tanzanian legislation which would punish anyone who questions official statistics, saying the law would undermine the production of useful and high quality data.\(^{232}\)

In October 2018, the Ministry of Health, Community Development, Gender Elderly and Children gazetted NGOs Act (Amendment) Regulations. The Regulations seek to improve financial transparency and accountability. According to the Regulations NGOs are required to inter alia publish information about the sources of fund or resources obtained; expenditure of the fund or resources obtained; purpose of fund or resources obtained; and Activities to be carried from fund or resources. In case the NGO raises more than 20 Million Tshs, the NGOs will be required to release biannual information about the raised funds and expenditure. This information is required to be published in a well circulated newspaper or any other media which is easily accessed by the beneficiaries of the project.\(^{233}\)

On 2 October, three journalists were arrested by police officers in Umba Village in Kalambo District, Rukwa Region. Mr. Mussa Mwangoka of Mwananchi newspaper, Mr. Gulan Adolf of Nipashe newspaper and Mr. Sammy Kisika of Azam TV were arrested as they were covering a story about a land dispute between residents of the village and the Tanzania Forest Services (TFS). The dispute had been raging for a while with no solution in sight. This, understandably, attracted journalists’ attention. As the three journalists were covering the story, police officers showed up and arrested them. They were not only threatened, but also denied information.\(^{234}\)

On 31 October 2018, Zitto Kabwe, a leader of the Alliance for Change and Transparency opposition movement in Tanzania, was detained for questioning following a press conference in which he accused the police of killing dozens of residents of Kigoma, where he is a legislator, during an operation to address illegal grazing.\(^{235}\)

On the second week of November 2018, at least 10 men were arrested for allegedly conducting a same-sex marriage ceremony on the island of Zanzibar.\(^{236}\)

On 18 November, the Committee to Protect Journalists welcomed the release of Angela Quintal, CPJ's Africa program coordinator, and Muthoki Mumo, CPJ's sub-Saharan Africa representative, from detention in Tanzania who had travelled to the country to understand the challenges facing the Tanzanian press and to inform the global public.\(^{237}\) CPJ called for Tanzanian authorities to halt their ongoing crackdown against a free press.\(^{238}\)

The crackdown on press freedom continues as the Tanzanian government suspended the newspaper ‘The Citizen’ on 26 February 2019 arguing that it spreads false news – a decision questioned by several diplomats in Tanzania.\(^{239}\)

In January 2019 the Parliament of Tanzania enacted a new Political Parties (Amendment) Act which inter alia grants unlimited powers to the Registrar of Political Parties in the Country. These powers include the power to deregister any political party, to expel an individual members of the party from membership and even to decide eligibility of contestants in the Party. While exercising these powers, the laws gives him immunity from prosecution.\(^{240}\)

On 17 March 2019, Dar es Salaam’s Regional Commissioner led a raid on Clouds Media Group, allegedly for their decision not to broadcast a video aimed at undermining a popular local pastor.\(^{241}\)

Through his letter dated 25 March 2019, the Registrar of Political Parties Threatened to deregister one of the opposition Parties named Alliance for Change and Transparency

(ACT Wazalendo). The Registrar gave a 14 days ultimatum for an defense explanation as to why the parties should not be deregistered.\textsuperscript{242}

On 28 March 2019, CPJ welcomed a ruling by the East African Court of Justice (EACJ) that multiple sections of Tanzania’s Media Services Act restrict press freedom and freedom of expression. CPJ also called on the Tanzanian government to repeal the act.\textsuperscript{243}

**Uganda**

*Freedom of Association*

In mid-December 2018, representatives from CSOs met with the Internal Affairs Minister Jeje Odongo in Kampala, to discuss the delayed conclusion of investigations into the systematic office break-ins of NGOs.\textsuperscript{244} The representatives tasked the minister to explain the lack of accountability for the office raids. According to the minister, the police continue with the investigations and will make their findings public once the inquiries are concluded.\textsuperscript{245}

On 31 December 2018, offices of an LGBT+ led Organisation Queer Youth Uganda in Munyonyo suffered an attempted office break-in. Although the assailants remain unknown, this is the second attempt at the institution largely targeted because of the nature of work it undertakes on awareness on LGBT+ rights. It brings the toll to 34 organisations of CSOs that have been broken into. On 7 December, the National Coalition of Human Rights Defenders Uganda issued a report findings on continued office break-ins in Uganda\textsuperscript{246}.

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Uganda's ruling NRM party endorsed President Yoweri Museveni as its candidate for the 2021 elections, meaning the 74-year-old leader, who came to power in 1986, will be running for a sixth term. His candidacy comes after the signing of a highly controversial bill in January 2018 that scrapped the presidential age limit.\(^{247}\) Uganda's Supreme Court began hearing a petition in January to challenge this decision. Around the same time, President Museveni promoted his son to the rank of lieutenant general - the second highest position in the army.\(^{248}\)

On 21 March 2019, Muslim lawyers under the umbrella body Ugandan Muslim Lawyers Association (UMLAS) decried what they describe as increased attacks against suspects, especially Muslims, at the hands of security forces.\(^{249}\) UMLAS' statement was made at a time when the last group of Kaweesi murder suspects were set to be released temporarily after securing bail.\(^{250}\) Lawyers disclosed information on security agencies' alleged plan to re-arrest suspects after release.\(^{251}\)

**Freedom of Expression**

On 2 November 2018, Makerere University researcher Dr. Stella Nyanzi was arrested on allegations that she insulted President Museveni and his deceased mother, on her Facebook social media account on 16 September 2018.\(^{252}\) She was remanded at Luzira maximum security prison. The Superintendent of Police Vincent Ssekatte said she committed the offence of cyber harassment and offensive communication. According to Section 25 of the Computer Misuse Act (2011) on offensive communication, “any person who willfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate


communication whether or not a conversation ensues commits a misdemeanor and is liable on conviction to a fine not exceeding twenty-four currency points or imprisonment not exceeding one year, or both.”

On 17 November 2018, Unity FM radio station in Lira was shut down and six of its journalists arrested on the orders of the Resident District Commissioner, Milton Odong, for allegedly inciting violence. Although the six journalists were released on 19 November 2018, they were re-arrested the following day at Lira Central Police Station when they reported to the station to renew their police bond. The station was closed on allegations of inciting violence after they aired live coverage of protests during the funeral of a child. The station’s director however described the attack as politically motivated because of the radio’s persistent call for accountability by the district leaders for funds received from the government to enable service delivery.

On 6 February 2019, the Speaker of the Parliament of Uganda Hon Rebecca Kadaga wrote to Uganda Communications Commission instructing UCC to immediately suspend the monitor website citing publication of fake news. The monitor website had earlier carried a story where a witch doctor had issued a notice to sue the Speaker for alleged failure to remit payment. It was seen as an attempt to gag the press using her office.

On 7 February, 2019, five people including investigative journalists from the BBC and NBS TV were arrested citing a story they were running on the illegal siphoning of drugs from government stores.

On 19 February, 2019, the weekly newspaper Observer was closed citing continued non-remittance of taxes to the Uganda Revenue Authority. However unconfirmed reports point

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to alleged witch hunt from a government official in the ministry of health following a planned publication on the Rot in the health sector. It however follows that the same newspaper has been broken into twice.  

On 18 March 2019, two activists from the Opposition Forum for Democratic Change (FDC) party assaulted journalists who had gone to cover the party’s weekly press conference in Kampala. They reportedly locked several journalists inside the conference room after realising that Ibrahim Ssemujju Nganda, the party spokesman, who was slated to address the journalists would not show up.

**Freedom of Peaceful Assembly**

On 15 December 2018, police in Jinja blocked Member of Parliament Robert Kyagulanyi, popularly known as Bobi Wine, from holding a scheduled concert and fired tear gas to disperse his supporters and fans. Police proceeded to raid a hotel where Kyagulanyi was staying in an attempt to arrest him. However, he eluded them and managed to flee to Kampala. The police had earlier on tasked the event organisers to remove Bobi Wine from the list of artists before they could approve the event. Although posters announcing the event had Bobi Wine’s name and portrait, he did not appear on the final list of artists "approved" by the police. Bobi Wine, a fierce critic of President Yoweri Museveni’s leadership, is currently battling treason charges.

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260 Observer, ‘The Observer offices broken into again,’ 1 April 2019,  
261 Daily Monitor, ‘FDC activists assault journalists at party headquarters,’ 18 March 2019,  
262 Daily Monitor, ‘FDC activists assault journalists at party headquarters,’ 18 March 2019,  
263 NTV, ‘Police blocks Bobi Wine’s performance, uses tear gas to disperse his supporters,’ 16 December 2018,  
264 The Observer, ‘Bobi Wine beats Jinja security, returns to Kampala,’ 16 December 2018,  
265 The Observer, ‘Bobi Wine re-arrested, charged with treason,’ 23 August 2018,  
On 17 November 2018, police fired sporadic gunshots at protesters in Lira town after the funeral of a child in Kole District turned violent.266 The child was reportedly killed by two foreign nationals on 9 November.267 The chaos ensued after Lira town’s district chairman attempted to make a speech at the funeral, but was booed and blocked from speaking by the mourners. Police engaged in running battles with mourners. The incident spread to a neighbouring town when children started attacking foreign nationals doing business in the Lango principle trade centre.268

On 19 November 2018, police and UPDF soldiers violently dispersed a protest by businessmen and local politicians against electricity blackouts within Gulu Municipality.269 They argued that the continuous power outage was affecting their businesses. Several shops and businesses closed as the police engaged in running battles with the protestors using teargas and live bullets. An unverified number of protesters were also arrested.

On 14 January 2019, 50 Youthful NRM activists270 were brutally arrested as they attempted to demonstrate at Parliament of Uganda challenging the debate on rule of law, governance in the UK Parliament and held at Kampala Central Police station. The activists were attempting to walk peacefully to Parliament to hand a petition to the speaker.

On 20 February 2019, the Uganda Police Force blocked an opposition party reunion271 as a party of prepared activities to challenge the incumbent in the forthcoming general election. Despite having served the required notice under the Public Order Management Act, the Police went ahead and stopped the assembly and arrested leading opposition figures. This is testimony of continued misuse/misapplication of the POMA to crack down on voices of dissent.