



# DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

## Overview of the Human Rights Situation in the East and Horn of Africa October 2019 – April 2020

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Report submitted to the 66<sup>th</sup> Ordinary Session of the  
African Commission on Human and Peoples' Rights  
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## **Introduction and Executive Summary**

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) welcomes the opportunity offered by the 66<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (hereafter "ACHPR" or "the Commission") to highlight the most pressing human rights issues in the East and Horn of Africa sub-region for the period October 2019-April 2020. This submission was prepared on the basis of research conducted by DefendDefenders, information gathered during the course of its work, including monitoring of human rights developments, and with the help of information sent to the secretariat of the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) by our members and partners throughout the sub-region.

This submission focuses on issues pertaining to civic space, in particular citizens' enjoyment of their rights to freedom of opinion and expression (which includes access to information and freedom of expression online and offline, including media freedom), peaceful assembly, and association. For each country that is part of DefendDefenders' mandate, the submission includes key trends and developments. The submission features a series of recommendations to the Commission, formulated with a view to improving human rights protections and promoting respect for human rights. The 11 countries are Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, the United Republic of Tanzania, and Uganda.

Although the 66<sup>th</sup> Ordinary Session has been postponed due to the Covid-19 situation – a decision DefendDefenders supports in light of the current grave public health concerns – DefendDefenders hopes that the session will take place as soon as the situation allows. DefendDefenders remains committed to contribute to the work of, and engage with, the Commission.

Over the past six months, governments in the sub-region have continued to restrict legitimate expressions of civilian dissent, including peaceful demonstrations and gatherings, free expression of human rights defenders (HRDs), media professionals, and citizens, as well as targeted civil society organisations (CSOs) through various strategies of harassment and repression. Positive trends and developments have been noted in Ethiopia and Sudan. Everywhere, HRDs have continued their work for the promotion and protection of human rights despite risks and threats.

The Covid-19 pandemic, a public health threat, justifies temporary restrictions to certain rights, including to freedom of movement and freedom of peaceful assembly. However, all restrictions must be lawful in light of a specific aim (protecting public health), strictly necessary, and proportionate. During the crisis, states continue to be duty bearers and to hold obligations to respect, protect, and fulfil human rights. However, as outlined below, in several countries of the sub-region, authorities have either committed violations while fighting the pandemic or used the latter as an excuse to violate rights, including by targeting peaceful critics and independent voices.

As **Burundi's** electoral campaign officially starts on 27 April 2020, risk factors of human rights violations remain present and give rise to serious concerns over potential violence and further abuses. The lead-up to the May 2020 elections, including the presidential election, is marked by a climate of repression, fear, intimidation, and widespread impunity. State agents, ruling party officials, and members of the *Imbonerakure* militia continue to perpetrate grave violations against civilians. The democratic and civic space in the country remains closed, with many HRDs, human rights actors, and journalists detained or operating in exile.

**Djibouti** and **Eritrea** continue to be ruled by two of the most repressive governments in the sub-region, both ranking amongst the world's worst five abusers of press freedom. While in Djibouti, HRDs work in a very restrictive environment; the context makes it impossible for independent human rights actors and organisations to operate in Eritrea. Grave violations, some of which may amount to crimes against humanity, are ongoing in the latter. Despite diplomatic progress in the Horn of Africa (including the 2018 *rapprochement* between Eritrea, Ethiopia, and Somalia), the human rights situation has not improved in these two countries.

Despite positive human rights developments since the appointment of Prime Minister Abiy Ahmed in April 2018, **Ethiopia** faces uncertainty ahead of its elections, which are now scheduled for August 2020. Rising ethnic-political tensions over land and livelihoods, especially in the Oromia Regional State, threaten to derail the political process and nullify the gains made in the last two years. Millions remain internally displaced. Positive developments during the reporting period include the award of the Nobel Peace Prize to Prime Minister Abiy Ahmed, the formation of a national coalition of HRDs, and the fact that Ethiopia now leads the sub-region in media freedom.

Extrajudicial killings, enforced disappearances, torture and other grave violations, often committed by security forces in the name of combating terrorism, or against young men from disadvantaged slum areas, continue to be reported in **Kenya**. The death of former President Daniel Arap Moi sparked debate about his human rights legacy, showing both unaddressed grievances and impunity, self-censorship, and the vitality of the country's media and civil society.

Censorship of the media and self-censorship by reporters and citizens remain commonplace in **Rwanda**. Threats to those working in exile are frequent, and pro-government views dominate the domestic landscape. Civic space has been increasingly restricted, both before and after the outbreak of Covid-19 in the country. There have also been reports of brutality in enforcing the lockdown. The country is preparing for its third Universal Periodic Review (UPR), a rare opportunity to shed light on Rwanda's human rights situation at the international level.

In **South Sudan**, after an 18-month delay, a national unity government was formed in February 2020. However, fighting is ongoing in several areas of the country. Intercommunal tensions continue to increase. DefendDefenders has documented patterns of repression, fear and self-censorship facing HRDs and independent actors in the country. The pressure has increased in the reporting period. Accountability remains elusive as the establishment of transitional justice institutions, including the African Union (AU)-supported Hybrid Court, continues to be delayed.

Major challenges for the enjoyment of human rights remain in **Somalia/Somaliland**, including terrorist attacks and general insecurity. The reporting period has witnessed setbacks, including the killing of the prominent Somali-Canadian human rights activist Almaas Elman and increased pressure on media professionals and critics. 2020 is a pivotal year for Somalia, as the country prepares for historic one-person, one-vote elections. In Somaliland, authorities have also stepped up censorship of journalists and the media.

Despite the formation of a transitional government and efforts undertaken to reform **Sudan's** oppressive legal and institutional system, serious questions remain regarding accountability for crimes committed by the previous regime and during the 2018-2019 Revolution. Peace talks are ongoing with several rebel groups. In January 2020, Sudan took a seat on the UN Human Rights Council – it is hoped that its membership term will be leveraged for domestic progress.

**Tanzania** continues to aggressively crack down on civic space, HRDs and independent journalists. Ahead of the October 2020 presidential election, members and supporters of the opposition and those peacefully expressing dissent or criticism of the government risk being criminalised or attacked, including via trumped-up economic crimes charges or legislation pertaining to freedom of expression or association online and offline.

Restrictions on opposition politicians have also increased in **Uganda**, which is heading towards its scheduled 2021 elections. Ugandan citizens' rights to freedom of opinion and expression, peaceful assembly and association have been increasingly under pressure. The Covid-19 lockdown, with a curfew in place and heavy restrictions on movement, has been accompanied by reports of police and army brutality against civilians. However, Uganda's vibrant civil society has also registered achievements during the reporting period.

## **Recommendations**

In light of the updates and trends observed in this report, DefendDefenders makes the following recommendations to 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 strictly adhere to their human rights obligations while combating the Covid-19 pandemic, including by ensuring that any measures restricting rights are temporary, lawful, necessary, and proportionate;
- 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 60<sup>th</sup> Ordinary Session in Niamey, Niger;
- Call on member states to cease the harassment of HRDs, including those working on accountability, governance, women's rights, and sexual orientation and gender identity issues, and recognise that the rights in the African Charter on Human and Peoples' Rights are universal;
- Call on member states to take specific measures to protect women HRDs (WHRDs), in light of the multiple and intersecting risks and threats, including violence and discrimination, they face;
- Urge Burundi to ensure that the elections take place in a safe and enabling environment that allows for the free and fair expression of Burundian citizens' will, and to create and maintain an environment in which HRDs and civil society can operate free from intimidation and reprisals;
- Undertake a fact-finding mission to Tanzania to investigate and document human rights violations;
- Urge the Government of South Sudan to establish and operationalise the Hybrid Court for South Sudan, the Commission on Truth, Reconciliation and Healing, and the Compensation and Reparation Authority; to ensure transparent accountability for crimes committed during the conflict;
- Urge the Government of Sudan to ensure that the National Investigative Committee conducts its work in an open, transparent and impartial manner with a view of ensuring justice and accountability for victims of the 3 June massacre, and commit to support the Committee in the course of its work;
- Call on States to abide by the Guidelines on Freedom of Association and Assembly in Africa adopted by the Commission during its 60<sup>th</sup> Ordinary Session, ensuring that they fulfil their obligations under the African Charter by fully protecting these rights;
- 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; and
- Urge states that have withdrawn the declaration made under Article 34(6) of the Protocol of the African Court on Human and Peoples' Rights to reconsider their decision.

## **Burundi**

### **General Situation**

The “Framework of Analysis for Atrocity Crimes” developed by the Office on Genocide Prevention and the Responsibility to Protect, which has been used by the United Nations (UN) Commission of Inquiry (CoI) on Burundi as a key tool for analysis<sup>1</sup> gives rise to ongoing concern over Burundi. The country fulfils many risk factors and indicators.

The lead-up to the 20 May 2020 elections, including presidential, legislative and municipal elections, is marked by a climate of repression, fear and intimidation. State agents, ruling party officials, and members of the *Imbonerakure* militia (the ruling party’s youth league) continue to engage in serious violations against civilians.

Ahead of its 2020 election, President Pierre Nkurunziza has indicated that he will not run for another term, and reported that he plans to hold another press conference before handing power to his successor.<sup>2</sup> Following this announcement, in January 2020, Burundi’s ruling party, the National Council for the Defence of Democracy–Forces for the Defence of Democracy (CNDD-FDD), has nominated Évariste Ndayishimiye as its candidate for the presidential election, slated for 20 May 2020.<sup>3</sup>

On 10 March 2020, the CoI launched an appeal to the international community, including the UN Security Council, and regional institutions, to join forces to encourage the Burundian Government to reopen the democratic, civil and political space in the country. According to the CoI, these are not only basic human rights, but they are also an absolute requirement for the holding of free, transparent and credible elections in a peaceful climate.<sup>4</sup>

On the same day, the National Independent Electoral Commission announced that it had rejected four application files of presidential candidates. According to the Commission, the rejected candidates’ files did not meet the requirements of the Constitution and the Electoral Code. The concerned candidates expressed their frustration and said they intended to appeal to the Constitutional Court.<sup>5</sup>

### **Freedom of Expression**

The space for free expression remains extremely restricted in the country. During the reporting period, one of the very few media outlets operating with some degree of independence, Iwacu, came under attack with the sentencing of four of its reporters. HRDs remain either in detention or in exile. A number of them are able to pursue their work from abroad.

On 17 November 2019, Agathon Rwasa, president of the country’s main opposition party the National Congress for Liberty CNL, confirmed his party’s bid for the 2020 general elections to be

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<sup>1</sup> United Nations Human Rights Council, “Report of the Commission of Inquiry on Burundi,” UN Doc. A/HRC/42/49, 6 August 2019.

<sup>2</sup> VOA, “Burundi’s President Again Says He Won’t Run For Another Term,” 26 December 2019, <https://www.voanews.com/africa/burundis-president-again-says-he-wont-run-another-term> (accessed 27 April 2020).

<sup>3</sup> VOA, “Burundi’s Ruling Party Picks General as Presidential Hopeful,” 26 January 2020, <https://www.voanews.com/africa/burundis-ruling-party-picks-general-presidential-hopeful> (accessed 27 April 2020).

<sup>4</sup> Office of the UN High Commissioner for Human Rights (OHCHR), “Burundi: UN Commission of Inquiry warns that a few months before the elections, the risk of atrocities remains serious, » 10 March 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25700&LangID=E> (accessed 27 April 2020).

<sup>5</sup> Iwacu, “Four files of candidates running for president refused, » 16 March 2020, <https://www.iwacu-burundi.org/englishnews/four-files-of-candidates-running-for-president-refused/> (accessed 27 April 2020).

held in May.<sup>6</sup> Rwasa denounced efforts by the ruling party to disband the party and called on administrators in municipalities to respect the rights and freedoms of citizens.<sup>7</sup>

On 30 December 2019, Burundi sought a 15-year jail term<sup>8</sup> for four journalists of the independent media Iwacu Press Group and their driver, after they were arrested on 22 October 2019 for covering an incursion of rebels from the Democratic Republic of the Congo (DRC), and charged with endangering state security.

On 14 January 2020, Radio journalist Blaise Pascal Karaumiye with Radio Isaganiro was arrested after he reported on the misuse of public funds in Burundi. He was allegedly interrogated without a lawyer.<sup>9</sup>

On 30 January 2020, the High Court of Bubanza, in western Burundi, convicted the four journalists (Christine Kamikazi, Agnès Ndirubusa, Egide Harerimana, and Tércence Mpozenzi) and sentenced them to two and a half years in prison and a fine of one million Burundian Francs each (approximately US \$530). Although they were charged with complicity in threatening the internal security of the state, they were ultimately convicted of attempting to commit the crime. Moreover, they were not allowed to defend themselves in Court. The court acquitted their driver, Adolphe Masabarakiza, who had already been released from pretrial detention.<sup>10</sup>

### Freedom of Association

The right to freedom of association remains severely curtailed in Burundi, including for non-governmental organisations (NGOs), political parties, and citizens at large.

On 16 February 2020, Burundi's main opposition party, the CNL, approved the nomination of Agathon Rwaswa as its candidate for the country's May 2020 presidential election. Mr. Rwaswa is a former rebel leader and a longtime opponent of the current President, Pierre Nkurunziza. He was the leading opposition candidate in the 2010 and 2015 elections, but boycotted both of them.<sup>11</sup>

On 25 February 2020, police announced that at least 22 "evil-doers" had been killed in clashes between Burundi's security forces and an armed group near Bujumbura. Meanwhile, Burundi's main opposition party CNL said there is a link between the incident and the upcoming May 2020 election, as it sparked a wave of arrests of 23 of its local leaders.<sup>12</sup>

On 16 March 2020, Methuselah Nahishakiye, the head of the CNL opposition party was shot dead in the Migera locality of Kabezi commune, in Bujumbura Province. Family members of the decea-

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<sup>6</sup> Anadolu Agency, "Burundi's main opposition leader announces election bid: There is no question of going into hiding but preparing for 2020, says Agathon Rwaswa," 18 November 2019, <https://www.aa.com.tr/en/africa/burundi-s-main-opposition-leader-announces-election-bid/1648257> (accessed 27 April 2020).

<sup>7</sup> CIVICUS Monitor, "Opposition Politician Found Slain as Government Warns Media ahead of 2020 Elections," 21 January 2020, <https://monitor.civicus.org/updates/2020/01/21/opposition-politician-found-slain-government-warns-media-ahead-2020-elections/> (accessed 27 April 2020).

<sup>8</sup> VOA, "Burundi Seeks 15-Year Jail Term for Journalists," 31 December 2019, <https://www.voanews.com/press-freedom/burundi-seeks-15-year-jail-term-journalists> (accessed 27 April 2020).

<sup>9</sup> Iwacu, "Another Burundian journalist detained," 17 January 2020, <https://www.iwacu-burundi.org/englishnews/another-Burundian-journalist-detained/> (accessed 27 April 2020).

<sup>10</sup> Human Rights Watch, "Burundi: Journalists Convicted in Flawed Trial; Onslaught on Free Speech as Elections Loom, 4 February 2020, <https://www.hrw.org/news/2020/02/04/burundi-journalists-convicted-flawed-trial#> (accessed 27 April 2020).

<sup>11</sup> Al Jazeera, "Burundi opposition party picks Agathon Rwaswa to run for president," 16 February 2020, <https://www.aljazeera.com/news/2020/02/burundi-opposition-party-picks-agathon-rwaswa-run-president-200216202200176.html> (accessed 27 April 2020).

<sup>12</sup> Al Jazeera, "22 'evil-doers' killed in Burundi clashes: Police," 26 February 2020, <https://www.aljazeera.com/news/2020/02/22-evil-doers-killed-burundi-clashes-police-200226132552431.html> (accessed 27 April 2020).

sed revealed that he had confided to them that the youth of the ruling party, the *Imbonerakure*, had been threatening to kill him. According to his relatives, Mr. Nahishakiye was murdered for political reasons.<sup>13</sup>

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<sup>13</sup> Iwacu, "Leader of opposition CNL in Kabezi shot dead," 18 March 2020, <https://www.iwacu-burundi.org/englishnews/leader-of-opposition-cnl-in-kabezi-shot-dead/> (accessed 27 April 2020).



## **Djibouti**

### **General Situation**

Djibouti has remained closed-off and continued its crackdown on civic space throughout the reporting period. The sparse media environment is dominated by the state. There are no private TV channels or radio stations and the government owns the main newspaper and national broadcaster. In the 2020 World Press Freedom Index compiled by Reporters Without Borders (RSF), Djibouti was ranked 176<sup>th</sup> out of 180 countries, having dropped three places from 173 in 2019.<sup>14</sup>

HRDs, journalists and independent voices continue to operate in a challenging environment, facing multiple risks and threats, including of arrest, arbitrary detention, and judicial and extra-legal harassment. Social media, including Facebook and Twitter, is the only remaining space for free expression and peaceful dissent.<sup>15</sup>

### **Freedom of Association**

Djiboutian citizens' freedom to associate remains severely restricted. The last few years have been marked by attacks against HRDs and NGOs, which face multiple obstacles, threats, and acts of intimidation and surveillance. Those working on human rights issues "find it close to impossible to register their associations, and find that upon submitting the necessary documents to the Ministry of the Interior their registration certificate is never delivered."<sup>16</sup>

In early March 2020, members of the ARD (*Alliance républicaine pour la démocratie*) opposition political party reported the kidnapping and arbitrary arrest of several of their members. According to the group, one of its members, Dilleyta Tourab, was arrested by hooded men before being held for four days, in Gabode prison and released on 7 March.<sup>17</sup>

### **Freedom of Expression and Access to Information**

In November 2019, following two days of street protests in Djibouti City and neighbouring towns, journalist and opposition activist Osman Yonis Bogoreh was arrested twice in one week in relation to his work investigating allegations concerning criminal activity of security forces.<sup>18</sup> Bogoreh, who works with *La Voix de Djibouti*, a radio station that is Djibouti's only independent media outlet, was released on 4 November for the second time.<sup>19</sup>

In March 2020, Reporters Without Borders unblocked the website of *La Voix de Djibouti*, a radio station that operates from exile in France. This was done as part of their "Operation Collateral Freedom" event to mark World Day Against Cyber-Censorship, celebrated annually on 12 March.<sup>20</sup>

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<sup>14</sup> Reporters Without Borders, "World Press Index 2020: Djibouti," 21 April 2020, <https://rsf.org/en/djibouti> (accessed 27 April 2020).

<sup>15</sup> See DefendDefenders, "Human Rights Defender of the Month: Kadar Abdi Ibrahim," March 2020, <https://defenddefenders.org/human-rights-defender-of-the-month-kadar-abdi-ibrahim/> (accessed 27 April 2020).

<sup>16</sup> See the joint report by DefendDefenders, CIVICUS and FIDH: DefendDefenders, "Civil society submits joint report ahead of Djibouti's 2018 Universal Periodic Review," 12 October 2017, <https://defenddefenders.org/civil-society-submits-joint-report-ahead-of-djiboutis-2018-universal-period-review/> (accessed 28 April 2020).

<sup>17</sup> RFI, "Djibouti: l'opposition se plaint d'une repression par le pouvoir," 9 March 2020, <http://www.rfi.fr/fr/afrique/20200309-djibouti-repression-pouvoir-opposition-parti-ard-radde> (accessed 27 April 2020).

<sup>18</sup> RFI, "Retour au calme à Djibouti mais la mobilisation continue," 1 November 2019, <http://www.rfi.fr/fr/afrique/20191101-djibouti-echauffourees-entre-police-jeunes-capitale> (accessed 27 April 2020).

<sup>19</sup> MENA Rights Group, "Djiboutian human rights defenders, Osman Yonis Bogoreh and Said Abdilahi Yassin, subjected to reprisals," 13 November 2019, <https://menarights.org/en/caseprofile/djiboutian-human-rights-defenders-osman-yonis-bogoreh-and-said-abdilahi-yassin> (accessed 27 April 2020).

<sup>20</sup> Reporters Without Borders, "#CollateralFreedom: RSF now unblocking 21 sites in 12 countries," 13 March 2020, <https://rsf.org/en/news/collateralfreedom-rsf-now-unblocking-21-sites-12-countries> (accessed 27 April 2020).

One of Djibouti's most high-profile bloggers, Samatar Ahmed Osman, also known as "Huno Djibouti," remained in exile in France throughout the reporting period. In the first few months of 2020, authorities continued to target him and his family members who remain in Djibouti, including his wife, who was briefly arrested and detained in August 2019.<sup>21</sup>

#### Freedom of Peaceful Assembly

Public protests remain rare instances. When they occur, they are met with violent repression.

There were street protests at the beginning of November 2019, on the outskirts of Djibouti City, following the arrest of a member of the ARD, Kako Houmed Kako.<sup>22</sup> It was reported that protesters encountered live ammunition, tear gas and violence from security forces, with up to 50 people reported wounded. Other demonstrations took place in nearby towns Tadjoura and Randa, with images shared on social media showing crowds in Randa demanding Kako's release. After two days, the protests subsided when some of the leaders were allowed to visit Kako in jail. Kako was freed from detention on 16 December.<sup>23</sup>

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<sup>21</sup> Twitter, @hunodjibouti, 23 April 2020, <https://twitter.com/hunodjibouti?s=20> (accessed 27 April 2020).

<sup>22</sup> RFI, "Djibouti sous tension après le placement en détention de Kako Houmed Kako," 4 November 2019, <http://www.rfi.fr/fr/afrique/20191103-djibouti-tensions-detention-kako-houmed> (accessed 27 April 2020).

<sup>23</sup> Twitter, @AfarWatch, 17 December 2019, <https://twitter.com/AfarWatch/status/1206715402409168896> (accessed 27 April 2020).

## **Eritrea**

### **General Situation**

Grave violations continue unabated, including arbitrary arrests and incommunicado detention,<sup>24</sup> violations of the rights to a fair trial, access to justice and due process, enforced disappearances, lack of information on the fate or whereabouts of disappeared persons, violations of women's and girls' rights, and severe restrictions on the enjoyment of the rights to freedom of expression, peaceful assembly, association, and religion or belief. Students, some still children, continue to be conscripted into the country's abusive national service system.<sup>25</sup> Indefinite national service, involving torture, sexual violence and forced labour continues; thousands remain in open-ended conscription, sometimes for as long as ten years or more, despite the 2018 peace accord with Ethiopia.<sup>26</sup> Impunity is widespread.<sup>27</sup>

Eritrea engaged with the ACHPR in 2018, after submitting its first ever report to the Commission, but did not meaningfully address the Commissioners' questions and remarks. The government refuses to cooperate with the UN Special Rapporteur and recently launched yet another unwarranted attack on her and her mandate.<sup>28</sup>

During the UN Human Rights Council's 43<sup>rd</sup> session, in February 2020, both the Special Rapporteur, Ms. Daniela Kravetz, and the UN High Commissioner for Human Rights, Ms. Michelle Bachelet, reported that no concrete evidence of progress in Eritrea's human rights situation, including against the « benchmarks for progress » identified by the Special Rapporteur, could be reported.

The Government continues to reject findings of ongoing grave violations, as well as calls for reform, and human rights-based recommendations, including in relation to the Covid-19 crisis.<sup>29</sup>

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<sup>24</sup> Amnesty International, "Human rights in Africa, Review of 2019," 8 April 2020, Index: AFR 01/1352/2020, available at <https://www.amnesty.org/en/documents/afr01/1352/2020/en/> (accessed on 16 April 2020), p. 39.

<sup>25</sup> Human Rights Watch, "'They Are Making Us into Slaves Not Educating us.' How Indefinite Conscription Restricts Young People's Rights, Access to Education in Eritrea," 8 August 2019, <https://www.hrw.org/report/2019/08/08/they-are-making-us-slaves-not-educating-us/how-indefinite-conscription-restricts>; Human Rights Watch, "Statement to the European Parliament's Committee on Development on the Human Rights Situation in Eritrea," 18 February 2020, available at <https://www.hrw.org/news/2020/02/19/statement-european-parliaments-committee-development-human-rights-situation-eritrea> (accessed on 24 April 2020).

<sup>26</sup> Amnesty International, "Human rights in Africa, Review of 2019," *op. cit.*, p. 38.

In Eritrea, much of the population is forced to work for the government under the country's national service system, which legally lasts 18 months but in reality, can last indefinitely. The UN Special Rapporteur and the Commission of Inquiry on Eritrea described the practice as "enslavement." See Human Rights Watch, "Canadian Firm Can Be Sued for Alleged Eritrea Abuses Court: Ruling Means Mining Company Faces Lawsuit for Alleged Forced Labor," 5 March 2020, <https://www.hrw.org/news/2020/03/05/canadian-firm-can-be-sued-alleged-eritrea-abuses> (accessed 27 April 2020).

<sup>27</sup> Women in the Eritrean National Service (ENS) allege that sexual violence against women is prevalent in the military, as attested to by former soldiers who have fled to Europe. The women narrated their experiences to the African Studies Review. Ethiopia Insight, "No peace for Eritrea's long-suffering female conscripts," 15 January 2020, <https://www.ethiopia-insight.com/2020/01/15/no-peace-for-eritreas-long-suffering-female-conscripts/> (accessed 27 April 2020).

<sup>28</sup> Permanent Mission of the State of Eritrea to the United Nations, Geneva, "Harassment of Eritrea is Unconscionable," 6 April 2020, <http://www.shabait.com/news/local-news/30430-press-release> (accessed on 23 April 2020).

<sup>29</sup> Amnesty International, "Eritrea: Show humanity and release prisoners of conscience amid COVID-19," 3 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/eritrea-show-humanity-and-release-prisoners-of-conscience-amid-covid19/>; Human Rights Watch, "With COVID-19 Threat, Eritrea Should Release Political Detainees," 2 April 2020, <https://www.hrw.org/news/2020/04/02/covid-19-threat-eritrea-should-release-political-detainees#> (accessed on 24 April 2020).

On 28 February 2020, Canada's Supreme Court ruled that Nevsun Resources Ltd, a Canadian mining company that owned 60% of the Bisha mineral mine in Eritrea, could be sued in Canada for alleged abuses abroad. The lawsuit against the company was brought by three Eritreans who claimed they were forced to work at the Bisha mine as part of their national service, and were forced to provide labour in harsh and dangerous conditions for years, in addition to being subjected to a variety of punishments.

### Freedom of Expression

A free and independent press continues to be absent from Eritrea. 16 journalists remain in detention without trial, many since 2001. Social media, which is used by exiled activists and Eritrean citizens, is also the place where attacks, often by government supporters and coordinated "trolls," occur, with a gendered aspect.

In December 2019, the Committee to Protect Journalists released its list of worst jailers of journalists; Eritrea was the second worst in Africa, second only to Egypt.<sup>30</sup> Of 39 journalists jailed in sub-Saharan Africa, the bulk remain in Eritrea, where most have not been heard from for nearly two decades.<sup>31</sup> In RSF's 2020 World Press Freedom Index, Eritrea ranks 178<sup>th</sup> out of 180 countries (stable).<sup>32</sup>

In February 2020, civil society organisations called on Eritrean President Isaias Afwerki to explain the continued imprisonment and the condition of Swedish-Eritrean journalist Dawit Isaak, and his colleagues, who have been in custody since 2001.<sup>33</sup>

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<sup>30</sup> Committee to Protect Journalists, "China, Turkey, Saudi Arabia, Egypt are world's worst jailers of journalists," 11 December 2019, <https://cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt.php> (accessed 27 April 2020).

<sup>31</sup> CIVICUS Monitor, "Eritrea Second on List of Worst Jailers of Journalists in Africa," 11 January 2020, <https://monitor.civicus.org/updates/2020/01/14/Eritrea-second-on-list-worst-jailers-journalists-africa/> (accessed 27 April 2020).

<sup>32</sup> Reporters Without Borders, "World Press Index 2020: Eritrea," 28 April 2020, <https://rsf.org/en/eritrea> (accessed 28 April 2020).

<sup>33</sup> The East African, "Lobby demands answers over journalists' detention in Eritrea," 4 February 2020, <https://www.theeastafrican.co.ke/news/africa/Media-lobby-group-demands-answers-from-Afewerki/4552902-5443224-fi2xfg/index.html> (accessed 27 April 2020).

## **Ethiopia**

### **General Situation**

The national elections, which were previously set for May 2020, will now take place in August, amid ongoing intercommunal, ethnic tensions over land and livelihoods, especially in the Oromia Regional State. The election date was pushed back due to the social distancing rules and lockdown order in place in Ethiopia, as a result of the global Covid-19 pandemic. A report by the International Crisis Group, published on 16 April 2020, states that the postponement may mean that Ethiopia will have to form an interim government before the term of the current parliament ends in early October 2020.<sup>34</sup>

In the 2020 World Press Freedom Index compiled by RSF, Ethiopia ranked as the leading nation in the sub-region of East and Horn of Africa, ranking 99<sup>th</sup> out of 180 countries.<sup>35</sup> It ranked 150<sup>th</sup> out of 180 countries in 2018.

### **Freedom of Association**

In April 2019, Ethiopia adopted a new CSO Proclamation, which marked a significant improvement on the former CSO Proclamation.<sup>36</sup> As a result, the space for civil society is much wider.

On 20 November 2019, the Sidama people voted overwhelmingly in support of the creation of a new federal region, with 98 percent choosing autonomous rule. More than two million people were eligible to vote on whether they wanted their own regional state within Ethiopia's ethnically federated system.<sup>37</sup> The new state, largely home to the Sidama ethnic group, who make up about 4 percent of the country's population, becomes the country's tenth state, and will control local taxes, education, security and laws, and break away from the Southern Nations, Nationalities and People's Region (SNNPR), which they have shared with 50 other groups for more than two decades.<sup>38</sup> The vote was largely peaceful, despite violence surrounding the initial stages of the vote in July 2019, as previously reported. Prime Minister Abiy congratulated voters who took part in the peaceful referendum.

On 22 November 2019, it was reported that three out of four members of the ruling party – the Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition – voted in favour of merging the coalition's parties to form a single party called the Prosperity Party.<sup>39</sup> The plan was backed by Prime Minister Abiy in an attempt to break down ethnic divisions and unite the country. The EPRDF was made up of four parties: the Tigray People's Liberation Front (TPLF), the Amhara Democratic Party (ADP), the Oromo Democratic Party (ODP) and the Southern Ethiopian People's Democratic Movement (SEPDM). The TPLF, which dominated the government before Abiy came

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<sup>34</sup> The East African, "What next for Ethiopia's polls as deadline looms?," 19 April 2020, <https://www.theeastafrican.co.ke/news/africa/What-next-for-Ethiopia-polls-as-deadline-looms/4552902-5527930-9vzbqe/index.html> (accessed 27 April 2020).

<sup>35</sup> Reporters Without Borders, "World Press Index 2020: Ethiopia," 21 April 2020, <https://rsf.org/en/ethiopia> (accessed 27 April 2020).

<sup>36</sup> See legal analysis in DefendDefenders, "Turning the Page: Rebuilding Civil Society in Ethiopia," 7 May 2019, available at: <https://defenddefenders.org/turning-the-page-rebuilding-civil-society-in-ethiopia/> (accessed 28 April 2020), pp. 20-22.

<sup>37</sup> Al Jazeera, "Ethiopia's Sidama vote for new federal region: Electoral board," 23 November 2019, <https://www.aljazeera.com/news/2019/11/ethiopia-sidama-vote-federal-region-electoral-board-191123150618999.html> (accessed 27 April 2020).

<sup>38</sup> Reuters, "Ethiopia's Sidama vote overwhelmingly to form autonomous region," 23 November 2019, <https://www.reuters.com/article/us-ethiopia-politics/ethiopias-sidama-vote-overwhelmingly-to-form-autonomous-region-idUSKBN1XX0GR> (accessed 27 April 2020).

<sup>39</sup> VOA, "Ethiopia's Ruling Coalition Merges Into Single Party," 22 November 2019, <https://www.voanews.com/africa/ethiopias-ruling-coalition-merges-single-party> (accessed 27 April 2020).

to power, however refused to participate in the voting exercise, which it claimed was undemocratic and did not follow procedures.<sup>40</sup>

In an initiative that is hoped to be a win for human rights defenders, on 13 December 2019, HRDs in the country came together to found the Ethiopian Human Rights Defenders Coalition.<sup>41</sup> The Coalition will be a countrywide network of individuals and organisations, with the aim of working together to create a safe and enabling working environment for HRDs in Ethiopia, protect HRDs at risk, and actively engage with national, regional and international mechanisms. This marked the first real attempt to bring together civil society under a cohesive network since this was eradicated by a series of repressive governments and draconian legislation from 2006 to 2018.<sup>42</sup>

In January 2020, it was confirmed by Amnesty International that at least 75 supporters of the Oromo Liberation Front (OLF) were arrested in Oromia Regional State, as Ethiopian authorities intensified crackdown on dissenting political views ahead of the general elections.<sup>43</sup> Arrests took place across the state including in Finchawa town in West Guji Zone of Oromia, and Shambu town in Horo-Guduru Wallaga Zone of Oromia. Among those arrested was Chaltu Takele, a prominent political activist, who had spent more than eight years in prison between 2008 and 2016, accused of being a member of the OLF.

Positively, on 22 January, the National Electoral Board of Ethiopia gave recognition for Balderas for Genuine Democracy, a recently established political party led by the former human rights activist and journalist Eskinder Nega.<sup>44</sup>

Police in Ethiopia launched an attack on opposition party supporters in the Oromia Region on 15 February, killing one person and arresting and injuring scores more. Just hours after the date for Ethiopia's parliamentary elections was announced, the Oromia Liyu police raided the inauguration of an OLF office in Welenchiti, firing live bullets and tear gas, killing one OLF supporter who was a clothes vendor. Later that day, police arrested around 30 guests at a hotel launch party in Burayu and drove them to a sports stadium where they were allegedly beaten and humiliated for hours.<sup>45</sup>

On 25 February, Ethiopia announced that it would release dozens of high-profile prisoners, including opposition activists held over an alleged coup attempt and other high-profile government critics. A spokesman for the attorney general's office said on Tuesday that investigations had

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<sup>40</sup> Ethiopia Insight, "TPLF's last man standing," 30 November 2019, <https://www.ethiopia-insight.com/2019/11/30/tplfs-last-man-standing/> (accessed 27 April 2020).

<sup>41</sup> DefendDefenders, "Resolution on the Establishment of the Ethiopian Human Rights Defenders Coalition," 13 December 2019, <https://defenddefenders.org/resolution-on-the-establishment-of-the-ethiopian-human-rights-defenders-coalition/> (accessed 27 April 2020).

<sup>42</sup> DefendDefenders, "Turning the Page: Rebuilding Civil Society in Ethiopia," May 2019, [https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia\\_FINAL-REPORT.pdf](https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia_FINAL-REPORT.pdf) (accessed 27 April 2020).

<sup>43</sup> Amnesty International, "Ethiopia: Authorities crack down on opposition supporters with mass arrests," 27 January 2020, <https://www.amnesty.org/en/latest/news/2020/01/ethiopia-authorities-crack-down-on-opposition-supporters-with-mass-arrests/> (accessed 27 April 2020).

<sup>44</sup> New Business Ethiopia, "Ethiopia recognizes Balderas as political party," 22 January 2020, <https://newbusinessethiopia.com/politics/ethiopia-recognizes-balderas-as-political-party/> (accessed 27 April 2020).

<sup>45</sup> Amnesty International, "Ethiopia: Vendor killed, musician injured after police attack opposition supporters in Oromia," 17 February 2020, <https://www.amnesty.org/en/latest/news/2020/02/ethiopia-vendor-killed-musician-injured-after-police-attack-opposition-supporters-in-romia/> (accessed 27 April 2020).

been dropped against 63 individuals and they would be released from custody later this week "for the national good".<sup>46</sup>

Abdi Regassa, a senior member of the opposition OLF party has been missing since security officers broke into his home in Addis Ababa and arrested him along with eight other party members on 29 February 2020.<sup>47</sup> Following police making his whereabouts known, two journalists and a driver from the Oromo News Network (ONN) went to visit Regassa in Burayu, central Ethiopia on 17 April. However, shortly after leaving the police station, all five men were stopped by police, arrested, and accused of taking photographs at the police station and concerning a traffic incident. Despite a court order to release the men on 18 April, they were still being held at the time of writing.<sup>48</sup>

#### Freedom of Expression and Access to Information

In November 2019, 17 students were abducted at various times as they fled fatal ethnic clashes<sup>49</sup> between Oromo and Amhara university students at Dembi Dolo University in Western Oromia.<sup>50</sup> The last time contact was received from any of the students was on 18 December. One of the students had communicated to a family member that he and others had been abducted by Oromo youth and were being held in a forest area. The families' ability to locate the students has been hampered by region-wide communication shutdowns implemented since January 2020.<sup>51</sup> On 30 January, the Deputy Prime Minister, Demeke Mekonnen, stated that a task force has been formed to locate and return the students, however they have still not been found.<sup>52</sup>

On 4 November 2019, the Federation of Somali Journalists released a statement condemning threats and intimidation against journalist Ismail Ibrahim Ali, in Ethiopia's Somali region, after the journalist interviewed some opposition members who were critical to the Regional State leaders.<sup>53</sup> Ali confirmed to the Federation that he was directly approached and threatened by government officers who ordered him to stop interviewing opposition politicians.

In December 2019, the UN Special Rapporteur on freedom of opinion and expression, David Kaye, conducted a week-long visit to Ethiopia, marking the first visit by a UN Special Rapporteur to the country since 2006. In his end of mission statement, Kaye noted concern about the momentum of and commitment to the ongoing public participatory process. He particularly noted inter-

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<sup>46</sup> Al Jazeera, "Ethiopia to free high-profile prisoners 'for the national good'," 25 February 2020, <https://www.aljazeera.com/news/2020/02/ethiopia-free-high-profile-prisoners-national-good-200225155351874.html> (accessed 27 April 2020).

<sup>47</sup> Amnesty International, "Ethiopia: Police must account for missing Oromo opposition leader," 3 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/ethiopia-police-must-account-for-missing-oromo-opposition-leader/>

<sup>48</sup> Committee to Protect Journalists, "Two journalists and a driver arrested, held without charge in Ethiopia," 18 March 2020, <https://cpj.org/2020/03/two-journalists-and-a-driver-arrested-held-without.php> (accessed 18 March 2020).

<sup>49</sup> Africa News, "Ethiopia forces fire at students demanding peace in western Oromia," 10 January 2020, <https://www.africanews.com/2020/01/10/ethiopia-forces-fire-at-students-demanding-peace-in-western-oromia/> (accessed 27 April 2020).

<sup>50</sup> Ezega News, "The Whereabouts of Kidnapped Ethiopian Students Still Unknown," 14 January 2020, <https://www.ezega.com/News/NewsDetails/7651/The-Whereabouts-of-Kidnapped-Ethiopian-Students-Still-Unknown> (accessed 27 April 2020).

<sup>51</sup> Amnesty International, "Ethiopia: Parents fear for missing Amhara students as universities close over Covid-19," 25 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/ethiopia-parents-fear-for-missing-amhara-students-as-universities-close-over-covid19/> (accessed 27 April 2020).

<sup>52</sup> BBC, "Ethiopia's missing students: Families' pain and the unsolved mystery," 16 March 2020, <https://www.bbc.com/news/world-africa-51411720> (accessed 27 April 2020).

<sup>53</sup> Modern Ghana, "FESoj Condemns Threats, Intimidation Against Journalist In Ethiopia's Somali Regional State," 4 November 2019, <https://www.modernghana.com/news/965469/fesoj-condemns-threats-intimidation-against-journ.html>

ethnic conflict spurred on by hate speech and disinformation and the draft Proclamation concerning "hate speech and disinformation".<sup>54</sup>

On 13 February 2020, Ethiopia's Parliament passed a law punishing "hate speech" and "disinformation" with hefty fines and long jail terms, despite rights groups saying it undermines free speech, months before a major election. The new law defines hate speech as rhetoric that fuels discrimination "against individuals or groups based on their nationality, ethnic and religious affiliation, sex or disabilities". The new law permits fines of up to 100,000 Ethiopian birr (3,100 USD) and imprisonment for up to five years for anyone who shares or creates social media posts that are deemed to result in violence or disturbance of public order.<sup>55</sup>

The COVID-19 outbreak has caused a state of emergency to be declared in response to the growing number of cases.<sup>56</sup> Communication shutdowns in Ethiopia, particularly in the Oromia region, are taking their toll on the local population who are unable to communicate with families or access life-saving services during the pandemic. The shutdown of the internet and phone communications have contributed to an information blackout during government counter-insurgency operations against the Oromo Liberation Front (OLF) in the area.<sup>57</sup> The shutdown has been imposed in areas under federal military control. The ongoing communication blackouts have left millions of people without vital access to relevant news concerning the pandemic, including public health information and services that are being relayed through national mobile phone campaigns.<sup>58</sup>

On 31 March 2020, Ethiopia vowed to restore phone and internet service to Wollega, Oromia, amid criticism that the shutdown could deprive citizens of information about the Covid-19 pandemic.<sup>59</sup> UN Special Rapporteur David Kaye has characterized sweeping Internet shutdowns as incompatible with states' international human rights obligations.

### Freedom of Peaceful Assembly

During the reporting period, the city of Ambo, which was at the centre of mass protests in April 2018, has become the political focus of Prime Minister Abiy Ahmed. However, the Prime Minister and his party seem to remain wary of the city and its mostly Oromo residents, which is regarded as a stronghold of the OLF. In the past few months, police in the city have been accused of randomly beating or detaining young men and forcibly cutting hair deemed too long or in an afro style, out of fear that such men are supporters of rebel leader Kumsa Diriba.<sup>60</sup>

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<sup>54</sup> United Nations Special Rapporteur on the right to freedom of opinion and expression David Kaye Visit to Ethiopia, 2-9 December 2019, "End of mission statement," <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25402&LangID=E> (accessed 9 December 2019).

<sup>55</sup> Al Jazeera, "Ethiopia passes controversial law curbing 'hate speech'," 13 February 2020, <https://www.aljazeera.com/news/2020/02/ethiopia-passes-controversial-law-curbing-hate-speech-200213132808083.html> (accessed 27 April 2020).

<sup>56</sup> Bloomberg, "Ethiopia Declares State of Emergency Over Coronavirus," 8 April 2020, <https://www.bloomberg.com/news/articles/2020-04-08/ethiopia-declares-state-of-emergency-over-coronavirus> (accessed 27 April 2020).

<sup>57</sup> Human Rights Watch, "Ethiopia: Communications Shutdown Takes Heavy Toll," 9 March 2020, <https://www.hrw.org/news/2020/03/09/ethiopia-communications-shutdown-takes-heavy-toll> (accessed 27 April 2020).

<sup>58</sup> Human Rights Watch, "Millions of Ethiopians Can't Get COVID-19 News," 20 March 2020, <https://www.hrw.org/news/2020/03/20/millions-ethiopians-cant-get-covid-19-news> (accessed 27 April 2020).

<sup>59</sup> Guardian Nigeria, "Ethiopia vows to end communications blackout as virus cases rise," 31 March 2020, <https://guardian.ng/news/ethiopia-vows-to-end-communications-blackout-as-virus-cases-rise/>

<sup>60</sup> BBC, "Ethiopia's Ambo city: 'From freedom to repression under Abiy Ahmed'," 12 March 2020, <https://www.bbc.com/news/world-africa-51657291> (accessed 27 April 2020).



On 2 January, Ethiopia's Parliament passed a new anti-terrorism law, which introduces less restrictions on political gatherings and broadened the reforms introduced under Prime Minister Abiy Ahmed.<sup>61</sup> However, the new legislation has received criticism from human rights actors, stating that the new version still holds elements which can be used against government critics.

On 10 January, there were multiple reports of a death and injuries to protesters after Ethiopian security forces fired at university students at Bule Hora University in Oromia. It was reported that the protests began in order to call on the federal government to end ongoing armed conflict in west Oromia.<sup>62</sup>

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<sup>61</sup> France 24, "Ethiopia adopts new version of much-criticised terrorism law," 3 January 2020, <https://www.france24.com/en/20200103-ethiopia-adopts-new-version-of-much-criticised-terrorism-law> (accessed 27 April 2020).

<sup>62</sup> Human Rights Watch, "Ethiopia: Communications Shutdown Takes Heavy Toll," 9 March 2020, <https://www.hrw.org/news/2020/03/09/ethiopia-communications-shutdown-takes-heavy-toll> (accessed 27 April 2020).

## **Kenya**

### **General Situation**

In December 2019, Muslims for Human Rights (Muhuri) recorded 30 cases of disappearance in the country only in 2019.<sup>63</sup> Muhuri revealed this following an incident where a 20-year-old man disappeared after he was arrested for allegedly being a member of a terrorist group.

In January 2020, human rights organisations accused the Kenyan government of repeatedly failing to honor its promise to address human rights abuses, including extrajudicial killings and enforced disappearances.<sup>64</sup> Activists have threatened to sue the Kenyan government for increased cases of human rights violations in the coastal regions.<sup>65</sup> Kenya's Independent Policing Oversight Authority (IPOA) issued a report documenting over 3,000 cases of abuse by Kenyan police, mostly in economically disenfranchised areas.<sup>66</sup> Kenyan police killed 107 people in 2019, according to a report from a coalition of Kenyan human rights groups. Most of the victims were young men from slum areas.<sup>67</sup>

In February 2020, Kenya's ex-President, Daniel Arap Moi, passed away. His death sparked debate about the murder of key opposition leaders that occurred during his regime, many of which were dismissed as suicide at the time.<sup>68</sup> George Kegoro, the Executive Director of the Kenya Human Rights Commission, argued that Moi, who ruled for 24 years, should have paid for his tyranny, adding that his administration misruled the country.<sup>69</sup> Debates (or lack thereof, as many media outlets chose to turn a blind eye to abuses committed during the Moi era) around his death showed both unaddressed grievances, self-censorship, and the vitality of the country's media and civil society.

### **Freedom of peaceful assembly**

While Kenya's civil society is vibrant and Kenyan citizens enjoy the right to freedom of peaceful assembly, in practice, a number of public gatherings and demonstrations are met with violent repression by police and security forces. Young people from disadvantaged and slum areas have been disproportionately affected.

In November 2019, a video of a police attack on a student during a demonstration at the Jomo Kenyatta Institute of Agriculture and Technology, has elicited rage on social media. Amnesty In-

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<sup>63</sup> The Nation, "Man arrested by police in Kwale still missing, family says," 16 December 2019, <https://www.nation.co.ke/counties/kwale/Give-us-our-son-Kwale-family-tells-police/3444918-5387414-13ftvlsz/index.html> (accessed 27 April 2020).

<sup>64</sup> The Nation, "Kenya lacks accountability for human rights abuses – HRW," 16 January 2020, <https://www.nation.co.ke/news/HRW-says-rights-abuses-still-rife-in-Kenya/1056-5419872-841i2h/index.html> (accessed 27 April 2020).

<sup>65</sup> The Star, "Global court should hear rights breaches — activists," 19 January 2020, <https://www.the-star.co.ke/counties/coast/2020-01-19-global-court-should-hear-rights-breaches--activists/> (accessed 27 April 2020).

<sup>66</sup> VOA, "Oversight Group Says Abuse by Kenyan Police on the Rise," 23 January 2020, <https://www.voanews.com/africa/oversight-group-says-abuse-kenyan-police-rise> (accessed 27 April 2020).

<sup>67</sup> VOA, "Rights Groups Demand End to Kenyan Police Extrajudicial Killings," 14 February 2020, <https://www.voanews.com/africa/rights-groups-demand-end-kenyan-police-extrajudicial-killings> (accessed 27 April 2020).

<sup>68</sup> The Star, "Unsolved Moi-era murders that officials called suicide," 4 February 2020, <https://www.the-star.co.ke/news/2020-02-04-unsolved-moi-era-murders-that-officials-called-suicide/> (accessed 27 April 2020).

<sup>69</sup> The Star, "Moi should have been held to account for tyranny, lobby says," 9 February 2020, <https://www.the-star.co.ke/news/2020-02-09-moi-should-have-been-held-to-account-for-tyranny-lobby-says/> (accessed 27 April 2020).

ternational called<sup>70</sup> for the investigation of police who carried out the attacks. The four police caught on camera have been suspended.<sup>71</sup>

According to Human Rights Watch, Kenyan police continue to kill crime suspects and protesters in cold blood despite persistent calls to end the killings and the use of excessive force. The killings are the latest in a longstanding pattern of excessive force and unlawful killings in Nairobi's low-income neighbourhoods, including against participants in street demonstrations and protests. In all cases Human Rights Watch documented, the police did not report the killings or initiate the process for an inquest, as required by law.<sup>72</sup>

On 15 January 2020, at least one person was killed and dozens injured when demonstrators clashed with police in Kasarani district, north-east of Nairobi, while protesting against the poor state of the main road in the area. Police used water cannons and tear gas in response to demonstrators who burnt tyres, dumped stinking rubbish, and blocked all roads. While some participants in the demonstration may have resorted to non-peaceful means, the response by the police appears to have been unnecessary and at any rate disproportionate.<sup>73</sup>

### Freedom of Expression

In January 2020, the Kenya Editors' Guild raised concern over the increased attacks on journalists in 2020.<sup>74</sup> In a letter to the Inspector General Hillary Mutyambai, the Guild is concerned that the growing spate of assaults are perpetrated by officers of the National Police Service. Four journalists have been attacked since the year began.

On 9 January 2020, an officer attached to Okoth Obado, Governor of Migori County, physically assaulted Ian Byron, a journalist from the Nation Media Group. Byron was covering an event where the Governor was launching a scholarship programme at Migori Stadium when one of the Governor's aides approached him with two other men and hit him on the head with a soda bottle, claiming that the media outlet had been giving the Governor bad publicity. The aide also told Byron to leave or otherwise 'face something worse'. The Kenya Union of Journalists, the Kenya Correspondents Association, and the Migori Journalists Association condemned the attack and called for investigations by the police.<sup>75</sup>

On 13 January 2020, a Royal Media Services reporter had his recorder and mobile phone confiscated by police as he was recording clashes between students from Egerton University and police officers who had been deployed to the university. According to the journalist, whose name was

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<sup>70</sup> Standard Digital, "Amnesty International asks Kenya to act on JKUAT police brutality," 12 November 2019, <https://www.standardmedia.co.ke/article/2001349106/amnesty-international-asks-kenya-to-act-on-jkuat-police-brutality> (accessed 27 April 2020).

<sup>71</sup> The Observer, "4 Kenyan police officers suspended over brutality against students," 12 November 2019, <https://observer.ug/news/headlines/62603-4-kenyan-police-officers-suspended-over-brutality-against-students> (accessed 27 April 2020).

<sup>72</sup> Human Rights Watch, "Kenya: No Letup in Killings by Nairobi Police Evidence Removed From Scenes; Failure to Investigate," 20 February 2020, <https://www.hrw.org/news/2020/02/20/kenya-no-letup-killings-nairobi-police> (accessed 27 April 2020).

<sup>73</sup> The Nation, "Boy reported dead as Kasarani protests intensify," 16 January 2020, <https://www.nation.co.ke/counties/nairobi/Kasarani-road-protests-intensify/1954174-5420322-y9lld4/index.html> (accessed 27 April 2020).

<sup>74</sup> The Star, "Arrest cops who assault journalists - Kenya Editors Guild," 20 January 2020, <https://www.the-star.co.ke/news/2020-01-20-arrest-cops-who-assault-journalists-kenya-editors-guild/> (accessed 27 April 2020).

<sup>75</sup> The Nation, "'Nation' journalist records statement over attack by Obado blogger," 9 January 2020, <https://www.nation.co.ke/news/Obado-aide-attacks-Nation-journalist-/1056-5412306-4fdo9v/index.html> (accessed 27 April 2020).

not disclosed in the media report, police officers also locked him up in a small office at the main gate for an hour. His phone was later handed back to him.<sup>76</sup>

The Bloggers Association of Kenya (BAKE) has decided to appeal the judgement rendered by the High Court in favour of the Computer Misuse and Cybercrimes Act 2018. The bill, which was signed into law in May 2018, aims to address crimes committed through electronic devices and online platforms. After citing many loopholes and irregularities, BAKE and interested parties, including the Kenya Union of journalists and ARTICLE 19, decided to challenge several sections of the law. In May 2018, a judge suspended 22 sections of the law and on 1 October 2018, the government's request to have the law enforced was dismissed by the Court. The 22 sections included provisions such as fraudulent use of electronic data, cybersquatting, intentional publishing of false or misleading data, interception of content data and a provision on child pornography, among others. The 22 sections remained suspended until Justice Makau dismissed the case on 20 February 2020. However, BAKE disagrees with the High Court's decision and remains concerned that several provisions of the law are unconstitutional and infringe on fundamental freedoms, such as freedom of opinion and expression and the right to privacy.<sup>77</sup>

The Kenya Editors' Guild (KEG) expressed its serious concerns about the accusations levelled by the Media Council of Kenya (MCK), a body constitutionally mandated to protect independent journalism, against the media. MCK accused Kenyan media of "betrayal of public interest" and violations of the Code of Conduct for the Practice of Journalism in Kenya. MCK claimed that there is a pattern of screaming headlines without corresponding and appropriate content. Kenya Editors' Guild condemned the statement and described MCK as "out of control," overstepping its mandate, and a threat to media freedom. According to KEG, although MCK is the regulator of media in Kenya, this in no way grants it a right to interfere with editorial independence. KEG demanded that MCK present evidence on which its statement is based or withdraw the statement and apologise to the media, journalists, and other Kenyans.<sup>78</sup>

### Freedom of Association

In November 2019, the Kenya Human Rights Commission, the International Commission of Jurists (Kenya Chapter), and the International Centre for Policy and Conflict, who challenged President Kenyatta and Deputy President William Ruto's eligibility during the 2013 elections, have been waived of a USD 1.7 million fine.<sup>79</sup>

The same month, the National Coalition of Human Rights Defenders – Kenya (NCHRD-K, or Defenders Coalition) raised concern over increased harassment and escalating impunity for human rights violations committed against human rights defenders (HRDs). On 7 October, 13 HRDs were arrested in Mombasa for protesting the monopoly of Standard Gauge Railway in transportation of goods and were accused of causing disturbance and inciting violence. On 9 October, four HRDs

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<sup>76</sup> The Nation, "Police, striking Egerton students clash," 13 January 2020, <https://www.nation.co.ke/news/education/Police-striking-Egerton-students-clash/2643604-5415910-mq2xutz/index.html> (accessed 27 April 2020).

<sup>77</sup> Techmoran, "Bloggers appeal Kenya's High Court's decision on Cybercrimes Case," February 2020, <https://techmoran.com/2020/03/06/bloggers-appeal-kenyas-high-courts-decision-on-cybercrimes-case/> (accessed 27 April 2020).

<sup>78</sup> The Nation, "Media council's action a serious affront to editorial independence," 3 March 2020, <https://www.nation.co.ke/oped/opinion/Media-council-action-serious-affront-to-editorial-independence/440808-5476016-103tqe9z/index.html> (accessed 27 April 2020).

<sup>79</sup> The Standard, "Court: Activists will not pay Uhuru, Ruto Sh180m," 13 November 2019, <https://www.standardmedia.co.ke/article/2001349158/court-activists-will-not-pay-uhuru-ruto-sh180m> (accessed 27 April 2020).

were arrested following their participation in a peaceful protest in Nairobi to condemn escalating youth unemployment in the country.<sup>80</sup>

Kenyan activists were barred from attending a meeting organised by Muslims for Human Rights (Muhuri), as the hosts, the Technical University of Mombasa, cancelled the meeting based on alleged security concerns. The meeting, slated for 2 November 2019, was meant to address the economic status of the country.<sup>81</sup>

In December 2019, Defenders Coalition (National Coalition for Human Rights Defenders – Kenya) led a hike to Mount Kenya to raise awareness about human rights violations in the country. A total of 30 people participated in the hike on International Human Rights Day. The aim of the hike was to raise funds to establish a Human Rights Centre in Nairobi to house victims of rights violations, and offer legal aid. According to Kamau Ngugi, the Executive Director, they had raised 3.6 million Kenyan Shillings (about 35,500 USD) by 10 December.<sup>82</sup>

In December 2019, Protection International launched its regional hub for HRDs in Nairobi. The hub is the first of four they plan to launch globally.<sup>83</sup>

The Kenyan National Assembly's Labour and Social Welfare Committee rejected a bill that sought to restrict the right to strike for workers who provide essential services to five days. The Committee also rejected a legislative proposal that would have required the workers to take a poll before proceeding to strike. In its decision, the Committee noted that some of its provisions violated the rights of workers to go on strike. The Committee also noted that penalties proposed for workers and union officials were not commensurate with the offences committed.<sup>84</sup>

In January 2020, following a December 2018 court order, the Kenyan government finally agreed to ease the return of opposition figure Miguna Miguna, issuing him travel documents, almost two years after he was deported to Canada. The court also ordered that human rights officials be allowed into the airport to observe the process of return. However, on 7 January 2020 in Germany, Miguna Miguna was barred from boarding a plane to Nairobi. He had first been deported after taking part in the mock inauguration of opposition leader Raila Odinga.<sup>85</sup>

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<sup>80</sup> Defenders Coalition, "Press Statement on the Arrest of Four Human Rights Defenders," October 2020, <https://defenderscoalition.org/press-statement-on-the-arrest-of-four-human-rights-defenders/> (accessed 27 April 2020).

<sup>81</sup> The Nation, "Top activists' meeting at TUM called off for 'security reasons'," 2 November 2019, <https://www.nation.co.ke/news/Top-activists-meeting-cancelled-security-reasons/1056-5334252-13csq4qz/index.html> (accessed 27 April 2020).

<sup>82</sup> Kenya News Agency, "Human Rights Crusaders Climb Mt. Kenya To Raise Awareness On Violations," 10 December 2019, <https://www.kenyanews.go.ke/human-rights-crusaders-climb-mt-kenya-to-raise-awareness-on-violations/> (accessed 27 April 2020).

<sup>83</sup> Ghana News Agency, "Protectors of human rights defenders launch regional hub for Africa," 10 December 2019, <https://ghananewsagency.org/africa/protectors-of-human-rights-defenders-launch-regional-hub-for-africa-161035> (accessed 27 April 2020).

<sup>84</sup> The Standard, "MPs kill Bill that limits workers' right to strike," 9 March 2020, <https://www.standardmedia.co.ke/article/2001363430/mps-kill-bill-that-limits-workers-right-to-strike> (accessed 27 April 2020).

<sup>85</sup> The Nation, "Miguna blocked from boarding Kenya flight," 7 January 2020, <https://www.nation.co.ke/news/Miguna-blocked-from-boarding-Kenya-flight/1056-5409214-fnlb40z/index.html> (accessed 27 April 2020).

## **Rwanda**

### **General Situation**

Censorship of the media and self-censorship by reporters and citizens remain commonplace in Rwanda. The government has increasingly blocked access to news websites based abroad, most likely due to many journalists having fled who are operating from exile. Threats to those working in exile are common and the recent extradition treaty signed with the Government of Uganda has created increased fear of return to persecution for those working in the closest hub for HRDs, Uganda.<sup>86</sup> Pro-government views dominate domestic media. In RSF's 2020 World Press Freedom Index, Rwanda retained its ranking of 155<sup>th</sup> out of 180 countries.<sup>87</sup>

Public spaces in Rwanda are being increasingly restricted, both before and after the outbreak of COVID-19 in the country. A Human Rights Watch report published in January 2020 revealed that Rwandan authorities are seeking to formalise abusive arrests and detention of vulnerable street children under the pretence of rehabilitating them, by arbitrarily keeping them at centres with "inhuman and degrading conditions".<sup>88</sup> At the time of writing, Rwanda remains is under total lockdown, which is being enforced by the army.<sup>89</sup> On 25 March 2020, police allegedly shot and killed two men who were violating the conditions of the lockdown by being on the streets.<sup>90</sup> There have also been reports of brutality, including beatings and rape, by Rwanda Defence Force (RDF) soldiers in enforcing the lockdown.<sup>91</sup>

The country prepares for its third Universal Periodic Review (UPR) at the Human Rights Council (January 2021), a rare opportunity to shed light on Rwanda's human rights situation at the international level.

### **Freedom of Association**

Concerns over Rwanda's record regarding freedom of association were summarised in a report by the UN Special Rapporteur, Maina Kiai, in 2014. He stressed, inter alia, that "[t]he independence and ability of associations to run their internal affairs without external interference are of paramount importance in the exercise of the right to freedom of association," citing cases in which the Rwandan Governance Board (RGB) involved itself in leadership issues within local NGOs.<sup>92</sup>

On 9 November 2019, opposition leader Victoire Ingabire announced that she was launching a new political party: *Dalfa Umurunzi* (Development and Liberty for All). Ingabire's previous party, FDU-Inkingi, which was founded from exile in 2016, was never recognised. She was imprisoned

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<sup>86</sup> All Africa, "Rwanda, Uganda Sign Extradition Treaty," 21 February 2020, <https://allafrica.com/stories/202002240490.html>

<sup>87</sup> Reporters Without Borders, "World Press Index 2020: Rwanda," 21 April 2020, <https://rsf.org/en/rwanda> (accessed 27 April 2020).

<sup>88</sup> Human Rights Watch, "Rwanda: Abusive Detention of Street Children," 27 January 2020, <https://www.hrw.org/news/2020/01/27/rwanda-abusive-detention-street-children> (accessed 27 April 2020).

<sup>89</sup> The East African, "Rwanda begins 14-day complete lockdown," 28 March 2020, <https://www.theeastafrican.co.ke/news/ea/Rwanda-begins-14-day-complete-lockdown/4552908-5506784-lqvynk/index.html> (accessed 27 April 2020).

<sup>90</sup> All Africa, "Rwanda: Police Reportedly Shot Dead 2 For 'Defying COVID-19 Lockdown Orders,'" 26 March 2020, <https://allafrica.com/stories/202003260464.html> (accessed 27 April 2020).

<sup>91</sup> Al Jazeera, "Rwanda's soldiers in court for alleged abuse during lockdown," 14 April 2020, <https://www.aljazeera.com/news/2020/04/rwandan-forces-accused-excessive-force-virus-controls-200414082456721.html> (accessed 27 April 2020).

<sup>92</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (Addendum: Mission to Rwanda), UN Doc. A/HRC/26/29/Add.2, 16 September 2014, para. 64.

on return to Rwanda from exile, and sentenced to over ten years in prison, until receiving a presidential pardon in 2018.<sup>93</sup>

Rwandan opposition politician Augustin Niyitegeka was reported missing on 2 January 2020. According to his wife, Niyitegeka, who formed the National Democratic Party last year, disappeared when returning from Burundi. On 16 January, the Rwanda Investigation Bureau stated that they had launched an investigation into his disappearance and that it had not been arranged by any Rwandan security agency. Although Rwanda is a multi-party system, there is practically no opposition.<sup>94</sup>

On 24 January 2020, six Rwandan opposition figures were jailed for seven to 12 years, after being convicted of forming an illegal armed group and conspiring against the government.<sup>95</sup> The six belonged to the FDU-Inkingi party, formerly led by Victoire Ingabire. State-run Radio Rwanda, in a report late on Thursday, said the six newly sentenced to prison included Boniface Twagirimana, a vice president in the FDU-Inkingi, who along with another received a 10-year prison sentence. Twagirimana has not been seen since reportedly escaping prison in 2018, but family and allies dispute the official version of his escape and fear that he is dead.<sup>96</sup>

On 21 February 2020, it was reported that Rwanda and Uganda signed an extradition treaty at the border between the two countries in an attempt to improve relations.<sup>97</sup> The treaty provides a bilateral legal framework to handle alleged subversive activities practised by nationals in the territory of the other party.<sup>98</sup> It is feared that such an agreement will allow for Rwandan dissidents, especially those involved in the Rwanda National Congress (RNC), to be extradited to Rwanda. This could be a particular concern for Rwandan citizens in exile in Uganda who are deemed to be engaging in political activities.

#### Freedom of Expression and Access to Information

On 27 November, Jackie Umuhoza, daughter of exiled pastor Deo Nyirigira, was detained by security forces on charges of treason and espionage – an offense that carries a sentence of up to 25 years imprisonment.<sup>99</sup> She is one of many who have been arbitrarily detained recently, for being critical of President Kagame's government. Human rights actors called for her immediate release.<sup>100</sup> At the time of writing, Umuhoza remains in detention.

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<sup>93</sup> The East African, "Rwandan opposition leader launches new political party," 10 November 2019, <https://www.theeastafrican.co.ke/news/ea/Rwandan-opposition-victoire-ingabire-launches-new-party/4552908-5344054-417y4w/index.html> (accessed 27 April 2020).

<sup>94</sup> Chimp Reports, "Opposition Politician Disappears in Rwanda," 16 January 2020, <https://chimpreports.com/opposition-politician-disappears-in-rwanda/> (accessed 27 April 2020).

<sup>95</sup> CGTN Africa, "Six Rwandan opposition figures sentenced for 7-12 years," 24 January 2020, <https://africa.cgtn.com/2020/01/24/six-rwandan-opposition-figures-sentenced-for-7-12-years/>

<sup>96</sup> The Seattle Times, "Missing Rwandan opposition politician sentenced to 10 years," 24 January 2020, <https://www.seattletimes.com/nation-world/nation/missing-rwandan-opposition-politician-sentenced-to-10-years/> (accessed 27 April 2020).

<sup>97</sup> All Africa, "Rwanda, Uganda Sign Extradition Treaty," 21 February 2020, <https://allafrica.com/stories/202002240490.html> (accessed 27 April 2020).

<sup>98</sup> Xinhua Net, "Uganda, Rwanda sign extradition treaty to improve relations," 22 February 2020, [http://www.xinhuanet.com/english/africa/2020-02/22/c\\_138806936.htm](http://www.xinhuanet.com/english/africa/2020-02/22/c_138806936.htm) (accessed 27 April 2020).

<sup>99</sup> CNN, "Rwanda accuses a pastor's daughter of treason and espionage. Her family says the charges are fabricated," 24 December 2019, <https://edition.cnn.com/2019/12/24/africa/rwanda-pastor-daughter-treason-charges/index.html> (accessed 27 April 2020).

<sup>100</sup> Amnesty International, "Rwanda: Pastor's Daughter Arbitrarily Detained: Jackie Umuhoza," 20 December 2019, <https://www.amnesty.org/en/documents/afr47/1600/2019/en/> (accessed 27 April 2020).

In November 2019, Rwandan President Kagame hit back at allegations that he spied on opponents through their phones, saying the technology needed to do so was too expensive.<sup>101</sup> This came after a recent investigative report by the Financial Times revealed massive hacking and surveillance by governments such as Rwanda, especially targeting journalists, human rights activists, lawyers, political opposition members and other dissidents. The report revealed that of the individuals identified as having been targeted, a substantial number were from Rwanda.<sup>102</sup>

A BBC Africa journalist, Jacques Matand Diyambi, was fired for “serious misconduct”, following an interview regarding the France-Rwanda relationship. The interview was conducted in November 2019 with Charles Onana, author of the book “Rwanda, the Truth about Operation Turquoise: When the Archives Speak”. The BBC claimed that they acted following a complaint from the Rwandan government and the Editor of BBC Africa in Dakar criticised the journalist for violating the channel’s internal rules of impartiality by not seeking other views on the book – especially those of the Rwandan authorities.<sup>103</sup>

Rights groups called for justice over the death of popular singer and activist Kizito Mihigo, who was found dead in his cell on 17 February 2020.<sup>104</sup> Although the police cited suicide as the cause of his death, Human Rights Watch indicated that Mihigo had recently informed them that he was being pressured to provide false testimony against political opponents and wanted to flee the country because he feared for his safety.<sup>105</sup> He had been arrested the week prior, on 13 February, near the border with Burundi and charged with attempting to illegally cross the border, joining “terrorist groups” and corruption.<sup>106</sup> In 2014, Mihigo had been arrested, beaten and forced to confess, charged and sentenced to ten years’ imprisonment for conspiracy to murder or harm President Paul Kagame after he released a song praying for victims of the 1994 genocide. He was later released in 2018 after a presidential pardon.<sup>107</sup> A thorough investigation into his death is yet to take place.

In March 2020, it was reported that two former senior Rwandan military officers are looking to quash their convictions for “inciting the public” before the East African Court of Justice (EACJ).<sup>108</sup> The two, Col Tom Byabagamba and Brig-Gen (Rtd) Frank Rusagara, were arrested and charged with knowingly spreading “rumours” with intent to incite citizens to oppose and revolt against the established government, committing acts aimed at tarnishing the image of the country and illegal possession of arms, and were originally sentenced in 2016 to 20 and 21 years in jail res-

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<sup>101</sup> PML Daily, “Hi-tech WhatsApp spying: We don’t have money for such technology – Kagame,” 9 November 2019, <https://www.pmeldaily.com/news/2019/11/hi-tech-whatsapp-spying-we-dont-have-money-for-such-technology-kagame.html> (accessed 27 April 2020).

<sup>102</sup> Financial Times, “Inside the WhatsApp hack: how an Israeli technology was used to spy,” 30 October 2019, <https://www.ft.com/content/d9127eae-f99d-11e9-98fd-4d6c20050229> (accessed 27 April 2020).

<sup>103</sup> The Africa Report, “Controversial Rwanda interview earns BBC Africa journalist sack,” 11 February 2020, <https://www.theafricareport.com/23224/controversial-rwanda-interview-earns-bbc-africa-journalist-sack/> (accessed 27 April 2020).

<sup>104</sup> Africa Times, “Rights group calls for inquiry into Rwandan gospel singer’s death,” 18 February 2020, <https://africatimes.com/2020/02/18/rights-group-calls-for-inquiry-into-rwandan-gospel-singers-death/> (accessed 27 April 2020).

<sup>105</sup> Human Rights Watch, “Rwanda: Ensure Justice Over Kizito Mihigo Death,” 20 February 2020, <https://www.hrw.org/news/2020/02/20/rwanda-ensure-justice-over-kizito-mihigo-death> (accessed 27 April 2020).

<sup>106</sup> IOL, “Death in custody of Rwanda’s Kizito Mihigo reminiscent of Neil Aggett,” 28 February 2020, <https://www.iol.co.za/news/opinion/death-in-custody-of-rwandas-kizito-mihigo-reminiscent-of-neil-aggett-43672971> (accessed 27 April 2020).

<sup>107</sup> Yahoo News, “Rwandan dissident singer found dead in custody: police,” 17 February 2020, <https://news.yahoo.com/rwandan-dissident-singer-found-dead-custody-police-114328999.html> (accessed 27 April 2020).

<sup>108</sup> The East African, “Rwandan military officers look to EACJ to quash sentences,” 28 March 2020, <https://www.theeastafrican.co.ke/news/ea/Rwandan-military-officers-look-to-EACJ-to-quash-sentences/4552908-5506740-rpbv1o/index.html> (accessed 27 April 2020).



pectively.<sup>109</sup> The court of appeal in Kigali later reduced their sentences to 15 years each. Byabagamba and Rusagara argue that their continued detention is unlawful and amounts to an infringement of the Treaty establishing the East African Community. The two have not been given copies of the judgment since the decision was made by the court of Appeal on 27 December 2016.

On 9 April 2020, a statement from the RDF revealed that Col Tom Byabagamba will be prosecuted for additional charges committed in detention, including attempting to commit corruption and escape from prison. However, the statement gave no further details of the charges.<sup>110</sup>

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<sup>109</sup> Chimp Reports, "HRW Denounces Upheld Convictions of Two Former High Ranking Military Officers," 14 January 2020, <https://chimpreports.com/rwanda-hrw-denounces-upheld-convictions-of-two-former-high-ranking-military-officers/> (accessed 27 April 2020).

<sup>110</sup> PML Daily, "Rwanda contemplating slapping incarcerated Col. Byabagamba with additional charges," 10 April 2020, <https://www.pmldaily.com/news/2020/04/rwanda-contemplating-slapping-incarcerated-col-byabagamba-with-additional-charges.html> (accessed 27 April 2020).

## **Somalia/Somaliland**

### **General Situation**

The killing of the prominent Somali-Canadian human rights activist Almaas Elman on 20 November 2019 has increased the security concerns in Somalia. It is still unknown who is behind the attack.<sup>111</sup> The security context remains extremely concerning, including because of attacks carried out by terrorist group Al-Shabaab.

2020 has been described as a pivotal year for Somalis, as their third one-person, one-vote election is scheduled to take place this year. The last election was held in March 1969.<sup>112</sup>

On 20 February 2020, the President of Somalia, Mohamed Abdullahi Mohamed "Farmaajo," signed a federal law enabling the country to hold its first popular election in half a century. The law is expected to replace the existing clan-based, power-sharing model, which gives the country's main clans equal representation in government. As stated by Halima Ismail, chair of the National Independent Electoral Commission, the law will give Somali people the right to political participation, which they have been denied for 50 years. The historic "one person, one vote" election could be held by the end of 2020.<sup>113</sup>

### **Freedom of Expression**

In the reporting period, concerns continued to mount over undue restrictions to the freedom of expression of journalists and media professionals, and pressure over them. Even prominent journalists have not been spared.

In November 2019, the Federation of Somali Journalists (FESOJ) condemned the suspension of Horn Cable TV by the Somaliland Ministry of Information. The station was shut on 18 November 2019, the latest in a string of censorship of journalists and the media in Somaliland.<sup>114</sup>

In the same month, the Somali Journalist Syndicate (SJS) condemned the harassment and beating of four Al Jazeera and Reuters journalists at Aden Adde International Airport. The police officers were later arrested in connection with the incident.<sup>115</sup>

In Somaliland, the same month, police officers, accompanied by employees from a private business, assaulted and beat up two TV reporters who were covering a protest by local traders against unpaid dues against Deero Group in Hargeisa.<sup>116</sup>

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<sup>111</sup> The New York Times, "Almaas Elman, Somali-Canadian Activist, Is Shot Dead in Mogadishu," 20 November 2019, <https://www.nytimes.com/2019/11/20/world/africa/almaas-elman-somalia.html> (accessed 27 April 2020).

<sup>112</sup> UN News, "Political consensus critical ahead of Somalia election: UN mission chief," 21 November 2019, <https://news.un.org/en/story/2019/11/1051901> (accessed 27 April 2020).

<sup>113</sup> The Guardian, "Somalia edges closer to first democratic election in half a century," 24 February 2020, <https://www.theguardian.com/global-development/2020/feb/24/somalia-edges-closer-to-first-democratic-election-in-half-a-century> (accessed 27 April 2020).

<sup>114</sup> All Africa, "Somalia: FESOJ Condemns Somaliland Authority for the Closure of Horn Cable TV Station and the Arrest of Its Editor," 18 November 2019, <https://allafrica.com/stories/201911190189.html> (accessed 27 April 2020).

<sup>115</sup> Somali Affairs, "2 Somali police officers arrested in Mogadishu for beating journalists," 5 November 2019, <https://www.somaliaffairs.com/news/2-somali-police-officers-arrested-in-mogadishu-for-beating-journalists/> (accessed 27 April 2020).

<sup>116</sup> Somali Affairs, "Somaliland: TV Journalists assaulted and briefly detained for covering protest in Hargeisa," 10 November 2019, <https://www.somaliaffairs.com/news/somaliland-tv-journalists-assaulted-and-briefly-detained-for-covering-protest-in-hargeisa/> (accessed 27 April 2020).

In December 2019, Somali Journalists Syndicate acknowledge that the number of journalists killed in Somalia in 2019 was considerably less than previous years, but stress that the level of arbitrary arrests, attacks, and suspensions remained very high across Somalia.<sup>117</sup>

In January 2020, Somalia's police detained Ahmed Abdi Adawe, a senior TV journalist, in Mogadishu, while seven other journalists had their equipment confiscated. It is reported that the police deleted footage from the journalists' cameras following a deadly car bomb near the country's parliament.<sup>118</sup>

On 11 February 2020, the Somali Journalists Syndicate (SJS) announced that journalist Hussein Ali Gesey, a correspondent for the privately-owned independent Five Somali TV, was briefly detained and threatened by South West State authorities in Burhakaba town of Bay region for a Facebook post criticising the security situation in the south-western town of Dinsor.

After his release, journalist Hussein Gesey told SJS that he was released without charge but was warned against criticizing the state on social media. SJS said it is worried about the increasing number of cases of arrests of journalists and media practitioners after expressing critical views on social media platforms. Many journalists have opted to use social media for airing their views due to the growing censorship on the majority of the traditional media outlets.<sup>119</sup>

On 16 February 2020, Somali broadcast journalist Abdiwali Ali Hassan was shot dead by unidentified gunmen near the capital, Mogadishu. Al-Shabaab militant group is active in the area, but the radio station Mr. Hassan worked for is also seen as critical of the government. His colleagues said that he received multiple death threats because of his work.

On 6 April 2020, DefendDefenders expressed concern over accusations levelled by Somalia's National Intelligence and Security Agency (NISA) against journalist Harun Maruf. In a statement, NISA accused journalist, author, and Al-Shabaab expert Harun Maruf of being "a threat" to national security and contemplated legal action against him. DefendDefenders joined others in expressing solidarity with Maruf and calling on Somalia to fully uphold freedom of expression and ensure that all journalists enjoy a safe and enabling environment in the run-up to elections.<sup>120</sup>

According to Amnesty International, the increasingly hostile environment in Somalia has left journalists living in fear of both the government and militant groups. At least eight journalists have been killed since President Mohamed Abdullahi Mohamed "Farmaajo" came to power in 2017, while others have survived assassination attempts or been targeted for arrests and censorship. Amnesty accused the government of failing to investigate attacks on journalists and censoring critical reports.<sup>121</sup>

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<sup>117</sup> Somali Affairs, "State of Press Freedom in Somalia in 2019: Working under Pressure and Targeted Attacks," 5 January 2020, <https://www.somaliaffairs.com/news/state-of-press-freedom-in-somalia-in-2019-working-under-pressure-and-targeted-attacks/> (accessed 27 April 2020).

<sup>118</sup> Somali Affairs, "Somali police confiscate and delete footage from journalists' cameras, detain one in Mogadishu," 9 January 2020, <https://www.somaliaffairs.com/news/somali-police-confiscate-and-delete-footage-from-journalists-cameras-detain-one-in-mogadishu/> (accessed 27 April 2020).

<sup>119</sup> Somali Journalists Syndicate, "TV journalist briefly arrested in SW Somalia over critical Facebook post," 11 February 2020, <https://sjsyndicate.org/2020/02/11/tv-journalist-arrested-in-south-west-state-of-somalia-for-a-facebook-post-deemed-critical-to-the-state/> (accessed 27 April 2020).

<sup>120</sup> DefendDefenders, "Somalia: respect journalists' work, ensure safe space for free expression," 5 April 2020, <https://defenddefenders.org/somalia-respect-journalists-work-ensure-safe-space-for-free-expression/> (accessed 27 April 2020).

<sup>121</sup> The Guardian, "Wave of violence leaves journalists in Somalia 'under siege', says Amnesty," 14 February 2020, <https://www.theguardian.com/global-development/2020/feb/14/wave-of-violence-leaves-journalists-in-somalia-under-siege-says-amnesty>; Committee to Protect Journalists, "Somali freelancer Abdiwali Ali Hassan killed in Lower Shabelle region," 18 February 2020, <https://cpj.org/2020/02/somali-freelancer-abdiwali-ali-hassan-killed->

## **South Sudan**

### **General Situation**

In November 2019, the government of South Sudan and the opposition postponed the creation of a unity government for a further 100 days. Following this, the US government recalled their ambassador on 25 November, citing the failure to form a unity government. In February 2020, a transitional government of national unity was formed by former warring factions, including the government, led by President Salva Kiir, and the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), with Riek Machar appointed as First Vice-President.<sup>122</sup> So far, four other Vice-Presidents have been appointed, around 35 Ministers and 10 Deputy Ministers.<sup>123</sup> However, on 20 April, several members of the SPLM-IO defected to the ruling party led by Kiir, accusing Machar of running the SPLM-IO like a family dynasty and not sharing power.<sup>124</sup>

Despite hopes of peace, fighting continues in several areas of the country, particularly Yei River States, and since the government was formed, intercommunal tensions and fighting over livelihoods and past and ongoing violations have continued to increase, in particular in Tonj and Greater Pibor/Jonglei. Most recently, 12 deaths were reported in the town of Malek. The United Nations Mission in South Sudan (UNMISS) reported that at least 5,000 civilians were displaced by heavy fighting in Jonglei state.<sup>125</sup>

In February 2020, the UN Commission on Human Rights in South Sudan (CoHR) released its fourth report to the UN Human Rights Council in Geneva, noting that corruption and political competition have fuelled human rights abuses and are major drivers of ethnic conflict.<sup>126</sup> Fear and self-censorship increased as the country approached the February 2020 deadline for the formation of a national unity government and remain as the government starts out. DefendDefenders has documented patterns of repression in a brief published ahead of the publication of a broader report on the state of HRDs and independent actors in the country.<sup>127</sup>

On 6 February 2020, a group of NGOs called on the UN Human Rights Council to extend the mandate of the CoHR.<sup>128</sup> The letter raised concerns over the mounting pressure authorities, including the National Security Service (NSS), apply over HRDs and other actors, including journalists who report on the situation and those monitoring the implementation of transitional security arran-

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[in-lo.php](https://www.proserver.com/in-somalia-attacks-on-media-workers-rising/); Pro Observer, "In Somalia, Attacks on Media Workers Rising," 13 February 2020, <https://www.proserver.com/in-somalia-attacks-on-media-workers-rising/> (accessed 27 April 2020).

<sup>122</sup> BBC, "South Sudan rivals Salva Kiir and Riek Machar strike unity deal," 22 February 2020, <https://www.bbc.com/news/world-africa-51562367>

<sup>123</sup> Report by H.E Amb. LT. Gen Augustino S.K. Njoroge (RTD) Interim Chairperson of RJMEC on the status of implementation of the Revitalised Agreement on the resolution of the conflict in the Republic of South Sudan for the period 1st January to 31st March, <https://reliefweb.int/report/south-sudan/report-he-amb-lt-gen-augustino-sk-njoroge-rtd-interim-chairperson-rjmec-status>

<sup>124</sup> VOA, "Top South Sudan Opposition Members Ditch Machar, Jump to Ruling Party," 20 April 2020, <https://www.voanews.com/africa/south-sudan-focus/top-south-sudan-opposition-members-ditch-machar-jump-ruling-party> (accessed 27 April 2020).

<sup>125</sup> Prensa Latina, "Violent inter-community clashes in South Sudan cause 12 deaths," 20 April 2020, <https://www.plenglish.com/index.php?o=rn&id=54787&SEO=violent-inter-community-clashes-in-south-sudan-cause-12-deaths>

<sup>126</sup> United Nations Human Rights Council, "Deliberate Starvation and Corruption hallmarks of conflict in South Sudan say UN Human Rights Experts," 20 February 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25693&LangID=E>

<sup>127</sup> DefendDefenders, "South Sudan: Ongoing Grave Violations, Volatile Security Situation," 5 March 2020, <https://defenddefenders.org/new-policy-brief-defenddefenders-examines-the-ongoing-grave-violations-volatile-security-situation-in-south-sudan/> (accessed 27 April 2020).

<sup>128</sup> DefendDefenders et al., "Joint letter: Extend the mandate of the UN Commission on Human Rights in South Sudan," 6 February 2020, <https://defenddefenders.org/joint-letter-extend-the-mandate-of-the-un-commission-on-human-rights-in-south-sudan/> (accessed 27 April 2020).

gements and transitional justice provisions of the Revitalized Peace Agreement (R-ARCSS). Accountability remains elusive as the establishment of transitional justice institutions, including the African-Union supported Hybrid Court for South Sudan, continues to be delayed.

In March 2020, South Sudan issued measures to prevent the spread of Covid-19, which includes a ban on mass gatherings.<sup>129</sup> There are concerns that these measures will disproportionately affect those who are already struggling, such as displaced and detained persons.<sup>130</sup>

In RSF's 2020 World Press Freedom Index, South Sudan ranked 139<sup>th</sup> out of 180 countries.<sup>131</sup>

### Freedom of Association

As documented by DefendDefenders, the pressure has continued to increase on NGOs and their members, in particular those working on issues deemed sensitive, such as human rights, accountability, and transitional justice issues.<sup>132</sup>

On 10 December 2019, the US government imposed financial sanctions on five South Sudanese nationals it believes were involved in the kidnapping and killing of a human rights lawyer and an opposition politician.<sup>133</sup> Lawyer Dong Samuel Luak and Aggrey Idri disappeared in Kenya in January 2017.<sup>134</sup>

### Freedom of Peaceful Assembly

In its March 2020 brief, DefendDefenders indicated that: "Most respondents [point] to the [NSS] as the main, though by no means the only source, of violations. [...] [T]he NSS' de facto prior authorisation regime regarding the holding of civil society events and workshops, as well as their insistence that security members attend these meetings, has all but chilled civil society activities." The pressure over CSOs seems to have increased, not decreased, with the signing of the R-ARCSS.

### Freedom of Expression and Access to Information

In November 2019, Human Rights Watch called for the release of Emmanuel Monychol Akop, the managing editor of The Dawn newspaper, who was detained by the NSS on 21 October in Juba.<sup>135</sup> According to Human Rights Watch, Akop was detained because of a Facebook post in which he made fun of a dress worn by the Foreign Affairs and International Cooperation Minister, Awut Deng Achuil.

Following the sanctions by the US government in December 2019, journalist Ijjo Bosco Modi who works for state-owned The Eye radio station in Torit, was detained in mid-January after airing a story about Taban Deng Gai's alleged role in the claimed serious human rights abuses. However,

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<sup>129</sup> Anadolu Agency, "Coronavirus: South Sudan bans social gatherings," 16 March 2020, <https://www.aa.com.tr/en/africa/coronavirus-south-sudan-bans-social-gatherings/1768378> (accessed 27 April 2020).

<sup>130</sup> Human Rights Watch, "COVID-19 Threatens South Sudan's At-Risk Populations," 24 March 2020, <https://www.hrw.org/news/2020/03/24/covid-19-threatens-south-sudans-risk-populations>

<sup>131</sup> Reporters Without Borders, "World Press Index 2020: South Sudan," 21 April 2020, <https://rsf.org/en/south-sudan> (accessed 27 April 2020).

<sup>132</sup> DefendDefenders, "South Sudan: Ongoing Grave Violations, Volatile Security Situation," *op. cit.*

<sup>133</sup> Reuters, "U.S. sanctions five South Sudan officials over killings of government critics," 11 December 2019, <https://www.reuters.com/article/us-usa-southsudan-sanctions/us-sanctions-five-south-sudan-officials-over-killings-of-government-critics-idUSKBN1YF19L> (accessed 27 April 2020).

<sup>134</sup> DefendDefenders, "It is time for accountability for the enforced disappearance of Samuel Dong and Aggrey Idri," 3 May 2019, <https://defenddefenders.org/it-is-time-for-accountability-for-the-enforced-disappearance-of-samuel-dong-and-aggrey-idri/> (accessed 27 April 2020).

<sup>135</sup> Human Rights Watch, "South Sudan: Free Arbitrarily Detained Journalist," 28 November 2019, <https://www.hrw.org/news/2019/11/28/south-sudan-free-arbitrarily-detained-journalist> (accessed 27 April 2020).

it was counter-reported by The Eye that Modi was arrested for failing to report a news story concerning army forces in Magwi County.<sup>136</sup>

In January 2020, government critic Peter Biar Ajak was pardoned and released from custody.<sup>137</sup> Ajak was arrested in late July 2018 at Juba airport after publishing a tweet which criticised the country's peace efforts, and where he called on President Kiir and opposition leader Machar to resign and allow a new generation to lead. 31 others were pardoned alongside Ajak.

A radio sports journalist in Maridi state, Isaac Van, was arrested, detained without charges on 4 February 2020, and then released one week later, after the management of his radio switched off the station in protest against his arbitrary detention. Van was allegedly arrested for "spreading wrong information against the state", and beaten.<sup>138</sup> Isaac Van's arrest came just weeks after journalist, Ijoo Bosco Modi, was also arrested and detained for several days and later released without charges in Torit State. South Sudan receives most of its information through radio.

On 12 February 2020, a renowned academic and writer at the University of Juba, Taban Lo Liyong, was suspended over an opinion piece on the issues of states and their boundaries.<sup>139</sup> The university alleged that the article amounted to "incitement of ethnic hatred". In recent years, South Sudan's universities have taken steps to limit political freedoms on campus, requiring students and staff to obtain permission from the NSS for planned activities. Undercover NSS agents are also said to pose as students to keep tabs on critical voices.

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<sup>136</sup> PaanLuel Wel, "The Arbitrary Arrest and Detention of South Sudanese journalist, Ijoo Bosco Modi, in Torit is Unjustified," 15 January 2020, <https://paanluelwel.com/2020/01/15/the-arbitrary-arrest-and-detention-of-south-sudanese-journalist-ijoo-bosco-modi-in-torit-is-unjustified/>; Eye Radio, "Torit Journalist arrested for 'disobeying orders'," 13 January 2020, <https://eyeradio.org/torit-journalist-arrested-for-disobeying-orders/> (accessed 27 April 2020).

<sup>137</sup> Voice of America News, "South Sudan Pardons High-Profile Prisoners," 2 January 2020,

<https://www.voanews.com/africa/south-sudan-focus/south-sudan-pardons-high-profile-prisoners>

<sup>138</sup> Eye Radio, "Maridi releases journalist without charges," 4 February 2020, <https://eyeradio.org/maridi-releases-journalist-without-charges/>; Human Rights Watch, "South Sudan: Reform Abusive Security Agency," 19 February 2020, <https://www.hrw.org/news/2020/02/19/south-sudan-reform-abusive-security-agency> (accessed 27 April 2020).

<sup>139</sup> Human Rights Watch, "South Sudan Academic Suspended Over Opinion Piece," 12 February 2020,

<https://www.hrw.org/news/2020/02/12/south-sudan-academic-suspended-over-opinion-piece>; Juba Monitor, "An Open Letter to President Donald Trump's Special Delegation to South Sudan Hon. Tibor P. Nagy," 29 January 2020, <https://www.jubamonitor.com/an-open-letter-to-president-donald-trumps-special-delegation-to-south-sudan-hon-tibor-p-nagy/>; Eye Radio, "Prof. Lo Liyong suspended over 'views' on number of states," 12 February 2020, <https://eyeradio.org/prof-lo-liyong-suspended-over-views-on-number-of-states/> (accessed 27 April 2020).

## Sudan

### General Situation

Khartoum's new transitional government began peace talks with several rebel groups in October 2019, after the ousting of former President al-Bashir and his forces in Darfur, Blue Nile, and South Kordofan.

Sudan's Forces for Freedom and Change Coalition (FFC) and a number of NGOs are urging the country's government to hand over former President Omar al-Bashir to the International Criminal Court (ICC) in The Hague.<sup>140</sup> In December 2019, Sudan's former president, Omar al-Bashir, was sentenced to two years in detention for money laundering and corruption. Due to his age (75 years) Bashir was sentenced to a correctional centre for older prisoners. A number of other cases await him in relation to premeditated murder, crime against humanity, and for undermining the constitutional system.<sup>141</sup> In December 2019, Sudan announced that it will investigate Darfur atrocities under the ousted leader, a conflict starting in 2003 where about 300 000 people lost their lives and around 2.7 million people displaced. The investigation aims at ending years of impunity in Darfur, and to bring perpetrators to justice amid a fragile political transition.<sup>142</sup>

Victims of human rights abuse in Sudan can now file their complaints to the Committee for Investigations of Extrajudicial Killings, Violations of Human Rights and Acts that Constitute Crimes under the Criminal Code of 1991.<sup>143</sup>

In January 2020, Sudan took a seat on the UN Human Rights Council for a three-year term (2020-2022). It is hoped its membership will be leveraged for domestic progress.

### Freedom of Expression

The environment remains challenging, although the formation of the transitional government and initial reform efforts have ameliorated the situation of journalists and media professionals. In RSF's 2020 World Press Freedom Index, Sudan was up 16 ranks (159<sup>th</sup> out of 180 countries, up from 175<sup>th</sup>).

On 1 November 2019, Sudan's Minister of Information and Culture is filtering those media outlets set-up by officials of the former National Intelligence and Security Service (NISS), according to a press statement.<sup>144</sup>

In January 2020, Sudan's Anti-Corruption Authority has denied limiting press freedom, despite their decision to suspend Ashoroq and Teiba TV satellite channels, and El Sudani and El Ray El Aam newspapers.<sup>145</sup>

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<sup>140</sup> VOA, "Sudan Coalition Wants Bashir Turned Over to ICC," 7 November 2019,

<https://www.voanews.com/africa/sudan-coalition-wants-bashir-turned-over-icc> (accessed 27 April 2020).

<sup>141</sup> The Guardian, "Ex-Sudan leader Omar al-Bashir sentenced to two years for corruption," 14 December 2019,

<https://www.theguardian.com/world/2019/dec/14/sudanese-court-sentences-omar-al-bashir-to-2-years-in-prison>; All Africa, "Sudan: Public Prosecutor Says Bashir's Conviction Tip of the Iceberg in Series of Trials," 1 December 2019, <https://allafrica.com/stories/201912160328.html> (accessed 27 April 2020).

<sup>142</sup> The New York Times, "Sudan to Investigate Darfur Atrocities Under Ousted Leader," 22 December 2019, <https://www.nytimes.com/2019/12/22/world/africa/sudan-darfur-investigation.html> (accessed 27 April 2020).

<sup>143</sup> Dabanga, "Sudan: Victims of human rights abuse can file complaints now," 14 January 2020, <https://www.dabangasudan.org/en/all-news/article/sudan-victims-of-human-rights-abuse-can-file-complaints-now> (accessed 27 April 2020).

<sup>144</sup> Dabanga, "Sudan to list media outlets owned by former govt officials," 1 November 2019, <https://www.dabangasudan.org/en/all-news/article/sudan-to-list-media-outlets-owned-by-former-govt-officials> (accessed 27 April 2020).

<sup>145</sup> Dabanga, "Sudan's Anti-Corruption Committee suspends media outlets," 8 January 2020, <https://www.dabangasudan.org/en/all-news/article/sudan-s-anti-corruption-committee-suspends-media-outlets> (accessed 27 April 2020).

### Freedom of Association

On 8 January 2020, assets of the National Congress Party (NCP), former ruling party were seized under Dismantling Engaz regime Act, a law that was passed in November, and that ordered the party's dissolution.<sup>146</sup>

In January 2020, the Pan African Lawyers Union (PALU) has condemned the decision by the Sudanese government to dissolve the Sudan Bar Association (SBA), and called for the reversal of a new law that purports to limit the jurisdiction of the Sudanese Court on Appeal.<sup>147</sup>

### Freedom of Peaceful Assembly

On 20 February 2020, Sudanese security forces fired tear gas at demonstrators in Khartoum who were protesting the government's removal of officers and soldiers who had supported the revolution. On Tuesday 18 February, the Sudanese armed forces issued a statement that includes the names of the officers and soldiers who were to be dismissed. In response, the Sudanese Professionals Association (SPA), a group that has been an active leader in the revolution against al-Bashir, called for a demonstration to protest the discharge of the officers and to demand reform.<sup>148</sup>

The environment, however, is much more conducive to Sudanese citizens' exercise of their right to freedom of peaceful assembly than during the Al-Bashir period.

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<sup>146</sup> Al Jazeera, "Sudan seizes assets of ex-president Bashir's former ruling party," 8 January 2020, <https://www.aljazeera.com/news/2020/01/sudan-seizes-assets-president-bashir-ruling-party-200108182918081.html> (accessed 27 April 2020).

<sup>147</sup> The Nation, "Dissolution of Sudan Bar Association is illegal, says PALU," 7 January 2020, <https://thenationonlineng.net/dissolution-of-sudan-bar-association-is-illegal-says-palu/> (accessed 27 April 2020).

<sup>148</sup> Vox, "Sudan just took a step backward on its path to democracy," 21 February 2020, <https://www.vox.com/world/2020/2/21/21146986/sudan-protests-crackdown-tear-gas-democracy> (accessed 27 April 2020).



## **Tanzania**

### **General Situation**

Tanzania continues to suffer a dramatic decline in press freedom under President John Magufuli, as basic rights are restricted through repressive laws and regulations. At least three newspapers were banned in 2019 for alleged criticism of the President.<sup>149</sup> In RSF's 2020 World Press Freedom Index, Tanzania continued to drop, falling 6 places to 124<sup>th</sup> out of 180 countries.<sup>150</sup> In 2014, Tanzania ranked 69<sup>th</sup> out of 180. The reporting period has been marked by the use of economic crimes charges and legislation pertaining to freedom of expression or association online and offline against perceived government critics, including HRDs and journalists.

After much delay, new members of the Commission on Human Rights and Good Governance (CHRAGG), were appointed and in late 2019. Following months of initial work, CHRAGG raised concern with "hate speech" by some politicians.<sup>151</sup> The Commission insisted on tolerance and the use of legal procedures to deal with different complaints.

In June 2016, President Magufuli announced a ban on political gatherings until 2020.<sup>152</sup> The ban remains in place with general elections scheduled for October this year. In practice, it has been enforced on opposition parties wishing to hold rallies.

The state's response to the 2020 COVID-19 pandemic has been heavily criticised, with President Magufuli calling on citizens to turn to prayer, but not enforcing a lockdown or social distancing rules, as other countries on the continent have done.<sup>153</sup>

### **Freedom of Association**

Tanzanian NGOs have been under attack since 2015. A series of laws and regulations have been used to restrict their ability to operate independently and without fear of reprisals.<sup>154</sup>

In November 2019, President Magufuli's ruling Chama Cha Mapinduzi (CCM) party won 99 percent of seats in local elections, which included more than 16,000 key positions in the running of

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<sup>149</sup> The East African, "Tanzania suspends newspaper over story on falling shilling," 27 February 2019, <https://www.theeastafrican.co.ke/news/ea/Tanzania-suspends-newspaper-over-story-on-falling-shilling/4552908-5002264-r1s0fdz/index.html> (accessed 27 April 2020).

<sup>150</sup> Reporters Without Borders, "World Press Index 2020: Tanzania," 21 April 2020, <https://rsf.org/en/tanzania> (accessed 27 April 2020).

<sup>151</sup> The Citizen, "Tanzania's human rights commission registers concerns over "hate speech"," 5 February 2020, <https://www.thecitizen.co.tz/news/Tanzania-s-human-rights-commission/1840340-5445106-unwl8j/index.html> (accessed 27 April 2020).

<sup>152</sup> The East African, "Magufuli criticised as Tanzania bans rallies," 11 June 2016, <https://www.theeastafrican.co.ke/news/Magufuli-criticised-as-Tanzania-bans-rallies-/2558-3245376-124jyo5z/index.html> (accessed 27 April 2020).

<sup>153</sup> Atlantic Council, "Tanzania's mild response to COVID-19 and its implications for the 2020 elections," 27 March 2020, <https://www.atlanticcouncil.org/blogs/africasource/tanzanias-mild-response-to-covid-19-and-its-implications-for-the-2020-elections/>; The East African, "Covid-19: Tanzania's cases soar to 254," 21 April 2020, <https://www.theeastafrican.co.ke/news/ea/Covid19-Tanzania-cases-soar-to-254/4552908-5530080-15frdpy/index.html> (accessed 27 April 2020).

<sup>154</sup> See DefendDefenders, "Spreading Fear, Asserting Control: Tanzania's assault on civic space," 26 June 2018, <https://defenddefenders.org/spreading-fear-asserting-control-tanzanias-assault-on-civic-space/> (accessed 27 April 2020).

See also DefendDefenders et al., "HRC39: Address crackdown on civic space in Tanzania," 16 August 2018, <https://defenddefenders.org/hrc39-address-crackdown-on-civic-space-in-tanzania/>; DefendDefenders et al., "Tanzania: 38 NGOs call on states to express concern over the human rights situation," 13 May 2019, <https://defenddefenders.org/tanzania-38-ngos-call-on-states-to-express-concern-over-the-human-rights-situation/> (accessed 28 April 2020).

villages, towns and cities across the country.<sup>155</sup> More than half of the opposition candidates were allegedly told they could not stand because of spelling mistakes, blank spaces on forms, and other bureaucratic errors.

On 2 December 2019, the Tanzanian government withdrew the right of individuals and NGOs to directly file cases against it at the Arusha-based African Court on Human and Peoples' Rights. Tanzania has the highest number of cases filed by individuals and NGOs in the African Court; out of 70 judgments issued by September 2019, 28 decisions concerned Tanzania. The move is the latest sign of shrinking civic space, and growing hostility towards human rights and human rights defenders in the country.<sup>156</sup>

LGBTI rights have also continued to deteriorate within the reporting period. On 3 February, Human Rights Watch published a report on Tanzania's anti-LGBTI crackdown and its impact on the right to health.<sup>157</sup> They found that recent government policies have systematically dismantled a safety net that supported LGBTI health as recently as 2015. Organisations have been barred from assisting LGBTI people, meetings have been raided by police, and drop-in centres have been closed down. There are also claims that LGBTI activists and lawyers have been subject to forced 'anal examinations', a brutal technique that purports to seek "evidence" of same-sex intercourse, but is unscientific, invasive, and amounts to a form of torture or cruel, inhuman and degrading treatment.

Most recently, concern for LGBTI groups and persons in Tanzania was reiterated by James Wandera Ouma, the Executive Director of LGBT Voice, a community advocacy group, in April 2020. Ouma stated to an online LGBTI magazine that he knows of more than 30 people who have been arrested in mainland Tanzania and 20 people in Zanzibar since Paul Makonda, the regional commissioner of Tanzania's capital Dar Es Salaam, announced that authorities would begin "rounding up" individuals suspected to be LGBTIQ.<sup>158</sup>

#### Freedom of Expression and Access to Information

Tanzania has continued to aggressively crack down on free expression and citizens' right to freedom of opinion, including through access to information. HRDs, journalists, and media houses have been under assault.

In November 2019, Tanzania's Arts and Information Minister Harrison Mwakyembe dismissed a song by rapper Roma Mkatoliki, which criticised the government – saying the musician "lacks the academic credentials" to question state policies. The song lambasts the government's decision to deploy the army to buy cashew nuts in November 2018, and criticises President Magufuli's push to revive the national airline Air Tanzania.<sup>159</sup>

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<sup>155</sup> Africa News, "Magufuli's party wins 99% of seats in Tanzania's local elections," 26 November 2019, <https://www.africanews.com/2019/11/26/magufuli-s-party-wins-99-percent-of-seats-in-tanzania-s-local-elections/> (accessed 27 April 2020).

<sup>156</sup> Amnesty International, "Tanzania: Withdrawal of individual rights to African Court will deepen repression," 2 December 2019, <https://www.amnesty.org/en/latest/news/2019/12/tanzania-withdrawal-of-individual-rights-to-african-court-will-deepen-repression/>; Al Jazeera, "Alarm as Tanzania blocks cases from African rights court," 4 December 2019, <https://www.aljazeera.com/news/2019/12/alarm-tanzania-blocks-cases-african-rights-court-191204162424981.html> (accessed 27 April 2020).

<sup>157</sup> Human Rights Watch, "Tanzania: Govt Should Change Its Tune on LGBTIQ Health and Rights," 13 February 2020, <https://www.hrw.org/news/2020/02/13/tanzania-govt-should-change-its-tune-lgbtqi-health-and-rights> (accessed 27 April 2020).

<sup>158</sup> Daily Extra, "Tanzania is still arresting and persecuting LGBTQ people," 16 April 2020, <https://www.dailyextra.com/tanzania-lgbtq-gay-arrests-persecution-170085> (accessed 27 April 2020).

<sup>159</sup> Global Voices, "Tanzanian rapper scolded for lyrics about nation's cashew crisis," 28 November 2019, <https://globalvoices.org/2019/11/28/tanzanian-rapper-scolded-for-lyrics-about-nations-cashew-crisis/>; BBC News,

In the same month, Tanzania's government spokesman, Hassan Abbas, issued a warning to local journalists about quoting foreign organisations and representatives in their reporting just a few hours after American and British diplomats released a statement criticising the process of the recent local elections in the country.<sup>160</sup> Both the UK and US embassies had stated that the elections were marred with irregularities and questioned the results. In a series of tweets, Abbas said that some foreign organisations and representatives were using the media to spread rumours and propaganda.

In November 2019, authorities in Tanzania suspended female rapper Rosa Ree from performing for six months, saying her recently released music video "went against the country's morals."<sup>161</sup> The body that regulates the arts industry, *Baraza la Sanaa la Taifa* (Basata), added that the song "Vitamin U", which the rapper performed with her Kenyan musician boyfriend, Timmy Tdat, also contravened its regulations. The suspension means Rosa Ree will also not be allowed to perform outside the country and will have to pay a USD 870 fine.

On 14 November, Tanzanian comedian Idris Sultan apologised to President Magufuli for the face-swap photos he shared during the president's birthday. Sultan was summoned by the police a day after he posted the face-swap photos on his social media accounts and was held under the controversial Cybercrimes Act, which forbids using a computer system to "impersonate" someone else.<sup>162</sup> He says the photo was taken out of context, as he wished it to be a celebration of the President, not an insult.

On 21 November, Mwananchi Newspaper marked the two-year anniversary of the disappearance of journalist Azory Gwanda with a tree planting ceremony. Journalists, media organisations such as the Committee to Protect Journalists, and rights activists have been pushing the authorities to make Gwanda's case a priority.<sup>163</sup>

In positive news, Tanzanian journalist Maxence Melo, was presented with the 2019 International Press Freedom Award. Melo is an online rights activist, who was honoured by the Committee to Protect Journalist Press Awards, for his fight to give youth a voice, and offer a space for free expression, as well as his fight against corruption.<sup>164</sup> Melo is the owner and co-founder of Jamii Forums, a popular East and Central African website and discussion forum that is a source of breaking news and a secure whistleblowing platform that promotes accountability and transparency in Tanzania.

Tito Magoti, a Tanzanian human rights activist, was arrested on 20 December 2019 in Dar es Salaam. Magoti works for the leading Tanzanian non-governmental organization, Legal and Human Rights Center (LHRC).<sup>165</sup> He was charged with non-bailable economic crimes offenses: leading an

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"Tanzania's Magufuli deploys military amid cashew nut crisis," 12 November 2018, <https://www.bbc.com/news/world-africa-46180098> (accessed 27 April 2020).

<sup>160</sup> The East African, "Tanzanian reporters warned about quoting foreigners," 28 November 2019, <https://www.theeastafrican.co.ke/news/ea/Tanzanian-reporters-warned-about-quoting-foreigners/4552908-5365586-1e4etn/index.html> (accessed 27 April 2020).

<sup>161</sup> The Citizen, "National Arts Council (Basata) Suspends rapper Rosa Ree for Six Months," 14 November 2019, <https://www.thecitizen.co.tz/news/entertainment/National-Arts-Council--Basata--Suspends-rapper/1840560-5348486-11j9kp9/index.html> (accessed 27 April 2020).

<sup>162</sup> BBC, "Tanzanian Idris Sultan 'held' for Magufuli face-swap," 31 October 2019, <https://www.bbc.com/news/world-africa-50249600> (accessed 27 April 2020).

<sup>163</sup> Committee to Protect Journalists, "#WhereIsAzory?," <https://cpj.org/whereisazory/> (accessed 27 April 2020).

<sup>164</sup> Committee to Protect Journalists, "CPJ is honored to present its 2019 International Press Freedom Award to Tanzanian journalist Maxence Melo Mubyazi," December 2019, <https://cpj.org/awards/2019/maxence-melo-mubyazi-tanzania.php> (accessed 27 April 2020).

<sup>165</sup> FIDH, "Tanzania: Arbitrary detention of Mr. Tito Magoti," 26 December 2019, <https://www.fidh.org/en/issues/human-rights-defenders/tanzania-arbitrary-detention-of-mr-tito-magoti>; Human

organised criminal racket, possessing a computer program designed to commit an offence, and money laundering.<sup>166</sup> On 10 January 2020, a group of 28 civil society organisations wrote to the UN Special Rapporteur on the situation of human rights defenders and the African Commission Special Rapporteur on human rights defenders and Focal Point Reprisals in Africa, asking for intervention in the case.<sup>167</sup> However, at the time of writing Tito Magoti remains in pre-trial detention, following repeated postponement of his hearings. The latest hearing, on 15 April, postponed the trial for the ninth time. Multiple postponements may constitute a form of harassment and psychological ill-treatment.

In January 2020, the government launched a scheme to shut-off SIM cards unless they are registered biometrically and linked to an identity card, passport and fingerprint.<sup>168</sup> Concerns were raised by rights groups that those who cannot or are afraid to register will risk losing out on vital communication channels.<sup>169</sup> It also poses a risk for HRDs and members for the LGBTI community, who try to use untraceable SIM cards as a protection mechanism against state surveillance and monitoring.

In the same month, Kwanza TV, a privately-owned Tanzanian Internet broadcaster, filed an new appeal challenging a six-month ban imposed following an accusation that the station and two others contravened the country's content regulations by failing to publish user policies and guidelines.<sup>170</sup> The initial petition challenging the six-month ban was dismissed by the state broadcasting authority. In the suspension, dated 27 September 2019, the Tanzania Communications Regulatory Authority (TCRA) also imposed a 5 million Tanzanian shillings (2,250 USD) fine on two other online stations, Watetezi TV and Ayo TV. Watetezi TV is owned by Tanzania Human Rights Defenders Coalition, a network of local nongovernmental organizations.

On 18 January 2020, the High Court sitting in Mtwara quashed an application of civil society organisations, including the Legal and Human Rights Centre, trustees of the Media Council of Tanzania, and the Tanzania Human Rights Defenders Coalition, challenging the Electronic and Postal Communications (Online Content) Regulations (EPOCA).<sup>171</sup> The EPOCA Regulations provide the Tanzania Communications Regulatory Authority wide discretionary powers to license blogs, websites, and other online content.<sup>172</sup>

In February 2020, opposition party member, Zitto Kabwe, received death threats and was targeted by the ruling party for his criticism of a controversial 500 million USD World Bank education loan. Kabwe wrote to the bank opposing the loan, citing the government's failure to lift its

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Rights Watch, "Dubious Charges Against Tanzanian Activist," 21 January 2020,

<https://www.hrw.org/news/2020/01/21/dubious-charges-against-tanzanian-activist> (accessed 27 April 2020).

<sup>166</sup> Amnesty International, "Tanzania: Release human rights lawyer Tito Magoti immediately and unconditionally," 21 January 2020, <https://www.amnesty.org/en/latest/news/2020/01/tanzania-release-human-rights-lawyer-tito-magoti-immediately-and-unconditionally/> (accessed 27 April 2020).

<sup>167</sup> CIVICUS, "Urgent Request for UN Intervention in the case of activist in Tanzania," 10 January 2020, <https://www.civicus.org/index.php/media-resources/news/4225-urgent-request-for-intervention-in-the-case-of-hrd-tito-elia-magoti> (accessed 27 April 2020).

<sup>168</sup> Reuters, "Tanzania says may switch off 15 mln SIM cards in biometric registration," 30 January 2020, <https://www.reuters.com/article/tanzania-telecoms/tanzania-says-may-switch-off-15-mln-sim-cards-in-biometric-registration-idUSL8N29Z775> (accessed 27 April 2020).

<sup>169</sup> Voice of America News, "Tanzania Threatens to Block Unregistered SIM Cards," 15 January 2020, <https://www.voanews.com/africa/tanzania-threatens-block-unregistered-sim-cards>

<sup>170</sup> Kahawa Tungu, "Kwanza TV To File Another Appeal After Six-month Ban By Tanzania Communication Regulatory Authority," January 2020, <https://www.kahawatungu.com/kwanza-tv-appeal-tanzania-authority/> (accessed 27 April 2020).

<sup>171</sup> The East African, "Spotlight on East Africa crackdown on rights, freedoms," 18 January 2020, <https://www.theeastafrican.co.ke/news/ea/Spotlight-on-East-Africa-crackdown-on-rights-freedoms/4552908-5422826-eww1b5z/index.html> (accessed 27 April 2020).

<sup>172</sup> DefendDefenders, "Spreading Fear, Asserting Control," *op. cit.*

education ban on pregnant students and adolescent mothers, worsening gender inequality, and human rights violations in Tanzania. His letter was called 'treasonous' and a youth official from the leading party called for Kabwe to be killed.<sup>173</sup> However, in April, the government appeared to buckle from national and international pressure to lift the ban on pregnant girls resuming education. The Ministry of Education released a statement clarifying that the government would commit to ensure that girls could continue with their education as recommended by the World Bank: "The government is committed to ensure that they continue with their education as prescribed in the project."<sup>174</sup>

In the same month, a Tanzanian official who launched a surveillance squad dedicated to "hunting down" gay people was banned from entering the US.<sup>175</sup> The US state department said Paul Makonda, the Regional Commissioner (Governor) of the capital, Dar es Salaam, was involved in "gross violations of human rights."

On 24 February 2020, journalist Erick Kabendera was released after seven months in prison, following a plea-bargain.<sup>176</sup> Kabendera was charged with money laundering, tax evasion and leading organised crime – all non-bailable under Tanzanian law.<sup>177</sup> His arrest was seen as an example of rising repression against the press and critics of Tanzania's President John Magufuli. The journalist, who has a reputation for reporting on issues deemed sensitive, including regarding public authorities, has written for several British publications, including The Independent, The Guardian and The Times, as well as for newspapers in Tanzania and the wider region. His arrest shows Tanzania's continued trend of arresting and detaining journalists in 2020, despite international concern being raised throughout 2019, including from the African Commission on Human and Peoples' Rights, who raised concern over "the unprecedented number of journalists and opposition politicians jailed for their activities" in November 2019. Conditions of the plea-bargain are exorbitant and it remains unclear whether Kabendera will be able to pay the agreed fines, which amount to several dozen thousand USD.<sup>178</sup>

In March 2020, journalist Khalifa Said was dismissed by Tanzanian media house Mwananchi Publications, a day after he criticized President Magufuli's response to coronavirus.<sup>179</sup> Said had challenged Magufuli's insistence that citizens would still be able to attend places of worship amid the outbreak. At the same time, the Prime Minister of Tanzania, Kassim Majaliwa released a statement warning the public against publishing, forwarding or creating "fake news" and "misinforma-

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<sup>173</sup> BBC, "Tanzania MP Zitto Kabwe gets death threats over World Bank loan," 3 February 2020, <https://www.bbc.com/news/world-africa-51355148>; Human Rights Watch, "Free Speech Again Under Attack in Tanzania," 7 February 2020, <https://www.hrw.org/news/2020/02/07/free-speech-again-under-attack-tanzania> (accessed 27 April 2020).

<sup>174</sup> The East African, "Tanzania allows learning for teen mothers," 14 April 2020, <https://www.theeastafrican.co.ke/news/ea/Tanzania-allows-learning-for-teen-mothers/4552908-5520914-dpa7h7/index.html> (accessed 27 April 2020).

<sup>175</sup> The East African, "US bans Tanzanian official who launched anti-gay crackdown," 1 February 2020, <https://www.theeastafrican.co.ke/news/ea/US-designates-Dar-es-Salaam-Regional-Commissioner-Makonda/4552908-5439970-uwpku5z/index.html> (accessed 27 April 2020).

<sup>176</sup> BBC, "Tanzania journalist Erick Kabendera freed after seven months," 24 February 2020, <https://www.bbc.com/news/world-africa-51619618> (accessed 27 April 2020).

<sup>177</sup> Global Voices, "Justice for Tanzanian journalist Erick Kabendera comes at a steep price," 26 February 2020, <https://advox.globalvoices.org/2020/02/26/justice-for-tanzanian-journalist-erick-kabendera-comes-at-a-steep-price/>

<sup>178</sup> Amnesty International, "Tanzania: No justice as journalist Kabendera slapped with heavy fines after months in jail," 24 February 2020, <https://www.amnesty.org/en/latest/news/2020/02/tanzania-no-justice-as-journalist-kabendera-slapped-with-heavy-fines-after-months-in-jail/> (accessed 27 April 2020).

<sup>179</sup> Medium, "Power Tends to Corrupt, That's Why We Need to Resist It," 30 March 2020, <https://medium.com/@khalifaxayed/power-tends-to-corrupt-thats-why-we-need-to-resist-it-f00d3b5129f6> (accessed 27 April 2020).

tion” about coronavirus in the country.<sup>180</sup> He directed regulatory authority TCRA to make follow-ups on those who fabricate news through social media, threatening prosecutions.

In April 2020, exiled opposition leader, Tundu Lissu, who in September 2017 was shot 16 times in an assassination attempt, spoke out against President Magufuli in the lead-up to the October 2020 elections.<sup>181</sup> Lissu questioned whether free and fair elections will be allowed, considering Magufuli’s assertion that there will be no opposition in the upcoming vote and threats to imprison critics of his government.

Since the outbreak of Covid-19 in Tanzania, and the subsequent criticism of the government’s lack of response, multiple media outlets and journalists have faced backlash for reporting any information challenging the official narrative.

On 17 April 2020, TCRA suspended the Mwananchi daily newspaper online content and ordered the publication to pay a fine of 5 million Tanzanian shillings (2,250 USD).<sup>182</sup> Shortly before, Mwananchi had published a photograph of President John Magufuli out shopping surrounded by a crowd of people, eliciting online discussion on the country’s approach to addressing COVID-19. Three other media organizations – Star Media Tanzania Ltd, Multichoice Tanzania Ltd and Azam Digital Broadcast Ltd – were on 2 April each fined the same amount and ordered to apologise for “transmission of false and misleading information” on the country’s approach to managing COVID-19. On 20 April, Tanzanian authorities suspended Talib Ussi Hamad, a journalist with the Daima daily newspaper, for six months. Hamad had reported on COVID-19.<sup>183</sup>

### Freedom of Peaceful Assembly

The ban on political gatherings announced by President Magufuli in 2016 remains in place ahead of general elections scheduled for October 2020. In practice, it has been enforced on opposition parties wishing to hold rallies.

Police continue to interpret vaguely worded laws to exert more direct control, and turn what is legally a notification regime into a prior authorisation regime for public gatherings. Organisations are now also expected to “request permission” from authorities to conduct workshops, meetings, or other activities in areas where they do not have an office.<sup>184</sup>

On 18 March 2020, eight senior members and one former senior leader of Tanzania’s main opposition party, CHADEMA, were sentenced on charges including sedition and unlawful assembly, in a Magistrates court in Dar-es-Salaam on 10 March.<sup>185</sup> The nine defendants were found guilty on 12 out of 13 charges relating to demonstrations held in February 2018 that they organised or participated in. They were ordered to pay fines of 350 million Tanzanian shillings (about 152,000 USD) or serve five months in prison. Following a social media campaign to raise funds, all were released from prison. According to UN Human Rights Office, the sentences denote an ongoing

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<sup>180</sup> All Africa, “Tanzania: Prime Minister Acts Tough on Fake News ‘Cooks’,” 22 March 2020, <https://allafrica.com/stories/202003220009.html> (accessed 27 April 2020).

<sup>181</sup> The East African, “Dar opposition growing stronger even with curbs on its activities,” 2 April 2020, <https://www.theeastafrican.co.ke/news/ea/Tanzania-opposition-growing-stronger-tundu-lissu/4552908-5507170-f9itvcz/index.html> (accessed 27 April 2020).

<sup>182</sup> The Citizen, “TCRA suspends Mwananchi’s online license for Six months,” 17 April 2020, <https://www.thecitizen.co.tz/news/TCRA-suspends-Mwananchi-s-online-license-for-Six-months/1840340-5527310-13ixgsgz/index.html> (accessed 27 April 2020).

<sup>183</sup> Amnesty International, “Tanzania: Authorities must end crackdown on journalists reporting on COVID-19,” 21 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/tanzania-authorities-must-end-crackdown-on-journalists-reporting-on-covid19/> (accessed 27 April 2020).

<sup>184</sup> DefendDefenders, “Spreading Fear, Asserting Control,” *op. cit.*, pp. 21-22.

<sup>185</sup> Daily Monitor, “Tanzania opposition leaders found guilty for ‘illegal’ protest,” 11 March 2020, <https://www.monitor.co.ug/News/World/Tanzania-opposition-leaders-found-guilty-for-illegal-protest/688340-5486482-p63xb2/index.html> (accessed 27 April 2020).

strategy by the government to use the criminal justice system to target its critics by imposing large fines or jail terms on opponents, journalists and civil society figures.<sup>186</sup> However, Tanzania's Foreign Ministry denied the claims, and said that the agency should have raised their concerns with the government for clarification, before going public.<sup>187</sup>

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<sup>186</sup> UN Human Rights Office of the High Commissioner, "Tanzania: Opposition sentences highlight continued stifling of freedoms," 17 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25724&LangID=E> (accessed 27 April 2020).

<sup>187</sup> The East African, "Tanzania slams UN rights abuses claims," 4 April 2020, <https://www.theeastafrican.co.ke/news/ea/Tanzania-slams-UN-rights-abuses-claims/4552908-5514120-6n56syz/index.html> (accessed 27 April 2020).

## Uganda

### General Situation

The rights to freedom of expression, access to information, peaceful assembly and association have been increasingly restricted in the reporting period, as Uganda gears up for its scheduled elections in 2021. In particular, opposition members and their supporters, and HRDs advocating for non-discrimination on the basis of sexual orientation and gender identity (SOGI) are greatly under attack. In RSF's 2020 World Press Freedom Index, Uganda retained its place at 125<sup>th</sup> out of 180 countries.<sup>188</sup>

Since 31 March, Uganda has been on lockdown, with a curfew in place and heavy restrictions on movement, in an attempt to stop the spread of COVID-19. Following this decision, there have been several reports of police and army brutality against civilians, in enforcing the President's directive to keep movement to a minimum. Recently, two female street vendors were beaten publicly by police in downtown Kampala for selling food, and two men shot in Mukono, following lockdown measures announced in response to the spread of coronavirus.<sup>189</sup> In response to the COVID-19 pandemic, Uganda has also closed all of its borders. It was also announced in March 2020 that Uganda would stop receiving refugees whilst the borders remained closed. However, those working in border areas have stated that refugees, mostly from South Sudan, continue to travel across the porous border, stretching from Moyo to Lamwo district.<sup>190</sup>

There has been positive international and national attention paid to Ugandan activists in the reporting period. In November 2019, youth climate activist, Leah Namugerwa who co-runs Africa's most prominent chapter of Fridays for Future, held a march to mark the global climate strike. Namugerwa has gained much international support in recent months.<sup>191</sup> In December 2019, Ugandan Judge Lydia Mugambe-Ssali won the prestigious Vera Chirwa Human Rights Award for her contribution towards advancing socio-economic rights of the vulnerable and ensuring gender-based justice in Africa, through her courageous and impactful judicial career.<sup>192</sup> The award was given out by the University of Pretoria in South Africa.

### Freedom of Association

More than 12,000 charities were ordered to stop their operations in November 2019, until they comply with new government regulations.<sup>193</sup> The Ugandan government issued its directive after discovering fewer than 4,000 charities out of 14,000 had valid permits. This followed a review of NGOs that was done by government between August and September 2019, which reduced the

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<sup>188</sup> Reporters Without Borders, "World Press Index 2020: Uganda," 21 April 2020, <https://rsf.org/en/uganda> (accessed 28 April 2020).

<sup>189</sup> New Vision, "Uganda extends coronavirus lockdown until May 5," 14 April 2020, [https://www.newvision.co.ug/new\\_vision/news/1517866/live-coronavirus-situation-uganda](https://www.newvision.co.ug/new_vision/news/1517866/live-coronavirus-situation-uganda); The East African, "Uganda police shoot 2 for violating movement ban," 27 March 2020, <https://www.theeastafrican.co.ke/news/ea/Uganda-police-shoot-2-for-violating-movement-ban/4552908-5506106-6us1wnz/index.html> (accessed 28 April 2020).

<sup>190</sup> Daily Monitor, "South Sudan refugees enter Uganda despite border closure," 30 March 2020, <https://www.monitor.co.ug/News/National/South-Sudan-enter-Uganda-despite-border-closure-refugees/688334-5508650-ncwkoh/index.html>

<sup>191</sup> The Independent, "As Greta Thunberg inspires a world revolution, one young Ugandan is bringing the climate fight home," 28 December 2019, <https://www.independent.co.uk/news/world/africa/climate-change-leah-namugerwa-greta-thunburg-activism-protest-uganda-a9261326.html> (accessed 28 April 2020).

<sup>192</sup> All Africa, "Ugandan Judge Scoops Vera Chirwa Human Rights Award," 16 December 2019, Ugandan Judge Scoops Vera Chirwa Human Rights Award

<sup>193</sup> The Guardian, "Uganda bans thousands of charities in 'chilling' crackdown," 21 November 2019, <https://www.theguardian.com/global-development/2019/nov/21/uganda-bans-thousands-of-charities-in-chilling-crackdown> (accessed 28 April 2020).



number of registered NGOs from 14,207 to 2,118.<sup>194</sup> The government justified the exercise, saying its intention was to weed out entities carrying out “unscrupulous operations” and to make sure unregistered charities are not involved in money laundering. Some of the information the NGOs were expected to share with the government during the review exercise included information about sources of funding, board and staff members. Some political observers however believe it is a crackdown on groups that have been critical of the government. Most of those affected were local NGOs, as the government also ordered banks not to open accounts for unregistered groups. Among those denied registration was Sexual Minorities Uganda and other organisations that campaign for LGBTIQ rights.<sup>195</sup>

In November 2019, women’s rights activists, working with the Uganda Women Human Rights Defenders Network (WHRDN-U) spoke out about increased harassment from law enforcement officers, saying that some members had been forced to abandon their work.<sup>196</sup> They stated that they had faced particular issues when trying to assist women in property and land rights.

On 4 November, police detained opposition leader and former president of Forum for Democratic Change (FDC), Kizza Besigye, after they blocked the Mandela National Stadium in Namboole, Wakiso District where the party intended to hold their weekly press conference.<sup>197</sup> Besigye was arrested as he was driving back to Najjanankumbi, where the party’s headquarters are based, as a procession of his supporters followed behind him. The police accused him of “parking his vehicle in the middle of the road” and “inconveniencing other road users” in Kampala. Police smashed the windscreen of his car, dragged him out and arrested him, while a video shows Besigye being struck by a high-pressure water cannon fired from a police vehicle. He was released the following day.

Meanwhile, attacks on the LGBTIQ community in Uganda intensified, following the murder of Brian Wasswa, a paralegal and LGBTIQ community member, in October 2019.<sup>198</sup> On 10 November, police arrested 120 people at an LGBTIQ friendly bar in Kampala, accusing them of “frequenting a smoking place.” The patrons were later charged in court with “being a common nuisance,”<sup>199</sup> but LGBTIQ advocates maintained that the charges were overly broad, and that the arrests are emblematic of an increasingly threatening environment for them. The police insisted that they did not target them because of their sexuality. On 17 November, Human Rights Watch called on the Ugandan police to stop the harassment of LGBTIQ people and to drop charges against

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<sup>194</sup> Radio France Internationale, “Uganda outlaws thousands of NGOs running ‘unscrupulous operations’,” 16 November 2019, <http://www.rfi.fr/en/international/20191115-uganda-outlaws-thousands-ngos-operating-country> (accessed 28 April 2020).

<sup>195</sup> CIVICUS, “LGBTQI+ Rights In Uganda: ‘Intolerance is fuelled by anti-rights groups and leaders’,” 19 February 2020, <https://www.civicus.org/index.php/media-resources/news/interviews/4277-lgbtqi-rights-in-uganda-intolerance-is-fuelled-by-anti-rights-groups-and-leaders> (accessed 28 April 2020).

<sup>196</sup> PML Daily, “Women human rights defenders petition Kadaga over harassment,” 15 November 2019, <https://www.pmldaily.com/news/2019/11/women-human-rights-defenders-petition-kadaga-over-harassment.html> (accessed 28 April 2020).

<sup>197</sup> Daily Monitor, “Police smash Besigye’s car, take him to unknown detention facility,” 4 November 2019, <https://www.monitor.co.ug/News/National/Police-officers-smash-Besigye-car-jail-Namboole/688334-5336218-amqr8oz/index.html>

<sup>198</sup> Civil Rights Defenders, “Ugandan LGBTQI+ Activist Brutally Murdered in his Home,” 10 October 2019, <https://crd.org/2019/10/10/ugandan-lgbti-activist-brutally-murdered-in-his-home/>

<sup>199</sup> VOA, “Uganda Police Confirm Arrest of 120 LGBT People,” 11 November 2019, <https://www.voanews.com/africa/uganda-police-confirm-arrest-120-lgbt-people>; NBC News, “Uganda charges 67 people after raid of LGBTQ-friendly bar,” 12 November 2019, <https://www.nbcnews.com/feature/nbc-out/uganda-charges-67-people-after-raid-lgbtq-friendly-bar-n1080811> (accessed 28 April 2020).

dozens arrested over the previous month on the basis of their presumed sexual orientation or gender identity.<sup>200</sup>

On 30 March 2020, a shelter housing 23 LGBTI individuals was raided, with Ugandan police arresting those staying there on charges of enabling the spread of coronavirus. The individuals, who are all Ugandan adults, were forced to walk through the local village where they were beaten and verbally abused.<sup>201</sup> Local leaders and evangelical churches have been stoking new hatred towards the LGBTI community in Uganda by blaming them for the spread of COVID-19. Of the 23 arrested, 4 were released on medical grounds and 19 were charged and are due to appear in court on 29 April, despite multiple calls from the international community for their release.<sup>202</sup>

#### Freedom of Expression and Access to Information

On 20 November 2019, more than ten security operatives stormed and ransacked the office of the opposition Forum for Democratic Change (FDC) party in Kasese District, South Western Uganda. The officers confiscated smart phones and a memory card belonging to the FDC Chairperson of Kasese District, Saul Matte, and a journalist, Eric Mwesigye, who was at the party's office interviewing Mr. Matte Saul about the party's campaign to petition the International Criminal Court (ICC).<sup>203</sup>

In February 2020, international attention turned to Dr. Stella Nyanzi, vocal Ugandan academic and feminist. Dr. Nyanzi was released after her 18-month sentence for insulting President Museveni was quashed.<sup>204</sup> As she was released from court, live rounds were fired in the air by prison wardens to disperse crowds of supporters. Amnesty International had previously called upon the government to ensure right to an effective remedy for Nyanzi, including adequate compensation and guarantee of non-repetition for wrongful conviction.<sup>205</sup> Officials barred Stella from leaving Uganda in March 2017 to attend an academic conference in the Netherlands, following a long history of her speaking out and publicly challenging the government and President Museveni. Nyanzi's trial was rated as "blatantly unfair" by independent trial monitors working for the Clooney Foundation for Justice.<sup>206</sup>

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<sup>200</sup> Human Rights Watch, "Uganda: Stop Police Harassment of LGBT People," 17 November 2019, <https://www.hrw.org/news/2019/11/17/uganda-stop-police-harassment-lgbt-people> (accessed 28 April 2020).

<sup>201</sup> The Guardian, "Ugandan police accused of abusing lockdown laws after LGBT arrests," 1 April 2020, <https://www.theguardian.com/world/2020/apr/01/ugandan-police-accused-of-abusing-lockdown-laws-after-lgbt-arrests>; 76 Crimes, "Ugandan fear of Covid-19 leads to 23 arrests at LGBT shelter," 30 March 2020, <https://76crimes.com/2020/03/30/ugandan-fear-of-covid-19-leads-to-23-arrests-at-lgbt-shelter/> (accessed 27 April 2020).

<sup>202</sup> CIVICUS, "Urgent call to release 19 detained members of the LGBTI community in Uganda," 9 April 2020, <https://www.civicus.org/index.php/media-resources/news/4377-civicus-urgent-call-to-release-19-detained-members-of-the-lgbti-community-in-uganda> (accessed 27 April 2020).

<sup>203</sup> HRNJ, "Security Operatives Storm FDC office confiscate Journalists' Gadgets," 22 November 2019, <https://hrnjuganda.org/?p=5719> (accessed 27 April 2020).

<sup>204</sup> The Guardian, "Stella Nyanzi marks release from jail in Uganda with Yoweri Museveni warning," 21 February 2020, <https://www.theguardian.com/global-development/2020/feb/21/stella-nyanzi-marks-release-from-jail-in-uganda-with-yoweri-museveni-warning> (accessed 27 April 2020).

<sup>205</sup> Amnesty International, "Ugandan Authorities Must Ensure Adequate Compensation For Stella Nyanzi Over Wrongful Conviction And Travesty Of Justice," 21 February 2020, <https://www.amnesty.org/en/documents/afr59/1850/2020/en/> (accessed 27 April 2020).

<sup>206</sup> American Bar Association, "Trial Observation Report: Uganda vs. Stella Nyanzi," 17 February 2020, [https://www.americanbar.org/groups/human\\_rights/reports/fairnessreport\\_uganda\\_stella\\_nyanzi/](https://www.americanbar.org/groups/human_rights/reports/fairnessreport_uganda_stella_nyanzi/) (accessed 27 April 2020).

In March 2020, General Henry Tumukunde, a former general planning to run for presidency in Uganda was arrested and held on treason charges.<sup>207</sup> Police stated that he was accused of “enlisting the support of a neighbouring country to remove the current leadership.”<sup>208</sup> This is following Tumukunde’s statement made the week before on NBS television: “If I was Rwanda, I would wish to support people who want to cause change in Uganda.” He remains in custody, having pled not guilty and with proceedings ongoing. In mid-April, Tumukunde was denied bail after one month of being held on treason charges, with the judgement citing the ongoing COVID-19 lockdown and that he must provide sureties at his military rank or above to be considered for bail. The case was adjourned to 6 May, for further mention.<sup>209</sup>

On 4 March 2020, it was reported that independent filmmaker, Moses Bwayo, was sent to jail after being accused of singing subversive songs whilst making a film about Bobi Wine.<sup>210</sup> He was first arrested in February, released and then taken back into custody after bail was denied. He remains there. This is part of what government critics have called an escalating clampdown on independent media and the opposition ahead of a presidential election in Uganda early next year.

Ugandan journalists and media have been experiencing censorship and backlash following their reporting of the COVID-19 pandemic. On 16 March 2020, the State House in Entebbe cancelled the accreditation of journalists for President Museveni’s national addresses concerning coronavirus, citing fears of spreading the virus.<sup>211</sup> Future addresses have been limited to only members of the Presidential Press Unit (PPU) who will relay the footage to other media houses from Entebbe.

At the end of March 2020, police attacked Uganda Radio Network director Julius Ocungi, stealing his money and camera, when he tried to cover a bar being closed down.<sup>212</sup> Similarly, a journalist who writes for the Daily Monitor, Perez Rumanzi, was hospitalised after being severely beaten by UPDF soldiers enforcing the curfew in Ntungamo district, Uganda. He was badly bruised and injured, his camera was confiscated and his photos deleted, despite communicating to the soldiers that he was reporting on how people in the district are responding to the curfew.<sup>213</sup> The assault happened at 19.30, 30 minutes after the curfew began.

On 20 April 2020, NBS Television anchor Samson Kasumba was arrested and security forces conducted a search at his home. When asked by media, a police spokesperson stated that the anchor

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<sup>207</sup> Reuters, “Uganda arrests former general planning to run for presidency,” 13 March 2020, <https://www.aljazeera.com/news/2020/03/uganda-arrests-general-planning-run-presidency-200313095640371.html> (accessed 28 April 2020).

<sup>208</sup> Reuters, “Uganda charges foe of president with treason, illegal weapons possession,” 18 March 2020, <https://www.reuters.com/article/us-uganda-judiciary/uganda-charges-foe-of-president-with-treason-illegal-weapons-possession-idUSKBN2152EX>

<sup>209</sup> Daily Monitor, “Why court’s denial of Tumukunde’s bail plea sets bad precedent for Uganda,” 19 April 2020, <https://www.monitor.co.ug/Magazines/PeoplePower/court-s-denial-Tumukunde-s-bail-plea-sets-bad-precedent/689844-5528050-ag9jqkz/index.html> (accessed 28 April 2020).

<sup>210</sup> Reuters, “Uganda jails filmmaker doing documentary on opposition hopeful,” 4 March 2020, <https://www.reuters.com/article/us-uganda-judiciary/uganda-jails-filmmaker-doing-documentary-on-opposition-hopeful-idUSKBN20R2CG> (accessed 28 April 2020).

<sup>211</sup> Nile Post, “State House Cancels Journalists Accreditation over Coronavirus Fears,” 17 March 2020, <https://nilepost.co.ug/2020/03/17/state-house-cancels-journalists-accreditation-over-coronavirus-fears/> (accessed 28 April 2020).

<sup>212</sup> Committee Protecting Journalists, “Ugandan security personnel enforcing COVID-19 measures assault journalists,” 22 April 2020, <https://cpj.org/2020/04/ugandan-security-personnel-enforcing-covid-19-meas.php>

<sup>213</sup> The Informer, “Journalist Perez Rumanzi hospitalized after being beaten to pulp by police,” 2 April 2020, <https://theinformerug.com/journalist-perez-rumanzi-hospitalized-after-being-beaten-to-pulp-by-police/>; Chimp Reports, “Nation Media Journalist Hospitalised after being Clobbered by Army,” 2 April 2020, <https://chimpreports.com/ntungamo-nation-media-journalist-hospitalized-after-being-clobbered-by-army/> (accessed 28 April 2020).

was being held due to subversive activities and is accused of “plotting against his country”. Kasumba has been to Rwanda several times whilst reporting on a number of issues in the build-up to the 2017 Presidential elections. Kasumba was released on bail on 21 April.<sup>214</sup>

### Freedom of Peaceful Assembly

On 4 November 2019, police fired tear gas at journalists protesting against police abuse in Kampala. The journalists hoped to march to the police headquarters to deliver a petition but were blocked and attacked with tear gas. Eight journalists were arrested but later released.<sup>215</sup> The demonstrations followed the arrest of several journalists at Makerere University on 25 October 2019, who were reporting on student protests over a 15 percent rise in tuition fees.<sup>216</sup> In a statement, Human Rights Watch called for investigations and accountability for the police and military crackdown on students and journalists.<sup>217</sup>

On 6 January 2020, Ugandan police arrested Member of Parliament Robert Kyagulanyi, popularly known as Bobi Wine,<sup>218</sup> and fired teargas at his supporters as he held a rally for his 2021 presidential bid. Human rights organisations warned that this would spell trouble for the 2021 election. During the rally, Willy Tamale and three other local journalists were also briefly detained, while covering the planned event.<sup>219</sup>

Following increased restrictions on freedom of assembly rights in Uganda, under the Public Order Management Act (POMA), the National Coalition of Human Rights Defenders in Uganda (NCHRD-U) accused the police of misapplying the Act.<sup>220</sup> The statement, released on 14 January 2020, followed the arrest of activists distributing magazines criticising widespread corruption in the government, the day before. Mr Robert Kirenga, the NCHRD-U executive director, said “We ask the Police to end misapplication of the Public Order Management Act enacted in 2016 that is facilitating unlawful and partisan policing assemblies.”

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<sup>214</sup> Soft Power, “Police Search Journalist Kasumba’s Home, Likely to be Transferred to SID Kireka,” 21 April 2020, <https://www.softpower.ug/police-search-journalist-kasumbas-home-likely-to-be-transferred-to-sid-kireka/>; Twitter, @CanaryMugume, 21 April 2020, <https://twitter.com/CanaryMugume/status/1252669793381027841> (accessed 28 April 2020).

<sup>215</sup> HRNJ, “Police teargas, arrests journalists delivering petition to police boss over brutality,” 4 November 2019, <https://hrnjuganda.org/?p=5662>; Reuters, “Uganda police detain journalists protesting rights violations,” 4 November 2019, <https://www.reuters.com/article/us-uganda-media/uganda-police-detain-journalists-protesting-rights-violations-idUSKBN1XE1NS> (accessed 28 April 2020).

<sup>216</sup> HRNJ, “Police disrupt University students’ press conference, teargas journalists,” 25 October 2019, <https://hrnjuganda.org/?p=5629> (accessed 28 April 2020).

<sup>217</sup> Human Rights Watch, “Uganda: Security Forces Attack Students, Journalists,” 4 November 2019, <https://www.hrw.org/news/2019/11/04/uganda-security-forces-attack-students-journalists> (accessed 28 April 2020).

<sup>218</sup> The Guardian, “Uganda’s pop star MP Bobi Wine arrested as police break up rally,” 6 January 2020, <https://www.theguardian.com/global-development/2020/jan/06/ugandan-police-arrest-bobi-wine-fire-teargas-break-up-rally> (accessed 28 April 2020).

<sup>219</sup> Human Rights Watch, “Arrest of Uganda’s Bobi Wine Spells Trouble for 2021 Election,” 9 January 2020, <https://www.hrw.org/news/2020/01/09/arrest-ugandas-bobi-wine-spells-trouble-2021-election>; Committee to Protect Journalists, “Ugandan police harass and detain journalists covering opposition politician Bobi Wine,” 14 January 2020, <https://cpj.org/2020/01/ugandan-police-harass-and-detain-journalists-cover.php>; All Africa, “Uganda: Journalist Arrested Over Bobi Wine Narrates His Ordeal,” 9 January 2020, <https://allafrica.com/stories/202001090728.html> (accessed 28 April 2020).

<sup>220</sup> Daily Monitor, “Police use public order law to abuse rights – activists,” 14 January 2020, <https://www.monitor.co.ug/News/National/Police-public-order-law-rights-activists-Kirenga-Bobi-Wine/688334-5418268-he7e09/index.html> (accessed 28 April 2020).

In March 2020, Uganda's Constitutional Court ruled that Section 8 of the POMA is illegal and unconstitutional – a decision met with celebration by rights groups.<sup>221</sup> The section gave the police excessive powers to prohibit police gatherings and protests. Ugandan police had most recently used the law to block meetings and concerts by opposition politician and singer, Bobi Wine.

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<sup>221</sup> Amnesty International, "Uganda: Constitutional Court nullifies law used to prohibit protests," 27 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/uganda-constitutional-court-nullifies-law-used-to-prohibit-protests/> (accessed 28 April 2020).