

# OVERVIEW OF THE HUMAN RIGHTS SITUATION IN THE EAST AND HORN OF AFRICA

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**DEFENDDEFENDERS**

East and Horn of Africa Human Rights Defenders Project

## DefendDefenders' Bi-Annual Report to the ACHPR

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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 67th Ordinary Session of the African Commission on Human and Peoples' Rights ("the Commission") to highlight the most pressing human rights issues in the East and Horn of Africa sub-region for the period May-November 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, peaceful assembly, and association. The submission includes trends and developments for each of our mandate countries. Additionally, this submission features a series of recommendations to the Commission formulated with a view to improving human rights protection and promotion in the 11 countries concerned.

Despite the ongoing challenges posed by the COVID-19 pandemic, DefendDefenders remains committed to engaging the Commission on advancing human rights in the sub-region. We remain hopeful that a solution will be found to curb its spread, eradicate it, and prevent its recurrence. In the meantime, the Commission should urge states to ensure that restrictions in place to control the spread of COVID-19 are temporary, necessary to protect public health, proportionate, non-discriminatory, and do not arbitrarily restrict human rights.

Over the past six months, governments in the sub region continued to restrict legitimate expressions of civilian dissent, including peaceful demonstrations and gatherings. As highlighted below, the restrictions were heightened either during the electoral periods, or while fighting the pandemic. Opposition members, independent civil society organisations and the media bore the brunt of governments' reactions.

In **Burundi**, the sudden passing of former President Pierre Nkurunziza, and the swearing in of a new President, Évariste Ndayishimiye, in June 2020, presented hope that the country would change course, put an end to the gravest forms of violence, human rights violations and impunity, and re-engage with the international community. Instead, we are witnessing the continuation of the same trends, with worrying statements and the appointment of persons accused of grave crimes to government positions. Considering this, the UN Human Rights Council extended the mandate of its Commission of Inquiry (CoI) on the country.

**Djibouti** and **Eritrea** remain the most closed states in the sub-region, both ranking amongst the world's worst violators of press freedom. The rights to free expression, association and peaceful assembly continue to be severely restricted, making it virtually impossible for independent human rights organisations or individual human rights defenders (HRDs) to operate in the country. Additionally, HRDs face increased risks of reprisals for engaging with regional and interna-



tional human rights mechanisms. Despite diplomatic progress in the Horn of Africa, including the 2018 rapprochement between Eritrea, Ethiopia, and Somalia, the human rights situation remains dire. For instance, indefinite national service is still applied in Eritrea, at the expense of realisation of human rights and fundamental freedoms.

**Ethiopia** is in a political deadlock with the national elections extended until 2021. The Parliament approved extension of Prime Minister's Abiy Ahmed's mandate despite concerns from the opposition. The country is plagued by ongoing inter-communal and ethnically charged tension over land and livelihoods, exacerbated by the high-handed response of the security forces to address the tensions. The Anti-Terrorism Proclamation remains in force and continues to be used to prosecute critical voices. At the time of writing, federal forces had launched an offensive against the Tigray region's ruling party, the Tigray People's Liberation Front (TPLF), which poses a threat to the stability of the sub-region and may give rise to humanitarian challenges, displacement, and human rights violations.

**Kenya** continues to grapple with extrajudicial killings, enforced disappearances, torture and other grave violations, often committed by security forces in the name of combating terrorism, or against the youth from disadvantaged slum areas. COVID 19 exacerbated police brutality under the guise of curbing the spread of corona virus. For instance, Independent Medico-Legal Unit (IMLU) has [documented](#) 25 cases of deaths in police custody since January 2020.

The democratic and civic space in **Rwanda** has been increasingly restricted, with severe restrictions on the rights to freedom of opinion and expression, assembly, and association, in place. Rwanda consistently ranks among the worst countries in terms of press freedom. Reporting that is critical of President Paul Kagame's leadership, or on any issue related to the 1994 genocide of the Tutsi, may lead to prosecution and detention. The government dismisses any concern raised by foreign actors, including international and African non-governmental organisations (NGOs) which they continue to stigmatise and vilify.

The security situation in **Somalia** remains fragile and human rights situation as concerning. Al Shabab continues to control territory and to commit grave human rights abuses with several attacks against civilians in this period. Sexual and gender-based violence directed towards women and girls is a major concern. Somalia is not only a dangerous place for journalists but for women as well.

Fighting continues in parts of **South Sudan** and former warring parties remain operational as transitional security arrangements deadlines set out in the Revitalised Peace Agreement for Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) remain unimplemented. The UN Commission on Human Rights in South Sudan (CoHR) continues to document and report patterns of sexual and gender-based violence (SGBV), grave human rights violations, and international crimes, including deliberate targeting and starvation of civilians, as well as widespread impunity. National-level political actors have fuelled

localised violence and conflict over livelihoods, with ethnic overtones, including by providing arms. Corruption, embezzlement, and misappropriation of public funds persist as major impediments to economic development as well as justice and reparations.

**Sudan's** transitional government faced many challenges within the reporting period including countering the spread of COVID-19, high inflation, and mass displacement caused by extreme flooding, forcing the government to declare a state of emergency in September 2020. Positively, in mid-July 2020, the transitional government announced several reforms including banning female genital mutilation (FGM), decriminalising apostasy, and ending the requirement for women to get travel permits. Sudan's removal from the United States' States sponsors of terrorism list, a process that has now been launched, may open up avenues for economic development, investment, and Sudan's full reintegration into the international community. Accountability for violations of international humanitarian law and human rights violations and abuses committed over 30 years of dictatorship remains elusive, although Sudan recently hosted talks with a delegation of the International Criminal Court (ICC).

In **Tanzania**, the re-election of President John Magufuli comes against a backdrop of a series of repressive laws and extra-legal measures used by the government to restrict the space for independent actors, including civil society and the media. Several political opposition members have been subjected to attacks against their physical integrity. Fear and self-censorship are on the rise as media houses have seen their license suspended or revoked, HRDs have been arrested and detained, lawyers have been disbarred, and human rights NGOs have been targeted. Post-election repression has been denounced by international actors, including the United Nations High Commissioner for Human Rights.

As **Uganda** gears up for its general elections in 2021, there is a spike in targeted attacks against HRDs including journalists and opposition members. Additionally, electoral violence is on the rise and was witnessed during the recently concluded party primaries for the National Resistance Movement (NRM). 2,000 incidents of electoral violence were reported across various police stations in the country. Ugandan citizens' rights to freedom of opinion and expression, peaceful assembly and association are increasingly under pressure.

# RECOMMENDATIONS

Considering 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 human rights are temporary, lawful, necessary to protect public health, non-discriminatory, and proportionate;
- Call on member states to adopt specific legislative measures to recognise the status of human rights defenders, accord them 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 human rights defenders including those working on accountability, governance, women's rights, and sexual orientation and gender identity, and recognise that the rights enshrined in the African Charter on Human and Peoples' Rights are universal;
- Call on member states to take specific measures to protect women human rights defenders in light of multiple and intersecting risks and threats, including violence and discrimination;
- Urge all states in the sub region that are scheduled to hold elections to ensure that the elections take place in a safe and enabling environment that allows for free and fair expression of citizens' will, and to create and maintain an environment in which human rights defenders and civil society can operate free from intimidation and reprisals;
- Call on states to implement Guidelines on Freedom of Association and Assembly in Africa adopted by the Commission during its 60th ordinary session, ensuring that they fulfil their obligations under the African Charter on Human and Peoples' Rights;
- Encourage member states that have not done so to make and deposit the declaration under article 34(6) of the Protocol of the African Court on Human and Peoples' Rights accepting the Court's competence to receive cases from individuals and non-governmental organisations;
- Urge states that have withdrawn the declaration under article 34(6) of the Protocol of the African Court on Human and Peoples' Rights to reconsider their decision;
- Urge Tanzania to heed the messages delivered by national, African, and international actors and to respect civil liberties before the country enters a full-fledged human rights crisis, with potentially grave domestic and regional consequences;
- 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; and
- Urge the Government of Sudan to ensure the National Investigative Committee conducts its work, in an open, transparent, and impartial manner with a view of ensuring justice for the 3 June massacre; and
- Urge the Federal government of Ethiopia and all other Ethiopian parties to find a peaceful solution to ongoing disagreements and work towards sustainable arrangements in the framework of Ethiopia's Constitution and with a view to safeguarding the lives, livelihoods, and human rights of all Ethiopian citizens.



# BURUNDI.

## GENERAL SITUATION

The lead-up to the May 2020 elections, including presidential, legislative and municipal polls, was marked by a climate of repression, fear, and intimidation. State agents, ruling party officials, and members of the *Imbonerakure* militia (the ruling National Council for the Defence of Democracy–Forces for the Defence of Democracy (CNDD-FDD) party's youth league) continued to engage in serious violations against civilians. Ahead of the elections, now deceased former President Pierre Nkurunziza indicated that he would not be running.<sup>1</sup> His announcement that he would stand for a third term, beyond the constitutionally mandated limit, in 2015, sparked the country's political, humanitarian, and human rights crisis. In January 2020, Burundi's ruling party, the CNDD-FDD, nominated General Évariste Ndayishimiye as its candidate for the presidential election.<sup>2</sup>

On 20 May 2020, Burundi held presidential, parliamentary and municipal elections amidst heightened political instability, deadly clashes, hate speech, and continued human rights violations and abuses against members of the political opposition and their families. On the day of the elections, the president of the CoI stated that the conditions for credible and fair elections were not met, due to violations of human rights and civil liberties.<sup>3</sup> The Commission based their position upon their documentation of human rights violations including the right to life, liberty and physical integrity, civil and

political rights, and economic and social rights. They also highlighted that international election observers were not allowed into the country. Even though observers from the East Africa community were allowed, they were required to go into a 14-day quarantine due to COVID-19. Additionally, on the day of elections, authorities blocked social media platforms (including Facebook, WhatsApp and Twitter), and voters were ordered to return immediately to their homes after voting.<sup>4</sup>

On 25 May 2020, the Independent National Electoral Commission (CENI) announced partial results for the elections, declaring victory for the ruling CNDD-FDD party's candidate, Évariste Ndayishimiye, by close to 69% of the vote. His chief competitor, Agathon Rwasa of the opposition party *Congrès National pour la Liberté* (CNL), was credited with 24%. CNL accused the CENI of colluding with the ruling party to keep opposition election observers away from the polls and indicated that they would demand a vote recount. After the total tallying of votes was done, Mr. Ndayishimiye was declared the winner after garnering 67% of the votes, although this was still disputed by the opposition.<sup>5</sup>

Following the elections, the East African Community (EAC) congratulated Burundi for holding "peaceful and successful" elections.<sup>6</sup> This was despite a CNL party spokesperson stating just days after the election that a total of 200 of its members had been arrested in provinces across the country on election day and the day after.<sup>7</sup> According to CNL, most of the arrested persons were observers at the polling stations. In an unexpected development, the government of Burundi announced on 8 June that outgoing President Nkurunziza had died after suffering from heart failure. However, his sudden illness and

1 Voice of America (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).

2 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).

3 All Africa, "Burundi: OHCHR - Burundi's Elections Aren't 'Credible and Free,'" 20 May 2020, <https://allafrica.com/stories/202005210001.html> (accessed 13 July 2020).

4 Committee to Protect Journalists (CPJ), "Burundi blocks social media access during presidential elections," 20 May 2020, <https://cpj.org/2020/05/burundi-blocks-social-media-access-during-presiden/> (accessed 13 July 2020).

5 Al Jazeera, "Burundi election results: What next?," 26 May 2020, <https://www.aljazeera.com/news/2020/05/burundi-election-results-200526131633456.html> (accessed 13 July 2020).

6 EAC, "Statement of the East African Community on the just concluded Nominations, Campaigns, Voting and Counting Process in the 2020 Elections in the Republic of Burundi," 26 May 2020, <https://www.eac.int/press-releases/1731-statement-of-the-east-african-community-on-the-just-concluded-nominations,-campaigns,-voting-and-counting-process-in-the-2020-elections-in-the-republic-of-burundi> (accessed 13 July 2020).

7 PML Daily, "'Hundreds arrested' on Burundi election day," 23 May 2020, <https://www.pmeldaily.com/news/world/2020/05/hundreds-arrested-on-burundi-election-day.html> (accessed 13 July 2020).





passing against the backdrop of the COVID-19 pandemic prompted many questions, especially considering the government's downplaying of the infection rate.<sup>8</sup>

Following the announcement of Nkurunziza's death, the Constitutional Court announced on 12 June 2020, that the incoming president, Mr. Ndayishimiye, should be sworn in as soon as possible. Less than a week later, on 18 June, he was inaugurated. Shortly after, President Ndayishimiye announced a 15-member cabinet, including two members who are under U.S. or European sanctions over their alleged role in violently crushing street protests in 2015.<sup>9</sup> This includes Prime Minister Alain Guillaume Bunyoni, who has been under targeted U.S. sanctions since 2015, and Gervais Ndirakobuca, who is also on the U.S. and European Union (EU) sanctions list.<sup>10</sup>

In a positive development since the election of Ndayishimiye, more than a dozen people were jailed in mid-August 2020, including police and members of the youth militia *Imbonerakure*, after being found guilty of extorting migrant workers returning from Tanzania.<sup>11</sup> The rulings have been seen as a positive step towards fighting impunity in Burundi.<sup>12</sup>

Ahead of the UN Human Rights Council's 45th session (14 September-6 October 2020), more than 40 civil society organisations urged States to support the renewal of the mandate of the Commission of Inquiry (CoI) on Burundi.<sup>13</sup> On 29 September, it was announced that the work

of the CoI would be extended by another 12 months.

## FREEDOM OF ASSOCIATION

Following presidential, legislative and local elections that took place on 20 May 2020, leading opposition party CNL, reported that their offices in five locations were targeted by acts of vandalism.<sup>14</sup> This includes a local office in Rumonge, which was demolished on 16 July. CNL also reported threats and intimidation against its members.

In a televised speech on 24 August 2020, President Ndayishimiye made reference to exiled opposition leaders, linking them with "support of homosexuality."<sup>15</sup> In the same speech, Ndayishimiye attacked the LGBT+ community specifically, stating that homosexuality was causing the COVID-19 pandemic. He further said that homosexuality is rejected in Burundi and considered a "curse."

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

While following the signing of the Arusha Agreement, Burundi enjoyed a measure of media freedom and enabling environment for civil society. However, since the 2015 crisis there has been a continued crackdown on freedom of speech, including attacks on journalists and the media. In 2020 alone, there were several arrests and convictions of journalists, including from independent newspaper Iwacu.<sup>16</sup>

8 The Guardian, "Burundi president dies of illness suspected to be coronavirus," 9 June 2020, <https://www.theguardian.com/world/2020/jun/09/burundi-president-dies-illness-suspected-coronavirus-pierre-nkurunziz> (accessed 13 July 2020).

9 Reuters, "Burundi's new cabinet includes two under Western sanctions over rights abuses," 29 June 2020, <https://uk.reuters.com/article/uk-burundi-politics/burundis-new-cabinet-includes-two-under-western-sanctions-over-rights-abuses-idUKKBN2401DS> (accessed 13 July 2020).

10 International Federation for Human Rights (FIDH), "New Government in Burundi: Dampened Hopes for Political Openness and the Fight Against Impunity," 30 June 2020, <https://www.fidh.org/en/region/Africa/burundi/new-government-in-burundi-dampened-hopes-for-political-openness-and> (accessed 13 July 2020).

11 News24, "Burundi jails members of notorious ruling party youth wing," 17 August 2020, <https://www.news24.com/news24/africa/news/burundi-jails-members-of-notorious-ruling-party-youth-wing-20200817> (accessed 3 November 2020).

12 Bloomberg, "New Leader Offers Glimmer of Hope Burundi's Turmoil Is Ending," 29 August 2020, <https://www.bnnbloomberg.ca/new-leader-offers-glimmer-of-hope-burundi-s-turmoil-is-ending-1.1486596> (accessed 3 November 2020).

13 DefendDefenders, "Burundi: Vital role of the Commission of Inquiry in prompting meaningful human rights progress," 21 August 2020, <https://defenddefenders.org/wp-content/uploads/2020/08/HRC45-Civil-society-letter-regarding-BURUNDI-EN.pdf> (accessed 3 November 2020).

14 Taarifa, "Burundi's Main Opposition Party CNL Offices Vandalised," <https://taarifa.rw/burundis-main-opposition-party-cnl-offices-vandalised/> (accessed 3 November 2020).

15 Twitter, @minanijeremie, 24 August 2020, <https://twitter.com/minanijeremie/status/1297680421631688705> (accessed 3 November 2020).

16 Time, "These Are the 10 'Most Urgent' Cases of Threats to Press Freedom Around the World in August 2020," <https://time.com/5873991/threats-press-freedom-august-2020/> (accessed 3 November 2020).

In June 2020, four journalists from Iwacu who had been detained on trumped-up charges of “threatening the internal security of the state” had their appeals rejected.<sup>17</sup> They had been arrested following their work covering unrest on the border with the Democratic Republic of the Congo.<sup>18</sup> Despite calls from human rights organisations for their immediate and unconditional release,<sup>19</sup> all four remain in prison. On 22 July 2020, Iwacu held a ceremony in memory of journalist Jean Bigirimana, who disappeared exactly four years earlier.<sup>20</sup> Bigirimana was reportedly arrested by intelligence officers and has not been heard of since. The ceremony also took account of journalists lost or arrested since then, including the four Iwacu journalists in prison.

A report released in late June concerning Burundi’s response to the COVID-19 pandemic highlighted the silencing of medical doctors and healthcare workers, who were told not to speak about equipment shortages or symptom patterns in their hospital.<sup>21</sup> One doctor informed the researchers that they were also told not to talk about suspected cases or share information publicly. Healthcare workers stated that they fear retaliation if speaking out. Since President Ndayishimiye was sworn in, however, Burundian authorities seem to have taken on a new, more transparent approach to tackling the COVID-19 pandemic.

On International Day of the Disappeared – 30 August 2020, the case of missing Burundian journalist Jean Bigirimana was highlighted as it

coincided with 1,500 days since his disappearance.<sup>22</sup> Bigirimana, who worked at Iwacu newspaper, was reportedly taken by officials from the National Intelligence Service on 22 July 2016 and has not been seen since.<sup>23</sup>

## SITUATION OF HUMAN RIGHTS DEFENDERS (HRDS)

In July 2020, civil society actors called for renewed interest in the case of human rights defender Germain Rukuki, who has been imprisoned for the past three years.<sup>24</sup> Rukuki had been serving a 32-year prison sentence for charges related to mass protests following late President Nkurunziza’s decision to run for a third term in office in 2015.

On 30 July 2020, it was reported that Burundi’s Supreme Court had decided to rescind Germain Rukuki’s 32-year prison sentence and to send the case back to a Court of Appeal.<sup>25</sup> This followed advocacy in favour of Burundian human rights defenders by civil society organisations, including DefendDefenders.<sup>26</sup>

This is a decisive moment for the future of Burundi, its civil society, and HRDs. While the elections were marred with a lack of transparency, grave human rights violations, and culminated in a swift power transition, the change in leadership may also offer a new chapter for Burundi. Against this backdrop, several organisations recently called for the newly elected president to focus on reconciliation and to pardon HRDs

17 CPJ, “Burundi court rejects imprisoned Iwacu journalists’ appeal,” 5 June 2020, <https://cpj.org/2020/06/burundi-court-rejects-imprisoned-iwacu-journalists-appeal/> (accessed 13 July 2020).

18 CPJ, “Burundi police arrest Iwacu journalists covering unrest,” 23 October 2019, <https://cpj.org/2019/10/burundi-arrest-iwacu-journalists-covering-unrest/> (accessed 13 July 2020).

19 Human Rights Watch (HRW), “Burundi: Journalists, Driver Detained on Reporting Trip Clampdown on Free Speech Increases as Elections Near,” 23 October 2019, <https://www.hrw.org/news/2019/10/23/burundi-journalists-driver-detained-reporting-trip> (accessed 13 July 2020).

20 Taarifa, “Burundi Journalists Honour Disappeared Colleagues,” 22 July 2020, <https://taarifa.rw/burundi-journalists-honour-disappeared-colleagues/> (accessed 3 November 2020).

21 HRW, “Burundi: Fear, Repression in Covid-19 Response,” 24 June 2020, <https://www.hrw.org/news/2020/06/24/burundi-fear-repression-covid-19-response> (accessed 3 November 2020).

22 Al Jazeera, “Burundian journalist Jean Bigirimana missing for 1,500 days,” 30 August 2020, <https://www.aljazeera.com/news/2020/08/30/burundian-journalist-jean-bigirimana-missing-for-1500-days/> (accessed 3 November 2020).

23 Twitter, @ZimMediaReview, 30 August 2020, <https://twitter.com/ZimMediaReview/status/1300084478728122369> (accessed 3 November 2020).

24 The Africa Report, “Burundi: It’s time to release human rights defender Germain Rukuki,” 13 July 2020, <https://www.theafricareport.com/33233/burundi-its-time-to-release-human-rights-defender-germain-rukuki/> (accessed 3 November 2020).

25 FIACAT, “[COMMUNIQUÉ] Cassation du jugement en appel condamnant Germain Rukuki,” 30 July 2020, <http://fiacat.org/presse/communiqués-de-presse/2909-communiqué-cassation-du-jugement-en-appel-condamnant-germain-rukuki?fbclid=IwAR2jpKzXUoRYAWatboXmniub6cqTUDLNflvZqSpFISPRhg1TV2aMYERWgA> (accessed 3 November 2020).

26 DefendDefenders, “Burundi: A decisive moment for the future of human rights defenders,” 18 June 2020, <https://defenddefenders.org/burundi-a-decisive-moment-for-the-future-of-human-rights-defenders/> (accessed 3 November 2020).



who are currently detained.<sup>27</sup> It remains to be seen whether meaningful peace and stability can be achieved in Burundi and whether Ndayishimiye can break free from Nkurunziza's tainted legacy – including widespread impunity for human rights violations and abuses. If true and sustained change is to be achieved, it must involve civil society and HRDs, and this also means creating a safe and enabling environment for the many Burundians living in exile to be able to return free from fear, intimidation, and reprisals.

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## DJIBOUTI.

### GENERAL SITUATION

Djibouti has been ravaged by the COVID-19 pandemic, with increased infections and adverse effects of lockdown measures, which have been damaging to an already heavily restricted civic space. There is increased surveillance being reported and more restrictions on the rights to freedom of movement or assembly.<sup>28</sup>

The next presidential election is set to take place in early 2021, when President Ismaël Omar Guelleh will run for a fifth term. On 25 September 2020, the *Union pour le Salut National* (USN), which is a coalition of several opposition parties, announced that they were mobilising against Guelleh ahead of the election.<sup>29</sup> The USN also called for free elections and an overhaul of the Election Commission.

### FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

On 3 May 2020, a correspondent for the only free and independent media run by Djiboutians, *La Voix de Djibouti* (Voice of Djibouti), was arrested and held in detention, before later being released.<sup>30</sup> Charmarke Saïd Darar had been covering a fire in a low-income district of the capital when he was arrested. Darar had no access to a lawyer or doctor and was held in a small cell with others, despite the ongoing outbreak of COVID-19. *La Voix de Djibouti* is a web TV and radio station broadcasting to Djibouti from Belgium and remains the last free media outlet available in Djibouti (outside of social media). Its reporters are often targeted by Djiboutian authorities.

On 16 May 2020, it was first reported that former Djiboutian Air Force Lieutenant Fouad Youssef Ali, who fled to Ethiopia after publicly denouncing corruption in the air force,<sup>31</sup> had been forcibly returned to Djibouti. Activists and other exiled political figures condemned the move by Ethiopia to return Lieutenant Fouad Youssef Ali, many of whom have stated that he is at serious risk of persecution in Djibouti due to his public criticism of the government and army.<sup>32</sup> Following Lieutenant Fouad fleeing, the Djiboutian government had issued a warrant for his arrest and extradition while his family members in Djibouti had been arrested. He was reportedly arrested on 8 April by Ethiopian security forces when on the way to lodge his application for asylum in Ethiopia.<sup>33</sup>

At the end of June, it was announced that Lieutenant Fouad Youssef Ali was being charged with "treason" in relation to the video he published alleging corruption by a high-ranking

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27 Various Organisations, "Joint Statement: A decisive moment for the future of human rights defenders in Burundi," 17 June 2020, [https://defenddefenders.org/wp-content/uploads/2020/06/STATEMENT\\_FOR-IMMEDIATE-RELEASE\\_BUR\\_2020.pdf](https://defenddefenders.org/wp-content/uploads/2020/06/STATEMENT_FOR-IMMEDIATE-RELEASE_BUR_2020.pdf) (accessed 13 July 2020).

28 L'Opinion, "Djibouti: le coronavirus, dernière carte d'un régime à bout de souffle," 7 April 2020 <https://www.lopinion.fr/edition/international/djibouti-coronavirus-derniere-carte-d-regime-a-bout-souffle-tribune-215673> (accessed 3 November 2020).

29 Radio France Internationale (RFI), "Cinquième mandat du président Guelleh à Djibouti: le parti au pouvoir minimise la contestation," 28 September 2020, <https://www.rfi.fr/fr/afrique/20200928-5e-mandat-pr%C3%A9sident-guelleh-%C3%A0-djibouti-le-parti-pouvoir-minimise-la-contestation> (accessed 3 November 2020).

30 RSF, "Djibouti arrests reporter on World Press Freedom Day," 6 May 2020, <https://rsf.org/en/news/djibouti-arrests-reporter-world-press-freedom-day> (accessed 3 November 2020).

31 HRW, "Djibouti: Protect Jailed Air Force Pilot's Rights," 2 July 2020, <https://www.hrw.org/news/2020/07/02/djibouti-protect-jailed-air-force-pilots-rights> (accessed 3 November 2020).

32 Echos a'Afrique, "Liberté pour le lieutenant Fouad Youssef Ali," 4 June 2020, <http://www.echosdafrique.com/20200604-liberte-pour-le-lieutenant-fouad-youssef-ali> (accessed 3 November 2020).

33 RFI, "Djiboutian officer missing in Ethiopia: his family still has no news," 30 April 2020, <https://www.rfi.fr/fr/afrique/20200430-officier-djiboutien-disparu-en-%C3%A9thiopie-famille-na-toujours-aucune-nouvelles> (accessed 3 November 2020).



military official and clan-based discrimination in late-March 2020.<sup>34</sup> This announcement triggered rare mass protests and unrest throughout the country.

Following the unrest throughout June and July, several journalists, including those working for *Voix de Djibouti*, were arrested, or went into hiding for fear of being targeted for their coverage of the protests.<sup>35</sup> On 5 June, Kassim Nour Abar was arrested, while preparing to cover protests in Ali Sabieh,<sup>36</sup> and Mohamed Ibrahim Waiss was arrested on 7 June, while reporting on protests in Djibouti City.<sup>37</sup> Both were later released without charge,<sup>38</sup> however their arrest prompted other high profile journalists, such as Osman Yonis Bogoreh to go into hiding.<sup>39</sup>

*L'Aurore*, Djibouti's last privately-owned media outlet, was suspended in August 2016 after its co-director and editor-in-chief, Kadar Abdi Ibrahim, was arrested at Djibouti's international airport. Although Mr. Ibrahim was released, *L'Aurore* has not been allowed to resume its work since August 2016.

In addition, Charmarke Saïd Darar, was arrested again on 15 July.<sup>40</sup> Darar, had been in hiding prior to his arrest following his coverage of the case of Lieutenant Fouad Youssef Ali. He had appeared on a weekly news programme "Échange sur l'Actualité" (News Exchange) on 12 July, stating that two of his family members

had recently been arrested in an attempt to intimidate him into stopping his work as a journalist.<sup>41</sup>

Darar was held for two weeks, before being released without charge, during which time he was refused access to a lawyer or visits from his family.<sup>42</sup> A video released following the police search of Darar's house on 2 August shows that his house was vandalised in the process.<sup>43</sup> In addition, other illegal means of intimidation have reportedly been used against Darar, including having personal items such as his mobile phone and computer confiscated.

At the time of writing, Air Force Lieutenant Fouad Youssef Ali, remains in detention. On 24 August 2020, Youssef Ali's uncle spoke to Radio Boukhao, urging the international community to apply pressure to the government concerning the case.<sup>44</sup> *La Voix de Djibouti* released a video of Youssef Ali's mother on 26 September 2020, stating that Youssef Ali is being deprived of food and being tortured.<sup>45</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

Throughout June and July 2020, rare street protests broke out in support of former Djiboutian Air Force Lieutenant Fouad Youssef Ali, who was deported to Djibouti and charged with "treason."

34 RFI, "Djibouti: des militaires affichent leur soutien au pilote détenu Fouad Youssef Ali," 25 June 2020, <https://www.rfi.fr/fr/afrique/20200625-djibouti-militaires-affichent-leur-soutien-pilote-d%C3%A9tenu-fouad-youssef-ali> (accessed 3 November 2020).

35 CPJ, "One journalist in hiding, 2 others detained over protest coverage in Djibouti," 17 June 2020, <https://cpj.org/2020/06/one-journalist-in-hiding-2-others-detained-over-protest-coverage-in-djibouti/> (accessed 3 November 2020).

36 Vanguard Africa Foundation, "The Guelleh dictatorship pushes Djibouti to the brink," 24 June 2020, <http://www.vanguardafrica.com/africawatch/2020/6/24/the-guelleh-dictatorship-has-pushed-djibouti-to-the-brink> (accessed 3 November 2020).

37 Democracy Digest, "How democracy dies: Media first?," 18 June 2020, <https://www.demdigest.org/how-democracy-dies-media-first/> (accessed 3 November 2020).

38 Twitter, @CPJAfrica, 18 June 2020, <https://twitter.com/CPJAfrica/status/1273653062683570178> (accessed 3 November 2020).

39 Twitter, @CPJAfrica, 18 June 2020, <https://twitter.com/CPJAfrica/status/1273652591633641472> (accessed 3 November 2020).

40 IFEX, "Intense crackdown on journalists in Djibouti," 17 July 2020, <https://ifex.org/intense-crackdown-on-journalists-in-djibouti/> (accessed 3 November 2020).

41 Facebook, La Voix de Djibouti, 13 July 2020, <https://www.facebook.com/lavoixdedjibouti/videos/325662611799508/> (accessed 3 November 2020).

42 RFI, "Djibouti journalist Charmarke Saïd Darar held for weeks, 2 other journalists in hiding," 26 August 2020, <https://cpj.org/2020/08/djibouti-journalist-charmarke-said-darar-held-for-weeks-2-other-journalists-in-hiding/> (accessed 3 November 2020).

43 Facebook, La Voix de Djibouti, 2 August 2020, <https://www.facebook.com/662246223806446/posts/3427234283974279/> (accessed 3 November 2020).

44 Association pour le respect des droits de l'homme à Djibouti (ARDHD), "Omar Gabasse, oncle du soldat Youssef, lance un appel désespéré sur Radio Boukhao," 24 August 2020, <http://www.ardhd.org/2020/08/24-08-2020-breve-1671-alerte-rouge-omar-gabasse-oncle-du-soldat-youssef-lance-un-appel-desespere-sur-radio-boukhao/> (accessed 3 November 2020).

45 Facebook, La Voix de Djibouti, 26 September 2020, <https://www.facebook.com/662246223806446/posts/3597566586941047/?extid=L1K7pvrIEADERhKy&d=n> (accessed 3 November 2020).



## ERITREA.

### GENERAL SITUATION

Protests first broke out in early June, after a video appeared online,<sup>46</sup> where Youssouf Ali appeared to be being held in a toilet of the notorious Gabode prison in Djibouti City, and showed signs of torture.<sup>47</sup> Youssouf Ali's lawyer reported that around 200 people had been arrested during the protests in early June, including members of Ali's family.<sup>48</sup> The protests have been compounded by a general public dissatisfaction with corruption and poverty in Djibouti.<sup>49</sup>

The protests in June and July were categorised by the government as "unauthorised demonstrations", and were met with excessive police force. There were also many reported arrests of protesters, including journalists who were covering the demonstrations. Public gatherings remain rare and, when they take place, they are often met with repression in Djibouti.

While this period has seen rare public unrest in the form of demonstrations and increased media attention, Djibouti remains closed off and extremely restrictive. The country's few free journalists, mostly working for *La Voix de Djibouti*, continue to be targeted for reporting on Youssouf Ali's case, or the resulting protests across the country.

In mid-July 2020, following a call from DefendDefenders and partners on the UN Human Rights Council to extend the mandate of the Special Rapporteur on Eritrea,<sup>50</sup> a resolution to extend the mandate for a further year was adopted in mid-July 2020.<sup>51</sup> The resolution was adopted by a vote of 24 in favour, 10 against and 13 abstentions, a decision which was welcomed by rights groups.<sup>52</sup>

American-Eritrean political prisoner, Ciham Ali Ahmed, who has been in prison since she was 15 years old, has seen the first commitment from an American politician concerning her case, which has been ongoing for eight years. Following a successful social media campaign launched on Ahmed's birthday by One Day Seyoum,<sup>53</sup> Senator Kamala Harris stated in mid-May 2020 that her office would be doing "all they can for Ciham".<sup>54</sup> Ahmed was imprisoned in 2012 and never formally charged or tried.<sup>55</sup> She was arrested upon returning to Eritrea, most likely in relation to her father who was a minister in the government who previously fled Eritrea. Her fate or whereabouts remain unknown.

In early September 2020, reports circulated

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46 Reuters, "Arrest of military pilot sparks protests in Djibouti: lawyer, social media," 8 June 2020, <https://www.reuters.com/article/us-djibouti-protests/arrest-of-military-pilot-sparks-protests-in-djibouti-lawyer-social-media-idUSKBN23F2JB> (accessed 3 November 2020).

47 VoA, "Lawyer Says Arrest of Djibouti Military Pilot Sparks Protests," 8 June 2020, <https://www.voanews.com/africa/lawyer-says-arrest-djibouti-military-pilot-sparks-protests> (accessed 3 November 2020).

48 US News, "Arrest of Military Pilot Sparks Protests in Djibouti: Lawyer, Social Media," 8 June 2020, <https://www.usnews.com/news/world/articles/2020-06-08/arrest-of-military-pilot-sparks-protests-in-djibouti-lawyer-social-media> (accessed 3 November 2020).

49 Garda World, "Djibouti: Protests reported in Djibouti city following alleged torture of pilot in custody," 8 June 2020, <https://www.garda.com/crisis24/news-alerts/349136/djibouti-protests-reported-in-djibouti-city-following-alleged-torture-of-pilot-in-custody-june-8> (accessed 3 November 2020).

50 DefendDefenders, "Eritrea: maintain Human Rights Council scrutiny and engagement," 5 May 2020, <https://defenddefenders.org/eritrea-maintain-human-rights-council-scrutiny-and-engagement/> (accessed 3 November 2020).

51 OHCHR, "Human Rights Council adopts 13 resolutions, extends mandates on Eritrea, education, extrajudicial executions, trafficking in persons, leprosy, judges and lawyers, persons with disabilities, international solidarity and extreme poverty," 16 July 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26108&LangID=E> (accessed 3 November 2020).

52 Human Rights Concern Eritrea, "The UN Human Rights Council takes a Stand for Justice," 17 July 2020, <https://hrc-eritrea.org/the-un-human-rights-council-takes-a-stand-for-justice/> (accessed 3 November 2020).

53 One Day Seyoum, "We are going #Purple4Ciham!," 9 April 2020, <https://onedayseyoum.org/blog/we-are-going-purple4ciham> (accessed 3 November 2020).

54 One Day Seyoum, "Kamala Harris Takes on Ciham's Case: ODS Official Statement," 13 May 2020, <https://onedayseyoum.org/blog/kamala-harris-takes-on-ciham-cases-ods-official-statement> (accessed 3 November 2020).

55 Medium, "Ciham Ali Abdu Will Be Turning 22 in an Eritrean Prison," 3 April 2019, <https://medium.com/@dwomowale/ciham-ali-abdu-will-be-turning-22-in-an-eritrean-prison-7a3c9393af7e> (accessed 3 November 2020).

online showing photographs and videos of hundreds of high-school students being taken to Sawa military training camp.<sup>56</sup> None of the teenagers were wearing masks, despite government guidance on COVID-19.<sup>57</sup> Sawa military camp is known for being the government's main place for post-school military conscription, which can be indefinite in Eritrea, even after the signature of a peace agreement with Ethiopia, in 2018.<sup>58</sup>

Reports emerged in early September 2020, that the Eritrean Defence Forces organised an attack on the village of Kuazien, during which they beat people and arrested all male adults, taking them to an undisclosed location.<sup>59</sup>

## FREEDOM OF ASSOCIATION

There has been continued repression of Christians in Eritrea, including arrest and detention of Christians from minority church groups.<sup>60</sup> An annual demonstration was held online on 28 May 2020, protesting the reported persecution of Christians in Eritrea.<sup>61</sup> Since then, 30 Christians were reportedly arrested at a wedding in Asmara, in late June.<sup>62</sup> The group was taken to a local police station – it is unknown whether the group were later charged or released.<sup>63</sup> This follows a pattern of recent arrests in 2020, of Christians attending services or ceremonies, as reported by religious freedom groups.

Positively, on 4 September 2020, it was confirmed that between 27 and 69 prisoners, who had been detained due to their Christian reli-

gion, had been released.<sup>64</sup> Some had been held in long-term detention without charges.<sup>65</sup> Eritrea has long been denounced for violations of its citizens' right to freedom of religion or belief, including in reports by the UN Special Rapporteur on Eritrea and the Office of the UN High Commissioner for Human Rights.

Eritrea remains to be one if, if not the, most closed country in the sub-region. There has been little improvement or change in the situation for decades, and while the diaspora has been boosted by recent achievements such increased publicity and interest for organisations such as One Day Seyoum,, there remains little global attention on human rights abuses in the country.

56 Twitter, @MezmurBest, 8 September 2020, <https://twitter.com/MezmurBest/status/1303193580220157952?s=20> (accessed 3 November 2020).

57 HRW, "Eritrea Busses Thousands of Students to Military Camp," 11 September 2020, <https://www.hrw.org/news/2020/09/11/eritrea-busses-thousands-students-military-camp> (accessed 3 November 2020).

58 Twitter, @FenkilHSIS, <https://twitter.com/FenkilHSIS>

59 Human Rights Concern Eritrea, "Arbitrary Punishments, Incommunicado Detention and Other Injustices Against the People of Kuazien are a Continuation of the Eritrean Regime's Inhuman Actions," 17 September 2020, <https://hrc-eritrea.org/arbitrary-punishments-incommunicado-detention-and-other-injustices-against-the-people-of-kuazien-are-a-continuation-of-the-eritrean-regimes-inhuman-actions/> (accessed 3 November 2020).

60 Eritrea Hub, "Eritrean Christian Charity Calls for Release of Prisoners of Conscience Amidst Fear of COVID19 Outbreak in the Country," 29 March 2020, <https://eritreahub.org/covid19-eritrean-christians-appeal-for-the-release-of-political-prisoners> (accessed 3 November 2020).

61 Persecution.org, "Yearly Protest for Eritrean Christians Held Online," 15 June 2020, <https://www.persecution.org/2020/06/15/yearly-protest-eritrean-christians-held-online/> (accessed 3 November 2020).

62 Barnabas Fund, "Thirty Christians arrested at wedding ceremony in Eritrea," <https://news.barnabasfund.org/Thirty-Christians-arrested-at-wedding-ceremony-in-Eritrea/> (accessed 3 November 2020).

63 Eritrea Hub, "News of further arrests at wedding," 6 July 2020, <https://eritreahub.org/news-of-further-arrests-at-wedding> (accessed 3 November 2020).

64 Barnabas Fund, "Eritrean government releases on bail 69 Christians imprisoned for their faith," <https://news.barnabasfund.org/Eritrean-government-releases-on-bail-69-Christians-imprisoned-for-their-faith/> (accessed 3 November 2020).

65 CHVN Radio, "Christians released from Eritrean prison after many years and no charges," 25 September 2020, <https://chvnradio.com/articles/christians-released-from-eritrean-prison-after-many-years-and-no-charges> (accessed 3 November 2020).



# ETHIOPIA.

## GENERAL SITUATION

Ethiopia's national elections were initially set for May 2020. However, due to several reasons, including a delayed national census, they were postponed to August 2020, and then again to 2021, with the government citing the public health risks posed by the COVID-19 pandemic. The decision was confirmed by the Parliament, who approved an extra year in office for Prime Minister Abiy Ahmed,<sup>66</sup> despite fears of a constitutional crisis as the term of the current Parliament ended in October 2020.<sup>67</sup> Opposition parties have raised concerns over the decision, which they believe is due to the ruling Prosperity Party exploiting the pandemic to maintain its hold on power. The elections will be taking place amid ongoing intercommunal, ethnically charged tensions over land and livelihoods, especially in the Oromia Regional State.

On 29 June 2020, Hachalu Hundessa, a prominent Ethiopian singer, songwriter and activist, was shot dead in Addis Ababa,<sup>68</sup> causing mass protests and destabilization throughout the country.<sup>69</sup> Hundessa was a role model for many young Oromo people and is widely regarded as

having given a voice to Oromos – with his music being the soundtrack to anti-government protests in 2018.

Ethiopia continues to face internal struggles,<sup>70</sup> including ethnic unrest, with the recent election in the Tigray region igniting fears of military confrontation.<sup>71</sup> Despite the regional election being declared “null and void” by the Ethiopian House of Federation, voting went ahead with the Tigray People Liberation Front (TPLF) being declared the winner on 9 September 2020.<sup>72</sup> Since then, relations between Tigray and Addis Ababa have continued to breakdown and dramatically worsened, with clashes between Ethiopian army and fighters loyal to TPLF, causing multiple deaths and casualties.<sup>73</sup>

In addition, concerns have been expressed in relation to several recent incidents of intercommunal fighting in Benishangul-Gumuz, in western Ethiopia.<sup>74</sup> Reports emerged in mid-September that at least 140 people had died and hundreds had been displaced.<sup>75</sup> Following the most recent attack, five districts in the region were placed under martial law.<sup>76</sup>

Meanwhile, the external conflict with Egypt and Sudan concerning the Blue Nile River dam is intensifying.<sup>77</sup> In September 2020, the US suspended part of its financial aid to Ethiopia due to the stalemate in negotiations concerning the dam.<sup>78</sup>

Sadly, Professor Mesfin Woldemariam, founder

66 Reuters, “Ethiopia extends PM and lawmakers’ terms, to hold polls within a year,” 10 June 2020, <https://af.reuters.com/article/topNews/idAFKBN23H23S-OZATP> (accessed 13 July 2020).

67 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/4552902-5527930-9vqvbe/index.html> (accessed 27 April 2020).

68 The New York Times, “Hachalu Hundessa, Ethiopian Singer and Activist, Is Shot Dead,” 30 June 2020, <https://www.nytimes.com/2020/06/30/world/africa/ethiopia-hachalu-hundessa-dead.html> (accessed 14 July 2020).

69 Al Jazeera, “How Hachalu Hundessa’s murder reveals Ethiopia’s political divide,” 5 July 2020, <https://www.aljazeera.com/news/2020/07/hachalu-hundessa-murder-reveals-ethiopia-political-divide-200705083049836.html> (accessed 14 July 2020).

70 The Guardian, “Ethiopia falls into violence a year after leader’s Nobel peace prize win,” <https://www.theguardian.com/world/2020/aug/29/ethiopia-falls-into-violence-a-year-after-leaders-nobel-peace-prize-win> (accessed 3 November 2020).

71 BBC, “Why there are fears that Ethiopia could break up,” 4 September 2020, <https://www.bbc.com/news/world-africa-53807187> (accessed 3 November 2020).

72 Quartz Africa, “A controversial regional election win in Ethiopia has raised the stakes for its federal system,” 13 September 2020, <https://qz.com/africa/1902614/ethiopia-tigray-tplf-party-wins-controversial-election/> (accessed 3 November 2020).

73 The Guardian, “Ethiopia: reports of heavy casualties in fighting in Tigray,” 8 November 2020, <https://www.theguardian.com/world/2020/nov/08/ethiopia-reports-of-heavy-casualties-in-fighting-in-tigray> (accessed 9 November 2020).

74 Andalou Agency, “Rights group ‘concerned’ by mayhem in western Ethiopia,” 18 September 2020, <https://www.aa.com.tr/en/africa/rights-group-concerned-by-mayhem-in-western-ethiopia/1977954> (accessed 3 November 2020).

75 Bloomberg, “At least 140 killed in Ethiopian ethnic clashes this month,” 17 September 2020, <https://www.bloomberg.com/news/articles/2020-09-17/at-least-120-killed-in-ethiopian-ethnic-clashes-this-month> (accessed 3 November 2020).

76 Andalou Agency, “Ethiopia sacks 45 local officials after deadly attacks,” 28 September 2020, <https://www.aa.com.tr/en/africa/ethiopia-sacks-45-local-officials-after-deadly-attacks/1988706> (accessed 3 November 2020).

77 Foreign Policy, “The Ethiopian-Egyptian Water War Has Begun,” 22 September 2020, <https://foreignpolicy.com/2020/09/22/the-ethiopian-egyptian-water-war-has-begun/> (accessed 3 November 2020).

78 Al Jazeera, “US suspends aid to Ethiopia over Blue Nile dam dispute,” 3 September 2020, <https://www.aljazeera.com/>





of the Ethiopian Human Rights Council and renowned human rights defender, passed away on 30 September 2020, at the age of 90.<sup>79</sup> Tributes were paid to Professor Woldemariam, whose activism started as a lecturer while at Addis Ababa University in 1960.<sup>80</sup>

## FREEDOM OF ASSOCIATION

During the height of protests in July, which were triggered by the killing of Hachalu Hundessa, several leading opposition politicians were arrested. On 1 July 2020, prominent activist, politician and founder of the opposition party Balderas for Genuine Democracy, Eskinder Nega was arrested and detained on charges of inciting violence in the aftermath of Hundessa's killing, including paying money to groups of young people to cause unrest.<sup>81</sup> When Nega was presented to a court on 2 July, he alleged that he had been physically abused by police officers,<sup>82</sup> thus in his second hearing on 16 July, the court ordered federal police to conduct an inquiry into the allegations.<sup>83</sup> On 9 September it was announced that federal prosecutors had filed terrorism charges against Nega and two others, he remains in detention at the time of writing.<sup>84</sup>

On 14 July, Hirut Kifle, member of the opposi-

tion Ethiopian Citizens for Social Justice (Ezema) was arrested at her home and charged with "coordinating violence in Addis Ababa".<sup>85</sup> On 5 August she was released on bail.<sup>86</sup>

On 24 July, founder and former president of the Ethiopian Democratic Party (EDP), Lidetu Ayalew, was arrested concerning the unrest following Hundessa's death.<sup>87</sup> He was presented to a court on 27 July, in Bishoftu city, where he was denied bail.<sup>88</sup> Despite being granted bail in late September, Ayalew remains in detention at the time of writing.<sup>89</sup>

Jawar Mohammed, a member of the Oromo Federalist Congress (OFC) and Bekele Gerba, the Deputy Chairman of the party, were arrested on 30 June when they and others allegedly attempted to intercept Hachalu Hundessa's funeral procession.<sup>90</sup> On 19 September 2020, the Attorney General's office announced that they had filed terror charges against Jawar Mohammed and other activists.<sup>91</sup> Further charges were made against more than 20 suspects, including Bekele Garba.<sup>92</sup> Concerns have already been raised about the fairness of Jawar Mohammed's trial.<sup>93</sup>

[news/2020/09/03/us-suspends-aid-to-ethiopia-over-blue-nile-dam-dispute/](https://www.geskaafrika.com/news/2020/09/03/us-suspends-aid-to-ethiopia-over-blue-nile-dam-dispute/) (accessed 3 November 2020).

79 Geeska Afrika, "Ethiopia: Prof. Mesfin Woldemariam, Passed Away at 90," 30 September 2020, <https://www.geeskaafrika.com/ethiopia-prof-mesfin-woldemariam/> (accessed 3 November 2020).

80 Twitter, @DefendDefenders, 30 September 2020, <https://twitter.com/DefendDefenders/status/1311301304044716033> (accessed 3 November 2020).

81 Twitter, @addisstandard, 1 July 2020, <https://twitter.com/addisstandard/status/1278361733959221249> (accessed 3 November 2020).

82 Africa News, "Ethiopia court remands Jawar, Eskinder; Abiy vows justice and order," 17 July 2020, <https://www.africanews.com/2020/07/17/ethiopia-arrests-oromo-activist-jawar-mohammed-omn-shut-down/> (accessed 4 November 2020).

83 All Africa, "Ethiopia: Fed. Court Orders Investigation Into Police Beating of Eskinder Nega, Grants Police 13 More Days," 17 July 2020, <https://allafrica.com/stories/202007170743.html> (accessed 4 November 2020).

84 Addis Standard, "Prosecutors file terrorism, criminal charges on Eskinder Nega et al," 10 September 2020, <https://addisstandard.com/news-update-prosecutors-file-terrorism-criminal-charges-on-eskinder-nega-et-al/> (accessed 4 November 2020).

85 All Africa, "Inside the Trial of Ethiopia's Opposition Politicians," 30 July 2020, <https://allafrica.com/stories/202007310160.html> (accessed 4 November 2020).

86 Twitter, @addisstandard, 5 August 2020, <https://twitter.com/addisstandard/status/1291006968258334720> (accessed 4 November 2020).

87 The Reporter Ethiopia, "Oromia police arrest Lidetu Ayalew," 25 July 2020, <https://www.thereporterethiopia.com/article/oromia-police-arrest-lidetu-ayalew> (accessed 4 November 2020).

88 Borkena, "Lidetu Ayalew appeared in court in Debre Zeit," 27 July 2020, <https://borkena.com/2020/07/27/lidetu-ayalew-appeared-in-court-in-debre-zeit/> (accessed 4 November 2020).

89 All Africa, "Lidetu Ayalew Remains in Police Custody Despite Oromia Supreme Court's Decision to Grant Bail," 7 October 2020, <https://allafrica.com/stories/202010070507.html> (accessed 4 November 2020).

90 BBC News, "Hachalu Hundessa: 'Eighty-one killed' in protests over Ethiopian singer's death," 1 July 2020, <https://www.bbc.com/news/world-africa-53243325> (accessed 4 November 2020).

91 Al Jazeera, "Ethiopia files terror charges against Jawar Mohammed, others," 19 September 2020, <https://www.aljazeera.com/news/2020/9/19/ethiopia-files-terror-charges-against-jawar-mohammed-others> (accessed 4 November 2020).

92 Reuters, "Ethiopia files terrorism charges against leading opposition activist," 21 September 2020, <https://www.reuters.com/article/uk-ethiopia-politics-idAFKCN26A0M7> (accessed 4 November 2020).

93 Ethiopia Insight, "Ethiopian Court asks Attorney General to explain comment after Jawar and Bekele accuse him of presuming their guilt," 3 October 2020, <https://www.ethiopia-insight.com/2020/10/03/ethiopian-court-asks-attorney-general-to-explain-comment-after->





## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

The COVID-19 outbreak caused a state of emergency to be declared in Ethiopia, in response to the growing number of cases.<sup>94</sup> Country-wide communication shutdowns, particularly Internet shutdowns in the Oromia region, took their toll on the local population who were unable to communicate with families or access life-saving services during the pandemic. The shutdown led to an information blackout during government counter-insurgency operations against the Oromo Liberation Front (OLF) in the area.<sup>95</sup> The shutdown was imposed in areas under federal military control. It left millions of people without vital access to relevant news concerning the pandemic, including public health information and services that were being relayed through national mobile phone campaigns.<sup>96</sup> UN Special Rapporteur David Kaye has characterised sweeping Internet shutdowns as incompatible with states' international human rights obligations.

Furthermore, there have been several reports that the COVID-19 restrictions in Ethiopia were used to increasingly restrict free speech online. On 27 March 2020, Yayasaw Shimelis, a journalist and producer of a political program on Tigray TV, a regional government-owned station, was arrested and charged for comments concerning the government's COVID-19 response.<sup>97</sup> On 15 April, he was granted bail; however, federal police investigators intervened and appealed the decision, further accusing Yayasaw of violating an anti-terrorism law. On 20 April, a federal judge granted bail for a second time and

Yayasaw was released on 23 April, but most recent reports suggest that he has since been formally charged under the country's new Hate Speech and Disinformation Law.

On 4 April 2020, lawyer Elizabeth Kebede was detained for comments on social media about the government's response to coronavirus.<sup>98</sup> Kebede was released on bail on 6 May 2020 after being accused of "disseminating false news" in Facebook posts that officials claim could "instigate violence," after she posted personal details of a person who had been diagnosed with COVID-19.

Following unrest across Ethiopia in June and July 2020, there was another widespread internet shutdown affecting the majority of the country.<sup>99</sup> The shutdown began the day after the killing of Hachalu Hundessa on 29 June and continued until 16 July, when partial access was restored.<sup>100</sup> By 24 July, full connections were resumed, including mobile internet.<sup>101</sup> Internet shutdowns are common in Ethiopia and are often used during periods of unrest, or in strategic geographical locations.

On 17 July, an Oromo Media Network (OMN) journalist, Guyo Wario and several of his colleagues were detained in relation to an interview that was conducted with Hundessa one week before he was killed.<sup>102</sup> Wario was released on 1 September, but at least three of his colleagues remained in detention at the time of his release.<sup>103</sup>

Collins Juma Osemo, also known as Yassin Juma, a Kenyan journalist who was being detained in

[jaware-and-bekele-accuse-him-of-presuming-their-guilt/](#) (accessed 4 November 2020).

94 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).

95 HRW, "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).

96 HRW, "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).

97 CPJ, "Ethiopian police hold journalist Yayasaw Shimelis pending terrorism investigation," 16 April 2020, <https://cpj.org/2020/04/ethiopian-police-hold-journalist-yayasaw-shimelis/> (accessed 13 July 2020).

98 Human Rights Watch, "Ethiopia: Free Speech at Risk Amid Covid-19," 6 May 2020, <https://www.hrw.org/news/2020/05/06/ethiopia-free-speech-risk-amid-covid-19> (accessed 13 July 2020).

99 Associated Press (AP) News, "Ethiopia enters 3rd week of internet shutdown after unrest," 14 July 2020, <https://apnews.com/article/ef40c6b5639bfa346378ca89a4760e2f> (accessed 4 November 2020).

100 Access Now, "Back in the dark: Ethiopia shuts down internet once again," 16 July 2020, <https://www.accessnow.org/back-in-the-dark-ethiopia-shuts-down-internet-once-again/> (accessed 4 November 2020).

101 Quartz Africa, "The internet is back on in Ethiopia but there's every chance it'll be off again soon," 24 July 2020, <https://qz.com/africa/1884387/ethiopia-internet-is-back-on-but-oromo-tensions-remain/> (accessed 4 November 2020).

102 Twitter, @addisstandard, 17 July 2020, <https://twitter.com/addisstandard/status/1284085694714056704> (accessed 4 November 2020).

103 VoA, "Two OMN Journalists Freed on Bail but Colleagues Remain in Ethiopian Jail," 1 September 2020, <https://www.voanews.com/press-freedom/two-omn-journalists-freed-bail-colleagues-remain-ethiopian-jail> (accessed 4 November 2020).

Ethiopia was released without charge on 20 August 2020, following intervention from Kenyan authorities.<sup>104</sup> Juma had been arrested while covering protests following the death of Hachalu Hundessa and held for 49 days.<sup>105</sup>

On 7 September 2020, ten people, including four journalists who were travelling to cover the controversial regional Tigray elections,<sup>106</sup> were barred from boarding an internal flight to the region.<sup>107</sup> They reported being told by officials that the elections were illegal and suggested that their refusal to travel was intended to prevent coverage of the election.

On 8 September 2020, three journalists were re-arrested for alleged incitement to violence in the June and July protests,<sup>108</sup> after having been initially arrested in August 2020 and then released on 7 September.<sup>109</sup> These events come amidst a clampdown on independent media in Ethiopia,<sup>110</sup> despite Ethiopian Broadcast Authority Director Getachew Dinku recently stating that the government is committed to facilitate the existence of a vibrant media.<sup>111</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

Protests have been reported throughout the reporting period in different regions across Ethi-

opia. On 13 June 2020, protests erupted in the city of Dinsho in Oromia region, following the killing of a truck driver the same week. Police used tear gas to disperse protestors, who had closed roads.<sup>112</sup>

In June and July, the killing of Hachalu Hundessa prompted protests outside the hospital where his body was taken and across the country. Several protests turned violent – with claims that security forces fired on protesters.<sup>113</sup> At least 2,000 people were charged,<sup>114</sup> and 9,000 arrested for participation in demonstrations.<sup>115</sup>

There have been ongoing protests in Wolaita Zone of Southern Nations, Nationalities and People's Regional State (SNNPR), since 9 August 2020.<sup>116</sup> At least 17 people are reported to have died in the protests so far, as a result of heavy-handed tactics from police.<sup>117</sup> Demonstrations began with calls for all unlawful arrests and killings of opposition political leaders, respect for Wolaita's right to self-rule, and the freeing of all political prisoners.

Ethiopia remains in a period of uncertainty ahead of its elections, with recent rising tensions threatening to derail the political process and nullify gains made in the last two years. Much more work needs to be done to continue

104 All Africa, "Kenyan Journalist Yassin Juma Freed in Ethiopia Following MFA's Intervention," 20 August 2020, [https://allafrica.com/stories/202008210185.html?utm\\_campaign=allafrica%3Aeditor&utm\\_medium=social&utm\\_source=twitter&utm\\_content=promote%3Aaans%3Aabmrjk](https://allafrica.com/stories/202008210185.html?utm_campaign=allafrica%3Aeditor&utm_medium=social&utm_source=twitter&utm_content=promote%3Aaans%3Aabmrjk) (accessed 4 November 2020).

105 All Africa, "Kenya: My 49 Days in Ethiopian Police Cells - Yassin Juma," 13 September 2020, <https://allafrica.com/stories/202009140075.html> (accessed 4 November 2020).

106 Quartz Africa, "A controversial regional election win in Ethiopia has raised the stakes for its federal system," 13 September 2020, <https://qz.com/africa/1902614/ethiopia-tigray-tplf-party-wins-controversial-election/> (accessed 4 November 2020).

107 Twitter, @MarksSimon, 7 September 2020, <https://twitter.com/MarksSimon/status/1302924933073440769> (accessed 4 November 2020).

108 CPJ, "Ethiopian authorities re-arrest journalists and media worker released on bail," 10 September 2020, <https://cpj.org/2020/09/ethiopian-authorities-re-arrest-journalists-and-media-worker-released-on-bail/> (accessed 4 November 2020).

109 CPJ, "Ethiopian authorities detain journalists, media workers on incitement allegations," 14 August 2020, <https://cpj.org/2020/08/ethiopian-authorities-detain-journalists-media-workers-on-incitement-allegations/> (accessed 4 November 2020).

110 Quartz Africa, "Ethiopia has started clamping down on independent media again as tensions rise," 17 September 2020, <https://qz.com/africa/1904402/ethiopia-clamps-down-on-journalists-again-as-oromo-protests-grow/> (accessed 4 November 2020).

111 Andalou Agency, "Ethiopia to further relax information access for media," 8 September 2020, <https://www.aa.com.tr/en/africa/ethiopia-to-further-relax-information-access-for-media/1966169> (accessed 4 November 2020).

112 Twitter, Addis Standard, 13 June 2020, <https://twitter.com/addisstandard/status/1271737897759244289> (accessed 13 July 2020).

113 Africa News, "'Several' killed in Ethiopia unrest after singer shot dead," 8 July 2020, <https://www.africanews.com/2020/07/08/ethiopia-arrests-oromo-activist-jawar-mohammed-omn-shut-down/> (accessed 14 July 2020).

114 Al Jazeera, "2,000 charged over violence sparked by pop star's death," 24 September 2020, <https://www.aljazeera.com/news/2020/9/24/ethiopia-2000-people-facing-charges-over-july-deadly-violence> (accessed 4 November 2020).

115 Al Jazeera, "More than 9,000 arrests in Ethiopia since June killing of singer," <https://www.aljazeera.com/news/2020/8/13/more-than-9000-arrests-in-ethiopia-since-june-killing-of-singer> (accessed 4 November 2020).

116 Washington Post, "At least 17 killed in political unrest in southern Ethiopia," 13 August 2020, [https://www.washingtonpost.com/world/africa/at-least-17-killed-in-political-unrest-in-southern-ethiopia/2020/08/13/e0506862-dd80-11ea-b4f1-25b762cddb4\\_story.html](https://www.washingtonpost.com/world/africa/at-least-17-killed-in-political-unrest-in-southern-ethiopia/2020/08/13/e0506862-dd80-11ea-b4f1-25b762cddb4_story.html) (accessed 4 November 2020).

117 Amnesty, "Ethiopia: Stop the use of deadly force on protesters," 14 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/ethiopia-stop-the-use-of-deadly-force-on-protesters/> (accessed 4 November 2020).



the positive developments and to achieve real change for Ethiopians – millions of whom remain internally displaced or in exile. It is hoped that civil society and HRDs will be included and enabled in this process, rather than silenced or marginalised.

## KENYA.

### GENERAL SITUATION

On 2 June 2020, Kenya's Independent Policing Oversight Authority (IPOA) said that more than a dozen people had been killed by police while enforcing the COVID-19 curfew.<sup>118</sup> The IPOA noted that 87 complaints against police have been reported since the end of March, and that following investigations, 15 deaths and 31 injuries have been directly linked to actions of police officers in relation to the curfew enforcement.

On 4 June 2020, IPOA said that two Kenyan police officers would be charged with murder after investigations by the country's police watchdog.<sup>119</sup> The two officers face murder charges in relation to the enforcement of the COVID-19 curfew. IPOA said it would also press charges against four other officers over an assault on a man in Garissa, in the east of the country.

In July 2020, a landmark decision was reached by a Kenyan court that awarded 1.3 billion Kenyan Shillings (12 million USD) to residents of a

suburb of Mombasa affected by pollution from a nearby lead smelter.<sup>120</sup> It was ruled that the responsible government agencies should pay the compensation within 90 days and that the site should be cleaned up within four months.<sup>121</sup> This represents a victory for the rule of law, accountability, and victims of violations of the right to the enjoyment of a safe, clean, healthy and sustainable environment.

On 27 August 2020, Kenya celebrated its constitution's 10<sup>th</sup> anniversary. On the anniversary, political commentators raised concerns about the effectiveness of the rights enshrined in the constitution, in particular the right to freedom of assembly, which has increasingly been violated in recent months during violent clashes between police and protesters.<sup>122</sup>

On 24 September 2020, four civil rights groups, announced that they were suing the government over alleged killings and human rights violations by members of Kenya's police force, when enforcing a night-time curfew.<sup>123</sup> Relatedly, the Independent Medico-Legal Unit (IMLU) has documented 24 other cases of deaths in police custody since January 2020.<sup>124</sup>

Freedom of Expression/Access to Information  
On 11 August 2020, the Law Society of Kenya (LSK) had their application to suspend sections of the Cybercrimes Act dismissed by the Court of Appeal.<sup>125</sup> The LSK and Bloggers Association of Kenya had brought the case requesting for enforcement of the section on "false publication" and "publication of false information" to be suspended, which they allege unduly restrict the right to freedom of expression, thus violating the Constitution of Kenya (Articles 33-35).<sup>126</sup>

118 Andalou Agency, "15 killed by Kenyan police enforcing COVID-19 curfew," 2 June 2020, <https://www.aa.com.tr/en/africa/15-killed-by-kenyan-police-enforcing-covid-19-curfew/1862803> (accessed 4 November 2020).

119 Daily Exclusives, "Two police officers to be charged with Covid-19 curfew murder," 4 June 2020, <https://dailyexclusives.co.ug/2020/06/04/two-police-officers-to-be-charged-with-covid-19-curfew-murder/> (accessed 4 November 2020).

120 Business and Human Rights Resource Centre, "Metal Refinery (EPZ) lawsuit (re lead pollution in Kenya)," 30 August 2018, <https://www.business-humanrights.org/en/latest-news/metal-refinery-epz-lawsuit-re-lead-pollution-in-kenya/> (accessed 4 November 2020).

121 HRW, "Landmark Decision in Kenya Lead Pollution Case," 22 July 2020, <https://www.hrw.org/news/2020/07/22/landmark-decision-kenya-lead-pollution-case> (accessed 4 November 2020).

122 Al Jazeera, "How Kenya's 'Second Republic' failed to materialize," 27 August 2020, <https://www.aljazeera.com/opinions/2020/8/27/how-kenyas-second-republic-failed-to-materialise/> (accessed 4 November 2020).

123 VoA, "Kenya Government Sued Over Alleged Killings, Human Rights Violations," 24 September 2020, <https://www.voanews.com/africa/kenya-government-sued-over-alleged-killings-human-rights-violations> (accessed 4 November 2020).

124 Nation, "Police accused of arresting and torturing suspect to death," 13 October 2020, <https://nation.africa/kenya/counties/kakamega/police-accused-of-arresting-and-torturing-suspect-to-death-2480098> (accessed 4 November 2020).

125 The Star, "LSK loses bid to suspend sections of Cybercrimes Act," 10 August 2020, <https://www.the-star.co.ke/news/2020-08-10-lsk-loses-bid-to-suspend-sections-of-cybercrimes-act/> (accessed 4 November 2020).

126 Business Daily, "Hearing set to resume on computer 'misuse' law," 2 June 2020, <https://www.businessdailyafrica.com/economy/>



Relatedly, bloggers and social media users now risk a fine of KSh20 million (184,487 USD), a prison term of 10 years,<sup>127</sup> or both, for harassing a person through the internet by making posts that are considered indecent or grossly offensive.<sup>128</sup>

Political tensions are already rising in anticipation of the next Kenyan national elections, scheduled for 2022. In September 2020, two MPs were arrested in separate incidents.<sup>129</sup> On 7 September, MP Johana Ng'eno was arrested for 'insulting' President Uhuru Kenyatta's mother in an online post,<sup>130</sup> questioning the power of the President's family.<sup>131</sup> He was later granted bail after denying all charges.<sup>132</sup> On 25 September, MP Ferdinand Waititu was arrested on charges of using hate speech, related to a video posted on YouTube reacting to the killing of a street child.<sup>133</sup>

On 27 September 2020, a High Court Judge issued a temporary injunction restraining Communist Party of Kenya national chairman, Booker Ngesa Omole,<sup>134</sup> or his associates, from holding or conducting public protests against an MP whom they have accused of corruption and embezzling of public funds.<sup>135</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

Throughout the reporting period, police brutality and heavy-handed enforcement of COVID-19 restrictions continued, despite early reports by Kenyan human rights organisations.<sup>136</sup>

On 8 May 2020, hundreds of people protested government demolitions of the homes of more than 7,000 people in Kariobangi, a poor informal settlement in Nairobi.<sup>137</sup> During the protests, police used teargas and water cannons on protesters.

On 26 June 2020, Kenyan police shot and killed three people when a crowd of motorcycle taxi drivers protested against the arrest of a colleague for ignoring coronavirus restrictions.<sup>138</sup> The Kenyan police chief said an inquiry would be held into the shooting and ordered "the immediate arrest and suspension" of the officer who was involved.

On 5 July 2020, a group protested outside a police station in Kisii County, concerning the death of a local trader who was allegedly killed by police over a dispute related to fake hand sanitiser.<sup>139</sup> A number of participants in the demon-

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[Hearing-set-to-resume-on-computer--misuse--law/3946234-5569770-xlwmm4/index.html](https://www.nation.africa/kenya/news/offensive-post-could-land-you-in-jail-or-bankruptcy-1923892) (accessed 4 November 2020).

127 Nation, "Offensive post could land you in jail or bankruptcy," 23 August 2020, <https://www.nation.africa/kenya/news/offensive-post-could-land-you-in-jail-or-bankruptcy-1923892> (accessed 4 November 2020).

128 Twitter, @FoXISouthAfrica, 23 August 2020, <https://twitter.com/FoXISouthAfrica/status/1297517167093710849> (accessed 4 November 2020).

129 The Star, "Arrest of Ruto allies points to plan to extend Uhuru's term," 18 September 2020, <https://www.the-star.co.ke/siasa/2020-09-18-arrest-of-ruto-allies-points-to-plan-to-extend-uhurus-term/> (accessed 4 November 2020).

130 BBC News, "Kenyan MP arrested for 'demeaning president'," 8 September 2020, <https://www.bbc.com/news/live/world-africa-47639452>

131 Opera News, "MP Arrested After Insulting President Kenyatta," September 2020, <https://ke.opera.news/ke/en/politics/e5c7a53acb0ad278ddb4ba9ece26e7eb> (accessed 4 November 2020).

132 Twitter, @NationBreaking, 10 September 2020, <https://twitter.com/NationBreaking/status/1304003003838496774> (accessed 4 November 2020).

133 BBC News, "Kenya MP Ferdinand Waititu accused of 'hate speech'," 25 September 2020, <https://www.bbc.com/news/world-africa-19713466> (accessed 4 November 2020).

134 Twitter, @ItsMutai, 27 September 2020, <https://twitter.com/ItsMutai/status/1310214043463028736> (accessed 4 November 2020).

135 Opera News, "Gem Constituency MP Hon. Elisha Odhiambo has a case to answer says, CPK Chairman Booker Ngesa Omole," September 2020, [https://www.operanewsapp.com/ke/en/share/detail?news\\_id=44e27562e2a5dea0654bd8f93acf80f9&news\\_entry\\_id=s6177a32a200909en\\_ke&open\\_type=tanscoded&request\\_id=news\\_84c1e045-3abc-4d2e-8452-8fa73d7af3cd&from=news](https://www.operanewsapp.com/ke/en/share/detail?news_id=44e27562e2a5dea0654bd8f93acf80f9&news_entry_id=s6177a32a200909en_ke&open_type=tanscoded&request_id=news_84c1e045-3abc-4d2e-8452-8fa73d7af3cd&from=news) (accessed 4 November 2020).

136 HRW, "Support Activists Fighting Police Brutality," 12 July 2020, <https://www.hrw.org/news/2020/07/12/support-activists-fighting-police-brutality> (accessed 4 November 2020).

137 Daily Herald, "Kenyan protest house demolitions amid virus restrictions," 5 August 2020, <https://www.dailyherald.com/article/20200508/news/305089974> (accessed 4 November 2020).

138 BBC News, "Coronavirus in Kenya: Police kill three in motorcycle taxi protest," 26 June 2020, [https://www.bbc.com/news/world-africa-53191358?intlink\\_from\\_url=https://www.bbc.com/news/topics/c40rjmqlztt/kenya&link\\_location=live-reporting-story](https://www.bbc.com/news/world-africa-53191358?intlink_from_url=https://www.bbc.com/news/topics/c40rjmqlztt/kenya&link_location=live-reporting-story) (accessed 4 November 2020).

139 AP News, "Kenyan protest cop who allegedly killed man over sanitizer," 6 July 2020, <https://apnews.com/article/ac8e0392a99168bb714a4d581b02f6bc> (accessed 4 November 2020).



stration turned violent, setting alight the police station and injuring five officers.<sup>140</sup>

On 8 July 2020, police arrested several activists and fired tear gas at people taking part in the annual 'Saba Saba' protest march in Nairobi, which marked the 30th anniversary of peaceful protests against the regime of the late President Daniel Arap Moi.<sup>141</sup> This year, the protests were attended by approximately 100 people and were particularly driven by anger over increasing police brutality.<sup>142</sup> Among those arrested were activists Editar Ochieng and Wilfred Olal of the Mathare Social Justice Centre.<sup>143</sup> As is often the case in Kenya, in spite of a legal framework establishing a notification regime for public gatherings (i.e., simply requiring organisers to notify authorities ahead of planned events), conveners of the protests said that in practice, they were denied permission to hold demonstrations.

On 25 July 2020, two men were shot dead following a protest in Garissa county.<sup>144</sup> The following day, two police officers were arrested in connection with the shooting, after the IPOA launched an investigation into what happened.<sup>145</sup> The incident comes just one month after the IPOA stated that it would press charges against four officers over assaulting a man in Garissa.

On 28 July 2020, a woman legislator was beaten by four police officers at the Nairobi County Assembly, where several politicians had gathered in a demonstration to try and impeach the House Speaker.<sup>146</sup> The following day, the IPOA launched an investigation into the incident, after photographs of the attack were shared widely online.<sup>147</sup>

Following several recent occasions of police violence, women have been speaking out about police brutality towards female protesters during recent demonstrations, in particular the *Saba Saba* protests held in June 2020.<sup>148</sup>

In September, the Network Action Against Corruption (NAAC) accused KEMSA, a government agency that supplies medicine and medical equipment to the Ministry of Health, of embezzling hundreds of millions of dollars of COVID-19 relief money.<sup>149</sup> In relation to these claims, demonstrations were held in Nairobi on 21 August 2020.<sup>150</sup> Before the protest began, police threw teargas at those demonstrating and arrested at least five people.<sup>151</sup>

On 14 September 2020, Amnesty International Kenya Chairperson, Renee Ngamau, was arrested when demonstrating with her neighbours against planned private development on public land in her neighbourhood.<sup>152</sup> She was arrested

140 Garda, "Protesters set fire to police station after police shooting in Kisii county," 5 July 2020, <https://www.garda.com/crisis24/news-alerts/356936/kenya-protesters-set-fire-to-police-station-after-police-shooting-in-kisii-county-july-5> (accessed 6 July 2020).

141 Nation, "Police disrupt Saba Saba protests in the city," 7 July 2020, <https://nation.africa/kenya/news/politics/police-disrupt-saba-saba-protests-in-the-city-1446314> (accessed 4 November 2020).

142 Al Jazeera, "Arrests at Nairobi protest against police brutality," 7 July 2020, <https://www.aljazeera.com/news/2020/07/07/kenya-arrests-at-nairobi-protest-against-police-brutality/> (accessed 4 November 2020).

143 All Africa, "Police Disrupt Saba Saba Protests in the City," 7 July 2020, <https://allafrica.com/stories/202007070869.html> (accessed 4 November 2020).

144 Nation, "Leaders allege police brutality after 2 shot dead at Garissa market," 26 July 2020, <https://nation.africa/kenya/counties/garissa/leaders-allege-police-brutality-after-2-shot-dead-at-garissa-market-1906086> (accessed 4 November 2020).

145 BBC News, "Kenyan police officers arrested after fatal shooting in Garissa," 26 July 2020, [https://www.bbc.com/news/world-africa-53543569?intlink\\_from\\_url=https://www.bbc.com/news/topics/c40rjmqlztt/kenya&link\\_location=live-reporting-story](https://www.bbc.com/news/world-africa-53543569?intlink_from_url=https://www.bbc.com/news/topics/c40rjmqlztt/kenya&link_location=live-reporting-story) (accessed 4 November 2020).

146 Capital News, "Outrage As Police Ruthlessly Assault Nairobi MCA Within Assembly Precincts," 28 July 2020, <https://www.capitalfm.co.ke/news/2020/07/outrage-as-police-ruthlessly-assault-nairobi-mca-within-assembly-precincts/> (accessed 4 November 2020).

147 Nile Post, "Probe starts on police beating of Kenyan lawmaker," 29 July 2020, <https://nilepost.co.ug/2020/07/29/probe-starts-on-police-beating-of-kenyan-lawmaker/> (accessed 4 November 2020).

148 The New Humanitarian, "Mothers, sisters, wives: Kenyan women lead fight against police violence," 3 September 2020, <https://www.thenewhumanitarian.org/news-feature/2020/09/03/Kenya-women-gender-police-violence> (accessed 4 November 2020).

149 VoA, "Graft Alleged as Kenya's Fight Against COVID-19 Struggles," 18 September 2020, <https://www.voanews.com/covid-19-pandemic/graft-alleged-kenyas-fight-against-covid-19-struggles> (accessed 4 November 2020).

150 VoA, "Kenya Police Fire Tear Gas at COVID-19 Corruption Protesters," 21 August 2020, <https://www.voanews.com/covid-19-pandemic/kenya-police-fire-tear-gas-covid-19-corruption-protesters> (accessed 4 November 2020).

151 ABC News, "Kenyan police teargas anti-corruption protesters in Nairobi," 21 August 2020, <https://abcnews.go.com/International/wireStory/kenyan-police-teargas-anti-corruption-protesters-nairobi-72519411> (accessed 4 November 2020).

152 Amnesty, "Arrest of Amnesty International Kenya's Chairperson, Renee Ngamau, is an attack on human rights defenders," 15 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/kenya-arrest-of-amnesty-international-kenyas-chairperson-renee-ngamau-is>

following the peaceful demonstration and later released on bail before being ordered to appear before Kibera Magistrate's Court in Nairobi.

Samburu University Students Association (SUSA) members held peaceful demonstrations in Maralal town, on 18 September 2020, in order to protest recent killings in the neighbouring town of Baragoi.<sup>153</sup> The protesters attempted to enter the County Commissioner's compound but were stopped by police when teargas was used to disperse the group. Four protesters were arrested.<sup>154</sup>

On 23 September 2020, a demonstration held by the Communist Party of Kenya in Gem constituency, turned violent after a rival group threw teargas and attacked protesters.<sup>155</sup>

On 24 September 2020, over one hundred people peacefully gathered in Migori town to protest alleged discrimination of Muslims residing in the town, who have been unable to acquire National Identification Cards.<sup>156</sup>

A peaceful demonstration was staged by youth in Murang'a town on 6 October 2020, in relation to recent clashes in the town between local security and politicians. The group called for the arrest of people involved.<sup>157</sup>

Within this period, Kenyan police brutality and the heavy-handed tactics used against protesters, have been the main concern for civil society and citizens more generally. The right to freedom of peaceful assembly has been curtailed due to public health concerns on a global level, however, these restrictions must be monitored

to ensure that they are provided for by law, and do not become arbitrary and a tool for control.

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## RWANDA.

### GENERAL SITUATION

The COVID-19 pandemic and the subsequent lockdown rules have continued to affect Rwanda and the civil liberties and safety of Rwandans. During the lockdown period, Rwandan Defence Force (RDF) soldiers were accused of heavy-handed tactics in enforcing the lockdown.<sup>158</sup> Subsequently, in April, the RDF stated that five soldiers were in court for alleged abuses committed against civilians during lockdown.<sup>159</sup>

The Rwandan government and authorities have continued to promote tough measures, such as surveillance and tracking, in dealing with persons deemed to be flouting COVID-19-related restrictions.<sup>160</sup> This is despite recent, international criticism of violence against civilians from police in the past months, when imposing the lockdown. In late-May, the Rwandan President, Paul Kagame, issued a pardon for 52 women who were jailed for having abortions.<sup>161</sup> Human rights activists welcomed the pending release of the women, six of whom had been given life sentences – the highest criminal penalty in

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[an-attack-on-human-rights-defenders/](#) (accessed 4 November 2020).

153 Twitter, @K24Tv, 17 September 2020, <https://twitter.com/K24Tv/status/1306665885562736640> (accessed 4 November 2020).

154 Kenya News, "Varsity Students Protest Over Baragoi Killings," 19 September 2020, <https://www.kenyanews.go.ke/varsity-students-protest-over-baragoi-killings/> (accessed 4 November 2020).

155 Kenya News, "Scores Injured As Goons Disrupt Anti-Corruption Procession," 23 September 2020, <https://www.kenyanews.go.ke/scores-injured-as-goons-disrupt-anti-corruption-procession/> (accessed 4 November 2020).

156 Kenya News, "Migori Muslims Protest Over Marginalization," 25 September 2020, <https://www.kenyanews.go.ke/migori-muslims-protest-over-marginalization/> (accessed 4 November 2020).

157 Kenya News, "Murang'a Youth Protest Over Kenol Skirmishes," 6 October 2020, <https://www.kenyanews.go.ke/muranga-youth-protest-over-kenol-skirmishes/> (accessed 4 November 2020).

158 HRW, "Rwanda: Lockdown Arrests, Abuses Surge," 24 April 2020, <https://www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge> (accessed 4 November 2020).

159 Al Jazeera, "Rwanda's soldiers in court for alleged abuse during lockdown," 14 April 2020, <https://www.aljazeera.com/videos/2020/04/14/rwandas-soldiers-in-court-for-alleged-abuse-during-lockdown/> (accessed 4 November 2020).

160 KT Press, "COVID-19: Police Outlines Tough Measures Against Errant Violators," 24 July 2020, <https://www.ktpress.rw/2020/07/covid-19-police-outlines-tough-measures-against-errant-violators/> (accessed 4 November 2020).

161 The Saddle, "Rwanda Releases 52 Women Jailed for Seeking Abortions, But Does Not Reverse Punitive Anti-Abortion Laws," 26 May 2020, <https://theswaddle.com/rwanda-releases-52-women-jailed-for-seeking-abortions-but-does-not-reverse-punitive-anti-abortion-laws/> (accessed 4 November 2020).





Rwanda – two serving 25 years and the others terms ranging from 12 months to 20 years.<sup>162</sup>

A total of 3,596 prisoners from different prisons in Rwanda were set free on 20 May after being granted conditional release from the government.<sup>163</sup> The persons were approved for conditional release by the cabinet. This news comes after human rights groups around the world called for governments to review prison capacity and address overcrowding during the COVID-19 pandemic, especially with regards to jailed HRDs and journalists.<sup>164</sup>

## FREEDOM OF ASSOCIATION

On 1 September 2020, Paul Rusesabagina, a Rwandan opposition figure and outspoken critic living in Europe, was arrested and detained by Rwandan authorities.<sup>165</sup> Rusesabagina is most known for protecting over 1,200 refugees during the Rwandan genocide, which was portrayed in the film 'Hotel Rwanda'. An international arrest warrant was issued for Rusesabagina, on allegations of being the "founder, leader and sponsor of violent, armed, extremist terror outfits."<sup>166</sup> President Paul Kagame stated that Rusesabagina arrived in Rwanda voluntarily, however this was challenged by Rusebagina.<sup>167</sup> On 14 September, Rusesabagina appeared in court and was formerly charged with terrorism and murder offences related to attacks by a rebel group.<sup>168</sup> He remains in detention and continues to deny all charges.

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

In July 2020, a joint report was prepared by DefendDefenders and CIVICUS ahead of the UN Human Rights Council's review of Rwanda in the framework of the Universal Periodic Review (UPR).<sup>169</sup> In the report, DefendDefenders and CIVICUS examine the country's human rights record with a focus on civic space since its last UPR review, which took place in 2015. While Rwanda is credited for undertaking extensive media reforms since its previous UPR review, concerns are mounting over a disconnect between law and practice. Despite the existence of a relatively progressive constitutional and legal framework, freedom of expression remains restricted and journalists are routinely targeted, which results in self-censorship.

It was reported in April 2020 that at least six journalists had been arrested for allegedly violating measures put in place by the government during the COVID-19 lockdown. In a statement released on 13 April, the Rwandan Media Commission warned journalists against violating measures put in place to curb the spread of COVID-19.<sup>170</sup> Any allegations of ethical misconduct by journalists should be independently investigated, and due process should be ensured.

On 15 April, a journalist who runs the YouTube news channel Ishema TV and a driver for the channel were arrested for allegedly violating lockdown measures.<sup>171</sup> Whilst authorities stated that both were arrested for violating rules as citizens, persons close to the case have alleged that they were wearing journalist identification

162 The Guardian, "Rwanda to release 50 women jailed for having abortions," 21 May 2020, <https://www.theguardian.com/global-development/2020/may/21/rwanda-to-release-50-women-jailed-for-having-abortions> (accessed 4 November 2020).

163 Xinhua Net, "Nearly 3,600 convicts granted conditional release in Rwanda: official," 21 May 2020, [http://www.xinhuanet.com/english/2020-05/21/c\\_139073252.htm](http://www.xinhuanet.com/english/2020-05/21/c_139073252.htm) (accessed 4 November 2020).

164 CPJ, "CPJ, 80 media and rights groups urge African heads of state to release jailed journalists," 6 April 2020, <https://cpj.org/2020/04/cpj-urges-african-heads-of-state-to-release-jailed/> (accessed 4 November 2020).

165 CNN, "'Hotel Rwanda' film hero Paul Rusesabagina arrested," 1 September 2020, <https://edition.cnn.com/2020/08/31/africa/rwanda-genocide-paul-rusesabagina-arrest/index.html> (accessed 4 November 2020).

166 The East African, "Arrest of 'Hotel Rwanda' hero Rusesabagina shrouded in mystery," 1 September 2020, <https://www.theeastafrican.co.ke/tea/news/east-africa/arrest-of-hotel-rwanda-hero-rusesabagina-shrouded-in-mystery--1930020> (accessed 4 November 2020).

167 Al Jazeera, "Rwanda's Kagame denies Paul Rusesabagina was kidnapped," 7 September 2020, <https://www.aljazeera.com/news/2020/09/07/rwandas-kagame-denies-paul-rusesabagina-was-kidnapped/> (accessed 4 November).

168 The Guardian, "'Kidnapped' Hotel Rwanda dissident appears in court on terror charges," 14 September 2020, <https://www.theguardian.com/world/2020/sep/14/hotel-rwanda-dissident-paul-rusesabagina-in-court-terror-charges> (accessed 4 November 2020).

169 DefendDefenders, "DefendDefenders and CIVICUS release report ahead of Rwanda's UPR review," 10 July 2020, <https://defenddefenders.org/defenddefenders-and-civicus-release-report-ahead-of-rwandas-upr-review/> (accessed 4 November 2020).

170 KT Press, "RMC, RURA Caution Journalists On Violating COVID-19 Measures," 13 April 2020, <https://www.ktpress.rw/2020/04/rmc-rura-caution-journalists-on-violating-covid-19-measures/> (accessed 4 November 2020).

171 CPJ, "Rwandan journalist, media worker detained since mid-April," 21 May 2020, <https://cpj.org/2020/05/rwandan-journalist-media-worker-detained-since-mid/> (accessed 4 November 2020).

cards at the time and were on their way to report. On 11 May, a court in Kigali denied both bail and remanded them to prison for 30 days.

Additionally, it was reported that throughout April, two other bloggers, working for Afrimax TV and Umubavu TV were arrested following their reports on violations by RDF soldiers, during lockdown.<sup>172</sup>

On 13 July 2020, Ruben Hamuli, a photographer and videographer was arrested for “publishing or spreading rumours online”, in relation to allegedly posting information on Twitter related to a previous arrest.<sup>173</sup> Hamuli claimed that he was arrested for not wearing a mask while eating in a public place. He is accused of intending to tarnish the image of the Rwanda National Police (RNP), which offence carries a minimum sentence of three years imprisonment.

Positively, on 22 July, the African Commission on Human and People’s Rights (ACHPR) ruled in favour of two Rwandan journalists, arrested for the publication of various articles in 2010, which criticised President Paul Kagame.<sup>174</sup> The commission found that the imprisonment was a disproportionate limitation on freedom of expression.

On 14 August 2020, the University of Rwanda dismissed Aimable Karasira – a computer science lecturer, for political posts on his YouTube channel.<sup>175</sup> The dismissal letter sent to Karasira stated that his political videos were controversial and countered professional values, ethics and obligations.

More than six months after the death of Rwandan singer Kizito Mihigo in police custody, au-

thorities are yet to hold a transparent investigation into his death.<sup>176</sup> At the time of his death, authorities reported that Mihigo had “strangled himself”, however he had reported in the days before his arrest that he was at serious risk of being killed by state agents.<sup>177</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

In mid-April, nearly 300 refugees living in the Gashora emergency transit centre organized a demonstration against conditions at the centre.<sup>178</sup> The persons organising the protest demanded that investigations be conducted into allegations of physical and sexual abuse by guards against refugees and requested the removal of the commander of the centre.<sup>179</sup> The refugees living there were relocated from Libyan detention centres in 2019, following ongoing claims of serious human rights abuses of migrants and refugees in Libya. The protest was quickly stopped by Rwandan police.

The Rwandan government has continued to silence opposing voices throughout the reporting period, with the arrest of Paul Rusesabagina being one of the most high-profile to date. Justice for those arbitrarily arrested, unjustly punished, and even killed, is rare, which indicates the severe lack of limitations on the power of both President Kagame and his allies.

172 See footnote 160.

173 The New Times, “Covid-19: Man arrested for publishing rumours,” 13 July 2020, <https://www.newtimes.co.rw/news/covid-19-man-arrested-publishing-rumours> (accessed 4 November 2020).

174 Power Singh, “African Commission rules on criminal defamation and the right to freedom of expression,” 22 July 2020, <https://powersingh.africa/2020/07/22/african-commission-rules-on-criminal-defamation-and-the-right-to-freedom-of-expression/> (accessed 4 November 2020).

175 Twitter, @ChroniclesRW, 14 August 2020, <https://twitter.com/ChroniclesRW/status/1294269569050214400> (accessed 4 November 2020).

176 HRW, “Rwanda: 6 Months On, No Justice for Kizito Mihigo,” 17 August 2020, <https://www.hrw.org/news/2020/08/17/rwanda-6-months-no-justice-kizito-mihigo> (accessed 4 November 2020).

177 HRW, “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 4 November 2020).

178 VoA, “Refugees Protest Under Coronavirus Lockdown in Rwanda,” 17 April 2020, <https://www.voanews.com/covid-19-pandemic/refugees-protest-under-coronavirus-lockdown-rwanda> (accessed 4 November 2020).

179 The Guardian, “Rwandan police chief accused of sexual assault of child refugee at UN centre,” 27 April 2020, <https://www.theguardian.com/global-development/2020/apr/27/rwandan-police-chief-accused-of-sexual-assault-of-child-refugee-at-un-centre> (accessed 4 November 2020).





# SOMALIA/SOMALILAND

## GENERAL SITUATION

There were several attacks against civilians in this period. On 4 July 2020, two coordinated bombings by terrorist group Al-Shabaab killed six in Mogadishu and Baidoa.<sup>180</sup> In early August, a suicide bomber targeted a popular restaurant in Mogadishu, killing three people and injuring several more.<sup>181</sup>

In late August 2020, a young woman was raped by multiple men and then thrown from a six-story building in Mogadishu.<sup>182</sup> Her death is one of many cases of sexual and gender-based violence directed towards women and girls in Somalia, which remains to be an extremely dangerous and restrictive country for women.<sup>183</sup> It was later announced that 11 suspects has been arrested in connection with the case.<sup>184</sup>

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

Freedom of expression continues to be under intense pressure in Somalia, with several recent incidents underlining the dangers that HRDs and journalists face in the country.<sup>185</sup> This is despite the fact that in May 2020, President Mohamed Abdullahi Mohamed “Farmaajo” de-

clared that Somalia’s Penal Code (1964) would be reformed to protect journalists and freedom of expression, addressing in particular the use of vague and overly broad crimes, including criminal defamation, to restrict reporting and free expression. Somalia remains one of the most dangerous countries to be a journalist, mostly because of general insecurity and attacks by Islamist militants.

On 18 April 2020, at least four journalists covering the COVID-19 pandemic, who reported on the availability of personal protection equipment or traders allegedly smuggling in goods during the quarantine, were briefly detained. Some were forced to drop their stories.<sup>186</sup>

On 21 April 2020, journalist Mukhtar Mohamed Atosh, a reporter for Voice of America (VOA) Somali Service and Secretary of Trainings of The National Union of Somali Journalists (NUSOJ), was arrested in Baidoa by Southwest State police.<sup>187</sup> Mr. Atosh was reporting on the death of a 14-year-old girl, who was raped and taken to Baidoa hospital where she died due to injuries sustained in the rape attack.<sup>188</sup> Following a news report about the case, Southwest authorities ordered the administration of the hospital not to talk to journalists and to deny that the rape victim died at the hospital. NUSOJ condemned the arrest in the strongest terms possible.<sup>189</sup> The Somali Journalists Syndicate indicated that Mr. Atosh was accused of violating Articles 271, 326, 327, and 328 of the Penal Code (spreading exaggerated news that disturbs the public order and causing public pan-

180 BBC News, “Somalia restaurant attack: Six killed by al-Shabab,” 4 July 2020, [https://www.bbc.com/news/world-africa-53289992?intlink\\_from\\_url=https://www.bbc.com/news/topics/cnx753jejqwt/somalia&link\\_location=live-reporting-story](https://www.bbc.com/news/world-africa-53289992?intlink_from_url=https://www.bbc.com/news/topics/cnx753jejqwt/somalia&link_location=live-reporting-story) (accessed 4 November 2020).

181 Garoew, “Suicide bomber targets popular restaurant in Somalia’s capital,” 4 August 2020, <https://www.garoweonline.com/en/news/somalia/suicide-bomber-targets-popular-restaurant-in-somalias-capital> (accessed 4 November 2020).

182 7 News, “Somali teenager Hamdi Mohamed Farah allegedly gang raped and thrown off building,” 18 September 2020, <https://7news.com.au/news/crime/somali-teenager-hamdi-mohamed-farah-allegedly-gang-raped-and-thrown-off-building-c-1326229> (accessed 4 November 2020).

183 Strategic Initiative for women in the Horn of Africa (SIHA), “Mourning Hamdi: This is not normal, this is a tragedy,” September 2020, <https://sihanet.org/mourning-hamdi-this-is-not-normal-this-is-a-tragedy/> (accessed 4 November 2020).

184 Andalou Agency, “Somalia: 11 held for rape, murder of teen student,” 15 September 2020, <https://www.aa.com.tr/en/africa/somalia-11-held-for-rape-murder-of-teen-student/1974491> (accessed 4 November 2020).

185 VoA, “Being a Journalist is Risky Business in Somalia,” 3 May 2020, <https://www.voanews.com/africa/being-journalist-risky-business-somalia> (accessed 4 November 2020).

186 VoA, “Somali Journalists Arrested, Intimidated While Covering COVID-19,” 18 April 2020, <https://www.voanews.com/extremism-watch/somali-journalists-arrested-intimidated-while-covering-covid-19> (accessed 4 November 2020).

187 International Press Institute (IPI), “IPI condemns the arrest of VoA journalist in Somalia,” 23 April 2020, <https://ipi.media/ipi-condemns-the-arrest-of-voa-journalist-in-somalia/> (accessed 4 November 2020).

188 All Africa, “Somalia: Prominent Somali Journalist Arrested for Reporting On Rape Case,” 21 April 2020, <https://allafrica.com/stories/202004210585.html> (accessed 4 November 2020).

189 Radio Shabelle, “Prominent Somali Journalist Arrested For Reporting On Rape Case,” 21 April 2020, <https://www.radioshabelle.com/prominent-somali-journalist-arrested-for-reporting-on-rape-case/> (accessed 4 November 2020).

ic) and risked being sentenced to six months to one year of imprisonment. Mr. Atosh was released on bail on April 22.<sup>190</sup>

On 21 April 2020, authorities in Barawe town, South West state banned Radio Barawe from airing news and programs in Barawani dialect.<sup>191</sup> Radio Barawe serves for an already marginalized community and the new order was deemed to add to their oppression.

On 3 May 2020, President Farmaajo officially declared that Somalia's outdated and draconian Penal Code of 1964 would be reformed to protect journalists and freedom of expression.<sup>192</sup> Somalia's Penal Code is one of the biggest threats to media freedom in Somalia as it contains overly broad provisions of insult, false news, sedition and defamation, which expressly criminalise various types of expression, preventing the media to report fairly on matters of public concern, and the citizens on debating such matters. This law is routinely used to arrest and jail journalists, leading to self-censorship and a stifling of public debate on critical issues.

On 4 May 2020, NUSOJ condemned the brutal methods by officials of the Mogadishu Municipality against two journalists after Shabelle Media Network reported that two of its employees, reporter Safia Osman Abdulle and cameraman Abdulkadir Ga'al, were attacked by officials of Mogadishu's Waberi district.<sup>193</sup> Safia Abdulle sustained a serious head wound. Abdulkadir Ga'al was beaten and had his video camera, voice recorders and mobile phones confiscated. The two journalists were covering women protesting the District Com-

missioner for lack of payment of their salaries and allowances.

On 5 May 2020, Said Yusuf Ali, a reporter for Kalsan TV, was stabbed to death when he stepped in between a man and a woman who appeared to be fighting. There were calls for a full and thorough investigation into the way Ali was killed, because the initial evidence suggests that he was the victim of premeditated murder.<sup>194</sup> Ali had, among other topics, covered terrorist group Al-Shabaab.

On 10 June 2020, freelance journalist Bis-har Ibrahim Adan was detained by authorities in Burdhubo district, Gedo region.<sup>195</sup> The arrest was allegedly in relation to the Gedo regional authorities' dissatisfaction that Adan had not been covering more stories favourable to them. Adan was released later that day without charges.<sup>196</sup>

In relation to protests in Mogadishu on 5 July, two Universal TV journalists were detained when covering the unrest.<sup>197</sup> On 16 July, two journalists working for Somali Cable TV and Universal TV were arrested in Las Anod, Somaliland, when filming a local demonstration. In relation to coverage of the same demonstration in Las Anod, Horyaal24 TV journalist, Jabir Said Duale was also detained and released later that day without charge.

In late July, a Somali court sentenced Abdiaziz Ahmed Gurbiye, the Deputy Director of Gobjoog Media Group, to six months in prison and a fine of five million Somali shillings (approximately 200 USD), following charges of "false news."<sup>198</sup> The charges were related to

190 NUSOJ, "Journalist Mukhtar Mohamed Atosh released on bail," 22 April 2020, <https://www.nusoj.org/journalist-mukhtar-mohamed-atosh-released-on-bail/> (accessed 4 November 2020).

191 All Africa, "Outrage As Southwest Government Bans Radio Barawe From Broadcasting Barawi Dialect," 21 April 2020, <https://allafrica.com/stories/202004220246.html> (accessed 4 November 2020).

192 Shabelle Radio, "Somalia Is Set To Decriminalize Journalism And Freedom Of Expression," 3 May 2020, <https://www.radioshabelle.com/somalia-is-set-to-decriminalize-journalism-and-freedom-of-expression/> (accessed 4 November 2020).

193 Radio Shabelle, "Journalists Brutalised, Their Gadgets Confiscated In Mogadishu," 4 May 2020, <https://www.radioshabelle.com/journalists-brutalised-their-gadgets-confiscated-in-mogadishu/> (accessed 4 November 2020).

194 RSF, "Somali TV reporter stabbed to death in Mogadishu," 5 May 2020, <https://rsf.org/en/news/somali-tv-reporter-stabbed-death-mogadishu> (accessed 4 November 2020).

195 Facebook, The Mogdiso Times, 10 June 2020, <https://www.facebook.com/caasimaada/photos/a.108137877263889/274761833934825> (accessed 4 November 2020).

196 Horn Observer, "Journalists who covered local protests detained in Sool and Sanaag, says Somali journalists union," 19 June 2020, <https://hornobserver.com/articles/463/Journalists-who-covered-local-protests-detained-in-Sool-and-Sanaag-says-Somali-journalists-union> (accessed 4 November 2020).

197 Twitter, @DalsanFM, 5 July 2020, <https://twitter.com/DalsanFM/status/1279659928836325376> (accessed 4 November 2020).

198 CPJ, "Somali court sentences editor to 6 months in prison for spreading false news," 29 July 2020, <https://cpj.org/2020/07/somali-court-sentences-editor-to-6-months-in-prison-for-spreading-false-news/> (accessed 4 November 2020).



a Facebook post in which Gurbiye criticised the government's COVID-19 response.

On 25 July 2020, Somalia's parliament removed the Prime Minister, Hassan Ali Khaire, after a vote of no confidence for failing to move towards fully democratic elections.<sup>199</sup> Following this, Somalia experienced an Internet shutdown across most of the country.<sup>200</sup> Connectivity was largely restored after 31 hours.

On 27 July 2020, the Somali Journalists Syndicate and the Somali Media Association, amongst others, submitted a joint petition to the UN Working Group on arbitrary detention.<sup>201</sup> The petition concerned detained journalist, Mohamed Abdiwahab Nuur, who had been in detention since 7 March 2020. Nuur published articles critical of the government since 2016 and was most recently arrested following an editorial he published in February, criticising the Somali security forces for engaging in threats and intimidation against Somali citizens. Nuur was refused contact with his lawyer or family since 8 June. He was eventually released on 5 August 2020, and seemingly cleared of all charges.

Somaliland's Ministry of Information released a decree on 10 August 2020, imposing a 15,000 USD fine on Universal TV, and a 5,000 USD fine on Star TV.<sup>202</sup> Both stations had been closed following instructions from the Ministry since June; however, Star TV resumed broadcasting in early August.<sup>203</sup> It was reported at the time that the closures were related

to their coverage of the Presidents of Somalia and Somaliland meeting for talks and for covering independence celebrations in Mogadishu, instead of an address by Somaliland's president.

On 17 August 2020, a cameraman with Somali National TV was seriously injured during an attack on a hotel in Mogadishu by al-Shabab militants.<sup>204</sup> Mohamed Abdi Hussein Araye was reportedly working at the time of the attack, and while it remains unclear whether he was targeted because of his work, this makes him the latest of many journalists and media workers injured or killed while on duty in Somalia.

Also, on 17 August 2020, Omar Ahmed Hilowle, the director of the privately-owned independent Radio Kaah, was arrested and detained following a raid on the radio office by National Intelligence and Security Agency (NISA) officers.<sup>205</sup> Hilowle was held for over one hour at Godka Jila'ow detention facility, before being released without charge. The raid reportedly followed Radio Kaah's broadcasting of news related to the bombing at a hotel in Mogadishu on the same day.

At the end of August, President Farmaajo signed an amendment to the Media Law,<sup>206</sup> which continues to criminalise the work of journalists and falls short of international standards.<sup>207</sup> The change was strongly protested by journalists, who believe it gives the government a pretext to crackdown on critical media.<sup>208</sup> The amend-

199 The Guardian, "Somalia removes prime minister in no-confidence vote," 25 July 2020, <https://www.theguardian.com/world/2020/jul/25/somalia-removes-prime-minister-in-no-confidence-vote> (accessed 4 November 2020).

200 NetBlocks, "Somalia internet blackout after parliament votes to remove prime minister," 26 July 2020, <https://netblocks.org/reports/somalia-internet-blackout-after-parliament-votes-to-remove-prime-minister-DA3lx6BW> (accessed 4 November 2020).

201 All Africa, "Joint Petition to the UN Working Group On Arbitrary Detention for Detained Journalist Mohamed Abdiwahab Nuur," 27 July 2020, <https://allafrica.com/stories/202007300719.html> (accessed 4 November 2020).

202 Warfaa fintajsl, "Xukuumadda Jamhuuriyadda Somaliland oo Ganaax Adag dul-dhigtay Telefishannadii Xayirnaa," 10 August 2020, <https://warfaafintajsl.com/Solna/2020/08/10/xukuumadda-jamhuuriyadda-somaliland-oo-ganaax-adag-dul-dhigtay-telefishannadii-xayirnaa/> (accessed 4 November 2020).

203 RSF, "Somaliland cracks down on media again, closing two TV channels," 1 July 2020, <https://rsf.org/en/news/somaliland-cracks-down-media-again-closing-two-tv-channels#:~:text=Star%20TV%20and%20Universal%20TV,60th%20anniversaries%20of%20their%20independence> (accessed 4 November 2020).

204 Somali Journalists Syndicate (SJS), "A cameraman seriously injured during hotel attack, NISA briefly detains radio director in Mogadishu," 18 August 2020, <https://sjsyndicate.org/2020/08/18/a-cameraman-seriously-injured-during-hotel-attack-nisa-briefly-detains-radio-director-in-mogadishu/> (accessed 4 November 2020).

205 All Africa, "A Cameraman Seriously Injured During Hotel Attack, NISA Briefly Detains Radio Director in Mogadishu," 18 August 2020, <https://allafrica.com/stories/202008190150.html> (accessed 4 November 2020).

206 The East African, "Somalia's new law against sharing info with 'enemies' opposed," 30 August 2020, <https://www.theeastafrican.co.ke/tea/news/east-africa/new-somalia-media-law-met-with-resistance-1928212> (accessed 4 November 2020).

207 IFJ, "Somalia: New Media Law fails to comply with international standards on press freedom," 26 August 2020, <https://www.ifj.org/media-centre/news/detail/category/> (accessed 4 November 2020).

208 SJS, "Somalia's new media law poses threat to media freedom and rights of journalists," 26 August 2020, <https://sjsyndicate.org/2020/08/26/somalias-new-media-law-poses-threat-to-media-freedom-and-rights-of-journalists/> (accessed 4 November 2020).



ment does not protect confidentiality of sources, requires accreditation and registration into a government database, and allows for journalists to be fined, with no maximum limit on the size of the fine.<sup>209</sup> The concerns are particularly pertinent in the run up to the elections in 2021, when the importance of maintaining a healthy and open media, and civic and political space is vital for democracy.

In a positive development, the Somali Arts Foundation officially opened in September 2020.<sup>210</sup> The space is the first contemporary arts institution in Somalia and offers many Somali artists a much-needed exhibition space.

## FREEDOM OF PEACEFUL ASSEMBLY

In early June 2020, demonstrations broke out in Mogadishu following a public address by President Farmaajo, in which he promised to keep to the election timeline.<sup>211</sup> The protests were both in support of and against the President and were largely peaceful.

On 5 July 2020, heavily armed police fired at hundreds of demonstrators, who had taken to the streets in Mogadishu to protest the planned term extension by President Farmaajo.<sup>212</sup> The police also reportedly confiscated journalists' equipment and several protesters were arrested.

On 25 September 2020, residents in the towns of El Waq and Beled Hawo, which lie on the Somalia-Kenya border, held demonstrations to protest the presence of Kenyan forces in the

town.<sup>213</sup> The forces were recently accused of killing and abducting a number of civilians in the area.<sup>214</sup>

As Somalia continues to grapple with long-standing internal issues, such as extremist armed groups and tribal conflict, there are new concerns that civic space in the country is being restricted ahead of the upcoming general elections, which are set to take place in February 2021, with journalists and the media being particularly targeted.

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## SOUTH SUDAN

### GENERAL SITUATION

On 29 May 2020, the UN Security Council extended the arms embargo and sanctions regime for South Sudan for another year, until 31 May 2021.<sup>215</sup> However, dozens of people continue to die due to inter-communal fighting, particularly in Bor County, Tonj, and Greater Pibor/Jonglei state.<sup>216</sup> Furthermore, in May 2020, the UN Mission in South Sudan (UNMISS) reported that at least 5,000 civilians were recently displaced by heavy fighting in Jonglei state. On 16 June, the leader of a newly formed, rebel movement,<sup>217</sup> Kerbino Wol, was shot and killed following a 4-day military operation to destabilise him.<sup>218</sup>

209 RSF, "Somalia's new media law ignores calls for journalists to be protected," 28 August 2020, <https://rsf.org/en/news/somalias-new-media-law-ignores-calls-journalists-be-protected> (accessed 4 November 2020).

210 VoA, "Somalia Opens First Independent Modern Arts Institution," 8 October 2020, <https://www.voanews.com/africa/somalia-opens-first-independent-modern-arts-institution> (accessed 4 November 2020).

211 Garowe, "Protests engulf Mogadishu hours after Farmajo's speech in parliament," 8 June 2020, <https://www.garoweonline.com/en/news/somalia/somalia-protests-engulf-mogadishu-hours-after-farmajos-speech-in-parliament> (accessed 4 November 2020).

212 Horn Observer, "Police fire at demonstrators protesting against President Farmaajo's term extension in Mogadishu, Journalists' equipment confiscated and threatened," 5 July 2020, <https://hornobserver.com/articles/498/Police-fire-at-demonstrators-protesting-against-President-Farmaajos-term-extension-in-Mogadishu-Journalists-equipment-confiscated-and-threatened> (accessed 4 November 2020).

213 Somali Affairs, "Protests against Kenyan forces continue in Somalia's Gedo Region for third day," 27 September 2020, <https://www.somaliaffairs.com/news/protests-against-kenyan-forces-continue-in-somalias-gedo-region-for-third-day/> (accessed 4 November 2020).

214 Somali Affairs, "Protests after Kenyan forces reportedly abducted and executed Somali civilians," 25 September 2020, <https://www.somaliaffairs.com/news/protests-after-kenyan-forces-reportedly-abducted-and-executed-somali-civilians/> (accessed 4 November 2020).

215 UN, "Security Council Renews Mandate of Expert Panel Overseeing South Sudan Arms Embargo by 12 Votes in Favour, None Against, 3 Abstentions," 29 May 2020, <https://www.un.org/press/en/2020/sc14199.doc.htm> (accessed 5 November 2020).

216 VoA, "Dozens Killed in Sudan, South Sudan Inter-Communal Fighting," 28 July 2020, <https://www.voanews.com/africa/south-sudan-focus/dozens-killed-sudan-south-sudan-inter-communal-fighting> (accessed 5 November 2020).

217 VoA, "South Sudan Businessman Takes Up Arms," 6 June 2020, <https://www.voanews.com/africa/south-sudan-focus/south-sudan-businessman-takes-arms> (accessed 5 November 2020).

218 The East African, "South Sudan military kills rebel leader," 16 June 2020, <https://www.theeastafrican.co.ke/news/ea/South-Sudan-military-kills-rebel-leader/4552908-5577182-apdh7u/index.html> (accessed 5 November 2020).



On 22 June 2020, it was announced that the UN Human Rights Council would extend the mandate of the Commission on Human Rights (CoHR) in South Sudan, a decision that was welcomed by rights groups.<sup>219</sup>

The peace process in South Sudan still hangs in the balance and continues to face serious challenges.<sup>220</sup> At the UN Human Rights Council, it was noted by various civil society groups, including DefendDefenders, that serious human rights violations in the nation are ongoing and fuelled by impunity.<sup>221</sup>

International Day of the Disappeared was observed globally on 30 August 2020, as a day when the many victims of enforced disappearances are remembered.<sup>222</sup> This year, South Sudan was highlighted as calls were made for the government to investigate the fate of many people disappeared during the civil war.

## FREEDOM OF ASSEMBLY

From 24 to 26 August 2020, residents who live around Palouch and Melut oil fields, in the Upper Nile region, held demonstrations to bring attention to the environmental damage being caused by the oil operations.<sup>223</sup> The protesters blocked the entrance of two oil companies and closed roads in the local area.<sup>224</sup> Relatedly, in February 2020, it was reported that the knock-on effects from the oil industry in South Sudan, particularly in Upper Nile, are causing birth defects, miscarriages, and other major health is-

219 DefendDefenders, “South Sudan: UN rights council extends investigators’ mandate,” 22 June 2020, <https://defenddefenders.org/south-sudan-un-rights-council-extends-investigators-mandate/> (accessed 5 November 2020).

220 VoA, “UNMISS Chief: South Sudan Peace Process Limping Along,” 30 September 2020, <https://www.voanews.com/africa/south-sudan-focus/unmiss-chief-south-sudan-peace-process-limping-along> (accessed 5 November 2020).

221 DefendDefenders, “DefendDefenders’ oral statements at HRC45,” 15 September 2020, <https://defenddefenders.org/defenddefenders-oral-statements-at-hrc45/> (accessed 5 November 2020).

222 UN, “International Day of the Victims of Enforced Disappearances,” 30 August 2020, <https://www.un.org/en/observances/victims-enforced-disappearance> (accessed 5 November 2020).

223 VoA, “South Sudan Residents Protest Oil Facilities,” 27 August 2020, <https://www.voanews.com/africa/south-sudan-focus/south-sudan-residents-protest-oil-facilities> (accessed 5 November 2020).

224 East Africa Monitor, “South Sudan: Residents protest against oil fields,” 29 August 2020, <https://eastafricamonitor.com/south-sudan-residents-protest-against-oil-fields/> (accessed 5 November 2020).

sues.<sup>225</sup> There were no reported injuries or arrests.

For several weeks throughout August and September 2020, teachers in Jonglei state protested against alleged mismanagement of incentives, which had not been distributed to teachers.<sup>226</sup> The protesters partially shut down the Ministry of Education and burned tires on roads in Bor town.<sup>227</sup> The Director of secondary education in the Ministry of Education was arrested on 18 September, after he reportedly fired a gun into the air next to protesters.<sup>228</sup>

## FREEDOM OF ASSOCIATION

On 17 July, an armed group attacked and killed a group of six people, including two South Sudanese aid workers in Jonglei state.<sup>229</sup> The aid workers were attacked when providing health-care and nutrition services to women and children in Pajut town centre. South Sudan remains one of the most dangerous countries in the world for aid workers. This incident marks the sixth and seventh death of aid workers in South Sudan so far in 2020.

On 4 August, it was reported that at least 23 people had been killed and 20 others wounded in an attack on a church compound in Jonglei state.<sup>230</sup> Unidentified gunmen killed the church’s deacon and at least 14 women and children who were seeking refuge in the compound. The ongoing clashes between Neur, Dinka and Murle tribes in Jonglei have intensified lately.

225 AP News, “South Sudan buries reports on oil pollution, birth defects,” 13 February 2020, <https://apnews.com/article/fade1c85f9c691448d04b7d1f2df14f8> (accessed 5 November 2020).

226 Eye Radio, “Jonglei teachers stage motivational cash protests,” 25 August 2020, <https://eyeradio.org/jonglei-teachers-stage-motivational-cash-protests/> (accessed 5 November 2020).

227 Radio Tamazuj, “Striking secondary school teachers in Jonglei shut down ministry over unpaid incentives,” 17 September 2020, <https://radiotamazuj.org/en/news/article/striking-secondary-school-teachers-in-jonglei-shut-down-ministry-over-unpaid-incentives> (accessed 5 November 2020).

228 Radio Tamazuj, “Jonglei education director arrested for firing gun into the air during teachers’ protests,” 22 September 2020, <https://radiotamazuj.org/en/news/article/jonglei-education-director-arrested-for-firing-gun-into-the-air-during-teachers-protests> (accessed 5 November 2020).

229 Radio Tamazuj, “UN says two aid workers killed in Jonglei,” 17 July 2020, <https://radiotamazuj.org/en/news/article/un-says-two-aid-workers-in-jonglei> (accessed 5 November 2020).

230 Episcopal News Service, “Gunmen attack South Sudan Anglican cathedral, killing at least 23,” 4 August 2020, <https://www.episcopalnewservice.org/2020/08/04/gunmen-attack-south-sudan-anglican-cathedral-killing-at-least-23/> (accessed 5 November 2020).

## FREEDOM OF EXPRESSION

In May 2020, DefendDefenders launched a report on the situation in South Sudan showing the challenges for HRDs, including journalists, in the country.<sup>231</sup>

Attacks against journalists in South Sudan have continued in this period: on 29 May 2020, a civil society activist, Kanybil Noon, was arrested and detained at the National Security Service headquarters.<sup>232</sup> It appears that Noon was arrested related to ongoing charges of defamation against him, following posts on Facebook and a letter he wrote, in which he criticised a high-ranking General and cousin of President Kiir. Noon is still in detention at the time of writing.<sup>233</sup>

On 16 June, Moses Monday, Executive Director of the Organisation for Non-Violence and Development (ONAD) was arrested in relation to a billboard that the group had commissioned in the capital Juba, calling for financial accountability and transparency in South Sudan.<sup>234</sup> The activist was released without charge nine days later.

On 3 July, Marko Agei Makoor Chol, a young journalist for Door FM, was killed by unidentified gunmen in Warrap state, central South Sudan.<sup>235</sup> Agei was reportedly ambushed and shot by armed men when travelling to Tonj town.<sup>236</sup> The motive remains unknown; however his death is part of an ongoing pattern of attacks on journalists.

On 18 July 2020, Akot Lual Arech – an advisor on minority affairs, was arrested and kept at the

national prison centre in Juba.<sup>237</sup> This came on month after Arech published an op-ed that explained the motives behind his role in conflict in Jonglei.

In late July, the founder of the South Sudan Young Leader Forum and prominent critic of the South Sudanese government, Peter Biar Ajak, fled to the United States, accusing President Kiir of ordering his death or abduction.<sup>238</sup> Ajak had been living in Nairobi with his family since February 2020, after he was held for 18 months in prison in South Sudan on charges of disturbing the peace by speaking to foreign media. He reportedly began to be followed in Nairobi and received information that President Kiir had authorised his killing or abduction back to South Sudan. Following his arrival in the US, Ajak called for more sanctions to be placed on the President and other high-ranking Generals.<sup>239</sup>

The East African Court of Justice (EACJ) ruled on 24 July 2020, that a group of 15 judges had been unfairly dismissed after having been fired in 2017 following a public strike for better working conditions.<sup>240</sup> Following a statement from South Sudan's Justice and Constitutional Affairs Minister, that the government accepted the EACJ decision, the judge leading the action requested that he and the other 14 judges be immediately reinstated.

The case of murdered journalist Christopher Allen, who died while working in South Sudan in 2017, has still not been fully investigated.<sup>241</sup> Agnès Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions,

231 DefendDefenders, "Targeted but not Deterred: Human rights defenders fighting for justice and peace in South Sudan," May 2020, <https://defenddefenders.org/wp-content/uploads/2020/05/South-Sudan-report.pdf> (accessed 5 November 2020).

232 Amnesty, "Member of peace agreement body detained: Kanybil Noon," 23 June 2020, <https://www.amnesty.org/en/documents/afr65/2567/2020/en/> (accessed 5 November 2020).

233 Radio Tamazuj, "Amnesty urges release of activist detained over alleged defamation," 23 June 2020, <https://radiotamazuj.org/en/news/article/amnesty-urges-release-of-activist-detained-over-alleged-defamation> (accessed 5 November 2020).

234 Sudan Tribune, "Amnesty decries targeting of civil society and officials in South Sudan," 1 August 2020, <https://sudantribune.com/spip.php?article69657> (accessed 5 November 2020).

235 Twitter, @IFEX, 6 July 2020, <https://twitter.com/IFEX/status/1280128215353372674> (accessed 5 November 2020).

236 Twitter, @ChrisMarol, 3 July 2020, <https://twitter.com/ChrisMarol/status/1279078138274873348> (accessed 5 November 2020).

237 Sudan Tribune, "South Sudan arrests adviser on minority affairs," 21 July 2020, <https://sudantribune.com/spip.php?article69612> (accessed 5 November 2020).

238 Al Jazeera, "South Sudan government critic Peter Biar Ajak flees to US," 24 July 2020, <https://www.aljazeera.com/news/2020/07/24/south-sudan-government-critic-peter-biar-ajak-flees-to-us/> (accessed 5 November 2020).

239 Sudan Tribune, "Prominent activist calls for U.S. sanctions on South Sudan president," 24 July 2020, <https://sudantribune.com/spip.php?article69623> (accessed 5 November 2020).

240 VoA, "South Sudan Judge Seeks Reinstatement After Court Ruling Against President Kiir," 29 July 2020, <https://www.voanews.com/africa/south-sudan-focus/south-sudan-judge-seeks-reinstatement-after-court-ruling-against-president> (accessed 5 November 2020).

241 UN News, "Rights expert denounces lack of investigation into 2017 killing of journalist in South Sudan," 25 August 2020, <https://news.un.org/en/story/2020/08/1071002> (accessed 5 November 2020).





highlighted the case again in a recent news release.<sup>242</sup> Callamard stated that the lack of proper investigation is indicative of a wider climate of hostility towards journalists and impunity when crimes are committed against them. The news release was followed by a renewed push from the UK's International Ambassador for Human Rights, who called for investigation and accountability.<sup>243</sup>

South Sudan remains to be at an impasse with regards to finding long-term and sustainable solutions for peace in the country. The instability and ongoing sporadic violence affect civil society as a whole and have had particularly deadly knock-on effects for journalists.

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## SUDAN

### GENERAL SITUATION

Sudan's transitional government faced many challenges within the reporting period. This included the spread of COVID-19, high inflation, and mass displacement caused by extreme flooding, which led the government to declare a state of emergency in September 2020.<sup>244</sup>

Positively, in mid-July 2020, the transitional government announced several reforms pushing back at the former Islamist government of Omar Al-Bashir.<sup>245</sup> The reforms included banning female genital mutilation (FGM), decriminalizing apostasy, and ending the requirement for women to get travel permits. The proposed changes were praised by rights groups within and outside of the country.<sup>246</sup>

On 30 August, the country's main rebel alliance agreed on a peace deal with the government, aimed at ending 17 years of conflict.<sup>247</sup> Shortly after, the government agreed to hold new peace talks hosted by South Sudan.<sup>248</sup> All parties are set to sign a landmark peace deal in October 2020.<sup>249</sup>

In a further move to accept religious minorities in Sudan, the transitional government agreed in principle to separate religion and state during a meeting with the rebel SPLM-North faction in early September.<sup>250</sup>

Ahead of the 45<sup>th</sup> session of the UN Human Rights Council in September, a joint NGO statement, led by DefendDefenders was released calling for continued support of the systemic human rights reforms in the country.<sup>251</sup>

In September 2020, the former president, al-Bashir, appeared in court at the start of his trial over the military coup during which he took power in 1989.<sup>252</sup> Al-Bashir is also facing prose-

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242 OHCHR, "Journalist's murder in South Sudan must be thoroughly investigated, says UN human rights expert," 25 August 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26185&LangID=E> (accessed 5 November 2020).

243 Government UK, "UN Human Rights Council 45: Interactive Dialogue with the Commission on Human Rights in South Sudan," 23 September 2020, <https://www.gov.uk/government/speeches/un-human-rights-council-45-interactive-dialogue-with-the-commission-on-human-rights-in-south-sudan> (accessed 5 November 2020).

244 UNHCR, "Heavy floods devastate displaced and host communities in Sudan," 1 September 2020, <https://www.unhcr.org/news/briefing/2020/9/5f4dfb234/heavy-floods-devastate-displaced-host-communities-sudan.html> (accessed 5 November 2020).

245 The Guardian, "Sudan bans FGM and breaks with hardline Islamist policies," 12 July 2020, <https://www.theguardian.com/world/2020/jul/12/sudan-bans-fgm-as-it-breaks-with-hardline-islamist-policies> (accessed 5 November 2020).

246 The Guardian, "'Thank you, our glorious revolution': activists react as Sudan ditches Islamist laws," 16 July 2020, <https://www.theguardian.com/global-development/2020/jul/16/thank-you-our-glorious-revolution-activists-react-as-sudan-ditches-islamist-laws> (accessed 5 November 2020).

247 Al Jazeera, "Sudan rebels agree key peace deal to end 17-year conflict: Report," 31 August 2020, <https://www.aljazeera.com/news/2020/08/31/sudan-rebels-agree-key-peace-deal-to-end-17-year-conflict-report/> (accessed 5 November 2020).

248 Al Jazeera, "Sudan, major rebel group agree to resume peace talks," 4 September 2020, <https://www.aljazeera.com/news/2020/09/04/sudan-major-rebel-group-agree-to-resume-peace-talks/?gb=true> (accessed 5 November 2020).

249 Al Jazeera, "Sudan to strike peace with rebels after decades of war," 1 October 2020, <https://www.aljazeera.com/news/2020/10/1/sudan-to-strike-peace-with-rebels-after-decades-of-war> (accessed 5 November 2020).

250 VoA, "Sudan's Government Agrees to Separate Religion and State," 4 September 2020, <https://www.voanews.com/africa/south-sudan-focus/sudans-government-agrees-separate-religion-and-state> (accessed 5 November 2020).

251 DefendDefenders, "The Human Rights Council should support human rights reforms in Sudan," 9 September 2020, <https://defenddefenders.org/the-human-rights-council-should-support-human-rights-reforms-in-sudan/> (accessed 5 November 2020).

252 BBC, "Sudan's Bashir appears in court over 1989 coup," 1 September 2020, <https://www.bbc.com/news/live/world-africa-47639452?> (accessed 6 November 2020).

cution over the killing of protesters and is wanted by the International Criminal Court (ICC) on charges of genocide, war crimes, and crimes against humanity.

## FREEDOM OF ASSOCIATION

More than 250 officers from the Border Guard Forces militia are still being held in detention, without trial. This is despite calls from rights groups to release more prisoners being held without trial, due to the prevalence of COVID-19 in prisons.<sup>253</sup>

On 20 April 2020, authorities arrested several top members of the former ruling party, as part of a widening crackdown on removing remnants of the rule of al-Bashir.<sup>254</sup>

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

During the COVID-19 lockdown in Sudan, journalists raised concerns that they were unable to carry out their work due to being frequently stopped and held up at checkpoints.<sup>255</sup> The Sudanese Journalists Network at the time called for journalists' work to be protected to ensure access to information for the public.

On World Press Freedom Day, observed on 3 May 2020, Prime Minister Abdallah Hamdok, promised to cultivate freedom of expression and media independence in Sudan.<sup>256</sup> His acknowledgement of the improvements still needed in the transitional period, was seen as a positive step towards greater press freedom in Sudan.

253 Dabanga, "Coronavirus: African Centre calls on Sudan to release more prisoners," 9 April 2020, <https://www.dabangasudan.org/en/all-news/article/coronavirus-african-centre-calls-on-sudan-to-release-more-prisoners> (accessed 6 November 2020).

254 VoA, "Sudan Party Officials Arrested as Bashir Inquiry Begins," 20 April 2020, <https://www.voanews.com/africa/sudan-party-officials-arrested-bashir-inquiry-begins> (accessed 6 November 2020).

255 Dabanga, "Khartoum journalists complain about coronavirus checkpoints," 12 June 2020, <https://www.dabangasudan.org/en/all-news/article/khartoum-journalists-complain-about-coronavirus-checkpoints> (accessed 6 November 2020).

256 Dabanga, "PM Hamdok: Sudan press freedom still needs work," 4 May 2020, <https://www.dabangasudan.org/en/all-news/article/pm-hamdok-sudan-press-freedom-still-needs-work> (accessed 6 November 2020).

257 Dabanga, "Sudanese journalists denounce army accusations," 21 July 2020, <https://www.dabangasudan.org/en/all-news/article/sudanese-journalists-denounce-army-accusations> (accessed 6 November 2020).

258 HRW, "Sudan's Army Threatens Activists, Journalists with Lawsuits," 24 July 2020, <https://www.hrw.org/news/2020/07/24/sudan-army-threatens-activists-journalists-lawsuits> (accessed 6 November 2020).

259 VoA, "Sudan Army's Plan Is to Return to 'Dark Days,' Journalists Say," 6 August 2020, <https://www.voanews.com/press-freedom/sudan-armys-plan-return-dark-days-journalists-say> (accessed 5 November 2020).

260 Dabanga, "Sudanese journalist beaten up by policemen," 23 June 2020, <https://www.dabangasudan.org/en/all-news/article/sudanese-journalist-beaten-up-by-policemen> (accessed 6 November 2020).

261 Dabanga, "Eastern Sudanese journalists assaulted in Red Sea state," 25 June 2020, <https://www.dabangasudan.org/en/all-news/article/eastern-sudanese-journalists-assaulted-in-red-sea-state> (accessed 6 November 2020).

262 Dabanga, "Sudan's restrictive media laws to be reviewed," 4 September 2020, <https://www.dabangasudan.org/en/all-news/article/>

In July 2020, an army officer accused journalist, Adil Ibrahim, of disclosure of military secrets whilst being interviewed on TV.<sup>257</sup> The officer also threatened Ibrahim with an official complaint and accused him of terrorism. This was strongly condemned by other journalists who believed it to be an attempt to threaten and silence journalists.

On 18 July 2020, the Sudanese army announced plans to file legal complaints against individuals for 'insulting' the armed forces, by invoking cyber-crime and publication laws.<sup>258</sup> They also announced the appointment of a special commissioner to bring the lawsuits, which are expected to be targeted at journalists and activists in Sudan and outside. The move was criticised as echoing restrictive tactics used under former President al-Bashir.<sup>259</sup>

On 23 July 2020, a photographer who works for several newspapers in Sudan, was beaten by police when photographing long queues at petrol stations.<sup>260</sup> The photographer, Mohamed El Amin Osheik, was first taken to Suakin police station in Red Sea state, then transferred to the local hospital. In the same week, in Red Sea state, journalist El Amin Ibrahim was taken from the street and forced into a vehicle with men who threatened him, in relation to a recent interview he had conducted.<sup>261</sup>

Sudan's Minister of Information, Culture, and Tourism, Feisal Mohamed Saleh, announced in September 2020, that the Ministry will review media legislation with the Faculty of Law at the University of Khartoum, aimed towards reforming media law and giving more independence to the media.<sup>262</sup>





On 2 September, a journalist in Port Sudan was arrested on charges of 'information crimes' in relation to Facebook posts about alleged corruption in the former governor's office.<sup>263</sup> He was later released on bail.

On September 18, a court in Khartoum sentenced five Sudanese artists to two months in prison and a fine on charges of "disturbing public peace" and "public nuisance," after a noise complaint was filed by a neighbour to a cultural centre that they were rehearsing at.<sup>264</sup> While in custody, the artists chanted revolutionary and pro-democracy slogans at a police station where they were being held. This included Hajooj Kuka, a member of the Academy of Motion Picture Arts and Sciences, which awards the Oscars.<sup>265</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

There were protests throughout the year, against poor living conditions, the unstable economy, and demands for quicker political reforms.<sup>266</sup> In May and June 2020, thousands protested in Khartoum to mark the first anniversary of 100 protesters being killed in a sit-in in the city.<sup>267</sup> Several rallies were held across different neighbourhoods, despite a lockdown being imposed due to COVID-19. On 23 May, police used

heavy-handed tactics on protesters, including beating, arresting, and using excessive tear-gas.<sup>268</sup> On 6 June, hundreds of people gathered to protest the creation of a new UN peace mission in Sudan.<sup>269</sup> Online footage showed police firing teargas to disperse the protesters.

On 30 June 2020, the Sudanese Professionals' Association and the Resistance Committees called for a "million-man march", demanding justice for those killed in the 2019 uprisings.<sup>270</sup> Police used teargas to disperse demonstrators and blocked off major roads leading to government buildings. The day before the planned march, on 29 June 2020, authorities arrested nine agents from al-Bashir's regime in response to information they had received about plans to divert the demonstrations from being peaceful.<sup>271</sup>

Armed groups attacked a protest camp in Darfur region on 13 July, killing more than a dozen people.<sup>272</sup> On 12 July, security forces had broken up another sit-in camp in the region, killing one person.<sup>273</sup> The camps had been set up to call for better conditions in the region and an end to attacks by armed groups.<sup>274</sup> Shortly after, on 27 July, it was reported that new violence in Darfur had killed more than 60 people.<sup>275</sup>

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[sudan-s-restrictive-media-laws-to-be-reviewed](#) (accessed 6 November 2020).

263 Dabanga, "Port Sudan journalist held for social media posts," 3 September 2020, <https://www.dabangasudan.org/en/all-news/article/port-sudan-journalist-held-for-social-media-posts> (accessed 6 November 2020).

264 HRW, "Sudanese Artists Imprisoned for Pro-Democracy Chants," 21 September 2020, <https://www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants> (accessed 5 November 2020).

265 Middle East Eye, "Sudan filmmaker Hajooj Kuka one of five artists jailed in Khartoum," 18 September 2020, <https://www.middleeasteye.net/news/artists-jailed-sudan-hajooj-kuka> (accessed 6 November 2020).

266 The Conversation, "Why protesters are fed up with Sudan's tricky transition," 7 July 2020, <https://theconversation.com/why-protesters-are-fed-up-with-sudans-tricky-transition-142070> (accessed 5 November 2020).

267 Andalou Agency, "Sudan protesters mark anniversary of sit-in killings," 3 June 2020, <https://www.aa.com.tr/en/africa/sudan-protesters-mark-anniversary-of-sit-in-killings/1863534> (accessed 5 November 2020).

268 Dabanga, "Khartoum massacre demo dispersed, hospital director arrested," 25 May 2020, <https://www.dabangasudan.org/en/all-news/article/khartoum-massacre-demo-dispersed-hospital-director-arrested> (accessed 5 November 2020).

269 Andalou Agency, "Sudan protesters rally against new UN mission," 10 June 2020, <https://www.aa.com.tr/en/middle-east/sudan-protesters-rally-against-new-un-mission/1872183> (accessed 5 November 2020).

270 TRT World, "Protests resume in Sudan amid calls for more reforms," 30 June 2020, <https://www.trtworld.com/africa/protests-resume-in-sudan-amid-calls-for-more-reforms-37745> (accessed 5 November 2020).

271 Andalou Agency, "Bashir associates arrested ahead of mass Sudan protests," 29 June 2020, <https://www.aa.com.tr/en/africa/bashir-associates-arrested-ahead-of-mass-sudan-protests/1893685> (accessed 6 November 2020).

272 The Washington Post, "Sudan: Armed groups attack protest camp in Darfur, kill 13," 13 July 2020, [https://www.washingtonpost.com/world/africa/sudanese-forces-break-up-protest-camp-in-darfur-killing-1/2020/07/13/9a206418-c517-11ea-a825-8722004e4150\\_story.html](https://www.washingtonpost.com/world/africa/sudanese-forces-break-up-protest-camp-in-darfur-killing-1/2020/07/13/9a206418-c517-11ea-a825-8722004e4150_story.html) (accessed 5 November 2020).

273 Taiwan News, "Sudanese forces break up protest camp in Darfur, killing 1," 13 July 2020, <https://www.taiwannews.com.tw/en/news/3965919> (accessed 5 November 2020).

274 The Guardian, "Darfur protesters call for action to end attacks on civilians by armed militias," 8 July 2020, <https://www.theguardian.com/global-development/2020/jul/08/darfur-protesters-call-for-action-to-end-attacks-on-civilians-by-armed-militias> (accessed 5 November 2020).

275 Al Jazeera, "Dozens killed in renewed violence in Sudan's Darfur: UN," 27 July 2020, <https://www.aljazeera.com/news/2020/07/27/dozens-killed-in-renewed-violence-in-sudans-darfur-un/> (accessed 5 November 2020).



# TANZANIA

## GENERAL SITUATION

During the peak of the COVID-19 pandemic in mid-2020, Tanzania's response was heavily criticised, both within and outside of the country.<sup>281</sup> President John Magufuli's call on citizens to turn to prayer, coupled with no lockdown or social distancing rules, and then the declaration that Tanzania was COVID-free,<sup>282</sup> was labelled as dangerous and dismissive of science and public health facts.<sup>283</sup> The silencing of critics, or anyone speaking out about the COVID-19 situation in the country, and tight control of public information has been a pattern throughout the Magufuli presidency.<sup>284</sup>

On 20 May, 2020, 20 human rights organisations sent a letter to President Magufuli, urging the authorities to ensure that all detainees and prisoners have access to lawyers and that steps are taken to decongest prisons during the COVID-19 pandemic.<sup>285</sup> The letter was sent in response to an announcement the day earlier that prison authorities had banned all visits to the country's prisons indefinitely to prevent the spread of the virus.<sup>286</sup> The ban included prisoners' lawyers, which has denied the prisoners access to legal counsel and slowed down plea bargaining and resolution of cases.

In response to the repealing of various Islamic laws, thousands of Islamic groups and supporters of former President al-Bashir demonstrated in Khartoum on 17 July 2020.<sup>276</sup> Protesters chanted anti-government slogans, but there were no reports of violence. Following these protests, authorities arrested several foreigners, including those from Palestine, Yemen, and Indonesia, who had joined protests, particularly supporting the Muslim Brotherhood.<sup>277</sup>

On 17 August, Sudanese security forces fired tear gas on hundreds of protesters in Khartoum, who were demonstrating against the slow progress of change exactly one year after a power-sharing agreement was signed.<sup>278</sup> It was reported that police also arrested dozens of protesters.<sup>279</sup>

Four protesters were shot and killed, and six others injured, in eastern Sudan on 27 August 2020.<sup>280</sup> The group was protesting the appointment of newly elected state governor and called for national leaders to replace him. They were allegedly shot by supporters of the new governor.

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276 Andalou Agency, "Thousands protest repeal of Islamic restrictions," 17 July 2020, <https://www.aa.com.tr/en/africa/sudan-thousands-protest-repeal-of-islamic-restrictions/1914191> (accessed 5 November 2020).

277 Asharq Al-Awsat, "Sudan arrests foreigners who participated in Muslim Brotherhood protests," 26 July 2020, <https://english.aawsat.com/home/article/2411896/sudan-arrests-foreigners-who-participated-muslim-brotherhood-protests> (accessed 6 November 2020).

278 Al Jazeera, "Sudanese protest a year after power-sharing deal with army," 17 August 2020, <https://www.aljazeera.com/news/2020/8/17/sudanese-protest-a-year-after-power-sharing-deal-with-army> (accessed 5 November 2020).

279 VoA, "New Protests in Sudan Demand Faster Government Reforms," 18 August 2020, <https://www.voanews.com/africa/new-protests-sudan-demand-faster-government-reforms> (accessed 5 November 2020).

280 VoA, "Eastern Sudan Protest Turns Deadly," 28 August 2020, <https://www.voanews.com/africa/south-sudan-focus/eastern-sudan-protest-turns-deadly> (accessed 5 November 2020).

281 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/> (accessed 6 November 2020).

282 Devex, "Muddled messaging around COVID-19 complicates response in Tanzania," 21 July 2020, <https://www.devex.com/news/muddled-messaging-around-covid-19-complicates-response-in-tanzania-97590> (accessed 6 November 2020).

283 Foreign Policy, "Will COVID-19 Kill Democracy?," 18 September 2020, <https://foreignpolicy.com/2020/09/18/will-covid-19-kill-democracy/> (accessed 6 November 2020).

284 Council on Foreign Relations, "Troubling Trends Threaten What Little Trust Remains in Tanzania's Democracy," 29 July 2020, <https://www.cfr.org/blog/troubling-trends-threaten-what-little-trust-remains-tanzanias-democracy> (accessed 6 November 2020).

285 HRW, "Immediate Measures to Protect the Rights of Prison Detainees in Tanzania," 20 May 2020, <https://www.hrw.org/news/2020/05/20/immediate-measures-protect-rights-prison-detainees-tanzania> (accessed 6 November 2020).

286 HRW, "Tanzania: Prisoners' Rights Ignored in Covid-19 Response," 21 May 2020, <https://www.hrw.org/news/2020/05/21/tanzania-prisoners-rights-ignored-covid-19-response> (accessed 6 November 2020).



On 28 July 2020, prominent opposition leader Tundu Lissu, who had been living in exile in Belgium since surviving an assassination attempt in 2017, returned to Tanzania.<sup>287</sup> Lissu is a member of the main opposition party Chade- ma and was chosen as their presidential candi- date.<sup>288</sup>

The lead up to the Tanzanian general elections, which took place on 28 October 2020, was marred with silencing and arrest of opposition, arbitrary restrictions on the media, and electoral irregularities.<sup>289</sup> Several opposition parties reported widespread irregularities in the process for enrolling candidates for elections.<sup>290</sup> Most notably, leading opposition figure Tundu Lis- su stated that dozens of candidates from his party Chadema had been disqualified for “unfair reasons”.<sup>291</sup> In response, ten foreign missions in Tanzania representing various European coun- tries and Canada, issued a joint statement call- ing for free and fair elections and that security for all contestants is secured.<sup>292</sup>

In August 2020, civil society organisations (CSOs) raised concerns about their inability to carry out projects, due to stifling regulations in the Non-Governmental Organizations Act (Amendments) Regulations 2018.<sup>293</sup> The regula- tions require contracts and agreements exceed- ing 20million Tanzanian shillings (8,600 USD) to be submitted for approval to the treasury. The representatives of several key Tanzanian CSOs stated that the short timeframes, and the de-

lays in the process, were effectively blocking their ability to carry out projects.

On 14 September 2020, UN High Commission- er for Human Rights, Michelle Bachelet, drew attention to Tanzania in a global human rights update to the UN Human Rights Council.<sup>294</sup> She mentioned the increasing repression of democ- racy and civic space and a deeply deteriorated environment for human rights.

## FREEDOM OF ASSOCIATION

Repression of the LGBTI community increased in the run up to the elections, with rights groups noting increasing restrictions on organisations working to promote the rights and health of the LGBTI community.<sup>295</sup> The arrest and persecution of LGBTI+ persons is still prevalent in Tanzania and the community has been a target through- out Magufuli’s presidency.<sup>296</sup>

The repression of opposition parties and civil so- ciety actors and organisations was also reported widely in the lead up to the elections.<sup>297</sup> On 27 May 2020, the leading Chadema party opposi- tion activist Mdude Nyagili, had certain charges withdrawn in the ongoing case against him. The dropped charges concerned economic of- fences, but Nyagili is still facing drug trafficking charges after police searched his home and al- legedly found heroin.<sup>298</sup> On 13 August 2020, the northern headquarters of leading opposition

287 Al Jazeera, “Election race heats up as Tundu Lissu returns to Tanzania,” 28 July 2020, <https://www.aljazeera.com/news/2020/07/28/election-race-heats-up-as-tundu-lissu-returns-to-tanzania/> (accessed 6 November 2020).

288 RFI, “Tanzania opposition names veteran politician Tundu Lissu as presidential candidate,” 4 August 2020, <https://www.rfi.fr/en/africa/20200804-tanzania-opposition-names-veteran-politician-tundu-lissu-as-presidential-candidate> (accessed 6 November 2020).

289 The East African, “Coming Tanzania vote is fraught with major concerns needing serious thought,” 3 July 2020, <https://www.theeastafrican.co.ke/tea/oped/comment/tanzania-elections-intrigues--1908148> (accessed 6 November 2020).

290 Al Jazeera, “Tanzania’s Magufuli kicks off campaign with pledge to create jobs,” 29 August 2020, <https://www.aljazeera.com/news/2020/08/29/tanzanias-magufuli-kicks-off-campaign-with-pledge-to-create-jobs/> (accessed 6 November 2020).

291 Reuters, “Tanzanian opposition alleges irregularities in candidates’ enrollment,” 28 August 2020, <https://www.reuters.com/article/us-tanzania-elections-irregularities/tanzanian-opposition-alleges-irregularities-in-candidates-enrollment-idUSKBN25O2OS> (accessed 6 November 2020).

292 News Central, “Foreign Missions Call For Free, Fair Elections In Tanzania,” 3 September 2020, <https://newscentral.africa/foreign-missions-call-for-free-fair-elections-in-tanzania/> (accessed 6 November 2020).

293 The Citizen, “Tanzania’s NGOs face new normal as tough rules take effect,” 9 August 2020, <https://www.thecitizen.co.tz/news/Tanzania-s-NGOs-face-new-normal-as-tough-rules-take-effect/1840340-5606508-kg04wbz/index.html> (accessed 6 November 2020).

294 OHCHR, “In her global human rights update, Bachelet calls for urgent action to heighten resilience and protect people’s rights,” 14 September 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226&LangID=E> (accessed 6 November 2020).

295 76 Crimes, “Tanzania tightens LGBT repression ahead of election,” 6 September 2020, <https://76crimes.com/2020/09/06/tanzania-tightens-lgbt-repression-ahead-of-election/> (accessed 6 November 2020).

296 Daily Xtra, “Tanzania is still arresting and persecuting LGBTQ people,” 16 April 2020, <https://www.dailyxtra.com/tanzania-lgbtq-gay-arrests-persecution-170085> (accessed 6 November 2020).

297 HRW, “Tanzania: Freedoms Threatened Ahead of Elections,” 2 September 2020, <https://www.hrw.org/news/2020/09/02/tanzania-freedoms-threatened-ahead-elections> (accessed 6 November 2020).

298 Twitter, @TanzaniaUpdates, 27 May 2020, <https://twitter.com/TanzaniaUpdates/status/1265607437467504641> (accessed 6 November 2020).



party Chadema, in Arusha, was attacked with firebombs and badly damaged.<sup>299</sup> On the same day, the leader of Chadema, Tundu Lissu, reported his convoy being attacked by people throwing stones.<sup>300</sup> Lissu recently returned to Tanzania after several years in exile following a failed assassination attempt in 2017.

On 17 August 2020, the Tanzanian Human Rights Defenders Coalition (THRDC) had their bank accounts frozen following an order from the Tanzanian Police, who reportedly received instructions to do so from government officials.<sup>301</sup> THRDC was subsequently forced to close operations and cancel planned events.<sup>302</sup> THRDC were also targeted on 24 June, when their three-day workshop for HRDs was shut down by the police and two of their staff arrested.<sup>303</sup>

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

During the outbreak of COVID-19 in Tanzania, and the subsequent criticism of the government's lack of response, multiple media outlets and journalists faced backlash for reporting any information challenging the official narrative. On 17 April 2020, the Tanzania Communications Regulatory Authority (TCRA) suspended Mwanachi daily newspaper's online content and ordered the publication to pay a fine of 5 million Tanzanian shillings (2,250 USD).<sup>304</sup> Shortly before, Mwanachi had published a photograph of President John Pombe 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 apologize for "transmission of false and misleading information" on the country's approach to managing COVID-19.<sup>305</sup> 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>306</sup>

On 4 May, the Head of the National Medical Laboratory, Nyambura Moremi, was suspended, a day after President Magufuli questioned the Laboratory's COVID-19 published case figures and stated that the outbreak is not as bad as reported.<sup>307</sup>

On 5 May 2020, the Chairperson of the African Commission on Human and Peoples' Rights and the country rapporteur on the human rights situation in Tanzania, the Special Rapporteur on Freedom of Expression and Access to Information, and the Chairperson of the Working Group on Economic, Social and Cultural Rights, transmitted a letter of urgent appeal to the government of Tanzania regarding the right of people in the country to the protection of their health and life and for having access to public health information concerning the COVID-19 pandemic in the country.<sup>308</sup>

On 11 May, a Tanzanian journalist, Angella Ki-

299 Twitter, @TunduALissu, 14 August 2020, <https://twitter.com/TunduALissu/status/1294150382445301760> (accessed 6 November 2020).

300 The Africa Report, "Tanzania: Opposition fear being locked out of October poll," 17 August 2020, <https://www.theafricareport.com/37705/tanzania-opposition-fear-being-locked-out-of-october-poll/> (accessed 6 November 2020).

301 Twitter, @THRDCOALITION, 18 August 2020, <https://twitter.com/THRDCOALITION/status/1295662249751830530> (accessed 6 November 2020).

302 Twitter, @THRDCOALITION, 11 September 2020, <https://twitter.com/THRDCOALITION/status/1304289379561635840> (accessed 6 November 2020).

303 Twitter, @OlengurumwaO, 24 June 2020, <https://twitter.com/OlengurumwaO/status/1275681861658951681> (accessed 6 November 2020).

304 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 6 November 2020).

305 All Africa, "3 TV Outlets Fined 5m/ - Each Over Corona Issue," 5 April 2020, <https://allafrica.com/stories/202004060203.html> (accessed 6 November 2020).

306 Amnesty, "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 6 November 2020).

307 Citizen TV, "Tanzania's National Health Laboratory boss Nyambura Moremi suspended," 4 May 2020, <https://citizentv.co.ke/news/tanzanias-national-health-laboratory-boss-nyambura-moremi-suspended-331720/> (accessed 6 November 2020).

308 ACHPR, "Statement on Letter of Urgent Appeal to the United Republic of Tanzania," 5 May 2020, <https://www.achpr.org/pressrelease/detail?id=498> (accessed 6 November 2020).



wia, and a driver, Mohamed Rushaka, with the weekly investigative newspaper Jamhuri were charged with four counts of economic crimes, including money laundering and kidnapping.<sup>309</sup> They appeared in court on 24 July where they were sentenced to two years in prison, or to pay a fine of 800,000 Tanzanian shillings (344 USD).<sup>310</sup> They were convicted of economic crimes, including extortion.

Positively, on 18 May 2020, the High Court of Tanzania, declared that section 148(5) of the Criminal Procedure Act (2002) is unconstitutional.<sup>311</sup> This section allows for a police officer receiving an accused person to not grant bail if the person is accused of certain crimes, including economic offenses. This has been used in the cases mentioned above to deny bail to journalists and human rights defenders. The Court has granted 18 months to the government to rectify the defect in the law.

On 19 May, popular Tanzanian comedian Idris Sultan was arrested by police for 'bullying' President John Magufuli. Police officially questioned the comedian for allegedly violating the country's controversial Cybercrimes Act, after he published a video laughing at an old photograph of the President.<sup>312</sup> On 9 July 2020, Sultan appeared in court regarding his case.<sup>313</sup> Sultan faces charges of using an unregistered SIM card, however concerns were expressed that the arrest was politically motivated.<sup>314</sup>

The Written Laws Bill passed through the Tanzanian National Assembly on 27 June 2020, nine

days after it was made public, despite heavy criticism. The bill brings changes to the NGO Act, giving the government wide powers over civil society groups, including the right to evaluate, investigate their operations and suspend them.<sup>315</sup>

In late June, Tanzania's Information Services Department, which registers print media, announced that the license of leading media outlet Tanzania Daima would be revoked on grounds that Tanzania Daima breached "the law and professional ethics."<sup>316</sup> The paper is owned by the family of Freeman Mbowe, a prominent opposition politician.

On 6 July 2020, the Contents Committee of the TCRA suspended Kwanza Online TV, a privately owned local broadcaster.<sup>317</sup> In the letter sent by the Regulator, they cited a recent Instagram post by Kwanza TV that reposted a health alert from the US embassy in Tanzania warning of an "elevated" risk of COVID-19. The Regulator issued a statement officially suspending the broadcaster for 11 months and stating that the post was misleading and contravened professional standards.<sup>318</sup>

On 9 July 2020, Freeman Mbowe – Chairman of the Chadema opposition party, was attacked and hospitalised, in what his party has called a politically-motivated attack. Mbowe was attacked by armed men in Dodoma, who broke his leg and warned him against speaking out.<sup>319</sup> Mbowe had recently accused Presi-

309 The Citizen, "Journalist faces grave charges," 12 May 2020, <https://www.thecitizen.co.tz/news/-/Journalist-faces-grave-charges/1840340-5549848-br6mso/index.html> (accessed 6 November 2020).

310 Twitter, @bongochallenges, 24 July 2020, <https://twitter.com/bongochallenges/status/1286671567079051265> (accessed 6 November 2020).

311 Tanzanian Web, "The High Court of Tanzania has declared the whole section 148(5) of CPA un-constitutional," 18 May 2020, <https://www.tanzanianweb.co.tz/2020/05/the-high-court-of-tanzania-has-declared.html> (accessed 6 November 2020).

312 Okay Africa, "Tanzanian Comedian Idris Sultan Arrested for 'Cyber-Bullying' President," 22 May 2020, <https://www.okayafrika.com/idris-sultan-tanzania-arrested-for-bullying-president/> (accessed 6 November 2020).

313 The Citizen, "Comedian Idris Sultan charged with failure to register Sim Card, released on bail," 27 May 2020, <https://www.thecitizen.co.tz/news/Comedian-Idris-Sultan-arraigned-at-Kisutu-Resident-Magistrate/1840340-5565310-13veyhmz/index.html> (accessed 6 November 2020).

314 Amnesty, "Tanzania: Charges against comedian for laughing must be thrown out," 8 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/tanzania-charges-against-comedian-for-laughing-must-be-thrown-out/> (accessed 6 November 2020).

315 Amnesty, "Tanzania: Planned law amendments to prevent solidarity lawsuits must be rejected," 5 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/tanzania-planned-law-amendments-to-prevent-solidarity-lawsuits-must-be-rejected/> (accessed 6 November 2020).

316 CPJ, "Tanzanian government revokes license of Tanzania Daima newspaper," 26 June 2020, <https://cpj.org/2020/06/tanzanian-government-revokes-license-of-tanzania-daima-newspaper/> (accessed 6 November 2020).

317 CPJ, "Tanzania bans Kwanza Online TV for 11 months citing 'misleading' Instagram post on COVID-19," 9 July 2020, <https://cpj.org/2020/07/tanzania-bans-kwanza-online-tv-for-11-months-citing-misleading-instagram-post-on-covid-19/> (accessed 6 November 2020).

318 Twitter, @MariaSTsehai, 9 July 2020, <https://twitter.com/MariaSTsehai/status/1281273303836090368?s=20> (accessed 6 November 2020).

319 Al Jazeera, "Tanzania opposition leader attacked months before the elections," 9 June 2020, <https://www.aljazeera.com/>

dent Magufuli of being in a “state of denial” about the scale of COVID-19 in the country.<sup>320</sup>

On 6 August 2020, Fadhili Silwimba was sentenced to three years in jail, or a fine of 5 million Tanzanian shillings (2,150 USD), for insulting President Magufuli on Facebook.<sup>321</sup> The court stated that Siwimba was guilty of contravening cyber laws enacted in 2015, concerning cyber-bullying.

On 10 August 2020, new online content regulations were signed into law, concerning posting on social media.<sup>322</sup> The regulations – the Electronic and Postal Communications (Online Content) Regulations 2020, tighten state control over the internet and social media, by criminalising posting “rumours” or messages that “ridicule, abuse or harm the reputation, prestige or status of the United Republic of Tanzania”. In addition, the regulations also ban content on “the outbreak of deadly or contagious diseases in the country or elsewhere without the approval of the respective authorities,” which would include COVID-19.<sup>323</sup> The regulations also serve to further restrict the media, by banning local media outlets from broadcasting foreign content without government permission.<sup>324</sup> It is expected that this will most affect local stations that air content from international media outlets such as BBC, RFI, and Deutsche Welle, amongst others.

HRDs Tito Magoti, who works for the leading Tanzanian non-governmental organization, Legal and Human Rights Center (LHRC) and his colleague Theodory Faustine’s, case remains pending after being postponed for the fifteenth time on 5 August 2020.<sup>325</sup> They are being held

on non-bailable economic charges, which are widely regarded as politically motivated and as an attempt to silence HRDs.

## FREEDOM OF PEACEFUL ASSEMBLY

On 23 June 2020, opposition leader Zitto Kabwe and several members of his political party, Alliance for Change and Transparency (ACT), were arrested for “holding an unlawful assembly”, after they held an internal meeting in Kilwa district.<sup>326</sup> Kabwe had previously received death threats for questioning the World Bank loan to Tanzania, as reported in the previous period. Kabwe and the other party members were released on bail the following day, on 24 June.<sup>327</sup>

On 22 July 2020, three Special Rapporteurs released a written appeal calling for the Tanzanian government to allow for peaceful gatherings to take place ahead of the October 2020 election, and to meet commitments on information sharing and transparency concerning releasing COVID-19 statistics.<sup>328</sup>

Civic space and healthy democratic discourse have been steadily declining in Tanzania since the election of President Magufuli in 2015. It is not expected that there will be any improvement in the coming months and years, as Magufuli was just re-elected for a second five-year term.

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[news/2020/06/09/tanzania-opposition-leader-attacked-months-before-the-elections/](https://www.newvision.co.ug/news/2020/06/09/tanzania-opposition-leader-attacked-months-before-the-elections/) (accessed 6 November 2020).

320 New Vision, “Tanzania opposition says attack on leader ‘politically motivated’,” 9 June 2020, <https://www.newvision.co.ug/news/1520551/tanzania-opposition-attack-leader-politically-motivated> (accessed 6 November 2020).

321 The Standard, “Man jailed for insulting President Magufuli on social media,” August 2020, <https://www.standardmedia.co.ke/entertainment/showbiz/2001381331/man-jailed-for-insulting-president-magufuli-on-social-media> (accessed 6 November 2020).

322 The East African, “Posting ‘rumours’ on social media could land you in Tanzania jail,” 10 August 2020, <https://www.theeastafrican.co.ke/tea/news/east-africa/posting-rumours-on-social-media-could-land-you-in-tanzania-jail-1915620> (accessed 6 November 2020).

323 All Africa, “Tanzania: New TCRA Internet Use Rules Stirs Up Hot Debate,” 1 August 2020, <https://allafrica.com/stories/202008050070.html> (accessed 6 November 2020).

324 The Standard, “Crackdown on free press intensifies in Tanzania,” 10 August 2020, <https://www.standardmedia.co.ke/world/article/2001382047/crackdown-on-free-press-intensifies-in-tanzania> (accessed 6 November 2020).

325 Twitter, @samirasawlani, 5 August 2020, <https://twitter.com/samirasawlani/status/1291003726174486530> (accessed 6 November 2020).

326 Amnesty, “Tanzania: Opposition politicians arrested as crackdown escalates ahead of elections,” 24 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/tanzania-opposition-politicians-arrested-as-crackdown/> (accessed 6 November 2020).

327 Al Jazeera, “Tanzanian opposition leader Zitto Kabwe released on bail,” 24 June 2020, <https://www.aljazeera.com/news/2020/06/24/tanzanian-opposition-leader-zitto-kabwe-released-on-bail/> (accessed 6 November 2020).

328 UN News, “Rights experts call on Tanzania to end ‘crackdown’ on civic space,” 22 July 2020, <https://news.un.org/en/story/2020/07/1068831> (accessed 6 November 2020).





# UGANDA

## GENERAL SITUATION

Within this period, there have been ongoing rights violations in Uganda, in the context of the pandemic and the upcoming general election, which is scheduled for January 2021.

Popular opposition Member of Parliament, leader of the National Unity Platform (NUP), and musician, Robert Kyagulanyi (Bobi Wine), led an opposition to petition the UN Secretary-General on 4 May 2020, concerning the alleged worsening human rights situation in Uganda following the COVID-19 lockdown and curfew restrictions.<sup>329</sup>

As Uganda entered the final six months before the 2021 elections, there were increasing signs of restricting civic spaces, as the political climate became more tense. There was violence in relation to the ruling National Resistance Movement (NRM) party's primaries that took place throughout September.<sup>330</sup> On 5 September 2020, the former Deputy Attorney General and current Labour Minister, Mwesigwa Rukutana, was arrested after shooting at the vehicle of a supporter of his opponent and injuring the supporter.<sup>331</sup> He was later released on bail, with his case set to resume in November 2020.<sup>332</sup> Concerns have been expressed that the violence during the primary elections may be an indication of what may be expected during

the pending national elections, scheduled for January 2021.<sup>333</sup>

In addition, tensions have been rising between local and refugee communities in north western Uganda following deadly attacks on South Sudanese refugees by the local population.<sup>334</sup> In mid-September 2020, more than 10 refugees were killed, including a teenage girl and baby, 19 others injured, and 15 homes burned to the ground. It is reported that the violence began after a dispute at a shared tap in Rhino refugee settlement.<sup>335</sup>

## FREEDOM OF ASSOCIATION

On 18 May 2020, a Ugandan court ordered the release of 19 LGBT+ people who had been jailed for almost 50 days following a raid on the shelter they were staying at.<sup>336</sup> As previously reported in the monitor, the 19 people were accused of violating social distancing rules banning gatherings of more than 10 people. However, human rights groups said that authorities were using the restrictions to target sexual minorities. It was stated in court that the charges had been dropped following the Director of Public Prosecutions withdrawing the case.<sup>337</sup> On 20 August 2020, it was announced that two of the officials involved in the raid on an LGBTI+ shelter in Kampala, Uganda were facing charges in relation to the attack.<sup>338</sup>

A recently released report by Human Rights Awareness and Promotion Forum (HRAPF) together with Tranz Network Uganda, details the legal and policy environment that affects access to justice for transgender persons in Uganda.<sup>339</sup>

329 KFM, "Bobi Wine petitions UN over rights situation in Uganda," 5 May 2020, <https://www.kfm.co.ug/news/bobi-wine-petitions-un-over-rights-situation-in-uganda.html> (accessed 6 November 2020).

330 Twitter, @ntvuganda, 17 September 2020, <https://twitter.com/ntvuganda/status/1306477993527840768> (accessed 9 November 2020).

331 Twitter, @qataharraymond, 5 September 2020, <https://twitter.com/qataharraymond/status/1302152557075165189> (accessed 9 November 2020).

332 The Observer, "Minister Rukutana released on bail," 15 September 2020, <https://observer.ug/news/headlines/66569-minister-rukutana-released-on-bail> (accessed 9 November 2020).

333 Twitter, @ntvuganda, <https://twitter.com/ntvuganda/status/1302676203934019589> (accessed 9 November 2020).

334 VoA, "UNHCR Urges Investigations After 10 Refugees Killed in Uganda Water Conflict," 15 September 2020, <https://www.voanews.com/africa/unhcr-urges-investigations-after-10-refugees-killed-uganda-water-conflict> (accessed 9 November 2020).

335 The Guardian, "Uganda calls in troops as violence flares between refugees and locals," 15 September 2020, <https://www.theguardian.com/global-development/2020/sep/15/uganda-calls-in-troops-as-violence-flares-between-refugees-and-locals> (accessed 9 November 2020).

336 Twitter, @SMUG2004, <https://twitter.com/SMUG2004/status/1260473609883181057> (accessed 9 November 2020).

337 HRW, "Uganda: Drop Charges Against 19 Homeless Youth," 11 May 2020, <https://www.hrw.org/news/2020/05/11/uganda-drop-charges-against-19-homeless-youth> (accessed 9 November 2020).

338 Pink News, "Ugandan officials charged with inhuman treatment and torture after whipping and flogging 20 queer men," 20 August 2020, <https://www.pinknews.co.uk/2020/08/20/uganda-arrest-inhuman-torture-lgbt-homophobia-haji-abdul-kiyimba-philimon-woniala/> (accessed 9 November 2020).

339 Kuchu Times, "The impact of the legal and policy framework on access to justice for transgender persons in Uganda," 21 August

It was found that there is a situation of 'legal invisibility' for trans persons, and that transgender persons suffer violations of their rights as well as discrimination at the family, community and institutional levels.

## FREEDOM OF EXPRESSION/ACCESS TO INFORMATION

On 11 May 2020, General Henry Tumukunde, a leading opposition politician, was granted a non-cash bail and released from detention following a decision by the High Court in Kampala.<sup>340</sup> He had been arrested in connection with a statement made on local television concerning the Rwandan government supporting people who are working for change in Uganda. In early August 2020, Tumukunde announced that he planned to run for President as an independent candidate.<sup>341</sup>

In early July 2020, a former nurse, who recorded patients at a COVID-19 isolation ward in Masaka and posted the video on social media, was investigated after her video went viral.<sup>342</sup> In the video, patients complained of poor conditions and a lack of medication or treatment.<sup>343</sup>

On 23 July, musician Gerald Kiwewa was arrested in relation to a song he had recently released, which supposedly suggests a relationship between two well-known politicians.<sup>344</sup> Kiwe-

wa was arrested on allegations of defamation against the female politician in question. He was later released on 29 July.<sup>345</sup>

Four comedians, called the Bizonto comedy group, were arrested on 24 July 2020, for posting a video online, satirising the Ugandan government, President Museveni and heads of government bodies.<sup>346</sup> The video suggested that power is concentrated within officials who are from western Uganda, and led to the group being accused of promoting 'sectarianism' and 'causing hatred and unnecessary apprehension'.<sup>347</sup> Following news of their arrest, a campaign began on social media calling for their release.<sup>348</sup> The group were later released on police bond, on 29 July.<sup>349</sup> Concerningly, draft regulations were announced in late August 2020 that will require comedy performers to sign a code of ethics and have their scripts approved by a committee.<sup>350</sup> While the regulations are proposed as a way to regulate the industry, concerns have been voiced that they could be misused to stifle free expression.

Following this, on 27 July 2020, journalist and TV host Basajja Mivule was arrested concerning similar allegations of promoting violence and 'sectarianism'.<sup>351</sup> The arrest was reportedly in connection to a video shared on Facebook, where Mivule had made more direct statements concerning the concentration of power within senior military and government officials

2020, <https://www.kuchutimes.com/2020/08/hrapf-and-tnu-release-study-on-impacts-of-the-legal-and-policy-framework-on-access-to-justice-for-transpersons-in-uganda/> (accessed 9 November 2020).

340 Twitter, @newvisionwire, 11 May 2020, <https://twitter.com/newvisionwire/status/1259763713948692482> (accessed 9 November 2020).

341 Daily Monitor, "Tumukunde to run as independent," 11 August 2020, <https://www.monitor.co.ug/News/National/Tumukunde-independent-Covid-rules-Kisoboka/688334-5607396-fliwpd/index.html> (accessed 9 November 2020).

342 Daily Monitor, "Covid-19 patient who filmed 'appalling' treatment centre under probe, says RDC," 2 July 2020, <https://www.monitor.co.ug/News/National/Covid-19-patient-filmed-treatment-centre-under-investigation-RDC/688334-5586836-s2smb/index.html> (accessed 9 November 2020).

343 New Vision, "Masaka COVID-19 patients complain of hospital filth, poor conditions," 2 July 2020, <https://www.newvision.co.ug/news/1521929/masaka-covid-19-patients-complain-hospital-filth-poor-conditions> (accessed 9 November 2020).

344 The Observer, "Musician Gerald Kiwewa arrested over 'Nantaba' song," 23 July 2020, <https://observer.ug/news/headlines/65815-gerald-kiwewa-arrested-over-nantaba-song> (accessed 9 November 2020).

345 Nile Post, "Bizonto, Kiweewa "unconditionally" set free," 28 July 2020, <https://nilepost.co.ug/2020/07/28/bizonto-kiweewa-unconditionally-set-free/> (accessed 9 November 2020).

346 HRW, "Uganda Criminalizes Comedians Over Satirical Video," 27 July 2020, <https://www.hrw.org/news/2020/07/27/uganda-criminalizes-comedians-over-satirical-video> (accessed 9 November 2020).

347 Uganda Police Force, "5 Arrested over Sectarianism," <https://www.upf.go.ug/5-arrested-over-sectarianism/> (accessed 9 November 2020).

348 VoA, "Uganda's Free Speech Advocates Call For Release of Comedians in Custody," 28 July 2020, <https://www.voanews.com/africa/ugandas-free-speech-advocates-call-release-comedians-custody> (accessed 9 November 2020).

349 See footnote 352.

350 Global Press Journal, "Comedians Fear Regulations Will Destroy Political Satire," 30 August 2020, <https://globalpressjournal.com/africa/uganda/ugandan-comedians-fear-new-regulations-will-destroy-political-satire/> (accessed 9 November 2020).

351 The Observer, "Baba TV host Basajja Mivule arrested over sectarianism," 27 July 2020, <https://observer.ug/news/headlines/65833-baba-tv-host-basajja-mivule-arrested-over-sectarianism> (accessed 9 November 2020).





who are from western Uganda.<sup>352</sup> Mivule is known for his criticism of government corruption and it has been suggested that his arrest was politically motivated.<sup>353</sup> Mivule was also released on police bond, on 29 July.<sup>354</sup>

An annual report released by the Human Rights Network for Journalists in Uganda (HRNJ-U),<sup>355</sup> on 30 July 2020, named the police as the top violator of press and media freedom for the third year in a row.<sup>356</sup>

On 7 September 2020, the Ugandan Communications Commission issued a public notice stating that anyone wishing to publish information online needs to be issued a license before 5 October.<sup>357</sup> This will mostly affect online users who are paid for published content, such as bloggers.<sup>358</sup> Concerns have been raised as public gatherings are currently restricted in Uganda due to COVID-19 prevention measures, leaving media and online campaigning as the only allowed methods of campaigning ahead of the 2021 elections.<sup>359</sup>

On 26 September 2020, a High Court in Mbale adjourned a case filed by Robert Kyagulanyi, concerning him being blocked by police from attending a talk show on a radio station in Mbale.<sup>360</sup> The magistrate pushed the case to 26 October citing Kyagulanyi's non-appearance in court.<sup>361</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

On 18 May 2020, locals in the Namugoona suburb of Kampala staged a demonstration blocking roads and burning wood in protest of delayed government food relief.<sup>362</sup> The demonstration comes after much debate concerning the prioritisation of food relief from the government to certain areas over others.

Dr Stella Nyanzi and several others were arrested in Kampala for protesting over slow distribution of government food relief to vulnerable people, on 18 May 2020.<sup>363</sup> They were arrested as they walked to the Office of the Prime Minister to deliver a petition concerning food relief and asking for the government to consider needy citizens stuck abroad.<sup>364</sup> Dr Nyanzi is a vocal critic of President Museveni and was recently released from prison, having spent 18 months in detention for insulting President Museveni. Nyanzi has since been released.

On 20 May 2020, the Inspector General of Police, Martins Okoth Ochola was asked to pay court costs after a judge ruled that he had illegally stopped a concert of opposition politician and musician, Robert Kyagulanyi. It was ruled that the decision-making process and the decision itself to indefinitely stop the event managers from organising a concert was illegal and an abuse of police power.<sup>365</sup> Ochola had previous-

352 Facebook, Basajjamivule Official, 27 July 2020, <https://www.facebook.com/basajjamivuleofficial/videos/748020669073269/> (accessed 9 November 2020).

353 International Press Institute, "Ugandan TV host Basajja Mivula arrested," 27 July 2020, <https://ipi.media/ugandan-tv-host-basajja-mivula-arrested/> (accessed 9 November 2020).

354 Twitter, @JKabuleta, 29 July 2020, <https://twitter.com/JKabuleta/status/1288500031058841601> (accessed 9 November 2020).

355 HRNJ Uganda, "Press Freedom Index Report – 2019," 30 July 2020, <https://www.hrnjuganda.org/download/reports/PRESS-FREEDOM-INDEX-2019WATCHDOG-Braving-Hostility-To-Serve.pdf> (accessed 9 November 2020).

356 Daily Monitor, "Police tops list of media freedom violators again," 30 July 2020, <https://www.monitor.co.ug/News/National/Police-tops-list-of-media-freedom-violators-again/688334-5601466-i35bfuz/index.html> (accessed 9 November 2020).

357 Amnesty, "Uganda: Government to license online posts in fresh assault on freedom of expression," 9 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/uganda-government-to-license-online-posts-in-fresh-assault-on-freedom-of-expression/> (accessed 9 November 2020).

358 AP, "Uganda seeks to register online bloggers ahead of election," 9 November 2020, <https://apnews.com/article/uganda-technology-media-online-media-elections-ba99e5a53f5397b2c307bab02b55e743> (accessed 9 November 2020).

359 VoA, "Ugandan Online Users Protest New Regulation," 12 September 2020, <https://www.voanews.com/africa/ugandan-online-users-protest-new-regulation> (accessed 9 November 2020).

360 The Observer, "9 arrested as police blocks Bobi Wine from BCU FM," 9 August 2020, <https://observer.ug/news/headlines/66036-9-arrested-as-police-blocks-bobi-wine-from-bcu-fm> (accessed 9 November 2020).

361 New Vision, "Bobi Wine's case deferred to October," 26 September 2020, <https://www.newvision.co.ug/news/1527939/mbale-bobi-wine-case-deferred-october> (accessed 9 November 2020).

362 Twitter, @nbstv, 18 May 2020, <https://twitter.com/nbstv/status/1262323671009542144> (accessed 9 November 2020).

363 Al Jazeera, "Uganda arrests Stella Nyanzi at protest over coronavirus response," 19 May 2020, <https://www.aljazeera.com/news/2020/05/19/uganda-arrests-stella-nyanzi-at-protest-over-coronavirus-response/> (accessed 9 November 2020).

364 Daily Monitor, "Dr Stella Nyanzi, Bajjo and several others arrested over food protest," 18 May 2020, <https://www.monitor.co.ug/News/National/Dr-Stella-Nyanzi-Bajjo-several-others-arrested-over-food-protest/688334-5556030-106eci9z/index.html> (accessed 9 November 2020).

365 The Observer, "Torture: Judges punish errant police officers," 20 May 2020, (accessed 9 November 2020).

ly personally written to all police units in 2019, following the enactment of the Human Rights (Enforcement) Act, to warn about strict repercussions of violating human rights.

On 1 June 2020, it was reported that two Members of Parliament had been arrested for allegedly mobilising protesters in order to demand the closure of a border town with South Sudan, following a rise in COVID-19 cases.<sup>366</sup> Those protesting were demonstrating against the border being kept open for long-haul truck drivers, who have represented a large proportion of COVID-19 cases in Uganda, being allowed to enter the country. An army official stated that all means “including force” would be used to prevent people from demonstrating.<sup>367</sup> The two MPs arrested were Gilbert Olanya and Samuel Odonga Otto, from Kilak county.

On 15 June 2020, the main opposition leaders in Uganda, Robert Kyagulanyi of the NUP and Kizza Besigye of the Forum for Democratic Change party declared that they would be uniting in demonstration against President Yoweri Museveni.<sup>368</sup> They called upon Ugandans to join them in peaceful protests on 16 June, by making noise at 1pm to show their anger towards the government. On the first day of protesting, police arrested Moses Bigirwa, coordinator of the NUP in Busoga region, for noise pollution.<sup>369</sup>

On 6 July 2020, there was a demonstration in Busia town to protest the COVID-19 lockdown.<sup>370</sup> It was reported that both traders and

taxi drivers had joined to protest their loss of livelihoods during the lockdown.<sup>371</sup>

Dr. Stella Nyanzi and two students were arrested on 16 July 2020, for protesting outside of the Ugandan parliament, concerning the death of a Makerere University student two weeks earlier.<sup>372</sup> Nyanzi and a group of students were demonstrating to call for investigation into the student’s death, which was reportedly caused by mob-action. One week earlier, Nyanzi was arrested while protesting the continued closure of arcade markets in downtown Kampala,<sup>373</sup> on 8 July 2020 and later released on bail.<sup>374</sup>

On 30 July 2020, six traders were arrested after holding a demonstration in Kampala, concerning the extended closure of market arcades.<sup>375</sup> Just the day before, police had used live ammunitions to disperse a similar protest held by traders.<sup>376</sup>

On 17 September 2020, police fired rubber bullets and teargas on youth who were protesting in Kampala. It is reported that they were protesting in support of the NUP.<sup>377</sup>

366 Andalou Agency, “Uganda: 2 MPs detained for leading COVID-19 protest,” 1 June 2020, <https://www.aa.com.tr/en/africa/uganda-2-mps-detained-for-leading-covid-19-protest/1861022> (accessed 9 November 2020).

367 Daily Monitor, “Busia Municipality MP arrested for defying Covid-19 directives,” 30 May 2020, <https://www.monitor.co.ug/News/National/Two-MPs-arrested-for-leading-protest-rising-Covid-19-cases/688334-5568594-2vt9je/index.html> (accessed 9 November 2020).

368 VoA, “Uganda’s Main Opposition Leaders Unite, Call for Peaceful Protests,” 15 June 2020, <https://www.voanews.com/africa/ugandas-main-opposition-leaders-unite-call-peaceful-protests> (accessed 9 November 2020).

369 The Observer, “People Power coordinator arrested over noise pollution,” 16 June 2020, <https://observer.ug/news/headlines/65289-people-power-coordinator-arrested-over-noise-pollution> (accessed 9 November 2020).

370 The Independent, “Teargas rocks Busia town as taxi drivers protest again,” 6 July 2020, <https://www.independent.co.ug/teargas-rocks-busia-town-as-taxi-drivers-protest-again/> (accessed 9 November 2020).

371 Twitter, @nbstv, 7 July 2020, <https://twitter.com/nbstv/status/1280444346018476032> (accessed 9 November 2020).

372 Uganda Radio Network, “Nyanzi, Students Arrested Over Makerere Student Death Protest,” 13 July 2020, <https://ugandaradionetwork.net/story/nyanzi-students-arrested-over-makerere-student-death-protest> (accessed 9 November 2020).

373 All Africa, “Uganda: Stella Nyanzi Arrested Over Arcade Closure Demo,” 8 July 2020, <https://allafrica.com/stories/202007090073.html> (accessed 9 November 2020).

374 The Independent, “Dr Stella Nyanzi released on bail,” 10 July 2020, <https://www.independent.co.ug/dr-stella-nyanzi-released-on-bail/> (accessed 9 November 2020).

375 All Africa, “Uganda: Six Traders Arrested in Demo Over Closure of Arcades,” <https://allafrica.com/stories/202007300755.html> (accessed 9 November 2020).

376 New Vision, “Police disperse rowdy arcade traders in Kampala,” 29 July 2020, <https://www.newvision.co.ug/news/1523634/police-disperse-rowdy-arcade-traders-kampala> (accessed 9 November 2020).

377 Twitter, @newvisionwire, 17 September 2020, <https://twitter.com/newvisionwire/status/1306553533580423171> (accessed 9 November 2020).





DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders throughout the sub-region by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

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