

81st Session of the African Commission on Human and Peoples' Rights

Observer Status No. 359

Honourable Chairpersons,  
Distinguished Commissioners,  
State Delegates represented,  
Ladies and gentlemen,

We appreciate the opportunity to raise concerns regarding the situation of exiled Human Rights Defenders (HRDs) across the continent, particularly their rights to life, liberty, security, and freedom of expression, including access to information and the ability to publish and disseminate it.

HRDs play a crucial role in promoting good governance, accountability, and democratic practices. They serve as watchdogs, holding governments accountable and advocating for the rights of marginalized populations. By illuminating injustices and mobilizing civil society, HRDs contribute to the strengthening of democratic institutions and the protection of human rights. Their work is vital for fostering transparency and ensuring that citizens can participate meaningfully in governance processes.

In East Africa, we are alarmed by the transnational repression tactics employed by the governments of Rwanda and South Sudan, which includes the abduction and enforced disappearance of HRDs residing outside their jurisdictions. The abduction of vocal government critic Morris Mabior Awkjok Bak from Nairobi, Kenya, and his subsequent arbitrary detention for over a year on baseless defamation charges exemplifies this troubling trend. Similarly, reports indicate that Rwandan refugee rights' advocate, Yusuf Ahmed Gasana, a critic of the Rwandan government was abducted from his home in Kenya in May 2023, has been sighted in clandestine detention facilities in Rwanda. We also note the abduction and subsequent arrest of Cameroonian online critic Steven Akam, who had lived in Gabon before being forcibly returned to Cameroon in handcuffs. It is imperative to raise the political costs associated with transnational repression, as collaborations among state security apparatuses jeopardize the lives of human rights defenders, leading to their refoulement, arbitrary arrest and incommunicado detentions.

We also express deep concern over the ongoing hostilities in Sudan, which have displaced over ten million people, including many HRDs. While we commend the Commission's willingness to collaborate with international human rights mechanisms to investigate these violations, we are troubled by the lack of cooperation from Egypt, Ethiopia, the Central African Republic, and South Sudan regarding the UN Human Rights Council Fact-Finding Mission. We urge the Commission to formally appeal to these countries to ensure access for

the Fact-Finding Mission, enabling it to fulfill its mandate and promote accountability for the violations committed during the conflict.

Moreover, we highlight the increasingly hostile refugee policies across the continent, which are obstructing thousands of HRDs fleeing persecution and conflict. The growing disdain for sub-Saharan migrants in North Africa, particularly in Tunisia, is particularly alarming. We call upon the Commission to urgently appeal to these states for their cooperation in assisting those seeking refuge. We call on the Commission to respond to this issue by issuing a communique calling for improved refugee policies to support HRDs by recognizing them as those requiring critical status.

In Eswatini, the intimidation and harassment faced by WHRD Tanele Maseko, who advocates for justice following the assassination of her husband, pro-democracy lawyer Thulani Maseko, further illustrates the perilous environment in which HRDs operate.

In light of these pressing issues, we respectfully urge the Commission to unequivocally condemn transnational repression and call for the immediate and unconditional release of human rights defenders unlawfully detained. Furthermore, we call on the Commission to allocate resources for a comprehensive review of refugee and visa policies across the region, advocating for the prioritization of human rights defenders in these processes to ensure their protection and due process rights.

Thank you for your attention and consideration of our concerns and recommendations.