

SITUATION OF HUMAN RIGHTS IN AFRICA

Sub-regional Reports on Human Rights and Democracy in 2017



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I. INTRODUCTION

The situation of human rights and democracy in Africa has always been a major concern for African civil society organizations as borne out in this report drawn from meetings of the NGO Forum meetings and the specific interest groups deliberating during the different sessions preceding the meetings of the African Commission on Human and Peoples' Rights (ACHPR) in 2017.

During this period, the situation of human rights and democracy has been marked by some improvement but with a recurrence of violations of human rights and democratic principles in the continent.

Developed as an advocacy tool of the ACDHRS, the main aim of the NGOs Forum is to foster closer collaboration among NGOs and with other human rights bodies, especially the African Commission on Human and Peoples' Rights for the purpose of promoting and protecting human rights in Africa and consolidating our various contributions to this process. A good number of NGOs have been made aware of the existence of the African Commission on Human and Peoples' Rights and its special mechanisms and mandates through such an initiative. It has also led to the engagement of many an individual and organisation with the human right system.

The agenda of the Forum developed through consultations with participants and partners will avail us

an opportunity to review the situation of democracy and human rights on the continent.

The specific interest groups are various and evolving at that, because they result from the requests made by the participants. They include:

1. Prisons, Conditions of Detention/Order Maintenance in Africa
2. Rights women in Africa
3. Human Rights Defenders/Freedom of Association and assembly in Africa
4. Freedom of Expression and Access to Information in Africa
5. Prevention of Torture in Africa
6. Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa
7. Indigenous Populations/Communities in Africa
8. Economic, Social and Cultural Rights in Africa
9. Death Penalty and Extrajudicial Executions, Summary and Arbitrary Killings in Africa

10. Rights of Elder Persons and People with Disabilities in Africa
11. People living with HIV and Those at Risk, Vulnerable and Affected by HIV
12. Extractive Industries, Environment and Human Rights Violations
13. Sexual Orientation and Gender Identity (SOGI)
14. Peace and Security in Africa
15. Rights of Children and Youth
16. Enforced disappearances
17. Land and Housing Rights
18. Independence of Judges and Lawyers

II. SITUATION OF HUMAN RIGHTS AND DEMOCRACY IN AFRICA

II.1. THEMATIC SUMMARY

In reviewing the situation of human rights and democracy on the continent, the Forum acknowledged that there were some positive developments, including the criminalisation of torture, the banning of female genital mutilation, the campaign against early and or forced child marriage and the Campaign on the Decriminalization of Abortion in Africa, among others.

Democratic regime changes such as that observed in the Gambia, the adoption of parity laws in Tunisia following the democratic transition, the adoption of laws on the protection of human rights defenders in Côte d'Ivoire, Burkina Faso and Mali. However, despite these few improvements, a lot more needs to be done as many African countries continue to face challenges before, during and post elections. Reports on the increasing threats of conflict; insecurity; disease; poverty; corruption; food insecurity; discrimination of marginalized groups; high unemployment; arbitrary detention and extrajudicial killings; violence; torture; attacks on human rights defenders (HRDs), especially women HRDs; access to information; the freedom of expression, religion, association and assembly coupled with rise in terrorist attacks on innocent citizens and many other human rights violations have undeniably brought untold suffering and

even death to the citizenry of the concerned countries, particularly to the women and children.

The treatment of women, victims of sexual violence, extremism, or harmful traditional practices were also urgent issues. The Forum therefore welcomes the development of the Guidelines on Combating Sexual Violence and its consequences in Africa with much optimism and sincerely hopes that it will respond to the urgent needs of female victims. The Forum was privileged to receive testimonies of victims of sexual violence, thereby substantiating the fact that these social ills abound and the culture of silence had sustained its anonymity. The Forum agreed that the unmasking of this ugly phenomenon needs to be as brutal as the crime and ensure that victims have the courage to absolutely unveil these cruel and harmful acts of wickedness mostly done to women.

The Forum noted the complacency of some States in dealing with these issues and therefore call on the African Commission to urge States that have not yet signed the Declaration to the Protocol to the African Court to do so. This will allow access by many such victims, individuals and other groups, to seek justice.

Conflict is rife and the attendant casualties, of mostly the women and young girls bear the brunt of such fatalities as is manifest in many countries including Burundi, Central Africa Republic, DRC, Nigeria and Sudan. The Forum

reiterated its call to the African Commission to convene an open panel and interactive session on conflicts and human rights in Africa in order to open up space for wider constructive consultation and discussion on strategies and to make recommendations aimed at collectively responding to conflicts in Africa; and to use its powers under Article 58 of the African Charter on Human and Peoples' Rights to ensure that these cases are brought to the attention of the Assembly of Heads of State and Government.

The continuing human rights violations and abuse experienced by lesbian, bi-sexual and transwomen, especially in Burundi, Kenya, Nigeria, Senegal, Sudan, Tanzania and Uganda is a real cause for concern. The social construct and value system placed on women by law and religion has had an adverse effect and as a result these women face discrimination, social injustice and violations ranging from rape, blackmail, extortion, sexual harassment, among others. The Forum would wish to call on the African Commission to encourage more exchanges with these groups to create a better understanding of the situation of these marginalised groups.

The threat of terrorist and violent extremism is real and remains a frightening and very disturbing phenomenon that has traumatised civilians in many African states, particularly the women and the children. It is an open secret that many African countries have become victims of

such circumstance and are struggling to address the security challenges it generates, as a result.

Countering terrorism strategies in some countries has unfortunately done more harm than good and has led to grave violations of human rights and the rule of law. Moreover, counter terrorism is used as a pretext to limit the work of civil society, violating the freedom of association, among others thus curtailing the effective contribution of civil society in these countries. The Forum, therefore, recommends that the African Commission on Human and Peoples' Rights undertake a fact finding mission to the countries in question with a view to determining the extent to which States have or have not adhered to the Principles and Guidelines on Human and Peoples' Rights while countering terrorism.

Violations related to Freedom of Expression and Access to Information still abound. The existence of draconian laws which curtail the enjoyment of rights of citizens, censorship and cyber laws institutionalizing Internet restrictions and blockages especially in countries that host African Union mechanisms remain disconcerting. The African Commission is urged to call on States to remove or amend laws that are not in compliance with protection guaranteed in national constitutions and under regional and international law. Moreover, the attention of States should be brought to the access to information model law developed by the African Commission and urged to

widely disseminate the process on how citizens can access information.

Women and children constitute the largest group of victims in any armed conflict particularly in Africa when peace and security is threatening. It is disheartening to note that they are victims of rape, torture, summary executions and sexual violence from armed groups, security forces and other parties to the conflict. Although 19 countries have adopted and developed action plans in accordance with United Nations Security Council Resolution 1325, there is a discrepancy between law and practice as the level of implementation is not evident

In States where extractive industries flourish, corruption, lack of accountability and poor management of natural resources thrive. It is an understatement that these challenges are often accompanied by widespread abuse of women and girls in the concerned communities.

HRD including Women HRDs are particularly stigmatized and their situation is precarious. The primary challenge of fighting the negative stereotyping of HRDs as synonymous with the political opposition is an uphill task in many of these countries.

The situation of prisons and places of detention with special reference to its female inmates also came under scrutiny. It was noted that imprisonment rates for women offenders increased by 50% since 2000 compared to overall

prison population growth of 18%. Despite this growth, women and girls in prison remain ignored as a population within the penal system, with little focus on the gender specific consequences of abuses of women prisoner's rights.

III. CONCLUSION

In reviewing the situation of human rights and democracy on the continent, the Forum acknowledged that there were some positive developments, including the criminalisation of torture, the banning of female genital mutilation, the campaign against early and or forced child marriage and the Campaign on the Decriminalization of Abortion in Africa, among others.

Democratic regime changes such as that in The Gambia, the adoption of parity laws in Tunisia following the democratic transition, the adoption of laws on the protection of human rights defenders in Côte d'Ivoire, Burkina Faso and Mali are encouraging signs in the process of democratization.

However, despite these few improvements, a lot more needs to be done as many African countries continue to face challenges before, during, and after elections. Reports on the threats of conflict, insecurity, disease, poverty, corruption, food insecurity increase by the day. The list is unending as people suffer from discrimination of marginalized groups, high unemployment, arbitrary

detention and extrajudicial killings, violence, torture, attacks on human rights defenders (HRDs), especially women HRDs, lack of access to information and freedom of expression. Adherents to religion are not spared as are those who wish to associate and assemble. The rise in terrorist attacks on innocent citizens and many other human rights violations have undeniably brought untold suffering and even death to the citizenry of the concerned countries, particularly to the women and children.

IV. SUB-REGIONAL REPORTS

Central Africa Sub-region – May 2017

The report covers a six (6) months period after the last NGOs Forum and the 59th ordinary session of the African Commission on Human and Peoples' Rights (ACHPR) that was held in Banjul, The Gambia in October, 2016.

Despite the adoption by the ACHPR of the report on freedom of association and assembly during its 54th ordinary session, the titanic work of the instrument that could be used as a jurisprudence on freedom of association and assembly in Africa, the situation remains a challenge.

Since the situation cannot be returned to the way it was six months ago, the report will focus on countries where freedoms of association, assembly and expression remains a challenge namely:

1) Central African Republic: The Law No. 61/233, which regulates freedom of assembly, dates back to May 27, 1961. It is more or less respected because since the Central African Republic has experienced its elections, its establishment of legal and judicial institutions, the restoration of This is an opportunity to welcome the inclusive dialogue between state actors and the

government which I Military Justice which abolishes the death penalty on step forward for human rights defenders fighting for the abolition of the death penalty.

2) Democratic Republic of association and assembly is still in force despite restrictions. Violations of freedoms occurrences. Every day we witness defenders. We can also note the arrests on who were incarcerated and released later on more than 10 defenders including freedoms are very frequent in North and South Kivu. 3) Republic of Congo Brazzaville system of associations to this day. On the 23rd of March 2017, the Prime Minister Clement Central Africa Human Rights Defenders Network -----

----- 60th ordinary session of the African on Human and Peoples Rights (ACHPR). Niamey- Niger/ 4- 6, 8- 22 May 2017 e Human Rights Defenders faced with the restriction of Fundamental and Democratic Freedoms in Central Africa, 6 months after the NGO Forum and the 59th session of the ACHPR held in Banjul on the 2016”. Six months ago, during the last NGO forum and at the commission, REDHAC - electoral situation and massive human rights violations the situation of human rights and human rights defenders sought that these texts of crucial importance of the Commission could improve the situation in the 8 countries covered by REDHAC in Central Africa. On the contrary, we are witnessing, in fact,

the permanent and increasingly systematic restriction of the by the ACHPR of the report on freedoms of association and assembly 54th ordinary session from the 22nd October to the 5th November 2013 in Banjul, The Gambia, despite the titanic work of the Commission adopted during this session the guidelines, at could be used as a jurisprudence for the full enjoyment of free in Africa, the current situation in Central Africa is very worrying. the situation that we had six months ago, we will briefly discuss the emblematic cases in the countries where we have observed violations of the rights to freedom o association, assembly and expression by focusing on 2 countries: Cameroon, Equatorial Guinea. Country by country, we have: The Law No. 61/233, which regulates freedom of association and May 27, 1961. It is more or less respected because since the Central African Republic has experienced its elections, it has been facing other challenges such as the establishment of legal and judicial institutions, the restoration of the authority in the territory. This is an opportunity to welcome the inclusive dialogue between the civil society, other non state actors and the government which led to the adoption of the Law No. 17.012 on the Code of Military Justice which abolishes the death penalty on the 7th of March 2017. This is a significant step forward for human rights defenders fighting for the abolition of the death penalty. c Republic

of Congo: The Law No. 196 of 29 January 1999 on freedom of expression is still in force despite the Law No. 004 of 21 July 2001 with numerous restrictions. Violations of freedoms of association and assembly have become commonplace occurrences. Every day we witness the violation of these freedoms and the reprisals against the defenders. We can also note the arrests on the 12th of April 2017 of 33 militants detained and released later on. Only in the last 6 months, REDHAC has released more than 10 defenders including a woman in other African countries. These violations of freedoms are very frequent in North and South Kivu. Republic of Congo Brazzaville: In Congo Brazzaville, the law of 1901 regulates the system of associations to this day. On the 23rd of March 2017, the Prime Minister Clement 1 ordinary session of the African Commission faced with the restriction of Fundamental and Democratic Freedoms in Central Africa, 6 months after the NGO the 17th October the commission, REDHAC got adopted two electoral situation and massive human rights violations" in defenders» in DRC. the Commission could improve the situation in the 8 countries covered by REDHAC in Central Africa. On the contrary, we are witnessing, in fact, the permanent and increasingly systematic restriction of the civil society's by the ACHPR of the report on freedoms of association and assembly at the 2013 in Banjul, The Gambia, the guidelines, a legal for

the full enjoyment of freedoms of is very worrying. will briefly discuss the violations of the rights to freedom of 2 countries: Cameroon, Equatorial Guinea. eedom of association and May 27, 1961. It is more or less respected because since the Central hallenges such as the authority in the territory. civil society, other nonLaw No. 17.012 on the Code of March 2017. This is a significant step forward for human rights defenders fighting for the abolition of the death penalty. 196 of 29 January 1999 on freedom of Law No. 004 of 21 July 2001 with numerous have become commonplace the violation of these freedoms and the reprisals against the militants from La Lucha months, REDHAC has relocated . These violations of In Congo Brazzaville, the law of 1901 regulates the system of associations to this day. On the 23rd of March 2017, the Prime Minister Clement 2 MOUAMBIA, the authorities of the Republic of Congo prohibited the peaceful march of ADHUC and other civil society organizations for the "promotion and protection of human rights" as this march was aimed at raising awareness on the human rights situation in Congo and especially in the Pool Department.

4) Republic of Chad: The Ordinance No. 27 / INT-SUR of the 28th of July 1962 and the Decrees No. 166 (Associations of Foreign Law) of the 25th of August 1962 govern the associations, foundations, religious associations, charitable or assistance associations, the

associations established for the purpose of promoting education or providing cultural assistance and all associations in general. But arrests and convocations are common. On the 6th of April 2017, the arrest of Mr. Nadjo KAINA, spokesman for "Iyina" and coordinator of Tournons la Page-Chad, was arrested and on the 16th of April 2017, the arrest of Mr. Bertrand Sollo NGANDJEI, Rapporteur of the Citizen Movement "Iyina" by the ANS agents (National Security Agency). They are still detained to this day. Any demonstration is strongly repressed by the police officers and the army. This was exacerbated by the adoption of the Law No. 34 / PR / 2015 of 30 July 2015 on the Repression of Acts of Terrorism. 5) Republic of Gabon: The Law No. 3/91 of the 26th of March 1991 on the Constitution of the Gabonese Republic states in article 1, paragraph 13: "The right to form associations, political parties or formations, trade unions, corporations, institutions of social as well as religious communities is guaranteed to everyone under the conditions laid down by law ". In addition, associations are governed by the Law No. 35/62 of the 10th of December 1962 on associations. By Order No. 006 / MISPD of the 17th of March 2017, the Minister of the Interior dissolved the National Convention of Trade Unions of the Education Sector (CONASYSED). Without going back on the post- electoral crisis in Gabon during the presidential elections

in August 2016, several defenders and journalists chose forced exile for fear of reprisals, like for instance the Director of the publication ECHO du NORD Mr. Désiré ENAM. Although we can note quite calm situation, the bases for establishing a dialogue are controversial.

Associations working on the issues of ritual crimes are constantly threatened, namely the Association for the Fight Against Ritual Crimes (ALCR). The two countries below are the object of our presentation. 1) Republic of Cameroon : The Law No. 90-55 of 19 December 1990 governing assemblies and public demonstrations. It is variously appreciated by the sub-prefects in charge of its implementation. They have transformed the declaration receipt into an authorization regime, which allows them to deny organizations the right of assembly and association for the "risk of disturbing public order". Since July 2013 the State of Cameroon has entered into conflict against the terrorist sect Boko Haram. On the 23rd of December 2014, it adopted the law n ° 2014/028 on the repression of acts of terrorism. We must return to article 2, paragraph 1, which stipulates and is used today to repress all peaceful demonstrations. Worrying cases: freedom of expression in danger: 1) July 2015, the journalist, correspondent of RFI in the Haoussa language, was arrested in the Extreme North of Cameroon in the city of Maroua. Accused of acts of terrorism, he is tortured in the DGRE, 2 years of trial

before the military court, and after the indictment of the government commissioner who requested the death penalty in accordance with the aforementioned article, 24 April 2017: he is found guilty of "No denunciation and laundering of the proceeds of terrorism and is sentenced to 10 years imprisonment and 55 million FCFA fines to be paid to the State. 3 2) Since the 8th, 10th and 21st of November 2016, the whole world has assisted to the sociopolitical crisis in the South and North-West regions. Initially, it consisted in the demands of English-speaking lawyers who requested the English translation of the penal code which had just been adopted by the National Assembly and promulgated by the President of the Republic, secondly, teachers and students who were demonstrating for the best conditions of work and study. To better manage these demands, the leaders set up a network called CACSC (Consortium of Anglophone Civil Society in Cameroon). The Cameroonian authorities have taken the army out to repress peaceful demonstrations.

Arbitrary arrests: in addition to the three leaders who represent the Consortium (Mr. Nkongho Agbor-Balla, Prof. Fontem A'Neba, Mr. Mancho Bibixi, Radio commentator, to date more than 200 people have been arbitrarily arrested. They are currently detained in different Cameroonian prisons, 18 in Buea, 50 in Bamenda, 100 in Yaoundé. The average age of these demonstrators is

24. The 08 in front of the Yaoundé Military Court have been accused by the Government Commissioner, of terrorism acts, rebellion, secession, apology for terrorism. The Government Commissioner who represents the Public Prosecution Service has requested the death penalty in accordance with Article 2 A11 of the December 2014 Law on Repression of terrorism acts (here attached the list of demonstrators detained only in the prisons of Yaoundé). Although the Minister of Communication - spokesman of the government acknowledges 61 people arrested in the context of this crisis, REDHAC and other civil society organizations have counted at least 300 people. Violations of freedom of association: on the 17th of January 2017, before the arrest of the leaders and by decree No.

00000009/A/MINATD/CAV of the Minister of Territorial Administration and Decentralization (MINATD), René Emmanuel SADI, of the 17th of January 2017 prohibits the activities of the Cameroon Anglophone Civil Society Consortium (CACSC). Violations of freedom of expression: Since the outbreak of this crisis 1 press organ has been closed, 8 journalists arrested in both regions. Violation of the right to Internet law: Since January 2017, the date of the last wave of arrests of demonstrators and leaders, the authorities have cut off the Internet connection in both zones. They restored the Internet connection on the 20th of April 2017 after a United

Nations mission that has been hosted in Cameroon. SPECIAL RECOMMENDATIONS FOR THE SITUATION IN CAMEROON REDHAC calls on the participants of the NGO Forum to propose the resolution on "RESOLUTION ON THE ANGLOPHONE CRISIS IN CAMEROON" to the ACHPR for adoption (see draft) REDHAC asks the participants of the NGO Forum to sign the petition which circulates in order to demand the release of all the demonstrators arrested during this crisis. REDHAC requests the ACHPR to examine during this session its complaint on violation of articles 6 and 7 (1) (d) of the African Charter on Human and Peoples' Rights filed by REDHAC against the State of Cameroon. 2) Equatorial Guinea: The Guinean constitution regulates in its articles 10, paragraph 2, 14 and 18, paragraph 3, the right to freedom of association. It sets out the principle of freedom 4 for Guineans to join associations or societies as well as trade unions in order to collectively exercise their political, economic, social or cultural rights and activities.

Arbitrary arrests and detentions: after the suspension on 16th of March 2016 of the activities of the NGO CEID (Center for Study and Initiatives for Development) throughout the territory by the Guinean authorities, in particular the Deputy Prime Minister in charge of the political sector, democracy, on the 16th of April 2017, Mr

Enrique A Bata ASUMU, President of the NGO CEID (Center for Study and Initiatives for Development) and Mr ALFREDO OKENVE, Vice-President, REDHAC focal point were arrested at the Malabo airport, where they were embarking for Bata, for organizing the 20-year celebration of their association. They remain in detention in the « Guantanamo » prison. REDHAC calls on the participants of the NGO Forum to propose a strong resolution to the ACHPR to demand the immediate unconditional release of these two defenders in Guinea and to urge the Guinean authorities and all the other authorities in Central Africa to adopt the law on Protection of defenders in Central Africa.

Central Africa – November, 2017

NGOs Forum and 61st ordinary session of the African Commission of Human and Peoples' Rights (ACHPR)

Banjul - The Gambia/28 -30 October, 1-15 November 2017

The Réseau des Défenseurs des Droits Humains en Afrique Centrale (REDHAC) submitted its report on the situation of Human Rights and Human Rights Defenders with particular emphasis on violations of fundamental freedoms in May, 2017 during the NGOs Forum that preceded the 60th Ordinary Session of the African Commission on Human and Peoples' Rights held from 4-6 May, 2017.

This report covers the period from June to October, 2017. In this report we emphasize violations of (a) the right to freedom of association and assembly and (b) the right to freedom of expression in the Republic of Cameroon, Republic of Congo, Democratic Republic of Congo, **Republic of Chad**, Republic of Gabon, Central African Republic and Equatorial Guinea.

We also look at the Democratic Republic of Congo with the flouting of the "New Year's Eve" public agreement signed on December 31, 2016 by civil society, the Catholic Church, the government and the political parties in the opposition. This, alongside other serious human rights crimes, has led to many peaceful protest marches that

were heavily repressed by law enforcement agents, resulting in the arrest of several defenders and activists with some of them being into exile, all of this with total impunity.

The focus however is on the Republic of Cameroon for reasons of the new elements of the socio-political crisis in the North-West and South-West regions and in the context of the fight against the terrorist sect Boko Haram. Cameroon comes under special scrutiny for the violation of Articles 6 and 7 (1) (d) of the African Charter on Human and Peoples' Rights.

Republic of Cameroon:

1. The Anglophone Crisis:

In the last six months we noted numerous violations of the African Charter on Human and Peoples' Rights with regard to this on-going crisis.

2. Violations of the right to a fair trial

On August 30th, 2017 President Paul Biya ordered the release of 54 people arrested and detained during demonstrations in the South West and North West regions, among who were:

- Barrister Felix Agbor BALLA, President of the Cameroon Anglophone Civil Society Consortium

(CACSC) and Dr. Fontem NEBA, general secretary of CACSC, arrested since January 17, 2017 for *“terrorist act, hostility against the fatherland, secession, revolution, spread of false news, collective rebellion.”*

- Paul Aya Abine, general counsel at the Supreme Court, arrested since January 21, 2017 with a charge of *"complicity and apology for terrorism, rebellion, secession, propagation of false news."*

However, at least 150 people remain detained in the Yaoundé-Kondengui Main and Central Prisons, Buea Central Prison, Bamenda Central Prison, the State Secretariat for Defense, the General Directorate of External Research, and other detention centres.

A majority of these inmates have no access to lawyers or to a correct translation of the elements of their trial and exchanges in court. Cases are tried by military courts not meant for civil hearings in violation of the Principles and Guidelines on Human and Peoples' Rights in the fight against terrorism in Africa.

- **Violations of freedom of peaceful demonstration**

Pressure must be put on the Cameroonian authorities to release the rest of the demonstrators such as the 150 who did not benefit from the presidential amnesty decree of 30 August 2017 and also take their demands into account.

- **Disproportionate use of force**

People in the North-West and South-West went on a series of peaceful demonstrations from September 22, 2017 to October 1, 2017 to coincide with the 56th anniversary of national reunification, security forces fired live rounds and tear gas in on them the in the name of protecting public order. Also, the authorities deployed defense detachments of the BIR (rapid intervention battalion), a unit that should only be deployed in events of war. More than 100 people died, with 200 wounded and six missing.

- **Arbitrary arrest and detention, and torture**

In violation of all national and international treaties and conventions, the Cameroonian authorities in the last six months have arbitrarily arrested: at least 200 people who still have not had access to legal counsel or family. With almost all of them considered "terrorists", they were transferred directly into overcrowded prisons and other detention centres such as the Directorate General of External Research (DGER) and the State Secretariat for Defense (SED), known for the practice of torture and other cruel, inhuman and degrading treatment.

- **Assassination attempt:**

On October 1, 2017, 10 heavily-armed men in uniform reportedly burst into Akwaya, a village in Manyau Department in Southwest Cameroon, and attacked the home of Mr. Paul Ayah Abine. They broke the main door, threw tear gas into the house before entering and conducting a thorough search of all the premises. In the absence of the owner they ransacked everything and left by the back door under cover of fire. The man's family is not safe; the attackers were heard saying: "*We have the list of all the relatives of Mr. AYAH, we will exterminate them.*"¹

Mr. Abine is a magistrate and general counsel at the Supreme Court of Cameroon, and an activist with expressed views on the so-called Anglophone crisis. He was later arrested without a warrant on January 21, 2017 and detained at the SED for seven months. He was released on August 30, 2017 by a decree from the President of the Republic of Cameroon which also stopped the prosecution of some of the Anglophone leaders and other activists.

Situation of human rights defenders

For six months, there have been threats and reprisals of all kinds against human rights defenders. The premises of CAMFAIDS, the collective of civil society associations, were burglarized on July 15, 2017 as was the case on June 24, 2017 with the private home of human rights defender

¹REDHAC Press Release of October 13, 2017,

Mrs. Bergeline Domou, deputy secretary general of the Cameroon People's Party (CPP).

Mrs. Maximilienne Ngo Mbe, executive director of REDHAC: was intimidated with death threats between May 30 and June 10, 2017. She was harassed again by agents of the **DGRE** on October 8, 2017. On September 25, 2017 Nasako Besingi, director of the Struggle for Economize the Future Environment (SEFE), was charged with insurgency and terrorism while claiming the land rights of local communities and denouncing the exploitation of palm oil plantations by the American company Herakles Farms. He faces the death penalty before the Military Court of Buea.

Threats and violence suffered by LGBTI defenders:

Jean Jacques Dissoke, the human rights coordinator and advocate for CAMFAIDS and national rapporteur of the National Observatory for the Rights of LGBT persons and their defenders was threatened with death and the attempted abduction on September 5, 2017 of his six- years-old daughter. Attackers have attempted to burgle his home and homophobic message left on his door on September 12, 2017.

The human rights focal point of CERLUDHUS, Ngono Eric Landry, was physically attacked in the capital Yaounde in July 2017.

Fights against terrorism

REDHAC applauds the release on June 12, 2017 by the Maroua Military Tribunal of 45 people arbitrarily arrested during anti-terrorism search operations on December 27, 2014 in the villages of Magdemé and Doublé, in the Far North region of Cameroon. Those judges who have applied the law despite the pressures linked to the context deserve mention.

Nevertheless, the authorities of government have exploited the law No. 2014/028 of December 23, 2014 "*Suppression of the acts of terrorism*" and precisely its article 2 A1 to cover up for numerous violations and exactions of human rights as witnessed by the following:

(a) Interference with freedom of expression and arbitrary detention

Three young students, Fomusoh Ivo, Afuh Nivelles Nfor and Azah Levis Gobazah Levis Gob, were sentenced to 10 years in prison for exchanging sarcastic text messages in English on Boko Haram. The Military Court of Yaoundé found them guilty of "*non- denunciation of terrorist acts.*"

(b) Violations of the right to a fair trial

The verdicts of trials related to acts of terrorism were pretty much predictable. Presumption of innocence

becomes presumption of guilt as was the rule in the following cases:

- Babal Wame, a teacher at the School Of Information and Communication Sciences and Techniques (ESTIC) of Yaoundé, Rodrigue Tongué, journalist of the daily newspaper *Le Messsager*, and Ebola Bola, secretary general of the day *Mutations*, have been held since October 28, 2014 after they answered a summons to appear at the SED to answer to allegations of “*detention of documents not cross- checked with the police, military or judicial authorities*” termed “*Non denunciation.*” These charges were requalified on October 9, 2017 as “*complicity in attempt to insult the Head of State.*”
- Ahmed Abba, a correspondent in the Haoussa language service of Radio France Internationale (RFI), was arrested since July 2015 and charged with “*Non denunciation*” and with “*the laundering of terrorism products.*” He was sentenced to 10 years in prison and fined FCFA55 million by the Yaoundé Military Court. The trial is on appeal.
- Aboubakary Siddiki, national president of the Mouvement Patriotique du Salut Camerounais (MPSC), Barrister Harissou, opposition party member and a notary to the first load of Maroua, was detained between August 9 and 27, 2014 on a charge called “*outrage on the President of the Republic,*

hostility against the fatherland and revolution, complicity in assassination; and for the illegal possession of weapons of war.” The first was soon requalified as *“attempt to outrage of the Head of State.”* He is at the Main Prison of Kondengui, on trial before the Military Tribunal of Yaoundé.

Recommendations on the Anglophone Crisis: REDHAC

recommends to the African Commission to:

1. Urge the Government of Cameroon to respect all articles of the African Charter on Human and Peoples' Rights, especially article 6 on the *“the right to liberty and security of the person”*, article 9 on *“the right to information and freedom of expression”*, article 10 on *“the right to freedom of association”*, and article 11: *“Right to freedom of assembly.”*
2. Urge for the unconditional release of all defenders, activists, demonstrators arrested (arbitrarily or otherwise) and detained in the context of the Anglophone Crisis and terrorism in order to foster a favourable climate for an inclusive political and social dialogue.
3. Adopt a resolution condemning violations and abuses of human rights committed by security forces during the period September 28 to

October 1, 2017 in the South West and North West regions and to set up a commission to investigate and to ensure that perpetrators are brought to book before competent courts, and to provide adequate reparations to the victims.

Recommendations on terrorism

REDHAC recommends that the African Commission to:

1. Request that the Government of Cameroon implement the Principles and Guidelines on Human and Peoples' Rights in the Fight against Terrorism in Africa as adopted August 3, 2016.
2. Ensure the principle the presumption of innocence for a fair trial of defendants.
3. Harmonize local legislation with regional and international standards of human rights.

Democratic Republic of Congo (DRC)

The pre-election situation in the DRC is worrying. The non-implementation of the "New Year's Eve" agreements signed on December 31, 2016 between the government, civil society, and the opposition political parties weakens the system on one hand and worsens it on the other with impartiality with the infiltration (by the government) of the Independent National Electoral Commission (CENI).

Thus, since July 17, 2017, when CENI President Mr. Corneille Nangaa Yobeluo announced the postponement of the presidential elections peaceful, protests increased across the country. The same was to spill over into 2018 with violations.

a) Arbitrary arrest and detention

Four Burundian refugees, members of the Ezebi Church in Kamanyola, were arrested in the night September 14, 2017 by units of the National Intelligence Agency (ANR). Likewise, four members of the Lucha- Mbujimayi— Nicolas Mbiya, Josué Tshibuabua, Jeancy, and Léon Tshibangu, were arrested on May 18, 2017 by agents of the Mobile Intervention Group.

b) Violations of the freedom of demonstration:

There was the bloody dispersal by police of peaceful marchers in Butembo on August 12 20... The case was similar on September 15, 2017 involving the FARDC units dispersing Burundian refugees peacefully demonstrating. There were 36 deaths reported (one, of a Congolese soldier), and 183 civilians wounded, the majority of who were women and children;

The DDH reigned bullets in Butembo on September 12, 2017, severely injuring the president of the Butembo students Mr. Patrick Yongo in the abdomen. Edgard

Katembo Mateso, Patrick Nongoyongo, Rose Kahambu Tuombeane, and Cattery Katungu Furaha were hurt.

In Bukavu city the mayor prohibited the peaceful protest march organized by the Congolese Civil Society Federation that was scheduled July 8, 2017.

c) Violations of freedom of expression

On September 30, 2017, 29 boys and four girls of the Coalition of Civil Society Associations were arrested in Goma for filing a memorandum to the CENI North Kivu to claim the elections before December 2017; On the same day, a militant of the Lucha- Mbujimayi, Djemba Uuchu Jean, was shot during the march to demand the convocation of the electorate in Murara.

d) Situation of human rights defenders

Exile

- Samuel Bashimbe Mubolwa, a human rights defender in the DRC was exiled on February 20, 2017.

Internal relocation

- Mrs Mwamini Kimete Lulinga Toy was relocated elsewhere in the country from Goma in October 2017 and Mr Muzero Mutiki Remy was forced to move from Lulinga to Goma in

October 2017. On July 12, 2017, Mr. Innocent Banga, a journalist working for the RTNC was relocated to ITURI.

Assassination of defenders and journalists

- Mr. Tsongo Sikuliwako Alex, a human rights defender, in Kirumba, Lubero Territory in the North Kivu Province, was killed on July 6, 2017.

Abduction and rape

- The ANR abducted Mr. Nicolas Mbiya, a journalist and militant of Lucha- Mbuji-Mayi, in Mbuji-Mayi on July 14, 2017.
- Members of the Mai-Mai armed group kidnapped and raped Ms. Mwamini Kimete Toy and Mr Muzero Mutiki Remy in Lulinga July 28, 2017.
- Abbots Charles Kipasa and Jean-Pierre Akilimali, the parish priest and the vicar of the Parish of Marie Reine des Anges de Bunyuka, were also kidnapped and raped on July 16, 2017 in Butembo; the two were abducted again in Munyuka in Lubero on September 15, 2017. Two other priests were taken in Ndamugenga in Rutshuru Territory.

e) Cruel inhuman, and degrading treatment

- On August 25, 2017, the Gardes du Parc in South Kivu fired at point-blank range at Mbone, a young Pygmy, and his father Mr. Nakulire in the Kahuzi Biega National Park (PNKB);
- On September 2, 2017, in Vemba, in the Kpudukpudu territory of Beni, the military killed five : 5 Pygmies;
- Journalist Ghislain Hangi of radio television *Victoire Horizon* was physical molested by an agent of the FARDC in Butembo.

Recommendations on the situation in the DRC

REDHAC recommends the African Commission to:

- Have the ACHPR Special Rapporteur on Freedom of Association and the Special Rapporteur on the situation of defenders in Africa to set up a joint inquiry to determine those responsible for every infringement of freedoms association and peaceful demonstrations and for reprisals against defenders.

- Document the crimes and bring the perpetrators before national, regional, and international courts.
- Demand during its 60th Ordinary Session in Niamey, Niger, May 8 to 22, 2017, compliance with *Resolution 376 (LX) on the situation of human rights defenders in Africa*.
- Respect ***Resolution 281 on the right to peaceful protest***.
- Ensure the security and physical and psychological protection of HRDs in accordance with the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Fundamental Human Rights and Freedoms universally recognized (1998)* as in the Constitution of the Democratic Republic of Congo 2006, and the Universal Declaration of Human Rights 1948.
- Ensure an inclusive political and social dialogue with all stakeholders for lasting peace in the Democratic Republic of Congo.
- Protect all human rights defenders, especially women who continue to pay a high price in conflict situations.

An overview for the other countries in Central Africa

In Gabon², Congo Brazzaville³ and Chad⁴, political opponents, activists and human rights defenders face threats, reprisals and arbitrary arrests and detentions and violations of their rights to freedom of expression, association and assembly.

In the Central African Republic, despite the efforts of the new government under Faustin-Archange Touadéra, HRDs and the civilian population are subjected to sexual violence, threats, looting and killings in an atmosphere rife with insecurity and riots by armed groups in certain areas. REDHAC welcomes the establishment of a Special Criminal Court,⁵ a mixed tribunal composed of Central African and international judges to try the most serious crimes committed in CAR since 2003. It remains hopeful that with political will and leadership of its president this court will play its role impartially.

² In August 2017, several political opponents, Jean Ping, candidate in the Presidential Election, Casimir Oye Mba, former prime minister, and Albert Ondo Ossa, one time candidate in the 2009 Presidential Elections, among them, have been temporarily prohibited from leaving the territory for having, according to the authorities, incited “troubles to public order.” On August 25, 2017, marches in solidarity with Mr. Ping were repressed by the police with several arrests made in Libreville and Port-Gentil.

³ Paulin Makaya, General Jean Marie MOKOKO, Jean Ngouabi..

⁴ All demonstrations by opposition and civil society groups such as: « *Iyina* », « *Trop, c'est trop* » and « *Ca suffit* », were regularly suppressed by the Agence Nationale de Sécurité (ANS). Their leaders live in under an atmosphere of permanent threat and the daily risk of arrest, secrete detention, and tortured.

⁵ <http://www.rfi.fr/afrique/20170526-rca-installation-cour-penale-speciale-bangui>

REDHAC welcomes the release in Equatorial Guinea of the two human rights defenders, Mr. Enrique A Bata Asumu, president of the CEID Centre for Human Rights Studies and Initiatives for Development (CEID), and Mr Alfredo Okenve, vice-president and REDHAC focal point, following its motion for a resolution tabled at the 60th Ordinary Session of the ACHPR.⁶ The two were arrested on April 16 2017 and were detained for celebrating the 20th anniversary of organization. However REDHAC remains concerned about the restriction of the civil society working space.

Recommendations

REDHAC recommends to the African Commission to:

- To adopt the Guidelines on freedom of association and peaceful assembly in Africa and to call upon the States parties to the African Charter to implement them.

⁶ “Human rights defenders faced with the restriction of fundamental and democratic freedoms in Central Africa, six months after the NGOs Forum and the 59th Session of the ACHPR held in Banjul the October 17, 2016”, May 4th, Niamey, Niger.

Eastern and Horn of Africa - May 2017

Sub-Regional Update on the State of Democracy and Human Rights in Africa

Statement delivered by Defend Defenders (East and Horn of Africa Human Rights Defenders Project), at the Forum on the Participation of NGOs in the 60th Ordinary Session of the African Commission on Human and Peoples' Rights, Niamey, Niger, May 4, 2017

Friends and colleagues in the East and Horn of Africa, the first half of this year has been marked in many countries by worsening violence and human rights violations as well as the targeting in various ways of human rights defenders at work on the front lines of human rights protection. We are particularly concerned with reports of gross and systematic violations taking place in Eritrea, Burundi, Sudan, and South Sudan which may tantamount to crimes against humanity. In this day and age, this is unacceptable, and I thank you for the opportunity to share updates from our partners in the region, and to shed some light on areas of particular concern.

The decision by President Pierre Nkurunziza to seek a third term in office in April 2015 triggered a grave, persistent, and deadly crisis that affects all echelons of society in Burundi. A failed *coup d'état* in May 2015 sparked a swift and systematic crackdown by the

government and its security forces on real and perceived perpetrators.

Since the beginning of the crisis, the deliberate and often violent targeting of HRDs, journalists, and their family members has resulted in the deaths or serious injury of several activists. The United Nations High Commissioner for Refugees (UNHCR) reports that as of late April 2017 an estimated 413,477 Burundians fled the country.

Following the publication of a damning report by the United Nations Independent Investigation on Burundi (UNIIB) in September 2016, the Government of Burundi declared three experts *persona non-grata*, including Commissioner Gansou, suspended cooperation with the Office of the High Commissioner for Human Rights (OHCHR), and adopted legislation to withdraw from the International Criminal Court. A Commission of Inquiry which was created by the UN Human Rights Council in September 2016 gave an oral update to the UN HRC in March 2017 noting that trends documented throughout 2015 and 2016 seem to be persisting in 2017. The update also deplored the government's refusal to cooperate with **the Commission**. Recently, the UN condemned videos of more than 100 members of the *Imbonerakure*, a youth militia connected to the ruling party, calling for the rape and killing of opposition women.

Since **October last year**, 10 NGOs have either been banned or suspended by the Minister of Home Affairs Pascal Barandagiye. These organisations have played a key role in documenting and exposing gross human rights abuses and violations. Most of the leaders of these organisations have been forced into exile with threats to their lives, and their activities seriously hindered.

More recently, on January 16, 2017 the Court of Appeal of Bujumbura disbarred three human rights lawyers registered with the Burundi Bar Association, while one other was suspended from practicing law for one year and prohibited from participating in the Governing Council for five years. The disbarment process was initiated in July 2016 after the lawyers collaborated with the UN Committee Against Torture, and participated in its 58th Special Session when Burundi was being reviewed.

In **Djibouti**, Freedom of association is highly restricted in a country where practically no human rights NGOs was able to operate independently Since 2005, the State banned independent trade unions.

Omar Ewado, a prominent HRD with the *Ligue djiboutienne des droits de l'homme* (LDDH), was arrested by plainclothes and heavily armed national intelligence agents at his home on March 19, 2017. They threatened his family and took him away in a minibus to an unknown location. Mr. Ewado was released eight days later after

starting a hunger strike in detention. The reason for his arrest is still unknown.

Since the crackdown on civil society in Eritrea in September 2001 on political dissidents and journalists, there has been no functioning independent media. The country consistently featured on the bottom of rankings on the freedom of expression lists such as the Reporters without Border's World Press Freedom Index and the CIVICUS Civic Space Monitor. As of November 2016, at least 17 journalists were detained in Eritrea, many of whom have been held *incommunicado* since 2001. Although information can scarcely be verified in Eritrea's expansive prison system, it is believed that at least seven of the journalists arrested in September 2001 have since died in prison. A Commission of Inquiry mandated by the United Nations found that there were reasonable grounds to believe that crimes against humanity had been committed by the government. Today, no significant steps have been taken to bring the government to account.

In response to mass protests held across the country in **Ethiopia** since November 2015, security forces have used excessive force resulting in the deaths of more than 800 protestors, and arbitrarily detained tens of thousands more. The Ethiopian Government declared a six-month nationwide State of Emergency in October 2016 and extended it by an additional four months, even with the easing of some of the restrictions on March 30, 2017.

The ACHPR has called for an international, independent, and impartial investigation into allegations of the use of excessive and unnecessary lethal force by security agents to disperse and suppress peaceful protests in November 2016. The House of Representatives gave sweeping powers to Command Post, a unit appointed to enforce the decree, as well as the suspension of fundamental and non-derogable political and democratic rights protected by the Ethiopian Constitution, the African Charter on Human and Peoples' Rights, and other international human rights treaties to which Ethiopia is party. Some Ethiopian human rights defenders will present more extensively on the situation in the country.

Although **Kenya** is one of the most open countries in the East and Horn sub-region of Africa for civil society operations, **civic space has of Africa nonetheless been under pressure ahead of the August 2017 General Elections**. In response to a series of terrorist attacks by al-Shabaab militants, Kenyan security forces have widely used arbitrary arrests and extra-judicial killings of suspects, often targeting the large Somali or Muslim communities within the country.

On March 21, 2017, the government declared it criminal for anyone to refuse to accept the results of the 2017 elections. The Ministry of Interior was reported to have indicated that any person who advocated for mass action, political zoning, incitement, or other forms of protest,

would be arrested. The directive grossly limited citizens' exercise of Article 37 of the Constitution.

In January 2017, the NGO Coordination Board alleged in media reports that the Kenya Human Rights Commission (KHRC), a leading human rights institution, was unaccountable and non-compliant with statutory requirement. In an internal memorandum circulated to various government agencies, the NGO board called on the Office of Director of Public Prosecution (ODPP) and Kenya Revenue Authority to investigate the organisation. The NGO Board also asked the Central Bank of Kenya to freeze KHRC's accounts. The KHRC has been a vocal critic of government anti-terrorism measures that do not meet human rights standards, particularly those involving enforced disappearances and extrajudicial killings, as well as corruption and abuse of office by government officials.

The NGO Board has targeted the KHRC before as in October 2015 when it suspended 957 NGOs, including KHRC, over allegations that they could not account for funds and were supporting terrorist activities. This decision was ultimately reversed by the High Court that found that the NGO Board had violated KHRC's constitutional rights by not giving the organisation a hearing before arriving at its decision.

In **Rwanda**, members of other opposition parties founded in exile have been attempting since November 2016 to

return and register **their party** ahead of the August 2017 Presidential Elections. Nahimana Thomas, Secretary General of the opposition party *Ishema* was initially blocked from boarding a flight in Nairobi on November 23, 2016 when he tried to return to Rwanda with two colleagues to submit his candidacy for the presidential elections. After a few days in transit they returned to Europe and tried to take a direct flight to Kigali on January 23, 2017. However, they were presented an order from the Government of Rwanda instructing all airlines serving Kigali to prevent them from boarding.

On February 14, 2017, Violette Uwamahoro, a Rwandan national with British citizenship, was abducted and detained in an unknown location by police. She was married to Faustin Rukundo, a militant of the Rwanda National Congress representing exiled opposition parties. She had gone to Rwanda to attend her father's funeral. The Government of Rwanda initially denied her kidnapping and detention. After two weeks and an increasing condemnation of her disappearance, the police confirmed her arrest on March 3, 2017 after more than two weeks of illegally detaining her. The court ordered her provisional release on March 27, 2017. She was pregnant at the time of her detention..

On March 6, 2017, John Karasira, a journalist who disappeared in August 2016, resurfaced in Kigali. Although he told media that he fled the country and

returned voluntarily, the details of his disappearance remain unclear. Human Rights Watch has documented numerous cases in Rwanda where former detainees were forced to make false claims after months of detention and torture.

In **Somalia**, journalists continue to face one of the most dangerous working environments in the world. On April 1, 2017, Hanad Ali Guled, an editor with *Goobjoog* radio, was kidnapped and tortured by an unknown group of armed men and was found two days later after he managed to escape from his captors. Prior to his kidnapping, Guled had received numerous threats for being involved in drought relief efforts under the banned campaign Media for Aid.

Journalists in Puntland continue to face censorship and attacks from government officials who usually enjoy impunity after their actions. Threats on journalists are rarely resolved or investigated.

On March 5, 2017, the Puntland Ministry of Information released a statement barring Universal TV from operating in regions controlled by Puntland authorities. Universal TV was shut down after it was accused of broadcasting false news that hindered the peace and stability of the state after it criticised Puntland President Abdiweli Mohamed Ali Gaas for his frequent trips abroad. This ban has since been lifted.

Although there has been relative peace in Somaliland, the past year saw an increase in violations against HRDs and journalists who were critical of the government; they faced intimidation, arbitrary arrests, and accusations of publishing false news.

On January 23, 2017, both chairperson Abdirashid Nur Ways and the editor-in-chief, Said Khadar Abdilahi, of the *Hubsad* newspaper were charged with publishing false news and operating an unlicensed newspaper. They had published an article discussing irregularities found in the sale of state-owned land.

On February 2017, prominent human rights lawyer and chairperson of Somaliland's Human Rights Centre, Guleid Ahmed Jama, was arrested and detained for filing a petition calling for police reforms. Police then questioned the editor-in-chief of *Sahan* newspaper, to whom Guleid had given an interview discussing the petition. The following day Ahmed Hussien Ali, spokesperson for the Human Rights Centre, was also arrested after he issued a press statement condemning the arrest of his colleague.

On February 15, 2017, Abdimalik Muse Oldon, an independent journalist and blogger, was arrested at the airport in Hargeisa after returning from Mogadishu where he met with the newly elected president of Somalia. He was sentenced to two years in prison on April 8, 2017 by a

regional court in Hargeisa for spreading anti-nationalist sentiments and endangering peace and security in the region.

On February 20, 2017, Baashe Hassan, director of Star TV was arrested by Somaliland police after criticising the Somaliland government for allowing the United Arab Emirates to build a military base at the port of Berbera. He was released on bail five days later.

Focus on Somaliland

Human rights violations in South Sudan have sharply increased over the last 10 months. They were characterised by coordinated attacks by government forces on civilians and the destruction of private property along ethnic lines. The majority of these gross and widespread violations have been perpetrated by the army and Dinka militias that were accused of carrying out ethnic cleansing. The citizens of South Sudan are now exposed to rampant human rights violations, possibly comparable to crimes against humanity, perpetrated with impunity by the State, as well as through retaliatory actions by the opposition and other factions.

Humanitarian assistance has been hindered by government restrictions, especially by limiting its access to civilians in rebel-controlled areas. Humanitarian workers have been attacked and killed while trying to deliver aid

to civilians trapped in conflict areas such as Pibor. Other kinds of restrictions were registered in parts of Leer, Mayendit, Wau-shilluk, Mapel, Yei, Pajok, and Wau.

Arbitrary arrest and detention were frequent occurrences. Journalists and HRDs have been detained at the National Security Facilities for longer than two years without charge.

Since October 31, 2016, the Government of Sudan have led a crackdown on the protests organised by the Sudanese Doctors' Central Committee SDCC, and on November 1, 2016, the National Intelligence Security Services (NISS) detained 14 doctors. 12 of them in Khartoum. Since October the SDCC has called a strike in response to concerns over the physical safety of doctors at work in hospitals, in addition to grievances concerning pay, working conditions, and inadequate funding for medical equipment. Medical professionals have reported the increase in physical attacks on doctors in their places of work as a problem.

On December 15, 2016, the government led a crackdown on freedom of expression by seizing newspapers and detained more than 42 opposition leaders and activists. Those acts of repression came during a renewed civil disobedience campaign against austerity measures in the country instituted in early November. The civil

disobedience was convened by the activists and supported by the opposition parties.

In December last year, NISS detained two human rights activists, Dr Mudawi Ibrahim Adam and Ms. Tasneem Ahmed Taha Alzaki. Since January 2017, more than 17 opposition members and human rights activists have been detained incommunicado.

Some serious crackdown on freedom of association has targeted the human rights organisations and banned them. After 24 court sessions, the Khartoum Central Criminal Court sentenced human rights defenders Khalafalla Al-Afif Mukhtar, Midhat A. Hamdan and Mustafa Adam to one-year imprisonment each, and a fine. On March 5, 2017, Judge Osama Ahmed Abdullah of the Khartoum Central Criminal Court convicted staff of TRACKs and of Zarqa Organization for Rural Development (ZORD), following charges of dissemination of false information (Article 66 of the Criminal Code) and possession of immoral material from article 14 of the Sudan Information Crimes Law of 2007, and espionage (Article 53 of the Criminal Code). Each of the three received one-year imprisonment and a hefty fine of more than €7000 euro.. Detained since May 2016 in Al- Huda prison in Omdurman, the three men were released a day after their fines were fully paid.

In **Uganda**, NGOs have faced a series of office break-ins. The Uganda Police Force (UPF) have never concluded any investigations, or identified any suspects. On February 2, 2017, the offices of Legal Aid Service Providers Network (LASPNET), a leading legal aid unit, , were broken into. Two laptops, four camcorders, money, and a safe were taken. On April 2, 2017, the offices of the *Observer* newspaper were broken into and 16 computers, some containing valuable information, were stolen. In total, nearly 30 NGO and media offices were burgled over the last four years. None of these break-ins have been conclusively investigated by the police, despite ample evidence such as of CCTV footage of the perpetrators being identified in some cases.

Over the past six months, political and pro-democracy activists have continued to face restrictions on their rights to assemble peacefully. **Following the February 2016 Presidential Election, opposition leader, Dr Kizza Besigye, continued to restriction in his movements.** On December, 1 2016, police detained the opposition leader without charge as he and other political leaders were planning to hold prayers for victims of violent clashes between the military and royal guards in Kasese. On December 13, 2016, Dr Besigye was again arrested while travelling to Jinja to attend court proceedings of King Mumbere who had been arrested following clashes in Kasese. The police stated that they had intelligence that he was likely to cause unrest.

Journalists have come under intense pressure since the presidential election last year. On November 28, 2016, Joy Doreen Biira, a Ugandan journalist working with KTN Television in Kenya, was arrested by security officers and detained for nearly 24 hours while visiting her home in Kasese for a wedding. She was later charged with “abetting terrorism” based on accusations by the authorities in Rwenzururu sub-region that she had taken photographs of the fighting between military forces and royal guards when authorities arrested the traditional King of the Rwenzururu Kingdom.

On December 11, 2016, Jomeo Richard Komakech, a field officer working with Forum For Women in Democracy in Gulu reported various threats from local leaders after he spoke out on irregularities during the post-2016 election analysis. Komakech ran an online blog and hosted talk shows in Gulu in which his stance held political leaders accountable. . He has since received death threats and intimidation from the Gulu Resident District Commissioner.

On April 4, 2017, NTV reporter Gertrude Uwitware received threats through her Facebook page after posting a blog in support of detained political activist Stella Nyanzi. She was later abducted, beaten and had her hair shaved off. This climate of intimidation has led to fear and self- censorship within the journalistic community. Local

human rights organisations also report a systematic rise in cyber-attacks on HRDs since the 2016 Presidential Election.

Still on the issue of elections, the new government of **Tanzania** continued to restrict freedom of assembly, particularly for gatherings planned by the opposition.

Although the Constitution of Tanzania provides for freedom of expression, this right has continued to be restricted following the enactment of the Media Services Act in 2016. This law, among other things, regulates the media industry. Critics have argued the law was in effect restricting HRDs, the media, and the public at large from freely seeking and conveying information. Tanzania has a number of other laws such as the National Security Act (1970) and the Newspaper Act (1976) which have been used to suppress media freedom. The old and new laws are used by the powers that be to restrict the free flow of information.

On March 17, 2017, the Regional Commissioner for Dar-es-Salaam, Paul Makonda, accompanied by police officers, invaded Clouds Media Group, one of Tanzania's leading media houses, and demanded that the staff broadcast pre-recorded material. When the staff refused, they were threatened with accusations of being involved with illegal drugs and taken to prison without due process.

Nape Nnauye, the then-Minister of Information, Youth, Sports and Culture, took steps to form a committee to investigate the matter and promised to submit a report to his seniors as high up as the President. In response, President Dr John Pombe Magufuli sacked Nnauye immediately after the release of the report. Nnauye was barred from speaking with the media after his dismissal. A police officer pointed a gun at the former Minister forcing him to leave the venue.

The government did not try to hide its intentions to curtail freedom of expression. The President recently warned the media industry that it did not “have full freedom of expression and, therefore, media houses must be very careful and watch out; and if they think they have freedom of expression it is not to that extent.”

For more information on any of these countries the DefendDefenders’ biannual report ready for submission to the Commission will be accessible on their website.

Eastern and Horn of Africa - October 2017

The 37th Session of the NGO Forum Preceding the 63rd Ordinary Session of the African Commission on Human and Peoples Rights

Sub regional update on democracy, the rule of law and human rights in Eastern Africa

There have been a few positive strides relating to rule of law, democracy, and the respect for human rights in some of the countries in the East and Horn of Africa sub-region. In Ethiopia, Prime Minister Abiy Mohamed's administration instituted positive reforms, including the release of political prisoners, closure of the notorious torture prison Maekelawi and promised legislative reform of some of the Draconian legislation used to clampdown on the civic space. In South Sudan, the new July 2018 Peace Agreement presents a chance to end the five-year civil war that has brought untold suffering to the people of South Sudan. In Kenya, the High Court in Nairobi temporarily suspended 26 sections of the Computer Misuse and Cybercrimes Bill that was assented to by the President on May 16, 2018. In Rwanda, President Kagame released more than 1,000 political prisoners.

However, despite these developments there is still evidence of disregard for democracy, the rule of law and

human rights in East and horn of Africa with the cases below in point:

Tanzania's assault on civic space continued over the last six-month with the enforcement of new stiff legislation under the guise of public morality and national security but which only stifled independent voices and restricted the functions of CSOs.. The High Court of Tanzania issued a temporary injunction to suspend implementation of the Electronic and Postal Communications (Online Content) Regulations (2018) that requires that bloggers and producers of online content to pay an exorbitant annual licensing fee of up to USD \$900, rendering information sharing online prohibitively expensive for citizen journalists.

Violence during a by-election in northern **Uganda** sparked a brutal country-wide crackdown on political opposition figures, independent media, and peaceful demonstrators, highlighting an increasingly authoritarian streak in the country's long-established leadership. Uganda introduced a new tax law restricting access to the Internet.

Eritrea and **Djibouti** still remain two of the most repressive governments in the sub-region, regularly using both legal and extra-judicial methods to quash dissent in any voices advocating for greater democracy or adherence to basic human rights standards. Djibouti featured on a list of 38 countries the UN said carried out "shameful" practices including harsh reprisals and intimidation

against people cooperating with UN human rights mechanisms. The international agency reported ill- treatment, detention, surveillance, and the public stigmatization of victims and defenders. Eritrea was recently elected to membership of the UN Human Rights Council with effect from 2019. Although this was disappointing development, the privilege will not shield Eritrea from scrutiny of its human rights record.

Ethiopia still remains unresolved on issues pertaining to justice and accountability for human rights violations committed against citizens during mass unrest and for any other violations under the State of Emergency proclamations of the years preceding.

Similarly, in **Kenya**, despite a public rapprochement of rival leadership figures, little action has been taken to address violations against victims of violence that consumed the country during the hotly contested 2017 Presidential Elections. Meanwhile, HRDs and journalists continue to face arbitrary arrest. In August, two nation Media Group journalists were assaulted by security guards and construction workers while trying to cover a story related to an ongoing construction project, which had encroached on public land. Police arrested two environmental activists on 25 May 2018 during a protest against plans to set up a coal-fired power plant at Kwasasi, Lamu County.

Additionally, Kenya recently introduced a 15% excise duty tax [ON WHAT? NEWSPRINT?] under the guise of public morality and national security which in effect will constitute an infringement on access to information.

Despite the new peace agreement, the human rights situation in **South Sudan** remains grave and precarious. While sexual violence against women continues with impunity, the government denies the detention of political prisoners despite the recent protests involving about 200 prisoners at the National Security Services. Moreover, the new peace agreement provides for the immediate release of political prisoners.

Burundi remains mired in a political crisis, which has forced hundreds of HRDs to flee the country, decimating civil society, a situation compounded already by a controversial referendum which saw the ruling party tighten its stranglehold on power. On 28 September 2018, the government announced a three-months ban to take effect on October 1, 2017 on several local and international NGOs, charging them with the contravention of the January 2017 NGO Law.

While **Somalia** made strides in establishing a more cohesive central government, the continued repression of journalists in the breakaway republic of **Somaliland** and semi-autonomous Puntland, in addition to insecurity fuelled by non-state actors like Al Shabaab, continue to

make the promotion of human rights an uphill battle in the beleaguered nation.

The **ruling** government of **Rwanda** continues to stifle and intimidate opposition figures under a generally disabled environment for human right defenders to carry out their work. The situation in **Sudan** remains worrying. Women human rights defenders continue to face particular threats and risks in a highly patriarchal society. The recent decision to downsize UNAMID has direct implications on the humanitarian situation in the conflict prone areas of the country.

Recommendations

In light of the updates and trends observed, DefendDefenders makes the following recommendations for action by the African Commission on Human and Peoples' Rights to:

- Call on all Member States to ensure the protection of human rights defenders, notably by the observance of the African Charter on Human and Peoples' Rights.
- Call on all member States to adopt specific legislative measures to recognise and protect the status of HRDs, and provide a working environment for civil society according to the provisions set in Res. 376 (LX) 2017 and adopted by

the Commission during its 60th Ordinary Session in Niamey, Niger.

- Call on Member States to stop the harassment and the arbitrary detention of HRDs, including those working on LGBT rights
- Call on the Government on Burundi to implement all relevant resolutions, including ACHPR/Res. 396 (LXII) 2018, continue to monitor and condemn human rights violations, and engage in efforts at every opportunity to find a peaceful solution to the crisis in Burundi.
- Undertake a fact-finding mission to Tanzania in order to investigate and document human rights violations, and for the Government of Tanzania to respect its obligations under the African Charter on Human and Peoples' Rights.
- Support the government of South Sudan to immediately establish the Hybrid Court for South Sudan to ensure accountability for crimes committed during the civil war.
- Call on the Government of Ethiopia to address recommendations raised by civil society, including removing all undue obstacles to the registration of civil society associations.

- Call on states to abide by the Guidelines on Freedom of Association and Assembly adopted by the African Commission during its 60th Ordinary Session.
- Call on all Member States who have not yet done so to submit to article 34 (6) of the Protocol of the African Court on Human and Peoples' Rights and allow individuals and NGOs to directly submit their cases to the court.

Northern Africa Sub-region – May 2017 Update

from Sub-regional Focal Point Northern Africa

The situation of human rights in North Africa continues in a see-saw manner in all the countries. A summary situation of the human rights situation will underline that as much as there are worrying violations, there are also considerable efforts and advances. But some countries have experienced dramatic political changes after the so called Arab spring rebellion, a development which affected human rights and caused a lot of violations by states under the pretext of restoring and safeguarding order and security.

TUNISIA

Six years after the ousting of its authoritarian president, Zine el-Abidine Ben Ali, Tunisia continued to consolidate human rights protections, even though serious violations continued.

A reform of the Code of Criminal Procedures provide detainees the right to a lawyer while in pre-charge detention, thus improving their protection against torture, ill-treatment, and coerced confessions.

- **The Constitution**

Authorities made progress in harmonizing treaty legislations with the national constitution. For example, on February 2, 2016, Parliament adopted revisions to the

Code of Criminal Procedure, granting suspects the right to a lawyer from the onset of detention, and the shortening of the maximum duration of pre-charge detention to 48 hours, renewable once, for all crimes except for terrorism cases where pre-charge detention can last up to 15 days.

Despite these positive steps, Tunisia has yet to carry out other extensive reforms to bring legislation in line with the Constitution and with international standards.

- **Transitional Justice and Accountability**

Although ex-President Ben Ali's security forces used torture extensively, present authority have failed in the five years since his overthrow to investigate or hold anyone accountable for the vast majority of torture cases of the past. They also have held no one accountable for the politically motivated long-term imprisonment of thousands of persons after unfair trials during his tenure.

- **Women's Rights**

Long viewed as the most progressive Arab country with respect to women's rights, Tunisia has made additional strides. The adoption of a gender parity requirement in the new electoral law required political parties to alternate males and females on each of their lists of candidates. This resulted in the election in 2014 of 68 women to take their places in a 217-seats parliament. In June 2016, Parliament adopted an amendment to the electoral law that required political parties to have at least half of their electoral lists

in future local and regional elections to be headed by women.

ALGERIA

Algerian authorities increasingly resorted to criminal prosecutions in 2016 against bloggers, journalists, and media figures for peaceful speech, using articles in the penal code criminalizing statements that offended the president, or insulted state officials or denigrated Islam. They have also prosecuted labour activists who had organized or called for peaceful demonstrations on charges of “unauthorized gathering.”

Parliament adopted amendments to the Constitution in February 2016 that included recognition of academic freedom and press freedom without prior censorship or imprisonment as a punishment for press offenses. However, the Constitution defers the exercise of these and other rights to national laws that are more significantly restrictive.

- **Freedom of assembly**

The 2016 Constitution of Algeria states (article 49) that “the right to peaceful assembly is guaranteed within the framework of the law, which sets forth how it is to be exercised”.

But the ban on demonstrations in Algiers was strictly enforced by the authorities that mobilized large numbers of police to clamp down on demonstrations, and to detain participants for a few hours before releasing them. Police arrested 20 members of the National Coordination of Contractual Teachers who called out a demonstration in Algiers on March 21 and 22. They were held for several hours in detention at police stations before releasing them without charge.

- **Freedom of association and unions**

Major human rights organization such as the Ligue Algérienne des Droits de l'Homme, (LADDH), the Rassemblement Action Jeunesse (RAJ), and the Algerian section of Amnesty International have submitted compliance applications in January 2014 as demanded by Law 12-06 but have still not obtained a receipt certifying their legal existence. This unregistered status weakens them by making it impossible to open bank accounts or to rent office space in their own name. Neither could they hire public halls for meetings or file cases in court. Members of any association that is “non-accredited, suspended, or dissolved” risk prison sentences of up to six months for conducting activities in its name.

In practice, authorities have curtailed the work of independent unions in various ways.

Several union activists faced retaliation for organizing or participating in strikes. They were suspended from their positions without compensation and never rehired. In 2016, the International Labour Organization recommended that Algerian authorities end the practice of preventing the registration of autonomous unions and reinstate all workers suspended or dismissed because of their trade union activities.

- **Freedom of Speech**

Since the 1990s, Algeria has seen a proliferation of privately owned newspapers that enjoy a certain margin of freedom to criticize public figures and state policies. The 2014 Law on audio-visual media ended the formal state monopoly.

However, repressive press laws, dependence on revenues from public-sector advertising, and other factors limit press freedom. The “information code” adopted in 2012, contains several articles that constrain freedom of expression. Article 2 states that news journalism is to be “a freely practiced activity” as long as it respects “national identity, the cultural values of society, national sovereignty and national unity, as well as the requirements of national security, national defence, public order, and the country’s economic interests ,among others.”

In 2016, authorities prosecuted a number of Algerians for critical speech. On September 6, an appeals court gave Slimane Bouhafs, a convert to Christianity, a three-year prison sentence for Facebook posts “offending the prophet” and “denigrating the dogma or precepts of Islam,” under article 144 of the Penal Code.

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Despite adoption of the law criminalizing domestic violence and sexual harassment Algeria has yet to adopt the more comprehensive legal measures such as orders to protect women from violence, and for a clear mandate for law enforcement to respond to domestic violence, prevent domestic violence, assist survivors, and prosecute offenders. Moreover, the law makes women vulnerable to threats from offenders or their relatives by including a provision that a pardon by the victim puts an end to prosecution.

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Despite its ultimate responsibility for protecting the human rights of all persons Algeria did not intervene to end the confinement of women in cases where their family were refusing them going abroad.

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Associations representing the families of the disappeared continues to face denial of legal registration. Affected families have alleged being subject to pressures because they refused to accept compensation from the state in exchange for accepting a death certificate for their still- missing relatives.

- **Sahrawi refugee camps**

In at least three cases in 2016 Sahrawi families prevented their adult daughters from going to Spain where they had lived and established legal residency. This was a clear denial of exercising their right to freedom of movement. The Polisario were unwilling or incapable of ending these situations of illegal confinement of women, a form of domestic violence.

MAURITANIA

- **Human rights defenders**

Laws, including those covering public disorder, resisting arrest and belonging to an unauthorized organization, were used in politically motivated prosecutions against human rights defenders and government opponents, particularly anti-slavery activists.

In May, the Supreme Court reduced the prison sentences and ordered the release of two anti-slavery activists, Biram Ould Dah Abeid and Brahim Bilal. The two prisoners of conscience, members of Initiative for the Resurgence of the

Abolitionist Movement (IRA), were arrested in November 2014 after taking part in a peaceful protest. They had been sentenced to two years' imprisonment on charges of belonging to an unrecognized organization, taking part in an unauthorized assembly, failing to comply with police orders, and resisting arrest. Djiby Sow, another member of the IRA serving the same sentence, was only released on medical grounds in June 2015.

In June and July, 13 other members of the IRA were arrested after communities in the slum area of Bouamatou in the capital Nouakchott protested against forced evictions. Although none of the IRA members had attended the protest, in August they were convicted on charges including rebellion and the use of violence. The court refused to examine allegations of torture made by the accused.¹ In October a group of UN experts expressed serious concern that these activists had been targeted by the government for their anti-slavery advocacy, stating that the government was hostile to civil society groups that criticized its policies, especially groups such as the IRA, whose members are drawn from the Haratine minority and advocate for an end to slavery. In November, the Appeals Court of Nouadhibou acquitted three of the 13 IRA members and reduced the sentences of seven others who were released the same month. The three remaining IRA members received sentences ranging from six months to three years.

- **Torture and other ill-treatment**

In February, the visiting UN Special Rapporteur on torture welcomed legislative developments, including the introduction of a new law against torture, and the establishment of a National Preventive Mechanism (NPM). He urged that the judiciary step up efforts to implement these safeguards and highlighted the lack of investigations into allegations of torture. He also drew attention to the use of unofficial detention facilities and the denial of access to a lawyer, at times for up to 45 days, in terrorism-related cases.

• Discrimination – Haratines and Afro-Mauritanians

The UN Special Rapporteur on extreme poverty and human rights visited Mauritania in April 2017 and highlighted a systematic absence of Haratines and Afro-Mauritanians from almost all positions of power. Although the two groups make up two thirds of the population, yet they were excluded from many aspects of economic and social life, including not being able to obtain national identity cards. He pointed out that although economic, social and cultural rights are mentioned in the preamble of the Constitution there were no provisions dealing with them in practice. In some rural areas only 10% of children attended secondary school, and the maternal mortality rate remained one of the highest in the world. In 2015, according to the World Bank, 602 mothers died for every 100,000 live births.

EGYPT

Public criticism of the government remained effectively banned in Egypt in 2016. Police arrested scores of people in connection with protests, many pre-emptively. Authorities ordered travel bans on prominent human rights organizations and froze the assets of their directors. They brought criminal charges against the head of the Press Syndicate and the country's top anti-corruption official. Parliament proposed a new law regulating non- governmental organizations which would effectively end independent human rights work in the country.

- **Abuse by security forces**

Officers of the National Security Agency routinely tortured and removed all traces of their suspects with few consequences. Many of the detainees who suffered these abuses were accused of sympathy with or membership in the Muslim Brotherhood, the country's largest opposition movement but which the government declared a terrorist group in 2013.

- **Freedom of assembly**

Although it is the subject to an ongoing legal challenge before the Supreme Constitutional Court, a 2013 decree effectively banning all anti-government protests remains

in place. On two occasions, the police have made large, pre-emptive raids and arrests when they anticipated protests.

- **Freedom of association**

Parliament and the authorities took unprecedented steps to restrict the work of independent human rights nongovernmental organizations threatening their very existence.

Article 78 of the Penal Code was amended by presidential decree in 2014 subjecting workers in NGOs to a sentence of 25-years in prison if a judge determines that they received foreign funding for “pursuing acts harmful to national interests.” Some other reasons are even broader.

- **Freedom of religion**

In August 2017, Parliament passed a long-awaited law that restricted the construction and renovation of churches, and discriminated against the country’s Christian minority.

LIBYA

The Government of National Accord (GNA) recognised by the UN struggled in 2016 to assert itself in the capital

Tripoli as it continued to compete for legitimacy and control over resources and infrastructure with another authority based in eastern Libya.

Forces aligned with all governments and dozens of militias continue to clash, exacerbating a humanitarian crisis with close to half-a-million internally displaced people. In the absence of a single state authority exercising control over the national territory, dozens of rival militia groups and military forces, with varying agendas and allegiances, continue to flout international law with impunity. They indiscriminately shell civilian locations, abduct and forcibly *disappear*, torture, arbitrarily detain, and unlawfully kill people and destroy civilian property.

Meanwhile, the civilian population struggle to gain access to basic services such as healthcare, fuel, and electricity.

- **Death penalty**

The penal code contains more than 30 articles that provide for the death penalty although no death sentences were known to have been carried out since 2010. Since Gaddafi's overthrow in 2011, civil and military courts around the country have imposed death sentences, including that pronounced in a flawed trial in 2015 on eight officials in the former government of Gaddafi.

- **Internally displaced people**

The UN High Commission for Refugees (UNHCR) **estimated at 435,000 Libya's population of internally displaced people.** UNHCR was unable to conduct vital activities such as child protection services at detention centres due to inadequate funding for its humanitarian programmes.

- **Migrants, refugees, and asylum-seekers**

Refugees, asylum-seekers, and migrants, continue to flock to Europe via Libya. As of November, UNHCR recorded over 342,774 arrivals to Italy by sea from North Africa, mostly from Libya. At least 4,518 died or went missing while crossing the Mediterranean from Libya to Europe, the same agency records. The International Organization for Migration estimated that 771,146 migrants and asylum-seekers were in Libya as of November. Conditions at migrant detention facilities remained abysmal. Officials and militias held migrants and refugees in prolonged detention without judicial review and subjected them to poor conditions, including overcrowding and insufficient food. Guards and militia members subjected migrants and refugees to beatings, forced labour, and sexual violence.

MOROCCO

Morocco regressed on human rights observance in several areas in 2015, but made some progress in a few places.

Restrictions tightened against human rights groups, both domestic and international and at least two Moroccans spent the year in prison for “falsely” denouncing torture”. Many others continue serving long prison terms after unfair trials for politically motivated offenses. Authorities often tolerate protest demonstrations, but in Western Sahara, they prevented gatherings supporting self- determination for the contested territory.

More positively, a new law took effect that ended military trials of civilians, and authorities for the first time legally recognizing a human rights organization in Western Sahara led by people critical of rule from Morocco. The government granted temporary legal status to UN- recognized asylum seekers and thousands of economic migrants, pending the overhaul of the law on asylum and foreigners on Moroccan soil.

- **Freedom of expression**

Laws are in place that limit the rights to peaceful expression, assembly, and association and criminalize acts deemed harmful to the king, the monarchy, Islam, or Morocco’s claim over Western Sahara.

- **Freedom of Assembly and Association**

Authorities tolerated numerous marches and rallies demanding political reform or protesting other government actions. But some peaceful gatherings have been forcibly dispersed. In Western Sahara, authorities prohibited all public gatherings deemed hostile to Morocco's contested rule over that territory, dispatching large numbers of police who blocked access to demonstrations before they could even assemble.

Officials continue to arbitrarily prevent or impede many associations from obtaining legal registration, although the 2011 constitution guarantees freedom of association. However, in 2015 the authorities registered the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH), nine years after it first **applied for legitimacy** and eight years after an administrative court ruled that the authorities were wrong in their refusal to register it. .

- **Migrants and refugees**

Implementation continued of a 2013 plan to overhaul national policies toward migrants and asylum-seekers, including providing them with certain basic rights. Morocco's refugee agency granted one-year renewable residency permits to more than 500 UNHCR-recognized refugees. At the time of writing, Morocco had not determined the status it would grant to more than 1,700 Syrians who UNHCR recognizes as refugees *prima facie*.

In the context of a one-time regularization procedure that ended on December 31, 2014, Morocco also granted, one- year renewable residency permits to thousands of sub- Saharan migrants who were not asylum-seekers but who met certain criteria in the 2013 plan. Some Syrians also obtained one-year residency permits under this procedure.

- **Rights of women and girls**

The 2011 Constitution guarantees equality for women, “while respecting the provisions of the constitution, and the laws and permanent characteristics of the Kingdom.”

The 2004 Family Code improved women’s rights in divorce and child custody but still discriminated against women with regard to inheritance and with the procedures to obtain divorce.

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- **Domestic workers**

Despite laws prohibiting the employment of children under the age of 15, thousands of children, mostly girls, under that age are believed to be domestic workers.

According to information supported by the UN, the government, and NGO sources, the number of child domestic workers has declined in recent years.

SOURCES

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- **Domestic workers**

Despite laws prohibiting the employment of children under the age of 15, thousands of children, mostly girls, under that age are believed to be domestic workers.

According to information supported by the UN, the government, and NGO sources, the number of child domestic workers has declined in recent years.

Southern Africa Sub-region – April 2017

State of human rights and democracy in Southern Africa

The human rights situation in Southern Africa continued to deteriorate against the backdrop of an increasing concentration of power in the hands of the Executive, despite the constitutional principle of separation of powers across the Southern Africa Development Community (SADC). While the sub-region generally enjoys multi-party democracy, democratic values and practices remain shallow, and progress toward open, transparent governance is slow. Rights of vulnerable populations such as women and children protected under the African Charter on Human and People's Rights are also under siege. A sampling of the situation across countries in the region will attest to the weakening of the protection and promotion of human rights in the SADC.

Zambia

In Zambia, there were serious human rights problems pertaining to restrictions on media freedom with the Zambian Independent Broadcasting Authority (IBA) shutting down, censoring, or initiating legal action against radio, print, and internet media outlets over output considered to be critical of the president, government, or the ruling party. The licences of three independent

broadcasters – Muvi TV, Komboni Radio, and Radio Itezhi were revoked. Four workers at the Muvi TV, John Nyendwa, Mubanga Katyeka, Joe Musakanya and William Mwenge were arrested as they reported for work and were charged with criminal trespass. Although their licences were subsequently reinstated, it was still a grave assault on press freedom with a chilling effect.

Of concern in the aftermath of the keenly contested presidential elections was the arrest of opposition leaders Hakainde Hichilema and Geoffrey Bwalya Mwamba who were charged with “seditious practices” and “unlawful assembly” while they were on their way to visit their supporters in prison.

Angola

The government of President José Eduardo dos Santos continued to violate human rights in Angola despite several pledges to improve on its record. Freedom of expression continued to be severely restricted due to government repression, censorship, and self-censorship in state media and in private media outlets controlled by ruling party officials. As police brutality continues, peaceful protesters in wheelchairs were brutally assaulted on April 22, 2017 for demonstrating against the lack of suitable infrastructure of disabled persons. Women’s rights are under siege since Parliament approved of an

amendment to the law on abortion. This was part of the process which began in 1986 to replace the Penal Code. The government had proposed a bill criminalizing abortion except in cases of rape, or when the mother's health is in danger. However, Parliament rejected the proposal and made abortion illegal in general and punishable by up to 10 years in prison.

Zimbabwe

The Government of Zimbabwe intensified repression against its citizens. Most trials of people charged during peaceful protests against human rights violations and the deteriorating economic situation still linger in court. Impunity among police and state security agents continues. The country continues to be plagued by the problem of disregard for court orders at the highest level. For instance, the First Lady refused to obey an order of the High Court compelling her to return three properties she seized over a dispute concerning the purchase of a diamond ring. The High Court also barred the Zimbabwe Republic Police from destroying houses and property at a farm appropriated by the First Family, but this order again was disregarded.

The new Constitution continues under threat with a proposed amendment that seeks to change the supreme law to allow the President to appoint the Chief Justice,

Deputy Chief Justice and Judge President of the High Court. In January 2016, the Constitutional Court declared child marriage unconstitutional and set 18 as the minimum age for marriage. However, to date the government has not put any structures in place to implement the Court's decision. Not even amendment or a repeal of the existing laws that still allow child marriage.

SOUTH AFRICA

There is an unprecedented break down in the rule of law caused by over-reach by the Executive branch. This has resulted in dissenting voices being labelled as 'regime change agents' culminating in the dismissal of the Minister of Finance and the relegation of the country's credit rating to 'junk status.' Xenophobia continues to rear its ugly head and South Africans marched against foreigners in Pretoria in March 2017. The Government of South Africa refused to arrest Omar Al Bashir despite an existing warrant from the International Criminal Court (ICC). The High Court had to step in to block the government's moves to leave the ICC.

SWAZILAND

Draconian laws such as the Suppression of Terrorism Act and the Sedition and Subversive Act continue to impede the work of human rights defenders and government critics. While the High Court of Swaziland ruled that sections of these Acts were unconstitutional and violated freedom of expression and association, the government filed an appeal at the Supreme Court, but the laws remain on the statute books.

Because of such laws, self-censorship prevails in Swaziland's limited scope in the print media. On November 10, 2017 it was revealed that the daily newspaper the *Times of Swaziland* censored its content in order to deflect criticism from King Mswati III.

In the circumstances we call on the ACHPR to encourage the SADC sub-region to:

- Ensure full respect for the rights set out in the African Charter by holding public officials accountable for abuses of power.
- Scale up measures for the protection of the rights of women, children and other vulnerable groups.

- Restore the right of individual to have access to the SADC Tribunal.

Southern Africa Sub-region – October 2017

**Report to the NGO Forum preceding the 61st Ordinary
Session of the African Commission on Human and
People's Rights, October 28 to 30, 2017, Banjul, The
Gambia.**

***Sub-regional Focal Point on Democracy, Human Rights and
the Rule of Law in Africa
Southern Africa Development Community Sub-region***

The SADC sub-region has increasingly become proliferated by authoritarian leadership that makes democracy, human rights and the rule of law abominable, and for the assailing of proponents for speaking against impunity. Most constitutions in the sub-region entrench civil and political rights but repressive legislations are also in place curtailing freedom of association, assembly and expression. Fundamental economic, social and cultural rights are undermined by poor service delivery, which in most instances are due to fraud, and to unauthorised, fruitless, or wasteful expenditure. South Africa has been a den of self-serving and self-interested leaders who trample on human rights, democracy and rule of law with excruciating impunity.

The country faces unending crises related to the capture of the state by private interests. This shocking fact was revealed by journalists in e-mail messages reporting the looting of trillions of *Rand* of state resources. Little has been done to prosecute the perpetrators of corruption.

In October 2016 the Public Protector's State Capture findings in the state-owned entities recommended the setting up of a Judicial Commission of Inquiry and the appointment of a judge by the Chief Justice within six months of the release of the report. It has been 12 months since the decision and the President refused to implement this remedial action arguing that the Public Protector had no mandate to prescribe such remedies to him. The issue of state capture findings is tearing the country apart politically, economically and socially.

The world class reputation of the SOE (S..... O..... E.....) and reputable auditing firms such as KPMG has been tarnished as the two companies do battle to regain public confidence. In addition, the South African Airlines (SAA) survives only on tax payer's bail outs. For example, it was reported that the SAA was losing R500 on every air ticket, billing up to R350 million a month. The government's rescue packages and loan guarantees were estimated at R30 billion over the past 10 years.

ESKOM, a national power utility company was implicated for undue *tenderpreneurships* to family, friends, and the son of the President. Although the ruling party have always denied the charge, the situation only leads to the proliferation of abject poverty, unemployment, inequality, and deteriorating health services. In one case more than 141 mental patients had died at the hands of unquailed medical personnel working with NGOs. Facilities were

inadequate for the delivery of the required services.

The rape and murder of LGBTI persons and other sexual violence have earned South Africa the accolade of the rape capital of the sub-region. Increasing squalor in informal settlements for youths, torture and child abuse, killings or death in unregistered day care centres soar above world statistics. All of that is happening in a country that has a progressive constitutional human rights dispensation and legislative framework at its disposal.

The reality is that constitution-building institutions are disempowered and cannot function independently without fear, favour and prejudice. The ruling party, condones impunity and perceives defenders of human rights as enemies of the state. Political intolerance is the extraordinary trend wedged within a broken tripartite alliance and the COSATU and the SACP that charged that the President was unsuitable to lead the three -party coalition.

Mysterious killings of dissenters have continued. Those who refuse to validate corruption have been served with death threats, arbitrary dismissals, malicious prosecutions, and cabinet reshuffles. Human rights, no longer the pride of the ruling party, continue to be suppressed. Democracy and the rule of law are undermined by the intimidation of journalists, the

emergence of state sponsored NGOs, reprisals, and the disappearances of voices that expose bad administration.

This hostile environment is a common phenomenon in the SADC sub-region. In Angola, even with progressive judicial pronouncements against the repressive Presidential decree of June 2016, the curtailment of the space against human rights defenders and freedom of association, assembly and expression continues.

Associations operate without legal recognition and many cannot obtain observer status with the African Commission since the government has caused confusion about the rules of incorporation of associations in Angola. Prominent HRDs still operate with fear and are perceived as suspects always intent on treason.

Botswana, Namibia and Malawi are making strides to create cultures of respect of human rights for their citizens. But they have similar laws and inimical practices undermining the independence of the judiciary and the freedom of expression. These countries find no room for acceptance of LGBTI persons. Attacks persist on people with albinism in Malawi, Mozambique, Tanzania, and in some parts of the KZN Province in South Africa.

Corruption and deterioration of health institutions in Malawi and South Africa proliferate. Factionalism, violent intolerance of opponents, violence over land rights, violence against women and children has gone un-

investigated in Namibia and South Africa. The phenomenon of state-sponsored NGOs is also emerging in the two countries.

Malawi and Tanzania are the only two countries in the SADC region that granted their citizens direct access to the African Court on Human and People's Rights in accordance with Article 34 (6) of the Protocol Establishing the African Court. But Malawi is considering withdrawing from this commitment it made under Article 34 (6). Also Angola, Botswana, the Democratic Republic of Congo, Madagascar, Namibia, the Seychelles, Swaziland, Zambia and Zimbabwe, have not ratified the African Court on Human and Peoples' Rights thereby depriving the majority of their people from access to the Court.

Access to justice is also denied to the SADC citizen by the continued suspension of the SADC Tribunal and the revised Protocol which takes away the human rights jurisdiction of the court which limits the right of access.

Thirteen African lawyers and human rights defenders were arrested and detained in Dar-es-Salaam, Tanzania, suspected of promoting homosexuality. They were attending a meeting discussing a strategy for intended litigation on the limitation placed on certain health services that were previously provided by government.

The DRC is the most unsafe and dangerous country in the SADC region. The country is a model of dictatorship with

continuous armed conflict, sexual violence with the same rape ranking as South Africa. There's no tolerance of associations, HRDs and journalists in performing their duties or in the exercise of freedom of expression and assembly. Harassment, intimidations, arbitrary arrests have intensified due to the upcoming general elections, in like intensity as in Zimbabwe and South Africa.

The same could be said of the persistence in Lesotho and South Africa of disappearances, suppression of expression, lack of transformation, or restorative justice. There are no reforms in the military which functions with the suspicion of being "the state-sponsored third force," The freedom of choice is violently pre-empted, with malicious prosecutions, the arbitrary arrest of HRDs, treason charges, the harassment of journalists and extra-judicial killings.

Swaziland continues as an absolute monarchy. There is no tolerance of the multi-party system of governance. HRDs operate in a narrowed environment policed by Draconian laws disallowing the freedom of expression, laws prohibiting derogatory speech against the Swazi culture. This is similar to the criminal defamation legislation in existence in Zambia which the Country Rapporteur and Special Rapporteur on Freedom of Expression and Access to Information has encouraged to be outlawed through the use of the Guideline on Access to Information in Africa.

Trade unions, assembly, and the independence the judiciary are not tolerated. Attitude remains poor towards the fundamental rights to health, for example, HIV-Aids.

There is media censorship in Zambia and Zimbabwe. There are extra judicial killings, and disappearances, exemplified by the Itai Dzamara, and HRD, who suffered similar fate as community activist Vincent Thibello 'Papi' Tobias of the Boiketlong community in South Africa. Vincent was active in raising funds for the legal fees in defence of the 'Boiketlong 4' but had gone missing since February 2016.

Under the Public Order Act opposition party leaders have been arrested with the purpose of silencing criticism. South Africa reviewed the NPO Act without consulting with CSOs, a requirement that the NPO Directorate, Department of Social Department, has announced would take place once the review was completed.

Zimbabwe's situation with basic economic services, education, health, and the shortage of expendable cash has impacted negatively on livelihoods, wellbeing, the development of society and, of course, human rights. The government has continued to treat CSOs and HRDs with disdain. Protest, assembly, and free expression continue to face the mighty hand of the police and ruling party agents. The new Constitution, replete with entrenched progressive provisions, is threatened by amendments that could visit more terror on the human rights environment.

HRDs face arrest, abductions and torture for exposing violations of human rights. Opposition to the ruling party is intolerable.

We recommend the NGO Forum adopt a resolution for the consideration of the African Commission at its 61st Session on the human rights, democracy, and rule of law situation in the SADC sub-region to:

1. Strengthen domestic and national mechanisms to address corruption and state capture, particularly in SouthAfrica
2. Prosecute and effectively punishof all responsible suspects engaged in state capture
3. Adopt laws for theprotection of human rights defenders in the sub-region while providing them the political and resource capacity challenge in the implementation of these laws
4. Amend all repressive legislation affecting thesmooth functioning of CSOs, HRDs, trade unions, media, journalists, women, youth, children, particularly girl-children, and to ensure open and transparent consultation and participation of all stakeholders in the reform processes.
5. End all forms of impunity for violations against citizens, journalists, and human rights

defenders by ensuring that investigations are promptly and impartially conducted, and that perpetrators are held accountable and victims dealt with appropriate remedies.

6. Protect human rights defenders, notably by observing the Declaration on Human Rights Defenders, the African Charter on Human and Peoples' Rights, and other human rights treaties to which SADC states are parties.
7. Ratify and take steps to implement the African Youth Charter while ensuring gender equality and demographic dividend in youth's full participation in the states governance affairs.
8. Ratify the African Charter on Democracy, Elections, and Governance by all countries in the SADC sub-region.
9. Repeal all laws which impact adversely on the rights to freedom of association, assembly and expression in contravention of national and international human rights laws
10. Ensure the independence of the judiciary and the legal professions, and desist from passing laws which negatively impact on this.
11. Refrain from ratifying the revised SADC

Tribunal protocol; lift the suspension of the Tribunal and reinstate the SADC Tribunal with its original mandate.

12. Ratify the Protocol of the African Court on Human and Peoples' Rights.
13. Ratify Article 34(6) of the Protocol so as to ensure ~~that~~ all civil society organisations and individuals have access to the African Court.
14. Ensure access to justice for all victims of ~~crimes~~ of war by abrogating the immunity clause in the proposed Protocol on the African Court of Justice and Human Rights and cooperating with the International Criminal Court.

Western Africa Sub-region – May 2017

Report on the Human Rights Situation in West Africa with a Focus on Mauritania

Niamey, 04 May, 2017

The human rights situation in West Africa is mixed, with some countries having held peaceful elections whose results have been deemed credible by the international community. This is the case of Benin, Ghana and The Gambia with the end in the latter country of the dictatorial regime of Yahya Jammeh, after 22 years of rule.

The subregion, however, remains affected by multiple problems.

The terrorist attacks in the modern world have not spared it. Countries have been hit either on their territory, this is the case of northern Nigeria, Niger, and B-Faso, or are losing their citizens in the territories of other states.

Northern Burkina Faso is under terrorist control, with consequent violations of fundamental rights, including cases of attacks on life, physical integrity, access to health care and food to name but a few. At least 400 schools have been closed in this region of Burkina which is silently bogged down.

The response of states **facing terrorism** has been swift. The desire to preserve their territorial integrity and internal

security has led them to adopt anti-terrorism laws in many places. These laws, adopted to combat terrorism, are subject to interpretations that undermine the enjoyment of human rights by the populations in general and more specifically by human rights defenders and opponents.

Among the rights subjected to restrictions or violations are the freedom of association and assembly, the right to the presumption of innocence, freedom of movement, the right to life. The risks that HRDs face in their work include being accused of the offence of undermining the security of the State in the management of terrorism issues, and such risks are increasing in the sub-region, as the implementation of anti-terrorism laws reveals that the latter are often used to silence any form of opposition to power, including by human rights defenders.

Benin, which is one of the beacons of democracy in the subregion, has for example adopted a law on intelligence gathering that opens the door to wiretaps with the possibility of arbitrary arrests. The adoption of the Anti- Terrorism Law in Côte d'Ivoire is an illustration of the lack of involvement of other actors, including human rights defenders in the design of these laws, which also compromises the human rights acquired after a long struggle.

The phenomenon of mob justice has become even more disturbing in West Africa. Of the 16 countries, only Cape Verde has not experienced the phenomenon. Given that

the State has the monopoly of coercive power on its territory, it remains worrying that ECOWAS states can leave the law in the hands of ordinary citizens, lawless crowds, to hold the power of life and death over their fellow citizens, even if the latter were criminals.

The freedom of demonstration continues to experience restrictions including attacks on life in Togo and Niger.

Freedom of the press is still not protected from violations. Journalists who were quietly doing their work were arrested and detained before being released in Côte d'Ivoire. In Togo, a journalist who was roughly arrested alleges that he was tortured. Nigerian journalists are not spared because they are easily confused with terrorists as they can access credible sources linked to Boko Haram and obtain information that they report.

Corporate responsibility is still endangered, and there are many examples from Nigeria with the continuing pollution of the Niger Delta; in Niger with the exposure of contaminated materials that is causing terrible damage to the health of animals and humans; in Togo with the question of the pollution of water points by the operators of the iron mines of Bandjéli.

In late 2016, three men were secretly executed in Benin prison in Edo State, and the Senate decided on 4 May to pass a law providing for the death penalty for kidnappers.

The depreciation of the Naïra has drastically affected the prices of staples in Nigeria, but also in countries that traditionally depend on the country's economic boom. The impoverishment of the populations is worsening and the poverty impacts women and children even more. Regarding the latter, the States are dragging their feet about implementing laws that protect that category.

The lack of youth support strategies in the sub-region forces the latter towards immigration to the West in search of a better life.

The number of people deciding to migrate continues to grow. And a large number coming from West Africa travel through Niger to try to reach Europe, with Agadez as the main transit point. In its 2016-2017 report, Amnesty International cites the results of an investigation by the International Organization for Migration,

IOM, which revealed that 70% of people arrived in Italy by boat, many of whom had passed through Niger, and had been trafficked or exploited, in particular thousands of women and girls forced into prostitution in Libya or Europe. Despite a law against trafficking adopted in 2015, an unspecified number of people died in Niger during dangerous desert crossings.

In 2016 alone, the Koutoukalé Detention Center received more than double its capacity of 250 detainees, including 400 alleged members of Boko Haram.

Although much effort is being made, contemporary slavery is still prevalent in some communities in the subregion. Niger still has communities practising slavery.

The situation in Mauritania presents a pattern in which political opponents and human rights defenders, in particular anti-slavery organizations, have been prosecuted for political reasons. The rights to freedom of expression, association and assembly remained restricted. Torture and other forms of ill-treatment were commonplace in detention. Groups of up to two-thirds of the population were systematically discriminated against, and extreme poverty remained widespread. Slavery practices had not disappeared.

Mauritania has used ambiguous interpretation laws referring to public order, belonging to an unrecognized organization and rebellion against human rights defenders fighting slavery in modern times, but also putting political opponents behind bars.

Indeed, the situation of members of the *Initiative de Résurgence du Mouvement Abolitionniste en Mauritanie* (IRA- Mauritania), a human rights organization that has been working for several years in Mauritania for the eradication of traditional slavery is dire. Land expropriation, the exclusion of blacks and the expropriation of arable land in the Senegal River Valley remain particularly worrying.

IRA-Mauritania members are frequently victims of threats, arbitrary arrests and prosecuted for their opinions. Since the end of June 2016, IRA-Mauritania's 13 leading members, first detained by police officers disguised as civilians, have been kept without cause and recurrently subjected to torture and cruel inhuman or degrading treatment, followed by "kangaroo" trials.

Friends and families of detainees have been repressed and denied access to the courtroom, increasing the number of people wounded by police assaults on those wishing to attend the trial of Human Rights Defenders. The courthouse was cordoned off and access denied to the families and friends of the members of the IRA-Mauritania movement, violating the right of visit of detainees.

Some of those sent to Zouerate prison, a mining town with very difficult weather conditions, were later released. It remains true that Moussa Bilal Biram and Abdallahi Matalla Salek, sentenced to 3 years imprisonment with a year suspended, continue to languish in Bir Moghre prison more than 1200 km from Nouakchott. That place is however described as a very entrenched military camp, very difficult to access by any visitors, used as a detention center for convicted criminals serving sentences of over 7 years and considered as dangerous offenders, drug

traffickers and other murderers, where the inmates are living in inhuman and degrading conditions, combining humidity, poor ventilation and other unhealthy conditions, undermining their state of health in violation of the provisions of the African Charter on Human and Peoples' Rights

The situation of blogger Mohamed Cheikh Ould Mohamed, known in his country and among human rights defenders under the name of Ould Mkhaitir, was sentenced to death in 2014 for writings deemed apostatic and imprisoned, remains disturbing, although his lawyer was hopeful that his case will be reopened at the beginning of May this year.

Contemporary slavery was abolished in 1981 and recognized as a crime in Mauritanian national law, but human rights organizations, including SOS Esclaves and IRA, continue to denounce the recurrence of the phenomenon.

Indigenous black Mauritians who had been forcibly displaced by the Mauritanian state between 1986 and 1992 are still demanding the restitution of all their property, land and identity documents, including avoiding a situation that would lead to statelessness.

There are also cases of incitement to hatred campaigns and propaganda that appears to be aimed at infusing in

the Arab-Berber community the fear of a danger allegedly posed by the Haratines, or a black danger that seeks the extermination of the Arab-Berbers.

The Mauritanian Widows Association, an organization calling for the truth be revealed about the summary executions and disappearances in the 1990s, is still not officially recognized and has been waiting for recognition since 1993.

The UN Special Rapporteur on Extreme Poverty and Human Rights, who visited Mauritania in 2016, stressed that the Haratines and the Negro-Mauritanians were absent from virtually all positions of power and excluded from many aspects of economic and social life, in particular because it is impossible for them to obtain a national identity card.

Further, the Special Rapporteur clarified that although economic, social and cultural rights are mentioned in the preamble to the Mauritanian Constitution, they are not addressed in any provision, noting that in some rural areas only 10 per cent of children are enrolled in secondary education and that the maternal mortality rate remains one of the highest in the world. In 2015, according to the World Bank, there was a ratio of 602 deaths per 100,000 live births.

Sources:

- **ROADDH / WAHRDN members**
- *Coalition des Défenseurs des Droits Humains- Benin (CDDH-Benin), BENIN*
- *Coalition Burkinabè des Défenseurs des Droits Humains (CBDDH), BURKINA FASO*
- *Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH), COTE D'IVOIRE*
- *Coordination des Organisation Guinéenne des Défenseurs des Droits Humains (CODDH GUINEE), GUINEE CONAKRY*
- *Human Rights Defenders in Liberia (HRDL), LIBERIA*
- *Coalition Malienne des Défenseurs des Droits Humains (COMADDH), MALI*
- *Réseau Nigérien des Défenseurs des Droits de l'Homme (RNDDH), NIGER*
- *Coalition Sénégalaise des Défenseurs des Droits de l'Homme (CoSeDDH), SENEGAL*

- *Coalition Togolaise des Défenseurs des Droits Humains (CTDDH), TOGÓ*
 - *Associação de solidariedade e promoção dos direitos humanos - Zé Moniz, CABO VERDE*
 - *Colgação Das Organizações Of Defesa Dos Direitos Of Criança Na Guiné-Bissau, GUINEA BISSAU*
 - *Network of Human Rights Journalists (NHRJ), GAMBIA*
 - *POS Foundation, Focal Point, GHANA*
 - *Forum des Organisations Nationales des Droits de l'Homme (FONADH), MAURITANIE*
 - *Partnership For Justice (PFJ), NIGERIA*
- **The media** including online
 - **The partners**

Western Africa Sub-region – October 2017 Report

on the Situation of Human Rights and Human Rights Defenders in West Africa

Banjul

The human rights situation in West Africa is not calm and peaceful at a time when the fear of terrorist attacks is causing authorities to dread the exercise of certain rights enshrined in our constitutions or treaties to which most of our States are parties.

Indeed, the adoption of anti-terrorist measures, in the permanent quest for peace and social stability advocated by the leaders of the sub-region, inexorably lead to human rights violations such as: the narrowing of the civil society space, repression of demonstrations, arbitrary arrests, incommunicado detentions, torture, enforced disappearances and extrajudicial executions. Examples:

1. **Togo:** Since it has been very much in the news, we start with this country, where recent events have revealed serious human rights violations perpetrated against peaceful protesters, the excessive and disproportionate use of force on protesters by security agents who do not hesitate to violate the privacy of some people, harass journalists and seize their equipment, arbitrarily kill and detain peaceful protesters amid recurrent allegations of torture. There are still many demonstrators, including 03 activists of the NUBUEKE human rights movement held in the prisons of Togo. The killing in Sokode of 02 soldiers prompted collective punitive expeditions directed against the populations of that city. The localities of Bafilo, Agoènyivé and Bè have also been the subject

of collective repression by the defense and security forces. This resulted in many bullet and knife injuries, public and private property ransacked and burned, massive displacements of populations - including women, children and old men - fleeing into the bush and neighbouring countries.

Freedom of expression: many abuses were committed against journalists in Togo (In February 2017, Robert Avotor, journalist of the *Alternative* newspaper was the victim of an assault by police officers who ripped off his equipment while he was reporting in the field. Two days later, the same journalist who was riding a motorcycle was hit by unidentified individuals driving in a 4x4 car. The *Haute Autorité de l'Audiovisuel et de la Communication* (HAAC) has closed the *LCF* television channels and *City FM* radio because these media which had been broadcasting for many years were suddenly no longer in good standing with Togolese law. In August 2017, a journalist from the private *Correcteur* newspaper covering the demonstrations of the Pan-African National Party, was hit in the head by a rubber bullet by the police and security forces.

2. **Côte D'Ivoire:** According to Amnesty International's recent report, the Ivorian authorities have adopted restrictive measures against the rights and freedoms of expression, association and

peaceful assembly. The Ivorian authorities have arrested several people, including journalists and members of the opposition, who are often held in police vehicles on the move. This is a practice known as "mobile detention" which consisting in stopping and forcing the victims to remain in the moving police vehicles for several kilometers before letting them return to their homes on foot. Also noted is the resurgence of extrajudicial executions carried out with impunity on young citizens suspected as criminals commonly known as "microbes" in local language.

3. **Nigeria:** The army and other security forces used excessive force against pro-Biafra peaceful protesters, resulting in the deaths of several of them during the year. The nebulous Boko Haram continues to perpetrate attacks, causing damage to life and property. A hundred young people have disappeared without leaving any traces, and their families are still waiting for news about them
4. **Guinea:** Corporatist claims during this year have resulted in human rights violations: deaths, repression of peaceful demonstrations, intimidation, arrests and harassment by the defense and security forces. Arbitrary arrests relating to persons expressing dissenting opinions have been reported. This is the case of Amadou Sadiou DIALLO who was arrested in June 2017 for publishing an article

entitled "*Cholera epidemic in Lelouma*", Mamadou Bailo Barry of "*mouvement la voix du peuple*", Allassane Diallo of Amnesty International-Guinea and Mamoudou Billo Bah of the Parliament of Young Leaders of Guinea, arrested for demanding the reopening of schools closed since 1st February 2017, the music artist Takana Zion, arrested in July 2017 for demonstrating peacefully. Cases of torture and inhuman and degrading treatment have been consistently reported.

5. **Sierra Leone:** The rights to freedom of expression, association and assembly remained restricted. Last August, mudslides in the suburbs of Freetown caused hundreds of deaths, as a result of the lack of respect for the right to a healthy environment. The country just emerging from this situation is preparing for one of the already difficult presidential elections with the murder, by supporters of another political party, of a young man who was displaying the image of his candidate.
6. **Mauritania:** There are laws, including those relating to public order, rebellion and belonging to an unrecognized organization, that have been used to launch politically motivated prosecutions against opponents of the government and human rights defenders, especially anti-slavery activists.

7. **Senegal:** Recently, a press conference in Dakar on violations and slavery practices in Mauritania, that was to be attended by Biram Dah Abeid, President of *IRA-Mauritania*, was cancelled in order to preserve good relations between Senegal and Mauritania.
8. **Niger:** Since February 2017, freedom of expression has been deteriorating in Niger. In the month of July 2017 alone, Messrs. Ali Soumana and Alpha Baba, respectively founding journalist of the weekly "*le courrier*" and journalist of the private channel "*Bonférey*", have been in legal trouble.

On 03 July 2017, Mr. Ali Soumana was arrested for publishing a document posted online by the Ivorian online newspaper "*Ivorian connection*" and prosecuted for "complicity in stealing court documents and violating the confidentiality of the judicial process", according to a statement from the Ministry of Communication dated 6 July, 2017. This case is related to the indictment by the public prosecutor in a case opposing the State of Niger and the Lebanese company *Africard* in which the prosecutor ordered the arrest of a judge of the arbitration tribunal of OHADA and Mr Dany Chaccour, CEO of *Africard*, and goes back to 2012 when *Africard* had launched several international legal actions against the State of Niger for unilaterally rescinding the contract it had signed

with the company for the production of biometric and electronic documents. According to some media reports, the journalist was incarcerated for the interview that the director of *Africard* gave him on the subject. Faced with this situation, several organizations and civil society actors, including *Reporter Sans Frontière* (RSF), Niger's media professionals, and the Media Centre, have all condemned the legal action against the journalist, denouncing the violation of Articles 16 and 67 of the 2010 Ordinance guaranteeing professional secrecy and prohibiting preventive detention and imprisonment for acts committed by the press and providing only fines. In addition, they called on the state to fulfil its responsibilities. However, according to the Ministry of Communication, the charges against the journalist are legal since they are subject to the penal code and not the Ordinance of 2010. As for the journalist of the private channel *Bonfère*, Mr Alpha Baba, he has been incarcerated since 3 April, 2017 together with his 70-year-old father in Niamey prison. He is accused of obtaining, in complicity with his father, a certificate of nationality in violation of the legal procedures in force in Niger. Although the father was Malian, the journalist himself was born and raised in Niger. He even had led for several years several organizations in Niger, including the Union of Information and Communication Workers (SYNATIC). On 11 July, 2017, the high court of Niamey sentenced them to

two years in prison with a fine of 300,000 CFA each for "forgery and uttering of forged documents". They have also been deprived of all their civic and political rights for a period of 10 years. Strangely, the person accused of making the alleged false document for the journalist was acquitted. On the same day after their conviction, Amnesty International said in a publication that journalist Baba Alpha is being targeted for his critical stance on the *Bonferey* radio station. The next day, Reporters Without Borders denounced the journalist's conviction for his criticism of the Nigerian authorities. In an interview with *Jeune Afrique* magazine, Niger's Foreign Minister Mohamed Bazoun replied that: "This journalist has been a strong activist, very committed, and has practised for at least six years without ever being arrested"

The human rights situation in Niger has deteriorated considerably. Numerous restrictions and violations against HRDs as well as fundamental freedoms have been reported in recent years.

Human rights defenders of Niger who advocate for greater transparency and fairness in business relations between the government and the extractive industries have been harrassed and threatened.

In January 2017, the journalist Soumana Idrissa Maïga, director of the private daily *L'Enquêteur* and one of his colleagues, were arrested for "conspiracy against state security" for reporting in their publication the comments made by some people who said that the countdown had begun for the current regime.

Physical violence was meted out by members of the national police against a reporter from *Télévision Canal 3 Niger* who was covering a demonstration by students of the Abdou Moumouni University of Niamey on 10 April, 2017, followed by the arrest of the former Chairman of the Board of Directors of the Media Centre of Niger, Baba Alpha, journalist with the *Bonferey* press group, incarcerated in the Niamey civil prison since 3 April, 2017, for "forgery and uttering of forged documents in public". He has since been detained there with his father, who is seventy years old and prosecuted for the same reason.

Similarly, Mr. Abdourahmane Insar, a militant of a political party and general secretary of the *collectif pour le renouveau et l'innovation* (CRI) was arrested on the night of Saturday 13 to Sunday 14 May 2017 in Agadez. He was accused of attempting to use social networks to incite people to violence.

Freedom of assembly is not spared. This situation is reflected by the violent repression of peaceful demonstrations.

On 10 April, 2017, a demonstration by students led to the death of a protester. A video showing a group of police officers in a pickup truck committing acts of violence against a protester was posted on social media. According to witnesses, the victim was a student arrested during the event.

In May 2017, students protesting the delays in the payment of their scholarship were victims of excessive use of force by the police, resulting in at least 30 injuries and 72 arrests. They were released after 19 days in detention, after being charged with vandalism and destruction of public property. They were released on bail at the end of the year.

On 10 May 2017, the civil society collective of Niger organized a demonstration in Niamey, the capital of Niger, which was dispersed by the police with tear gas while protesters denounced corruption, impunity, misappropriation of public funds, electricity shortages and a worsening education system.

The West African Human Rights Defenders Network (ROADDH / WAHRDN) suggests that the forum should make the following recommendations to **Niger**:

1. To respect its commitments to the Table Mountain declaration on the freedom of the press.
2. To respect the 2010 Press Freedom Ordinance and promptly review it confusing articles.
3. To speed up the process of adopting the law on human rights defenders for more effective protection of these actors throughout the country.

Sources of information:

▪ ROADDH / WAHRDN members

- *Coalition des Défenseurs des Droits Humains- Benin (CDDH-Benin), BENIN*
- *Coalition Burkinabè des Défenseurs des Droits Humains (CBDDH), BURKINA FASO*
- *Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH), COTE D'IVOIRE*
- *Coordination des Organisation Guinéenne des Défenseurs des Droits Humains (CODDH GUINEE), GUINEE CONAKRY*
- *Human Rights Defenders in Liberia (HRDL), LIBERIA*

- *Coalition Malienne des Défenseurs des Droits Humains (COMADDH), MALI*
- *Réseau Nigérien des Défenseurs des Droits de l'Homme (RNDDH), NIGER*
- *Coalition Sénégalaise des Défenseurs des Droits de l'Homme (CoSeDDH), SENEGAL*
- *Coalition Togolaise des Défenseurs des Droits Humains (CTDDH), TOGO*
- *Associação de solidariedade e promoção dos direitos humanos - Zé Moniz, CABO VERDE*
- *Colgação Das Organizações Of Defesa Dos Direitos Of Criança Na Guiné-Bissau, GUINEA BISSAU*
- *Network of Human Rights Journalists (NHRJ), GAMBIA*
- *POS Foundation, Focal Point, GHANA*
- *Forum des Organisations Nationales des Droits de l'Homme (FONADH), MAURITANIE*
- *Partnership For Justice (PFJ), NIGERIA*
- **The media** including online
- **The partners**



Participants at the May NGOs Forum



Some publications on display

Pictorials from the October NGOs Forum



Participants at the NGOs Forum



Participants at the October NGOs Forum



Dr. Amadou Scattred Janneh (2nd from left) - former Gambian Minister of Information sharing his thoughts on the 'new' Gambia while the sub-regional focal points representatives look on