

SITUATION OF HUMAN RIGHTS IN AFRICA

Sub-regional Reports on Human Rights and Democracy in 2018



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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 2018.

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 organization 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

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 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, as well as 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 states should be 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 criminalization 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 still 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.

SUB-REGIONAL REPORTS

NGOs Forum and 62nd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - April, 2018

Central Africa Sub-region

REDHAC (Réseau des Défenseurs des Droits Humains en Afrique Centrale) report was presented at the NGOs Forum which preceded the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held in Nouakchott, the Islamic Republic of Mauritania, from 18-20 April, 2018. The ACHPR session was also held in the same venue from 21 April-May 9, 2018. The report covers "Reduction of civic and democratic space, violations of fundamental freedoms and restriction of access to Internet connection in Central Africa."

The security environment in Central Africa was characterized by increasing social and political crises, with a special note taken of the lack of educational and health infrastructures.

Out in the fields human rights defenders faced multifaceted threats and reprisals from armed groups and

governments. Restriction of the civic space and the proliferation of violations of fundamental freedoms continued in the countries covered by REDHAC as follows:

In the **Republic of Cameroon** the security situation had become more worrisome in the respect and observance of fundamental freedoms in view of preparations for the presidential elections, the fight against the Boko Haram sect, terrorism in general, and the management of the socio-political crisis in the country.

Arbitrary arrest and detention

- In the fight against terrorism Fomusoh Ivo Feh, Afuh Nfor Nivelle and Azah Levis Gob, young people under 20- years of age were held at the Main Prison in Yaounde and tortured with chains around their the ankles from January 14, 2015 to April 2015. They were sentenced to 10 years in prison on March 15, 2018.
- About 125 young protesters were arrested between January and October 2017 and were subjected to chaining and isolation, including physical beatings by the security forces to obtain their confessions.
- Mr. Asah Ndango Patrick was arrested in July 2017 in the course of Anglophone crisis and has remained locked up in a bunker at the DGRE (General Delegation for External Research) for three months.

- Reliable sources have reported that at least 1000 people today are in prisons and other detention centres in Cameroon in the ongoing socio-political crisis in North West and South West Cameroon since 2016.

Death sentence

- During this reporting period there are more than 200 prisoners on Death Row in Cameroon's prisons, especially in the Far North region.

Extradition of separatists

- As many as 49 pro-independence secessionists were extradited to Cameroon on January 25, 2017 in violation of UNHCR principles. No information has been made public since their arrival in Cameroon while families and lawyers have been denied visits to them.

Physical aggression, fires in markets and schools

- From September 2017 to February 2018 many citizens, including some elements in the security and Defense forces, were subjected to physical attacks. Sources have reported as many as 50 attacks:

- 15 schools burned in Bamenda in the North West;
- At least 5 schools burned in Buea and Kumba in the South West;
- 12 public buildings burned in Bamenda in the North West;
- At least 4 public buildings burned in the South West;
- 12 private homes burned in the North West;
- On March 30, 2018, the villages of Bakumba and Ngwaji in the South West Division were completely razed by fire by the Cameroonian security forces. Seventy civilians were reportedly shot and killed. More than 8,000 people fled those two villages to unknown destinations.

Torture, inhuman and degrading treatment, summary and extrajudicial executions

- At least 100 demonstrators were either killed on October 1 2017 or became victims of enforced disappearance and/or summary and extrajudicial execution at the hands of the defence and security forces. REDHAC was able to identify 38 of them.

Failure to respect fair trial principles

- August 31, 2017, 54 activists were released, following an announcement by the Cameroonian Minister and Secretary General of the Presidency, of the decision of the Head of State on August 30 to discontinue proceedings pending against them before the Military Tribunal of Yaoundé.
- Trials which opened on February 13, 2017 of journalist Mancho Bibixy (alias BBC), resumed on March 1, 2018 along with 7 other activists still in detention for "*presentation of the defence of the accused*." The trial was then adjourned to March 16, 2017, and again to March 29, 2018 for "*lack of accessor*." A final adjournment was slated for April 13, 2018, 1 year and 3 months after it first opened.

In the **Republic of Chad** there was evidence of a growing socio-political crisis and restriction of fundamental freedoms overall which kept growing worse for the Chadian people. The situation has been marked by social political crisis, austerity measures and strikes.

- February 6, 2018, demonstrators in N'Djamena against pay cuts in the civil service and against high cost of living in Chad were dispersed and several people arrested.

- On February 8, 2018 a march of associations of the civil society and a coalition of artists was dispersed by the agents of the ANS (National Agency of Security).

Manhunt for defenders

- On October 17, 2017, in N'Djamena, Judah Allahodoum, publication director of the weekly "*Le Visionnaire*" and president of the Patronage of the Chadian Press, was arrested and arbitrarily detained.
- On January 25, 2018, Dingamnayal Versinis was arrested in N'Djamena in during the peaceful march organized by the Coalition of civil society organizations, and was threatened with death with a weapon by the chief of intelligence at the Public Security N° 15 police station. He was tortured for 12 hours before being released by the public prosecutor.
- On February 19, 2018, the HRD and spokesperson for the IYINA Citizens Movement Alain Didah Kamba was arrested and accused of an attempt at tyre- burning in the street. He was not formally charged but was denied access to his lawyer at the beginning of his detention. He was tortured by the police during his interrogation.

Access to the internet connection

- The Internet was shut down on January 24, 2018 as a precautionary measure against a demonstration planned in N'Djamena for January 25, 2018 by civil society organizations. The government pronounced a ban that lasted more than a week.

In the **Central African Republic (CAR)** the situation portrayed human rights violations, serious crimes, and restrictions of fundamental freedoms.

Violence by rebel groups

- The situation of human rights worsened considerably in the second half of 2017 characterized by violence and armed attacks against aid workers and peacekeepers. This has resulted in a 50 per cent increase in the number of internally displaced persons (IDPs), from 400,000 in May to 600,000 by the end of 2017. The sum total of refugees and IDPs is the highest ever recorded affecting nearly a quarter of the 4.6 million population.

Freedom of expression, access to information and opinion, arbitrary arrest, and detention

- In October 13, 2017 armed groups issued death threats to operators and broadcasters of Radio Mbari in Bangassou in the Southeast of the country.

In **The Republic of Equatorial Guinea** there was much in evidence to show that the standard of fundamental

freedoms were eroded in the face of a number of failed coup attempts. The government is one of the most dictatorial taking undue advantage of the fact of its control of one of the richest countries in the sub-region.

Failed coup

- President Obiang Nguema amended the Constitution in 2012 with the view to run in presidential elections against the background of the conviction of his son in Paris on October 27, 2017, on corruption charges. An attempted coup failed on the night of December 27, 2017 to which the authorities pinned civil society organizations and some courageous opposition political parties as scapegoats.

Reprisals against defenders and activists

- The passing of Law 6/1997 of May 30 on the right to freedom of expression, press and access to information was crafted specifically to regulate the printing press and audio-visual media.
- Journalists continued to suffer from constant reprisals and many risks such as in the case of the arrest and arbitrary detention of the cartoonist and blogger Mr. Nsé Ramón Esono Ebalé in September 16, 2017.

Access to the internet connection

- Civil society organizations denounced the disruption of Internet connections on November 12, 2017 on election day for legislative, senatorial, and municipal seats, and restriction being in place until the announcement of the election results on November 17th.

In **The Republic of Congo** REDHAC recorded evidence of human rights violations, a socio-political crisis, and the repression of demonstrations.

- In the Pool region south of the capital Brazzaville, Congolese authorities as well as unidentified armed groups would engage in massive human rights violations: bombardment of civilians, forced eviction of populations, arbitrary arrests and torture and cruel inhuman, and degrading treatment. There was no redress on any of these cases of violation.
- On February 9, 2018 Nelson APANGA President of the Free Movement of Pupils and Students of the Congo (MLEEC), was arrested, handcuffed and hooded, and led to the Departmental Directorate of Territorial Surveillance (DDST) before his subsequent transfer to the DGST where he was probably tortured.
- On February 16, 2018 Béranger Bouet, Singou Love, Pagel Yobi, Nazaire Nkani, all members of MLEEC were arrested and tortured.

In the **Democratic Republic of Congo (DRC)** under the cloud of postponement of elections, human rights

violations and all-out use of force presented a situation which concerned REDHAC deeply, especially with the cases of the massive attacks on fundamental freedoms, in particular the freedom of assembly and demonstration in the DRC.

- On December 31, 2017 there was a, bloody repression of the peaceful march in Kinshasa organized by the Lay Committee of Coordination of the Catholic Church to demand the implementation of the New Year's Eve Agreement.
- Twelve demonstrators were gunned down by heavily armed security forces
- Numerous people were arrested in Kinshasa.
- Unarmed protestors for freedom of expression, access to information and opinion, arbitrary arrest and detention, were dispersed by tear gas and batons.
- On November 2017 the Congolese Minister of Communication and Media Mr. Lambert Mende issued threats of arrest against the members of Journalists in Danger (JED), accusing them of "political activism."

From the Republic of Gabon reports have come of a socio-political crisis coupled with evidence of ritual crimes. Human rights defenders, activists and journalists work in a climate hostile to their deployment. They are subject to

various forms of repressions by the government, the security forces and or rebel groups.

The post-electoral period

The atmosphere of tension which prevailed in Gabon since the announcement of the results of the presidential election held on August 27, 2016 encroached enormously on the strict respect for fundamental freedoms and the protection of human rights. Numerous and catastrophic violations are recorded.

On January 10, 2018 Parliament adopted a new Constitution which introduced presidential elections to be conducted in two rounds but without stipulating term limits for the Head of State

The ritual crimes (similar to crimes in Cameroon)

- It was revealed in March 2018 that three Gabonese citizens were among 14 people involved in ritual crimes of kidnapping and murder in Kye-Ossi in Southern Cameroon and in the Akom-Bang district where three of four children, aged 2 and 4, had died

Recommendation

REDHAC makes recommendations to the African Commission on Human and Peoples' Rights to:

1. Assist the Central African States to develop an action plan to ensure the governments' commitment to the guarantees of freedom of expression and information, in order to ensure free access to electronic media, respect for the laws governing the Internet, to liberalize the rules of electronic ownership of the media and allow national bloggers, journalists and other Internet users to play a full and active role in the promotion and protection of human rights.
2. Weigh in on the Republic of Cameroon to release all human rights defenders, activists, and members of civil society still in detention, and to disclose the whereabouts of those who have not been seen since their arrest in 2016 and 2017;
3. Ensure that the Republic of Chad provides a safe and secure environment for civil society members and HRDs to carry out their work. The African Commission must conduct impartial, thorough, and effective investigations into all incidents of attacks, harassment and intimidation against civil society operators and bring to justice the perpetrators of such violations.
4. To have the Central African Republic assess risks and develop strategies to combat violations of fundamental freedoms and to avoid arbitrary arrests and detentions, and also to strengthen the protection of human rights while advocating zero impunity.

5. To ensure that the Democratic Republic of Congo take measures to ensure the proper conduct of elections, in accordance with the Saint Sylvester Agreement of 31 December 2016 and to adopt the law on the protection of human rights defenders, taking into account the recommendations of HRDs.
6. Insist that the Republic of Gabon take up the fight against ritual crimes as a priority, to bring the perpetrators before the impartial national courts.
7. Get the Republic of Congo Brazzaville to allow trade unions and citizen movements to carry out their activities in support of their members and stop intimidating, harassing and subjecting their leaders to judicial persecution.
8. Insist that the Republic of Equatorial Guinea takes measures to promote a safe, respectful and civil society environment, including the removal of legal and political measures that unduly limit the right of association.

NGOs Forum and 63rd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - October, 2018

Central Africa Sub-region

Report to the NGO Forum preceding the 63rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul, The Gambia, from 17-19 October, 2018.

Over the period 2015-2018 countries of Central Africa sub-region faced many challenges related to the presidential, legislative and municipal elections. The Year 2018 will be a milestone for Gabon, Cameroon and the Democratic Republic of Congo (DRC).

On October 6, 2018 Gabon held the first round of legislative and local elections and Cameroon held presidential elections on October 7, 2018 the results of which the Constitutional Council were yet to announce. Presidential election in the DRC were slated for December 23, 2018.

The democratic process was expected to be rolled out in these and future elections but in fact everything was mired in constant protest. The exacerbating issues were of security with the rise of terrorism in Chad and Cameroon, the socio-political crises in Cameroon and the DRC, and

the increase in the unemployment rate amongst young women and men.

The restriction of the civic space for the defenders and the activists, the proliferation of the prefectural decrees, prohibitive injunctions by government ministries were not much help either.

Human rights defenders faced multiple threats from rebels as well as other armed groups.

As if this was not enough, authorities put in place new restrictions with the creation of fake non-governmental organizations to contend with genuine operators within civil society.

Media was under siege with surveillance of offices by the intelligence services. There have been reports of assassinations and kidnappings by the secret service units, prohibition of demonstrations by civil society organizations in a situation where HRDs had become the Enemy No. 1.

This malaise describes the state of affairs in all the four countries mentioned in this report.

Violations of fundamental freedoms and human rights in the DRC, Cameroon, Chad and Gabon.

Restrictions on the freedom of association

On October 7, 2018, about 5000 diggers at the Kolwezi mine (DRC) protested against their forced evacuation from the KOV quarry belonging to the Kamoto Copper Company (KCC), police and army killed about 18 people and wounded dozens; six police officers died and three vehicles were burned.

The freedom to demonstrate

A solidarity rally with the people of Beni was brutally dispersed by the police on 28 September, 2018 in Kinshasa. It was organized by the Citizen's Commitment for Change (Eccha), a youth movement, to raise awareness in the capital city on the killings that had taken place over four years in the territory of Beni in North Kivu. Twenty-eight members of the movement were arrested and detained at Camp Lufungula for a few hours. Peaceful protests by associations or groups are prohibited. The Ministry of Land Administration, Public Security and Local Governance decreed on May 15, 2018 banning the march of the party of Chadian Socialist Intellectuals for Evolution that was scheduled for May 21, 2018.

Freedom of expression and opinion

On October 13, 2018 the leaders of the Congolese opposition called to meet in Lubumbashi for a protest march against *the illegal use of the voting machine*. More than 10 million people had voted without fingerprints. The representatives of the political group "Together for Change" for a Greater Katanga were put under house

arrest. The meeting was disrupted, the giant screen and other electronic image projection equipments were seized and, with any warning, police opened fire on the participants.

Freedom of circulation, arbitrary arrest and detention

On July 11, 2018, members of the Filimbi Movement organized a demonstration in South and North Kivu to demand the release of their members arrested and detained in Kinshasa since December 2017. The demonstrations were violently repressed by the security forces.

On October 18, 2018, in Goma, DRC, police arrested 12 members of the LUCHA movement, including one girl, who were demonstrating to safeguard their right to water.

On July 2, 2018, 18 activists were transferred from Buea Prison and the State Secretariat for Defence (SED) to Kondengui Prison in Yaounde, Cameroon. It was reported that prison guards tortured them while keeping them in shackles.

On October 7, 2018 in Yaoundé, Cameroon, activist Joseph Thierry Okala Ebode was arrested at the Vogt College polling station by agents of the Judicial Police Directorate while he was protesting the fact that someone had voted in his place.

Threats and reprisals against human rights defenders and activists

In Buea-Lysoka, the home of a collaborator with human rights causes Embola Robert was burned down by the separatists who reproached him for taking an active part in the elections.

In Kumba, human rights defender Akonlo was killed after death threats he received from separatists for his involvement in the elections.

The Human Rights Defenders were threatened. Mr. Ambo Mambo received anonymous calls from the intelligence agents Finders Group Initiative. Mrs. Laura Tufon threatened for her close links with the bishopric in Bamenda working for the protection of human rights, justice and peace. Mrs. Adah Mbah was threatened by security guards for her commitment to human rights, especially for the women in the group *Mother of Hope*.

Gwain Colbert of the group *A Common Future* received threats from the security forces throughout the electoral process for his commitment to the right for all to use the Internet.

HRDs in Gabon, especially those who denounced abuses or who documented violations during the election period were subject to harassment, spinning, sabotage of a motor vehicle, surveillance by intelligence services (B2),

answering to summonses to the General Directorate Research (DGR) that will bombard.

them with questions for information on their human rights activities. Security agents even resorted to the intimidation of the relatives of activists.

Presidential elections and human rights violations

On September 3, 2018, demonstrations by the group LUCHA were repressed in several cities across the DRC. A dozen pro-democracy militants were arrested, mistreated, and tortured for speaking against evidences of the illegal use of the voting machine by the CENI.

Specific human rights violations in the North West and South West regions

- Excessive presence of BIR agents and hooded soldiers armed with guns ready to fire;
- A convoy of the *Cameroon Tribune* newspaper attacked at the entrance of the city between 6am and 7am on October 7, 2018. There were no casualties;
- Attack at Muea on a convoy of the sub-prefect of Buea;
- Prohibition of observers and voters from entering Muea, depriving voters of their right to vote;
- Intimidation of women by separatists and personnel of the regular army; as a consequence many voters were prevented from exercising their right to vote;

- Corruption at some checkpoints at the entrance of the city;
- Two young people on their way to vote assassinated by masked men at Hospital round about at Commercial Avenue;
- Four soldiers murdered at Njikwa in Donga Mantung;
- Forty prisoners released to vote for the party in power, each taking a CFA20,000 for obliging, had not returned to the Central Prison in Bamenda by 17:30 on Sunday, October 7, 2018;
- Two youths killed by security forces at Hotel AZAM (Bamenda Centre);
- Houses burned at Nsongwa in Bamenda 2 in the Department of Mezam;
- Achidi Achu put under house arrest by security agents who accused him of belonging to the separatists;
- Prohibition of voters from performing their civic rights in Bamenda 2 and Bamenda 3;
- Late opening of polling stations (as late as one to six hours);
- Corruption by vote buying at some polling centres;
- The use of mobile vehicles to bribe voters in the boroughs of Libreville, Akanda and Owendo;
- Prohibition of demonstrations on public roads; those of the opposition carted off to prison without judgment or trial.

- The arrest and arbitrary detention of political activists;
- The torture of detainees and the obtaining of false confessions under the duress of torture;
- Kidnapping, abduction, sequestration and blackmail;
- Assassinations on the basis of language and ethnicity;
- Extrajudicial executions and enforced disappearances

Enforced disappearances and / or summary executions

On July 12, 2018, the activist writer Mbaibé Guentar Béba left his home around six o'clock in the evening on August 13, 2018. His family and relatives were only informed of his death. A month after the event the official version given by the investigators of the judicial police said that he would have been a victim of a traffic accident at the height of the old bridge of Chagoua July 13 at 3 o'clock in the morning; they said he would have fallen in the river Chari.

City Hall's Emergency Services reported that they recovered his body on 14 July at 6 am and buried it on the instructions of the Public Prosecutor.

On August 2, 2018 Mowha Franklin, the national president of the Association of Frontline Fighters for Citizen Interests (FFCI) disappeared after being kidnapped in the locality of Kumba in South West Cameroon. He was out to document cases of human rights violations committed

within the context of the ongoing socio-political crisis in the North West en South West region in Cameroon.

Between August and September 2018, in Uvira, South Kivu, in the DRC, there was the abduction and summary execution of Aimable Masumbuko Birindwa, a human rights defender.

On September 16, 2018, youths under suspicion ('kuluna') were arrested at night on September 14, 2018 by masked policemen. They were later found dead in Kauka, Kalamu commune in Kinshasa

Other specific violations

Ritual crimes (Cameroon and Gabon)

- Violations perpetrated by armed groups and rebel groups

On July 10, 2018, in the far north of Cameroon, a looping video in social networks showed a most horrific scene of state agents dragging two women and two children including a baby innocently hanging on his mother's back and executing them with abject barbarity.

August 8, 2018, 14 bodies (10 men and four women) were left to rot on the east of Beni-ville in Boikene district, Ruwenzori commune. Sixteen bodies of farmers abducted and killed in Munzambayi and Gbadolite in sweeping action by Ugandan ADF Islamists were discovered on

August 2, 2018 in Beni. Long before that 20 people were reported to have been abducted in similar circumstances in the same location; 14 of those bodies were in a state of decomposition.

The death penalty

On 27 August 2018, the special session of the Criminal Court of the N'Djamena Court of Appeal sentenced four people to death for their involvement in an assassination. Their offence was reclassified as acts of terrorism and complicity in acts of terrorism in accordance with the law 034 / PR / 2015 of August 5, 2015.

Access to the Internet connection

Internet connections were cut on January 24, 2018 as a prelude to the demonstration of January 25, 2018 in N'Djamena. It was meant to deter civil society organizations that were under a ban already by government from any public action. Social networks had not been restored despite the referral of the matter to the Constitutional Chamber of the Supreme Court.

Recommendations

REDHAC makes the following recommendations to the African Commission on Human and Peoples' Rights that:

1. The states of Central Africa be encouraged to respect the guidelines on freedom of association and assembly in Africa, provisions of the ACHPR (Resolution on the right to freedom of information and expression on the Internet in Africa - ACHPR / Res.362 (LIX) 2016) of November 2016) and the United Nations (Resolution A / HRC /32/L.20 of the UN Human Rights Council of 1 July 2016;
2. The Commission should request that states of Central Africa facilitate country visits by the Special Rapporteur on Human Rights Defenders
4. The states of Central Africa should be encouraged to ratify the African Charter on Democracy, Elections and Governance (CADEG);
5. The Government of Cameroon be encouraged and supported in the establishment of a "**Truth, Justice and Reconciliation Commission**" with a view to overcoming the socio-political crisis;
6. A commission of inquiry composed of the Special Rapporteurs visits the Cameroon, Congo, Chad and the DRC in order to establish the responsibilities involved in the case of human rights crimes since 2016.

A brief overview of the other countries shows the following:

A. Central Africa Republic has a record of violations of human rights, serious crimes and restrictions on fundamental freedoms. The human rights situation remains deplorable. There was an upsurge in violent activities. Ex-rebels of the "Seleka" and other unconventional forces subjected peaceful populations in the towns and villages to acts of terrorism. In the course of these crimes they seize hostages among the civilian populations and they loot and burn down property. They create obstacles to the free movement of people and goods, displaced people with much injury and loss of life. Villagers were raped and were targets for grenade attacks and murder.

In such an atmosphere, human rights defenders could not do their work without fear of being targets themselves.

In the **Republic of Equatorial Guinea**, matters of fundamental freedoms have taken a backward trend. The government continued to rank as one of the most dictatorial countries in the sub-region. It would take exceptional courage to hold meetings or demonstrate in that country.

Since the failed *coup* of September 27, 2017 journalists and other media professionals work in a very restrictive environment in spite of the Law 6/1997 of May 30 1997 on the press, printing and audio-visual media providing for the right to freedom of expression, press and access to the

information. The security forces have a free rein as an arm of the president.

Nevertheless, by decree on July 4, 2018 President Teodoro Obiang Nguema granted amnesty to all political prisoners and activists hitherto banned from all activity. He also started an inclusive dialogue with civil society from 16-18 July 2018.

In the Republic of Congo there were gross human rights violations and repression of demonstrations in a country steeped in socio-political crisis.

Abuses and other massive violations of human rights were committed with impunity, especially in the Pool region and in other areas of the country that are still beyond the control of the army.

Clashes between rebel groups that want to control the territory and regular forces have a significant impact on the civilian population that pays the high price.

On May 7, 2018, 20 activists of the Citizen Movement Ras- Le-Bol, were arrested and detained by the officers of the Directorate General of Territorial Security (DGST) in Pointe-Noire while on a peaceful protest outside the courthouse against the ongoing wave of trials of political prisoners. In August there was an attempt to kidnap members of the movement at the airport.

Journalists are forced into auto-censorship.

NGOs Forum and 62nd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - April, 2018

Eastern and Horn of Africa

NGOs Forum and 62nd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - April, 2018

Northern Africa

Human rights and democracy in North Africa are at a great risk. The situation demands the attention and efforts of all credible civil society groups and non-governmental organizations.

Priority issues changed for the authorities after the Arab Spring; the state started to charge and prosecute journalists, activists, and bloggers for offending officials or so called symbols of the system and to put them in prison where they suffer abuse and physical violence.

Moreover, governments in North Africa are very good at making protective laws on human rights issues such as women, immigration, refugees, and so on, but all credit fades away when it comes to practice.

Tunisia

Despite efforts to improve human rights, Tunisia is still facing some serious challenges in implementing human rights protection.

Freedom of speech and of expression

Speech offences are punishable under the Penal Code and the Code of Military Justice, all which fly in the face of the Press Code which was put in place only in 2011.

Zarrouk Walid, a former prison officer, who set up an NGO to monitor the treatment of prisoners in Tunisia, is serving a prison term since his sentencing in February 2107 for posting critical opinion of judges on Facebook.

Nabil Rabhi, a Tunisian blogger and web activist, whose articles are very controversial in the country, was accused for insulting President Kaid Sabssi and sentenced just as journalist Salwa Malik was for social media posts against officials of diffident rank.

These cases prove that despite that criminal prosecutions, and various kinds of institutional reforms have been undertaken, Tunisian authorities still pick issues against bloggers and journalists.

Transitional justice

The establishment of Truth and Dignity Commission to uncover hostilities and abuses committed in Tunisia is a good start towards enhancing reconciliation between the state and victims of human rights violations. The law may be promising as it is but too many officials violating the law are getting away with impunity.

The law of reconciliation is proving to be counter- productive as it serves to prevent the pursuit of redress for abusers such as in sexual assault in prison, torture, corruption, and so on.

Women's rights

Generally, Tunisia has made noticeable progress in implementing women s rights. The government adopted laws against violence against women which can go a long way in protecting victims in the domestic environment. A man will be prosecuted for any violence against his wife. Unlike in many countries in the sub-region, women in Tunisia are reaching top positions in the administration and in political representations.

Conclusion

Tunisia's efforts to improve on its legislation to bring it in line with international human right standards is laudable but some challenges such as prosecuting civilians in military courts continue to pose a stumbling block to progress. The state's grant of amnesty to some officials

responsible for corruption and human right violations is nothing more than allowing them to escape punishment.

Algeria

The situation of human right in Algeria is worrying because, much against the fact that government claims there is progress, the State continues with many violations including putting human rights activists in jail.

Freedom of speech

Even though the government ended its strict control on audio-visual activities in 2014, yet journalists and bloggers still face prosecution under charges like offending officials, threatening public taste, and national security, among others.

Marzoug Touali, editor of the website ‘Al-Hogra’ (which means absence of dignity), was arrested in Bjaia on January 2018.

Mohamed Tamalt, a journalist who died in prison, was arrested because of his posts on Facebook against the president and some symbols of state.

Freedom of association

Many human rights organization still do not have permission to function. The Algerian League for Human Rights and the Youth Action Rally are still waiting for

legal papers to permit them to open bank accounts and to establish offices to carry on their activities. Without these facilities those organizations cannot lay claim to an existence, especially when any attempt at activism under such restriction risks imprisonment.

Freedom of assembly

It has become routine for Algerian authorities to bangatherings. Officials sporting different kinds of uniforms swoop in large numbers to stop demonstrations and arrest participants and cart them away to jail for organizing unauthorized assemblies under law that had been in place since the state of emergency.

Refugees and migrants

Regular and social media across Africa have shown how the authorities in Algeria have been loading thousands of African migrants into buses, some of whom had worked and lived for years in Algeria, and leaving them to their fate in the desert. Some of those migrants had have no family, no contact, no means of subsistence; they were obliges to strive in the desert to survive.

Women's rights

The law in Algeria allows women such space to enhance their political and economic advantages. Many laws protect women from domestic violence or violence in

general. In fact, there is a law which criminalizes sexual harassment in public.

Conclusion

Algerian authorities are asked more than ever to respect migrant's right, social justice and full integration.

Morocco

The Government of Morocco still ignores all the calls from civil society for it to restore and respect human rights. It seems reluctant to keep its promises to implement social justice and to conduct transparent trials, especially after the pacific demonstration manifestation at Hirak Rif and Jrada.

Freedom of assembly

The Moroccan authorities continue to be averse to peaceful gatherings even though it allows peaceful marches for advocacy with political demands and protest against government's actions. Hundreds of protestors were arrested within the so-called Hirak Rif which began after the death of a fish salesman in Alhoceima.

The human right group AMDH has not been able to organize any pacific protest in their local branches since the government prevented them from assembling.

The Moroccan National Human Rights Council (dis)approved of the use of force against detainees. This happened after some detainees were examined by forensic doctors that proved they were physically abused, despite the police denied all responsibility.

Migrants and refugees

Morocco seems to have made considerable advances on migrants' rights by allowing political refugees from Africa to live in Morocco as holders of refugee cards. Syrians are allowed to reside and work in Morocco following government's concession to a national campaign to legalize their papers.

The 28 Syrians who were at the border were granted asylum and were allowed access to health services and education. Thus, no systemic discrimination was registered in Morocco against migrants.

Women's rights

The Moroccan Constitution guarantees women's right in equality and social economic prosperity. In addition, Moroccan law protects women from violence even at the domestic front. There are strict provisions in the Penal Code against men who use violence against women or sexually harass women.

The National Human Rights Council often led campaigns for the economic and social promotion of women, especially in the rural areas.

Women enjoy representation in parliament and provincial councils through a quota system.

Egypt

The targeting of the group known as the Muslim Brotherhood has led to arbitrary detention and torture, the most obvious methods of the government under President Abdel Fattah el-Sisi.

The fight against terrorism is a good pretext the authorities use to displace people and detain them without due process.

The situation in Sinai

Civilians in the Sinai have suffered from massive killings and bombings at the hands of both the pro-ISIS- Wilayat Sinai and government forces.

In 2017 the Government of Egypt imposed a blackout in the Sinai, preventing people from accessing communications to the outside world. International sources have reported the exaction of military trials, arbitrary and sexual detention and torture on civilians in the Sinai.

Freedom of expression

Tens of websites were blocked in Egypt because of their opposition to authorities. More journalists were being jailed without trial than ever before, sometimes accused of spreading false news or receiving foreign funds.

Migrant's and refugees

Asylum seekers from Sudan, Syria, and Eritrea have found Egypt a safe haven or transit point to their final destination. A group of Chinese Muslims were held in jail until some of them were deported. Egyptian security forces have charged as many as 50 person with smuggling people and have put them in jail.

Libya

The situation and social climate in Libya is chaotic due to political divisions and clashes between militias and forces which caused all kind of human rights violations. The absence of law and the non-functioning of law courts or any official institutions to protect people has also undermined the protection of rights in Libya.

Freedom of speech and expression

Generally, journalist, bloggers are threatened or even physically abused by military groups in Libya.

Security forces arrests activists under the charge of threatening the state security.

Women's rights

Women in Libya often face problems with domestic violence in a country that has not clearly criminalized such violence. Libyan law allows a rapist to escape punishments if he decides to marry his victim.

Migrants, refugees, and asylum seekers

Smuggling and trafficking in people remains a huge worry in Libya as a considerable number of migrants from sub-Saharan Africa are mistreated at informal detention centres and even sold as slaves. For most of those migrants and asylum seekers Libya is a transit point to Europe.

European countries have used the excuse to often block them off at sea and to return them to Libya where they face a destiny of detention, beating, and sexual abuse.

Mauritania

Even though Mauritania has ratified many international human rights treaties, human right defenders, bloggers, anti-slavery activists, and other opponents of the government were intimidated, attacked and prosecuted while carrying out their activities peacefully.

Freedom of expression, and of association and peaceful

assembly were restricted while international human right activists were refused entry to the country.

The Haratine and Afro-Mauritanian people face systematic discrimination.

Free of expression

The Mauritanian authorities repress and punish human rights defenders who dare to criticize discrimination within Mauritanian society. Blogger Cheikh Ould Khatari was imprisoned for expressing his point of view concerning racial and discrimination in Mauritanian society.

Having been placed under judicial control for two years now, Khatari was calling on the authorities to recognize the atrocity and make amends for the summary executions a quarter of a century ago of fellow officers who were Negro-Mauritanian.

Anti-slavery

Despite the fact that Mauritania outlawed slavery since 1981, legislated to criminalize the practice in 2007, and created a special court in 2015 to prosecute slavery cases, some independent NGOs affirm that slavery is far from being eradicated. The practice affects as large as 15% of the population. These NGOs also denounce the under-representation of Haratine and other Negro-Africans in government positions.

Mauritania must implement the independent mechanisms to eradicate slavery and must tolerate other points of views critical of the government. It should let the Haratine and black people achieve dignified positions with the Mauritanian government structures.

Conclusion

The campaign calls on North African states more than ever before to respect human rights and implement social justice principles. Therefore, no human rights violations should be tolerated in North Africa, especially not under the guise of maintaining security and order.

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Northern Africa

Human Rights at Risk

Human rights and democracy are at great risk in North Africa and need much attention and effort from the credible civil society groups and NGOs.

The Arab Spring resulted in a change of authority and priorities in Northern Africa. Journalists, activists, and bloggers were being charged and jailed. They suffered abuse and physical violence for offending officials and the symbols of the system.

Moreover, governments in the sub-region have proved to be good at making laws on human rights issues like women, immigration, and refugees. Government in several countries cracked down on media and heavily controlled online expression.

Civil society activists were able in some places to halt further tightening of restrictions on free expression. The freedom of choice of religion and beliefs came under

attack from armed groups and governments alike. The struggle of women's rights movements successfully led to the amendment of laws that had entrenched discrimination and violence against women in some countries.

However, systematic discrimination remains entrenched in law and practice across the sub-region and women are still inadequately protected against gender-based violence. Authorities arrested and prosecuted people for their real or perceived sexual orientation in some countries, and consensual same-sex relations are still criminalized in many countries and, in a handful of cases, are punishable by death. In Mauritania, Article 308 of the penal code prohibits homosexual conduct between Muslim adults and punishes it with death for males.

There were severe restrictions on trade unions in some countries where migrant workers continued to face exploitation and abuse. However, reforms in a couple of countries provided greater employment protections.

Armed conflicts characterized by serious violations, including the use of banned weapons, unlawful sieges, and direct attacks on civilians and civilian infrastructure took a heavy toll on beleaguered civilians. In a number of countries the death sentence was imposed and hundreds of executions were carried out. Generally, impunity persisted even if some progress was made towards securing truth and justice for victims.

Tunisia

Despite the efforts to improve human rights, Tunisia is still facing some serious challenges in human right protection.

Freedom of speech and expression

Authorities in Tunisia still prosecute people for speech offences under the Penal Code and the Code of Military Justice which laws negate the standards written in the Press Code which was announced in 2011 and enforced in 2012.

Courts still sentence individuals for speech and online posts against government's officials. Zarrouk Walid is still serving a prison sentence passed on him in February 2017 for Facebook posts against judges. Nabil Rabli was accused of insulting the President Kaid Sabssi, and journalist Salwa Malik for social media posts against officials of diffident rank. Both were sentenced to spend months in prison. These cases proved that despite the adoption of Transitional Justice overtures Tunisian authority still had issues against bloggers and journalist.

Transitional Justice

The establishment of the Truth and Dignity Commission to uncover hostilities and abuses committed in Tunisia was a good start toward reconciliation between the state and the victims of human rights violations, and seemed promising for a successful democratic transition. But officials continue to violate human rights and go unpunished.

It appeared reconciliation would not include the investigation and the bringing to trial of perpetrators of sexual assault in prison or torture or corruption.

Women's rights

Generally, Tunisia has made noticeable progress in implementing women's rights.

The government adopted laws protecting women against violence that have helped domestic victims. A man found guilty of domestic violence can now be prosecuted even if the victim is his wife. Unlike in many Arab countries, Tunisian women have reached top posts in administrative and political life.

Conclusion

Tunisia is trying to improve its legislation in line with international human right standards but this progress can be ruined by the prosecution of civilians in military court.

Again, some officials responsible for corruption and human right violations have been granted, more an escape route from punishment than anything else.

Algeria

The situation of human rights in Algeria poses great worry. There were many violations that led to the imprisonment of activists even though government continued to claim that there is progress.

Freedom of speech

The authorities continued to arrest and prosecute activists, including peaceful protestors against unemployment and the lack of public services. Those who came out protesting in solidarity with detained activists, and journalists and bloggers who were covering protests on social media were also detained.

In January, police arrested a renowned blogger Merzoug Touati in Bejaia, Kabylia region, following anti-austerity protests in Kabylia. The authorities kept him in detention while investigating him for posts about the protests and a blog interview he had with a spokesman of the Israeli Ministry of Foreign Affairs.

In June, police arrested journalist Said Chitour on suspicion of espionage and for selling classified

documents to foreign diplomats. In November his case was transferred to the Penal Court. A decree against protests in Algiers has been in place since 2001.

Freedom of association

Many human rights organizations have not received permission from the authorities to function. The Algerian League for Human Rights and the Youth Action Rally still wait for legal papers to allow them to have bank accounts. The people behind these organizations risk imprisonment if they take up any activities.

Freedom of assembly

The Algerian Penal Code prohibits unauthorized assemblies. Large numbers of officials in different uniforms move in to stop demonstrations and arrest participants who risk jail. This law has been in existence since the declaration of a state of emergency

Refugees and migrants

Scenes captured on media across Africa have shown Algerian authorities hoarding thousands of African migrants into buses and driving them into the desert and leaving them to their fate. Some of the migrants who had worked and lived for many years in Algeria entered Niger but were forced to leave.

Women's rights

The law in Algeria enhances women's roles in the political and economic establishments. Women are protected from domestic violence and violence in general. . Besides, the law in Algeria criminalizes sexual harassment in public.

Impunity

The authorities took no steps to open investigations on grave human rights abuses and possible crimes against humanity. The security forces and armed groups have been behind unlawful killings, enforced disappearances, rape and other forms of torture committed during the internal conflict in 1990 when it was estimated that 200,000 people were killed or forcibly made to disappear.

In January, the Swiss judiciary shelved a war crimes investigation against retired Algerian Minister of Defence Khaled Nezzar for events between 1992 and 1994 in Algeria, citing inadmissibility due to the absence of armed conflict in Algeria at the time.

Death penalty

The courts continue to impose death sentences. No executions have been carried out since 1993.

Conclusion

We call upon the authorities in Algeria to respect the rights of migrants and ensure social justice and full integration for them.

Morocco

Despite calls by civil society on the government to restore human rights and to respect people's rights, the government has failed to keep its promises to implement social justice and to conduct transparent trials, especially after the protests at Hirak Rif and Jrada.

Freedom of assembly

The Moroccan authorities continue to be nervous about public gathering although it allows peaceful marches against government's actions. Hundreds of persons were arrested during Hirak Rif protest which began after the death of a fish salesman in Alhoceima. Some protestors were given amnesty recently while others have remained in prison.

Authorities have prevented the Moroccan Association for Human Rights (AMDH) from organizing their activities of manifestation in their local branches. The organization is still not registered.

Impunity

Despite recommendations by the Equity and Reconciliation Commission, Moroccan authorities have failed to take any steps to address impunity in cases of grave violations, including systematic torture, enforced disappearances and extrajudicial executions in Morocco and Western Sahara between 1956 and 1999.

Migrants and refugees

As far as migrants' rights were concerned Morocco seemed to have come up with a considerable programme that allowed political refugees from Africa to live in Morocco and have refugee cards. After the national campaign to legalize their papers by the government, Syrians were allowed to reside and work in Morocco. Twenty-eight of them were granted asylum at the border with Algeria after the national campaign for government to legalize their papers, thus providing them access health services and education.

There was no evidence of systematic discrimination in Morocco against migrants.

Women's rights

The Moroccan Constitution guarantees equality and social economic prosperity for women. In addition, Moroccan law protects women from violence, public and domestic. There are strict stipulations in place in the Penal Code against men who use violence or sexual harassments against women.

The National Human Rights Council often campaigns for the promotion of women economic and social situation in rural area.

Women enjoy a quota system in their representation in Parliament as well as in provincial councils.

Egypt

The official targeting of members of the Muslim Brotherhood resulting in arbitrary detention and torture has characterized the mandate of President Abdel Fatah Assisi.

Fighting terrorism has become a good pretext to displace people and detain them without due process.

The situation in the Sinai

Civilians in Sinai are targeted by both the Wilayat Sinai sympathetic to ISIS and the government has been responsible for massive killings and bombing in this area.

In 2017 the Government of Egypt imposed a blackout in Sinai to stop the people from access to communications with the outside world. International sources have reported on kangaroo military trials, arbitrary detention, and sexual abuse, and torture of civilians living in the Sinai.

Freedom of expression

Dozens of websites were blocked in Egypt because of their opposition to authorities. Journalists were jailed without trial for long years after being accused of spreading false news and receiving foreign funds. Rights associations were banned in Egypt under President Assisi.

Human rights defenders

The authorities continue to curb the work of human rights defenders in an unprecedented manner as part of their relentless efforts to silence all critical voices. In February 2018 the authorities shut down the El-Nadeem Centre, an NGO offering support to survivors of torture and violence.

The criminal investigations into so-called “Case 173” against human rights defenders and NGOs were on-going; investigative judges summoned at least 28 additional human rights defenders and NGO staff for interrogation during the year, bringing the total to 66 people since 2013. They were questioned in relation to charges that included “receiving foreign funding to harm Egyptian national security” under Article 78 of the Penal Code which carries a prison sentence of up to 25 years. The judges also ordered additional travel bans on three persons, bringing to 25 the number of human rights defenders banned from travelling outside Egypt.

In January a court ordered the freezing of the assets of the NGOs Nazra for Feminist Studies and the Arab Organization for Penal Reform and their directors.

Migrant s and refugees

Asylum seekers from Sudan, Syria, and Eretria have found safe refuge in Egypt or have transited to their final destination. However, Egyptian forces have had as many as 50 people charged with human trafficking and who have received prison terms under the law against illegal immigration. Moreover, a group of Chinese Muslims was held in jail and some of them were deported under the same law.

Libya

Libya suffers in chaos because of the political divisions and clashes between militias and forces that have led to all kinds of human rights violations, exacerbated by the absence of courts of law or any official institution to protect people.

Freedom of speech and expression, and assembly

Generally, journalist as well as bloggers were threatened or actually physically abused by military groups in Libya. Security forces arrested activist under the charge of threatening the state security. Between January and May, courts sentenced at least 15 journalists to prison terms ranging from three months to five years on charges of defamation in their writing and the publication of what the authorities deemed “false information”.

On September 25, 2018 a court sentenced former presidential candidate and prominent human rights lawyer Khaled Ali to a three-months prison term on charges of “violating public decency” in relation to a photograph showing him celebrating a court ruling that ordered a halt to the handing over of two islands to Saudi Arabia.³

From May onwards, the authorities blocked at least 434 websites, including those of independent newspapers such as *Mada Masr* and human rights organizations such as the Arab Network for Human Rights Information. In March the Minister of Justice referred two judges, Hisham Raouf and Assem Abdelgabar, to a disciplinary hearing for participating in a workshop organized by an Egyptian human rights group gathered to draft a law against torture.

Women’s rights

Women face acute problems in Libya where the law does not criminalize domestic violence. Under Libyan law rapists can escape punishments if they agree to marry their victim.

Migrants, refugees, and asylum seekers

Smuggling and trafficking in people remained the biggest worry in Libyan as a large number of sub-Saharan African migrants were being badly treated and sold as slaves in informal detention centres. This has been the case since

most migrants and asylum seekers used Libya as a transition point to Europe.

However, European countries often blocked them out at sea and returned them to Libya to face a future of sexual abuse, beatings, and detention.

Mauritania

Even though Mauritania has ratified many international human rights treaties, human right defenders, bloggers, anti-slavery activists, and other opponents of the government are intimidated, attacked and prosecuted for their peaceful activities. The freedoms of expression, association, and peaceful assembly were restricted. International human rights activists have been refused entry to the country.

Haratine and people of Afro-Mauritanian descent face systematic discrimination.

Freedom of expression

Security forces continued to intimidate and attack bloggers, human rights defenders and any others that criticized the government.

Anti-slavery activists, among them prisoners of conscience, were detained. Since July 2016 Abdallahi Abdou Diop was released in January after serving a six- month prison sentence. Abdallahi Maatalla Seck and

Moussa Biram remained in Bir Moghreïn prison, more than 1,000kms from their homes. The three prisoners of conscience were convicted on charges including participating in an unauthorized gathering and membership of an unauthorized association.

The Mauritanian authorities were gravely repressing and punishing human right defenders who spoke or criticized their acts of discrimination within Mauritanian society. A case in point of such repression was of Cheikhould Khataï, a Mauritanian blogger, who was imprisoned for expressing his views concerning racial discrimination in Mauritania. Khataï has been under judicial control for two years already for stating that authorities should recognize and make amends for the summary executions a quarter of a century ago of fellow officers who were Negro-Mauritanian.

Anti-slavery

Despite the fact that Mauritanian authorities had outlawed slavery since 1981 and, in fact, criminalized the practice in 2007 and created a special court in 2015 to prosecute slavery cases, some independent NGOs have affirmed that the practice of slavery was continuing and was far from being eradicated. It still affected as large as 15% of the Mauritanian population. The non-governmental organizations denounced the under-representation in government positions of Haratines and people of Negro- Mauritanian origin.

Mauritania must implement an independent mechanism to eradicate slavery, and must tolerate other point of views concerning the criticism of the government and should therefore allow the Haratine and Negro-Mauritanian people in its population to reach positions of esteem in Mauritania.

Conclusion

North African states are being asked more than ever before to respect human rights and to implement social justice.

Likewise, all African mechanisms for the protection of human rights should not tolerate any violations under the excuse of security, and states must respect human rights.

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PHOTOS

A participant makes an intervention on a human rights report – April, 2018



A participant makes an intervention on a human rights report – April, 2018



A sub-regional focal point representative making a presentation – April, 2018



A sub-regional focal point representative making a point - October, 2018



Presentation by a sub-regional focal point representative – October, 2018



A participant makes an intervention - October, 2018

NGOs Forum and 62nd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - April, 2018

1. Introduction

It is noted that all SADC member states are signatory and have ratified most if not all core International Human rights instruments both at the international and regional levels. It should also be noted that in recent years, important political changes and developments have occurred within the SADC region, including regime changes in Zimbabwe, South Africa and Angola, while in many other countries struggle for political regime changes raise great deal of concern.

These call for the need to scrutinize the situation of human right and democracy in the SADC region based on the progress and developments made in consolidation of good governance, democracy human rights and rule of law.

In overall, SADC governments have taken regressive steps to weaken and undermine key human rights protection mechanisms. In particular the year ended 2017 was a terrible year for human rights in the SADC region. This is evidenced by the number of recommendations made during the review process in the second cycles of UN Universal Periodic Review (UPR) mechanism. Several issues fueled by growing intolerance of dissent and rise of politic of shirking space for CSOs, restrictive interpretation of relevant human rights legislations, lack of good governance, violation of the right to freedom of association and peaceful assembly, use of the judiciary to harass human rights defenders, unconstitutional extension of office terms, unconstitutional change of constitution.

This update on the state of human rights and democracy in the SADC region will mostly highlight the progress and developments in consolidation of good governance, democracy, human rights and rule of law in the 10 countries of the region. It will provide the challenges for achieving or promoting and protection of human rights. Recommendations are also provided for action of the NGO Forum to lobby for adoption of resolutions at the 62nd Session of the African Commission on Human and Peoples' Rights.

2. General situation on Good Governance, rule of law and human rights in SADC region

During this intercession, the people of the SADC region saw the emergence of new leadership in four countries. Among these is Angola, Botswana, Zimbabwe and South Africa. In Angola news of former, President Eduardo Dos Santos, the second long serving president that he will relinquish power surprised the people after serving over decades since 1979 as a despotic, corrupt leader that advanced nepotism and family interest at the detriment of Angolans citizen who endured severe poverty and hardship.

Following these historical steps, Robert Mugabe one of the longest serving president in Africa, was pushed out of power through military intervention, which ostensibly symbolised a military coup, but although was renounced it was politically portrayed as a needed change of leadership for the country that long suffered from his dictatorship rule. Where a climate of pandemonium, destruction of economy, muzzled journalists, authoritarian policies, persecution of human rights defender's, abductions of opponents, especially HRDs and mysterious killings became way of life. The investigations leading to the disappearance of Itai Dzamara had not been initiated, despite calls by HRDs.

These leadership developments coincided with an expected shift of political leadership in the ruling Party in South Africa; the ANC, during the party election in December 2017, ended the nightmare the nation of South Africa had suffered hardship over a decade, under the presidency of Jacob Zuma. He left a legacy of unscrupulous leadership, abuse of women, poverty, corruption, embezzled state owned entities, downgraded of the rand and economy, the State capture, irregular upgrades at his private homestead, silencing of journalists, human rights defenders, including vilified state officials that refused to validate corruption, political intolerance and mysterious killings.

While SADC region embraced a climate of political changes, other countries of the region continue to portray authoritarian rule, brutality, fear and catastrophe. DRC, Mozambique and Zambia, are the most dangerous countries where the values of democracy find huge impediments. In DRC, President Kabila's term of office ended in 2016, but has refused to step down. He ignored pressure from key civil society to conduct elections in 2017 and the date has been pushed to December 2018. In Mozambique political rivalry between the ruling party and opposition RENAMO has led to extra judicial killings of government opponents and targeting of human rights defenders and journalists. As an example, a professor was shot whilst having coffee at a restaurant, a magistrate was shot dead for having made a ruling against the state, and no one have been arrested¹. A journalist, a rights activist and political analyst `was allegedly kidnapped by unknown gunmen in Maputo the country's capital city on 27 March 2018. Mr Salema was beaten severely and his condition is critical. He sustained injuries and

¹ Muzi Masuku, OSISA Swaziland, 3-5 July 2016, SADC HRDs meeting 2017

currently recovering from hospital in Maputo². It is alleged that his critical stance against abuse of state power and funds has led to his persecution and victimization.

² Dr. Acquinaldo Mandlate SALC, press statement on

3. Measures taken to address Corruption and enhance respect for the rule of law

The new leaders promised to tackle corruption respect of the rule of law and reinstating democracy and accountability in their countries. In Angola instigations of high profile cases into possible misappropriation of funds by the former president's daughter as head of Sanangol, the state oil company and son for allegedly embezzling and money laundering of \$500 million into Credit Suisse Bank in London while working as Governor of the National Bank of Angola³

In Zimbabwe, wide range of revelations of corruption, mismanagement of state funds, corrupt tender deals⁴, setting up of a special committee made up of independent commissions and the police to facilitate swift handling of political violence cases⁵

In South Africa, inquiry into the state capture has finally been established in line with the findings of the former Public Protector. The National Prosecuting Authority has initiated prosecutions against former president Zuma's fraud allegations which had been avoided for a decade. The reshuffle of the

human rights situation in Mozambique

³ Lucia de Silveira & Antonio Ventura interview, AJPD report 2017-2018

⁴ Farai Maguwu Article Zimbabwe Corrupt Tender Deals and Elite Enrichments 7 April 2018

⁵ Roseline Hanzi Zimbabwe Lawyers for Human Rights April 2018

cabinet ministers and replacements with credible and honourable individuals has ensued marking a new era determined to uphold the rule of law and accountability. Crime and intelligence institutions have probed corrupt cases committed in South Africa by other national such as Justice Maphosa the Zimbabwe business man, who is being investigated by the Hawks for allegedly committing a multimillion-rand fraud in the North West province, where the citizens of that province demand the Premier to step down for advancing corruption. This business man was convicted earlier this year in the commercial crimes court in Pretoria for defrauding the South African Revenue Service by submitting fake tax invoices for his companies, Big Time Strategic Consultants and Computer Ink and Media Solutions.

4. Upcoming General Elections

All three emerging leadership are due for elections. South Africa is preparing for elections in 2019, while Zimbabwe, DRC and Swaziland have also indicated to hold elections in 2018.

5. Rule of law and human rights

Swaziland, has remained the only state with absolute monarch in the region. Pluralism is suppressed by traditional bigotry⁶. While opposition parties, independent civil society and human rights defenders are impeded by the Sedition and Suppression of Terrorist Act. HRDs and legal practitioners that continue holding government accountable for impunity are ostracised and the public is compelled alienate such persons. Women and

⁶ Thulani Maseko , Human Rights Defender in the SADC region April 2018

children remain discriminated. Access to justice and independent judiciary are not promoted for enjoyment of principles of equality, impartiality and protection of the law to all citizens in the country

Other countries where the rule of law and human rights is threatened include, Malawi, Botswana Lesotho, Namibia and Zambia. In Malawi, a phenomenon of state sponsored associations is rampant, leaders, organisers of associations constantly receive death threats, especially HRDs like CHRR and those organizing assemblies. Tolerance of police impunity and atrocities committed by police is often not prosecuted, or investigations are delayed or cases get abandoned. Civil society and human rights defenders continue calling the government to prosecute police suspects for murders committed to Edsom Msiska, killing of protestors, student activist Robert Chasawa who remain on free bail⁷. Malawians also faces serious violations of human rights especially the phenomenon of use of bodily parts and murder of People With albinism. Macdonald Masambuka went missing on 9 March 2018 and has not been seen since then⁸. This phenomenon is also alleged to be prevailing in South Africa because the same week that Mark went missing, authorities in Mpumalanga Province in South Africa discovered a grave that was dug within two days of the burial of a person with albinism. Some of his body parts were missing and an inquest in that case has been

⁷ Timothy Mtambo Centre for Human Rights and Rehabilitation, report state of human rights in Malawi 2016-2018

⁸ Levison Kabwato statement to end attacks on People With Albinism March 2018

initiated⁹. This is in spite of the President's launch of a Plan of Action in 2015 to combat attacks on people with albinism in Malawi. Other rampant violations relates to intolerance to LGBTI people, early child marriage, violence against women and children.

Botswana, Lesotho and Zambia are states in the region that practice death penalty. Lesotho, Zambia and Botswana are also intolerant towards LGBTI communities. However in Botswana an LGBTI organisation won a suite against the government to be legally registered. The rights of indigenous community, San/ Basarwa remain unfulfilled, particularly with their land rights continue to be discriminated¹⁰.

Lesotho is a casualty of coups, political instability, conflicts and has an Amnesty draft bill which seek to grant amnesty to perpetrators of violence, especially members of security force that violated human rights from 2007- December 2015 ¹¹ . Although Lesotho is a state party to the Rome Statute establishing the ICC, citizens and victims are not granted direct access to the African Court on Human and People's Rights. Lesotho also undermine citizens' freedom of expression, free media, association and assembly.

Namibia women and children faces discrimination, cultural subordination and disempowerment. The lack of implementation of socio economic rights attributes to high unemployment, poverty and drug abuse, especially youth. In Zambia access to

⁹ Dziembabwe Chimbga OSISA statement; April 2018

¹⁰ Alice Mogwe, Ditshwanelo Botswana Centre for Human Rights April 2018

¹¹ Lepeli Moeketsi, Transformation Resource Centre, April 2018

justice, freedom of media, association and assembly faces limitations. Use of restrictive policies such as the Public Order Act to silence critics and permit acquisitions for assemblies¹².

6. Conclusion

The Southern African Development Community (SADC) situation of human right has a long way to go and countries should reaffirm their regional and international human rights commitment to improve respect for human rights, to contribute to lasting peace and stability, and respond to the real needs of ordinary people.

7. Recommendations for NGO Forum to lobby the African Commission adopt resolutions on the SADC region to request SADC Member States to do the following;

- On issue of corruption , to comply with the AU 2018 theme aimed at winning the fight against corruption and prosecute the suspects of fraud and mismanagement of state funds and vigorously implement regional and international human rights standards
- South Africa, as Chair of the SADC should ensure of human rights is promoted protected in the region
- Regarding unconstitutional extensions of presidential terms and change of constitutions, the SADC should encourage ratification of AU Charter on Elections Democracy and Governance and those that have done so to implement the Charter in the region, including implementation of the SADC Peace and Security Protocol to increase efforts for sustainable solution in

¹² Mary Mutupa April 2018

countries in conflict such as war in the DRC 's and ensure lasting peace to the enormous scale of conflict

- Regarding people with albinism, to urgently end crimes perpetrated on people with albinism and adopt a resolution to foster development of legislative and administrative measures in line with the Regional Action Plan on Albinism in Africa, 2017-2021 for joint address of discrimination, killings and attacks on persons with albinism.
- Ensure the Government of Malawi investigate the case of Macdonald Masambuka and other similar pending cases and bring the perpetrators to justice, also fast track the inquest in Mpumalanga Province for prosecution of the perpetrators for alleged trafficking in human body parts and the albino remains found buried in a grave
- Regarding disappearances, mysterious killings, ACHPR encourage SADC state to ratify Convention on Disappearances and engage other AU organs and bodies to ensure implementation, including other regional mechanism.
- Regarding persecution of CSOs, journalists, HRDs SADC state should develop laws for promotion and protection of human rights defenders and repeal repressive laws to enable conducive operation environments that fosters liberty and peace.
- Call upon the government of Mozambique to investigate and take measures to prosecute the perpetrators who attacked and injured Mr Ericino de Salema and other Mozambique human rights defenders;
- Call unconditional release of journalists, human rights defenders incarcerated for reporting corruption, performing human rights work and cooperating with the

African system of human rights and UN human rights mechanisms in Angola

- And call the government of Zimbabwe to fast track investigations into the disappearance of Itai Dzamara and ensure suspects are held accountable
- Regarding death penalty, particularly being practiced in three countries of the region, Botswana, Lesotho and Zambia, ACHPR should encourage these countries to be part of processes working on moratorium on Death penalty and towards abolition of death penalty in the African continent
- Regarding pending land rights cases affecting Indigenous people (Basarwa and San people) of Botswana ACHPR should intervene to ensure settlement in this long awaited dispute
- Regarding freedom of Association and Assembly, SADC states should repeal repressive laws and administrative practices impeding freedom of association, assembly and expression and take measures to address violations of these rights.
- Repeals laws and conduct that perpetuate violence, hate crimes against LGBTI community

NGOs Forum and 63rd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - October, 2018

Southern Africa

The reports includes an updated on the situation of human rights, democracy and the rule of law in some countries in the Southern African region; including, Angola, Lesotho, Malawi, Zimbabwe amongst others. The report also focusses on developments in Angola and Botswana since the state reports of both countries were reviewed during the 63rd Ordinary Session of the ACHPR.

Angola:

The historical, political and economic context in which HRDs in Angola operate is outlined in the report. The census report estimated that there were 30 million Angolans in 2018, up from 22 million in 2014. In general, the peoples' dissatisfaction has sprung from inequality, poverty, economic instability and inflation. Despite the adoption of the 2010 Constitution guaranteeing fundamental rights and freedoms and establishing institutions to promote and protect them, the socio- political context in Angola under former President José Eduardo Dos Santos was marked by political and economic patronage, marginalisation of the opposition,

lack of transparency and accountability, widespread poverty, inequality, endemic corruption, and impunity. The situation in the Cabinda province remained volatile as always.

Therefore, HRDS advocating for the respect of the rule of law, good governance and accountability (including economic accountability), have faced repression from the State and non-State actors.

In September 2017, Angola elected a new head President João Lourenço, bringing to an end four decades of President Dos Santos' authoritarian rule. According to a report by Human Rights Watch, while the voting itself was peaceful, the situation was marred by severe restrictions on freedom of expression and assembly, and limited access to information due to government repression and censorship in state media, and in private media outlets controlled by the ruling party.

The country's Constitution guarantees a number of rights, including freedom of association and the right to freedom of the press. Although Angola has ratified a number of regional and international human rights instruments, it is not yet a party to important regional and international human rights treaties such as the African Charter on Democracy, Elections and Governance, and the Rome Statutes of the International Criminal Court.

The most common human rights violations included assaults, torture, cruel, inhuman and degrading treatment,

restrictions on freedoms of assembly, association, speech, and press, and systemic corruption and impunity. Other human rights abuses include extra-judicial killings, harsh and potentially life-threatening prison conditions, arbitrary arrest and detention, lengthy pre-trial detention, impunity with regard to human rights abusers, the lack of due process, forced evictions without compensation, restrictions to NGO operations, harassment of and violence against women and children, child labour, trafficking in persons, limitations to workers' rights, and forced labour. The judiciary is not independent and impartial.

The media is restricted, and during the rule of President Dos Santos, the authorities repressed the reporting of sensitive issues like government corruption and human rights violations. Independent journalists were monitored and usually harassed by state agents.

New media laws known as the Social Communication Legislative Package enacted in January 2017 empowered the government to control and censor critical information online. Its tentacles covered the law governing the press, television, broadcasting, a code of conduct for journalists, and provided the Statutes of the Angolan Regulatory Body for Social Communication.

Article 10 of the Press Law stated: "All social communication media have the responsibility of assuring citizens' rights to inform and be informed in accordance

with the public interest,” a view which critics always believe known as the “Social Communication Legislative Package” would strengthen government’s censorship of critical information posted on social media or anywhere else online.

In December 2015, President Dos Santos said: “Social networks should not be used to violate other people's rights, humiliate, slander or convey degrading or morally offensive content.”

It has been more than 16 years since Angola ended its long civil war which claimed the lives of millions of people. It has also been less than 10 years since the country adopted its third Constitution which safeguards additional fundamental human rights. Ten months since the arrival of a new government human rights defenders and organisations around the world are full of hope that President Lourenco would dismantle the system that left Angolans living in a state of oppression with HRDs unable to speak out for fear of retribution.

The report also outlined developments in other countries in the region including Angola, Malawi, .

Malawi

Malawi’s historical, political and economic context. With a population estimated at 19 million people, the country has been able to make important economic and structural reforms, and to sustain its economic growth rates over the

last decade.

However, more than half of the population live below the poverty line, and most depend on subsistence agriculture. Corruption seems to be worsening with the country being ranked at 120 out of 175 economies indexed in 2017, from 112 in 2016.

Chapter IV of its 1994 Constitution has a Bill of Rights in addition to its ratification of a number of regional and international human rights instruments. It is not a State party to important regional and international human rights treaties such as the African Charter on Democracy, Elections and Governance and the Convention for the Protection of All Persons from Enforced Disappearance.

While the country has made progress in creating a legal framework for protection and promotion of human rights and HRDs, there are laws, policies, and practices that still hinder the smooth operation of HRDS in the country.

As one human rights defender put it: “The civic space in Malawi is neither favourable nor ideal for a professing democracy. It is one where dissenting views are violently disregarded. Under the DPP-led government, cases abound of people who, once they have expressed dissenting views against either the administration or leadership, have ended up being threatened, assaulted; (and) some have had their offices, houses and cars torched to ashes.”

The use of excessive force by security forces which has resulted in death and injury remains a major human rights issue. The list includes impunity, occasional mob violence, harsh and life-threatening prison conditions, arbitrary arrest and detention, limits on freedom of speech and the press, official corruption, violence against women, trafficking in persons, child labour, repressive LGTBI laws and the killing of persons with albinism.

The right to freedom of expression is still largely repressed in Malawi. For example, there are still certain repressive provisions of the Penal Code which continue to be enforceable in the country. Sedition is still an offence. In terms of section 52 of the Penal Code, the government can seize any machine used for the publication of seditious material. The Penal Code also criminalises the defamation of foreign dignitaries. This offence consists of publishing, without justification, anything intended to be read or any sign of visible representation tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb the peace and friendship between Malawi and the foreign country.

The report also demonstrates how in recent events various civil society organisations in the country have attempted to hold the government accountable for its act of corruption. In April 2018, various civil society organizations led protests in the capital Lilongwe demanding for greater transparency and accountability

from the government. The protests involved citizens disappointed by the 4 billion *Kwacha* (US\$390 million) scandal under which Members of Parliament (mostly of the ruling Democratic Progressive Party) were given “Thank You” pay-outs by the State for voting to turn down the progressive Electoral Reforms Bill, thus further hurting the state of governance in the country. Following the protests, President Mutharika responded in local media saying that those that organised the protests were supporting an insurrection against the government.

In April 2017, the Government of Malawi issued the Non-Governmental Organisations (Amendment) Bill, amending the NGO Act. NGOs in the country expressed concerns over the restrictive provisions in the NGO Act which were reflected in the Draft NGO Policy. Some of the provisions that the NGOs felt were restrictive included the stipulation that NGOs must consult with the Council of NGOs of Malawi (CONGOMA) in determining the composition of their executive authority. The NGO Act, the NGO regulatory entity must comprise 10 members, seven of who must be appointed by the Minister "in consultation with CONGOMA." Section 4 of the Amendment Bill eliminates this consultative element, but provides that an NGO is staffed entirely by members appointed by the Minister and with government secretaries sitting *ex officio*.

Likewise, section 5 amends the provisions on the removal and substitution of members of the NGO Authority.

Under the NGO Act, such removal and substitution occurs only by a decision of the Minister "in consultation with CONGOMA." The Amendment Bill would once again eliminate CONGOMA's consultative role. Accordingly, if the Amendment Bill were adopted, civil society would have no formal, guaranteed role in selecting, substituting, or removing members of the NGO Authority. The government would have complete control.

At the moment, Parliament has referred the Amendment Bill to the Legal Affairs Committee for further scrutiny. A Malawian human rights defender expressed concern about the NGO policy as follows: *"The draft policy formulation did not undergo meaningful consultations with the wider civil society community. The policy formulators only embarked on selective consultations with pro-government CSOs... In addition, the draft policy doesn't mention the protection of NGOs and human rights defenders. These are supposed to be reflected in any NGO policy as it is one of the crucial areas that shape their work day-to-day. In fact, the policy should have also acknowledged the relevant role of NGOs as a watchdog in the exercise of political and legal authority by those in public office. In view of the above, the policy priority areas need to be expanded."*

Systemic corruption has undermined the ability of the institutions of justice to effectively protect HRDs. The positive constitutional and international human rights law framework provides a protective basis for HRDs to carry out advocacy work. The ICJ and the SAHRDN have

encouraged the formation of Human Rights Defenders Coalition of Malawi so that there can be closer collaboration to protect the rights of HRDs. The report will be useful as a knowledge tool to equip HRDs with some baseline information.

Zimbabwe

The historical, political and economic context in which HRDs in Zimbabwe operate was outlined in the report. In summary Zimbabwe has a long history of gross human rights violations led by the ruling ZANU-PF that has orchestrated well-documented abuses and violations of human rights in the country over four decades since independence. Violence continued in the post- independence period similar to that of the colonial period.. The use of torture, cruel, inhuman or degrading treatment, a series of massacres against civilians believed to be associated with ZAPU in the early years of independence, and extra-judicial killings of people believed to be associated with the MDC in the later years show a pattern of widespread and systematic violations that had become part of President Mugabe's legacy.

Selective application of repression by law enforcement and security agents, and the failure of the judiciary to effectively protect human rights was encouraged by impunity in a country where restrictions to civil liberties, human rights violations and political intolerance became widespread.

At the abrupt closure of the 37-years rule of President Mugabe's in November 2017 the Zimbabwe Defence Force intervened to ensure that power was passed to his previous ally turned rival, former Deputy President Emmerson Mnangagwa. In his inaugural speech, Mnangagwa promised that his government will be committed to compensating according to law those farmers whose lands were seized. He also addressed the issue of job creation and worsening economic conditions of the country and further confirmed that elections will take place as scheduled in 2018. But he failed to address meaningfully the issue of the security sector, the media, and electoral reforms to ensure credible, free, and fair elections.

Zimbabwe's 2013 Constitution has an expansive bill of rights that incorporates civil and political as well as economic, social, and cultural rights. It imposes on the State obligations to ensure that practical measures are taken to protect and promote fundamental rights and freedoms. However, there are still imbedded laws that severely restrict basic rights and infringe on freedom of expression that have to be repealed or amended. These include Access to Information, the Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and other laws. AIPPA for example, seeks to or has been used to control the independent media in a number of ways.

It grants wide-ranging powers to a Media and Information

Commission which is firmly under government control to impose registration or licensing requirements on media outlets as well as on individual journalists. It also imposes a number of strict content restrictions on the media. The government was able to use this firm control over journalists to dominate the media space and selectively target independent journalists and media houses for persecution.

In a further attempt to close the democratic space for citizens, civil society and the media, Zimbabwe has put in motion a process for the promulgation of a legal framework for the Cyber-crime and Cyber-security Bill, 2017 to control citizens' activities online, monitor online activities and draw boundaries for internet users as far as access to information and information dissemination is concerned.

Lesotho

The report of a fact-finding mission undertaken by HURISA and its partners to Lesotho disclosed the deterioration in the human rights situation in Lesotho fraught as the country was with numerous extra judicial executions, arbitrary arrest and detention and with the general intimidation and repression of HRDs by the security sector. This concern over the misuse of the law resulted in a resolution for a fact-finding mission to scrutinize the state of the rule of law.

The mission discovered that the Court of Appeal had not

sat in two of its scheduled sessions, and was concerned that with the current impasse, the Court may not sit anytime soon. The mission also found that the Prime Minister had initiated a process that may result in the impeachment of the Chief Justice. The mission emphasized to the Lesotho authorities the importance of ensuring that the constitutional and legal framework on the selection, appointment and tenure of judges conform to the international obligations as must their practice. Lesotho must guarantee the independence of the judiciary and take immediately all legal and administrative measures necessary to render the Court of Appeal functional, independent, and impartial (mission report online).

During the intersession period, HURISA also provided technical support for preparation of the CSOs Shadow Reports of Angola and Botswana CSOs which were to be examined at the 63rd Ordinary Session of the ACHPR, in accordance with Article 62 of the African Charter on Human and Peoples' Rights.

Angola CSO Shadow Report

Angola has an arsenal of restrictive laws, which has often been used against dissent voices, including HRDS and journalists, such as the Law 23/10 of 3 December 2010 on Crimes against the Security of the State

But since João Lourenço became president in September 2017, a slight improvement in the enjoyment of civil rights,

albeit not in certain regions such as Cabinda and the Lundas. Civic space continued to be severely restricted, especially the right to assembly. Protesters are often met with excessive force by the security agents, including use of police dogs. In May 2018 one protester was hospitalized after sustaining injuries as a result of police use of excessive power to disperse protesters in Luanda. Some protesters were arrested, and prosecuted.

There were also positive developments that were acknowledged in respect of freedom of expression. On 6 July 2018 the Luanda Provincial Court acquitted the journalists, Rafael Marques and Mariano Brás, who were on awaiting trial since 2017 on charges of “outrage” to a body of sovereignty’ and ‘injury against public authority’ under the Law on, Crimes Against the State and Penal Code.

Botswana CSO Shadow Report

HURISA provided Ditshwanelo-Botswana Centre for Human Rights with ACHPR Promotional Mission Report conducted on 9-13 July 2018. Ditshwanelo was recommended to raise the Commission’s recommendations passed on Botswana after the promotional mission. These include;

- i. Ratification of regional and international instruments, including the Protocol to the African Charter on Human and Peoples’ Rights on the rights of Women in Africa (the Maputo Protocol), the African Charter on Democracy, Elections and

- Governance, the International Covenant on Economic, Social and Cultural Rights and its optional protocol, and the Convention on the Rights of Persons with Disabilities and its optional protocol;
- ii. Develop Government policy on collection of relevant statistics related to various areas of human rights;
 - iii. Finalize the process of turning the Ombudsman's Office into a hybrid institution with functions specifically dedicated to the promotion and protection of human rights, in compliance with the Principles relating to the Status of National Institutions (the Paris Principles);
 - iv. Consider a moratorium on the death penalty and lead dialogue on abolition of the death penalty;
 - v. Consider enacting a law which includes a specific legal provision criminalizing torture;
 - vi. Establish an independent police oversight body to investigate allegations of violations committed by the Police;
 - vii. Take urgent measures to address the rising rate of new HIV infections among adolescents, young girls and women;
 - viii. Address the legal barriers which prevent key populations such as MSM and sex workers from accessing HIV/prevention commodities such as condoms and ARVs;
 - ix. Consider decriminalizing abortion;
 - x. Address the non-provision of free ARVs to non-citizens, including through enacting targeted Government programs addressing this key population;
 - xi. Take concrete measures to encourage women's participation in politics as well as the political participation of other vulnerable groups such as persons with disabilities;
 - xii. Intensify Government initiatives to address youth

- unemployment; and
- xiii. Consider enacting a specific legal provision criminalizing marital rape.

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NGOs Forum and 62nd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - April, 2018

Western Africa

The situation of human rights and human rights defenders in West Africa remains characterized by a lack of homogeneity.

Indeed, progress in the sub-region is punctuated by obstacles to the enjoyment of human rights and the rights of human rights defenders, as well as many the rights of many others.

Although no country is at war, respect for international conventions on human rights duly ratified by states is challenged by recurrent socio-political crises.

From Nigeria to Mauritania, Togo, Niger and others, recurrent human rights violations, including those of human rights defenders, are based on causes relating to lack of respect for international human rights conventions duly ratified by States and difficulties of States to contain social movements and religious extremism.

As a matter of fact, the narrowing of the civil society space is worsening with increasing obstacles to the enjoyment of the rights of the freedom of opinion and peaceful

demonstration and the arrests of human rights defenders including trade unionists and journalists.

The vulnerability of human rights defenders has increased. The group of the most vulnerable human rights defenders in the West African sub-region, women human rights defenders, sexual minority advocates and those working on counter-terrorism, is exacerbated by the situation in recent months of defenders of civil and political rights and those defending socio-economic rights.

Highlight of Human Rights situation in countries.

Benin

On 3 March, 2018 a peaceful demonstration organized by the student union to demand the outright cancellation of the new decree setting the conditions for allocation of funds in public universities, the construction of amphitheatres in sufficient numbers and recruitment of teachers in larger numbers was violently repressed by the police who used tear gas and batons to disperse the students. Nine students were arrested and detained for two weeks before being released. Restrictions on the freedom of the press were denounced.

A definitive solution to the question of the exploitation of children in convents has not yet been found. Extrajudicial executions by mob justice have been reported. The people in Benin have been particularly traumatized in recent

months by assassinations for ritual purposes and by the work of cyber-criminals.

Burkina Faso

The situation of HRDs in Burkina Faso has improved a great deal since the 2014 Revolution. Nevertheless there are some restrictions to public liberties to note. Two events planned by civil society actors in October 2017 were banned by the Mayor of the capital for security reasons. The "Citizen Watch" meetings had been scheduled by the Popular Youth Movement (MPJ) to denounce the special courts, arbitrary detentions, bad governance and high cost of living. The right to freedom of assembly remains dependent on prior official authorization.

Another demonstration banned by the mayor was the one planned by *Cadre d'Expression Démocratique* (CED). Participants were dispersed and the president Mr. Zaida Pascal and some others of his members were arrested and detained for disturbing the peace.

In September 2017, an event planned by Togolese nationals in Burkina Faso to demand constitutional reforms in Togo, supported by the Burkinabe "*y en a marre*" movement, was banned by the Mayor of Ouagadougou. The latter argued that the demonstration was politically motivated and could cause disturbance of the peace and even affect relations between the two countries. The country continues to be seriously affected by terrorism.

In the single month of April 2018, a Corporal of the Army, a student and the Mayor of Koutougou were killed and a teacher kidnapped.

Cape-Verde

Considered as one of the most stable countries in West Africa in terms of respect for human rights, Cape Verde has experienced fewer violations of the rights of human rights defenders during this last quarter.

However, on 26 June, 2017, Guinea Bissau President Mario Vaz, in a meeting with Muslim religious leaders in his country, accused Cape Verdean journalists of censoring government messages and speeches that may tarnish the image of the country before every broadcast. This revelation would lead us to believe that the human rights stability of this country could be jeopardized if this proved to be the case.

Côte d'Ivoire

The issue of impunity remains a concern and alleged perpetrators of human rights abuses, including members of the security forces, are hardly brought to justice. The camp of former President Laurent Gbagbo continues to mention the justice of the victors with reference to former rebels accused of serious human rights violations.

On the issue of human rights defenders, the country is making great strides. The National Commission of Human

Rights is working with civil society in promotional activities and protection of HRDs.

However, tsuspicious deaths have occurred in the gold mining areas held by illegal miners, without any investigation being carried out by the authorities of the country.

Togo

The socio-political crisis that has shaken the country since August 19, 2017 has caused more than a dozen deaths, including that of two soldiers. The cities of Mango and Sokodé remain under siege and numerous arrests were made apart from retaliation on the private homes of citizens.

Organizations working on the protection and promotion of human rights such as the Nubueke Movement have seen three of their members (the third at Kpalime) arrested and incarcerated at the Lomé Civil Prison. To date the only the first two have been released after being jailed and released, once on October 19, 2017 and again on January 23, 2018.

On January 16, 2018, the President of the consumers' league of Togo, Mr. H. Yao Emmanuel Sogadji, escaped a kidnapping attempt for denouncing in the Bi-Weekly *Alternative* No. 672 of January 16, 2018 and charged for “dumping” on the Togolese market by-products coming from of animal farms under prohibition.

On 4 April, 2018 the President of *Regroupement des Jeunes Africains pour la Démocratie et le Développement* (REJADD), was apprehended in traffic by elements of the Intelligence and Investigation Service of the gendarmerie in the city of Lomé. He was charged with "Spreading false news" and "contempt of the authorities" on the basis of the publication by the HRD of a report jointly written with the *Réseau Africain pour les Initiatives de Droits de l'Homme et de Solidarité* (RAIDHS). This preliminary report mentioned more than 100 deaths between August 19, 2017 and January 20, 2018 during the repression of demonstrations.

On 5 April 2018, that is, a day following the abduction of Mr. Assiba Johnson, Médard Ametep, and Jérôme Sosou, editors, respectively, of the Togolese newspapers *Liberté* and *Triangle*, were arrested in relation to issues heard by the intelligence and investigation services. Their arrest followed the publication of a report by REJADD and RAIDHS of on the abuses committed during the socio- political crisis that has rocked Togo since August 19, 2017.

Local authorities pose obstacles to access to certain localities for HRDs, by requiring the latter to obtain ministerial authorizations before any field activity or access to detention centres. Trade union teachers arrested in a private meeting last March were given suspended prison sentences after a month in custody.

On April 7, two leaders of *Front Citoyen Togo*, advocates for political transition in Togo, Coordinator Prof. David

Dosseh, and Secretary General Antoine Gbandou, were arrested while holding a rally in Lomé and detained at the Intelligence and Investigation Department (SRI),

On April 11, 12, and 14, the Togolese authorities banned demonstrations by a coalition of 14 political parties that came out on the basis of an existing agreement reached on the framework for political dialogue.

Niger

Three months after the session of the ACHPR in Niamey, demonstrations escalated. Social discontent intensified in early 2018 following the adoption of the 2018 Finance law that Nigerienne civil society considered to be an anti-social legislation. The authorities of Niger responded by filming the demonstrations in order to identify and arrest the organizers.

On March 25, 2018, following the call by the civil society coalition of Niger to protest for the repeal of the 2018 Finance law, 23 people were arrested; they included Ali Idrissa, president of the *Réseau des Organisations pour la Transparence et l'Analyse Budgétaire* (ROTAB), Moussa Tchangari, secretary general of the *Association Alternative Espace Citoyen*, Nouhou Arzika, president of *Mouvement pour la promotion de la citoyenneté responsable*, Lirawanou Abdourahamane and Osseini Maiga.

The *Labaari* television channel was also closed down for a week. On April 15, 2018, during a new march banned by

the authorities, three human rights defenders, Maikoul Zodi, member of ROTAB and national coordinator of the *Tournons la page (Let's turn the page)* campaign, Ibrahim Diori of *Alternance Espace Citoyen* and Abdourahamane Idé of *Association Jeunesse pour une nouvelle Mentale* (JENOME) were arrested.

As far as the media in Niger is concerned, media houses have been harassed since February 2018 when the government decided to launch a tax audit operation against the press by conducting a verification of taxes since 2014. The media sees this operation as an attempt to muzzle the press, hence the "Black Screen Day" of February 5, 2018 when several radio, television and newspapers ceased broadcasting.

Since the revelation by the press of the "Uraniumgate" case involving a member of the government in the controversial sale of uranium to the French company "Areva", human rights defenders, including journalists working on the issue of business and human rights, have been targeted by the authorities. Several of these journalists, including Ali Idrissa, have already been arrested in the past year.

On 20 April, 2018, there were violent clashes between the police and students on the university campus in Niamey resulting in several serious injuries and the closure of the campus.

The Gambia

The arrest and indictment of political scientist and academic Dr. Ismaila Ceesay on January 31, 2018 for incitement to violence was a throwback to the 20 years under the dictatorship of Yahya Jammeh when the media was routinely muzzled amidst serious human rights violations.

Mauritania

Human rights defenders working on ethnic discrimination and slavery, as well as journalists, face challenges that restrict their activities and freedom of association.

Legal status may also be denied for certain reasons to some organizations of HRDs, thus depriving them of advantages such as external financing, peaceful local demonstrations, organizing certain meetings or any other activity requiring the approval of the highest authorities. The issue of racial discrimination is topical, especially in schools, the military, and the higher echelons of decision- making.

Mauritanian students were arrested during a protest and tortured. Complaints against slavery were never followed up. The country is a gateway to Europe and migrant women are abused and raped. With the agreement signed between Mauritania and Saudi Arabia, Mauritanian migrant women have been sold and some of them raped. Journalists and senators are under surveillance. The right of women to participate in the management of public affairs continued to be endangered because their 20%

quota, which was won in a hard fight in Parliament was reduced by a regressive law to 12%.

The Mauritanian woman does not have the right to give her nationality to her child nor can she travel freely with the child. Her husband could do so anytime without hindrance. The widows and orphans of massacred people along with a number of formerly deported persons still wait justice,

Two human rights defenders are still in prison in Mauritania as was a Senator whose work stood to strengthen good governance in the country.

The transfer of land to transnational corporations worsens the precarious situation in which rural populations live.

Nigeria

The human rights situation remains rather worrying given the socio-political and religious context that this country has been experiencing for the past few years. HRDs are the target of several actors, including armed groups.

While in general there is a decrease in the intensity of attacks by the terrorist group (Boko Haram), it should however be pointed out that the group continues to commit crimes against civilians, including kidnappings and forced recruitment.

In the north of the country, women and girls fleeing these abuses are in most cases exposed to rape and sexual exploitation by other displaced persons, members of self- defence groups, police and soldiers.

Human rights defenders and journalists face harassment and intimidation in the course of their activities. Abuses such as: arbitrary arrests and detentions, torture, enforced disappearances and summary executions of alleged Boko Haram supporters continue to occur during security operations.

As for the courts, they are increasingly used among the measures aimed at silencing HRDs. The wealthiest people and the state institutions accused in some reports of HRDs in relation to corruption, mismanagement or bad governance, generally resort to them to discredit and prosecute the authors of these denunciations.

Several human rights defenders have alleged since the beginning of the year that they have been receiving threats through phone calls, text messages, unannounced visits by one or more security agents and summonses from security agents or intelligence services.

The Nigerian Constitution (article 40) recognizes freedom of association and peaceful assembly. However, in practice, the authorities have repeatedly curtailed the people's enjoyment of these rights. Security forces are often deployed to scrutinize the meetings and actions of HRDs and journalists.

Further, a bill establishing an NGO Regulatory Commission has always been controversial. According to the provisions of the draft law, all NGOs working in Nigeria must register with this Commission every two years. In addition, it is required during this re-registration process that NGOs provide any "additional information" requested by the Commission, yet this "information" is not specified by the draft bill. NGOs will now be asked to submit their project proposals to the competent institution for approval. This proposal is an obstacle to the free operation of informal organizations. It provides penalties of up to 18 months imprisonment and a ten-year ban from NGO membership.

This Bill gives the Commission and the government broad discretionary powers and unprecedented involvement in the activities of civil society organizations, including unions and community associations.

The mobilization of HRDs slowed down the adoption of the bill by the National Assembly. However, it is still possible for this bill, which has not formally been withdrawn, to resurface overnight and be tabled with the National Assembly.

In terms of threats and arrests of HRDs, there are a number of examples:

On August 8, 2017 blogger Abubakar Sidiq Usman was arrested and charged with "cyber-harassment offences",

that is, for denouncing on his blog the corruption in the Commission on Economic and Financial Crimes.

On January 5, 2018 Mr. Ibrahim Garba Wala, the national coordinator of CATBAN (*Citizen Action To Take Back Nigeria*), a pro-democracy platform for human rights and anti-corruption was arrested by police and arraigned before the High Court of Maitama District in Abuja following a publication highlighting corruption in public bodies and the National Hajj Commission which oversees public spending. The arrest followed a petition filed by a member of the National Hajj Commission to deter the defender from continuing his work.

On January 19, 2018 editor Dapo Olorunyomi and correspondent Evelyn Okakwu of the *Premium Times* newspaper were arrested by police in Abuja and released a few hours later following the publication of articles on human rights violations committed by the Nigerian army.

Nigerian journalist Daniel Elombah, a resident of the United Kingdom, known for his critical articles on Boko Haram and on President Buhari was arrested at dawn on January 1, 2018 by Nigerian police while on a private family visit in Nigeria together with his brother, Timothy Elombah. They were later released. The police reportedly accused him of writing and publishing an article in *Opinion Nigeria* on December 2, 2017 that the Nigerian Inspector General of Police was involved in "countless controversies." Neither brother had written the article.

Tony Ezimakor, a reporter for *The Independent* newspaper, was arrested and detained for seven days before being released for conducting an investigation in which he revealed how the Nigerian authorities orchestrated the negotiation to pay Boko Haram a ransom for the release of 82 Chibok girls.

In Kaduna state in the north of the country, for the past thirty years, deadly clashes have taken place between communities of Hausa farmers and Fulani herders. The clashes are mainly due to conflicts over land and pastures and have already caused thousands of deaths in recent decades.

Field data indicate that apart from armed groups that carry out attacks and abductions of women and children, nearly 80 per cent of human rights violations committed in the north of the country are perpetrated by powerful government agents. But it is above all religious intolerance and judicial corruption that lie at the root of rights violations in Nigeria. In the first quarter of 2018, more than 100 girls were abducted.

According to "*the law against homosexuality*", adopted in 2014, LGBTI and their defenders risk up to 14 years in prison.

Guinea

The various socio-political crises linked to the teachers' strike, the disputed results of the elections and the various

street demonstrations have been at the root of several human rights violations reported in recent months in Guinea Conakry.

On February 28, 2018 the Guinean police arrested 15 civil society actors. During the peaceful demonstration organized by the collective *mobilisation citoyenne pour sauver l'école guinéenne* and again on 14 March, 2018 during another peaceful demonstration organized by the opposition, the security forces made several arrests and at least 02 people were killed.

Mali

The current situation of human rights violations in Mali remains worrying. In addition to labouring under the restrictions imposed by anti-terrorism measures, Malian HRDs have been denied certain fundamental rights such as the right to peaceful protest.

On 10 January, 2018, the peaceful march organized by the movement *On a tout compris* against the presence of French forces in Mali was dispersed with tear gas by the police.

On February 28, another peaceful demonstration organized by the office of the Association of Students and Pupils of Mali against accidents on the Kabal road was violently dispersed by the police.

Mali is still under the influence of terrorist groups.

Senegal

The WAHRDN report a significant decline in respect for human rights in Senegal where authorities have adopted measures that restrict the freedoms of peaceful assembly and expression and maintained inequality of citizens before the law while neglecting the living conditions of prisoners.

The popular singer Ami Collé Dieng was arrested on August 8, 2017 in Dakar for "insulting the head of state" and "spreading false news" after sending a voice message on WhatsApp criticizing the President. She was released on August 14, 2017. In February 2018, Mr. Abdoulaye Balde, a Bissau-Guinean pilgrim was killed by a Senegalese customs officer in Nianao, a manifestation of the disproportionate use of force by security officers.

Sierra Leone

Despite the efforts of organizations like DIGNITY that advocate for HRDs working with LGBTI people, they face many challenges because their meetings and gatherings are often dispersed by the police. 13 people were arrested during the last rally. The safety of HRDs is not yet a reality.

The State restricts access to funds for HRDs. There is also the use of restrictive legislation on freedom of assembly and peaceful protest.

Although recognized as transparent and credible by the vast majority of observers, including the national civil society, the presidential election process has been hampered, which nearly dealt a fatal blow to the country. Efforts have been made by the Sierra Leonean authorities to contain the consequences of post-election violence in order to ensure social cohesion.

Guinea Bissau

This country is wracked by unprecedented political crises which leave a condition with precarious consequences for human rights defenders. Added to this is the violence orchestrated by militiamen, the communities themselves and some non-political actors. Among HRD victims of threats and attacks, HRDs working on issues of early or forced marriage, domestic violence, FGM, cattle rustling and crimes against the environment feature prominently.

On December 9, 2017, Mr. Fodé Mané, president of the National Human Rights Defenders Network (RNDDH), said in his presentation to the Network that "the situation is worrying" and calling for "urgent action." According to Mané, HRDs are often beaten and forced to leave their villages, if not the country.

Regarding the right to freedom of peaceful assembly, the authorities sometimes ban demonstrations by using a law prohibiting demonstrations near public buildings. According to the provisions of this law, demonstrations must be held at a distance from public buildings. Several

civil society actors regularly fall foul of this provision, often used by the Ministry of the Interior.

Advances within the Sub-region

Our sub-region has made significant progress in some states despite the violations of human rights and the rights of HRDs. In the fight against impunity, ROADDH welcomes the recent condemnation of slavery in Mauritania. Indeed, on March, 28, 2018, the Criminal Court in Nouadhibou (Mauritania) sentenced a woman and a man in two separate cases to 10 years and 20 years imprisonment for slavery.

Another significant advance is the smooth conduct of the presidential elections held in Liberia and Sierra Leone which allowed a democratic change of power in these countries.

Mohammed Jabbateh, *alias* Jungle Jabba, a former Liberian warlord living in the United States, was found guilty of immigration document fraud and perjury and sentenced by a US court to 30 years imprisonment for concealing his criminal record.

As regards the protective laws of HRDs, ROADDDH / WAHRDN welcomes the laudable initiative in Côte d'Ivoire that have been replicated in Mali and Burkina Faso where the authorities have put in place a legislative framework for the protection of HRDs.

Recommendations

ROADDDH urges the forum to make the following recommendations to the ACHPR for:

1. **All States** in the sub-region that have not yet done so to follow the lead of the pioneer countries by adopting national laws to protect human rights defenders.
2. **Mauritania**, to immediately release the human rights defenders still detained
3. **Nigeria** to withdraw the draft of the law prohibitive to the work of human rights defenders still at the National Assembly, as well as adopt an inclusive national law to protect HRDs as part of the process of the domestication and implementation of the UN Declaration on Human Rights Defenders.
 - a. To comply with its international human rights commitments by withdrawing the law against sexual minorities,
 - b. To introduce the human rights dimension in the various operations on its territory to avoid unfortunate situations such as the 2017 blunder that led to the death of 400 people.

- c. To submit to internal and international judicial decisions
- d. To release political prisoners and grant the right to vote to all prisoners in Nigeria.

Reference

- **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*
- Partners, The media including online

NGOs Forum and 63rd ordinary session of the African Commission of Human and Peoples' Rights (ACHPR) - October, 2018

West Africa Sub-region

The West African Human Rights Defenders Network welcomes the progress made in the legal and institutional field in the sub-region.

The effective establishment of State institutions in charge of human rights, national human rights institutions in conformity with the Paris principles and the adoption of the law on the protection of human rights defenders in Burkina Faso, Ivory Coast and Mali are commendable

We are pleased to count Gambia as an abolitionist state for the death penalty and commend Côte d'Ivoire's efforts in releasing several dozen members of the former regime. However, we are still awaiting the adoption of the decree implementing the Human Rights Defenders Act in Mali.

We also remain concerned about the resurgence of abuses of human rights and the rights of human rights defenders in the sub-region.

The families of the victims are still waiting for justice to be delivered regarding the killing of 53 West African migrants in 2005 by the former Gambian regime. The security situation is becoming increasingly worrying in the sub--region. Although there have been massive demonstrations in Nigeria against the series of murders in the country, attacks on human life continue to be perpetrated, causing internal and international displacement of the population and a dramatic increase in the number of children out of school. In a country where homosexuality is punishable by 10 years of imprisonment and same-sex marriage by 14 years of penal servitude, police have reportedly arrested 50 people in a hotel raid

while arrested journalists alleged that they had been tortured.

At least two human rights defenders, including Safiatou LOPEZ ZONGO, President of the *Association pour la promotion de la démocratie et la Participation Citoyenne*, are in jail in Burkina Faso.

In Ghana, attacks on freedom of the press have been reported. Examples include the case of Reynold Dadzie, a cameraman targeted while covering a youth protest. He was beaten and spent 2 days in hospital. There is also the case of Ohemaa Sakyiwaa, a journalist who was assaulted by a member of the ruling New Patriotic Party (NPP).

We are pleased, however, that the latter has won the first stage of a legal battle for justice against his aggressor following a decision rendered on 30 July 2018 by the Court of Human Rights in Accra.

In October it emerged that Senegalese living in Mauritania for many years are arbitrarily detained in police stations in Nouakchott and elsewhere for long periods of time and are victims of racketeering by the police of that country. Some of them live in deplorable and inhuman conditions, crammed into rooms without toilets and food, and forced to ease themselves on the spot.

Further, a criminal court in the country has charged an activist, Abdallahi Salem Ould Yali, with inciting violence and racial hatred for messages he posted on social media

and in which he denounced racial discrimination in Mauritania. This activist is exposed to the harshness of the interpretation of the antiterrorist law and the law against cybercrime.

Last August, Biram Dah Abeid, president of the anti- slavery movement *IRA Mauritania* was arrested. Despite his election to the legislature, he remains detained and activists who demonstrated for his release were violently repressed.

The freedom of peaceful protest has been severely tested in Niger with protests against the 2018 Finance Act, the arrest and imprisonment of a large group of civil society actors. The restriction of civil society space was noted both in Niamey and in the interior of the country and demonstrations were banned by several local authorities.

In the aftermath of the major popular demonstrations that have rocked Togo since August 2017 and have been severely repressed, the country continues to live in a tense political climate.

Harassment of defenders is made possible by an overly vague criminal legal framework, which criminalizes the legitimate exercise of freedom of expression and freedom of association, as international human rights organs regularly recall in their recommendations addressed to Togo.

Four human rights defenders are detained at the Lomé Civil Prison. Messrs Messenth Kokodoko and Joseph Eza, members of the NUBUEKE citizens movement, were arrested separately on October 17 and 19, 2017 for their participation in the organization of the 2017 protests and were charged with "criminal conspiracy", "incitement to violence", "call to hatred", "burning of public buildings", and "aggravated disturbance of the peace".

On April 14 Mr. Johnson Assiba, president of the *Regroupement des jeunes Africains pour la démocratie et le développement, section-Togo* (REJADD-Togo) was arrested and charged with disseminating false news and insulting public authorities, following the publication of the preliminary report of REJADD-Togo and the *African Network for Human Rights and Solidarity Initiatives* (RAIDHS), which the two organizations titled: "*More than 100 dead in the repression of peaceful marches from 19 August 2017 to 20 January 2018*". Nathalie Edoh Egueli a human rights defender who worked on the same issue had to leave the country to seek refuge.

While he was about to lead a press conference on August 22, 2018 on the ECOWAS roadmap for the management of the Togolese crisis Mr. Folly Satchivi was arrested and held responsible for the "rebellion" and "apology for crimes and offences". Nicodem Habia, chairman of an opposition party, went on hunger strike in front of the US embassy and continued in front of the Ghanaian Embassy in Lomé to demand the application of the ECOWAS

roadmap, including the release of human rights defenders. Today, Habia continues his strike in a Ghanaian hospital where he was evacuated by this country, according to one of the mediators of ECOWAS.

The ongoing crisis contributes to the impoverishment of the population with rural people bearing the brunt. The State's commitment to domestic and international actors to make institutional and constitutional reforms effective has still not been respected leading to demonstrations suppressed by militia-backed defines and security forces described by the State as self-defence groups.

The internal security situation in the country is deteriorating because of the number of robberies in which in a space of a month, two bloody robberies with loss of life were reported targeting forex dealers or black market money changers.

People were prevented from demonstrating in Kara, Kanté, Sokodé and Atakpamé, despite the lifting of the ban on demonstrations in November 2017.

In view of the above, ROADDH is requesting that the forum recommend that the ACHPR **TOGO** to:

- Release detained human rights defenders and political opponents;

- Stop the electoral process that excludes the opposition in order to avoid the repetition of the bloody events of 2005;
- Implement objectively the ECOWAS roadmap to promote sustainable democracy.
- Adopt a law protecting human rights defenders inclusive of civil society.
- Respect the guidelines on freedom of demonstration and assembly in Africa.

Benin

- Respect international human rights commitments of the State in the implementation of the reforms undertaken.

Mauritania

- Release human rights defenders including Biram Dah ABEID;
- Respect the guidelines on freedom of association and assembly in Africa;
- Release immediately the Senegalese held at gendarmerie stations and in prison;

Burkina Faso

- Release all defenders still detained including Safiatou Lopez;
- Review the Burkinabe anti-terrorist law to better protect human rights defenders;

All States

- Put an end to any restriction of civil society space

Reference

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

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(CTDDH), TOGO

Associação de solidariedade e promoção dos
direitoshumanos - Zé Moniz, CABO VERDE

Colgação Das Organizações Of Defesa Dos Direitos Of
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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 partners, media including online

Pictorials from the April, 2018 NGOs Forum



A panelist making a presentation



A panelist making a presentation

Pictorials from the October NGOs Forum



Participants in interest group discussions

