

EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS NETWORK

Press Release

12th May 2010

BANJUL: ACHPR should enhance human rights monitoring and reporting prior to elections

The African Commission on Human and People's Rights (ACHPR) should enhance monitoring and reporting on the human rights situation in countries undergoing elections the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) says in an intervention to the 47th Session of the Commission.

In its intervention to the Commission today, EHAHRD-Net, focusing on Ethiopia, Rwanda and Uganda, highlights how the pre-electoral period in these countries is being marred by heightened attacks on civil and political rights.

Based on a bi-annual report produced by EHAHRD-Net for the ACHPR, the intervention reveals how authorities in the region have made use of a range of measures to restrict key rights: from legislative developments aimed at thwarting the rights of civil society, the media and the political opposition, through methods of intimidation such as threats, increased surveillance and censorship of key actors, to more traditional and violent means of restrictions.

According to EHAHRD-Net the Commission should therefore increase human rights monitoring and reporting on countries currently in a pre-electoral phase notably by calling on these countries to allow unimpeded access by ACHPR Special Procedures.

It also stressed the need to pay particular attention to the situation of human rights defenders, particularly journalists and human rights activists, in these countries and to condemn clear violations of the rights of defenders.

“Human rights defenders are often amongst the first victims of the clampdown on civil and political space and yet key actors in our region, including the ACHPR, are failing to give this clampdown the attention it requires. If immediate action is not taken to improving the reality facing human rights defenders, the likelihood of ensuring free and fair elections in our region will be greatly weakened. The Commission has a duty to act” says Mr. Hassan Shire Sheikh, Chairperson of EHAHRD-Net.

The intervention also stressed the need for the Commission to enhance its efforts on demanding accountability and supporting efforts to tackle impunity in the region, notably in Somalia and Kenya.

For more information please do not hesitate to contact Mr. Hassan Shire Sheikh, Executive Director of EHAHRDP on + 256 772 753 753 or Ms Laetitia Bader, Human Rights Officer at EHAHRDP on + 256 775 141 756 or advocacy@defenddefenders.org (for French speakers).

Please see the intervention below and visit www.defenddefenders.org/publications where the report drafted by EHAHRDP for the 47th Session of the ACHPR has been uploaded.

On the occasion of the 47th Ordinary Session of the African Commission on Human and People's Rights, Banjul, The Gambia

12th May 2010

Presented by:

Hassan Shire Sheikh
Chairperson
The East and Horn of Africa Human Rights Defenders Network
(EHAHRDP/Net)

Mme Chairperson,

EHAHRD-Net welcomes the opportunity offered by this NGO Forum preceding the 47th African Commission on Human and People's Rights (ACHPR) to once again highlight some of the current human rights issues in the East and Horn of Africa region. The approach of elections in most of the countries of the region either in 2010 or 2011 is having a negative impact on the human rights situation on the ground. Restrictions on civil and political rights have either increased or remained the same in almost every country covered. No significant improvements have been identified. The restrictions on civil and political rights witnessed range from legislative developments aimed at thwarting the rights of civil society, the media and the political opposition, through methods of intimidation such as threats, increased surveillance and censorship of key actors, to more traditional and violent means of restrictions.

We would like to highlight the situation in five of the countries covered by EHAHRD-Net.

Since the last Commission session the **Ethiopian** authorities have made use an array of new restrictive legislation to directly and indirectly further curtail key rights of association and expression in the country as next week's crucial elections approach. The Charities and Societies Proclamation for example is already having a significant impact on the ground and is being implemented in a haphazard and subjective manner. As a result independent human rights activities on the ground are more or less frozen. The independent media has also come under further attack. The Addis Neger, one of the last remaining independent papers in the country, was subjected in to a campaign of

intimidation in the pro-governmental media in late 2009, in which it was accused of supporting terrorist groups. As a result of this intimidation, and information that the paper and its staff would be charged under the controversial Anti-Terrorism Proclamation, the newspaper shut and the majority of its staff since fled the country. Given this reality next week's elections will be neither free nor fair and yet the international community as well as members of the African Union fail to give this situation the attention it urgently requires.

The human rights situation in **Somalia** has shown no improvements, since last reporting. Civilians bear the brunt of ongoing fighting between the Transitional Federal Government (TFG) of Somalia forces and insurgent groups in Mogadishu. Attacks, arbitrary arrests, and killings of human rights defenders, particularly journalists, continue to occur, most notably at the hands of al-Shabaab. The current battle between the TFG forces and insurgent groups within Mogadishu over control of the capital's radio stations has further restricted journalists' freedom of expression. The perpetrators of these violations, whether governmental or members of insurgency groups, clan militias or warlords, continue to be accorded impunity.

In **Kenya**, the recent decision by the International Criminal Court (ICC) to initiate investigations into the 2008 post-election violence is a positive step towards accountability; yet given that the investigations will only look at those deemed to be the most responsible for the violence and given that the Kenyan parliament has so far failed to establish a special tribunal at the national level, widespread accountability is still yet to be guaranteed. The situation of witnesses likely to be involved in the investigations and HRDs working and supporting the ICC investigations is concerning given the continued weaknesses of the Witness Protection (Amendment) Act and the failure by the authorities to sufficiently investigate attacks against HRDs.

Ongoing attacks on the private media as well as on human rights organisations in **Rwanda** as well as the intimidation of opposition party members is concerning as the August 2010 presidential elections draw nearer. Two newspapers in particular, Umuseso and Umuvugizi, have faced a myriad of attacks of late, the most recent being their suspension by the media regulating body- the High Media Council(HMC)- for six months. The legal groundings of the suspension are questionable. The regional media has not been spared in these attacks and President Kagame himself has questioned the editorial decisions of the key regional East African paper and the choice of journalists it uses. The denial of a work permit to Human Rights Watch's senior researcher on Rwanda in April 2010 on the pretext that there were inconsistencies in her visa application is alarming in a country where independent human rights voices are scarce. These developments go hand in hand with a series of actions aimed at undermining the space and campaign on opposition party members. In spite of the evident violations of key civil and political rights, the country continues to receive significant support and praise from regional and international actors.

Finally, certain developments in **Uganda** are also concerning. To point out are; an increase in cases of excessive use of lethal force by the police and military police without significant independent investigations and an increase

in restrictions on freedom of the media and association, notably with the drafting of a new media bill that would create new crimes with which to prosecute heads of media houses and would allow the Media Council to revoke licenses under any circumstances. Also alarming is the draft Anti-Homosexuality Bill which seeks to give legal grounds to ongoing attacks on Uganda's lesbian, gay, bisexual, transgender and intersex (LGBTI) community, punishes homosexuality with up to life imprisonment and instances of "serial" homosexuality with the death penalty and criminalizes any form of activism around the rights of LGBTI persons.

In light of the current situation EHAHRDP-Net calls on the African Commission on Human and People's Rights to:

- Make the fight against impunity a key focus of the ACHPR and its special mechanisms;
- Enhance monitoring and reporting on countries in a pre-electoral/ electoral period
- Promote the establishment of international criminal investigations into the human rights violations being committed in countries where an impartial national investigation is unlikely to take place- notably in Somalia and Sudan;
- Provide support - logistical and political- to entities and bodies that can help to establish accountability mechanisms as well as to international and regional efforts aimed at ensuring that those responsible for grave violations of human rights and humanitarian law are held to account notably in Somalia, Sudan, Ethiopia and Kenya;
- Call on African Union member States to offer standing invitations to the ACHPR's special mechanisms, notably the Special Rapporteur on HRDs and FOE, and to provide them with necessary assistance in the course of eventual visits whilst ensuring the protection of all witnesses meet by the mandate holders in the course of their missions;
- Publicly condemn the continuing harassment and discrimination of LGBTI persons;
- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights, in particular the freedom of expression, and legitimate work of HRDs;
- Call on member States to ensure the protection of Human Rights Defenders, notably by observing the African Charter on Human and People's Rights and other human rights treaties to which most of these countries are signatory;
- Support initiatives by HRDs to strengthen their position, notably by calling on national NGOs to present their assessment of their country situations prior to and during country missions by the ACHPR and its Special Procedures.

Thank you for your attention,

Hassan Shire Sheikh

Chairperson of the East and Horn of Africa Human Rights Defenders Network

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