



EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS NETWORK

Oral Statement

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7th May 2008

ON THE OCCASION OF THE 43rd ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS , 7th-21st MAY 2008, EZULWINI, KINGDOM OF SWAZILAND,

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 the 43rd Session of the African Commission on Human and People's Rights (ACHPR) to express its concern by the increasingly restrictive environment facing human rights defenders (HRDs) pursuing their legitimate work throughout the sub-region in spite of the establishment and re-enforcement of protection mechanisms such as the Special Rapport of the ACHPR on HRDs.

EHAHRD-Net would however in this statement like to highlight the current human rights situations in Somalia and Kenya as the general human rights situation in both these countries and the reality facing HRDs in particular have significantly deteriorated since reporting at the 42nd Session of the ACHPR.

The human rights situation in Somalia has significantly deteriorated as a result of ongoing warfare between the Transitional Federal Government (TFG) forces, their Ethiopian counterparts and the insurgency, notably Al-Shabab. The resulting attacks against the civilian population has lead to mass displacement – with approximately 60% of the population of Mogadishu believed to have fled the town and increasing incidences of human rights violations being committed by all the warring parties.

Attacks on human rights defenders, and particularly on journalists, have skyrocketed in recent months. Independent media outlets have been repeatedly attacked and closed notably by the TFG forces; journalists have been subjected to arbitrary arrests, have received death threats and have also been victim of targeted killings. Nine journalists have lost their lives since 2007 and at least 60 journalists have been forced to seek exile in neighbouring countries. Despite this reality the international community continues to fail to give human rights in Somalia the greatly needed attention that it deserves.

The violence and human rights violations committed against civilians and human rights defenders during the post-election violence in Kenya and more recently in Western Kenya have revealed how easily a situation of apparent stability in the sub-region can be transformed very rapidly.

Following the elections some of the human rights violations committed by both state and non state actors against Kenyan civilians included restrictions on freedom of assembly, expression and media, excessive use of force by the security forces and unlawful killings.

More recently the deployment of the Kenyan military in the Mount Elgon District of Western Kenya, in order to put down an insurgency by the Sabaot Land Defence Force (SLDF), has resulted in severe human rights violations including mass arbitrary arrests of the District's active male population, alarmingly high numbers of cases of torture and unlawful killings at the hands of the security forces. These violations are largely carried out under a veil of secrecy as public attention is currently elsewhere occupied.

Many prominent HRDs in Kenya have been threatened and in some cases attacked as a result of their efforts to continue their legitimate work; during the post-election violence those seeking to speak out about the electoral irregularities and the human rights violations being committed against civilians were targeted, harassed and intimidated by armed gangs, notably by the Mungiki militia group.

The current military operations in Mount Elgon also constitute a significant threat to HRDs who are speaking out against the violations currently taking place. Several activists are reported to have been intimidated and interrogated. It appears that at present at least three have been forced into exile.

Impunity is an issue of serious concern in both these countries and is in fact one of the issues that affects the human rights situation in all of the countries of the sub-region. Bringing an end to the prevalence of impunity and establishing independent and impartial accountability mechanisms will help to ensure the protection of HRDs and the further promotion of human rights and lasting peace in the region.

Another key area of concern relates to freedom of media and of expression as there has been a significant rise in violations of these rights in all of the countries in the sub-region, even in Tanzania whose human rights record tends to be taken in example.

EHAHRDP-Net therefore calls on the African Commission to:

- Initiate international criminal investigations into the human rights violations being committed in Kenya and Somalia as an impartial national investigation is unlikely to take place;
- Use their influence to bring an end to impunity and ensure that all actors responsible for current and past abuses in both these countries are held accountable for their actions;
- Provide support - logistical, political and financial - to entities and bodies that can help to establish accountability mechanisms that comply with international standards of independence and impartiality;
- Use their influence to ensure that the relevant state and non-state actors notably the Kenyan military, the TGF and Ethiopian forces, and Somali insurgents, bring an immediate end to the human rights violations they are committing against civilians notably in the Mount Elgon region of Western Kenya and in Mogadishu and other regions of South and Central Somalia;
- Continue monitoring the situation facing HRDs in both Somalia and Kenya, notably by encouraging and supporting all efforts by African Commission human rights mechanisms to pay specific attention to the situation of human rights in these two countries;
- Organise, support and facilitate an investigative mission by the Special Rapporteur of the ACHPR on Human Rights Defenders in Africa to both Kenya and Somalia;
- Ensure that human rights is at the heart of all diplomatic and peace and reconciliation dialogues, notably in Somalia and in Kenya;
- Use their influence to ensure that the relevant state and non-state actors bring an immediate end to arbitrary arrests, harassments and targeted killings of all human rights defenders, and more particularly journalists;
- Ensure strict compliance with the regional and international mechanisms put in place for the protection of the media; notably to adhere to the African Charter on Human and Peoples' Rights, which guarantee freedom of expression (Article 9);
- Ensure that all HRDs in particular journalists that have been forced into exile can pursue their vital work by providing them with assistance, protection and training, notably Eritrean HRDs.

The Network also calls upon you Madam Chairperson; to pay immediate and thereafter regular visits to these two countries within the sub-region to familiarize yourself with the

gravity of violations being committed and encourage you to act as a timely intervention with the authorities involved.

Hassan Shire Sheikh

A handwritten signature in blue ink, appearing to read 'Hassan Shire Sheikh', written in a cursive style.

Chairperson, EHAHRDP/Net

Swaziland, May 2008