



EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS NETWORK

Oral Statement

EHAHRD-Net Index: UGA 027/ 008/ 2008

10th November 2008

ON THE OCCASION OF THE 44th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS , 10TH-24TH NOVEMBER 2008, ABUJA, NIGERIA,

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 44th Session of the African Commission on Human and People's Rights (ACHPR) to highlight some of the current human rights situations in the sub-region. EHAHRD-Net is particularly concerned by the fact that in most of the countries in the region the situation facing human rights defenders (HRDs), in particular, has continued to deteriorate since the May 2008 report.

Since reporting at the 43rd Session of the ACHPR the human rights situation in Somalia has continued to deteriorate largely as a result of ongoing warfare between the Transitional Federal Government (TFG) forces, their Ethiopian counterparts and the insurgency, notably Al-Shabab. The humanitarian situation is dismissal and rapidly deteriorating as a result of current life-threatening food and water shortages which have been further aggravated by high inflation and the global crisis in commodity prices. Fighting has continued in civilian areas of Mogadishu whilst also intensifying in towns in South and Central Somalia. This has had devastating impacts on the civilian population. Rights of women and children are severely violated as was witnessed by the recent stoning to death of a 13 year old girl in Kismayo which is under the control of Al-Shabab Militia. Three members of their gunmen gang raped Ashia Dhuhulow fist and then forced her into a hole, buried up to her neck and belted with stones by some 50 men until she died in front of more than 1000 people. Clearly a child was victimized twice, first by the perpetrators of the rape and then by those responsible for administering justice.

Attacks and targeted killings of human rights defenders continue to occur. As a result an increasing number of defenders are now living in exile. Impunity prevails. The recent agreements between the TFG and the Alliance for the Re-Liberation of Somalia (ARS) in Djibouti in June 2008 and October 2008 and subsequent declaration of support expressed by IGAD Heads of States' Extra-Ordinary Summit on Somalia held in Nairobi between 28-29, October 2008, do however show some hopeful signs notably by setting down a plan for the withdrawal of the Ethiopian troops.

The human rights record of the Ethiopian People's Revolutionary Democratic Front (EPRDF) and security forces remain poor, not only in the Ogden and Oromia regions of Ethiopia, but also in Somalia. The Ethiopian government has tended to respond in a negative manner to the little criticisms it has received regarding its human rights record- closing the door to independent reporting and investigations rather than seeking to address the allegations. Of particular concern is the legislative affront currently being carried out by the ruling party against HRDs. The Draft Proclamation on Charities and Societies which has recently been put forward to the Parliament threatens the very future of legitimate human rights work in the country. Under the provisions of this bill, organisations receiving more than 10% of their funding from abroad will not be allowed to carry out any human rights work. Given the tendency in other countries of the region to introduce increasingly restrictive NGO and Media legislations this bill might lead to an even more stringent legal affront throughout the region.

Current government restrictions on freedom of the press and expression in Rwanda must be highlighted. The authorities have been using a range of methods, from laws on divisionism and genocidal ideology, to funding restrictions, to licensing barriers as a means of silencing those who question the government's perception of the past, present and future of the country. Journalists from the four main private newspapers have on two occasions in the last months been ordered out of public events by members of the government- notably most recently they were denied access on the 7th November to African Media Day celebrations in Kigali. As a result an increasing number of journalists are being forced out of the country and the independent media outlets are at risk of closure.

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 revealed how easily a situation of apparent stability in the sub-region can be transformed very rapidly. The recent report by the Justice Waki Commission of Inquiry does offer significant hope that past violations will be investigated nevertheless the willingness of the unity government to implement its recommendations is questionable. The situation facing defenders has seen some negative developments with cases of individual harassment turning into more systematic attacks on human rights organisations. The recent killings of two defenders serving as witnesses in recent Commissions are of significant concern.

Finally the situation in Eritrea has shown no changes whatsoever since the last report: freedom of expression, thought, media, religion and movement are inexistent and all forms of

activism has been entirely crushed forcing an ever increasing number of Eritreans from all walks of life to risk their lives and flee abroad.

Recommendations

As stated in the last report presented at the Commission accountability continues to be one of the key issues which should be prioritised in all agendas focusing on the region. Bringing an end to the prevalence of impunity and establishing independent and impartial accountability mechanisms can help to ensure the protection of HRDs and the further promotion of human rights and lasting peace in the region.

Actions aimed at ensuring the respect of freedom of expression and freedom of the media must also be prioritised given the significant rise in violations of these rights in most of the countries focussed on above.

Finally it is essential for the ACHPR Commission to ensure that an enabling environment is created for human rights organisations to carry out their legitimate work in the region and to ensure that recent attempts in several countries to put in place highly cumbersome and restrictive legislation are thwarted.

EHAHRDP-Net calls on the African Commission on Human and Peoples Rights:

- To initiate 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 Ethiopia;
- To use its influence to bring an end to impunity and ensure that all actors responsible for current and past abuses are held accountable for their actions;
- To provide support - logistical, political and financial - to entities and bodies that can help to establish accountability mechanisms, notably to the field offices of Office of the High Commissioner for Human Rights (OHCHR) and ensure that these entities receive the necessary support and cooperation from the relevant State authorities;
- To continue monitoring the situation facing HRDs in these countries, notably by re-enforcing the capacity of the Special Procedures' mandate-holders, notably the Special Rapporteur on Human Rights Defenders, to pay specific attention to the situation of human rights in the region;
- To ensure that human rights is at the heart of all diplomatic and peace and reconciliation dialogues, notably in Somalia;

- To call on relevant stakeholders to bring an immediate end to arbitrary arrests, harassments and targeted killings of all human rights defenders, and more particularly journalists;
- To call on relevant stakeholders to end all practices which threaten the freedom of expression and prevent human rights defenders from pursuing their legitimate work;
- To call on relevant stakeholders to ensure the protection of Human Rights Defenders, notably by observing the provisions the African Charter on Human and People's Rights and other human rights treaties to which most of these countries are signatory;
- To support initiatives by HRDs in the countries concerned to strengthen their position, notably through joint initiatives and networks;
- To 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.

Hassan Shire Sheikh



Chairperson, EHAHRDP/Net

Nigeria, November 2008