



EAST AND
HORN OF
AFRICA
HUMAN RIGHTS
**DEFEND
DEFENDERS**
PROJECT
(EHAHRDP)

Overview of the Human Rights Situation in the East and Horn of Africa May – October 2012

Report submitted at the 52nd Ordinary Session of the
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Introduction

The East and Horn of Africa Human Rights Defenders Network welcomes the opportunity offered by the 52nd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) to highlight some of the current human rights issues in the East and Horn of Africa region for the period of May to October 2012, with a particular focus on the situation for human rights defenders. This report was prepared with the assistance of reports and information received by the East and Horn of Africa Human Rights Defenders Project (the secretariat of the East and Horn of Africa Human Rights Defenders Network) from our members and partners.

This period has witnessed significant political changes in the region, including the death of Prime Minister Meles Zenawi on 20th August 2012 and the succession of Hailemariam Desalegn in **Ethiopia**, as well as the end-of-transition in **Somalia** and the election of a new President. The effect of these transitions on the situation of human rights in the region remains to be seen. The upcoming presidential elections in **Kenya** in March 2013 are also being anticipated with serious attention.

In addition to these new developments, some longstanding negative trends have also continued to be observed. The surveillance of human rights defenders continues to be a serious concern with reports of new restrictions and surveillance measures being on track to pass into law in **Ethiopia** and **Rwanda**. The use of anti-terrorism legislation to stifle freedom of expression and to impede the work of human rights defenders and journalists have also continued.

Attacks on journalists in the region, especially in **Somalia**, have increased at an alarming rate. According to figures collected by Reporters Without Borders, 15 journalists had been killed in Somalia between the beginning of the year and late September 2012, with an escalation in the number of attacks following the end-of-transition.

The human rights situation in **Sudan** remains very grave one year after the independence of South Sudan and following the Commission's consideration of Sudan's periodic report at the 51st ordinary session. The period under review has seen a widespread crackdown on dissenting voices, opposition groups and protesters. The humanitarian situation for civilians in Blue Nile, Southern Kordofan and Darfur remains precarious.

Some more positive signs have been witnessed in relation to the human rights situation in **Eritrea**. The international community has begun to pay more attention to the situation, including through the establishment of a new special rapporteur on the country and with Canada imposing a ban on the 2% diaspora tax. It is hoped that this increased attention, that draws also on the decisions and resolutions passed by the Commission, will result in improvements in the human rights situation in the country.

In light of the updates and observations contained in this report, the East and Horn of Africa Human Rights Defenders Network offers the following recommendations for actions by the African Commission on Human and Peoples' Rights:

- Continue to monitor the situation of human rights defenders and to establish a reporting mechanism to gather information on cases of reprisals against human rights defenders who cooperate with the Commission and its special mechanisms;
- Call on member States to ensure the protection of HRDs, notably by observing the African Charter on Human and Peoples' Rights and other human rights treaties to which most of these countries are signatory;
- Call for an end to all practices, notably legal restrictions, which threaten the fundamental rights contained in the Charter, in particular the freedom of expression, and work of human rights defenders;
- Carry out a Commission of Inquiry into violations of the Charter and international humanitarian law in the regions of Southern Kordofan and Blue Nile in Sudan;
- Take all necessary measures to follow up on decisions taken by the Commission on communications that remain unimplemented, so that victims' may receive a remedy for the violations of their rights as contained in the Charter;
- Recognise that the rights contained in the African Charter apply to all people without discrimination on any grounds, including sexual orientation and gender identity;
- Promote international criminal investigations into serious human rights violations committed in the region, where domestic remedies have failed;
- Encourage all members of the African Union to ratify and implement the provisions of the African Charter on Democracy, Elections and Good Governance.

Country Overviews

BURUNDI

The human rights situation in Burundi continued to raise concerns between May and October 2012, in particular with numerous national and international organisations issuing reports on extrajudicial killings in the country. On 2nd May 2012, Ivan Šimonović, United Nations Assistant Secretary General for Human Rights, pointed out that in 2011 the United Nations Office in Burundi (BNUB) documented 61 cases of extrajudicial killings, underlining that in only 8 of these cases the perpetrators have been tried and convicted, and calling for greater efforts to guarantee to hold to account perpetrators of extra-judicial killings, torture, arbitrary arrests and detention.¹

On 12th June 2012, the Government formed a special Commission of six prosecutors to probe the allegations by human rights groups of extrajudicial killings and torture in the country. Despite the reports of extrajudicial killings provided by Human Rights Watch and United Nations, as well as by national human rights organizations, Valentin Bagorikunda, Prosecutor General, announced on 23rd August that “the commission was not able to spot a single case of extrajudicial killings as described in the international definition”.²

The relationship of civil society and independent media with the Burundian authorities continues to be tense.

The Observatory of Burundian Press and the Burundian Union of Journalists have expressed their concern about the new press draft legislation and its restrictive measures, underlining the strong need for a decriminalization of the press offences.³

On 24th July 2012, Faustin Ndikumana, an anti-corruption activist, and his organisation PARCEM, were convicted of making false declarations under Article 14 on the Anti-Corruption Law, following public statements made on the issue of corruption in the judiciary. Ndikumana was sentenced to five years’ imprisonment and a fine of BIF 500,000 and PARCEM was ordered to pay a fine of BIF 5 million, both for allegedly false declarations. The Anti-Corruption Court ordered also to pay BIF 10 Million in “moral damages” to the Minister of Justice, Mr Pascal Barandagiye. The conviction and the heavy sentencing have been condemned by international civil society organizations, considering these measures motivated by PARCEM’s legitimate work against corruption in judicial system⁴.

The Burundian Interior Minister forced Human Rights Watch to cancel the news conference in Bujumbura, on 2nd May 2012, in occasion of the release of their report on political killings,

¹OHCHR, “Burundi: Human Rights Progress Made But Challenges Remain”, 2 May 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12106&LangID=E>

²Radio Netherlands Worldwide, 23 August 2012, <http://www.rnw.nl/africa/bulletin/burundi-probe-finds-no-extrajudicial-killings>

³Burundi Transparency, 2 September 2012, http://burunditransparence.org/presse_menace19.html

⁴Front Line Defenders, “Burundi: Conviction and heavy sentencing of human rights defender Mr Faustin Ndikumana”, 24 July 2012, <http://www.frontlinedefenders.org/node/19101>

because of its title (“You Will Not Have Peace While You Are Living”) and for not having asked for authorization.⁵

The verdict on 22nd May 2012 in the trial of those accused of killing Ernest Manirumva, a Burundian anti-corruption campaigner, has gravely disappointed both Burundian and international nongovernmental organizations. The Higher Instance Court of Bujumbura sentenced 14 individuals to lengthy prison terms; eight individuals were sentenced to life imprisonment for the murder of Manirumva, three individuals to 20 years’ imprisonment for complicity to murder, and three individuals to 10 years’ imprisonment for failure to inform public authorities/non-assistance to persons in danger. The Public Prosecutor ignored calls to investigate senior figures within the Burundian security services and national police who may have been involved in the killing of Manirumva. Indeed the Public Prosecutor did not consider the leads and recommendations from the United States Federal Bureau of Investigation (FBI), which assisted in investigations the 3rd Commission of Inquiry established by the Burundian authorities.⁶

Hassan Ruvakuki, a reporter with Bonesha FM radio and Radio France Internationale (Swahili service), was sentenced to life imprisonment on 20th June 2012 by the Regional Court of Cankuzo, after being found guilty of “terrorist acts” for having interviewed the leader of the Front for the Restoration of Democracy. During the hearings in May, the lawyers representing 14 of the defendants, including Ruvakuki, refused to present pleas, denouncing that the trial violates procedural rules and the most basic defence rights.⁷ The first day of hearings in the appeal at the Court of Appeal of Gitega, originally set for 28th September, was held on 8th October 2012.

On 7th May 2012, following a number of serious threats reportedly received from police and officials from the SNR (National Intelligence Service), Bob Rugurika, human rights journalist and editor-in-chief of Radio Publique Africaine (RPA), sent a formal letter to President Nkurunziza appealing for protection. Rugurika, who was subject of previous judicial harassment in November 2011 for the broadcasting of programs about the Gatumba massacre in September 2011, believed the threats to be directly related to RPA’s recent investigation and reporting on new leads relating to the killing of Ernest Manirumva.⁸

⁵Human Rights Watch, “Burundi: Effort to Block a Report About Political Killings”, 4 May 2012, <http://www.hrw.org/news/2012/05/04/burundi-effort-block-report-about-political-killings>

⁶East and Horn of Africa Human Rights Defenders Project, “Burundi: Verdict in Activist’s Killing Trial Fails to Deliver Justice: Despite Many Leads, Investigation Fell Short”, 23 May 2012, <http://www.defenddefenders.org/2012/05/burundi-verdict-in-activists-killing-trial-fails-to-deliver-justice-despite-many-leads-investigation-fell-short/>

⁷Reporters Without Borders, “Prosecutor Requests Life Imprisonment for Journalist Charged With Terrorism”, 9 May 2012, <http://en.rsf.org/burundi-prosecutor-requests-life-09-05-2012,42587.html>.

⁸Front Line Defenders, “Burundi: Human Rights Journalist Mr Bob Rugurika receives a series of threats and seeks protection from President Nkurunziza”, 7 May 2012, <http://www.frontlinedefenders.org/node/18312>

On the night of 26th June 2012, Eloge Niyonzima, a reporter for *Radio Publique Africaine* in the north-western city of Bubanza, was attacked by 10 members of the youth league of the ruling CNDD-FDD party.⁹

On 8th June 2012, Rema FM radio station broadcast an editorial in Kirundi and French, which contained serious and defamatory accusations against Pacifique Nininahazwe (President of FORSC), Pierre Claver Mbonimpa (President of APRODH) and Armel Niyongere (President of ACAT Burundi – Christian Action for the Abolition of Torture, l'Action des Chrétiens pour l'Abolition de la Torture). The HRDs had publicly called for investigations into the apparent extrajudicial execution of Juvenal Havyarimana, whose body had been found on 5 June. The broadcast explicitly responded to their public statements and accused them, inter alia, of seeking the overthrow of legitimate state institutions; of being part of a group of individuals who want to destroy Burundi, comparing them to rebels; of representing organisations that identify with bandits, delinquents and assassins; of being an extremist agitator who dreams of a return to conflict; and of promoting criminals.

Nininahazwe, Mbonimpa and Niyongere held a press conference on 12 June 2012 to reject the unfounded accusations. Of particular concern was the editorial's incitement of the population to attack them for seeking to destroy the population's development work and to sabotage the 50th anniversary of Independence (this incitement was reportedly more explicit in the Kirundi than French version). Nininahazwe also submitted a complaint to the National Communications Council (CNC). The CNC upheld the complaint and on 13 June banned the radio station from broadcasting commentary, editorial, analysis and viewpoint pieces for 30 days. The timeliness of the CNC's response should be noted and commended. The CNC also referred the case to the public prosecutor.

DJIBOUTI

The human rights situation in Djibouti remains critical, with arbitrary detentions of human rights defenders and opposition leaders.

On 8th August 2012, the journalist and human rights defender Houssein Ahmed Farah was arrested, and after being held for more than 72 hours, transferred to the Gabode prison. It was reported that Farah was not able to see a lawyer while in police custody, nor was he represented when he appeared before the judge. Moreover, despite his poor health and the need for treatment, he was denied visits or medical attention.¹⁰ On 11th September 2012 the indictment division of the Djibouti Court of Appeal rejected the request for a temporary release of Farah. The reasons for this rejection are as yet unknown.

⁹Radio Netherlands Worldwide, 27th June 2012, <http://www.rnw.nl/africa/bulletin/reporter-beaten-ruling-party-militia-burundi-radio>

¹⁰Reporters Without Borders, "Appeal Court to Rule on Voix de Djibouti Correspondent's Release", 14 August 2012, <http://en.rsf.org/djibouti-two-ministers-sent-letter-after-14-08-2012,43219.html>

On 7th May 2012, the human rights defender Hassan Amine Ahmed was released from the Gabode prison, where he had been detained since August 2011 for having denounced the arrest of civilians in the Mablas region and provided assistance to political prisoners.

ERITREA

During this period, there was no sign of improvement in the human rights situation in Eritrea, where widespread and systematic human rights violations continue. The Constitution is not implemented and there is no political pluralism in the country. Thousands are arbitrarily detained in inhumane and degrading conditions without trial. An Eritrean can be arrested and imprisoned without charge or trial for years for being critical of the government, belonging to what the government defines as one of the 'wrong' religious groups, or refusing to comply with the indefinite national service imposed on all Eritreans over the age of 18 years. Some conscripts have served for a decade or more in national service. It is estimated that there are currently between 5,000 and 10,000 prisoners whose "crime" is that they are suspected of not being fully loyal to the regime. Torture, arrests, killings and forced labour are common.¹¹

Since 2001, there has been no independent domestic media and journalists are arbitrarily arrested en masse. There are severe restrictions on civil society organisations in Eritrea and few local or international non-governmental organizations operate in the country. Those that do so must work within the tight guidelines laid down by the Government, exacerbated by a change in priorities resulting in a further reduction in the areas in which NGOs and international agencies can operate: for example, the International Red Cross is not permitted to undertake prison visits.¹²

In this period, calls for action on Eritrea at the UN Human Rights Council intensified. In a historic move, the Human Rights Council established a Special Rapporteur on the human rights situation in Eritrea in a resolution adopted by consensus on Friday 6th July 2012. In the resolution, the Council strongly condemned the continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities. The resolution recalled, inter alia, resolution 91 of the African Commission on Human and Peoples' Rights on Eritrea and its decisions 250/2002 and 275/2003, which continue to be ignored by the Government, on the journalists and officials held incommunicado since 2001.¹³

Given the near-impossibility of carrying out human rights activities within the country, human rights defenders in the diaspora work in the face of enormous challenges in order to effectively advocate for the protection of human rights in Eritrea.

¹¹ EHAHRDP et al, June 2012, Call for Action on Eritrea at the UN Human Rights Council, <http://www.defenddefenders.org/2012/06/call-for-action-on-eritrea-at-un-human-rights-council/>

¹² "UK in Eritrea – Human Rights", <http://ukineritrea.fco.gov.uk/en/about-us/working-with-eritrea/human-rights/>

¹³ EHAHRDP press release, July 2012, "Eritrea: Establishment of New UN Special Rapporteur Welcomed", <http://www.defenddefenders.org/2012/07/eritrea-establishment-of-new-un-special-rapporteur-welcomed/>

According to Reporters Without Borders (RSF), three journalists who had been held since 2001 died in Eiraeiro Prison Camp. After several weeks of investigating reports from sources in Eritrea and from prison guards, who have since fled the country, Dawil Habtemicheal, Mathews Habteab and Wedi Itay, are said to have died in the north eastern prison.

However, Tesfalidet “Tepo” Mabrahtu, a well known sports journalist who worked for the state-owned radio station Demtsi Hafash and state-owned television, Eri-Tu was released on bond after being held for 10 months. He is still under surveillance.¹⁴

ETHIOPIA

On 21st August 2012, the death of Prime Minister Meles Zenawi the previous day was announced. After more than 20 years of Meles’ rule, EHAHRDP and other human rights groups have called on Ethiopia’s new leadership to recommit the State to the full respect of its population’s human rights, especially the freedoms of association, assembly and expression.¹⁵

Since the adoption of the Charities and Societies Proclamation three years ago, independent human rights activity has almost completely ceased in Ethiopia. The law imposes heavy restrictions on fundraising by national human rights organisations – only 10% of their funding may come from external sources and permission must be granted by the Charities and Societies Agency (ChSA) for any domestic fundraising events. The Ethiopian Women Lawyers Association (EWLA) and the Human Rights Council (HRCO) have had their bank accounts frozen. The appeal of HRCO (the former Ethiopian Human Rights Council) against the freezing has been repeatedly delayed, with the latest hearing postponed from July to October 2012.

Ambiguous provisions in the Anti-Terrorism Proclamation, adopted in 2009, continue to be used to silence dissenting voices in the country. For example, on 13th July 2012, the blogger Eskinder Nega was sentenced to 18 years in prison. He had been arrested on 14th September 2011, just days after publishing an article questioning the imprisonment of the well-known actor Debebe Eshetu as a terrorist suspect and participating in a meeting where the issue of the uprisings in the Middle East and North Africa was discussed. He was convicted of participation in a terrorism network on the basis of a video of this public political forum, in which he spoke about whether the popular uprisings could spread to Ethiopia. The UN High Commissioner for Human Rights has expressed serious alarm about the “climate of intimidation” against human rights defenders and journalists in Ethiopia.¹⁶

¹⁴ Reporters Without Borders, “Eritrea: Three Journalists Held Since 2011”, August 2012, <http://en.rsf.org/eritrea-three-journalists-held-since-2001-30-08-2012,43298.html>

¹⁵ Joint letter requesting Prime Minister Hailemariam Desalegn to remove arbitrary restrictions on the rights to freedom of expression and association in Ethiopia, October 9, 2012, <http://www.defenddefenders.org/2012/10/joint-letter-requesting-prime-minister-hailemariam-desalegn-to-remove-arbitrary-restrictions-on-the-rights-to-freedom-of-expression-and-association-in-ethiopia/>

¹⁶ EHAHRDP press release, “Ethiopia: Amend Law that Repress Civil Society and Media”, September 2012, <http://www.defenddefenders.org/2012/09/ethiopia-amend-laws-that-repress-civil-society-and-media/>

In early October, it was reported that both *Feteh*, the country's largest weekly newspaper, and *Finote Netsanet*, published by the opposition group, Unity for Democracy and Justice, had stopped publishing for several weeks after the state-owned Berhanena Selam printing company refused to continue printing them.¹⁷ In September, the human rights organisation HRCO condemned a proposed draft contract between Berhanena Selam and private publishers that would give the printing company the right to refuse to print any materials it deems illegal, which would be “tantamount to a power of censorship” if the new contracts are adopted.¹⁸ On 1st August 2012, Feteh’s editor Temesgen Desalegn was summoned for questioning over articles critical of the late Prime Minister’s administration. He was detained while facing trial on charges of “outrages against the constitution or the constitutional order” and defaming the state, although the Ministry of Justice later withdrew the charges and he was released.

On 25th May 2012, the Ethiopian Police detained Voice of America reporter, Peter Heinlein, along with Simegnish Yekoye, a freelance reporter, and Heinlein’s interpreter. They were detained while covering a demonstration of Muslims protesting alleged government interference in religious affairs. Heinlein was freed the next day and did not face any charge. Again, in October 2012, Marthe Van Der Wolf, also a reporter for VOA, was briefly detained in Addis Ababa as she covered protests by Ethiopian Muslims at the Anwar Mosque against alleged government interference in Islamic Council elections.

On 13th July 2012, Martin Schibbye and Johan Persson , two Swedish journalists were sentenced to 11 years in prison on charges of supporting terrorism after they illegally entered Ethiopia in July 2011 from Somalia with fighters from Ogaden National Liberation (ONLF) rebel group. The journalists claimed that they were investigating alleged human rights abuses and had been using the ONLF rebel group as guides in a region the Ethiopian authorities did not allow journalists to enter.¹⁹ They said that they were subjected to a mock execution and accused the country of using anti- terrorism laws to stifle journalists. On 10th September 2012, the journalists were pardoned and released after spending eleven months in jail. They had chosen to forgo an appeal and instead had submitted a request for a pardon.

KENYA

Human rights developments in Kenya have been dominated by the implementation of a new constitution and related judicial and police reforms, and the International Criminal Court (ICC) cases against six Kenyans whom the ICC prosecutor accused of crimes against humanity committed during the post-election violence in 2007 and 2008. Kenyan politicians resisted the ICC process, claiming the judicial and police reforms underway gave sufficient cause to return

¹⁷ “Ethiopia: Independent papers say gov't banned them”, Associated Press, October 2012, http://hosted.ap.org/dynamic/stories/A/AF_ETHIOPIA_MEDIA?SITE=CAMAR&SECTION=HOME&TEMPLATE=DEFAULT

¹⁸ HRCO press release, September 2012, “Hampering Free Press Unconstitutional!” <http://www.ehrco.org/images/pdf/Press%20Release,%20Hampering%20Free%20Press%20Unconstitutional!.pdf>

¹⁹ The Guardian, “Swedish journalists found guilty on terrorism charges in Ethiopia”, December 2011, <http://www.guardian.co.uk/world/2011/dec/21/swedish-journalists-guilty-terrorism-ethiopia?INTCMP=ILCNETTXT3487>

the cases to Kenya. But there was little progress on the ground in terms of accountability for post-election violence or human rights violations by security forces. There is concern at the failure of the State party to hold to account those responsible for human rights abuses and to provide justice and reparation to the victims as required under Article 2 of the ICCPR especially.

The long-running conflict between the Pokomo people – mostly farmers growing cash crops by the Tana river and the semi-nomadic cattle herders, the Orma left more than 100 people dead in the clashes in September. The Regional Police Chief, Aggrey Adali told journalists that an unknown number of bodies were at the two sides. There have been accusations that politicians incited the violence ahead of the upcoming elections in March 2013.²⁰

Police reform proceeded slowly. In August and September 2011 parliament had passed two police reform bills that bring the Kenya Police and the previously separate (and often politicized) Administration Police under one command structure, and establish a civilian National Police Service commission, which will play a role in police recruitment, training, and disciplinary proceedings. The Kenyan Parliament is responsible for ensuring that the new police system upholds integrity and accountability, deters misconduct and restores confidence in policing. In November 2011 parliament passed an Independent Policing Oversight Authority bill, which could be critical in assuring accountability. Police attempted to initiate a purely internal vetting process in June 2012, but the process was suspended over criticism of the lack of civilian oversight.²¹ However, unlawful killings and excessive force by police officers continue to be an ongoing problem and that police reforms have so far proven insufficient to provide redress to victims and prevent such violations in future.

The Kenyan authorities have failed to uphold the state's obligations to fully comply with Articles 2, 3, 6, 7, 13, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR) with respect to impunity for unlawful killings including extrajudicial executions by police forces, discrimination and violence against women plus ongoing discrimination on the basis of sexual orientation and gender identity.

Civil society organizations have begun to warn of signs that violence could return to areas worst hit by ethnic violence after the disputed 2007 presidential election. In August Kenyan youth and civil society groups gathered met in Nairobi to discuss ways to encourage fair and peaceful elections. A representative of Smart Citizen, a civil society organization that works in the Rift Valley, one of the regions hardest-hit by the violence that followed the 2007 presidential poll told journalists that people in her area were starting to sell off their properties for fear that violence will return with the coming election.²²

²⁰ BBC News, Kenya Tana River Delta clashes: 'Mass graves' mystery, September 2012, www.bbc.co.uk/news/world-africa-19659324

²¹ Human Rights Watch, World Report: Kenya, <http://www.hrw.org/world-report-2012/world-report-2012-kenya>

²² Voice of America, Kenyans Take Precautions Against Potential Election Violence, August 2012, http://www.voanews.com/content/keny_takes_precautions_against_potential_election_violence/1475109.html

On 10th July 2012, investigative journalist John Allan Namu, fled Kenya after exposing a secret military squad which is offering protection to a Rwandan genocide fugitive, Felicien Kabuga, who is wanted by the International Criminal Tribunal for Rwanda (ICTR) for serious offences under the 1949 Geneva Conventions; crimes against humanity and genocide in Rwanda in 1994. Following an in-depth investigation, NTV, a private Kenyan television network, revealed a network operating within the Kenyan military that appeared to offer round the clock protection to Kabuga.²³

The Prevention of Torture Bill 2012, which was first introduced in 2003 and later withdrawn has been criticized by some sections of Kenyan society, such as the Muslim community, for its failure to guarantee respect for human rights of terror suspects. Kenya Law Society has for instance maintained that the Bill infringes on the right to freedom of expression, freedom of the media and religion in addition to limiting the right to a fair trial. Some of the clauses that need further investigation include the right to remain silent, which has been qualified by the need of an investigative officer to approach the court and get an order for a suspect to answer questions mandatorily. The Bill gives the Inspector General of Police power to call for the prosecution of terror suspects yet power should rest with the Director of Public Prosecutions (DPP) to avoid duplicity of roles.

RWANDA

The human rights record of Rwanda at home and in the neighbouring DRC continue to be cause for concern in the period under review. The Government of Rwanda is under increasing pressure to halt alleged support for the M23 rebel movement in eastern Congo, following the publication of a report by the UN Group of Experts (whose work is mandated by the Security Council) which accuses Rwanda of helping to create, arm and support the March 23 Movement (M23), a rebel military group based in the eastern Democratic Republic of the Congo, which takes its name from a failed peace agreement signed on 23rd March 2009 with the Congolese government. The leader of the movement is General Bosco Ntaganda, who was indicted by the International Criminal Court six years ago for war crimes.

The alleged Rwanda involvement in the rebellion in east of Congo has also alarmed its major international donors. In July 2012, a number of Rwanda's partners withdrew or suspended significant portions of their financial support to the government. The United States was the first to react after the publication of the Group of Experts' report and on 21st July 2012 announced the decision to reallocate to other countries the military aid to Rwanda for the year (\$ 200,000), "in light of the information that Rwanda is supporting armed groups in the Democratic Republic of the Congo (DRC)."²⁴ The Dutch, British, German and Swedish governments, as well as the European Union, also froze part of their aid budgets or suspended new aid.

²³ Pambazuka News, "Kenya: Journalist flees after exposing death squad", July 2012, <http://www.pambazuka.org/en/category/rights/83501>

²⁴ The full text of the US State Department statement is available at <http://allafrica.com/stories/201207220056.html>, 22 July 2012.

Despite a tangible socio-economic development, the government continues to consistently suppress independent voices and shrink the political space in the country, through a severe monitoring of all critical newspapers and the harassment of journalists, human rights defenders and members of the political opposition.

The parliament's lower house approved on 10th August 2012 a modification to the 2008 Law Relating to the Interception of Communications. As in the 2008 Law, the amendment clearly states that "interception of communications is considered lawful where it is done in the interest of national security and in accordance with this law" (Article 3), and can be done "without the knowledge of the user and without his/her explicit permission to do so" (Article 2 (1)). According to the amendment, the interception warrant should be issued by a National Prosecutor designated by the Minister in charge of Justice (Article 9), and the communication service providers should ensure a technical capability to support interception at all times, when requested by the competent organs (Article 7). The new law establishes also that the only messages exempted from interception are President's communications (Article 4).

Concerns expressed about the new law, as well as in the case of the 2008 Law, relate primarily to the possible broad interpretation of the poorly defined concept of "interest of national security"; similar to the over-broad definitions of "genocide ideology" and "divisionism", this concept could lead to an indiscriminate criminalization of legitimate dissent and criticism of the government, and subordinating to it the right to privacy of all Rwandan citizens.

Victoire Ingabire, a Rwandan opposition politician arrested three months after returning from exile to take part in the 2010 presidential elections, is still waiting for the verdict of her trial. She is charged of complicity to terrorism, spreading of genocidal ideology, divisionism and undermining of the State's security. On 7th September 2012, the verdict on Ingabire's case was postponed until 19th October 2012.

Rwandan journalists continue to be harassed and intimidated for their reporting. On 17th July 2012, Idriss Gasana Byiringiro, journalism student and reporter for the newspaper *Chronicles*, was arrested on charges of trying to "deceive the intelligence services" and held for 72 hours without receiving any visits. Byiringiro claimed in an article to have been kidnapped on 15th June 2012 by four armed men that he believed to be part of the intelligence services, who confiscated his laptop and mobile phone before releasing him the next day. He said he was threatened in the following weeks. When he was asked to go to the police station to give a statement, he was arrested. After being held for 72 hours, he gave a statement on 19th July 2012 in which he confessed to having fabricated the whole kidnapping story, although serious doubts have been voiced about the credibility of the confession. On 30th July, Habarugira Epaphrodite was released after three months in prison for having mixed up the Kinyarwanda terms for "victims" with the one of "survivors" during the morning newscast, while reading a public service announcement on the local genocide commemoration events.²⁵

²⁵ Committee to Protect Journalists, 18 May 2012, <http://cpj.org/2012/05/in-rwanda-radio-presenter-detained-without-charge.php>

Stanley Gatera, editor of Umusingi Newspaper, was arrested on 1st August 2012 and accused of spreading “genocide ideology” for having written that the Tutsi women could be responsible of family breakdown because of their beauty.²⁶

SOMALIA

Significant political developments took place in Somalia during this period, with the completion of the end-of-transition roadmap tasks. On 20th August 2012, 225 members of parliament were sworn in and tasked with electing a speaker, prime minister and president. Despite their rejection by the Technical Selection Committee, some warlords were among those who joined the new federal parliament. The allotted quota of 30% women in parliament also failed to be met. In September 2012, Members of the Somalia Parliament elected Hassan Sheikh Mohamoud as president of Somalia. IFISO Independent Vetting Coalition called for a break with the history of violence, corruption and impunity and looked to the leadership of President Sheikh Mohamoud to rectify the shortcomings of the end of the transition period.²⁷

The new government will face serious challenges. Somalia has suffered a human rights crisis for the last 20 years, characterized by serious violations of human rights and humanitarian law. The protection of civilians in the context of the armed conflict, combined with impunity and lack of accountability, is of major concern. The lack of rule of law and the climate of insecurity has created an environment in which certain categories of professionals, such as journalists and judges, are increasingly targeted for extrajudicial killings. Thirteen journalists have been killed so far this year.²⁸ An entire generation has grown up without access to education and the country as a whole suffers from a lack of knowledge about human rights. Women’s and children’s rights are routinely violated.

Fighting involving Somalia’s government forces, allied militias and African Union forces against the al-Shabaab insurgents continues to affect much of southern Somalia. All sides have been responsible for laws of war violations, particularly indiscriminate shelling. Civilians have suffered the brunt of the fighting. Al-Shabaab has been responsible for summary executions, child recruitment and forced marriage in areas under their control. Government and allied militias have carried out arbitrary arrests, summary executions and other grave human rights abuses against perceived al-Shabaab supporters.

The collapse of the humanitarian situation has further aggravated the human rights crisis and resulted in massive displacement of Somalis from the Southern regions into government-

²⁶ Great Lakes Voice, 1 August 2012, <http://greatlakesvoice.com/rwanda-police-detains-umusingi-editor/>

²⁷ IFISO, “IFISO Vetting Coalition Congratulates New Somali President, Takes Stock of Challenges and Way Forward”, September 2012, <http://www.defenddefenders.org/2012/09/ifiso-vetting-coalition-congratulates-new-somali-president-takes-stock-of-challenges-and-way-forward/>

²⁸ Human Rights Watch, “Somalia: Investigate Killings of Journalists”, September 2012, <http://www.hrw.org/news/2012/09/24/somalia-investigate-killings-journalists>

controlled territories and across the borders into Ethiopia and Kenya. The vulnerability of the displaced has raised acute protection concerns.²⁹

On 11th June 2012, a Somali radio journalist was shot by two gunmen in Mogadishu. According to news reports, Mohamed Nur Mohamed, who was hit twice in the abdomen, survived the attack. CPJ reported that Mr. Mohamed, a correspondent for Radio Bar-Kulan, a UN-sponsored radio station, was walking home when the gunmen attacked him and then fled the scene. Mr. Mohamed's colleagues took him to a local hospital. The motives for the attack and whether it was related to his work is unclear.³⁰

On 8th June 2012, the National Union of Somali Journalists (NUSOJ) condemned the shooting attacks on journalists in Mogadishu in which a radio journalist was seriously wounded.

The National Union of Somali Journalists (NUSOJ) condemned the beating of a TV journalist by the security guards of a regional governor, who was covering the presidential campaign in the port town of Bossasso. Ahmed Muse Ali, also known as Ahmed Jokar, is a reporter for the private Royal TV network. He was violently beaten on Thursday 12th July, by the security guards of Abdisamad Mohamed Gallan, the governor of Puntland's Bari region in north-eastern Somalia. Mr. Ali, who suffered injuries, was reportedly threatened by security guards that they would kill him if they saw him at the function.³¹

A radio journalist for one of the broadcast media houses in Garowe, capital of Puntland Regional State of Somalia, escaped assassination on the evening of Thursday 3rd August when armed men attacked him. Abdifatah Gedi, editor-in-chief of Radio Daljir and the director of its branch office in Galkayo survived an assassination attempt after group of men armed with pistols shot him several times at the entrance of Radio Daljir headquarters in Garowe. Some of the bullets reportedly went through Gedi's shirt but fortunately he escaped uninjured.³²

On 11th August, at around 7pm, Abdi Jeylani Malaq "Marshale" a TV actor, comedian and producer, was fatally shot in cold blood by unidentified gunmen as he was about to enter his home in the Mogadishu district of Waberi. He succumbed to gunshot injuries to the head and chest at the capital's Madina hospital. This method of operation used in the killing and the threats Malaq had previously received suggested that it was the work of the Islamist militia Al-Shabaab

²⁹ OHCHR in Somalia, <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SOSummary20102011.aspx>

³⁰ Committee to Protect Journalists, "Gunmen Shoot Somali Journalist in Mogadishu", June 2012, <http://cpj.org/2012/06/gunmen-shoot-somali-journalist-in-mogadishu.php>

³¹ National Union of Somali Journalists, NUSOJ Condemns attack on journalist in northern Somalia, July 2012, http://Nusoj.Org/Index.Cfm?Zone=/Unionactive/View_Article.Cfm&Homeid=251066

³² National Union of Somali Journalists, Radio Journalist escapes 'assassination bid', August 2012, http://www.nusoj.org/index.cfm?zone=/unionactive/view_article.cfm&HomeID=253173

On Sunday 12th August 2012, unidentified assailants gunned down Yusuf Ali Osman widely known as Farey in Dharkenely district of Mogadishu. Osman, a past director of Radio Mogadishu, was working for Somalia's Ministry of Information. The Somali Exiled Journalists Association, based in Kenya, said Osman was the eighth journalist to be killed in Somalia this year.³³

Reporters without Borders reported that Mohamud Ali Keyre, a journalist also known as “Buneyste”, was killed by a gunshot on the evening of 12th August in Mogadishu. He was the eighth journalist to be killed at that time in the year in Somalia. EHAHRDP has repeatedly urged the authorities in Somalia to end the impunity in the country that allows such attacks to continue unpunished and to carry out timely, thorough and independent investigations and to bring those responsible to account through prosecutions that respect international fair trial standards.^{34,35}

Killings of journalists continued apace after the elections. The decapitated body of Abdirahman Mohamed, a sports journalist, was found on 27th September in Mogadishu. Local journalists told the Committee to Protect Journalists that unknown gunmen had abducted Mr Mohamed that day as he was visiting a relative's house. He was found with his hands tied behind his back and his severed head on his chest.

The following day in an unrelated incident, Ahmed Abdulahi, a reporter for the Yemeni news agency, SABA, was killed on 28th September on his way to work. A dispute broke out between the driver of the bus on which he was travelling and the militia group guarding a checkpoint; Mr Abdulahi was shot in the head when gunmen opened fire on the bus.

A week earlier, Hassan Yusuf Absuge, was shot dead by unknown gunmen on 21st September, also in Mogadishu. He was a reporter and producer for the private Radio Maanta and had reported on a suicide bomb attack the previous day on The Village café, which was often frequented by journalists and civil servants. Three journalists – Abdirahman Yasin Ali, director of Radio Hamar (“Voice of Democracy”); Abdisatar Daher Sabriye, head of news for Radio Mogadishu; and Liban Ali Nur, head of news for Somali National TV – were killed and several others wounded, in an attack on 20th September that was reported to have killed 14 and wounded 20 people in total.

As Somalia puts in place its end-of-transition political institutions, a coalition of civil society actors united to fight impunity in the context of the nominations of candidates for Parliament and the Presidency. IFISO, a Somali word roughly translated as ‘she who shines the light on wrongdoers’, was chosen as the name of the Independent Vetting Coalition. The Coalition was

³³Voice of America, “Well Known Somali Journalist Killed”, August 2012, http://www.voanews.com/content/well_known_somali_journalist_killed/1484842.html

³⁴ IFISO, “IFISO Vetting Coalition Congratulates New Somali President, Takes Stock of Challenges and Way Forward”, September 2012, <http://www.defenddefenders.org/2012/09/ifiso-vetting-coalition-congratulates-new-somali-president-takes-stock-of-challenges-and-way-forward/>

³⁵ Reporters Without Borders, “Somalia: Young Freelancer Shot Dead in Mogadishu after Returning from Exile”, August 2012, <http://en.rsf.org/somalia-young-freelancer-shot-dead-in-13-08-2012,43212.html>

convened in order to assess candidates named to fill parliamentary positions and identify individuals associated with war crimes, crimes against humanity, or gross human rights violations which would render them ineligible for office.³⁶

SOMALILAND

While the situation in Somaliland remains stable, there were some serious human right concerns during this period. Marginalized groups, such as women, children, youth, disabled people and minorities face a wide range of human rights abuses including the denial of their rights to political participation, employment, health and education among others.

On 30th and 31st August, Somaliland authorities raided the Social Welfare Centre where Ethiopians live after the owner of the land surrounding the centre ordered the Ethiopians to leave and they refused. The police then arrested and later 56 of the Ethiopians, including the majority of those injured, and took them to different detention facilities in Hargeisa. 25 registered refugees and two asylum seekers were detained at the Central Police Station. Some of those arrested were later deported according to Human Rights Watch. More so, the authorities have prevented the United Nations Refugee Agency from assisting other individuals in Wajale, including asylum seekers. Somaliland ended all registration of asylum seekers in October 2008 following a series of suicide bombings in Hargeisa.

It has been reported that the Somaliland National Elections Commission declared that the long awaited local assembly elections will be held across the country on 28th November 2012.

On 15th March 2012, human rights defender Boqor Osman Mohamoud Buurmadow was arrested at the airport of Hargeisa upon his return from the United Arab Emirates and has since been detained. The basis for his conviction relates to his criticism in 2011, while he was in the United Arab Emirates, of a visit to China by the President of the Republic of Somaliland despite the protection of the right to freedom of expression, guaranteed by Article 32 of the Somaliland Constitution. On 9th July 2012, the day after the verdict, Boqor Osman Mohamoud Buurmadow was transferred from Hargeisa prison to Mandera prison, some 70 km away, where conditions are said to be harsh. Amnesty International expressed fears for his health as he had run out months ago of the medicine prescribed to him in the United Arab Emirates.³⁷

Arbitrary arrest and other forms of intimidation have become the order of the day for Somaliland's press. Although the press had hopes for greater media freedom under the leadership of President Ahmed Mohamoud Silyano, who was elected in June 2010, conditions have deteriorated under his government to the worst levels since Somaliland declared itself an independent republic in 1991.

³⁶ RBC Radio, "Somalia: Civil Society Launches Ifiso Coalition to End Impunity Through Vetting Process", July 2012, <http://www.raxanreeb.com/2012/07/somalia-civil-society-launches-ifiso-coalition-to-end-impunity-through-vetting-process/>

³⁷ Amnesty International, "Somaliland: Release Prisoner of Conscience", July 2012, <http://www.amnesty.org/en/library/info/AFR52/007/2012/en>

Mohamed Abdi Urad, Chief Editor of Yool, a critical weekly published in Somaliland was released on 22nd May after a week in detention at Hargeisa Central Police Station for having attempted to cover a deadly skirmish between civilians and a military unit over a land dispute in the eastern part of Hargeisa.³⁸

On 14th June, the Committee to Protect Journalists, in a letter to the president, Ahmed Mohamoud Solya called on Somaliland to end press crackdown. CPJ expressed alarm over the deteriorating conditions for independent journalists in Somaliland. CPJ has monitored 58 cases of journalist detentions by authorities since the beginning of the year. It urged the president to use his office to reverse the trend of harassment and uphold his 2010 election campaign pledge to respect and improve freedom of the press.³⁹

SOUTH SUDAN

According to the annual Human Rights Report for 2011, issued by the South Sudan Human Rights Commission (SSHRC) on 9th August 2012, South Sudan has repeatedly violated its citizens' human rights during its first year of independence. The report denounced the harassment and arbitrary arrest and detention of journalists, as well as the persistent discrimination faced by women.

The condition of prisons and police cells across the country is very dire, as well as is registered persistent weakness in all rules of law institutions, agreeing then with the findings of a Human Rights Watch report on arbitrary detention in South Sudan⁴⁰. The Commission registered an improved access to health care and education, despite the poor infrastructure facilities.⁴¹

On 6th July 2012 the UN Security Council extended the UN Mission in South Sudan (UNMISS) for another year.

Since November 2011 more than 100,000 Sudanese have arrived in Batil Refugee Camp and other camps just over the border in Blue Nile. Medecins Sans Frontieres underlined that in August 2012 the mortality rate in Batil was substantially over the emergency threshold, stating that the camp is facing a tremendous humanitarian catastrophe.⁴²

³⁸ Committee to Protect Journalists, Mission Journal: Somaliland's press harassed, disappointed, June 2012, <http://cpj.org/blog/2012/06/mission-journal-somalilands-press-harassed-disappo.php>

³⁹ Committee to Protect Journalists, CPJ calls on Somaliland president to end press crackdown, June 2012, <http://cpj.org/2012/06/cpj-calls-on-somaliland-president-to-end-crackdown.php>

⁴⁰ Human Rights Watch, "South Sudan: Arbitrary Detentions, Dire Prison Conditions", 21 June 2012, <http://www.hrw.org/news/2012/06/21/south-sudan-arbitrary-detentions-dire-prison-conditions>

⁴¹ United Nations Mission in South Sudan, 9 August 2012, <http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=448875&language=en-US>

⁴² Doctors Without Borders, 17 August 2012, <http://www.doctorswithoutborders.org/news/article.cfm?id=6261&cat=field-news>

In the first week of May 2012 a Peace, Reconciliation and Tolerance conference was held in Jonglei, where sixteen resolutions were agreed.⁴³ However that did not stop the killings of civilians in the region as well as the displacement of population.⁴⁴

On 23rd August 2012 Human Rights Watch stated that, although South Sudan's military has made some efforts to address violations by soldiers in Jonglei, more steps should be taken to stop the violations and hold abusive soldiers accountable. Indeed in research conducted from 19th July to 26th July 2012, HRW found that soldiers continued to commit crimes against civilians while carrying out disarmament operations.⁴⁵

Reporters Without Borders, following a mission to Juba in May to evaluate the state of freedom of information in South Sudan, pointed out how journalists are often briefly detained and beaten by security forces and South Sudan's armed force.⁴⁶

In accordance with the scenario described by Reporters Without Borders, on 11th June 2012 the security forces shut down the "al-Khabar" newspaper in response to an article published by its editor in which he criticized the government.⁴⁷

On 16th July 2012 South Sudan acceded to the Geneva Conventions⁴⁸, while the government has yet to ratify international and regional human rights treaties, as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (ACHPR).

Deng Athuai Mawir, prominent human rights defender and chairperson for South Sudan's Civil Society Alliance (SSHRAA), was abandoned near a forest by unknown kidnappers on 7th July 2012. He was taken on the 4th July for three days and subjected to beating, food deprivation and interrogation sessions. South Sudan's Vice President, Riek Machar, has strongly condemned the kidnapping and torture of Mawir.⁴⁹

SUDAN

One year after the independence of South Sudan, the human rights and humanitarian situation in Sudan has deteriorated. During this period there has been a widespread crackdown against

⁴³ UN News Centre, 7 May 2012,

<http://www.un.org/apps/news/story.asp?NewsID=41937&Cr=South+Sudan&Cr1=#.UE30UKQ0PHI>.

⁴⁴ UN News Centre, 31 August 2012

<http://www.un.org/apps/news/story.asp?NewsID=42792&Cr=Sudan&Cr1=#.UE3yOaQ0PHI>

⁴⁵ Human Rights Watch, "South Sudan: End Abuses by Disarmament Forces in Jonglei", 23 August 2012,

<http://www.hrw.org/news/2012/08/23/south-sudan-end-abuses-disarmament-forces-jonglei>

⁴⁶ Reporters Without Borders, "World's Youngest Country Yet To Embark On Road To Civil Liberties", July 2012, <http://en.rsf.org/soudan-du-sud-report-world-s-youngest-country-03-07-2012,42933.html>.

⁴⁷ IFEX, 12 June 2012, http://www.ifex.org/south_sudan/2012/06/13/al_khabar_closure/

⁴⁸ ICRC, "South Sudan: world's newest country signs up to the Geneva Conventions", 19 July 2012,

<http://www.icrc.org/eng/resources/documents/news-release/2012/south-sudan-news-2012-07-09.htm>

⁴⁹ Sudan Tribune, 22 July 2012, <http://www.Sudantribune.Com/Prosecute-Those-Responsible-For,43331>

dissenting voices, opposition groups and protesters. This has included mass arbitrary detentions and torture, pre and post print censorship of media outlets, and harassment of human rights defenders and journalists. The situation for civilians in the conflict areas of Southern Kordofan, Blue Nile and Darfur remains precarious.

In the Nuba Mountains area of South Kordofan. The Sudanese Government forces have carried out indiscriminate bombing and abuses against civilians that may amount to war crimes and crimes against humanity.⁵⁰

Clashes between the Sudanese Army and rebels groups are still ongoing in Darfur⁵¹, where civilians are facing a humanitarian crisis since 2003.

On 16th June 2012 a youth-led protest broke out in the University of Khartoum and then in different areas of Sudan against austerity measures and ruling party policies. The most restrictive measure adopted by the authorities was the removal of government subsidies on fuel, which combined with the increasing of taxes, led to a significant increase in prices of fuel and goods. The activists estimated that between 10,000 and 20,000 people had participated in the demonstrations in Khartoum State alone, while several other thousands participated in Port Sudan, Kassala, North Kordofan, White Nile State, Darfur and El-Gedarif. During the protests there was a severe and calculated crackdown on the youth activists, with beating of people in detentions and using of rubber bullets and live ammunition to break up the demonstrations.

Following demonstrations that began in the mid-June, many human rights defenders and activists were detained by NISS and police. Members of Girifna and well known human rights activists have been particularly targeted by the NISS. Among the human rights activists detained were Nahid Jabralla, head of a women's and children's rights group (SEEMA), arrested on 3rd July 2012 and Khaled Bahar, activist with the Haw movement, detained since June 20th 2012. Both were feared to be at risk of torture or other forms of ill treatment.⁵²

Two Sudanese activists, Magdi Agasha, leader of the Sudanese activist group *Sharara* (Youth for Change), and Mohammed Salah Mohammed, were arrested on the 24th June 2012. Both were held without charge and at serious risk of torture and others ill treatment.⁵³ Mohammed was released on 11th August 2012. He was in particular danger because he suffers from chronic kidney disease and requires medical attention. Magdi Agasha was released on 2nd July 2012. During his detention he was repeatedly slapped, beaten and threatened with death.⁵⁴

The African Centre for Justice and Peace Studies (ACJPS) said on 20th July 2012 that the National Intelligence and Security Service (NISS) has continued to arbitrarily arrest human rights

⁵⁰Human Rights Watch, "Sudan: Crisis Conditions in Southern Kordofan", 4 May 2012, <http://www.hrw.org/news/2012/05/04/sudan-crisis-conditions-southern-kordofan>

⁵¹Sudan Tribune, 8September 2012, <http://www.sudantribune.com/spip.php?article43834>

⁵²Human Rights Watch, "Sudan: Torture, Abuse of Demonstrators", 11 July 2012, <http://www.hrw.org/news/2012/07/11/sudan-torture-abuse-demonstrators>

⁵³Sudan Tribune, 27June 2012, [Http://www.sudantribune.com/Amnesty-International-High-Profile,43066](http://www.sudantribune.com/Amnesty-International-High-Profile,43066)

⁵⁴Amnesty International, 11 July 2012, <http://www.amnesty.or.jp/en/get-involved/ua/ua/2012ua183.html>

defenders for their monitoring and reporting of the government's response to the protests. In particular the ACJPS denounced the arrest of three human rights defenders by the NISS in Khartoum: Amro Hamad Omar, arrested on 29th June 2012 from around the epicenter of the protests in Wad Nubawi Mosque in Omdurman, and released in August; Fathi Bihir, arrested on 23rd June 2012 in Omdurman⁵⁵. The third human rights defender, Mai Shutta, one of the leaders of Girifna, was arrested from her home in Omdurman on 1st July 2012, and released on 11th August 2012. When released she was still suffering from back pain and stomach problems due to the poor prison conditions⁵⁶.

Two other Girifna activists, Rudwan Dawoud and Ahmad Kawarti, were arrested on the 13th July 2012 and accused of "establishing a terrorist organization", a charge punishable by 10 years in prison⁵⁷. Dawoud was released on the orders of a judge on 13th August 2012, but immediately seized by NISS. He was finally released on 16th August 2012.

Two human rights defenders, Faisal Shabu and Bakry Al-Ajami, were released from detention on 16th August 2012. Shabu and Al-Ajami had been arrested on 24th June 2012 and 29th June 2012 respectively, after being held without charge until their release⁵⁸.

After being held by the NISS in Khartoum for almost one year, the human rights defender and founder of the South Kordofan Human Rights and Development Organisation (HUDO) Bushra Gamar Hussein was released on 27th June 2012. During his detention he was tortured and ill treated, and several hunger strikes led to significant deterioration in his health⁵⁹. He had been arrested on 25th June 2011 by the NISS for "working with international organisations hostile to Sudan"⁶⁰.

Press freedom was also severely restricted during the protests and both Sudanese and foreign journalists were arrested by the National Intelligence Security Services (NISS) for having covered the events. This was the case of Salma El Wardany, Bloomberg's correspondent in Khartoum, deported on the 26th June; Maha El Sanousi, member of Girifna media's team, detained on the 26th June for several hours; and Simon Martelli, AFP's reporter, detained for twelve hours on the 19th June.⁶¹

⁵⁵Sudan Tribune, 21 July 2012, <http://www.sudantribune.com/ngo-says-sudan-continuing-to-43324>

⁵⁶Front Line Defenders, "Release of human rights defender Ms Mai Shutta and continued arbitrary detention of Mr Bakry Al-Ajami and Mr Faisal Shabu", 15 August 2012, <http://www.frontlinedefenders.org/node/19530>

⁵⁷Sudan Tribune, 27 July 2012, <http://www.sudantribune.com/sudanese-activists-to-stand-trial-43377>

⁵⁸Front Line Defenders, "Release of human rights defenders Mr Faisal Shabu and Mr Bakry Al-Ajami", 22 August 2012, <http://www.frontlinedefenders.org/fr/node/19627>

⁵⁹Amnesty International, "Sudanese Activist Released Without Charge: Bushra Gamar Hussein Rahma", 16 July 2012, <http://www.amnesty.org/en/library/info/AFR54/031/2012/en>

⁶⁰Front Line Defenders, "Sudan: Health deterioration of detained human rights defender Mr Bushra Gamar Hussein", 30 May 2012, <http://www.frontlinedefenders.org/node/18478>

⁶¹Allafrica.com, 27 June 2012, <http://allafrica.com/stories/201206280003.html>

Media repression in general in Sudan is also increasing, and newspapers printed editions are confiscated on a regular basis, with severe financial implications for media houses.

The independent daily newspaper *Al-Tayar* was suspended for an indefinite time without giving any reasons on the 16th June 2012, just before the start of the anti-regime protests. *Al-Tayar* had previously been shut down in February for having published a commentary criticizing Sudan's president Omar Al-Bashir.

Further, Sudanese security authorities confiscated on 2nd September 2012 the editions of three daily newspapers, the privately owned *Al-Sahafah* and *Al-Jarida*, and the pro-government *Akhir Labzab*. The *Al-Sahafah*'s managing director, Hassan Al-Batari, confirmed to the Sudan Tribune that the NISS still practices pre-publication censorship⁶²; around the same time the *al-Jarida* newspaper editor, Idris al Domah, and the *al-Midan* editor, said to Human Rights Watch that their office receives orders not to publish articles on specific topics on a regular basis.⁶³

Faisal Mohammed Salih, a freelance journalist who had been harassed by the National Intelligence and Security Services (NISS) because of his critics to the government policies in an interview for *Al-Jazeera* on 24th April 2012, was acquitted the 31st May 2012 on a charge of refusing to cooperate with authorities. Salih's life was put in danger by NISS, which refused to give him food or water while every day for two weeks he was obliged to go and wait up to eight hours in the NISS headquarters without being interrogated⁶⁴.

TANZANIA

Tanzania submitted its fourth periodic report to the United Nations Human Rights Committee in July 2012 and the Committee expressed concern on certain human rights issues in its concluding observations. The Committee noted the under-resourcing of the human rights institution (Commission for Human Rights and Good Governance), the ill-treatment of detainees by law enforcement officials, and the failure to recognize and protect the rights of minorities and indigenous peoples. The Committee also pointed out the failure of the Tanzanian government to implement its recommendations on discrimination attacks on albino people, refugee and asylum seekers and violence against women and girls.

There have been reports of unlawful killings and torture and other ill-treatment by the police and other law enforcement officials during security operations in some parts of the country. More than 20 people reportedly died from gunshot wounds during the year, after the police used lethal force to quell demonstrations or to prevent illegal access to mining areas.

⁶²Sudan Tribune, 3 September 2012, <http://www.sudantribune.com/spip.php?article43785>

⁶³Human Rights Watch, "Sudan: Repression Intensifies after Border Violence", 17 May 2012, <http://www.hrw.org/news/2012/05/17/sudan-repression-intensifies-after-border-violence>

⁶⁴Reporters Without Borders, "Court Acquits Journalist Who Was Hounded By Intelligence Officers", 31 May 2012, <http://en.rsf.org/sudan-call-for-an-end-to-harassment-of-10-05-2012,42595.html>,

According to the Amnesty International Annual report of 2012, on freedom of expression, it noted that legislation such as the Newspapers Act, the National Security Act and the Broadcasting Services Act remained in place. These laws empower the authorities to restrict media work on the basis of broad, undefined provisions such as “public interest”, “the interests of peace and good order” and “national security interests”. By the end of 2011, the government had failed to formally adopt two proposed draft laws – the Freedom of Information Bill 2006 and the Media Services Bill 2007 – and failed to incorporate the concerns expressed by civil society representatives into the Freedom of Information Bill. If enacted, the two laws would recognize the right to access information and repeal laws that allow illegitimate restrictions on press freedom.

Doctors’ strikes in Tanzania started in January 2012 (as reported in the previous report) and have continued during this period. On 26th June 2012, unknown individuals arrested Dr. Stephen Ulimboka, Chairperson of the Special Committee of Doctors and one of the leaders’ of the strike in Dar es Salaam, and forced him into a car where they covered his face with a piece of black cloth and tied him with rope. They beat him severely using different objects such as the butts of guns and sharp-edged weapons. Dr. Ulimboka was found, alone and seriously injured, on 27th June in the forest at Mabwepande. As the Chairperson of Special Committee of Doctors, Dr. Ulimboka had spoken out publicly on the position of the striking doctors and denounced the stalled negotiations with the authorities.⁶⁵

On Monday 30th July, the government of Tanzania indefinitely banned *MwanaHalisi*, a weekly Kiswahili newspaper. At a news conference, the acting Director of the Information, Youth, Sports and Culture Ministry accused *MwanaHalisi* of publishing seditious material, and used powers under *The Newspaper Act (1976)* to ban the newspaper. The newspaper’s publishers received a letter dated 30th July from the acting registrar of newspapers, which did not give reasons for the ban. Instead the publisher was directed to Notice No. 258 in the Government Gazette of 27th July 2012, which was not available from the printers by 30th July. The Newspaper Act grants the Minister of Information broad powers to prohibit publication of newspapers for the sake of the public interest, peace and good order (article 25 (1)). This law creates offences such as seditious intention, seditious offences and false news, which are often invoked against media houses. The three most recent editions of *MwanaHalisi* that were cited as containing seditious material reported on the kidnap and torture of one of the leaders of the doctors’ strike, Dr Steven Ulimboka. The latest issue identified a security official by name who had reportedly been in communication with Dr Ulimboka prior to his abduction. This is the second time *MwanaHalisi* has been blocked by the government. In October 2008, it was suspended for 90 days for allegedly publishing seditious and defamatory material. *MwanaHalisi* also reports that their editors are regularly questioned on their articles by government authorities.

On 30th July, Morris Mjomba a human rights defender working for the Center for Human Rights Promotion (CHRP) was found dead at his home. Investigations into his murder are still ongoing as the police have embarked on finding out the perpetrators of the murder and their motive.

⁶⁵ EHAHRDP et al, August 2012, Civil Society Concern at Ban of Newspaper in Tanzania, <http://www.defenddefenders.org/2012/08/civil-society-concern-at-ban-of-newspaper-in-tanzania/>

Channel Ten TV journalist Daudi Mwangosi was killed during clashes between protesters and police while he was covering a demonstration by the political party Chadema in Noyolo, in the central region of Iringa, on 2nd September.

UGANDA

The period under review has seen an increase in pressure on civil society in Uganda. Human Rights Watch analysed this trend and in report published in August 2012 highlighted how in the last two years at both national and local levels government officials have tried to intimidate and obstruct the work of NGOs dealing with sensitive issues as human rights, oil or land, and obstructing as well the Ugandan's rights to free expression, association and assembly.⁶⁶

EHAHRDP's own experience working with human rights defenders in Uganda reinforces these concerns. On 18th June 2012 Ugandan police raided a workshop organised by EHAHRDP at Esella Country Hotel that brought together twenty defenders of LGBTI rights from Uganda, Kenya, Tanzania and Rwanda. Five staff members were detained for a few hours by the police along with 12 of the workshop participants.⁶⁷ Two days later, on 20th June 2012, Hon. Simon Lokodo, Minister for Ethics and Integrity, announced the intention to ban 38 NGOs for undermining the national culture by promoting homosexuality.

Journalists continue to face serious challenges in carrying out their work in Uganda, although the establishment of a Press Unit inside the Police Department may be a step towards fulfilling some of the recommendations on freedom of expression received by Uganda during the October 2011 Universal Periodic Review (UPR). The head of the Ugandan police force announced in May 2012 the creation of the Press Unit that will receive and investigate complaints of press freedoms violations. Simon Peter Kuteesa, former head of the police's media crimes unit, will run the new Press Unit.

On 12th May 2012, the independent TV director Amon Thembo Wa'Mupaghasya was shot dead by unidentified individuals in Kasese as he was returning to his home.⁶⁸

Perez Rumanzi, correspondent of Daily Monitor, was released on bail on 17th May 2012 after spending a night in prison and being repeatedly beaten by others inmates. He was charged with "inciting violence" for allegedly interfering with the security of the First Lady Janet Museveni. About the aggression in prison, Rumanzi stated that the inmates seemed to be working on someone's orders.⁶⁹

⁶⁶Human Rights Watch, "Curtailling Criticism: Intimidation and Obstruction of Civil Society in Uganda", August 2012, <http://www.hrw.org/reports/2012/08/21/curtailing-criticism>

⁶⁷East and Horn Africa Human Rights Defenders Project, "Uganda: Police raid on LGBTI activists workshop in Kampala condemned", 19 June 2012, <http://www.defenddefenders.org/2012/06/uganda-police-raid-on-lgbti-activists-workshop-in-kampala-condemned/>

⁶⁸IFEX, 15 May 2012, http://www.ifex.org/uganda/2012/05/15/thembo_killed/

⁶⁹IFEX, 22 May 2012, http://www.ifex.org/uganda/2012/05/22/rumanzi_assault/

On 30th May 2012, Uganda's Inspector General of Police, Lt. Gen. Kale Kayihura, apologised to a group of media organizations for cases of excessive using of force against journalists by the police, promising to investigate all 107 allegations from last year.⁷⁰

However, on 26th July 2012 five journalists were violently dispersed by the police in Kampala. The five journalists, Chris Ssemakula of Record Television, Lubowa Abubaker of Daily Monitor, Nkalubo Hannington of Bukedde, Hadijah Mwanje of K-FM and Ivan Kabbale of NBS TV, were covering the attempt of the city Lord Mayor Erias Lukwago and some councillors to re-open the city's district land board offices that had been shut by the KCCA Executive Director Jennifer Musisi.⁷¹

After being held for 13 months, Augustine Okello, former Rhino FM radio show presenter, was released on bail on 26th July 2012. He was arrested secretly on 13th July 2011 and charged with treason.

⁷⁰Freedom House, <http://www.freedomhouse.org/article/reopening-cases-attacks-media-positive-step-press-freedom-uganda>

⁷¹Human Rights Network for Journalists-Uganda, 27 July 2012, <http://hrnjuganda.blogspot.com/2012/07/journalists-violently-dispersed-and.html>