

DON'T SHOOT THE MESSENGER!

Journalists as human rights defenders
in the East and Horn of Africa



DEFEND DEFENDERS

East and Horn of Africa Human Rights Defenders Project

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"I will never stop writing.
The pen is our weapon; this is all that we have."

- South Sudanese journalist

"I would receive warnings over the phone and in person harassment. They accused us of inciting violence and trying to disrupt the elections and listed my name as a terrorist."

-Ethiopian journalist

"I did not set out to be a human rights defender but in the course of my work, that is what I've become. Being a journalist is a calling.

We are the mouthpiece and eyes of the country."

-Kenyan journalist

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Acronyms

ACHPR	African Commission on Human and Peoples' Rights
EPRDF	Ethiopian People's Revolutionary Democratic Front
DPI	Deep Packet Inspection
HRD	Human Rights Defender
HTTP	Hypertext Transfer Protocol
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IP	Internet Protocol
ISP	Internet Service Provider
KBC	Kenya Broadcasting Corporation
MI	Military Intelligence
NEC	National Electoral Commission
NGO	Non-Governmental Organisation
NISA	National Intelligence and Security Agency
NISS	National Intelligence Security Services
NSS	National Security Services
OHCHR	Office of the United Nations High Commissioner for Human Rights
RPA	Radio Publique Africaine
RPF	Rwandan Patriotic Front
RURA	Rwanda Utilities Regulatory Authority
SNR	Service National des Renseignements
SNTV	Somali National Television
UN	United Nations
UN HRC	United Nations Human Rights Council
VPN	Virtual Private Networks



Foreword

The popular saying “no news is good news” has never applied to human rights defenders (HRDs). For HRDs, information is everything, it creates and shapes what we see around us and how the rest of the world sees us. In the East and Horn of Africa, an absence of news indicates a society where ideas, opinions, and legitimate criticism cannot be freely expressed, especially when human rights violations abound. Journalists act as guardians of this fundamental right to free expression, and as such, are often on the frontlines of human rights defence.

Over the past 12 years, DefendDefenders has offered support to countless journalists and media professionals across the East and Horn of Africa sub-region, from traditional print reporters and editors, to bloggers and citizen journalists. Through our protection work, we recognise the challenges facing HRDs and their need for additional support, coordination, and advocacy to address this gap. By undertaking this research, we wish to examine the growing role journalists play as HRDs in the sub-region, the dangers they face while reporting, provide an overview of some of the ways journalists have continued their work and the support mechanisms available.

I often say that HRDs are defined not by what they claim to be, but by their actions. Like other HRDs, journalists choose every day whether or not to speak out or write about events they witness. The nature of this decision is what defines them and their work.

It is our hope that this will serve as a useful tool for journalists who play a fundamental role in this sub-region to learn about the support mechanisms available to them when struggling to work under repression, in conflict zones or from exile. We urge non-governmental organisations (NGOs), donors, governments of the sub-region and the international community at large to take up some of the recommendations included in this report in order to create an enabling environment for the media.

Not all news is good news, but DefendDefenders stands by all of those who take risks on a daily basis to share information, which is the first step towards change.

Hassan Shire



**Executive Director of DefendDefenders
Chairperson of the Pan-African Human Rights Defenders Network**

October 2017

About DefendDefenders

Established in 2005, DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the region by reducing their vulnerability to the risk of persecution by enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders acts as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents more than 78 members across the sub-region, and envisions a region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of the Pan-African Human Rights Defenders Network (PAHRDN). The network was formed as a result of deliberations at the All African Human Rights Defenders Conference (Johannesburg +10) hosted in April 2009 in Kampala, Uganda. The five sub-regional networks forming the PAHRDN are: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists, the Africa regional office, Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (hosted by DefendDefenders, Kampala, Uganda). PAHRDN is aimed at coordinating activities in the areas of protection, capacity building and advocacy across the African continent.

Executive Summary

While not all journalists act as human rights defenders (HRDs), many do so through investigative reporting, exposing human rights violations and abuses, or providing vital information and analysis of current events. They act as important witnesses and alert the world to human rights violations. However, in the increasingly repressive context of the East and Horn of Africa, journalists have found that simply documenting and sharing information can simultaneously place them at risk and at the forefront of human rights defence.

This report examines trends, legal frameworks, and case studies from 11 countries in the sub-region with the objective of improving the understanding of the capacity, risks faced and needs of journalists engaging on human rights issues, and to subsequently promote an improved working environment for those HRDs.

In recent years, controversial elections and highly charged political contests in **Kenya** and **Uganda** have created serious challenges to independent reporting and free expression, although these countries normally boast relatively open media landscapes. In **Tanzania**, journalists and civil society are extremely concerned by the use of new laws to shutter or ban critical outlets and target online communications.

Newspapers in **Sudan** are often harassed by the National Intelligence Security Services (NISS) who confiscate print runs or prosecute journalists on spurious charges, while constant intimidation and threats have left almost no independent journalists working freely in **Rwanda**.

The government of **Ethiopia** lifted the ten-month State of Emergency in August 2017, but draconian restrictions on communications and free expression remain, while fear of prosecution has forced many journalists and critics to self-censor or to leave the country.

Eritrea and **Djibouti** remain two of the most repressive regimes in the sub-region, and with no independent media able to function effectively, exiled journalists struggle to fill the gaps left by state-owned outlets.

In **Burundi** and **South Sudan**, documenting grave and systematic human rights violations represents a real risk for journalists attempting to report from the ground, forcing many to do so from the relative safety of exile. **Somalia** has made some gains in media plurality, but authorities in south-central Somalia, Puntland and Somaliland routinely detain reporters, often without charge, while non-state actors like Al Shabaab continue to target journalists.

Across the sub-region, journalists face a wide range of obstacles when attempting to access information and report on critical events. The challenges they face have evolved and diversified as the media - and particularly the online media - have developed and broadened their reach. This report gives an overview of the current challenges journalists face, both online and offline, and uses case studies to illustrate both advances and gaps in the protection strategies in place.



Summary of Key Recommendations

To journalists

- Invest in personal security measures to mitigate the risks faced while working, including developing security plans, implement digital safety protocols, etc.;
- Take extra care in periods of high political tension such as elections, noting that protection mechanisms may be harder to access;
- Seek out trainings to improve security and professional knowledge and contacts;
- Understand rights and responsibilities in accordance to media laws; and
- Respect ethical reporting standards in order to combat restrictions of freedom of expression, using reliable fact-checking methodology; and
- If you decide to leave your country, carefully consider the country you choose for exile, including factors such as that country's refugee policy, security, cost of living, opportunities for work, language barriers, services available, and the education system.

To media houses

- Ensure the security of staff by providing protective equipment, insurance, security courses, and psychosocial support for journalists, including freelancers and fixers;
- Develop security guidelines for journalists and office security plans; and
- Safeguard journalistic integrity and quality by ensuring that all published material is ethical and fair.

To civil society

- Collaborate with journalist unions and media houses to provide physical and digital security trainings to journalists;
- Ensure protection mechanisms are available to journalists at risk, and can be quickly implemented in cases of emergency;
- Provide psychosocial support for journalists suffering from post-traumatic stress disorder;
- Facilitate cross-regional learning opportunities to allow networks of journalists working in challenging environments to share lessons learnt; and
- Support efforts to challenge restrictive legislation in courts at the domestic and regional level.

To governments in the East and Horn of Africa

- Immediately and unconditionally release all journalists arbitrarily detained or held on spurious charges;
- Immediately cease the practice of judicial, administrative and physical harassment of journalists;
- Immediately cease banning dissenting media outlets, as well as all blanket bans on media;
- Adopt or amend legislation relating to the media and ensure that it is in line with regional and international standards;
- Remove all forms of criminal defamation from existing penal codes in compliance with the African Court on Human and Peoples' Rights decision in *Lohé Issa Konaté vs. The Republic Burkina Faso* and with Article 9 of the African Charter;
- Implement recommendations made by the African Commission on Human and Peoples' Rights (ACHPR) in its Declaration of Principles on Freedom of Expression in Africa, including with regards to Article 15 on the protection of sources;
- Adopt laws on access to information based on the ACHPR's Model Law for African States on Access to Information;
- Ensure that journalists unions are able to work independently and effectively; and
- Sensitise police and national intelligence on press freedom and freedom of expression.

To the African Union

- Urge member states to review legislation that does not comply with regional and international freedom of expression standards set out by the African Charter, ACHPR resolutions and guidelines, and the ICCPR, including media laws and access to information laws;
- Call for the immediate and unconditional release of all unjustly imprisoned and arbitrarily detained journalists in Africa;
- Call for investigations into the killing of journalists in Africa; and
- Urge members states to comply with resolutions and decisions adopted by the ACHPR.

To the United Nations

- Recognise the role journalists play a human rights defenders in situations of conflict or crisis;
- Encourage and facilitate collaboration between the UN and ACHPR Special Rapporteurs on freedom of expression; and
- Create the position of the Special Representative of the United Nations Secretary General for the Safety of Journalists.



Methodology

Over 60 journalists, bloggers, and media professionals from all 11 countries in the sub-region were interviewed for this report. Testimonies were recorded over electronic communications, as well as four research missions over a period of two years. This report also includes significant input from civil society organisations dedicated to free expression and the protection of journalists. The names of most journalists have been deliberately omitted in order to insure their safety.

We would like to thank all the individuals who shared their testimonies with our researchers, and appreciate the contribution of our civil society partners, host governments, and the diplomatic community in the compilation of this report.

I. Journalists as Human Rights Defenders

The rise of digital communications in the past decade has reshaped social spaces across the world with the emergence of a constant flow of information and instant news. New communication tools and platforms and an abundance of online information have energised efforts to promote human rights and dignity. Yet, these changes have also been met by restrictive challenges. In this new environment, media professionals are struggling to redefine the line between privacy and expression, and between activism and journalism.

Journalism has often been seen to give a 'voice to the voiceless'. With technological changes broadening the scope of the profession, journalists increasingly go beyond an unbiased narration of events to also engage in advocacy, whether as citizen or professional journalists. This is, of course, relevant to the protection and promotion of human rights. This style of journalism is particularly prevalent in the East and Horn of Africa sub-region because of the high rate of human rights violations and the consequent need to hold perpetrators to account.

As a result of covering human rights issues, journalists themselves regularly become the target of abuse – unfortunately, in the Internet era, where a story can quickly reach hundreds of thousands of people across the globe, there is some logic to silencing the messenger. While the Office of the United Nations High Commissioner for Human Rights (OHCHR) does not routinely consider journalists as HRDs, it has acknowledged that “many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen.”¹ The United Nations Human Rights Council (UN HRC) has also

emphasised the particular risks with regard to the safety of journalists in the digital age.²

In countries where civil liberties are heavily restricted and the media operate as one of the few remaining platforms for critical dialogue and debate, reporting on human rights issues often leads to serious repercussions. But the right to access information held by public institutions in these repressive environments is a key component of freedom of expression and is enshrined in seven of the sub-region's constitutions.³ Under these circumstances, the independent media's role is even more critical in accessing and disseminating crucial information because of the difficulty and risk of doing so.

While journalists often complement the work of civil society, their designation as HRDs depends on the nature of their reporting. At times, some journalists have abused their platforms and abetted human rights abuses by inciting hate and violence. Some local language radios were accused of fuelling ethnic violence in the aftermath of the 2007 Kenyan elections, with partisan talk shows providing platforms for hate speech.⁴ The most infamous example in the sub-region is *Radio Télévision Libre des Mille Collines*, which openly called for the extermination of Tutsis during the 1994 Rwandan genocide.⁵

2 UN HRC 33rd Session, “A/HRC/33/L.6,” <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/211/94/PDF/G1621194.pdf?OpenElement>, Accessed 1 August 2017.

3 Eritrean Constitution (1997) Article 19; Ethiopian Constitution (1994) Article 29; Kenyan Constitution (2010) Article 35; Somali Provisional Constitution (2012) Article 32; South Sudanese Transitional Constitution (2011) Article 32; Ugandan Constitution (1995) Article 21.

4 Abdi, J. and Deane, J., “The Kenyan 2007 Elections and their Aftermath: The Role of Media and Communication,” Policy Briefing No. 1, BBC World Service, <http://www.gsdr.org/document-library/the-kenyan-2007-elections-and-their-aftermath-the-role-of-media-and-communication/>, Accessed 27 June 2017.

5 Allan Thompson, Alison Des Forges, Jean-Pierre Chrétien, “The Media and the Rwanda Genocide: Chapters 4-5,” 2007, <https://www.internews.org/sites/default/files/resources/TheMedia&TheRwandaGenocide.pdf>, Accessed 1 June 2017.

1 United Nations Office of the High Commissioner on Human Rights, “Who is a Defender,” <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>, Accessed 12 May 2017.



Reasonable Limitations to Free Expression

Freedom of expression and independent media are cornerstones of functioning democracies, but these principles have become more complicated as online communications reshapes the media. While Article 19 of the International Covenant on Civil and Political Rights (ICCPR)⁶ – of which every country in the sub-region except for South Sudan is a state party – guarantees the right to free expression, it nonetheless outlines several situations in which it may legally be curtailed within reasonable bounds, notably:

1. For respect of the rights or reputations of others;
2. For the protection of national security or of public order, or of public health or morals.

This establishes that while citizens of any nation should be free to speak their minds at any time without fear of prosecution, public calls for violence or discrimination against particular groups of people is not protected by any law. Thus a three-part test⁷ is used to establish whether curtailing free expression is justified.

Is it provided by law?

Restrictions cannot be imposed arbitrarily, but must be adopted into public law with precise language that allows citizens to understand in advance what is prohibited. Many laws in the sub-region fail to do so when they use vague language like ‘threatening social peace,’ which tends to have a chilling effect on journalists.

Does it have a legitimate aim?

A desire to shield a government from criticism can never justify limitations on free speech, and any restriction must be necessary to preserve national security, public order, public health or morals – these are exclusive and cannot be added to.

Is there a necessity?

A government must be acting in response to a pressing social need, not merely out of convenience, using the least intrusive measures possible and impairing free expression as little as possible. Most importantly, the impact of the measure must be proportionate – the harm it causes to free expression must not outweigh its benefits.

In the late 1990s, veteran war correspondent Martin Bell coined the term “Journalism of Engagement,” a rethink of the reporter’s role, not simply as a passive observer of human rights violations but as a duty-bound morally obligated actor.⁸ This philosophy was stimulated and shaped by major humanitarian and human rights crises in the 1980s and 1990s. They included the Ethiopian famine of the mid-1980s, which projected pictures of dying children on televisions across the globe, triggering donations and aid campaigns, or the

1994 genocide in Rwanda, which took the world largely by surprise.

Nearly all journalists interviewed for this report considered themselves to be HRDs, but many had doubts over whether this also applied to their colleagues. Some interviewees claimed to actively seek out human rights stories, most notably in conflict situations, while others also advocated for freedom of expression, often from exile.

The role played by the media in the East and Horn of Africa is of critical importance to human rights protection and promotion. Given the downward trends and climate of fear the sub-region is experiencing, this report aims to examine the challenges journalists face and the best practices they have developed to address their difficult working environment.

⁶ International Covenant on Civil and Political Rights (1966), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>, Accessed 12 July 2017.

⁷ Article 19, “Limitations,” <https://www.article19.org/pages/en/limitations.html>, Accessed 12 July 2017.

⁸ Martin Bell, The International Journal of Press/Politics, “The Truth is Our Currency,” 1 January 1998, <http://journals.sagepub.com/doi/abs/10.1177/1081180X98003001008?journalCode=hija>, Accessed 2 June 2017.

II. The Media Landscape of the East and Horn of Africa

Burundi

Over the past two years, the diverse and dynamic media landscape that once characterised Burundi has been all but destroyed. The government accused independent media of supporting protests against the President's third term, particularly after several outlets broadcasted the attempted *coup d'état* on 13 May 2015. The following day, at least five prominent radio stations were destroyed by armed assailants: *Radio Bonesha*, *Radio Isanganiro*, *Radio Publique Africaine* (RPA), *Rema FM*, and *Radio Télévision Renaissance*. The stations were attacked with grenades, set on fire, and had their equipment destroyed.⁹ Since then, at least 104 journalists have fled the country into neighbouring states, with the vast majority resettling in Rwanda.¹⁰ Very few media outlets operate openly and independently in Burundi today. On 19 February 2016, *Radio Isanganiro* and *Rema FM* signed undertakings in order to resume broadcasting, agreeing to strict editorial policies and government oversight.¹¹ Some independent outlets like *IWACU Presse* continue to operate within the country, however, their reach is hampered by the exiling of their journalists and the difficult working conditions for those that remain.

The Media Law (2013) introduced steep fines (as high as 6 million Burundian francs – roughly US\$3,750) for vaguely worded offences such as “threatening the internal security of the state”. It also places limitations on journalists’ ability to protect their sources in the event of charges relating to national security, public order, national defence, and a person’s moral and physical integrity.¹²

9 Business Standard, “Burundian private radio stations attacked after coup attempt,” 14 May 2015, http://www.business-standard.com/article/news-ians/burundian-private-radio-stations-attacked-after-coup-attempt-115051401292_1.html, Accessed 13 June 2017.

10 Figures collected by Union Burundaise des Journalistes

11 Reporters Without Borders, “Burundi: Radio Isanganiro under pressure”, 7 April 2017, <https://rsf.org/en/news/burundi-radio-isanganiro-under-pressure>, Accessed 13 June 2017.

12 Loi No. 1/11 du 4 juin 2013, portant modification de la loi No. 1/025 du novembre 2003 regissant la presse au Burundi http://www.assemblee.bi/IMG/pdf/N%C2%B01_11_4%20juin_2013.pdf, Accessed 13 June 2017.

Furthermore, this law limits the subjects on which journalists can report and creates professional and educational requirements. In a ruling delivered on 15 May 2015, the East African Court of Justice found Articles 19 and 20 of the Media Law in contravention of the principles on democracy and accountability in the Constitution of the East African Community.¹³

Access to information is extremely limited. Most of the population relied on radio news bulletins before of the crisis, and only 4.4% have regular access to the Internet.¹⁴ The government has attempted to block secure messaging applications in the country in times of crisis.¹⁵ There have also been moves against users themselves. For example, on 20 August 2016, 54 members of a WhatsApp group were arrested in a bar of Bujumbura and accused of committing “cybercrimes” by the spokesperson of the Ministry of Public Security, though they were all later released.¹⁶

Independent reporting on human rights violations and abuses in the current political context is exceedingly dangerous. Many journalists in the country now operate by feeding information to those in exile for broadcast on Kigali-based stations like *Radio*

www.assemblee.bi/IMG/pdf/N%C2%B01_11_4%20juin_2013.pdf, Accessed 13 June 2017.

13 The East African Court of Justice, “Burundian Journalists Union VS. The Attorney General of the Republic of Burundi,” 15 May 2015, <http://eacj.org/wp-content/uploads/2015/05/Reference-No.7-of-2013-Final-15th-May-2c-2015-Very-Final1.pdf>, Accessed 11 September 2017.

14 Internet World Stats, “Internet Users Statistics for Africa,” 31 March 2017, <http://www.internetworldstats.com/stats1.htm>, Accessed 13 June 2017.

15 Electronic Frontier Foundation, “Despite Low Internet Use, Burundi Blocks Viber and WhatsApp Amidst Protests,” 29 April 2015, <https://www.eff.org/deeplinks/2015/04/despite-low-internet-use-burundi-blocks-viber-and-whatsapp>, Accessed 10 October 2017.

16 RFI, “Burundi: arrestation des membres d’un groupe de discussion WhatsApp,” 24 August 2016, http://www.rfi.fr/afrique/20160824-burundi-arrestation-groupe-whatsapp-communication?ref=tw_i, Accessed 17 May 2017.





Inzamba and *Radio Humura* (see Section VI. Managing the Risks). They work under near-constant threats to their personal safety, and often practice self-censorship. Online social media networks or messaging services like WhatsApp serve as makeshift news outlets by sharing short audio clips, but these can be unreliable. The Burundian Union of Journalists (UBJ) was officially closed in October 2016, yet still operates in exile.

"As journalists we are fighting for something, for basic rights."
-Burundian journalist¹⁷

Jean Bigirimana, a journalist at the independent newspaper *IWACU Presse*, disappeared on 22 July 2016 after leaving his home in Bujumbura. The government has denied any involvement in his disappearance, but unconfirmed reports suggest that the *Service National des Renseignements* (SNR) is responsible for his abduction and disappearance.¹⁸ On 18 August 2016, Irakoze Gisa Steve, a radio presenter with *Buja FM*, was arrested by the SNR. According to the Public Information Officer of the Burundi National Police, he was detained for endangering state security and released the following week. In a context of unrelenting impunity and ongoing international investigations into alleged crimes against humanity, reporting on events in Burundi can lead to brutal consequences.

17 DefendDefenders interview Rwanda, August 2016

18 Human Rights Watch, "Where is Burundian Journalist Jean Bigirimana?" 22 August 2016, <https://www.hrw.org/news/2016/08/22/where-burundian-journalist-jean-bigirimana>

Djibouti

Djibouti has a highly restrictive media environment where prosecutions of journalists on spurious charges are rife. Freedom of the press is not specifically mentioned in the country's Constitution. Article 15 outlines an individual's right to express their opinion "by word, pen, or image," but notes that "these rights may be limited by prescriptions in the law and in respect for the honour of others."¹⁹ Nonetheless, there are no private television or radio stations in Djibouti, which is home to a number of foreign military bases including the U.S., France, China, and Japan. The Ministry of Communications and Culture controls the main newspaper *La Nation* (as well as its Arabic-language version *Al Qaran*) and the national broadcaster *Radiodiffusion Télévision de Djibouti*. The ruling *Rassemblement populaire pour le progrès* (RPP) party also publishes a newsletter called *Le Progrès*, which takes a decidedly pro-government stance on all issues. Websites and broadcasts of media outlets operating from outside the country, like the European-based shortwave *La Voix de Djibouti*, are regularly jammed.

The official re-launch on 8 November 2016 of the National Commission on Communication, responsible for the licensing and regulation of the media, has not positively contributed to the sparse media presence. The Penal Code and the Freedom of Communication Law (1992) allow criminal penalties, including jail time and heavy fines, for media offenses such as defamation and distributing false information. Articles 14, 17, and 47 of this law also impose a minimum age requirement on those holding senior positions at media outlets – 40 for any media owner – and requires financial backers to be Djiboutian citizens.

Journalists are routinely subjected to intimidation, detention without charge, and libel suits, which further contribute to self-censorship. *La Voix de Djibouti* website editor Maydaneh Abdallah Okieh, a frequent target of harassment, was arrested in May 2015 and

detained for two days in connection with his alleged failure to pay a fine from a previous defamation case.²⁰

Djiboutian authorities suspended the independent newspaper *L'Aurore*²¹ in January 2016 following the publication of a photo of a young girl killed during the violent break up of a religious ceremony by police and the armed forces in December 2015, which reportedly left at least 27 dead and 150 wounded.²² *L'Aurore* was suspended again in August 2016 after its co-director and chief editor Kadar Abdi Ibrahim was arrested on 12 August at Djibouti's international airport. It had previously been suspended for two months in January and February 2016. Kadar Abdi Ibrahim, who was accompanied by opposition politician Hamoud Abdi Souldan, was prevented from entering the airport. Police officers confiscated his iPad and detained him at a police station north of the capital for 48 hours.²³

In January 2016, the authorities arrested *La Voix de Djibouti* reporter Mohamed Ibrahim Waïss for covering a small protest and subsequently detained him without charge for one week. During this time, he was forced to hand over his Facebook account details (which were then used to post insults about the opposition), denied access to a lawyer and medical treatment.²⁴

20 Freedom House, "Freedom in the World 2016: Djibouti" <https://freedomhouse.org/report/freedom-press/2016/djibouti>, Accessed 30 May 2017.

21 Alkarama, "Djibouti: Suspension du journal L'Aurore et prison avec sursis pour son co-directeur de publication", 22 January 2016, <http://fr.alkarama.org/item/1998-djibouti-suspension-du-journal-l-aurore-et-prison-avec-sursis-pour-son-co-directeur-de-publication>, Accessed 2 June 2017.

22 FIDH, "L'escalade dans la repression fait au moins 27 morts à Djibouti", 23 December 2015, <https://www.fidh.org/fr/regions/afrique/djibouti/l-escalade-dans-la-repression-fait-au-moins-27-morts-a-djibouti>, Accessed 2 June 2017.

23 Committee to Protect Journalists, "Journalists arrested without charge in Djibouti," 15 January 2016, <https://cpj.org/2016/01/journalists-arrested-without-charge-in-djibouti.php>, Accessed 18 September 2017.

24 RSF, "Harcèlement contre les journalistes à Djibouti", 19 January 2016, <https://rsf.org/fr/actualites/harcèlement-contre-les-journalistes-djibouti>, Accessed 11 October 2017.

19 1992 Constitution of Djibouti, https://www.constituteproject.org/constitution/Djibouti_2010.pdf?lang=en, Accessed 2 June 2017.





Days ahead of the 8 April 2016 elections, a team of journalists from the BBC was detained for 16 hours without access to communication, and then expelled from the country without explanation. The team had been granted media accreditation and were informed by the government director of communications that they had the necessary authorisation to proceed with their work.²⁵ Police detained the group after they interviewed Djibouti's Foreign Minister and an opposition candidate the afternoon of 1 April 2016.²⁶

25 BBC, "Djibouti expels BBC reporters ahead of presidential vote," 4 April 2016, <http://www.bbc.com/news/world-africa-35958465>, Accessed 18 September 2017.

26 Committee to Protect Journalists, "Djibouti expels BBC journalists ahead of elections," 6 April 2016, <https://cpj.org/2016/04/djibouti-expels-bbc-journalists-ahead-of-elections.php>, Accessed 18 September 2017.

Eritrea

Eritrea remains one of the world's most censored countries, with the government maintaining an absolute monopoly over domestic radio and television through the Ministry of Information. There are currently no independent media outlets operating in the country, and while some diaspora-based outlets like *Radio Erena* have emerged, they are frequently jammed. The Press Proclamation (1996) cemented the government's complete control of all broadcast media, and empowered it to use censorship for reasons of national security.²⁷ According to the UN Commission of Inquiry on Eritrea, nascent civil society and independent media were all extinguished following the 1998-2000 war with Ethiopia.²⁸ In September 2001, the government banned all independent publications as part of a crackdown on political dissent; the ban is still in effect.²⁹ However, in 2013, a small group of writers and editors both inside the country and living in the diaspora reportedly began circulating an underground newspaper called *MeqaleH Forto* using informal links and networks – it is unclear whether the project has continued.³⁰

Access to information is severely restricted, with only 1% of the population estimated to have access to the Internet. The government controls all digital infrastructure and is thought to monitor online communications, although some blame website blockages on low bandwidth.³¹

At least 15 journalists are thought to be currently imprisoned. Many have been held *incommunicado* since 2001, and it is unclear

27 Press Proclamation No. 90/1996, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87832/100251/F344716515/ERI87832.pdf>, Accessed 19 July 2017.

28 Commission of Inquiry on Human Rights in Eritrea, "Detailed findings of the commission of inquiry on human rights in Eritrea," 8 June 2016, http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP.1_read-only.pdf, Accessed 10 August 2017.

29 Committee to Protect Journalists, "Attacks on the Press 2001: Eritrea," 26 March 2002, <https://cpj.org/2002/03/attacks-on-the-press-2001-eritrea.php>, Accessed 26 May 2017.

30 Freedom House, "Freedom in the World 2016: Eritrea," <https://freedomhouse.org/report/freedom-world/2016/eritrea>, Accessed 26 May 2017.

31 Freedom House, "Freedom in the World 2016: Eritrea," <https://freedomhouse.org/report/freedom-world/2016/eritrea>, Accessed 26 May 2017.

how many have died in Eritrea's prisons.³² Little information has trickled out on their detention conditions or even their location.³³ On 3 May 2017, World Press Freedom Day, UNESCO awarded its prestigious Guillermo Cano World Press Freedom Prize to Dawit Isaak, a journalist with Swedish and Eritrean dual nationality who has been imprisoned in Eritrea for 16 years without ever speaking to a lawyer or seeing a judge. He was editor and co-owner of the independent newspaper *Setit*, and was arrested alongside 10 other journalists in 2001, seven of whom are thought to have died in detention. This crackdown came after the publication of an open letter by a group of former ruling party members, known as the 'Group of 15,' criticising several of President Isaias Afwerki's actions as "illegal and unconstitutional," and calling on him to step aside – prior to this, many newspapers in the country had been operating with a degree of editorial freedom.³⁴ The fate of Dawit and the other three journalists – Emanuel Asrat, Temesgen Gebreyesus, and Seyoum Tsehaye – remains unclear, despite repeated requests from his family and the Swedish government.³⁵

The Eritrean government has failed to comply with resolutions and decisions by the African Commission on Human and Peoples' Rights (ACHPR) requesting the release or speedy trial of the 18 journalists detained since 2001.³⁶

32 Reporters Without Borders, "2017 Press Freedom Barometer", <http://en.rsf.org/press-freedom-barometer-journalists-imprisoned.html?annee=2016>, Accessed 2 June 2017.

33 The Guardian, "If we don't give them a voice, no one will: Eritrea's forgotten journalists, still jailed after 14 years," 19 August 2015, <https://www.theguardian.com/world/2015/aug/19/eritrea-forgotten-journalists-jailed-pen-international-press-freedom>, Accessed 2 June 2017.

34 Human Rights Watch, "Service for Life: State Repression and Indefinite Conscriptioin in Eritrea," 16 April 2009, <https://www.hrw.org/report/2009/04/16/service-life/state-repression-and-indefinite-conscriptioin-eritrea>, Accessed 10 October 2017.

35 Reporters Without Borders, "Jailed Eritrean journalist awarded UNESCO press freedom prize," 30 March 2017, <http://www.refworld.org/docid/58de053b4.html>, Accessed 2 June 2017

36 ACHPR Communication No. 250/2002; Communication No. 275/2003; Resolution 207 on the General Human Rights Situation in Africa and Resolution 91 on the Human Rights Situation in Eritrea





"Threats are to make you silent and if you refuse they will terminate you."

- Eritrean journalist³⁷

In the context of the Khartoum process, the European Union is looking to cooperate with Eritrea over migration issues. This has analysts projecting a mild softening of Eritrean isolationism. While some 50 foreign journalists have reportedly been given access to the country between May 2015 and May 2016, their degree of freedom when reporting was limited.³⁸

37 DefendDefenders interview Uganda, April 2016

38 Foreign Policy, "The Rehabilitation of Africa's Most Isolated Dictatorship," 21 June 2017, http://foreignpolicy.com/2017/06/21/africas-most-isolated-dictatorship-is-suddenly-very-popular-eritrea-comes-in-from-the-cold/?utm_content=buffer23eee&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer, Accessed 22 June 2017.

Ethiopia

Censorship and repression are prevalent in Ethiopia where the media environment is relatively weak, with only a handful of private newspapers and radio stations operating from the capital. Several English and Amharic language newspapers in Addis Ababa, such as Fortune and The Reporter, publish some critical news and columns on politics and business. This situation feeds into a polarised political landscape where the government and the opposition make wildly differing claims in the absence of adequate media coverage.

While the nation's history stretches back some 2,500 years, the early development of media plurality that characterised the Ethiopian People's Revolutionary Democratic Front's (EPRDF) rise to power in the early 1990s was cut short after the 2005 parliamentary election. After the opposition coalition contested the results, popular uprisings and protests triggered a brutal crackdown and the beginning of a downward trend for civil society and journalists. From there the government took on an increasingly authoritarian tone and media

freedoms further eroded in the lead up to the 2010 parliamentary elections with the adoption of a series of draconian laws.

While Articles 27 and 29 of the Constitution protect freedom of the press, the 2005 Criminal Code contains provisions that limit this right, including on criminal defamation and restrictions on "obscene" communication and criticism of public officials. Additionally, the Freedom of the Mass Media and Access to Information Proclamation (2008) imposes harsh penalties including compensation of up to 1,000,000 Birr (approximately US\$37,000) in cases of "defamation through the mass media."³⁹ The restrictive Anti-Terrorism Proclamation (2009)⁴⁰, in which a terrorist act is defined in catch-all terms broadly construed to label a large range of legitimate activities as acts of terrorism. DefendDefenders and its partners have documented 27 cases of journalists and

39 Proclamation No. 590/2008 of 2008, Freedom of the Mass Media and Access to Information Proclamation, Article 41.2

40 Proclamation No. 652/2009, Anti-Terrorism Proclamation

"We blog because we care"

Zone 9 is a collective of nine bloggers, whose name itself is a reference to the notorious Kaliti prison made up of 8 zones where many political activists, journalists and dissidents are jailed. The bloggers suggest that Ethiopia is the 9th zone given its restrictions on fundamental freedoms.

The group, which is made up of young Ethiopians who decided to start an Amharic-language blog to discuss public affairs and human rights issues, was the target of the government's draconian Anti-Terrorism Proclamation. In April 2014, six members of the group were arrested and, together with a seventh member who had fled the country, charged with terrorism for having links to an outlawed group, for allegedly planning attacks, and for attending a digital security training.

Jailed for over 18 months, they reported being subjected to ill treatment. Between June and October 2015 most bloggers were released and acquitted. However, after an appeal by the public prosecutor on 6 April 2017, Ethiopia's Supreme Court ruled that Atnaf Berhane and Natnael Feleke should be tried instead on charges of inciting violence, which carry a maximum prison sentence of 10 years. The court upheld the lower court's acquittal of two other Zone 9 bloggers, Soleyana Gebremichael and Abel Wabella.

This case is emblematic of the Ethiopian government's use of repressive legislation to stifle substantive dialogue on pressing human rights issues and has served as a deterrent, not only against expressing critical views freely but also against using digital security tools to avoid the Ethiopian government's surveillance.



bloggers charged with terrorism offenses since its adoption. Among the most notable cases are the sentencing of journalists Eskinder Nega and Woubshet Taye to 18 and 14 years in prison respectively, as well as the detention of 6 bloggers belonging to the Zone Nine collective.

The Computer Crime Proclamation (2016), states that anyone intentionally disseminating materials found to be “defamatory to the honour or reputation of another person” can be sentenced to up to three years in prison.⁴¹ Telecommunications in Ethiopia take place entirely within the networks of state monopoly Ethio Telecom and the government is considered to have sophisticated online communication monitoring abilities.⁴²

“I was arrested after reporting on demonstrations and held for one month. They threw me into a room with no light... Later they tried to bribe me to work with them”

–Ethiopian journalist⁴³

Ethiopian authorities closed six media outlets in August 2014, ahead of the 2015 parliamentary elections, by accusing the newspapers and magazines of “encouraging terrorism” and “endangering national security” under the Anti-Terrorism Proclamation. These prosecutions demonstrate the extent to which the government is intolerant of criticism and has instilled fear in journalists and HRDs who practice self-censorship for fear of being sent to one of Ethiopia’s notorious prisons.

The situation was exacerbated by the nationwide State of Emergency imposed between October 2016 and August 2017 following mass protests held since November 2015. The decree gave sweeping powers to a Command Post, and included the suspension

41 Proclamation No. 958/2016, Computer Crimes Proclamation

42 The Intercept, “How the NSA Built a Secret Surveillance Network for Ethiopia”, 13 September 2017, <https://theintercept.com/2017/09/13/nsa-ethiopia-surveillance-human-rights/>, Accessed on 18 October 2017

43 DefendDefenders interview, Kenya, May 2015

of fundamental rights. Over 22,000 people were detained, according to the government, and critical voices were largely silenced.⁴⁴

The State of Emergency directives restricted communications that may cause “public disturbance” as well as those with foreign governments and NGOs that may “undermine national security”, and the right to disseminate information through the media. Mobile data services were severely disrupted until 2 December 2016, and after they were restored social media access remained restricted. (See Section IV. Controlling the Narrative: Online and Offline for more details).

44 Deutsche Welle, “Political Unrest Simmering in Ethiopia”, 10 February 2017, <http://www.dw.com/en/political-unrest-simmering-in-ethiopia/a-37490527>, Accessed on 18 October 2017

Kenya

Kenya retains the most diverse and open media spectrum in the sub-region. It has more than 90 national and regional radio stations, 15 television stations like NTV and the state-owned Kenya Broadcasting Corporation (KBC), and several respected independent daily newspapers in both English and Swahili like *Taifa Leo*, the Daily Nation, and the Standard. However, the government has increasingly attempted to stifle free expression resulting in a slow erosion of media freedom in recent years.⁴⁵ Coverage of Kenya's fight against Al Shabaab militants in the Northern Frontier District and Southern Somalia has been particularly challenging, with journalists and media houses being pressured and intimidated to not report on the security operation.⁴⁶ Coverage of other sensitive issues such as corruption involving the political and business elite and the International Criminal Court (ICC) proceedings against President Uhuru Kenyatta and Deputy President William Ruto have put journalists at risk.⁴⁷

Sections 33 to 35 of the 2010 Constitution⁴⁸ guarantee freedom of expression, freedom of the media, and access to information, while the Access to Information Act (2016)⁴⁹ articulates how citizens can request information from public entities and penalises the withholding of information by public information officers. However, the Kenya Information Communication Amendment Bill (2013)⁵⁰ created a Communication and Multimedia

Appeals Tribunal with the power to impose hefty fines on media houses and journalists, recommend de-registration of journalists, and make rulings on cases regarding the limits to freedom of expression. In January 2016, Kenyan journalists Yassin Juma and blogger Eddy Reuben Ilah were charged with "misuse of a telecommunication gadget" under the law for sharing news of Al Shabaab's attack on El Adde military base, which resulted in the deaths of at least 141 soldiers.⁵¹

The Media Council Bill (2013)⁵² established the Media Council of Kenya, further empowering the government to control media regulations and impose heavy penalties for outlets and individual journalists.

"I did not set out to be a human rights activist but in the course of my work, that is what I've become. Being a journalist is a calling. We are the mouthpiece and eyes of the country."

–Kenyan journalist⁵³

The Security Laws Amendment Act (2014),⁵⁴ which was fast-tracked through parliament, amends existing bills to give the government greater powers to restrict press freedom and demand sources from journalists. A draft law on Internet security and protection proposed in September 2016 targets online news and information, though it has yet to pass through parliament. On 6 February 2017, the Constitutional and Human Rights Division of the High Court of Kenya found unconstitutional Article 194 of the Penal Code, which relates to criminal defamation.⁵⁵

45 Reporters Without Borders, "Kenyan election campaign hits journalists and media freedom," 8 July 2017, <https://rsf.org/en/news/kenyan-election-campaign-hits-journalists-and-media-freedom>, Accessed 19 July 2017.

46 New African, "Kenya's al-Shabaab paradox," 5 June 2017, <http://newafricanmagazine.com/kenyas-al-shabaab-paradox/>, Accessed 17 June 2017.

47 CNN "Kenya covers up military massacre," 31 May 2016, <http://edition.cnn.com/2016/05/31/africa/kenya-soldiers-el-adde-massacre/>, Accessed 17 May 2017.

48 Constitution of Kenya 2010, <http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>, Accessed 17 May 2017.

49 Kenya Access to Information Act, 21 September 2016, <http://kenyalaw.org/lex/actview.xql?actid=No.%2031%20of%202016>, Accessed 19 October 2017.

50 Kenya Information and Communications (Amendment), 18 December 2013, http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2013/KenyaInformationandCommunications_Amendment_Act2013.pdf, Accessed 17 May 2017.

51 CNN "Kenya covers up military massacre," 31 May 2016, <http://edition.cnn.com/2016/05/31/africa/kenya-soldiers-el-adde-massacre/>, Accessed 17 May 2017.

52 The Media Council Bill, 22 July 2013, <http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2013/THEMEDIACOUNCILBILL.pdf>, Accessed 17 May 2017.

53 DefendDefenders interview Kenya, May 2016

54 The Security Laws Amendment Act 2014, http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2014/SecurityLaws_Amendment_Act_2014.pdf, Accessed 17 May 2017.

55 Library of Congress – Global Legal Monitor, "Kenya: High Court Declares Penal Code Provision on Criminal





Access to information in the country remains relatively open, due in part to the high number of independent media outlets and a well-developed privately-owned telecommunications industry. Additionally, the progressive Access to Information Act (2016) empowers citizens to access information through simple procedures. However, in reality, independent media face a number of practical challenges. For example, in February 2017, the Head of Civil Service and the President's Chief of Staff, Joseph Kinyua, forbade all government entities from placing advertisements in private media, reportedly cutting off as much as a third of their revenue.⁵⁶

These threats intensified ahead of the August 2017 presidential elections. For example, at least three journalists reported being harassed or threatened at political rallies in Kakamega County in the month preceding the election.⁵⁷ On 12 August, two journalists covering violence in Kibera slum were arrested and accused of possessing a helmet and body armour without a proper license. Journalists reported being targeted both by security forces and civilians while attempting to cover post-election events.⁵⁸ The National Coalition of Human Rights Defenders - Kenya documented 11 violations against journalists since the election results were announced.

Defamation Unconstitutional," 14 February 2017, <http://www.loc.gov/law/foreign-news/article/kenya-high-court-declares-penal-code-provision-on-criminal-defamation-unconstitutional/>, Accessed 10 August 2017.

⁵⁶ Reporters Without Borders, "Privately-owned media denied state advertising revenue", 2 March 2017, <https://rsf.org/en/news/privately-owned-media-denied-state-advertising-revenue>, Accessed 27 May 2017.

⁵⁷ Committee to Protect Journalists, "Amid tensions ahead of Kenyan vote, journalists face violence and threats," 7 August 2017, <https://cpj.org/blog/2017/08/amid-tensions-ahead-of-kenyan-vote-journalists-fac.php>, Accessed 11 October 2017.

⁵⁸ Committee to Protect Journalists, "Kenyan journalists harassed, detained reporting on election violence," 17 August 2017, <https://cpj.org/2017/08/kenyan-journalists-harassed-detained-reporting-on-.php>, Accessed 20 September 2017.

Rwanda

Although commonly touted as a success story of post-conflict nations in Africa, Rwanda remains one of the most restricted environments for freedom of expression in the sub-region. Self-censorship is widely practiced as journalists have been confronted with intimidation and arbitrary arrests and detention.

The rights to freedom of expression, information, and the press are guaranteed in Article 34 of the Constitution, which also establishes the Media High Council to regulate all media operating within the country. Articles 288 and 317 of the 2012 Penal Code criminalise defamation, with both fines and prison terms.⁵⁹

"True journalism is really shrinking, it's being eaten up by survival."
-Rwandan journalist⁶⁰

The Access to Information Law (2013)⁶¹ enables "the public and journalists to access information possessed by public organs and some private bodies" in principle. However, it also restricts access to information broadly related to national security, the administration of justice, and trade secrets. Some Rwandan journalists have described the law as "decoration," noting that on paper the language was positive but that implementation has been ineffective.

The memory of the Rwandan genocide and strict denial laws have also been used by the state as the basis for media restrictions. For example, the 2003 and 2008 genocide denial laws have been used to prosecute journalists for "minimising the genocide."⁶² Reporting on the genocide remains controversial and in June

2015 the BBC Kinyarwanda radio service was suspended indefinitely following the broadcast of a documentary on the genocide.⁶³

In May 2017, the Rwanda Utilities Regulatory Authority (RURA) rejected the National Electoral Commission's (NEC) attempt to pass a new regulation, which would have required all candidates to seek prior approval for campaign messages they planned to post on social media platforms or their websites.⁶⁴ In the same election cycle at least five websites were found to be blocked in Rwanda, including independent news sources *Inyenyeri News*, *The Rwandan*, and *Le Prophete*.⁶⁵

"It's really hard, with these sensitive stories, to get the facts, even to get someone on record, or the documentation."
- Rwandan journalist⁶⁶

Arrests, detentions, and trials of journalist in Rwanda remain commonplace, in addition to overt government censorship and continued reports of harassment and physical intimidation.

On 28 January 2016, John Williams Ntwali, an investigative journalist who runs *Ireme*, a website often critical of the government, was arrested and held for 13 days. He was accused of raping a minor but the charges were dropped.⁶⁷ Prior to his arrest, he had been

63 The Guardian, "Rwanda places indefinite ban on BBC broadcasts over genocide documentary", 1 June 2015, <https://www.theguardian.com/media/2015/jun/01/rwanda-places-indefinite-ban-on-bbc-broadcasts-over-genocide-documentary>, Accessed 1 June 2017.

64 Cipesa, "Rwanda's Communications Regulator Dismisses Electoral Commission's Directives on Suppressing Free Speech Online," 7 June 2017, <https://cipesa.org/2017/06/rwandas-communications-regulator-dismisses-electoral-commissions-directives-on-suppressing-free-speech-online/>, Accessed 7 June 2017.

65 Gwagwa, Arthur, "A study of internet-based information controls in Rwanda with a particular focus on the period around the 4 August 2017 General Elections", 3 October 2017, <https://www.opentech.fund/article/new-report-investigates-internet-censorship-during-rwandas-2017-presidential-election>, Accessed 16 October 2017.

66 DefendDefenders interview Rwanda, August 2017

67 RFI, "Rwanda : un journaliste d'investigation

59 Penal Code of Rwanda, 2012, https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf, Accessed 16 October 2017.

60 DefendDefenders interview Rwanda, August 2016

61 Rwanda Access to Information Act, 11 March 2013, http://humanrightsinitiative.org/old/postoftheday/2013/18/Rwanda_ATI_Law_March2013_NewDelhi_SatbirS.pdf, Accessed 19 October 2017.

62 Yakaré-Oulé (Nani) Jansen, "Denying Genocide or Denying Free Speech? A Case Study of the Application of Rwanda's Genocide Denial Laws," *Northwestern Journal of International Human Rights* Vol 12 no 2 Spring 2014, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1172&context=njihr>, Accessed 12 June 2017.





investigating a number of sensitive issues, including the circumstances surrounding the 2015 death of prominent businessman and former Rwandan Patriotic Front (RPF) financier Assinapol Rwigara.

On 3 February 2016, police confiscated the computers of Ivan Mugisha and Moses Gahigi, who had been investigating cases of alleged tax evasion and corruption among government officials for The East African newspaper. The police briefly detained and questioned Mugisha.⁶⁸

On 6 March 2017, John Karasira, a journalist who disappeared in August 2016, resurfaced in Kigali. Although he told media he fled the country and returned voluntarily, the details of his disappearance remain unclear. Similarly, John Ndabarasa, a journalist at *Sana Radio*, who had been missing since 7 August 2016, reappeared in Kigali on 6 March 2017.⁶⁹

arrêté et puis relaché”, 10 February 2016, <http://www.rfi.fr/afrique/20160210-rwanda-journaliste-investigation-arrete-puis-relache>

68 Human Rights Watch, “World Report 2017: Rwanda,” February 2017, <https://www.hrw.org/world-report/2017/country-chapters/rwanda>, accessed 1 September 2017.

69 Amnesty International, “RWANDA: FURTHER INFORMATION: MISSING JOURNALIST REAPPEARS IN RWANDA: JOHN NDABARASA,” 13 March 2017, <https://www.amnesty.org/en/documents/afr47/5858/2017/en/>, accessed 1 September 2017.

Somalia (including Somaliland)

Instability and insecurity continue to plague the media environment in Somalia, though great strides have been made with regard to media plurality in recent years. The central government owns and operates both the Mogadishu-based Somali National Television (SNTV) and Radio Mogadishu, and there are a number of independent broadcasters, newspapers, and magazines across the country publishing in several languages. Yet, media professionals in Somalia face threats from a variety of actors including authorities of South Central Somalia, Somaliland, and Puntland, as well as non-state actors such as Al Shabaab.

"In Somalia you do not know who is attacking you. Al Shabaab and even the government will treat you like an enemy."

– Somali journalist⁷⁰

Restrictions are regularly placed on freedom of expression by government officials on the grounds of national security or accusations of "unprofessional journalism".⁷¹ Similar to other repressive laws in the region, the Somali Media Law (2016) requires journalists to have a bachelor's degree in media-related topics, though many leading journalists possess degrees in different fields.⁷² The Somali government has committed to reviewing the law, but no such move has officially been made.⁷³

In Somalia, non-state actors such as Al Shabaab are responsible for many of the attacks against the media – these cases are also rarely properly investigated by the government. Somali journalists received threats from Al Shabaab for reporting on fighting between extremists and the government, working with pro-government

70 DefendDefenders interview Kenya, February 2016

71 Human Rights Watch, "Like Fish in Poisonous Waters: Attacks on Media Freedom in Somalia", 2 May 2016, <https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia>, Accessed 27 June 2017.

72 Somali Media Law (2016) Articles 18 and 35

73 Hiiraan, "Somalia pledges to review media law," April 29 2017, https://www.hiiraan.com/news4/2017/Apr/141892/somalia-pledges_to_review_media_law.aspx, Accessed 4 July 2017.

media houses, reporting on human rights issues, and for refusing to report on the group's behalf. Journalists in Somalia work in one of the most dangerous environments on the continent, and a UN report documented 30 journalists killed between August 2012 and

June 2016.⁷⁴ In its "Between a rock and a hard place" report, DefendDefenders documented attempted assassinations of at least four others.⁷⁵

On 15 October 2016, Abdi Adan Guled, editor-in-chief of the prominent newspaper *Xog Ogaal*, and vice-president of the National Union of Somali Journalists was arrested by the National Intelligence and Security Agency (NISA). Within the same week Al Jazeera journalist Hamza Mohamed and several of his crew members were detained by government officials for two days after returning from an interview assignment with the militant group Al Shabaab.⁷⁶

"The new media law does not take experience into account and even though I have been a journalist for 9 years, according to the law, since I do not have a certificate in journalism that experience now means nothing."

– Somali journalist⁷⁷

Omar Ali Hassan Serbiya, a journalist with *Goobjoog Media* was detained on 8 July 2017 from Egal Airport in Hargeisa, Somaliland,

74 UN Assistance Mission in Somalia, "Somalia: Freedom of Expression Critical to Ongoing Political Transition- UN Report", 4 September 2016, <http://unsom.unmissions.org/somalia-freedom-expression-critical-ongoing-political-transition-%E2%80%93-un-report-0>

75 DefendDefenders, "Between a rock and a hard place: Human rights defenders under attack in Somalia and Somaliland," February 2016, <https://www.defenddefenders.org/2016/02/between-a-rock-and-a-hard-place/> Accessed 4 July 2017.

76 CIVICUS Monitor, "Patterns of free speech violations continue in Somalia", 4 November 2016, <https://monitor.civicus.org/newsfeed/2016/11/04/pattern-free-speech-violations-continues-somalia/>, Accessed 27 June 2017.

77 DefendDefenders interview with Somali journalist in Kenya, February 2016





after he returned from Mogadishu. Omar was detained in an undisclosed location and not brought before a court or charged with any crime. Somaliland's Interior Minister said the arrest was linked to online views Omar expressed that threatened the "security and stability" of Somaliland.⁷⁸

In Puntland, media outlets and practitioners in the region have systematically been victims of government censorship, intimidation, harassment, and unlawful closure.⁷⁹

On 23 June 2016, heavily armed police raided *Radio Daljir* in Puntland, shut down the station, and confiscated broadcasting equipment.⁸⁰ Days before the raid, Puntland's Minister of Information Mohamud Hassan So'ade had issued a letter ordering that journalists refrain from interviewing persons linked to pirates and terrorists. According to the Media Association of Puntland, the Minister was recorded threatening to use force and to kill journalists who did not respect the order.⁸¹

On 2 July 2017, Ahmed Ali Kilwe, journalist and founder of Puntlandone.com, was arrested in Garowe after he was accused of posting a defamatory remark on Facebook against President Abdiweli Ali, allegedly criticising his use of public funds. Counterterrorism police detained Ahmed on the orders of the President for "posting articles impertinent to the Puntland president." Ahmed was later moved to Puntland Central Prison and released on 16 July.⁸²

78 Committee to Protect Journalists, "TV Journalist Detained in Somaliland," 10 July 2017, <https://cpj.org/2017/07/tv-journalist-detained-in-somaliland.php>, Accessed 18 September 2017.

79 Media Association of Puntland, "Annual Report: 2017," 7 June 2017, <http://mediapuntland.org/app/wp-content/uploads/2017/06/2017-FINAL-MAP-ANNUAL-REPORT-FINANCIAL-AUDITED-STATEMENTS1.pdf>, Accessed 18 September 2017.

80 Media Association of Puntland, "Puntland: Ministry of information threatens to kill Journalists while Police raid, shut down Daljir radio station." <http://mediapuntland.org/puntland-ministry-of-information-threatens-to-kill-journalists-while-police-raid-shut-down-daljir-radio-station/> Accessed 4 July 2017

81 DefendDefenders, "Puntland: Minister of Information restricts free speech, harasses and threatens journalists," 22 July 2016, https://www.defenddefenders.org/press_release/puntland-minister-information-restricts-free-speech-harasses-threatens-journalists/, Accessed 15 October 2017.

82 Committee to Protect Journalists, "Puntland Journalist Jailed After Criticizing President," 17 July 2017, <https://cpj.org>.

South Sudan

After 22 years of civil war, southern Sudan became autonomous in 2005 and achieved full independence as the Republic of South Sudan in 2011. But despite a progressive early Constitution that guaranteed free expression, the development of a functioning independent media was cut short by conflict and competing political interests. The outbreak of the civil war in 2013, which has killed tens of thousands and displaced nearly four million from their homes, had a devastating impact on media freedom. Since then at least eight South Sudanese journalists have been killed, including five in a single attack in 2015.⁹²

Journalists covering the conflict and the implementation and collapse of the August 2015 Peace Agreement were confronted with extremely challenging working conditions. South Sudanese authorities have raided and shut down media houses, assaulted journalists, and subjected them to arbitrary arrest and detention. The resumption of fighting in July 2016 and allegations of ethnic cleansing and widespread human rights violations have compounded this downward trend in free expression to a point where both local and foreign reporters are routinely subjected to harassment, bans, and restricted access to conflict zones.

The Broadcasting Corporation Bill, Right of Access to Information Bill, and Media Authority Bill, all signed in 2014, created the national framework for access to information, public service broadcasting, and media regulation. They provide measures for the creation of a national, independent public service provider and the establishment of an independent body to oversee content and deal with complaints, as well as to protect the right of access to official information.

However since the signing of the August 2015 peace agreement, local media groups in South Sudan have documented an increase in cases of arbitrary arrest by National Security Services

92 Reporters Without Borders, "Violations of press freedom barometer," 2013-2017, <https://rsf.org/en/barometer?year=2013>, Accessed 10 October 2017.

(NSS) and Military Intelligence (MI) agents, which in many cases included allegations of torture.⁹³

Censorship imposed by the government has been a significant factor, with authorities imposing pre-coverage censorship by posting members of the security services at media houses to review content before it is broadcast and printed. On 18 August 2016, NSS agents were deployed to Ganesh Printers to prevent a story by the Nation Mirror about the escape of former Vice President and opposition leader Riek Machar to the Democratic Republic of Congo by forcing the paper to suspend printing or risk confiscation.⁹⁴

"Before the conflict, we were free to write. Politics were hard but not as challenging as after. After the conflict, stories are 'either, or'. They can't be balanced in government areas."
- South Sudanese journalist⁹⁵

Online censorship has become more prominent. In late July 2017, South Sudanese authorities blocked access to at least four news websites, including two radios in exile - the Sudan Tribune and Radio Tamazuj - and popular blogs *Nyamilepedia* and *Paanluel Wel*. Minister of Information Michael Makuei Lueth accused them of publishing content that was "subversive."⁹⁶

On 16 July 2016, chief editor of the Juba Monitor, Alfred Taban, was arrested and later charged with "publishing or communicating false statements prejudicial to Southern Sudan," and

93 DefendDefenders, "South Sudan: DefendDefenders condemns recent increase of detention and torture of journalists and HRDs", March 2016, <https://www.defenddefenders.org/2016/03/south-sudan-defenddefenders-condemns-recent-increase-detention-torture-journalists-hrds/>

94 Radio Tamazuj, "Nation Mirror calls on authorities not to censor their work," 22 August 2016, <https://radiotamazuj.org/en/article/nation-mirror-calls-authorities-not-censor-their-work>

95 DefendDefenders interview South Sudan, May 2016

96 Committee to Protect Journalists, "South Sudan authorities block access to at least four media websites," 20 July 2017, <https://cpj.org/2017/07/south-sudan-authorities-block-access-to-at-least-f.php>, Accessed 20 September 2017.





“undermining the authority of and insulting the president.”⁹⁷ He had published an article in the Juba Monitor on 15 July following the surge in violence in Juba on an Intergovernmental Authority on Development (IGAD) communiqué calling for President Salva Kiir and then Vice President Riek Machar to step down. Taban was released on bail on 29 July 2016, amid rising concerns about his health and growing international condemnation.⁹⁸

A ban on 20 foreign journalists was lifted in late June 2017, after the National Dialogue Steering Committee put pressure on the body that regulates media to lift the ban. The government had earlier said the journalists were barred from entry over “unsubstantiated and unrealistic stories.”⁹⁹ In practice, journalists still encounter major obstacles when attempting to cover the conflict.

“I will never stop writing. The pen is our weapon; this is all that we have.”
– *South Sudanese journalist*¹⁰⁰

97 Human Rights Watch, 28 July 2016, <https://www.hrw.org/news/2016/07/28/dispatches-speaking-truth-power-crime-south-sudan>

98 Radio Tamazuj, “Alfred Taban released on bail, still faces charges,” 1 August 2016, <https://radiotamazuj.org/en/article/alfred-taban-released-bail-still-faces-charges>

99 The East African, “South Sudan Lifts Ban on Foreign Journalists,” <http://www.vanguardngr.com/2017/06/sudan-lifts-ban-foreign-journalists/>, Accessed 1 July 2017.

100 DefendDefenders interview South Sudan, January 2016

Sudan

Years of ongoing conflict and authoritarian rule from Khartoum have largely decimated the independent news industry in Sudan. The media is heavily targeted, and few independent outlets exist outside of online media. Newspapers are regularly suspended and print runs confiscated. Journalists regularly face arbitrary arrest and detention, and spurious charges for human rights reporting. Local reporting on conflict areas like Darfur, South Kordofan, and Blue Nile is also severely restricted, while government propaganda on the subject is abundant. The reelection of President Omar al Bashir in April 2015 was marked by harassment of the media, censorship, confiscation of newspaper issues, and media closures.⁸³

Several laws in Sudan limit press freedom and restrict access to information. The National Security Act (2010) and the Press and Publications Act (2009) have been used to charge editors and journalists with crimes against the state, which are punishable with the death penalty. According to Section 4 of Sudan's Informatic Offenses (Combating) Act (2007) – better known as the Cybercrimes Act – producing, preparing, sending, storing, or promoting any content that violates public order or morality could result in up to seven years in prison, while creating or using websites that do the same is punishable by three years.⁸⁴ The National Telecommunications Corporation is tasked with monitoring the use of the Internet and deciding what content should be accessible. This agency openly acknowledges blocking and filtering websites that it considers “immoral” and “blasphemous,” through its Internet Service Control Unit.⁸⁵

org/2017/07/puntland-journalist-jailed-after-criticizing-presi.php, Accessed 18 September 2017.

83 DefendDefenders, “Caught up in bitter contests: Human rights defenders working in the context of elections in Sudan, Ethiopia, Burundi, and Uganda”, September 2015, <https://www.defenddefenders.org/2015/09/caught-up-in-bitter-contests-report-on-human-rights-defenders-working-in-the-context-of-elections/>

84 The Informatic Offenses (Combating) Act 2007, http://www.ntc.gov.sd/images/stories/docs/English/Informatics_offences_Act_2007.pdf, accessed 20 September 2017.

85 National Telecommunications Corporation, “Blocking Or Unblock Websites,” 22 October 2014, <http://www.ntc.gov.sd/index.php/en/blocking-websites>, Accessed 20 September 2017.

Despite the adoption of the Freedom of Access to Information Law (2015), many journalists note that it has done little to protect free expression or independent reporting.⁸⁶ A common tactic in Sudan is for National Intelligence Security Services (NISS) to confiscate print runs, incurring significant costs to media houses and effectively encouraging self-censorship to avoid the government’s “red line” topics. This is not restricted to opposition or independent papers, as even media outlets regarded as pro-government have faced retaliatory confiscations for their coverage.⁸⁷ It is also common for security services to summon journalists for questioning after having published controversial stories touching on topics close to government interests.

“Many papers are closed as punishment for articles written... NISS will call the editor and tell them to stop letting a particular journalist write for a while.”
– Sudanese journalist⁸⁸

Following an amendment to the 2005 Constitution in January 2015 which granted NISS powers equivalent to the military, the security agency shut down several local newspapers including *Al Tayar*, *Al Jareeda* and *Al Watan*. From 17 to 19 June 2017, *Akhar Lahza* newspaper was confiscated due to an opinion article written by Abdukkah Al Sheik that offered advice to the President. On 10 July 2017, NISS confiscated printed copies of *Alzawia* and *Alzaim* sport newspapers after sending out a warning ordering newspapers not to publish news of the International Federation of Football Associations’ suspension of the Sudan Football Association following government interference

86 Committee to Protect Journalists, “Sudan passes freedom of information law but journalists remain wary,” February 5 2015, <https://cpj.org/blog/2015/02/sudan-passes-freedom-of-information-law-but-journa.php>, Accessed 5 July 2017.

87 DefendDefenders, “Caught up in bitter contests: Human rights defenders working in the context of elections in Sudan, Ethiopia, Burundi, and Uganda”, September 2015, <https://www.defenddefenders.org/2015/09/caught-up-in-bitter-contests-report-on-human-rights-defenders-working-in-the-context-of-elections/>

88 DefendDefenders interview Sudan, June 2015





in the association's administration. Similarly, on the morning of 13 July 2017, NISS prevented the distribution of printed copies of *Algareeda* newspaper without giving any reason.⁸⁹

On 10 July 2017, Amel Habani, a journalist with *Al Tagheer* online newspaper, was found guilty of violating Articles 103 (threatening a public servant) and 160 (insult and abuse) of the Criminal Act (1991) and sentenced to a fine of 10,000 Sudanese Pounds (approximately US\$1,500) or imprisonment for four months. Habani refused to pay the fine and was released when the Sudanese Journalist Network campaigned to raise funds and paid the fine instead.⁹⁰

On 12 July 2017, Izzeldien Dahab, a journalist with *Algareeda* newspaper, was summoned and interrogated by the Press and Publications Prosecutor of Khartoum in connection with an article he published on 10 April regarding corruption in the Ministry of Finance in South Darfur. He was charged with defamation under Article 17 of the Sudanese Cybercrime Act (2007).⁹¹

89 African Centre for Justice and Peace Studies, "Crackdown on Media Freedoms: May-July 2017," 14 August 2017, <http://www.acjps.org/crackdown-on-media-freedoms-may-july-2017/>, Accessed 20 September 2017.

90 Ibid.

91 Ibid.

Tanzania

Tanzania boasts a multitude of both independent and state-owned newspapers, magazines, radio and television stations that broadcast in English, Swahili, and other local languages. Since the 2015 election of President John Magufuli, there has been a renewed clampdown on independent media facilitated in part by the introduction of several laws that restrict freedom of expression.

The banning of media outlets has become common practice in Tanzania, mostly using the Newspapers Act (1976). In 2016, Minister of Information Nape Nnauye used the law to ban four media outlets for airing coverage critical of the government. While regional and international papers are usually given more leeway with their reporting, in 2015 Tanzanian authorities banned the East African for one year. Complementing the Newspapers Act, the Electronic and Postal Communication Act (2008), requires Internet service providers and online platforms to record consumer data, as can be used to censor bloggers and online publication for the transmission of “obscene, false, menacing or otherwise offensive” information.¹⁰¹

The Media Services Act (2016)¹⁰² now complements the Newspapers Act and the Tanzania News Agency Act, both of which date back to 1976. This controversial act lends additional powers to the government to regulate the media, determine which journalists can be given accreditation, and criminalises libel. On 16 June 2017, the Information, Sports and Culture Minister Harrison Mwakyembe used the Media Service Act to impose a 24-month publication ban on *Mawio*, a privately owned weekly newspaper, citing Article 59 which allows authorities to “prohibit or otherwise sanction the publication of any content that jeopardises national security or public safety.”¹⁰³

101 Electronic and Postal Communication Act (2008), Article 104b.

102 The Media Services Act 2016, <http://parliament.go.tz/polis/uploads/bills/1474021216-A%20BILL%20-%20%20%20THE%20MEDIA%20SERVICES%20ACT,%202016.pdf>, Accessed 19 June 2017.

103 Committee to Protect Journalists, “Tanzania imposes two-year publishing ban on newspaper,” 16 June 2017, <https://cpj.org/2017/06/tanzania-imposes->

Mawio had previously been targeted in January 2016 and was banned for allegedly inciting violence by announcing the opposition presidential candidate the winner in Zanzibar and for the article’s title, which translated to “Unrest coming to Zanzibar.”¹⁰⁴

“I have to be careful with what I am writing for myself personally and the paper which could be banned... I've seen what has been done to my colleagues so know what kind of stories to avoid.”
– Tanzanian journalist¹⁰⁵

Similarly, the Cybercrimes Act (2015) criminalises insulting the president, an offence punishable by up to three years in jail, a fine of around US\$3,000 or both. More than 10 people, including university students and a lecturer, have been charged in the last year for insulting the president via social networking platforms like WhatsApp.¹⁰⁶ In March 2017, the High Court of Tanzania declared Sections 32 and 38 of the Cybercrimes Act constitutional – these sections allow investigating police officers to engage in electronic surveillance without judicial oversight, despite contravening international standards of privacy and freedom of expression.¹⁰⁷

On 17 March 2017, the Regional Commissioner for Dar es Salaam, Paul Makonda, accompanied by police officers, invaded Clouds Media Group, one of Tanzania’s leading media houses, and demanded that the staff broadcast

two-year-publishing-ban-on-newspa.php?utm_medium=email&utm_source=engagingnetworks&utm_campaign=Tanzania+imposes+two-year+publishing+ban+on+newspaper&utm_content=Alert-Tanzania+imposes+two-year+publishing+ban+on+newspaper, Accessed 19 June 2017.

104 Committee to Protect Journalists, “Tanzania imposes permanent ban on weekly newspaper”, 21 January 2016, <https://cpj.org/2016/01/tanzania-imposes-permanent-ban-on-weekly-newspaper.php>, Accessed 17 June 2017.

105 DefendDefenders interview Tanzania, September 2016

106 Reuters, Tanzania orders arrest of opposition MP for insulting president, 5 July 2017, <http://www.reuters.com/article/us-tanzania-politics-idUSKBN19P1JJ?il=0>, Accessed 5 July 2017.

107 Article 19, “Tanzania: Cybercrimes Act upheld in further blow to free expression,” 15 March 2017, <https://www.article19.org/resources.php/resource/38674/en/tanzania-cybercrimes-act-upheld-in-further-blow-to-free-expression>, Accessed 19 June 2017.





pre-recorded material.¹⁰⁸ When Minister of Information Nape Nnauye attempted to launch an investigation into the incident, he was dismissed by President Magufuli, and briefly held at gunpoint when he tried to hold a press conference to discuss his dismissal.¹⁰⁹ Journalists interviewed for this report expressed concern about the proliferating legislation being used against the media and that this incident in particular is a sign of growing impunity for attacks against free speech.

"Journalists can be HRDs but they can also be used as a propaganda machine."

- *Tanzanian journalist*¹¹⁰

108 The Citizen, "Makonda in hot water over night Clouds raid", 20 March 2017, <http://www.thecitizen.co.tz/News/Makonda-in-hot-water-over-night-Clouds-raid-/1840340-3856500-gakd6sz/index.html>, Accessed on 5 May 2017.

109 Radio France International, "Tanzania: Sacked information minister, held at gunpoint has 'no regrets' about being fired," 24 March 2017, <http://en.rfi.fr/africa/20170324-tanzania-sacked-information-minister-held-gunpoint-has-no-regrets-about-being-fired>, Accessed 11 August 2017.

110 DefendDefenders interview Tanzania, September 2016

Uganda

While space for civil society and the media is relatively open in Uganda, journalists face challenges due to restrictive legislation and an overall intolerance for coverage of sensitive topics. Nonetheless, the country boasts a number of independent media outlets such as The Daily Monitor, as well as state-owned media like New Vision and *Bukedde* newspapers, broadcasters like NTV and more than 100 FM radio stations that broadcast in local languages across the country.

While Article 29 (1)(a) of the 1995 Constitution guarantees freedom of expression, Article 43 sets out possible limitations and restrictions to this freedom.¹¹¹ Several existing laws currently put undue restrictions on free expression and have had negative impact on the media's ability or willingness to foster political debates. The Penal Code Act, Cap 120,¹¹² introduced under British colonial rule in 1950, criminalises defamation (Sections 53 and 179), bars the media from questioning the distribution of natural resources (Section 41), grants the Attorney General powers to stop the importation of undesirable publications and imprison those who distribute them (Sections 33-36), and criminalises inciting boycotts, violence, or refusal to pay taxes (Sections 49, 51 and 52).¹¹³

The Press and Journalist Act (2000) criminalises practicing journalism without a certificate issued by the Minister of Information and officially defines a journalist as "a person who has enrolled as journalist under the law." In January 2016, parliamentary authorities invoked the provision and banned journalists without degrees and with less than three years of reporting experience from covering parliamentary proceedings.¹¹⁴ Sections 5 to 7

111 Constitution of the Republic of Uganda, 1995, http://www.parliament.go.ug/images/stories/constitution/Constitution_of_Uganda_1995.pdf, Accessed 1 August 2017.

112 The Penal Code Act, 1950, http://www.wipo.int/wipolex/en/text.jsp?file_id=170005, Accessed 1 August 2017.

113 Human Rights Network for Journalists – Uganda, "Media freedom In Uganda: Analysis of inequitable legal limitations," March 2014, https://hrnjuganda.org/?wpfb_dl=37, Accessed 19 June 2017.

114 The Africa Report, "Uganda: Journalists without degrees banned from parliament," 16 January 2016, <http://www.theafricareport.com/East-Horn-Africa/uganda-journalists->

of the Act outline the compulsory registration of editors with the Media Council, and limits the publication of content contrary to "public morality," as defined by the state.¹¹⁵

The Computer Misuse Act (2011)¹¹⁶ purports "to prevent unlawful access, abuse or misuse of information systems including computers," but is ambiguously worded and has been used to stifle online communication and silence government critics, such as blogger and academic Stella Nyanzi.¹¹⁷ The Uganda Media Centre, the media regulatory authority appointed by the President, announced on 27 June 2017 that a team of state security officers and IT experts has been set up to monitor online activity on social media.¹¹⁸

Despite the fact that the Access to Information Act (2005)¹¹⁹ is progressive in nature, the Official Secrets Act (1964)¹²⁰ has been used to restrict journalists' access to government documents. A second draft of the Data Protection and Privacy Bill (2016)¹²¹ failed to recognise the right to free expression as an integral part of proper data protection legislation.

During the 2016 general elections and subsequent presidential inauguration, authorities ordered service providers to block access to social media websites and apps like

without-degrees-banned-from-parliament.html, Accessed 19 June 2017.

115 Human Rights Network for Journalists – Uganda, "Media freedom In Uganda: Analysis of inequitable legal limitations," March 2014, https://hrnjuganda.org/?wpfb_dl=37, Accessed 19 June 2017.

116 The Computer Misuse Act, 2011, <https://www.ict.go.ug/resource/computer-misuse-act>, Accessed 1 August 2017.

117 Human Rights Network for Journalists – Uganda, "Analysis of the Computer Misuse Act 2011," https://hrnjuganda.org/?wpfb_dl=38, Accessed 1 August 2017.

118 Reporters Without Borders, "Uganda creates unit to spy on social networks," 30 June 2017, <https://rsf.org/en/news/uganda-creates-unit-spy-social-networks>, Accessed 1 August 2017.

119 Uganda Access to Information Act, 19 July 2005, http://www.freedominfo.org/documents/uganda_ati_act_2005.pdf, Accessed 19 October 2017.

120 Uganda Official Secrets Act, 30 December 1964, <https://www.ulii.org/ug/legislation/consolidated-act/302>, Accessed 19 October 2017.

121 Data Protection and Privacy Bill, 21 February 2016, <http://chapterfouruganda.com/sites/default/files/downloads/Data-Protection-and-Privacy-Bill-2015.pdf>, Accessed 19 October 2017.





Whatsapp, Twitter, Facebook, and mobile money services.¹²²

Intimidation, harassment, imprisonment, and physical attacks against journalists are common in the country. A study on freedom of the press in 2016 showed Ugandan police committing most violations against journalists, with 83 recorded violations accounting for 61% of the yearly total. This was due in part to the 2016 elections and associated media censorship.¹²³

"The laws are very deliberate. The legislation appears good on its face but underneath is used as a way to manhandle journalists."

– *Uganda media freedom activist*¹²⁴

A private member's bill introduced by ruling Members of Parliament in September 2017, which would remove the presidential age limit from the Constitution and allow President Yoweri Museveni to stand for a sixth term in the 2021 election, has ignited a new crackdown on the media and civil society. On 13 September 2017, police officers assaulted and confiscated the equipment of journalists covering the opposition campaign against the age limit amendment. Ssebalamu Kigongo of *Bukedde TV* was manhandled by security forces, and Sande Ssebagala of NBS Television was assaulted and had his camera confiscated.¹²⁵

122 Kenya ICT Action Network, "Building Trust Between the State and Citizens: A Policy Brief on Internet shutdowns and Elections in Kenya 2017," July 2017, https://www.kictanet.or.ke/documents/KICTANet/Kenya_Policy_Brief_On_Internet_Shutdowns.pdf, Accessed 25 July 2017.

123 Human Rights Network for Journalists-Uganda, "Tough Times: Political Intolerance Stifles Media," 4 May 2017, https://hrnjuganda.org/?wpfb_dl=66, Accessed 1 August 2017.

124 DefendDefenders interview Uganda, August 2016

125 Human Rights Network for Journalists-Uganda, "Police Officers assault journalists, Confiscate their gadgets," 13 September 2017, <https://hrnjuganda.org/?p=3826>, Accessed 15 September 2017.

III. Repressive Tactics

Whether reporting on political crises, in repressive states, on conflicts, or in exile, journalists face a multitude of obstacles and have had to develop new strategies to continue their work securely.

Surveillance

Surveillance of journalists is a common tactic used to identify and track reporters or stories that might present a threat to the subject. In order to mitigate these real or perceived risks, journalists change their routine or avoid going to places where they may be vulnerable. Those at heightened risk have also reported changing their appearances, or changing the location of meetings at the last minute to try and evade surveillance.

Digital surveillance has become more prominent as journalists increasingly work online, whether through email correspondence, cloud-based storage of documents, or activity on social media. As opposed to traditional surveillance like wire-tapping, or having journalists physically followed, online methods are cost-effective; can be employed from a distance; are easily disguised; and difficult to prove. Counter-terrorism efforts in the sub-region have led to expanded online surveillance as key countries like Ethiopia or Kenya have acquired advanced technology. A lack of transparency on how this technology is used increases the risk of violations of the right to privacy, and has forced journalists to employ digital security measures. (See Section IV. Controlling the Narrative: Online and Offline)

"If I have just reported a serious story I will change my route home, leave my phone in the office so they can't track me. You have to change your routines, where you go out, when you go out..."
-Kenyan journalist¹²⁶

Threats and Harassment

Journalists in the sub-region frequently face threats and intimidation that can take various forms, ranging from verbal warnings to serious physical harm. Anonymous phone calls and text messages were the most common harassment tactic reported by journalists interviewed for this report. While messages do not always explicitly threaten violence, they often have a chilling effect. At times journalists would receive threats in person, and in some cases journalists reported that security forces contacted their friends and families to intimidate them. Many journalists interviewed believe the authorities were trying to make them give up their work. In light of these types of threats, reporters may feel that their work is not worth the risk, or begin self-censoring, thereby allowing authorities or non-state actors to assert a degree of control without having to resort to identifiable legal methods.

"Threats are to make you silent and if you refuse they will terminate you."
- Eritrean journalist¹²⁷

Journalists reporting in rural areas face additional challenges compared to those in urban settings such as access to fewer resources, higher visibility, and often struggle to access support from media houses and networks. Journalists based in rural areas have to contend with limited access to information, weak communication infrastructure as well as poor road conditions and transport connections. Journalists face higher risks of harassment when operating outside of main cities and if they have security issues, it can also take much longer to access legal, protection, and financial support.

126 DefendDefenders interview Kenya, June 2016

127 DefendDefenders interview Uganda, April 2016



Censorship

Censorship is prevalent across the sub-region and can take many forms, but it always has the goal of suppressing the flow of information deemed sensitive or inconvenient. Governments have imposed blanket media blackouts on certain national security-related topics, such as with Kenya's fight against Al Shabaab, or closed media outlets who run controversial stories, which is common practice in Rwanda, Tanzania, Sudan, and South Sudan. In Uganda, journalists have been barred from attending opposition rallies.¹²⁸

"As journalists we are not giving what we are supposed to because of fear. These papers are our lives and the aspect of censorship is undeniable. Stories are not being covered properly because of fear."

- *Tanzanian journalist*¹²⁹

Confiscation of entire print runs by authorities is common practice in South Sudan and Sudan. These confiscations serve not only to prevent content from being distributed, but also to inflict financial damage on media outlets, which cannot recover their operational costs, let alone make a profit. These tactics lead to more self-censorship from publishers and journalists. One Sudanese reporter noted that "many papers are closed as punishment for articles written [...] NISS will call the editor and tell them to stop letting a particular journalist write for a while."¹³⁰

Finally, physical and administrative harassment also serve to deter reporters and editors who may refuse to work on a story of public interest to avoid negative consequences. Journalists throughout the sub-region described situations where their editors prevented stories on controversial topics from being published due to political pressure or fear of losing advertising contracts.

128 Reporters Without Borders, "Ugandan journalists banned from covering opposition politics," 6 October 2016, <https://rsf.org/en/news/ugandan-journalists-banned-covering-opposition-politics>, Accessed 10 July 2017.

129 DefendDefenders interview Tanzania, September 2016

130 DefendDefenders interview Sudan, June 2015

"When [the editor] saw the story was highlighting what the government was going to lose, he said it couldn't run. He didn't give me an explanation and just put it aside. That's when it hit me, 'now, that's really not journalism'."

- *Rwandan journalist*¹³¹

Arrests, Detentions, and Legal Battles

Throughout the sub-region, journalists are routinely arbitrarily arrested and detained for short periods to deter and make an example of them. One journalist told DefendDefenders this "has a chilling effect that this is a no-go area."¹³² In most countries where the media still operate with a measure of independence, journalists reported that it was common for security services to summon reporters for questioning after publishing stories deemed controversial.

At times, arbitrary detention, particularly when journalists are held *incommunicado*, are accompanied by allegations of torture or ill-treatment. Such cases of detained journalists in Rwanda¹³³ and Uganda¹³⁴ have been widely reported over the last three years. In Eritrea, testimonies of torture in detention that have been collected by international rights groups suggest that opponents and critics of the regime are frequently subjected to torture.¹³⁵

"I was abducted and put in an underground cell with 80 people in the same room. It was very hot, there was no light, and we were tortured. You only survive if you are healthy and lucky."

- *Eritrean journalist*¹³⁶

131 DefendDefenders interview Rwanda, August 2016

132 DefendDefenders interview, Tanzania, August 2016.

133 Amnesty International, "Rwanda: Decades of attacks repression and killings set the scene for next month's election," 7 July 2017, <https://www.amnesty.org/en/latest/news/2017/07/rwanda-decades-of-attacks-repression-and-killings-set-the-scene-for-next-months-election/>, Accessed 10 July 2017.

134 Human Rights Watch, "UPR Submission: Uganda," 1 November 2016, <https://www.hrw.org/news/2016/11/01/uganda-upr-submission>, Accessed 20 September 2017.

135 United Nations Office of the High Commissioner for Human Rights, "Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea," 8 June 2016, http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP.1_read-only.pdf, Accessed 15 October 2017.

136 DefendDefenders interview Uganda, April 2016

Defamation

Journalists and media houses are often confronted with the threat of civil and criminal suits in response to stories. Kenya and Uganda are the only countries in the sub-region to repeal criminal defamation laws, and the rest treat defamation as both a civil and criminal offense.¹³⁵ This can lead to harsh punishments, including imprisonment, licence suspension, large fines, and therefore in some cases bankruptcy.

In the East and Horn of Africa, defamation charges are often brought against journalists reporting on sensitive topics on spurious grounds. In civil cases, plaintiffs must show they were materially harmed by what a journalist has said or written. For example, deliberately reprinting malicious rumours spread by a rival. Under some criminal defamation laws anything perceived to be an insult is illegal, whether or not they caused any demonstrable harm. For example, criminal charges levelled against journalists in Sudan often lack legitimacy and are mainly used to curb the criticism of officials and to coerce journalists into self-censorship.¹³⁶

While defamation can be a serious infraction of journalistic ethics, as a criminal offense it has been widely condemned by freedom of expression advocates, including the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.¹³⁷ In 2010, the African Commission on Human and Peoples' Rights adopted a resolution calling on state parties to repeal criminal defamation and insult laws.¹³⁸

Subsequently, the African Court on Human and Peoples' Rights found in the case *Lohé Issa Konaté vs. The Republic Burkina Faso* that the latter's criminal defamation law violated freedom of expression rights as protected by Article 9 of the African Charter and ordered Burkina Faso to amend the law. Despite this progress, criminal defamation remains a common method to target journalists.



In recent years, several countries have also adopted legislation giving authorities greater oversight over and control of information flows online and offline, which has been used to sue or prosecute journalists and media houses. In Tanzania, where four laws have been adopted to this effect since 2015, media houses and journalists have been caught up in time-consuming and expensive legal battles. Tanzania's Media Services Act was used in June and September 2017 to impose 24-month publication bans on two independent newspapers, *Mawio* and *Mwanahalisi*.¹⁴¹ While these actions do not target journalists themselves, they tie up the owners and editors in lengthy and costly court battles over charges of endangering national security, which risk bankrupting the news outlets. Similarly, Tanzania's Cybercrimes Act has also been used to target online platforms like *JamiiForums*,¹⁴² forcing them to downsize staff in order to stay financially competitive while court cases are ongoing. Efforts to challenge restrictive laws in court are hampered by financial limitations and rely on a strong, independent judiciary to succeed.

"They bring cases to harass you and when you have a case in court and you are the gatekeeper of the newspaper, you might self-censor. I think this is why most cases are against editors rather than journalists"

-Tanzanian editor¹⁴³

137 Committee to Protect Journalists, "A bid to rid Africa of criminal defamation, sedition laws," 12 June 2013, <https://cpj.org/blog/2013/07/a-bid-to-rid-africa-of-criminal-defamation-seditio.php>, Accessed 11 October 2017.

138 African Centre for Justice and Peace Studies, "Crackdown on Media Freedoms: May-July 2017," 14 August 2017, <http://www.acjps.org/crackdown-on-media-freedoms-may-july-2017/>, Accessed 20 September 2017.

139 UN Human Rights Council, "Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression," 16 May 2011, http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf, Accessed 11 June 2017.

140 African Commission on Human and Peoples' Rights, "Resolution on Repealing Criminal Defamation Laws in Africa", November 2010, http://old.achpr.org/english/resolutions/Resolution169_en.htm, Accessed 11 June 2017

141 Committee to Protect Journalists, "Tanzania imposes two-year publishing ban on newspaper," 16 June 2017, <https://cpj.org/2017/06/tanzania-imposes-two-year-publishing-ban-on-newspa.php>, Accessed 20 September 2017.

142 Civic Space Monitor, "Prominent Online Media Owner Charged Under Cybercrime Law," 16 December 2016, <https://monitor.civicus.org/newsfeed/2016/12/16/prominent-online-media-owner-arrested-and-detained/>, Accessed 1 September 2017.

143 DefendDefenders interview Tanzania, September 2016

IV. Controlling the Narrative: Online and Offline

More Bitter Contests: Covering Elections

Journalists and media houses that are more vocal on human rights issues often face their greatest challenges during politically-charged periods. Research conducted by DefendDefenders has shown that election periods in particular are an indicator of increasing restrictions on freedom of expression.¹⁴⁴

The media have a critical role to play in fostering debate, giving a platform to candidates and informing citizens during elections. Preventing journalists from covering political activities allows authorities to control the narrative and results in a lack of transparency in the electoral process. For example, in 2016, authorities in Uganda and Tanzania restricted coverage of defiance campaigns organised by opposition parties and threatened¹⁴⁵ outlets that did not comply.¹⁴⁶

Media coverage of electoral violence in previous elections in the sub-region has at times been accused of adding fuel to the fire, which can lead to self-censorship on the part of editors. This was the case in the recent election in Kenya, where journalists struggled to cover the election and its aftermath. Some journalists felt that editors and media houses were treading cautiously because of accusations that they had fuelled violence during previous election cycles, particularly in 2007.¹⁴⁷

After the results were announced on the evening of 11 August, violence erupted in

144 DefendDefenders, "Caught up in bitter contests: Human rights defenders working in the context of elections in Sudan, Ethiopia, Burundi, and Uganda", September 2015, <https://www.defenddefenders.org/2015/09/caught-up-in-bitter-contests-report-on-human-rights-defenders-working-in-the-context-of-elections/>

145 The Daily Monitor, "Government bans live broadcast of FDC's defiance campaign," 5 May 2016, <http://www.monitor.co.ug/News/National/Government-bans-live-broadcast-of-FDC-s-defiance-campaign/-/688334/3189888/-/yjo4cn/-/index.html>

146 DefendDefenders, "Tanzania: End harassment of human rights defenders," 22 August 2016, <https://www.defenddefenders.org/2016/08/tanzania-end-harassment-of-human-rights-defenders/>

147 DefendDefenders interview, Kenya, August 2017

Kisumu County, as well as the heavily populated Nairobi slums of Mathare and Kibera. During these isolated protests, at least 24 people were killed according to the Kenya National Commission on Human Rights, including an election monitor, a 9-year-old girl, and a baby of six months.¹⁴⁸

Coverage of the events by local media was limited, leaving many to turn to social media for information. A Kenyan journalist who works for a major outlet and spoke on condition of anonymity, said that she was told by her editorial superiors that the decision to not air footage of the violence was intentional, in order to "not repeat the mistakes of 2007-08."¹⁴⁹

Reliance on social media comes with risks. Not only is information difficult to verify, but by virtue of the quick and shareable nature of social media platforms, it can contribute to disinformation campaigns and propaganda. At the same time, social media can represent a valuable source of information in societies where the media are limited or restricted, and platforms such as Twitter or Whatsapp have come under increasing scrutiny because of this.

Digital security, Internet Shutdowns, and Social Media Blackouts

Journalists have adopted strategies similar to civil society actors in the East and Horn of Africa to protect their digital security through encryption of emails and data, use of Virtual Private Networks (VPNs), and password protection on their electronic devices. Services like Tutanota or Protonmail offer free encrypted emails that allow users to safely communicate sensitive information. A variety of free online VPNs are also available for journalists which reroute online traffic, making

148 NTV, "Kenya National Commission on Human Rights puts death toll at 24," 15 August 2017, <http://www.ntv.co.ug/news/local/12/aug/2017/kenya-national-commission-human-rights-puts-death-toll-24-18528#sthash.aGD24sSB.dpbs>, Accessed 17 September 2017.

149 DefendDefenders interview, Kenya, August 2017



browsing history harder to track, or allowing them to access blocked websites. However, the use of surveillance capabilities, social media blackouts and Internet shutdowns to control information during politically-charged periods, such as elections, has had a serious impact on the ability of journalists to cover critical human rights issues in the sub-region. Uganda, Ethiopia, Burundi, Rwanda, and Sudan have all experienced internet shutdowns and blockages within the last 3 years.

DefendDefenders' "Stand Up!"¹⁵⁰ manual provides advice on physical and digital security for HRDs, while UNESCO¹⁵¹ and Internews¹⁵² both provide training manuals geared specifically towards media professionals.

Case study: Ethiopia's State of Emergency

During the State of Emergency imposed in Ethiopia from October 2016 to August 2017, pre-existing patterns of repression and newly declared restrictions continued to erode media freedom.

Directives issued on the State of Emergency criminalised various kinds of communications, including with exiled media outlets such as ESAT and the Oromia Media Network, as well as any form of communication that may incite violence, public disorder, or be of a suspicious nature. Vague wording in the directives led to the worsening of already entrenched practices of self-censorship. The prominent English-language current affairs magazine Addis Standard ceased its print runs after newspaper sellers raised concerns that they may be violating the directives.

"Some media stopped printing and closed their office, some fled into exile. Others adjusted to the situations and focused on safer reporting

¹⁵⁰ DefendDefenders, "Stand Up!: Security guide for human rights defenders in Africa," 18 April 2017, <https://www.defenddefenders.org/wp-content/uploads/2017/04/StandUp.pdf>, Accessed 15 October 2017.

¹⁵¹ UNESCO, "Building Digital Safety for Journalists," August 2015, <http://unesdoc.unesco.org/images/0023/002323/232358e.pdf>, Accessed 11 October 2017.

¹⁵² Internews, "SaferJourno: Digital Security Resources for Media Trainers," May 2014, https://internews.org/sites/default/files/resources/SaferJournoGuide_2014-03-21.pdf, Accessed 11 October 2017.

like softer social stories, business, art, and fashion," said one Ethiopian journalist still working in the country.¹⁵³

Limiting physical access to crisis regions like Amhara or Oromia by creating long processes to obtain official authorisation, demanding unobtainable paperwork, or simply making officials perpetually unavailable for comment hampered efforts to report on the human rights situation. An Ethiopian journalist interviewed for this report noted that getting access to protest areas in Oromia was nearly impossible, and that those who did so put both themselves and their sources at risk. In crisis contexts, self-censorship remains commonly used by journalists as a protection mechanism.

The 3G mobile data network shutdown in the capital Addis Ababa and other parts of the country, which lasted from October to December 2016, as well as the prolonged social media blackout, also restricted efforts to cover human rights violations taking place during the State of Emergency. Despite growing awareness of digital security practices, examples of journalists or bloggers prosecuted in recent years for their online communications, or for using encryption tools, has had a significant chilling effect.

"One of the alleged crimes brought against us while we were imprisoned is using encryption tools. The protection mechanisms could be dangerous by themselves."
– Ethiopian Zone 9 Blogger¹⁵⁴

¹⁵³ DefendDefenders interview, Uganda, September 2017
¹⁵⁴ DefendDefenders interview, Uganda, September 2017

Reducing or Limiting Internet Access

Internet Protocol (IP) address blocking:

An Internet Service Provider (ISP) denies access to servers that host specific addresses when users try to communicate with those sites. The technique allows for social media blackouts where traffic to and from platforms such as WhatsApp, Twitter, and Facebook is blocked. This method was used in Uganda during the 2016 elections.

Deep Packet Inspection (DPI):

Equipment reads data passing through a network and hijacks it through equipment known as a “middlebox.” This data never reaches the intended recipient and a user trying to access a site through an ISP that is hijacking certain sites will never reach it. In Ethiopia, the state-owned ISP has been reported to read packets of data and hijack some of them.

Hypertext Transfer Protocol (HTTP) throttling:

Intentionally reducing bandwidth by a service provider. This makes access to throttled sites extremely sluggish, to the point of the sending network dropping those requests, which results in the user not being able to access the sites in question.

This text box is based on a Kenya ICT Action Network (KICTANet) report.¹⁵⁵

¹⁵⁵ Kenya ICT Action Network, “Building Trust Between the State and Citizens: A Policy Brief on Internet shutdowns and Elections in Kenya 2017,” July 2017, https://www.kictanet.or.ke/documents/KICTANet/Kenya_Policy_Brief_On_Internet_Shutdowns.pdf, Accessed 25 July 2017.

V. Reporting Under Fire

Reporting on conflict often reveals a breakdown of the rule of law, where government institutions, opposition parties and civil society organisations struggle to function. In these instances, civilians suffer from lack of protection and high levels of impunity. Limited access to information, threats, detention, and physical attacks are all common challenges for journalists working in these volatile situations, where threats can be presented by security forces, non-state actors or overall insecurity. Journalists working in conflict zones expressed their desire to have the victims of war heard, and saw the role of the media as a counterweight to the polarised narratives of parties to the conflict. However, in a conflict environment, the decision to write and speak about human rights abuses frequently places the journalist at risk.

Impunity Prevails

In times of conflict or crisis, controlling the flow of information or narrative is part of a winning strategy. Coverage of rebel activities, or raising awareness of human rights violations can damage the image of parties to the conflict, or draw the attention of international bodies. However, high levels of impunity also provide cover for direct targeting of media workers and journalists.

In August 2015, South Sudan President Salva Kiir threatened journalists, saying “freedom of the press does not mean that you work against your country. If anybody does not know that this country will kill people, we will demonstrate on them.”¹⁵⁶ Days later Peter Moi Julius, a journalist with the New Nation newspaper, was shot and killed by unidentified gunmen.¹⁵⁷

Journalists operating in conflict situations also described their difficulty in getting victims of

¹⁵⁶ DefendDefenders, “South Sudan: Journalists under brutal government attack,” 23 September 2016, <https://www.defenddefenders.org/2015/09/south-sudan-journalists-under-brutal-government-attack/>

¹⁵⁷ Ibid.

violence to speak on the record, who are often unwilling to speak publicly due to their fear of backlash, as well as manage the victims’ trauma.

Societal taboos can also create a level of censorship and prevent civilians from speaking about the grave violations they have experienced. For instance, across different conflict zones of the sub-region, women may often be reticent to speak about sexual and gender-based violence due to the stigma attached to it and fear of punishment.

Caught in the Crossfire

Threats against journalists in conflict zones can escalate and result in injury or death as a result of reporting. Weak rule of law and high levels of impunity exacerbate journalists’ and HRDs’ vulnerability to enforced disappearances, arbitrary arrest and detention, torture, or extrajudicial executions.

This also makes journalists vulnerable to revenge tactics and targeting by security agents who act on their own volition. A South Sudanese journalist who was abducted and tortured in early 2016 told DefendDefenders that he believed his attackers were acting autonomously to try and impress their superiors.

Non-state actors such as Al Shabaab have targeted journalists in an effort to reduce their coverage of administrative affairs. On 10 September 2017, a suicide bomber attacked a café in Beldweyne where members of the press had gathered, injuring four and killing Somali broadcast journalist Abdullahi Osman Moalim, while they waited with others at a café for a press briefing at the office of the governor of Hiiraan region.¹⁵⁸

¹⁵⁸ Committee to Protect Journalists, “Somali Journalist Dies After Suicide Bomber Targets Cafe,” 11 September 2017, <https://cpj.org/2017/09/somali-journalist-dies-after-suicide-bomber-target.php>, Accessed 15 September 2017.

Journalists have also been targeted indirectly through physical attacks and threats against their friends or family members, who may be more accessible or easier to locate. Two of the Somali journalists interviewed told DefendDefenders that family members had been killed because of their work.

"There are times I ask myself, why do all these people around me keep dying?

Why not me?

Why did they take my mother?"

- *Somali journalist*¹⁵⁹

Witnessing human rights violations on a massive scale such as in South Sudan can lead to post-traumatic stress disorder in journalists, who often lack access to psycho-social support. One journalist told DefendDefenders that his sense of duty and obligation as an HRD had developed as they witnessed the authorities' "blatant disrespect for human rights and life."¹⁶⁰ Managing the stress caused by the challenging environment as well as maintaining high levels of objectivity and professionalism represent serious challenges for journalists in these contexts.

"It's challenging to tell a story during a conflict without being seen as taking sides. We immediately pose a threat to one side or the other. The levels of impunity are also a major challenge. Nowadays they don't threaten, they just kill.

-*South Sudanese journalist*¹⁶¹

159 DefendDefenders interview Kenya, February 2016

160 DefendDefenders interview South Sudan, May 2016

161 DefendDefenders interview South Sudan, May 2016



VI. Managing the Risks

Reporting in Exile

Working in exile is a last resort for most journalists in the sub-region. While it offers more operational safety, leaving the country alters the balance between defending human rights and routine media coverage. DefendDefenders has previously examined the work conducted by displaced HRDs in its 2016 “Exiled and in Limbo” report, however media professionals experience specific challenges to their work when forced abroad, primarily, how to report with accuracy and credibility without being present.

Media in exile are subject to the laws of their host country, which can limit or jeopardise their work. For example, Kenya hosts the second-largest refugee population in sub-Saharan Africa, including a large community of exiled journalists from Ethiopia, Somalia, South Sudan, and Sudan. The Kenyan government’s shift towards a more hostile refugee policy, which includes plans to close down camps and prevent the registration of new refugees, could pose significant challenges to the work of journalists in exile.¹⁶²

Three main challenges exist for journalists and media houses in exile. First, being able to fund new radio stations, which includes acquiring equipment, as well as broadcasting via shortwave, satellite, or the Internet. Second, maintaining objectivity despite being outside of the country and often cast as illegitimate by their own government. Finally, maintaining and protecting their sources who have remained. The following two case studies look at how journalists continued reporting on events in Burundi and Eritrea where no independent media outlets operate freely today.

¹⁶² DefendDefenders, “Exiled and in Limbo: Support mechanisms for Human Rights Defenders in exile in Kenya, Uganda, and Rwanda”, 20 June 2016, <https://www.defenddefenders.org/2016/06/exiled-limbo-support-mechanisms-human-rights-defenders-exile-kenya-uganda-rwanda/>, Accessed 11 October 2017.

Case Study:

Burundi - A Study in Proximity

An estimated 104 Burundian journalists have fled the country since the outbreak of the crisis in April 2015, with the vast majority now based in Rwanda’s capital, Kigali. Aside from the personal struggles that come from being a refugee, reporting in exile brings a number of other challenges, such as obtaining equipment to produce stories without adequate financial resources, or collecting and verifying information.

All Burundian journalists interviewed for this report agree that securing funding remains a critical issue for the survival of their reporting. As much of the funding was earmarked for “emergency” support, one exiled journalist noted: “After 6 months you’re no longer in an emergency, so what do you do?”

Due to these financial challenges, many Burundian journalists in exile turned to the Internet to disseminate information. *Radio Humura* and *Radio Inzamba* are online radio stations set up by exiled journalists to report both to the diaspora and to citizens still in the country. *Inzamba* creates a daily news programme of 15-25 minutes, in both French and Kirundi. As well as posting them online¹⁶³ the episodes are shared via WhatsApp and the music sharing site Soundcloud. *Humura* was created six months after the start of the crisis and produces a daily 30-minute programme in Kirundi and French, shared via its own website and WhatsApp. *Humura* is currently able to broadcast on shortwave, but this represents a significant expense for the small radio station. *Radio Télévision Renaissance* currently employs around 22 journalists and technicians creating a daily news show of around 15 minutes both in French and Kirundi, which is posted online.¹⁶⁴ For all three outlets, the target audience for the French programme is the international

¹⁶³ Available at: <http://inzamba.org/>.

¹⁶⁴ Available at: <http://telerenaissance.info/>.

Territorial Tech: Satellite versus Short-Wave Radio

A key component of operating in exile is being able to transmit information from a safe location into the country, reaching as many people as possible without interference from the government.

The delivery of content through satellite requires advanced and higher-quality digital receivers, and therefore is generally less accessible to populations at risk. This method is however relatively cheap for the broadcaster to operate. In some cases, satellite transmission can serve as a means to feed remote FM or local radio stations so they can retransmit content locally. However, this is only possible if such stations are permitted to re-broadcast.

Shortwave radio is often used by audiences throughout the East and Horn of Africa due to the lack of infrastructure development in rural areas, such as mobile networks, fibre-optic cables, and electricity. Shortwave remains an effective way to broadcast to mass audiences, especially in border regions of repressive states, as airwaves are difficult and costly to block effectively. They can be accessed through traditional transistor radios, car stereos, and some smartphones capable of receiving them. However, shortwave radio operations are expensive, difficult to maintain, and require lots of electricity, especially in order to broaden the reach if the tower is located in a neighbouring country.

Some research studies, such as the ongoing GeoNet Project, have suggested that audiences will soon start diverting to dissemination of content through mobile phones, as this trend has already begun in larger cities across the region. However, this method is contingent on local vulnerabilities when telecommunication providers are asked to block users by governments and may put an onus of risk on individual technology users.

community to maintain attention on the crisis despite the lack of information coming from the country.

"It has become a struggle to break the silence and make sure the world knows what is going on... you accept that you may die"

– *Journalist inside Burundi*¹⁶⁵

Balanced reporting is challenging since the government has been unwilling to speak to exiled reporters. Because of the Burundian government's suspicion towards journalists, it is difficult for them to obtain statements from official sources.

Another difficulty is safeguarding sources. In order to do so, journalists intentionally withhold names, or change the gender or profession of sources, alter their voice, and sometimes use information selectively. These methods are necessary security measures but must be professionally employed. A Burundian journalist reported an incident in which, due to one news report being too specific, sources in Burundi were identified and beaten.

One Burundian journalist says that encrypted social media platforms like WhatsApp have become life saving tools that allow journalists in the country to send information to reporters working in Kigali. Moreover, Burundian journalists have developed initiatives such as *SOS Médias Burundi*, where journalists working inside the country can share information, confidentially and securely, for distribution on the platform's Facebook and Twitter accounts.

165 DefendDefenders interview Rwanda, August 2016



Case Study: Eritrea - Radio Erena

Among the most notable media outlets in exile is *Radio Erena*, Eritrea's only independent source of news or information, which has been operating from their headquarters in Paris since June 2009. The station broadcasts by satellite into Eritrea, technologically circumventing the government's restrictions. Founded by Biniam Simon, a former journalist at Eri-TV, with help from RSF, the permanent staff of five journalists broadcasts a two-hour programme in Arabic and Tigrinya seven days a week. "People inside the country do not have any access to information outside the government media, since the government of Eritrea does not allow free media to exist inside the country," Biniam told DefendDefenders. "My dream was always to connect with people both inside and outside of Eritrea."

Radio as a medium has several advantages when it comes to reaching populations in a country like Eritrea. Printed copies of a newspaper or magazine require an in-country distributor and additional risk taking. As of 2016, only 1.1% of the population is estimated to have regular access to the Internet, mostly concentrated in the capital, Asmara.¹⁶⁶ *Radio Erena* broadcasts via satellite, Internet streaming, and shortwave to reach the widest possible audience. According to Biniam, Eritreans who live in cities listen via satellite while people in rural areas or the military who are scattered all over the country prefer shortwave.

Several years ago, the government of Eritrea began jamming *Radio Erena's* satellite broadcasts, and their website was hacked and destroyed. Biniam says that because the jamming was coming directly from the Ministry of Information in Asmara, the station had to change the satellite feed in order to keep broadcasting.

One of the biggest challenges when reporting in exile is maintaining journalistic objectivity. Neither government official nor their

supporters answer their requests for interview. Another key challenge he noted was protecting the station's impressive network of sources within the country, from ordinary people to workers inside government ministries who send out snippets of valuable information every day.

Protection and Support Mechanisms

Training on how to responsibly report on human rights issues and do effective documentation is often lacking. As a result of the challenges set out in this report and the security risks the sub-region presents, many media houses have a high rate of attrition and lack journalists with substantial experience that are willing to undertake critical reporting on human rights issues.

Many journalists noted that they did not have health insurance and that their media houses do not provide reporting equipment such as recorders and cameras, or protective gear like helmets or bulletproof vests. This creates difficulties for journalists who are injured when covering events or have their equipment confiscated or damaged. Due to these potential risks, some expressed their reluctance to conduct human rights reporting.

"Media houses are not always keen to protect their journalists. Many are not on health insurance and if I am injured covering a protest, I am on my own."

- Ugandan journalist¹⁶⁷

Several civil society organisations like One World Media are working to promote local journalism and are providing grants for local journalists to cover issues related to human rights. Additionally, civil society organisations like Internews, Free Press Unlimited, and Journalists for Human Rights offer lengthy training programs for journalists in conflict or crisis situations, embedding seasoned journalists as trainers, and offering trainees an international platform to broadcast local stories.

¹⁶⁶ Internet Live Stats, "Eritrea Internet Users," 1 July 2016, <http://www.internetlivestats.com/internet-users/eritrea/>, Accessed 10 October 2017.

¹⁶⁷ DefendDefenders interview Uganda, August 2016

Protection International offers capacity building training for journalists in some East African countries, helping them to develop protection plans and providing counselling to media houses for implementing security management. Front Line Defenders has established security grants for HRDs at risk in the event of a crisis that can be used in case of an emergency.

Similarly, DefendDefenders also offers protection grants and relocation to journalists in the sub-region who have been targeted for their work.

Reporters Without Borders (RSF) supports journalists in the field by providing legal aid, financial assistance, safety equipment and protection (bulletproof vests, helmets, handbooks, and insurance), and by providing training and assistance with digital safety. RSF offers these services to journalists, bloggers, citizen journalists, and news providers under threat, as well as to their families. The Committee to Protect Journalists (CPJ) also has an emergency response team that supports journalists who are injured or imprisoned in the field, as well as several protection grants, with priority given to crisis situations. Free Press Unlimited's Reporters Respond emergency fund provides support to replace equipment broken in an act of violence, ambulance costs or legal support.

More country-specific organisations like the Human Rights Network for Journalists-Uganda offer legal aid, as well as medical and psycho-social support for journalists injured in the field. Similarly, the Media Association of Puntland offers training and workshops for journalists in the semi-autonomous territory. Other national CSOs like the Tanzania Media Foundation offer grants for investigative journalists covering issues of public concern, especially among women or in rural areas. See Annex I for contact details of organisations providing assistance to journalists.

Both RSF¹⁶⁸ and CPJ¹⁶⁹ have compiled free security training manuals specifically tailored for journalists in high risk and conflict zones, outlining basic survival techniques and how to maintain personal security in the field.

"When you go out to report, it is you and your God. We receive no training on handling crises or how to protect ourselves or protective equipment."
– Kenyan journalist¹⁷⁰

168 Reporters Without Borders, "Safety Guide for Journalists," September 2015, https://rsf.org/sites/default/files/guide_journaliste_rsf_2015_en_0.pdf, Accessed 11 October 2017.

169 Committee to Protect Journalists, "CPJ Journalist Security Guide," August 2016, <https://cpj.org/reports/2012/04/journalist-security-guide.php>, Accessed 11 October 2017.

170 DefendDefenders interview Kenya, July 2016



Conclusion

From the radio-dominated hills of Burundi and Rwanda to the print culture landscapes of Sudan and Kenya, each country in the East and Horn of Africa sub-region has its own historically-rooted reliance on the media as a means to connect ethnically and linguistically diverse populations. And yet, in each, we see the inalienable desire of people to communicate with the world around them, no matter how many restrictions threaten to stifle that fundamental right.

One of the aims of this report was to examine the role journalists play as HRDs in the current political context of the sub-region, the risks associated with it and assess the advances and gaps in protection mechanisms for them. There is no comprehensive definition of a journalist, and the rise of online media has only further muddied this water. However, an HRD is defined not necessarily by his or her belonging to an NGO or other human rights body, but fundamentally by his or her actions. It is by acting, speaking, or writing in defence of human rights that an individual becomes an HRD.

Journalists have not been exempt from the global crackdown on civil liberties, and are confronted by the same challenges as much of civil society. Whether by personal conviction, or forced to by circumstance, they are increasingly acting as HRDs when they apply their trade in the context of conflict or some of the repressive regimes of the sub-region. Even while working in exile, journalists create spaces to report on human rights issues both among diaspora populations and in their country.

Reporters put their personal safety at risk in pursuit of efforts to contextualise current events and ensure that populations have access to information. Their role during elections, political crises, or conflict is critical, and in many cases they act as vital lifelines for people in immediate danger. And yet, the profession

as a whole is plagued by inaccurate reporting, bias, corruption, and a tendency to shy away from controversial coverage, even when it may be vitally important to their audience's survival. Ultimately, the journalist's designation as an HRD is entirely based on the approach they take to their work.

The media has always represented a societal grey zone of sorts, with its classification consistently proving troublesome. Writing in 1840, Thomas Carlyle famously described it as the Fourth Estate, the final balance in the democratic scale between the people and institutions of government, the great equaliser. Ultimately, in our experience and given their role reporting on human rights violations in the East and Horn of Africa, journalists who are confronted with the challenges set out in this report are unequivocally human rights defenders.

Recommendations

To journalists

- Invest in personal security measures to mitigate the risks faced while working, including developing security plans, implement digital safety protocols, etc.;
- Take extra care in periods of high political tension such as elections, noting that protection mechanisms may be harder to access;
- Seek out trainings to improve security and professional knowledge and contacts;
- Understand rights and responsibilities in accordance to media laws;
- Respect ethical reporting standards in order to combat restrictions of freedom of expression, using reliable fact-checking methodology; and
- If you decide to leave your country, carefully consider the country you choose for exile, including factors such as that country's refugee policy, security, cost of living, opportunities for work, language barriers, services available, and the education system.

To media houses

- Ensure the security of staff by providing protective equipment, insurance, security courses, and psychosocial support for journalists, including freelancers and fixers;
- Develop security guidelines for journalists and office security plans; and
- Safeguard journalistic integrity and quality by ensuring that all published material is ethical and fair.

To civil society

- Collaborate with journalist unions and media houses to provide physical and digital security trainings to journalists;
- Ensure protection mechanisms are available to journalists at risk, and can be quickly implemented in cases of emergency;
- Provide psychosocial support for journalists suffering from post-traumatic stress disorder;
- Facilitate cross-regional learning opportunities to allow networks of journalists working in challenging environments to share lessons learnt; and
- Support efforts to challenge restrictive legislation in courts at the domestic and regional level.



To governments in the East and Horn of Africa

- Immediately and unconditionally release all journalists arbitrarily detained or held on spurious charges;
- Immediately cease the practice of judicial, administrative and physical harassment of journalists;
- Immediately cease banning dissenting media outlets, as well as all blanket bans on media;
- Adopt or amend legislation relating to the media and ensure that it is in line with regional and international standards;
- Remove all forms of criminal defamation from existing penal codes in compliance with the African Court on Human and Peoples' Rights decision in *Lohé Issa Konaté vs. The Republic Burkina Faso* and with Article 9 of the African Charter;
- Implement recommendations made by the African Commission on Human and Peoples' Rights (ACHPR) in its Declaration of Principles on Freedom of Expression in Africa, including with regards to Article 15 on the protection of sources;
- Adopt laws on access to information based on the ACHPR's Model Law for African States on Access to Information;
- Ensure that journalists unions are able to work independently and effectively; and
- Sensitise police and national intelligence on press freedom and freedom of expression.

To donors

- Provide support to journalists working in conflict or crisis situations to receive physical and digital security trainings;
- Provide opportunities to joint civil society and media projects aiming to improve human rights reporting and security management;
- Support the work of journalists in crisis situations or from exile, including by offering funding for shortwave and satellite radio programs; and
- Support online platforms and capacity building for online journalism.

To the African Union

- Urge member states to review legislation that does not comply with regional and international freedom of expression standards set out by the African Charter, ACHPR resolutions and guidelines, and the ICCPR, including media laws and access to information laws;
- Call for the immediate and unconditional release of all unjustly imprisoned and arbitrarily detained journalists in Africa;
- Call for investigations into the killing of journalists in Africa;
- Urge members states to comply with resolutions and decisions adopted by the ACHPR.
- To the United Nations
- Recognise the role journalists play a human rights defenders in situations of conflict or crisis;
- Encourage and facilitate collaboration between the UN and ACHPR Special Rapporteurs on freedom of expression; and
- Create the position of the Special Representative of the United Nations Secretary General for the Safety of Journalists.

Annex I: Support Mechanisms

Below is a list of organisations that exiled journalists in the East and Horn of Africa sub-region can contact for financial support and legal aid. While these mechanisms are available for all media professionals, organisations often offer support according to work status and the nature of the threats being received. While this list is comprehensive, it is always best to contact these organisations directly to discuss specific security and practical needs.

This annex is partly sourced from a list compiled from the Rory Peck Trust.¹⁷¹

Agir Ensemble pour les Droits de l'Homme

The fund aims to protect HRDs and respond rapidly to their calls for help when they are threatened or persecuted. AEDH intervenes depending on local context, the level of danger HRDs find themselves in, and the nature of their request.

- Contact: +33 043 737 1011

Article 19 – East Africa

Article 19 is an international organisation that advocates for freedom of expression. They have a programme in East Africa that supports diversity of the media, as well as the safety and security of journalists in crisis. They run the East Africa Journalist Defence Network and are part of the Kenya Media Working Group. They also provide emergency support for journalists at risk.

- Contact: kenya@article19.org / +254 727 862 230

Canadian Journalists for Free Expression (CJFE)

CJFE is a Canadian-based organisation that works to defend and protect the right to free expression in Canada and around the world. Among other programmes, they provide humanitarian assistance to journalists who have been threatened or attacked in the course of their work. CJFE also coordinates a group of international organisations that share a similar mandate, in order to share information and accelerate response times.

- Contact: jid@cjfe.org / +1 416 787-8156

Civil Rights Defenders

The Civil Rights Defenders emergency fund support HRDs who need to relocate temporarily, protect important communication or documents, and helps them create security solutions.

- Contact: info@crd.org / +46 854 527 730

¹⁷¹ Rory Peck Trust, "Getting Support: Regional," April 2015, <https://rorypecktrust.org/resources/East-Africa-Journalists-in-Exile/Assistance-Available-to-Exiled-Journalists-Regiona>, Accessed 18 October 2017.



Committee to Protect Journalists (CPJ)

Based in New York City, CPJ promotes press freedom worldwide and defends the right of journalists to report the news without fear of reprisal. CPJ's Journalist Assistance Programme provides direct assistance to journalists at risk and their families around the world. The programme helps journalists through a combination of financial and non-financial assistance. Emergency grants are dispensed through CPJ's Gene Roberts Emergency Fund and when necessary, CPJ lobbies governments or international agencies to help secure refugee or asylum for journalists. CPJ also provides logistical support to journalists when they resettle in exile and refers journalists to resources, including information on grants, fellowships, and awards.

• Contact: journasst@cpj.org / +1 212 465 1004, ext.114

Digital Defenders Partnership

Digital Defenders Partnership is managed by Hivos and provides emergency grants to online users facing an urgent digital emergency in Internet-repressive environments. These grants provide legal advice and financial support to individuals with emergencies relating to cyber attacks, compromised accounts, and devices, and secure connections.

• Contact: ddp@hivos.org / +31 70 376 5500

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)

DefendDefenders works with journalists combatting corruption and impunity in the East and Horn of Africa. It operates an emergency protection program and gives advice on both physical and digital safety needs.

• Contact: protection@defenddefenders.org / emergency hotline: +256 783 027 611

Doha Centre for Media Freedom (DC4MF)

DC4MF, based in Qatar, works for press freedom worldwide, with a specific interest in East Africa and journalists in exile. Their emergency assistance programme supports journalists and their families in need.

• Contact: assistance@dc4mf.org / +974 4421 3718

FIDH

FIDH, under the Observatory for the Protection of Human Rights Defenders, provides emergency material support to at-risk HRDs working in the most difficult circumstances. Costs eligible for financial support or direct material support include the following: physical security, digital security, communications, capacity building in security, secure transportation, legal support, medical support (including psycho-social support and rehabilitation), humanitarian assistance (including family support), urgent relocation, urgent monitoring, reporting or advocacy.

• Contact: obs@fidh.org / +33 143 552 078 / +33 143 555 505



Free Press Unlimited (Reporters Respond)

Free Press Unlimited, based in the Netherlands, supports the right to reliable information, especially in crisis or conflict zones. As part of these efforts, they run 'Reporters Respond', an international emergency fund for journalists and media outlets in crisis.

- Contact: reportersrespond@freepressunlimited.org / +31 208 000 444 / +31 638 820 516

Freedom House

The Lifeline Embattled CSO Assistance Fund provides emergency financial assistance to CSOs under threat or attack, and provides them with advocacy support. Lifeline provides small, short-term emergency grants for medical expenses, legal representation, prison visits, trial monitoring, temporary relocation, security, equipment replacement, and other types of urgent expenses. Emergency assistance is finite and given to address a time-sensitive threat.

- Contact: emergency.assistance.inquiries@gmail.com / +1 202 296 5101

Front Line Defenders

Front Line Defenders, based in Ireland, supports HRDs at risk. Journalists, especially those in exile, often fall under this mandate, although it does depend on the nature of your work. Part of their support for journalists includes running an emergency hotline, which can be reached by phone on +353 1210 0489 and Skype (username: front-line-emergency).

- Contact: info@frontlinedefenders.org

International Committee of the Red Cross (ICRC) - Hotline for media professionals

The primary purpose of the hotline is to enable the ICRC to take prompt and effective action, when journalists or their crew are arrested, captured, detained, reported missing, wounded, or killed. The ICRC may be able to seek confirmation of a reported arrest, provide information on the whereabouts of a missing journalist, obtain access to detained journalists, and recover or transfer mortal remains.

- Contact: press@icrc.org / +41 792 173 285

International Media Support (IMS)

IMS is an international media development organisation which works to enable local media to reduce conflict, strengthen democracy, and facilitate dialogue. They can also provide assistance grants.

- Contact: info@mediasupport.org / +45 883 270 00

International Federation of Journalists (IFJ)

The Safety Fund is an integral part of the IFJ Safety Programme, which includes casework, protests, campaigns, provision of information, and production of various publications. While the Safety Fund provides immediate financial relief to a particular journalist, the Safety Programme strives to consistently highlight and improve the plight of journalists.

- Contact: ifj@ifj.org / +32 223 522 00



International Women's Media Foundation (IWMF)

IWMF, based in the United States, is dedicated to strengthening the role of women journalists worldwide. They run an emergency fund where women journalists can request assistance, as well as coordinate the African Great Lakes Reporting Initiative.

- Contact: +1 202 496 1992

Media Legal Defence Initiative (MLDI)

MLDI, based in the UK, provides legal support to journalists and media outlets whose right to freedom of expression has been infringed by supporting local lawyers and NGOs.

- Contact: info@mediadefence.org / +44 203 752 5550

ProtectDefenders.EU

ProtectDefenders.eu is the European Union HRD protection mechanism, led by a consortium of 12 NGOs active worldwide, established to protect at risk HRDs. They offer 24/7 emergency support for HRDs in immediate danger, as well as emergency relocation grants.

- Contact: contact@protectdefenders.eu / emergency hotline: +353 121 004 89

Reporters Sans Frontières (RSF)

RSF, based in France, publish research and advocate for freedom of expression around the world. Their assistance fund supports journalists in crisis, and they have been active in working with exiled journalists in the sub-region. Their website also has guidelines for journalists in exile or seeking asylum.

- Contact: assistance@rsf.org

Rory Peck Trust (RPT)

Supporting exiled journalists in East Africa is a core aspects of RPT's assistance work. Aiming for sustainable solutions to long-term problems, RPT has provided support ranging from basic subsistence to seed funding for businesses and fledgeling media outlets.

- Contact: africa@rorypecktrust.org

Urgent Action Fund Africa for Women's Human Rights

Urgent Action Fund-Africa provides urgent financial and technical support for the protection of women HRDs who are persecuted as a result of their activism. UAF-Africa makes small grants intended to enable a short-term intervention in the course of a long-term strategy and respond to most urgent requests within 24 hours.

- Contact: info@urgentactionfund-africa.or.ke / +254 732 577 560 / +254 202 301 740



Don't Shoot the Messenger! examines trends, legal frameworks, and case studies from across the East and Horn of Africa sub-region to examine the challenges faced by journalists who act as human rights defenders (HRDs) through their reporting, and the coping strategies they have developed. It covers events from 2014 to 2017 and includes input from more than 60 journalists, bloggers, and media professionals from across the sub-region.

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the sub-region by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

DefendDefenders is the secretariat of EHAHRD-Net, a network of 78 human rights organisations in the eleven countries of the East and Horn of Africa sub-region: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

 www.defenddefenders.org

 +256 393 265 820

 info@defenddefenders.org

 @ehahrdp

 /defenddefenders

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