

## **The Forum on the participation of NGOs in the 69th session of the African Commission on Human and Peoples' Rights**

### **Sub regional update on democracy, rule of law and human rights in East and Horn of Africa**

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The last six months have seen increased repression, including in relation to armed conflict and independent monitoring and reporting on armed conflict, threatening to further restrict citizens' exercise of their human rights and fundamental freedoms in the East and Horn of Africa sub-region.

The conflict in the Tigray region of Ethiopia has further destabilised an already fragile Horn of Africa, as Somalia is dealing with a 30-year armed conflict. Djibouti and Eritrea remain extremely closed and repressive, tolerating little to no dissent. Additionally, a military coup in Sudan threatens to erase the gains of the popular 2018-2019 revolution of the Sudanese people. Other countries in the sub-region have also registered downward trends with reports of harassment of human rights defenders (HRDs), including journalists and activists, curtailing of the rights to freedom of opinion and expression, association, and peaceful assembly, leading to a further shrinking of the civic and democratic space. As the COVID-19 pandemic continues to spread, government authorities use excessive power under the guise of curbing it.

**Burundi** continues to face grave human rights violations, including widespread impunity for those committed since 2015. Despite initial improvements in press freedom after President Evariste Ndayishimiye assumed office in 2020, these have not structurally improved the human rights situation. HRDs face numerous obstacles, and the environment for civic space remains restrictive. The government continues to try and exert control over civil society, and it denies citizens their right to freedom of expression, peaceful assembly, and association. Those perceived as critical of the government have faced continued repression.

**Djibouti** and **Eritrea** remain closed authoritarian regimes. They were ranked the worst countries in Africa in terms of freedom of the press in 2021. In Djibouti, the exercise of the right to freedom of expression is severely curtailed and public protests are rare. **Eritrea** remains under the dictatorial rule of President Isaias Afwerk. Its civic space environment is one of the most restricted in the world. The government controls all television channels, radio stations, and newspapers. Access to the Internet is severely regulated. Furthermore, Eritrea is accused of committing grave human rights violations in Ethiopia's Tigray region that might amount to international crimes, including crimes against humanity.

**Ethiopia's** ongoing conflict and humanitarian situation in Tigray is alarming. Gross and systematic violations and abuses such as attacks against civilians, sexual violence, arbitrary arrests, and ethnic cleansing continue to occur. On 3 November 2021, the Office of the UN High Commissioner for Human Rights (OHCHR) and Ethiopia's National Human Rights Commission (EHRC) made public the findings of a joint investigation. Based on the

information collected and assessed, it found « reasonable grounds to believe that there have been widespread violations of international human rights, humanitarian and refugee law by all parties to the conflict in Tigray. [...] Some of these violations may, depending on their circumstances, amount to international crimes. » The enjoyment of the rights to freedom of opinion and expression, association, and peaceful assembly has further declined. Several journalists have been harassed, intimidated, deported, or arrested for reporting on the Tigray conflict. On 21 June 2021, Ethiopia held elections amid country-wide insecurity and boycott by opposition parties. The Prosperity Party of Prime Minister Abiy Ahmed won 410 out of 436 contested seats in the federal parliament.

In **Kenya**, civic space is relatively more open. However, the country continues to grapple with extrajudicial killings, enforced disappearance, and torture. Protestors and activists are victims of police brutality and excessive force. Police officers routinely violate the right to freedom of peaceful assembly in an attempt to implement restrictions to curb the spread of COVID-19. Additionally, the Cybercrime Act (2018) is used to target journalists, bloggers, activists, and political figures critical of the government.

**Rwanda** remains one of the most restrictive countries in the region. The government continues to target, harass, arrest, and intimidate critics. High-profile critics have been arrested or threatened, including the former manager of Kigali's Hôtel des Mille Collines, Paul Rusesabagina, who was sentenced to 25 years in prison on terrorism charges. The right to freedom of expression is under pressure. Activists and journalists commenting on current affairs on YouTube are arrested or reported missing, including exiled journalists.

**Somalia's** ongoing political crisis results in rising tensions. On 27 May 2021, leaders in Somalia agreed to hold elections by returning to the 17 September 2020 Electoral Agreement, which will allow for indirect presidential and parliamentary elections. However, unaddressed political tensions brought about the country's descent into armed confrontations that almost crippled Somalia after violence broke out in the capital in April 2021. Furthermore, the feud between President Mohamed Abdullahi Mohamed and Prime Minister Mohamed Hussein Roble over the death of National Intelligence and Security Agency Ikran Tahlil, threatens to destabilise the fragile country. Civic space remains under intense pressure in Somalia, one of the most dangerous places to be a journalist. Journalists are constantly targeted, harassed, arrested, and attacked by both the state and non-state actors.

**South Sudan** continues to face armed conflict. Human rights violations and abuses and violations of international humanitarian law continue, including rape and sexual and gender-based violence (SGBV), as well as inter-communal violence. In accordance with the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) signed in 2018, President Salva Kiir dissolved the parliament in May, and the reconstituted Parliament was sworn in on 2 August. The National Security Service (NSS) uses abusive surveillance methods to target journalists, activists, and opposition members, resulting in fear and self-censorship. The rights to freedom of opinion and expression, association, and assembly are extremely curtailed. On 30 August, the authorities suppressed the right to freedom of peaceful assembly, association, and

expression by deploying security officials, warning citizens against joining the peaceful protests, and shutting down the internet.

While **Sudan** achieved human rights progress since 2019, including the opening of the civic and democratic space, the country's political, security, economic, and humanitarian situation remains fragile. On 25 October 2021, Sudan's military forces arrested Prime Minister Abdalla Hamdok and several civilian figures, including members of the Transitional Government and Transitional Sovereign Council (SC), who were placed under house arrest or taken to unknown locations. Military elements took control of the national television and key centres of information. They imposed a partial internet shutdown in the country and closed roads, bridges, and the airport in Khartoum. At the time of writing, military leaders led by General al-Burhan are attempting to consolidate power, despite strong African Union communiqués and statements and the holding of a special session of the UN Human Rights Council, on 5 November 2021.

When President Samia Suluhu Hassan came to power, in March 2021, there was hope that **Tanzania** would change course, but these hopes are yet to materialise. Despite the positive measures taken by the government to improve freedom of expression, including public commitments in favour of the rule of law and freedom of expression and the lifting of suspension measures that had affected media outlets, journalists continue to be arrested and targeted by the authorities. Several journalists have been arrested in the reporting period. The restrictive media laws that stifle civic space are yet to be reformed. Recent developments seem to counter the commitments of President Hassan. Tanzanian authorities suspended two newspapers, *Uhuru* and *Rai Mwema*, for publishing "false information" and arrested opposition leader Freeman Mbowe just before he was due to launch a constitutional reform programme. He is facing economic crimes and financing of terrorism related charges.

**Uganda** continues to restrict the rights to freedom of expression, peaceful assembly, and association. The right to freedom of association is deteriorating with the suspension and halting of operations of 54 civil society organisations by the NGO Bureau. NGOs that engage in advocacy and monitoring are under pressure due to various legal restrictions and burdensome registration requirements. HRDs and journalists face arrest, harassment, intimidation, and assault in reprisal for their work. The Human Rights Journalists Network Uganda released the 2020 press freedom index report documenting over 100 violations committed by the police and Uganda's People Defense Forces (UPDF). The law on the protection of HRDs is currently under consideration in the 11th parliament.

In light of the updates and trends observed, DefendDefenders makes the following recommendations for action by the African Commission on Human and Peoples' Rights:

- Call on all member States to ensure the protection of human rights defenders, notably by observing the African Charter on Human and Peoples' Rights;
- Call on all member States to adopt specific legislative measures to recognise and protect the status of HRDs, and provide a working environment conducive for civil society, as per Res. 376 (LX) 2017 adopted by the Commission during its 60th Ordinary Session Niamey, Niger;

- Call on member states to cease the harassment and arbitrary detention of HRDs, including those working on LGBT rights;
- Call on states to abide by the Guidelines on Freedom of Association and Assembly adopted by the Commission during its 60th ordinary session;
- Call on all member States who have not done so to deposit the declaration under article 34 (6) of the protocol of the African Court on Human and Peoples' Rights to allow individuals and NGOs to directly submit their cases to the court
- Call on the Federal Government of Ethiopia through independent and impartial bodies to investigate allegations of human rights violations thoroughly and effectively, and to hold those responsible accountable, following a joint investigation by the Ethiopian Human Rights Commission (EHRC) and the UN Human Rights Office into the Tigray conflict;
- Urge the Federal Government to fully cooperate with the African Commission on Human and Peoples' Rights' Commission of Inquiry on Tigray;
- Adopt a resolution that strongly condemns the military coup in Sudan and calls for restoration of the civilian-led Transitional Government, and urges respect for human rights and fundamental freedoms including the right to freedom of association and peaceful assembly
- Adopt a resolution urging, among other things, the government of South Sudan to immediately establish and operationalise the Hybrid Court for South Sudan and other transitional justice institutions as per Chapter V of the Revitalised Peace Agreement (R-ARCSS), and to ensure accountability for crimes committed since 2013, and to put an immediate end to harassment, intimidation, and repression, including by the National Security Service, of independent human rights actors and those reporting on human rights in the country;