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57th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, Gambia

Agenda Item 11: Activity Report of the Special Rapporteur on the Rights of Human Rights Defenders in Africa

Chairperson, Honourable Commissioners

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights on the status of the rights of human rights defenders in Africa.

It has been a very difficult year for human rights defenders across the continent. Several governments have gone to great lengths to curtail and restrict the work of human rights defenders. In Angola, Burundi, Democratic Republic of Congo (DRC), Egypt, and Ethiopia, individual human rights defenders are constantly the subject of intimidation, harassment, and other various forms of reprisal and attacks. In these same countries, a number of human rights defenders are currently in detention for the sole reason of exercising their rights to freedoms of assembly and expression. Amnesty International considers them prisoners of conscience. In this statement, Amnesty International highlights the plight of human rights defenders in Angola, Burundi, and DRC.

Angola

The detention of human rights defenders in Angola is a shocking example of the extent to which authorities will go to suppress dissent. Angolan authorities are currently detaining 15 activists solely for exercising their rights to freedom of expression. They were arrested in connection with a meeting they held to discuss governance issues in the country's capital Luanda on 20 June 2015. The group was peacefully exercising their rights to freedom of expression, association and assembly. They were formally charged on 16 September 2015 with preparing a "rebellion and a coup attempt" against the president. They were only officially informed of the charges, which are deemed as crimes against the security of the state, after the 90 days of pre-trial detention allowed by law expired.

On 19 October, their lawyers were notified that the activists' trial would take place between 16 and 20 November 2015 at the Luanda Provincial Tribunal. The activists were kept in solitary confinement for several days with allegations of ill treatment during imprisonment. Luaty Beirão, one of the 15 activists, was on hunger strike for 36 days since 20 September to protest against his and his fellow activist's illegal detention. For three weeks, he only drank water mixed with salt and sugar provided by his family and he is still recovering his fragile health condition. Another activist, Nelson Dibango, was on hunger strike for 12 days.



In September the human rights activist José Marcos Mavungo was convicted to a six-year prison sentence. José Marcos Mavungo's conviction appears to be based on his involvement in organizing a peaceful demonstration and his alleged association with a group of unknown men said to have been found with explosives and flyers a day before the demonstration. No evidence of José Marcos Mavungo's relationship with these men or of his involvement in the production of the flyers was presented during the trial.

Arão Bula Tempo, a human rights lawyer and the president of the Cabinda provincial Council of the Angolan Bar Association, and his client Manuel Biongo were arrested the same day as Mavungo's detention. They are accused with the crime of collaborating with foreigners to constrain the Angolan state, based on the allegation they had invited journalists from the Republic of Congo to cover the demonstration supposedly organized by Mavungo. Arão Tempo is in addition accused with the crime of rebellion. Tempo appears to be in a fragile health condition and has been requesting to leave Cabinda for medical purposes but he has not received the permission yet.

Amnesty International calls on the African Commission to urge the Angolan authorities to immediately and unconditionally release the 15 youth activists as they are prisoners of conscience, imprisoned solely for the peaceful exercise of their rights. We also call upon the Commission to urge Angolan authorities to end the practice of harassment and intimidation of human rights defenders and activists through the misuse of the judiciary system and misapplication of laws, and uphold the rights to freedom of association, peaceful assembly and expression.

Burundi

Many human rights defenders and journalists have been forced to flee Burundi since the beginning of the year following the government's crackdown on critics following the decision of President Pierre Nkurunziza to stand for a third-term in office. Just last week, on Friday 6 November, as this session was in progress, the son of a leading Burundian human rights defender, Pierre Claver Mbonimpa, was found dead after having been arrested by police. Earlier, on 3 August, Pierre Claver himself, was shot and injured by gunmen in Bujumbura.

Amnesty International welcomes Resolution 309 on the human rights situation in Burundi adopted in August by the African Commission at its 18th extraordinary session. We call upon the Commission to ensure the implementation of this Resolution, and in particular, the recommendation to Burundian authorities to urgently investigate human rights violations perpetrated in the context of the ongoing political crisis. We also call upon the Commission to urgently take steps to implement the decision of the African Union Peace and Security Council enshrined in the 17 October communique, which requested the African Commission to carry out an in-depth investigation into human rights violations and abuses committed against the civilian population in Burundi.

Democratic Republic of Congo

On March 15, 2015, Congo's National Intelligence Agency arrested about 30 activists and others during a pro-democracy youth workshop in Kinshasa. The workshop had been



organized to launch “Filimbi”, a platform to encourage Congolese youth to peacefully and responsibly perform their civic duties. Others associated with Filimbi, including a graphic artist who designed the Filimbi logo and Rawbank employees who managed the Filimbi bank account, were also later arrested by the ANR.

The authorities released most of the detainees in the first week, but two remain in detention: Fred Bauma, member of a Goma-based movement, The Struggle for Change (La Lutte pour le Changement, LUCHA), and Yves Makwambala, a webmaster and graphic artist.

After being held for over 40 days by the ANR without charge or access to legal assistance and without being brought before competent judicial authorities, Makwambala and Bauma were transferred to the public prosecutor’s office on April 24 and May 4, respectively. They are now at Kinshasa’s central prison.

Makwambala and Bauma, as well as four Filimbi leaders who have not been arrested, were charged with belonging to an association formed for the purpose of attacking people and property, forming a conspiracy against the head of state, and attempting to either destroy or change the “constitutional regime” or incite people to take up arms against state authority. The authorities have also charged Bauma with disturbing the peace, and Makwambala with publicly offending the head of state. These charges appear to be politically motivated, the organizations said.

In Goma, in eastern Congo, in March and April, the authorities arrested and later released at least 15 activists from the LUCHA youth movement who were demonstrating peacefully to demand the release of their colleagues detained in Kinshasa. Some alleged that they were beaten or tortured through a form of near-drowning by intelligence agents and police who arrested them. Four were granted provisional release but face charges of inciting disobedience to public authority.

The arrests of the Filimbi members and of activists who held protests to support them came in the context of a broader crackdown on political party leaders, activists, and others who have peacefully protested attempts to allow Congo’s President Joseph Kabila to stay in power past his constitutionally mandated two-term limit, which ends in late 2016.

Amnesty International calls on the African Commission to urge the Congolese government to immediately and unconditionally release Fred Bauma, Yves Makwambala and all other individuals arbitrarily arrested and detained for the sole reason of exercising their rights to freedoms of assembly and expression.