



ORAL STATEMENT BY AMNESTY INTERNATIONAL

Index: AFR 01/5065/2016

59th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, Gambia

Agenda Item 9: Activity Report of the Special Rapporteur on Human Rights Defenders in Africa

Chairperson and Honourable Commissioners,

Amnesty International welcomes this opportunity to make a statement to the African Commission on Human and Peoples' Rights (African Commission) on the situation of human rights defenders in Africa.

Civic space in Africa is under attack. Recent years have seen the rise of the proposal to enact legislation whose purpose or effect is to restrict the space for civil society or create barriers to HRDs effectively doing their work. Ethiopia, Uganda, amongst other countries, have successfully enacted such laws. In countries, such as Angola and Egypt, HRDs have been subjected to unfounded criminal prosecutions, arbitrary detention, and judicial harassment. There are active government efforts to stifle dissent and muzzle the peaceful exercise of the right to freedoms of expression, assembly, and association, especially in the context of elections and transitions. In a wide spectrum of countries, including Burundi, DRC, Egypt, Ethiopia, Gambia, Kenya, and Nigeria, violent crackdowns on assemblies have resulted in the death and serious injury to peaceful demonstrators. This statement highlights the situation in three countries: Egypt, Ethiopia and Gambia.

In **Egypt**, authorities have ramped-up restrictions on human rights defenders and their organizations in recent months through travel bans, asset freezes and the threat of prosecution.

On 17 February, officials served a closure order to El Nadeem Center for Rehabilitation of Victims of Violence, a prominent NGO which assists survivors of torture and other ill-treatment. The organization has continued to operate and has challenged the government's decision before the courts.

On 17 September, the Zeinohom Criminal Court upheld an asset freeze against a group of leading and award-winning human rights lawyers and campaigners over politically motivated accusations that they are using foreign funds for illegal purposes. The court froze the assets of: Hossam Bahgat, an investigative journalist and founder of the Egyptian Initiative for Personal Rights (EIPR); Gamal Eid, founder of the Arabic Network for Human Rights Information (ANHRI); Bahey el-Din Hassan, founder and director of the Cairo Institute for Human Rights Studies (CIHRS); Mostafa al-Hassan, director of the Hisham Mubarak Law Center (HMLC); and Abdel Hafez Tayel, director of the Egyptian Center for the Right to Education (ECRE). The court also froze the organizational assets of CIHRS, HMLC and ECRE.

The case against the group was brought by judges overseeing an inquiry into human rights groups on charges that include the transfer of funds to allegedly illegal entities and using those funds for illegal purposes, such as the vaguely worded purposes of "pursuing acts



harmful to national interests”, “destabilizing general peace” or “harming security and public order”. The evidence brought against them by security agencies is their human rights work.

The five men are now likely to face prosecution and trial, along with other Egyptian human rights defenders who are the subject of the same inquiry.

Amnesty International calls on the African Commission to urge the Egyptian government to:

- remedy the illegitimate freezing of the personal and organizational bank accounts of human rights defenders.
- cease its harassment of human rights defenders and members of their families and its resort to the criminal justice system to prevent people from speaking out about the deteriorating human rights situation in the country.

In **Ethiopia**, the government declared a state of emergency on 09 October 2016 following continuous protests in the regions of Oromia and Amhara. The measures adopted under the state of emergency impose severe restrictions on a variety of human rights and derogate to non-derogable rights. State security agents have arrested many political activists, human rights monitors, protesters and journalists. Many have been charged for incitement of violence, some on the basis that third parties overheard them criticizing the government. On 4 October, Natnael Feleke (a Zone-9 blogger) was arrested. He was released on bail on 7 Oct. The government has also arrested prominent members of the Semayawi opposition political Party, including Blen Mesfin, Eyasped Tesfaye, Tena Yitnaw, Abebe Akalu, and Aweke Tezera. They have all been charged with incitement of violence on the basis that they were overheard speaking against the government. The security forces have also arrested twenty seven Oromo students from Arba Minch University Student Cafeteria, on 9 October 2016. Moreover, the government has announced that more than 2600 people have been arrested since the State of emergency [declaration] in Ormoia and Amhara Regions. They are detained without access to a lawyer and judicial oversight of their detention.

Since the beginning of the protest in November 2015, over 600 protestors in Oromia, and 200 in Amhara have been killed as a result. Hundreds of political activists; human rights defenders; journalists and protestors have been arbitrarily arrested. At least 200 have been charged under the Anti-Terrorism Proclamation, and their trials are ongoing.

The government of Ethiopia has been severely restricting internet access since the start of the protests. It blocks and frequently interrupts mobile data and phone services. Google has recorded some drop in traffic from Ethiopia starting in October on its Google search and a marked decline in traffic for its Youtube services. There have also been reports of the site Facebook being blocked in October, and analysis showing that the internet was shut down in large swaths of the country during previous protests in August. Credible sources told Amnesty International that mobile data services are not working in Addis Ababa, Oromia and Amhara regions since 4 October 2016. There is no confirmation about the status of internet services in other regions. In all places, broadband services are working but are also slower than normal.

Amnesty International urges the African Commission to call on the Ethiopian government to:

- ensure that the measures adopted and implemented under its declared state of emergency are compatible with its international human rights obligations, including



that no measure imposed as part of the state of emergency has a derogatory effect on any of the rights guaranteed under the African Charter;

- stop using unnecessary and disproportionate force against protesters;
- ensure that no one is arrested, let alone prosecuted, for the peaceful exercise of their freedoms of expression, assembly and association;
- allow independent monitors to document the situation; and
- make good on its promises for reform, by ensuring that the legal, institutional and policy framework is brought fully in conformity with its international human rights obligations

In the **Gambia**, there are serious violations of the rights of opposition members, journalists, human rights defenders and members of civil society organizations and the general public to express themselves freely and without fear of reprisal. In July, 30 people, including the leader of the United Democratic Party (UDP), were sentenced to three years imprisonment solely for participating in a peaceful protest. They were convicted on six counts relating to participating in unauthorised protests on 14 and 16 April 2016 in the outskirts of the capital Banjul. They were found not guilty of incitement to violence, while one man was found not guilty on all counts. Amnesty International considers the 19 to be prisoners of conscience who should be immediately and unconditionally released.

The conviction and imprisonment of the 30 peaceful protestors highlights the broader pattern of violations in Gambia. Opposition groups face major restrictions on their assemblies and activities, and the Public Order Act is applied in a selective way to restrict public gatherings of a political nature. Civil society continues to be curtailed, and a long history of targeting human rights defenders with arbitrary arrests, detentions and threats has left groups and individuals reluctant to speak out about human rights issues. Religious leaders who are perceived to challenge the government face the same risks. Consistent patterns of violations against opposition members, journalists and human rights defenders have created a broader climate of fear that extends to other sections of society, in which the dominant response is one of self-censorship. This is underpinned by the failure of the authorities to respect legal safeguards, leading to practices of arbitrary arrests, incommunicado detentions and torture.

Amnesty International calls on the African Commission to urge the Gambian government to:

- immediately and unconditionally release all prisoners of conscience, including the 30 people who are currently serving jail terms after their conviction in July;
- immediately and publicly instruct the police, army and the National Intelligence Agency to end unlawful arrests and detention, incommunicado detention and enforced disappearances
- Stop violating safeguards in detention, including as provided in Gambia's Constitution allow independent national and international monitors access to detention centres, including the International Committee of the Red Cross.