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62nd Ordinary Session of the African Commission on Human and Peoples' Rights, Nouakchott, Mauritania

Agenda Item 3: Human Rights Situation in Africa

Chairperson and Honourable Commissioners

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights on this occasion of its 62nd Ordinary Session.

The last five months have been particularly eventful for Africa. On 21 November 2017, President Robert Mugabe of Zimbabwe resigned after 37 years in power. Three days later, his former vice-president, Emmerson Mnangagwa, took over the leadership of the country. Africa witnessed two more resignations of heads of state and/or government in February this year. On 14 February 2018, South Africa's President, Jacob Zuma, resigned after the ruling party, African National Congress (ANC), voted to recall him from his position. The Deputy President, Cyril Ramaphosa, took the mantle of leadership shortly thereafter. On 16 February 2018, Prime Minister Hailemariam Desalegn of Ethiopia similarly resigned "in an effort to facilitate reforms" in the country. He was subsequently replaced by Abiy Ahmed who is also now the chairman of the ruling coalition, Ethiopia People's Revolutionary Democratic Front (EPRDF).

In this statement, Amnesty International sets out what it believes should be the human rights priorities of the new administrations in Ethiopia, South Africa and Zimbabwe.

In Ethiopia, Prime Minister Abiy Ahmed in his first parliamentary speech promised to uphold the rule of law, ensure respect for human rights and usher a new chapter for Ethiopia. Amnesty International is particularly encouraged by the release in February of thousands of detainees including journalists, political opposition members and peaceful protestors. The organization also welcomes the closure of Maekelawi, a prison known for its notorious torture practices. These initial gestures by the new administration must be followed by concrete steps to implement far-reaching reforms towards respect for human rights. The new administration must prioritize addressing the deep-rooted human rights crisis in the country. This crisis is exemplified by a long history of abuses, including: torture and other ill-treatment of people accused of terrorism; arbitrary arrests, detention and unfair trials of political activists, dissenters and peaceful protestors; and severe restrictions on the rights to freedom of expression, assembly and association through draconian laws. The current state of emergency in Ethiopia, the second of its kind in less than two years, is a matter of grave concern to Amnesty International as it imposes severe restrictions on the exercise of human rights.

Amnesty International urges the African Commission to call on the Ethiopian administration to urgently take the following actions:

- Revise the state of emergency by lifting undue restrictions on the rights to freedom of expression, association and peaceful assembly, and repeal or substantively amend the Anti-Terrorism Proclamation, the Charities and Societies Proclamation and the Mass



Media and Access to Information Proclamation and to bring these laws in line with international standards;

- Undertake an independent, impartial, thorough, transparent and effective investigation into all allegations of serious human rights abuses in detention places such as the former Maekelawi prison, Jail Ogaden, Awash Arba Military Camp and Shewa Robit Federal Prison, and into allegations of unnecessary and excessive use of force by security forces; and bring to justice anyone suspected to be responsible in fair trials; and
- Implement concrete legal and institutional reforms to end torture and other ill-treatment.
- Extend a standing invitation to the African and the UN human rights monitoring mechanisms to allow a regular monitoring of the human rights situation in the country.

In South Africa, the new administration has a golden opportunity to ensure that human rights violations are tackled decisively and transparently. In the last nine years, South Africa has been blighted by a failure to ensure access to justice for victims of a range of human rights violations. Almost six years after 34 striking mineworkers in Marikana were killed by police, there has been no justice for victims or their families. There has also been a spike in intimidation of independent journalists exposing corruption. Journalists who stand for editorial integrity at the public broadcaster, South African Broadcasting Corporation, have in the recent past been harassed and intimidated.

Amnesty International urges the African Commission to call on the South African administration to:

- Take immediate steps to ensure justice for victims and families of the Marikana killings. These steps should include prosecution of suspected perpetrators including those named in the Farlam Commission report as having participated in the shooting as well as reparations for the families of those who were killed; and
- Ensure that journalists operate in a fear-free environment and remove physical threats, such as state agents, from intimidating journalists.

In Zimbabwe Amnesty International documented a plethora of gross human rights violations during President Robert Mugabe's rule. Enforced disappearances and extrajudicial killings were rife. Security forces routinely used repressive laws such as the Public Order and Security Act to prevent people from carrying out peaceful protests and voicing their criticism. Human rights defenders, journalists and other government critics frequently faced arbitrary arrest and unlawful detention. For more than a decade, community radio stations were denied broadcasting licenses despite the existence of the 2001 legal framework allowing for such licensing. Forced evictions were common; thousands of people across the country lost their home, livelihoods or both.

The new administration has an opportunity to ensure that Zimbabwe becomes a country where dissent is tolerated and those suspected to be responsible for human rights violations and abuses are held to account. It has a rare opportunity to build on what could be a new dawn for human rights in Zimbabwe. Amnesty International urges the African Commission to call upon the new Zimbabwean administration to urgently:

- Take effective measures to address past human rights violations, including abductions and enforced disappearances by security agents, with a view to establishing the truth, giving access to justice to the victims, bringing suspected perpetrators to justice, and



providing effective remedies to the victims, including compensation, support and treatment;

- Undertake prompt, thorough, independent and impartial investigations of human rights violations including harassment and intimidation of activists by security agents and to ensure that those suspected to be responsible are brought to justice in fair trials;
- Withdraw all threats of forced evictions by the government and local authorities, adequately compensate and ensure access to justice for those affected by previous forced evictions, and immediately declare an official moratorium on mass evictions until all legal and procedural safeguards are in place;
- Comply with reporting obligations under regional human rights treaties, implement decisions of regional human rights treaty bodies, ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and deposit its declaration allowing individuals and NGOs direct access to the African Court on Human and Peoples' Rights.