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The Chairperson,
African Commission on Human and Peoples' Rights
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ORAL STATEMENT BY AMNESTY INTERNATIONAL

Item 9: Activity Reports of Members of the Commission and Special Mechanisms (xii): Special Rapporteur on Freedom of Expression and Access to Information in Africa

Chairperson, Honorable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (Commission) on Freedom of Expression and Access to Information in Africa. Freedom of Expression continues to be arbitrarily restricted in many African countries, including Ethiopia, Gambia and Sudan.

Ethiopia

Amnesty International is concerned that the space for the right to freedom of expression in Ethiopia, which is already significantly restricted, is further deteriorating ahead of the general elections scheduled for 2015.

Since the 54th Ordinary Session of the Commission in Banjul, The Gambia in October 2013, a large number of journalists, political opposition members and others continue to serve lengthy prison terms based on their political opinions and criticism of government policies or action. The trial continues behind closed doors of leaders and members of a peaceful protest movement which was staging demonstrations against alleged government interference in religious affairs. Large numbers of ethnic Oromo continue to be detained based on their perceived opposition to the government.

Most recently, there have been new incidents of arrest of human rights defenders and journalists. On April 25 and 26 2014, nine bloggers from the bloggers group known as "Zone 9" and three journalists were arrested by both uniformed and plain-clothed policemen. Amongst the six bloggers, one of them is Befekadu Haile who participated at the last session of the African Commission in Banjul. Facing increasing harassment and surveillance by the authorities, the Zone9 bloggers had temporarily suspended their activities over the last six months. The group announced on 23 April on social media that they were resuming their activities; the arrests took place two days later.

During the last six months, seven independent publications were targeted, harassed and intimidated via a 'study' conducted by the national Press Agency and Ethiopian News agency and published in the government-run Addis Zemen newspaper. The study published allegations that those seven publications contained a number of articles which 'promoted terrorism' - a charge typically used as a pretext to silence independent voices, as well as the alleged transgressions of denying the economic growth and belittling or denying the legacy of Meles Zenawi. Addis Zemen has previously been used to harass and intimidate independent publications, which in past cases was a signal that journalists from those publications were on the brink of arrest. More journalists have fled the country in the last six months in addition to the large number already in exile.

Amnesty International calls on the Commission to:

- Publicly condemn persistent violations of the right to freedom of expression and attacks against human rights defenders, independent media and opposition leaders;
- Urge the Ethiopian government to observe its obligations under domestic law and the African Charter to protect and promote freedom of expression, including by immediately ending the practise of harassing, intimidating and arbitrarily arresting those who hold political opinions that are critical of the government.

Gambia

The Gambian authorities have failed to implement the Commission's resolutions 134 and 145 which respectively called on Gambia to immediately end the harassment and intimidation of independent media institutions, respect the rights of journalists and other human rights defenders, and to investigate the disappearance and/or killing of prominent journalists Deyda Hydara and Ebrima Chief Manneh.

In 2013, the National Assembly passed domestic legislation which restricts the right to freedom of expression, including:

- The Criminal Code (amendment) Act 2013 which broadens definitions of offences and places harsher punishments on acts of public disorder, such as "hurling abusive insults" or "singing abusive songs" and giving false information to a public servant;
- The Information and Communication (amendment) Act 2013 which allows the imposition of penalties of up to 15 years' imprisonment and hefty fines for criticizing government officials online. It also targets people who spread "false news" about the government or public officials, caricature or make derogatory statements against public officials, or incite dissatisfaction or violence against the government.

Several journalists and human rights defenders have been arrested and detained without charge solely for exercising their right to freedom of expression. For instance, journalists Musa Sheriff and Sainey M.K. Marenah were arrested on 13 January 2014, following an article in The Voice newspaper on the defection of youth supporters from the ruling party to the opposition. They were released on bail on 16 January, but continue to face charges of "conspiracy to commit misdemeanour" and "false publication".

The government has on several occasions attempted to delegitimise the work of human rights defenders reporting human rights violations by publicly accusing them of being "foreign agents" spreading "nothing but lies". The President has also repeatedly criticized and threatened human rights defenders for promoting and protecting the rights of sexual minorities.

Amnesty International urges the Commission to:

- Hold the Gambian authorities to account for its failures to implement resolutions 134 and 145;

- Ask the Gambian authorities to respect and protect the right to freedom of expression and allow human rights defenders freedom of action;
- Ask the Gambian authorities to report back to the 56th Ordinary Session of the Commission on the steps they are taking to fully and effectively implement the resolutions 134 and 145.

Sudan

The Government of Sudan continues to use the National Intelligence and Security Services (NISS) and other security forces to arbitrarily detain perceived opponents of the National Congress Party (NCP), censor media and shut down public forums and protests. For example, Tajeldin Ahmed Arja, a 26-year-old Darfuri student, has been detained without charge since 24 December 2013. Presidential security guards arrested him after he criticized both the Chadian and Sudanese presidents during a conference. Amnesty International believes that Tajeldin is at serious risk of torture and other ill-treatment while in detention.

The Sudanese authorities have routinely used excessive force against largely peaceful demonstrations over the last two years. Amnesty International has previously reported on police forces using batons, tear gas and rubber bullets at close range against demonstrators. More recently, Ali Abaker Mussa Idris, a third-year economics student, died in hospital after security forces used excessive force to disperse a protest he was taking part in at the University of Khartoum on 11 March 2014.

Sudanese authorities continue to stifle independent print and electronic media. Over ten newspapers have had their issues confiscated between February and April 2014, including newspapers that are traditionally pro-government such as Al Ahram Alyoum and Al Houra.

Amnesty International urges the Commission to:

- Call on the Government of Sudan to end restrictions on freedom of expression particularly the continued harassment and intimidation of critics of the government, including by arbitrarily detaining, and subjecting them to torture and ill-treatment while in detention. This behaviour prevents meaningful public dialogue on critical issues at a time when Sudan is preparing to adopt a new constitution and for national elections in 2015.