

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AFR 01/004/2008 (Public)
Date: 07 May 2008

ORAL STATEMENT BY AMNESTY INTERNATIONAL

ITEM 7 (e): Presentation of the Report of the Special Rapporteur on Human Rights Defenders in Africa

The Chairperson,
African Commission on Human and Peoples' Rights
43rd Ordinary Session
Ezulwini,
Swaziland

Chairperson, Honourable Commissioners,

Amnesty International welcomes the African Commission's resolution on the Situation of Human Rights Defenders in Africa, adopted at its 42nd Ordinary Session in Brazzaville. However, despite the adoption of this resolution, there are continuing reports of harassment, intimidation, torture and even extra-judicial killings of human rights defenders (HRDs) across the continent. Attacks against human rights defenders amount to a violation of their human rights, including the right to freedom of association and assembly, and to freedom of expression, guaranteed by the African Charter on Human and Peoples' Rights and the UN Declaration on Human Rights Defenders and other international human rights standards.

In **Algeria**, human rights defenders work under restrictions to the right to freedom of expression. Amendments to the Penal Code introduced in 2001 (Law 01-09 of 26 June 2001) which prescribe prison terms for the offence of defamation have been used to prosecute human rights defenders. The 2006 Decree Implementing the Charter for Peace and National Reconciliation further threatens with imprisonment those who denounce or debate abuses by the security forces.

On 13 April 2008, human rights lawyer Amine Sidhoum was sentenced to a six month suspended prison sentence and a fine of 20,000 dinars (over USD 300), after he was charged in September 2006 with bringing the judiciary into disrepute, due to quotes attributed to him in a newspaper article in 2004. Amine Sidhoum, one of the few lawyers to have exposed violations of Algerian and international law by the authorities, was previously subjected to judicial harassment.

Those speaking out against enforced disappearances by the security forces in the 1990s also face harassment. For instance, on 26 March 2008, Louisa Saker, the wife of forcibly disappeared teacher Salah Saker and a leading figure of the Association of the Families of the Disappeared in Constantine, was found guilty of organising an unauthorised march and fined 20,000 dinars. The

charges relate to her participation in a peaceful demonstration in 2004 by families of enforced disappearance, after which she was arrested, beaten up by the police and forced to sign a statement that she would not participate in such protests again.

In **Angola**, the authorities recently announced that the United Nations Office of the High Commissioner for Human Rights in the country would be closed at the end of May 2008. This announcement comes at a time when the country is preparing for the first elections to be held in the country since 1992. In the past two years human rights defenders in Angola have worked in an environment of intimidation and harassment. In 2007 the Director of the Angolan Government's Technical Unit for the Coordination of Humanitarian Aid (UTCAH) made statements accusing some NGOs of using human rights as a cover for breaking the law and threatened to close them. Although these NGOs have not yet been shut down they continue to work under threat of closure.

In the **Democratic Republic of Congo**, human rights defenders continue to suffer attacks and death threats, believed to be perpetrated mainly by government agents. Journalists and lawyers were routinely attacked, arbitrarily arrested or intimidated because of their professional activities. Amnesty International is extremely concerned about this climate of state intimidation of human rights activists. The following cases illustrate the problem human rights defenders face in the country. In June 2007 Serge Maheshe, a journalist for the UN-sponsored Radio Okapi, was murdered in Bukavu in circumstances that were not satisfactorily investigated. After an unfair military trial, four people, all civilians, were sentenced to death in August 2007, including two friends of the victim who were convicted on the basis of the uncorroborated testimony, later retracted, of two men who confessed to the killing. An ongoing appeal has also been criticized by independent trial observers for violations of the rights of the defence. In March 2008 the President of the Military Appeal Court publicly criticized the work of all NGO trial observers present in the court, accusing them of being "dishonest" and "partial", and threatened to initiate prosecutions against them.

In April 2008, human rights defenders in Lubumbashi, Georges Kapiamba and Prince Kumwamba, received anonymous threats, including death threats, because of their continued investigations into the October 2004 Kilwa massacre, in which at least 74 people were unlawfully killed by government troops. Amnesty International believes that provincial government figures were behind these threats.

HRDs faced considerable danger in **Kenya** during the post-election violence in early 2008, including death threats and physical attacks. These threats included a widely circulated leaflet naming a number of high profile HRDs as traitors and followed statements or actions by Kenyan HRDs about the results of the Kenyan General Election held on 27 December 2007, or about the widespread human rights abuses and violations that occurred following the elections.

Somali Human Rights Defenders have been threatened by all sides to the conflict in **Somalia** in 2007, with many forced into silence due to threats of arrest or death if they make statements that expose the human rights abuses being perpetrated in the context of the conflict. A number have also been forced to flee or go into hiding after repeated threats and attacks. In October 2007, the Elman Human Rights group was reportedly ordered to close down by the Mayor of Mogadishu and its chairman was forced into hiding for some weeks.

In **Tunisia** human rights defenders face sweeping restrictions, impeding their ability to perform their activities for the protection of human rights, and suffer from regular harassment and surveillance by Tunisian security forces. The authorities have effectively prevented independent human rights NGOs such as the Association against Torture in Tunisia (ALTT) or the International Association for the Support of Political Prisoners (AISPP) from registering under the Tunisian law on associations which places them in a situation of legal limbo which inevitably constrains their

activities. Organizations which are not legally recognized are barred from seeking official authorization to hold public events or rent venues for such events, or to seek funds to support their work. Their activities can be criminalized, with their officials and members open to charges of taking part in an unauthorized meeting or membership of an illegal organization. The National Council for Liberties in Tunisia is one of the few organizations which managed to obtain a receipt upon registration in December 1998. The organization's application was rejected by the Interior Ministry in March 1999 and its founding members sought to challenge this decision in court but there have been no developments since the investigative judge concluded his investigations in November 2001.

The workplaces and homes of human rights defenders are often kept under constant police surveillance and meetings of human rights defenders are frequently prevented or disrupted by the police. Individual human rights defenders are frequently subjected to harassment and intimidation including physical attacks by plainclothes security officials. Lawyer Raouf Ayadi was insulted, thrown on the floor and dragged by police officers on 1 November 2007 in order to prevent him from visiting a human rights activist and a journalist who were on hunger strike to protest the authorities' refusal to issue them with passports. Most recently Samia Abbou and Fatima Ksila were assaulted when visiting the family of a prisoner who had been sentenced to death. Sihem Bensedrine and Omar Mestiri were detained and assaulted upon their return to Tunisia in March 2008. Amnesty International is not aware of any investigation of such incidents. and damages of 10,000 dinars. Mohamed Smain is appealing the decision to the Supreme Court.

In **Zimbabwe**, human rights defenders continue to operate in a hostile environment. The Zimbabwean authorities deny HRDs their rights to freedom of association and assembly through the use of repressive legislation such as the Public Order and Security Act (POSA). Though this act was amended in January 2008, police in Zimbabwe continue to act in a partisan manner – allowing the ruling ZANU-PF party members to enjoy their right to peaceful assembly and association, while severely restricting activities of the political opposition the Movement for Democratic Change, HRDs and perceived opponents of ruling party. Members of the Zimbabwe Republic Police have been responsible for use of excessive force when policing peaceful demonstrations by HRDs, and of torture and ill-treatment of HRDs while in police custody. HRDs are often denied access to lawyers, to food and to medical treatment while they are in police custody. Women HRDs, who have been disproportionately affected by the government's policies on land and housing and who have mobilised to confront the government in response to the violations of their economic and social rights, face further human rights violations as women and as HRDs. These violations include sexist verbal abuse, derogatory accusations, denial of equal access to subsidized maize sold by the Grain Marketing Board.

The above highlighted cases of attacks against human rights defenders illustrate the hostile environment in which many human rights defendants carry out their work in many parts of Africa.

In light of the above, Amnesty International calls on the African Commission to adopt a resolution:

- Requesting the Special Rapporteur on Human Rights Defenders to draw the attention of African Union member states to the Commission's resolution on the Situation of Human Rights Defenders in Africa, adopted at its 42nd Ordinary Session in Brazzaville; and to monitor the implementation of the resolution, and to regularly report back to the Commission on the extent to which African Union member states are implementing the resolution.
- Urging African Union member states to fully implement in their national laws the UN Declaration on Human Rights Defenders, in accordance with the Kigali Declaration adopted by the African Union Ministerial Conference on Human Rights in May 2003.

- Urging states parties to the African Charter on Human and Peoples' Rights to include detailed information in their reporting to the Commission what measures they are undertaking to promote and ensure respect for the human rights of human rights defenders in their countries

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org