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66th Ordinary Session of the African Commission on Human and Peoples' Rights

Agenda Item 7(xii): Activity Report of the Special Rapporteur on Human Rights Defenders in Africa

Honourable Chairperson,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on this occasion of its 66th ordinary session.

Since the beginning of the year, Amnesty International has recorded a systematic pattern of judicial harassment, intimidation and arbitrary arrest and detention of human rights defenders in several countries in Africa. In this statement we highlight the situation of human rights defenders in Burundi, Niger, South Sudan, Tanzania and Zimbabwe.

In **Burundi**, the imprisonment of Germain Rukuki is emblematic of the plight of human rights defenders in the country. He is serving a 32-year prison sentence for his work with the anti-torture organization ACAT Burundi. Also imprisoned for exercising their human rights are four journalists who on 30 January 2020 were sentenced to two and a half years in prison and fined one million Burundian francs (approximately 525 USD) each. They all worked for Iwacu Press Group, one of Burundi's few remaining independent media houses, and were punished for attempting to report on deadly clashes in the north-western part of the country.

The new government has an opportunity to change direction on human rights, but the signals so far are mixed. At his inauguration on 18 June, President Evariste Ndayishimiye declared his intention "to build Burundi on solid foundations, namely: good governance, respect and protection of human rights" and recognized dialogue as an important Burundian tradition. However, he also dismissed some human rights defenders as "puppets [...] of the colonialists."

In **Niger**, Amnesty International has recorded 27 arrests of activists, unionists, journalists and dissenting voices since the start of the year. Among those arrested are 17 anti-corruption activists who spoke out about allegations of corruption at the Ministry of Defence. Seven activists were arrested between 15 and 17 March in Niamey after organizing a demonstration on 15 March to demand an investigation and prosecution of those suspected of embezzlement of funds at the Ministry of Defence. Three of them were released on bail while the rest remain in prison.

There is also a pattern of harassment and intimidation of activists by using the Cybercriminality Law. From March to end of May 2020, at least four activists were arrested and charged under this law. On 10 June 2020, Samira Sabou, journalist and president of the Niger bloggers association was also charged with defamation by means of electronic communication. She was immediately transferred to prison.

In **South Sudan**, the National Security Service (NSS) continues to systematically harass and target real or perceived critics of government including civil society members, journalists, private sector employees and senior government officials through arbitrary and unlawful arrest and prolonged detentions.

On 16 June 2020, the NSS arbitrarily arrested and detained Moses Monday, Executive Director of the Organization for Non-violence and Development (ONAD), a civil society organization that is part of a



coalition publicly demanding financial accountability and transparency in South Sudan. He was arrested in relation to a billboard that the coalition had put up in the capital Juba as part of their “Where is the Money?” campaign. Moses Monday was released without charge on 25 June 2020 after spending nine days in an NSS-run detention without access to a lawyer and without being charged.

On 29 May 2020, Kanybil Noon, a civil society representative on the Strategic Defense and Security Review Board (SDSR), a body created under the 2018 revitalized peace agreement, was arbitrarily arrested and detained in Blue House, the NSS’s headquarters in the country’s capital Juba, without access to a lawyer. At the time of delivering this statement, Kanybil remains in detention.

In **Tanzania**, the government continues to abuse the criminal justice system by charging human rights defenders on unbailable offences and detaining them for weeks or months under the guise of investigating their cases. Investigative journalist Erick Kabendera has been through a criminal trial process that was adjourned more than 13 times between his arrest in July 2019 and release in February 2020. This painstaking process forced him into a most unfair plea bargaining.

Human rights lawyer Tito Elia Magoti and his co-accused Theodory Giyani, were also arbitrarily arrested on 20 December 2019 based on their social media activities and charged with leading organised crime, possession of a computer program designed for the purpose of committing an offence, and money laundering. Their cases have been adjourned 10 times at the request of the prosecution to complete investigations. The pair have remained in detention since December 2019.

In **Zimbabwe**, authorities continue their crackdown on dissent. On 20 July 2020, Hopewell Chin’ono, a prominent journalist who exposed a multimillion-dollar scandal involving government officials, and Jacob Ngarivhume, a political activist who called for a nationwide protest against corruption on 31 July, were arbitrary arrested and detained. Local human rights defenders have raised concerns that the police will be targeting any activists who are suspected to be behind the planned protest against alleged corruption.

Amnesty International calls on the African Commission to:

- call on the new Burundian government to demonstrate its commitment to human rights and dialogue by immediately and unconditionally releasing Germain Rukuki and all other human rights defenders and journalists imprisoned solely for the peaceful exercise of their human rights;
- urge Nigerien authorities to immediately and unconditionally drop all charges against human rights defenders and release them from detention and to end the harassment and intimidation of human rights defenders and respect, protect and promote their rights to freedom of expression and association;
- urge the government of South Sudan to immediately release all those arbitrarily detained and to stop the harassment and intimidation of human rights defenders;
- urge the Tanzania government to stop using repressive laws to violate rights to liberty, freedom of expression and information, peaceful assembly and association and to immediately and unconditionally release Tito Elia Magoti, Theodory Giyani and all other individuals arrested or facing prosecution based solely on trumped-up charges; and
- urge Zimbabwean authorities to immediately and unconditionally release Hopewell Chin’ono and Jacob Ngarivhume and stop abusing the criminal justice system to persecute journalists and activists.

Thank you.