



ORAL STATEMENT BY AMNESTY INTERNATIONAL

Index: AFR 01/7384/2017

61st Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia

Agenda Item 12: Activity Report of the Special Rapporteur on Human Rights Defenders in Africa

Chairperson and Honourable Commissioners

Amnesty International welcomes this opportunity to make this statement on the situation of human rights defenders in Africa.

Widespread patterns of attacks against human rights defenders, unlawful and arbitrary restrictions on peaceful protests and civil society organisations continued unabated in several countries in Africa. Amnesty International continues to document a disturbing trend of attacks on human rights defenders, including in Algeria, Burundi, Cameroon, Chad, Democratic Republic of Congo, Egypt, Kenya, Morocco, Rwanda, South Sudan, Sudan, and Togo. Despite this systematic repression of dissent, we have also witnessed resilience and courage, people refusing to give up, coming together to fight for a just and fair world for all. In recognition of this context, Amnesty International has launched *Brave*, a global campaign calling for human rights defenders to be recognised, protected and able to operate in a safer environment this year.

In this statement, we highlight the situation of human rights defenders in three specific countries - Egypt, Cameroon, and Kenya – and call upon the African Commission to take concrete measures.

In **Cameroon**, security forces have since October 2016 used unnecessary or excessive force in the policing of peaceful assemblies, including in response to a series of protests in towns across the South-west and North-West regions. On 1 October 2017, more than 20 people were unlawfully shot dead by security forces following protests in dozens of towns in North-West and South-West Cameroon. Following the 1 October protests, at least 500 people were arrested and detained in overcrowded detention facilities. Many wounded protestors fled hospitals to avoid arrest.

Earlier in the year, Cameroonian authorities banned the activities of the political party Southern Cameroon National Council (SCNC) and the Cameroon Anglophone Civil Society Consortium (CACSC) and proceeded to arrest the President and Secretary General of CACSC. The two were held incommunicado before being charged under the 2014 anti-terror law. They were released following a Presidential decree on 30 August 2017, alongside 53 Anglophone people arrested between late October 2016 and February 2017 in the English-speaking regions of the country.

During the protests in the Anglophone regions, phone and internet services were cut in those regions between January and April 2017. No official explanation has ever been provided for the cut.

Amnesty International calls upon the African Commission to urge the Cameroonian authorities to:



- Issue clear orders to the military, the gendarmes and the police commanders not to use unnecessary or excessive force in the context of public gatherings, demonstrations and cordon-and-search operations and take measures to ensure that security forces comply with international human rights law and standards on the use of force, including by providing appropriate training, conducting prompt and independent investigations into any allegations of unnecessary or excessive use of force and bringing perpetrators to justice;
- Ensure respect for the right to freedom of expression, association and assembly for all, including journalists, human rights defenders, opposition party members, and take measures to create an enabling environment for the exercise of these rights ahead of the 2018 presidential elections;
- Avoid any restrictions on mobile or internet services, unless provided by law and demonstrably necessary and proportionate for a legitimate purpose, in accordance with Article 19(3) of the ICCPR, and ensuring that any such limitations are imposed only by an independent and impartial body, and are subject to judicial review.

In **Egypt**, a new law imposing unprecedented harsh restrictions on Non-governmental Organisations (NGOs) came into force on 30 May. Among the restrictions of the new law are a ban on field research and surveys without government permission. It forces NGOs to adapt their activities to government priorities and plans or face up to five years in prison. The law also gives the authorities wide powers to dissolve NGOs, and dismiss their board of administration. Egyptian penal code further enables Egyptian authorities to subject civil society staff to criminal prosecution based on vaguely worded terms including “harming national unity and disturbing public order”.

Egyptian authorities have already launched criminal investigations into the work of independent human rights organizations for receiving foreign funding in order to conduct their legitimate work of monitoring and combatting human rights violations, which the Egyptian government has claimed as “harming national security.” At least 61 civil society workers have been investigated while 23 are banned from travel. Moreover, ten individuals and seven organizations have had their assets frozen. Many of the defendants could face up to 25 years in jail if convicted. Egyptian authorities have also recently blocked access to NGO websites in what is a clear determination to silence independent voices and stamp out online criticism of Egypt’s human rights record.

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

- Repeal or amend the new NGO law that came into force on 30 May to ensure that it meets international and regional human rights standards on freedom of expression, assembly and association;
- Cease the harassment of human rights defenders and members of their families and the misuse of the criminal justice system to prevent people from speaking out about the deteriorating human rights situation in the country;
- Immediately unblock access to websites currently blocked for their critical content and respect its obligation under international law not to impose arbitrary restrictions on freedom of expression and to protect the right of everyone to seek, receive and share information.

In **Kenya**, authorities have ramped up intimidation tactics against people and organizations working for defence of human rights. In the immediate aftermath of the 8 August general



elections, Kenya's NGO regulator purported to deregister and shut down two human rights organizations: Kenya Human Rights Commission and the African Centre for Open Governance. This move that was later suspended by the minister in charge of internal security.

Ahead of the 8 August general elections, Kenyan authorities deployed, in anticipation of potential violence, large numbers of paramilitary units in many opposition areas. These heavy deployments fuelled political tensions ahead of the vote and exacerbated the unrest that followed the announcement of the results in which security forces sometimes used unlawful, excessive force to disperse protests, shooting and beating to death people on the street and in house-to-house searches. They used live ammunition, tear gas and pepper spray and beat residents with batons, often under cover of darkness. A joint research by Amnesty International and Human Rights Watch documented at least 33 deaths, most of them as a result of action by the police.

Amnesty International also documented excessive use of force by the police during the 26 October fresh presidential election. In particular, heavily armed police used unlawful force against protesters and bystanders in the western city of Kisumu in what appeared to be a deliberate campaign to punish inhabitants for protesting. At least two men were fatally shot by the police in election-related violence in Kisumu on 26 October. In Nairobi, instances of police brutality were interspersed with acts of violence and intimidation by supporters of the two main political figures in the country – incumbent President Uhuru Kenyatta and opposition leader Raila Odinga.

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

- Publicly acknowledge and condemn the unlawful use of force in Nairobi and western Kenya by police during post-election protests;
- Direct police and other relevant state agencies such as the Independent Policing Oversight Authority to urgently investigate killings and use of excessive force by police during post-election protests in Nairobi and Nyanza;
- Establish an independent judicial commission of inquiry to examine the activities of the police in responding to protests following the controversial poll of August 8 and October 26 2017.