

AMNESTY INTERNATIONAL

Public Statement

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The African Commission: Amnesty International's oral statement on human rights defenders

Amnesty International is concerned about the continuing harassment, intimidation, torture and even extra-judicial killings of human rights defenders across Africa.

In the **Democratic Republic of Congo**, it has become increasingly difficult over the past months, in particular in the East of the country, for human rights defenders to carry out their legitimate work due to threats and harassment from local authorities and from armed groups.

In **Egypt**, human rights organisations have been operating under the restrictive Law 84 of 2002 on associations. Many of them have been refused registration by the Ministry of Social Solidarity citing "security reasons" and lodged sometimes successfully legal proceedings before the administrative court to appeal such decision. Those whose applications are rejected and who continue to operate live in constant threat of prosecution and closure. Such restrictive measures led to the closure of the Centre for Trade Union and Workers' Services in April 2007 and the Association for Human Rights and Legal Aid in September 2007. The attack against these two leading organisations appears to be linked to their work in support of workers' rights and of victims of torture and their families. Such worrying developments happen at a time when Egyptian human rights organisations await amendments to the already restrictive Law 84 of 2002 on associations amongst fears that the authorities are seeking to further restrict and control their activities through increased administrative measures, purportedly for security reasons.

In **Ethiopia**, Daniel Bekele and Netsanet Demissie are the two remaining defendants in the trial of the opposition political leaders, journalists and human rights defenders that followed the 2005 elections. They were arrested by police on 1 November 2005 and charged with "outrages against the Constitution". Both Daniel Bekele, policy manager of ActionAid in Ethiopia, and Netsanet Demissie, founder and director of the Organization of Social Justice, are human rights defenders and legal professionals who have been active in Ethiopian civil society. They have denied the charges against them, and said they had no connection with the political opposition. Amnesty International regards them as prisoners of conscience – people who have not used or advocated violence. The verdict in their trial is due to be announced before the end of November and Amnesty International has called for their immediate and unconditional release.

In the **Gambia**, two Amnesty International staff members and Gambian journalist Yahya Dampha were arrested on 6 October 2007. They were released from police detention on 8 October with passports held and on the condition that they report back to the police each day until they were unconditionally released on 12 October. Amnesty International has received a formal apology from the Attorney General of The Gambia. However, soon after the Amnesty International staff left the country reports that Gambia's National Intelligence Agency were looking for Yahya Dampha forced him into hiding. Although Yahya Dampha is for the moment safe it is impossible for him to do his work and he fears for himself and his family. The arbitrary nature of the arrest highlights the challenges human rights defenders face in the Gambia and that result is a situation where human rights defenders live in fear for their life, security and freedom.

In **Rwanda**, long-standing human rights defender Francois-Xavier Byuma was sentenced to 19 years' imprisonment on 27 May 2007, after an unfair trial by the gacaca community court in the Bilyogo sector of Kigali. Turengere Abana, the organisation François-Xavier Byuma chairs, had looked into allegations that the judge presiding over the trial had raped a young girl. The judge therefore had a clear conflict of interest in the trial. The Appeal court decided on 18 August 2007 that the first instance verdict should stand, and the

sentence of 19 years' imprisonment would remain. The court did not motivate its verdict, and gave no explanation on whether it had considered the question of impartiality of the judge in first instance. This failure by the court amounts to a gross miscarriage of justice. Amnesty International has called for a review of this case in line with international standards of fair trial.

In **Somalia**, Ahmed Mohamed Ali "Kiimiko" and Zakaria Mohammed Sheikh Yusuf, respectively the Chairperson and Legal Advisor of the Somali Human Rights Defenders Network (SOHRIDEN), have been investigating, documenting and reporting human rights violations and using advocacy to achieve change and respect for human rights. In recent months, both have received concrete and repeated death threats from opposition armed groups and unknown individuals, and threats and harassment from security forces of the Transitional Federal Government. These threats and attacks on their colleagues forced them to flee their country in October 2007. Amnesty International has urged all parties in the Somali conflict to end the attacks on human rights defenders and respect their work to uphold human rights.

In **Zimbabwe**, women human rights defenders are suffering increasing repression as they mobilise to confront the government in the face of a spiralling economic and social rights crisis. Many of these women reported being subjected to beatings and other ill-treatment while in police custody, in some cases amounting to torture. Much of the abuse has included sexist verbal abuse and derogatory accusations aimed at discrediting their character and work. Some have been detained with their children or while pregnant in deplorable conditions falling far below international human rights standards. Amnesty International has stressed that the international community must publicly condemn violations of human rights by the government of Zimbabwe, including organised violence by state actors, torture and ill-treatment, and more broadly the denial of human rights of women human rights defenders.

The above highlighted cases are but a few examples of the continuing violations of the human rights of human rights defenders in many parts of Africa. Attacks against human rights defenders violate the UN Declaration on Human Rights Defenders and international human rights standards guaranteeing the rights to freedom of association and assembly and the rights to freedom of expression among others. According to the Kigali Declaration adopted by the African Union (AU) Ministerial Conference on Human Rights in May 2003, African governments must "take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa."

Amnesty International calls on the African Commission to request its Special Rapporteur on Human Rights Defenders to investigate the cases mentioned above and to report back to the Commission at its 43rd ordinary session on the steps the governments are taking to stop the abuses and on effective remedies provided to the victims.

We also call on the African Commission to adopt a resolution condemning attacks against human rights defenders in Africa and calling for the domestication and full implementation of the UN Declaration on Human Rights Defenders in Africa.