

## WRITTEN INTERVENTION - THE OBSERVATORY

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### AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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**Contribution of the World Organisation Against Torture (OMCT)  
and FIDH (the International Federation for Human Rights)**

**In the framework of their partnership,  
The Observatory for the Protection of Human Rights Defenders**

Madam Chairperson, Distinguished Commissioners and State Delegates,

The World Organisation Against Torture (OMCT) and FIDH, under the framework of the Observatory for the Protection of Human Rights Defenders, thank the African Commission on Human and Peoples' Rights (ACHPR) for this opportunity to raise some of the key issues with respect to the situation of human rights defenders in Africa.

While States have the duty to protect human rights defenders and to ensure that they operate in a safe and enabling environment, attacks, threats, judicial harassment, restrictive laws, smear campaigns against them continue to perpetuate an environment of hostility towards their activities.

#### **1. Pursuit of criminalisation, threats and violence to silence human rights defenders**

In several countries, we are concerned that human rights defenders are criminalised in relation to legitimate human rights activities recognised and protected under regional and international human rights instruments. A significant number of the harassment and attacks occurred in electoral contexts or against defenders promoting democracy or electoral rights.

In **Burundi**, since April 2015, following President Pierre Nkurunziza's third term bid, human rights defenders continue to face increased intimidation, harassment, physical attacks and in the most worrying cases, enforced disappearance. Many had to flee the country and were facing intimidation in their country of relocation.

The Observatory remains particularly concerned by the fate of Ms. **Marie-Claudette Kwizera**, Treasurer of the *Ligue Burundaise des Droits de l'Homme* « ITEKA », who was forcibly disappeared on December 10, 2015. To date, Burundian authorities have refused to provide any information about her fate or whereabouts.

Moreover, human rights defenders and organisations who cooperate with the international human rights system to denounce rampant violations in Burundi face specific acts of reprisals. For instance, in the aftermath of the review by the United Nations (UN) Committee Against Torture (CAT) of the country's human rights crisis, the Government requested to disbar four human rights lawyers who had participated in the CAT session, at the end of July 2016. On January 17, 2017, the Court of Appeal of Bujumbura eventually disbarred Messrs. **Armel Niyongere**, President of *Action chrétienne pour l'abolition de la torture* (ACAT) - Burundi and Director of SOS-Torture/Burundi, **Vital Nshimirimana**, General Delegate of the *Forum pour le Renforcement de la Société Civile* (FORSC), and **Dieudonné**

**Bashirahishize**, Vice President of the Bar Association of the East African Community. Furthermore, the Court decided to suspend temporarily the fourth lawyer, Mr. **Lambert Nigarura**, President of the *Coalition Burundaise pour la CPI* (CB-CPI).

In **Chad**, on April 6, 2017, Mr. **Nadjo Kaina Palmer**, Coordinator of the youth movement “Iyina” (“We are tired” in local Arabic), affiliated with the coalition “Ca suffit” (“It’s enough”) and Coordinator for “Tournons La Page - Tchad” was summoned and arrested by members of the National Agency of Security. He had organised a press conference three days before to call for a protest against impunity and bad governance on the one-year anniversary of the presidential elections. On May 4, 2017, a high court in N’Djamena sentenced Messrs. Nadjo Kaina Palmer and Bertrand Solo, also a leader of Iyina to a six-month suspended sentence for “attempting to manipulate a mob”. The two were released after the verdict.

In the **Democratic Republic of Congo (DRC)**, Mr. **Jean-Marie Kabengele Ilunga**, a human rights lawyer who has been particularly active in the case of the killing of **Floribert Chebeya** and **Fidèle Bazana** from Voix des sans Voix (VSV), has been facing threats and intimidations. On the night between October 11 and 12, 2016, he was informed by his colleagues that agents of the ANR (National Intelligence Agency), the SNS (National Security Service) and military were present around the Catholic University of Congo in Kinshasa, where he was assisting to the election of the new Chairman of the Bar Association, for which he presented his candidacy, in a clear act of intimidation. He had also received in the past months several threatening text messages from a telephone belonging to an ANR agent.

Most recently, on February 24, 2017, Mr. **Paul Nsapu**, FIDH Deputy Secretary General and President of the Ligue des électeurs (LE), received two text messages containing death threats against him and his family, which are allegedly related to Mr. Nsapu’s human rights activities denouncing killings and other gross human rights violations, as well as for his open support to peaceful youth citizens’ movements such as LUCHA, Filimbi and *Compte à rebours*, who are victims of harassment, intimidations, arrests and arbitrary detentions.

Indeed, dozens of members of youth citizens’ movements have suffered episodes of arbitrary arrest and detention, as well as, for some of them, trumped-up charges and ill-treatment in the DRC. Between October 24 and December 21, 2016, at least 37 members of such pro-democracy groups were arrested including while peacefully protesting or during press conferences to launch the media campaign ‘Bye bye Kabila’. Accused of “inciting rebellion against authorities”, all have been released since then. Amongst them, Mr. **Fabrice Kubuya**, member of the LUCHA movement was detained from December 19, 2016 to March 19, 2017. Again in April 2017, nearly 70 members of citizens’ movement were arrested, detained and further released. Police violence was reported upon release of the human rights defenders.

In **Kenya**, an anti-corruption demonstration co-organised on November 3, 2016, by the Kenya Human Rights Commission (KHRC), PAWA 254, the Inter-Religious Council, Transparency International Kenya, Civil Society Reference Group, Sauti ya Wanjiku, Katiba Institute among others was violently repressed. The police fired tear gas and used water canons. Moreover, some police officers beat up unarmed protesters and journalists. At least 10 activists and journalists were injured, and 24 peaceful protesters were arbitrarily arrested, briefly held at the Central and Parliament police stations and released a few hours later without charges. Unfortunately, no investigation was conducted into these allegations of police violence.

In **Zimbabwe**, on February 1, 2017, Pastor **Evan Mawarire** was charged by the Zimbabwe Republic Police (ZRP) with “subverting a constitutional government”. The ZRP claims that the cleric has been “inciting Zimbabweans from all walks of life either locally or internationally

to revolt and overthrow a constitutionally elected Government”. That includes allegations that Pastor Evan Mawarire has incited some Zimbabweans living in the USA and “all over the world” through social media to converge in New York on September 22, 2016 to “confront” President Mugabe, who was attending the United Nations General Assembly and order him to “immediately” resign from his position accusing him of destroying the country. President Mugabe himself publicly attacked Pastor Evan Mawarire accusing him of being a “great shame” and a “disgrace” for “allowing himself to demonstrate against the country”. On February 8, 2017, the Harare High Court granted a USD 300 (280 euros) bail to Pastor Mawarire, after finding the State’s case “weak”, with “no compelling reasons” to maintain him in pre-trial detention. The bail was accompanied by the obligation to report twice a week to the Arondale police station. In addition, Pastor Mawarire had to surrender his passport to the Clerk of the Harare Magistrates Court and was urged not to interfere with State witnesses. His judicial harassment continues, after several postponements the next hearing in his case is scheduled on June 15, 2017.

Moreover, human rights defenders working on sensitive issues have also been particularly targeted.

In **Egypt**, Mr. **Negad El-Borai**, Director of the “United Group – Attorneys-at-law, Legal Advisors” (United Group) and judges **Assem Abel Gabbar**, former Deputy Chief Justice of the Court of Cassation, and **Hesham Raouf**, who sits at Cairo’s Appeal Court and former Justice Minister’s assistant, have been facing charges for drafting and promoting an anti-torture bill. On March 30, 2017, the Supreme Judicial Council referred the two judges to appear on April 24 - and then postponed the hearing to June 19 - before the Disciplinary Council to consider their dismissal for “engaging in political activities”, while Mr. El-Borai is facing criminal charges of “establishing an unlicensed entity with the intent of inciting resistance wards to the authorities”, “implementing human rights activities without license”, “deliberately spreading false information with the purpose of harming public order or public interest” and “receiving funds from the National Center for State Courts (NCSC)” in another investigation regarding the same anti-torture activity. Their judicial and disciplinary harassment is ongoing.

In **Djibouti**, Mr. **Omar Ali Ewado**, co-founder of the Djiboutian League for Human Rights (LDDH), was arrested on March 19, 2017 by agents of the Services of Documentation and Security, and subsequently released without charges on March 29, 2017. He had already been arrested and released several times before and he had also been victim of other forms of harassment, such as being fired from his job as a professor and having his salary suspended by the National Ministry of Education.

In **Sudan**, while welcoming the fact that the charges against three human rights defenders working at the Centre for Training and Human Development in Sudan (TRACKs), namely Mr. **Al Hassan Kheiry**, a computer technician, Ms. **Arwa Elrabie**, the Administration Manager, Ms. **Imani-Leyla Raye**, a student volunteer, were eventually dropped in January 2017, the Observatory expresses its concern about the sentencing, on March 5, 2017, of Mr. **Khalafalla Al-Afif Mukhtar**, TRACKs Director, and Mr. **Midhat A Hamdan**, a trainer, for “dissemination of false information” and “possession of immoral material”, as well as of Mr. **Mustafa Adam**, who had delivered training for TRACKs, for “espionage”. The three were sentenced to the same punishment: one-year imprisonment and a fine of 50,000 SDG (approx. 7,376 Euros) each. Detained since May 2016, the three men were released the following day from Al-Huda prison in Omdurman after their fines were fully paid, as they had already served their sentence. It has to be noted that the trial proceedings were marred by serious violations of standards of fair trial.

Furthermore, human rights defender Dr. **Mudawi Ibrahim Adam** has been arbitrarily detained since December 7, 2016, by the National Intelligence and Security Services (NISS),

without charges nor access to legal representation and despite a decision on March 26, 2017, by the Attorney General to release him on bail. This prolonged detention without access to counsel constitutes a clear violation of international human rights norms, which prohibit arbitrary or unlawful detention. Allegedly, Dr. Mudawi has also been prevented from receiving essential medication for a pre-existing heart condition, he is extremely fragile with decreasing blood pressure. In addition, from February 2 to 14, 2017, Dr. Mudawi went on a hunger strike to protest his illegal detention. As a consequence his health is increasingly and worryingly deteriorating.

## **2. Economic, land and environmental rights defenders particularly at risk**

Throughout the African continent, our organisations remain concerned by the gravity of attacks against land and environmental rights defenders.

In **Cameroon**, detained since May 2016, Messrs. **Abue Philip Kpwe**, **Divine Biame**, **Cyprian Azong** and **Bernard Fuh**, members of the Esu Youth Development Association (EYDA), were finally released on May 4, 2017, nearly five months after they had been granted bail by the North-West Court. Arrested on spurious grounds of “degradation by band”, in relation to their opposition to land-grabbing, charges have not been dropped and proceedings are ongoing before Bamenda’s Appeal Court. The four leaders are being prosecuted alongside five other Esu leaders, namely Messrs. **Redemption Godlove**, **Ephraim Kagha Mbong**, **Emmanuel Wung**, **Ivo Meh** and **Williams Meh**, and if convicted, the nine face 10 to 20 years in prison. Furthermore, Mr. **Robert Fon**, lawyer of the nine Esu leaders was detained from March 16 to 27, 2017, on charges of “acts of terrorism” and “insurrection”. He was eventually released, as there was no evidence of his wrongdoing.

The Observatory is also concerned about the ongoing judicial harassment and acts of intimidations targeting several members of the Organic Farming for Gorillas (OFFGO), a group of farmers created in September 2015 to promote organic farming, environmental protection, opposing land grabbing and working for the protection of the cross-river gorilla in Mbengwi. The hearing of OFFGO board members **Matthias Awazi** and **Humfred Manjo**, who are facing trumped-up charges leading to up to three years in prison, has not yet taken place. In addition, the village of Tudig, in Mbengwi, where OFFGO has its headquarters, and several of its members have been the target of several security incidents since mid-2016 until February 2017. On March 13, 2017, the village Regent of Tudig, Mr. **Prince Vincent Awazi**, a board member of OFFGO, received a message on his phone from one of the attackers, warning the villagers to be vigilant and that they “will suffer”. Further security incidents were reported in the village of Tudig on April 7 and 8, 2017, when three unknown men warned the village regent “to prepare for his own funeral” and that “others will follow soon”.

Moreover, in **Kenya**, on October 31, 2016, eight members of the network organisation “Building Africa” were arrested together with two witnesses to a beneficiary of the organisation’s services while attending a public meeting about land grabbing and corruption within the Phase 1 and 2 of the Taita Taveta Settlement Project in the city of Taveta. They were charged by the Taveta Court the day after with “participation in an unlawful assembly”, in breach of Section 79 of the Penal Code. The Court set bond at 300,000 KSH (approximately 2,700 EUR) for each of the accused, but the defendants filed an application to the High Court asking for the review of the excessive bond imposed on them. The hearing took place on November 23, 2016 and on December 21, the defenders were released on a personal surety, after the court indicated that they had erred in their ruling, and reduced the bail to 50,000 KSH (approximately 450 EUR) each.

Finally, in **Liberia**, Mr. **Alfred Lahai Brownell**, Lead Advocate of Green Advocates and his staff faced judicial harassment and threats. Starting from October 28, 2016, police officers

issued numerous arrest warrants against Mr. Alfred Brownell, his staff and even his family for allegedly failing to respond to a subpoena enquiry to provide testimony in connection with a war crimes case involving Gus van Kouwenhoven, a Dutch citizen. The series of arrest warrants seems to be linked to the community-based advocacy work carried out by Green Advocate, specifically in the province of Sinoe, where the organisation helped the communities to file complaints against human rights violations committed by the enterprise Golden Veroleum, a branch of the Singapore company Golden Agri Ressources, for the exploitation of palm oil. Green advocates' premises and Alfred Brownell's house were stormed by the police. Although the arrest warrants and contempt proceedings against Mr. Alfred Brownell and Green advocates' staff were officially dropped on November 21, 2016, it is worrisome that high ranking officials in the Liberian government, among whom the President herself, publicly condemned Green Advocates for weakening the national sovereignty.

### **3. Restrictions to freedom of association and assembly, and reprisals against freedom of expression defenders**

The worldwide trend undertaken by some States to restrict freedom of association and hinder the work of human rights defenders by enacting an arsenal of restrictive laws has been particularly spreading across Africa, where authorities increasingly aim to control, paralyse or even eradicate independent civil society, in blatant breach of basic human rights standards.

The most recent illustration of this trend of repression occurred in **Kenya**, where on January 6, 2017 the Interior Principal Secretary Karanja Kibicho wrote to all the 47 county commissioners directing them to shut down NGOs that are not properly licensed or are implementing projects that they have not been registered to undertake. The directive also requires all foreign employees working for NGOs in the country to produce on demand a valid work permit issued by the Directorate of Immigration Services and they must also have a recommendation letter from the NGO Coordination Board. This happens under the same administration that has been undermining, for more than four years since its signing into law on January 14, 2013, the commencement of the Public Benefit Organisation (PBO) Act 2013, a law seeking to provide an enabling environment for NGOs.

In addition, on January 6, 2017, the NGO Coordination Board approached KHRC through email, threatening them to commence an inquiry into allegations of a number of acts of mismanagement and offences allegedly perpetrated by KHRC, which were included in an "internal memorandum" issued by the NGO Board on November 4, 2016. The document which had not been notified to the organisation addressed several government agencies with a number of recommendations against KHRC. Amongst other, it advised the Central Bank of Kenya to take steps to freeze KHRC's bank accounts. Other institutions were requested to take steps to commence criminal and financial investigations against KHRC. It is not the first time that the NGO Board is publicly discrediting KHRC and other human rights organisations in Kenya. The KHRC requested and obtained a meeting with the NGO Board to clarify the situation.

Moreover, in **Burundi**, on January 3, 2017 the Burundian authorities announced that the **Iteka League** had been permanently removed from the list of organisations allowed to work in the country since December 21, 2016, for having allegedly "damaged the image of the country and divided the Burundian community". This occurred after the Ministry of Interior and Patriotic Training published a directive on October 24, 2016, to suspend provisionally a number of non-profit associations, namely **SOS-Torture/Burundi**, the Iteka League, the **Coalition de la Société Civile pour le Monitoring Electorale (COSOME)**, the **Coalition Burundaise pour la CPI (CB-CPI)** et the **Union Burundaise des Journalistes (UBJ)**. A week earlier, on October 19, 2016, the same Ministry had passed a similar directive to

permanently remove 5 other NGOs from the Ministry's List of Associations operating in Burundi, i.e. the *Forum pour le renforcement de la société civile* (FORSC) the *Forum pour la conscience et le développement* (FOCODE), the *Action chrétienne pour l'abolition de la torture* (ACAT), l'*Association burundaise pour la protection des droits humains et des personnes détenues* (APRODH) and the *Réseau des citoyens probes* (RCP).

Furthermore, respectively on December 28 and 23, 2016, the National Assembly adopted in final reading two bills, which aim to closely monitor and control the actions of local and international NGOs in Burundi. The first bill requires local NGOs to obtain the authorization of the Minister of Interior before carrying out any activity and it also obliges NGOs to channel any foreign funding that they might receive through the Burundian Central Bank. The second bill requires foreign NGOs to carry out activities that conform with the priorities defined by the Burundian Government.

Civil society in *Egypt* also continues to face an unprecedented wave of attacks by the authorities as part of the case known as the “foreign funding case No. 173”, a five-year-old investigation into the funding and registration of independent human rights groups. On December 14, 2016, the assets of Ms. **Azza Soliman**, founder of the Centre for Egyptian Women Legal Aid (CEWLA), and the ones of her law firm were frozen, one week after she had been arrested and released on bail on December 7. This was the first arrest warrant to be issued against an NGO worker within the foreign funding case. Furthermore, on January 11, 2017, the assets of Ms. **Mozn Hassan**, Founder and Executive Director of Nazra for Feminist Studies (Nazra), Mr. **Mohamed Zarea**, Director of the Arab Penal Reform Organization (APRO), Mr. **Atef Hafez**, legal researcher at APRO, as well as those held by the two aforementioned organisations were frozen.

The Observatory furthermore denounces the systematic use of travel bans against human rights defenders by the Egyptian government as a tool to crackdown all independent civil society in the country. For instance, on November 17, 2016, Ms. Azza Soliman was prevented from boarding a plane, and the same happened to Ms. **Aida Seif El-Dawla**, Director and one of the founders of El Nadeem Center for the Rehabilitation of Victims of Torture and Violence (El Nadeem Center) on November 23, as well as on January 26, 2017 to Mr. Negad El-Borai.

Moreover, after two closure attempts in 2016, on February 9, 2017, the three flats occupied by **El Nadeem Center** were sealed in application of an “administrative closing order” issued on February 17, 2016 by the Ministry of Health (MoH) to shut down the clinic for allegedly “breaching license conditions”. However, the closure of two of the three flats occupied by El Nadeem Center has been considered illegal, since they were not included in the MoH closing order, and therefore they have been reopened on April 11, 2017. However, the clinic remains closed as of today, while the administrative proceedings against the MoH closing order are ongoing. El Nadeem Center has been licensed as a medical clinic since 1993 and has provided hundreds of torture victims with vital services, including counselling and legal assistance.

Alongside the judicial harassment of Egyptian human rights defenders, in the last quarter of year 2016, authorities attempted twice to amend the NGO regulatory framework. The two versions of draft NGO laws introduce very restrictive provisions which could lead to the eradication of existing human rights groups and prevent the setting-up of new ones. After the approval by the Cabinet on September 8, 2016 of a draft NGO law, on November 15, 2016, the Egyptian Parliament adopted another draft NGO law, drafted by its chairman Abdel Hadi el Qasabi. This latter contained even more draconian provisions than the previous one and, should it come into force, it would close any remaining space for conducting human rights work in Egypt. Of particular concern is the attempt of the Egyptian Parliament to

redefine authorised field of action for civil society organisations as being necessarily determined by the State's agenda. In particular, under this new legal framework, NGOs would not be allowed to conduct work that may cause harm to "national security", "law and order", "public morals", or "public health", terms that are subject to the discretionary interpretation of government agencies. Allegedly, the NGO law was sent in December 2016 to the President for signature, but after strong international pressure from both civil society and the international community, as of today, there is no further information on the status of such law.

In **Morocco**, on September 30, 2016, two Saharawi young activists belonging to the *l'Equipe Média*, Messrs. **Amidan Said** and **Brahim Laajail**, were arbitrary arrested and tortured by the Moroccan Security forces at Guelmim. They were interrogated several times and respectively charged with "insulting the police" and "possession and use of drugs", as well as "non-presentation of identity documents". The two activists were subsequently released awaiting trial. On November 29, 2016, the two were sentenced to three and two months in jail respectively, without having to spend actual time in jail, for "attacking a public employee". They both deny the charges and are appealing the court decision.

Finally, the Observatory is concerned about the ongoing judicial harassment under charges of "threat to State security" of Messrs. **Maâti Monjib**, historian, journalist and President of the association "Freedom Now" for freedom of expression in Morocco, **Hisham Almiraat**, President of the *Association des droits numériques* (ADN), **Hicham Mansouri**, Project Officer at the *Association marocaine pour le journalisme d'investigation* (AMJI), **Mohamed Essabr**, President of the *Association marocaine d'éducation de la jeunesse* (AMEJ), **Abdessamad Ait Aicha**, former training project Coordinator of the *Centre Ibn Rochd*, journalist and member of the AMJI. Furthermore, Mr. **Rachid Tarik** and Ms. **Maria Moukrim**, respectively President and former President of the AMJI are accused of receiving foreign funding without notifying the authorities. On January 25, 2017, the court decided to postpone their hearing for the sixth time, rescheduling it on May 24, 2017.

#### **4. Human right defenders in Kenya at risk ahead of the general elections**

Concerned by the high levels of police violence against defenders and attempts to restrict their working environment, the Observatory carried out an international fact-finding mission in Kenya in October 2016. The report, presented in Niamey during the NGO Forum, raised three main concerns.

First, human rights defenders are often confronted to high levels of police violence, especially when trying to hold public officials accountable for human rights violations, and this happens in widespread impunity, despite the State and police reforms in place. The violence includes harassment, torture, enforced disappearances and extrajudicial killings, including under the guise of security and counter-terrorism operations. Moreover, the disproportionate use of force in managing public protests calls into question the prevailing standards in public order management and their actual use by the police.

Second, the increasing pattern of criminalisation and intimidation of human rights defenders, through trumped-up charges, episodes of frequent arrests, detentions in police stations and long trials, represent a serious concern, since they are used as a means to harass, traumatise and exhaust defenders, and, in fine, prevent them from defending human rights.

Third, delays in the commencement of the Public Benefit Organisations (PBO) Act 2013, which streamlines the regulation of the civil society sector, have left the door open for abuses and administrative harassment of civil society organisations (CSOs), whose sector is still regulated by the NGO Coordination Act 1990. As a result, CSOs continue to operate in a hostile environment, characterized by the threat of arbitrary de-registration and asset

freezes, continuous attacks and smearing campaigns. It is worrying that the past two years have witnessed various failed attempts to incorporate restrictive amendments into the PBO Act 2013, including severe restrictions to access to foreign funding, aimed at undermining its significant improvements.

## **5. Recommendations:**

1) In view of the above-mentioned elements, the Observatory reminds States Parties of their obligation to comply with all the provisions of the African Charter, in particular those relating to the protection of human rights defenders. In that regard, States should immediately and unconditionally:

- Implement all the provisions of the 1998 United Nations (UN) Declaration on Human Rights Defenders, especially by guaranteeing in all circumstances their physical and psychological integrity and their capacity to operate in a safe and enabling environment;
- Release all defenders who are arbitrarily detained for their activities of promotion and protection of human rights and fundamental freedoms, in particular freedoms of expression, peaceful assembly and association;
- Develop differentiated measures for the protection of the most vulnerable groups of human rights defenders such as land and environmental rights defenders, defenders working in rural areas, woman human rights defenders or defenders working on LGBTI issues;
- Put an end to all acts of harassment - including at the judicial level - against human rights defenders;
- Order immediate, thorough, transparent investigations into allegations of violations of the rights of human rights defenders, in order to identify all those responsible, bring them before an independent tribunal, and apply them the sanctions provided by the law;
- Refrain from adopting any provisions that do not comply with international and African standards with respect to the exercise of the right to freedom of expression, peaceful assembly and association, and abrogate or revise any such provisions that may be in force;
- Send a standing invitation to the UN and ACHPR's Special Rapporteurs on Human Rights Defenders and facilitate their country visits.

2) In particular, on the situation of human rights defenders in Kenya, the Observatory calls upon the ACHPR to:

- Address the critical situation of human rights defenders in Kenya ahead of the August general elections during the 60th session of the ACHPR, including through a resolution calling for free, peaceful and democratic general elections and conforming to the principles of the African Charter on Human and Peoples' Rights with respect to freedoms of association, assembly and expression as well as to the African Charter on Democracy, Elections and Governance;
- Deploy human rights monitors in Kenya ahead of August 2017 general elections to document instances of violation and abrogation of freedoms of association, assembly and expression;
- Publicly denounce the vulnerability of human rights defenders in Kenya, in particular the legal and practical infringements to their freedoms of association, expression and assembly;



- Call upon the Kenyan authorities to guarantee the physical and psychological integrity of human rights defenders and ensure that those found responsible for human rights abuses are held accountable;
- Call upon the Kenyan authorities to fully conform its national legal and institutional framework with the human rights guarantees provided by regional and international treaties, as well as by the Constitution of Kenya;
- Call upon Kenya to make a declaration under Article 34.6 of the Protocol to the African Charter on the establishment of the African Court, allowing direct access to the Court to NGOs and individuals.

3) More generally, the Observatory also calls upon the ACHPR to:

- Highlight the legitimate work carried out by human rights defenders, and the need for their protection from harassment and attacks;
- Systematically raise the question of the situation of human rights defenders as well as denounce and condemn all human rights violations they face during the examination of the periodic reports of States parties to the ACHPR, and on the occasion of all visits conducted in a State party;
- Denounce the impunity that prevails with regard to these violations, and urge States to hold all those responsible to account;
- Increase its capacities to respond to urgent situations faced by human rights defenders;
- Ensure the effective implementation of its resolutions, concluding observations and decisions on communications in order that everyone, including human rights defenders, be able to effectively enjoy all the rights and freedoms recognised by the ACHPR, the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders;
- Continue to strengthen the collaboration with the UN Special Rapporteur on the Situation of Human Rights Defenders, as well as with the other regional mechanisms dedicated to the protection of human rights defenders.

Thank you for your attention.

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Niamey, May 2017

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.*

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