

ORAL INTERVENTION - THE OBSERVATORY

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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

In the framework of their joint programme,
The Observatory for the Protection of Human Rights Defenders

Madam President,
Madam the Special Rapporteur for Human Rights Defenders,
Madam and Sir Commissioners,
Madam and Sir Delegates,

FIDH and OMCT, in the framework of the Observatory for the Protection of Human Rights Defenders, once again express their grave concern about the situation of human rights defenders in Africa.

Arbitrary arrests, detentions and judicial harassment of human rights defenders are still used as means to persecute and silence human rights defenders throughout the African continent.

In **Algeria**, with already ten of their colleagues in detention, labour rights activists **Abdelhamid Brahimi**, **Ferhat Missa** and **Youssef Sultani** are judicially harassed for criticising the police on Facebook and for their participation to peaceful demonstrations in El Oued. Their trial is ongoing.

In **Burundi**, **Pierre Claver Mbonimpa**, was re-arrested on April 27, 2015 for publicly speaking against a third mandate of President Pierre Nkurunziza.

In **Cameroon**, **Franklin Mohwa**, president of Frontline Fighters for Citizens Interests (FFCI) is arbitrarily detained and prosecuted, so is **Célestin Yandal**, president of the Touboro Youth Collective.

In the **DRC**, the trial of detained human rights defender **Christopher Ngoyi Mutamba**, National Chairman of the NGO "Synergie Congo culture et développement" and Coordinator of the platform Civil Society of Congo, opened on March 4, without any prior notice to the defendant who is facing a heavy prison sentence.

In **Egypt**, many human rights defenders, including **Yara Sallam**, **Sanaa Seif** and **Alaa Abdel Fattah** are still arbitrarily detained for exercising their legitimate right to peaceful assembly. While they are not currently detained, human rights lawyers, **Mahienour El-Massry**, **Amr Abu-Elkhair** and **Azza Soliman**; are still facing judicial harassment.

In **Sudan**, **Adil Bakheit**, member of the Board of Trustees of the Sudan Human Rights Monitor (SHRM), was arrested on April 16, 2015.

In addition, over the last years, land rights defenders have become the target of a growing harassment aiming at silencing dissenting voices likely to slow down investment projects.

In **Cameroon**, **Nasako Besingi**, Director of the NGO Struggle to Economize Future Environment (SEFE), was attacked on August 29, 2012.

In **Uganda**, **Gerald Kankya**, Executive Director of the Twerwaneho Listeners Club (TLC), has been the target of a particularly harsh judicial and physical harassment since the beginning of 2015.

In **Sierra Leone**, the ongoing judicial harassment against several members of the Malen Land Owners and Users Association (MALOA), illustrates the harassment which land rights defenders are the target of in the country.

Furthermore, in several countries, human rights defenders have also been subjected to threats and defamation campaigns.

In **Angola**, the increasing insecure environment in which human rights defenders operate constitutes a direct threat to their work.

In **Cameroon**, threats against **Maximilienne Ngo Mbe**, REDHAC Executive Director and Executive Secretary of the PRODHOP, and members of her family must be taken seriously by authorities who should ensure their protection.

Still in **Cameroon**, acts of intimidation have been particularly directed against those who defend LGBTI persons, while the investigation into the death of human rights defender **Eric Ohena Lembembe** remains at a standstill.

In **Libya**, the assassination of **Salwa Bouguiguis**, human rights lawyer and women's rights activist, on June 25, 2014 must not remain unpunished.

In **Mauritania**, life of **Aminetou Mint El Moctar**, Head of the *Association des femmes chefs de familles* (AFCF) is threatened since on June 6, 2014, the leader of a Mauritanian Islamic group "Ahabab Errassoul" launched a fatwa against her.

Last but not least, major obstacles to the right to freedom of association were also reported on the continent, such as for instance in **Angola**, **Kenya**, **Rwanda** and **Uganda**.

In **Angola**, in February 2015, a draft regulation on the activities of NGOs, which is to be adopted, contains a number of provisions that would considerably jeopardise the work of independent NGOs.

In **Kenya**, the decision, on April 7, 2015, to freeze the accounts of two human rights organisations, **Haki Africa** and **Muslims for Human Rights** (MUHURI), in the aftermath of the terrorist attack in Garissa, comes as an unfair retaliation measure against peaceful and legitimate human rights organisation.

In **Rwanda**, there is no independent human rights NGO left since July 2013, when the **Rwandan League for the promotion and defence of human rights** (LIPRODHOR) was the target of a takeover aiming its legitimate senior management.

In **Uganda**, a new NGO bill would grant the internal affairs minister and the National Board for Non-governmental Organisations broad powers to supervise and dissolve all NGOs, and would impose severe criminal penalties for violations.

Recommendations:

1) In view of the above-mentioned elements, States parties should immediately and unconditionally:

- Implement all the provisions of the 1998 United Nations (UN) Declaration on Human Rights Defenders;
- Release all defenders who are arbitrarily detained for merely exercising their rights to fundamental freedoms;
- 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 human rights defenders' rights, 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 human rights standards, and abrogate or revise any such provisions that may be in force;
- Send a standing invitation to the United Nations and ACHPR's Special Rapporteurs on Human Rights Defenders and facilitate their country visits.

2) The Observatory also calls upon the ACHPR to:

- Denounce and condemn all human rights violations faced by human rights defenders during the examination of the periodic reports of the States parties to the ACHPR, and on the occasion of all visits conducted in a State party;
- 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;
- Continue and strengthen the collaboration with the United Nations Special Rapporteur on Human Rights Defenders and with the other regional mechanisms.

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