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60th Ordinary Session of the African Commission on Human and Peoples' Rights, Niamey, Niger

Agenda Item 10: Activity Report of the Special Rapporteur on Human Rights Defenders in Africa

Chairperson and Honourable Commissioners

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

Human rights defenders have long played an essential role in standing up for freedom, opposing repression and promoting social justice across Africa. Yet, rather than heralding these efforts, state authorities continue to respond with hostility and intolerance to activities of human rights defenders and any form of dissent. Often labelled as “subversives”, “political opponents” and “traitors”, human rights defenders in many countries continue to face various forms of repression. At the same time, the broader space in which they operate has been shrinking as rights to freedom of expression, association and peaceful assembly seeing consistent patterns of violations.

In **Algeria**, authorities continue to impose far-reaching restrictions on the legitimate work of human rights groups under Law 12-06 of 2013 by restricting groups on vague grounds such as “threatening national principles and values” or “morality” or for “interfering” in the internal affairs of the country. Authorities also keep associations including human rights groups in a legal limbo and at risk of criminal prosecution by failing to deliver registration receipts while at the same time not issuing an explicit refusal. In addition, any criticism of the conduct of security forces during Algeria’s internal conflict in the 1990s, whether by victims or HRDs is criminalised under the penal code and human rights lawyers have faced prosecution for this.

In **Angola**, police officers violently repressed peaceful demonstrations on 24 February 2017 in the cities of Luanda and Benguela. The demonstrators were calling for the resignation of the Minister of Territory Administration. The police used the canine brigade and truncheons to disperse the demonstrators even though they were not posing any threat to them or to the public. Amnesty International has confirmed that at least 24 activists were severely injured by this arbitrary and excessive use of force by the police. Amnesty International welcomes the fact that the Public Prosecutor’s Office opened an investigation of these facts on 18 April and urges the investigation must be immediate, independent and impartial and ensure all those responsible are held to account.

In **Chad**, Tadjadine Mahamat Babouri aka Mahadine remains in detention after having been arrested on 30 September 2016 in N’Djamena by agents of the *Agence Nationale de la Sécurité* (ANS). He had posted several videos on Facebook criticizing the government’s management of public funds and the country’s current economic crisis. Currently detained in Mossoro Prison, he was initially held for at least three days in unofficial detention centres, including the ANS, without access to his family, lawyer or medical treatment. He was allegedly tortured and deprived



of food and water, and on 10 October was charged with '*undermining the constitutional order, territorial integrity and national security and intelligence with an insurrectional movement*'.

In **Egypt**, Amnesty International is deeply concerned about the escalation of an unprecedented campaign which threatens the existence of the independent human rights organizations. Over the last year and half, in the context of a criminal investigation into the work and funding of human rights groups known as Case 173, the Egyptian authorities have banned 24 directors, founders and staff of human rights organizations from travelling; have frozen the assets of 7 organizations and 10 individuals as well as summoned at least 32 staff of human rights groups for questioning. If convicted, many of them could face up to 25 years in prison based on vague and overly broad penal law provisions that criminalize their independent human rights work. The authorities have arbitrarily arrested and detained at least five HRDs over the past year and have interfered in and imposed restrictions on the activities of human rights groups. In November 2016, the Egyptian parliament passed a new associations law that is even more draconian than the current Mubarak-era law which is yet to come into force. In February 2017, the police raided and shut down one of Egypt's most prominent human rights NGOs, the Nadeem Center for Rehabilitation of Victims of Violence.

In **Equatorial Guinea** the authorities have a long history of harassing, arbitrarily detaining, and interfering with the work of human rights defenders. Enrique Asumu and Alfredo Okenve, who head the Center for Development Studies and Initiatives (CEID), were detained on 17 April after they objected to the authorities' decision to prevent Enrique Asumu from boarding a plane to the city of Bata the day before. On 25 April, Enrique Asumu was released on humanitarian grounds after paying a fine as his health deteriorated. Alfredo Okenve remains in detention without charge. In March 2016, The Ministry of the Interior ordered CEID to suspend its activities indefinitely after shutting down a youth meeting that it contends included statements by participants that constituted incitement, a charge CEID maintains is false and politically motivated. The organization appealed the suspension order, but received no response, a representative from the organization said.

In **Mauritania**, anti-slavery activists have faced persecution by prosecution for years, imprisoned for peacefully campaigning against practices of slavery that persist in the country despite having been made illegal. For example, Biram Dah Abeid, leader of the Initiative for the resurgence of the Abolitionist Movement (IRA-Mauritania) – an anti-slavery organization that the government has refused to authorise - has been imprisoned three times between 2010 and 2016, most recently spending more than a year and half behind bars. Two members of IRA-Mauritania, Abdallahi Maatalla Seck and Moussa Ould Bilal Biram, remain detained in the Bir Mogren prison, 1,100km from Nouakchott, far away from their lawyers and relatives. They have been subjected to torture and other ill-treatment. Other human rights defenders continue to be arbitrarily arrested and detained for "participating to an unauthorised gathering." In April 2017, Oumou Kane, a young women human rights defender was detained for five days and sentenced to a three-month suspended jail term and a fine after she attended a peaceful gathering in the capital Nouakchott. She was beaten with batons at the time of her arrest. She asked to see a doctor to look at her injuries, but she was denied access to medical treatment.

In **Morocco**, the authorities continue to obstruct the registration of human rights groups by refusing to accept registration applications or deliver receipts to several human rights groups. In Western Sahara, Moroccan authorities continue to obstruct the registration of Sahrawi human



rights groups and harass and at times imprison Sahrawi activists in reprisals for visits to the Tindouf refugee camps in southern Algeria. In 2015, a Moroccan court ordered the closure of the Ifni Memory and Rights association, a Sahrawi association based in the southern Moroccan city of Sidi Ifni, on the basis that it undermined Morocco's "territorial integrity" by advocating for the rights of Sahrawis. Moroccan authorities continued to expel or deny entry to foreign journalists, activists and human rights defenders, both to Morocco and to a larger extent to Western Sahara. Amnesty International remains in dialogue with the authorities to lift remaining restrictions on its own fact-finding activities in Morocco and Western Sahara.

In **Nigeria**, activists such as Professor Maurice Fangnon, Executive Director of the Centre for the Defence of Human Rights and Democracy in Africa, have been targeted for opposing forced evictions of thousands of people in the name of security and development. Professor Fangnon was arbitrarily detained on 7 December 2016 for six hours and has received death threats via emails and anonymous telephone calls.

Despite this continuing patterns of repression, human rights defenders across the continent continue to contribute to the much-needed change for people across the region, providing vivid reminders of why progress on universal human rights requires strong protections for those at the forefront of claiming them.

Human rights defenders are not enemies of the state. They are individuals who take injustice personally and take peaceful action to improve the human rights situation in their environment.

In recognition of the magnitude of the threat against human rights defenders across the world, Amnesty International will on 16 May launch a global campaign calling for human rights defenders to be recognised, protected and able to operate in a safer environment. As part of this global campaign, we call on the African Commission to continue publicly condemning attacks, threats and intimidation against HRDs. We also call on the African Commission to urge state parties to the African Charter to:

- Adopt and implement legislation which recognizes and protects HRDs.
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of peaceful assembly and association.
- Ensure that justice systems are not misused to target or harass HRDs and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their rights.
- Extend an invitation to the Special Rapporteur on the Situation of Human Rights Defenders in Africa to conduct visits without restrictions on duration or scope.
- Develop and implement public awareness campaigns about the work of HRDs and ensure their wide dissemination.
- Promote and widely disseminate resolutions 69, 119, and 196 of the African Commission on the situation and protection of human rights defenders in Africa, as well as the UN Declaration on Human Rights Defenders, and adopt national legislation for the effective implementation of these instruments.



- Publicly acknowledge the particular and significant role played by women human rights defenders and those who work on women's rights or gender-related issues, and ensure they are able to work in an environment free from violence and discrimination of any sort
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against HRDs including by characterizing them as criminals, "foreign agents", terrorists, undesirables or of being morally corrupt, threats to security, development or traditional values.