

# Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa - 75OS

May 06, 202

## I. INTRODUCTION

1. This Report is prepared and submitted in accordance with Rules 25(3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission). It reports on activities for the promotion and protection of human rights undertaken during the intersession period, since the 73rd Ordinary Session of the Commission held in Banjul from 20 October 2022 to 9 November 2022.

2. In specific terms, this report first outlines the activities carried out under the mandate given to me as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa. As a reminder, this Special Mechanism was established by Resolution ACHPR/ 69(XXXV) 04 of the African Commission and its mandate was further renewed by Resolutions ACHPR/Res.83(XXXVIII)05, ACHPR/Res.125(XXXII)07, ACHPR/Res.149(XLV) 09, ACHPR/Res.202(L)2011, ACHPR/Res.248(LIV)2013, ACHPR/Res.83(XXXVII) 05, ACHPR/Res.273(LV)14, ACHPR/Res.315(LVII)2015, ACHPR/Res.381(LXI)2017, ACHPR/Res.425(LXV) 2019, and ACHPR/Res.451 (LXVI) 2020.

3. It then presents a brief analysis of the situation of human rights defenders, freedom of association and assembly, and reprisals in Africa. Finally, it presents recommendations for the various stakeholders.

## II. PROTECTION ACTIVITIES

4. In my capacity as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and pursuant to my mandate, the main protection activities carried out during the period under review are mainly the issuing of press releases on situations of violations of the rights of human rights defenders and Urgent Appeal Letters.

### A. Press Releases

5. Together with Hon. Dr. Litha Musyimi-Ogana, Rapporteur on the Human Rights Situation for the Kingdom of Eswatini, we issued a press release on 23 January 2023 following the tragic murder of the renowned human rights lawyer and political activist, Advocate Thulani Maseko on 21 January 2023 in the Kingdom of Eswatini. On this occasion, we condemned this despicable act and called on the Government of the Kingdom of Eswatini to initiate an independent investigation into the murder of Advocate Maseko with a view to apprehending, prosecuting and punishing the perpetrators of this murder.

6. On 24 January 2023, jointly with the Honourable Commissioner Ourveena Geereesha Topsy-Sonoo, Special Rapporteur on Freedom of Expression and Access to Information in Africa, we issued a press release on the murder of Mr. MBANI ZOGO Arsène Salomon, known as Martinez Zogo, a Cameroonian investigative journalist, host and Director of Radio Amplitude FM, who was abducted in front of a gendarmerie post in Yaoundé on 17 January 2023 and whose lifeless and badly decomposed body was found on 22 January 2023 in the neighbourhood known as EBOGO 3, in the Republic of Cameroon. We called on the Cameroonian Government to conduct independent and impartial investigations in order to identify and prosecute the perpetrators of this murder.

7. On 13 February 2023, together with Hon. Maya Sahli Fadel, Rapporteur on the Human Rights Situation in the Islamic Republic of Mauritania, we issued a press release following the death, on Friday 10 February 2023, of Mr. Souvi Ould Jibril Ould Cheine, due to ill-treatment in detention. We called on the Mauritanian authorities to conduct a prompt and independent investigation and to take all necessary measures to shed light on the circumstances of the death of Mr. Souvi Ould Jibril Ould Cheine; and to prosecute the perpetrators of this criminal act which violated the right to life protected by Article 4 of the African Charter.

8. On 24 February 2023, I published a press release following the dissolution on 23 February 2023 by the Algerian judicial authorities of the Association referred to as "Rassemblement Actions Jeunesse" (RAJ), established in 1992, which had been accused of acting contrary to the law on Associations, a law which is itself contested by several Algerian civil society organisations. I strongly condemned such a measure and reminded the Algerian authorities that such a decision, although judicial, is nonetheless inconsistent with the obligations arising from Articles 10 and 11 on Freedom of Association and Assembly protected by the African Charter, as well as other international and regional human rights instruments to which Algeria is a Party.

9. On 27 February 2023, I issued a press release following the situation of members of Congolese civil society (DRC) who were placed under house arrest by the Ethiopian Police in their Hotel in Addis Ababa, Ethiopia, on the margins of the 42nd Session of the Executive Council and the 36th Ordinary Session of the Assembly of the African Union as they were about to leave their hotel. In this Communiqué, I reminded the authorities of Ethiopia that such acts, committed during statutory meetings of the African Union, are contrary to the obligations to respect and protect human rights under the African Charter on Human and Peoples' Rights (the African Charter) and other international and regional human rights instruments to which Ethiopia is a Party, and that the Ethiopian authorities should take the necessary measures in the future to avoid such incidents.

## B. Urgent Calls

10. During the period under review, the Mechanism received complaints of alleged human rights violations, which it followed up according to the specific needs of each case. Some of these complaints were followed by urgent appeals to the authorities of the countries concerned. Thus, 3 urgent appeal letters were sent to Senegal, Cameroon and Djibouti.

11. On 4 January 2023, jointly with the Honourable Commissioner Geereesha Topsy-Sonoo, Special Rapporteur on Freedom of Expression and Access to Information in Africa and the Honourable Commissioner Maya Sahli-Fadel, Special Rapporteur on the Human Rights Situation in the Republic of Senegal, in response to the allegations of arbitrary arrest and detention of human rights defender and investigative journalist Pape Alé Niang

12. On 27 February 2023, in my dual capacity as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, and Rapporteur on the Overall Human Rights Situation in the Republic of Cameroon, I addressed an Urgent Appeal to the Cameroonian authorities following the alleged assassination of Jean-Jacques Ola Bebe, a priest of the Orthodox Catholic Church and a journalist and presenter at Radio Galaxy FM in Yaoundé, on February 2, 2023 in Yaoundé, two weeks after the assassination of Mr. Martinez Zogo, another journalist who was fighting against the misappropriation of public funds. I have requested the authorities to investigate these murders so that the perpetrators are brought to justice.

13. On 16 March 2023, jointly with the Honourable Hatem Essaiem, Rapporteur in charge of monitoring the human rights situation (Country Rapporteur) in the Republic of Djibouti, we sent

a letter of concern to the Djiboutian authorities following the expulsion of two representatives of the International Federation for Human Rights (FIDH), Mr Alexis Deswaef (Esq), -Vice-President of the Organisation- and Mrs. Victoire d'Humieres, - in charge of the East Africa programme in this Organisation while they were on a working mission and had all obtained valid visas before their trip.

14. In our letter, we reminded the authorities of the Republic of Djibouti that these acts constitute a violation of the African Charter, in particular Article 6 on the right to liberty and security of the person, Article 9 on the right to information and Article 10 on the right to freedom of association. Therefore, we requested the authorities to investigate, if necessary, the circumstances relating to their arrest and deportation while holding regular visas; and to ensure the physical and psychological integrity of human rights defenders in Djibouti in general.

#### State Responses to Urgent Appeals

15. During the period under review, the Mechanism received only one response, from the Government of the Republic of Djibouti, to the letter of concern sent jointly with the Honourable Commissioner Hatem Essaiem, Country Rapporteur for Djibouti, following the expulsion of two representatives of the International Federation for Human Rights (FIDH).

16. In its response dated 13 April 2023, the Republic of Djibouti clarified the circumstances of the expulsion of Mr Alexis Deswaef and Mrs. Victoire d'Humieres of FIDH. The State Part informed us that the two FIDH representatives had entered the country using an e-visa, which is only valid if the purpose of the trip is tourism, trade or transit, whereas in reality the purpose of their trip was professional because, once they arrived in the country, they did not hesitate to contact the Djibouti authorities for working meetings, in particular, with the Minister of Justice.

17. Furthermore, in their response, they told us that these two individuals had submitted applications for professional visas to the Djibouti government representatives in Brussels, but that the latter had not been able to process them within the usual timeframe due to the organisation of the legislative elections on 24 February 2023 for all their citizens living in Europe.

18. We thank the Djibouti authorities for their response to our concerns and encourage them to continue to do so. We urge those States that have not yet responded to take the necessary steps to reply to the correspondence addressed to them, in order to provide clarifications on the measures taken to remedy the situations referred to them.

#### III. PROMOTION ACTIVITIES

19. The human rights promotion activities I have been involved in relate mainly to participation in awareness-raising meetings and seminars.

##### A. Participation in a strategy meeting in Warsaw from 28-30 November 2022

20. On 28-30 November 2022, at the invitation of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Mr. Clément Voule, I participated in a strategic meeting with representatives of Regional Mechanisms responsible for protecting these rights, namely the Inter-American Commission on Human Rights (IACHR), the African Commission on Human and Peoples' Rights (ACHPR), the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE, the Office of the Commissioner for Human Rights of the Council of Europe and the ASEAN Intergovernmental Commission on Human Rights.

21. The objective of the meeting was to discuss emerging trends and identify priorities for collaboration between the UNSR FoAA and regional mechanisms to strengthen the protection of the right to freedom of peaceful assembly and association at the international and regional levels. At the end of the meeting, the experts developed, in collaboration with civil society, a roadmap that will serve as a strategic plan for cooperation between the international and regional mechanisms.

B. Participation in the Regional Seminar on Freedom of Expression and Access to Information in Lusophone Africa

22. In my capacity as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, I participated in a regional seminar on freedom of expression and access to information in Africa in Johannesburg, South Africa from 1 to 3 February 2023. The seminar was organised by the Honourable Geereesha Topsy-Sonoo, the Special Rapporteur on Freedom of Expression and Access to Information, in collaboration with Honourable Maria Teresa Manuela, Commissioner-Rapporteur for the Portuguese-speaking States Parties to the African Charter.

23. The main objective of the seminar was to raise awareness and disseminate the Declaration on the Principles of Freedom of Expression and Access to Information in Africa (the 2019 Declaration), specifically targeting Portuguese-speaking African States Parties. The seminar also provided participants with knowledge on the importance of the rights to freedom of expression and access to information as defined in the Declaration. It also enlightened participants on other soft law and ACHPR jurisprudence relating to freedom of expression and access to information.

C. Participation in the Webinar organised by the UN Special Rapporteur on the Rights to Freedom of Assembly and Association

24. I took part in a webinar organised by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on 24 March 2023 on the sidelines of the 52nd Session of the Human Rights Council. The theme of the webinar was "Strengthening the Capacity of International and Regional Mechanisms to Protect the Rights to Freedom of Peaceful Assembly and Association".

25. The event enabled us to continue and finetune the discussions in order to identify strategic perspectives that are essential for the readjustment of our complementary action; in particular regarding the strengthening of our intervention capacities for the effective promotion and protection of the right to freedom of association and peaceful assembly.

26. I would like to applaud and thank Mr. Clément Voulé for this commendable initiative which offers us great opportunities to work in synergy towards our common goal of effective protection of the right to freedom of association and assembly, in particular through the conduct of joint projects and the formulation of coherent recommendations to the States which are primarily responsible for the realization of these rights in their respective countries.

D. Participation as a Panelist in the Launch of the Guide and Guidelines for the Protection of Women Human Rights Defenders in Africa

27. On 10 March 2023, I participated as a panelist in the launch of the Guide and Guidelines for the Protection of Women Human Rights Defenders in Africa held in Nairobi, Republic of Kenya. In partnership with UN Women, Equality Now, we reviewed and assessed existing protocols and systems that aim to promote and protect the rights of WHRDs, and then used this assessment to develop a guide and guidelines that can be adopted by target countries.

28. The main objectives of the launch included the following:

} Present and promote the Guide and Guidelines and share and discuss its contents.  
} Highlight the different international and regional standards and national best practices for the protection and promotion of the rights of Women Human Rights Defenders.

} Bring together key stakeholders to further discuss the challenges and opportunities for the protection and promotion of the rights of Women Human Rights Defenders in Africa.

E. Regional Meeting on Deepening the Understanding of Key Stakeholders on How To Use the ACHPR Guidelines to Protect and Promote Civic Space

29. On 27 February 2023, I facilitated a meeting on the popularisation of the Guidelines on Freedom of Assembly and Demonstration in Africa, in partnership with the Women's Development Network (WDN) and Civicus.

30. The objectives of this activity were: to enhance the capacity of CSOs in the target countries to participate in AU mechanisms; to update, familiarise and equip civil society groups in the target countries with the necessary skills to engage at the AU level through advocacy before AU organs, holding side events, filing complaints, litigation or using Special Mechanisms to address specific human rights violations.

31. This training activity took place in Kinshasa, Democratic Republic of Congo. I facilitated three sessions on the following themes. First, how to build a secure civic space where fundamental democratic rights are preserved, promoted and guaranteed. Second, deepening the understanding of key stakeholders and the general public on how to use the ACHPR Guidelines to protect and promote civic space. Third, making recommendations for the protection and promotion of civic space.

F. Participation in an awareness-raising mission in Gabon organised by the Central African Human Rights Defenders Network (REDHAC)

32. From 16 to 18 April, at the invitation of the Central African Human Rights Defenders Network (REDHAC), I participated in a mission to Gabon for the Institutional Strengthening of the Gabon-Country Coalition; the Campaign for the use of instruments and jurisprudence compiled from the national, regional and international systems relating to human rights, governance, democracy and elections; Training on the use of early warning for youth and women in monitoring and reporting on the electoral process and Strategic Evaluation of the advocacy for the adoption of the law on "Protection and Responsibility of the Human Rights Defender".

#### IV. ANALYSIS OF THE SITUATION OF HUMAN RIGHTS DEFENDERS IN AFRICA

##### Freedom of Assembly and Demonstration in Africa

33. Freedom of assembly and peaceful demonstration are essential rights for collective expression and the defence of all human rights.

34. The right to peaceful assembly includes the right to organise meetings, sit-ins, strikes, rallies, demonstrations and other events, both online and offline. The right to freedom of association implies the right of individuals to communicate and organise among themselves, in order to collectively express, promote, pursue and defend common interests.

35. However, in recent times, this right has often been restricted in some States.

36. For example, incidents of excessive use of force by security agencies were noted in Kenya in the context of the demonstrations that took place in the country on 20 March 2023 and 27 March 2023. During these protests, two people, including a student from Maseno University,

were reportedly killed in the western town of Kisumu when police officers fired live ammunition at the protesters. The crackdown was also characterised by the widespread use of tear gas against protesters, as well as the arrest of hundreds of them.

37. In Senegal, in March, we were deeply concerned by the infringements of the right to demonstrate caused by various clashes between demonstrators and police forces that took place in several suburbs of the capital Dakar and in the provinces, including in the area where the political opponent Mr. Ousmane Sonko lives. The police were heavily equipped and had the task of preventing any gathering of supporters of Mr. Ousmane Sonko.

38. In Burundi, five human rights defenders were arbitrarily arrested on 14 February 2023 as they were about to travel for a working meeting outside the country. They were accused of rebellion as well as undermining the internal security of the State and the proper functioning of public finances, based on their relationship with and funding from a foreign international organisation. Two of the defenders work for the Association of Women Lawyers of Burundi (AFJB) and the other three for the Association for Peace and Promotion of Human Rights (Association pour la Paix et la Promotion des Droits de l'Homme (APDH)).

#### Situation of Reprisals in Africa

39. As reflected in previous developments through Urgent Appeal Letters as well as the Complaints we receive, we note that acts of reprisal are still taking place. We cite as examples the cases of assassination of human rights defenders and journalists because of their activities.

40. We reiterate our encouragement to States to develop and implement stronger and adequate national policies and practices for the protection of human rights defenders and to undertake investigations into threats and intimidation and to ensure that rights holders and victims are regularly informed of the status of their cases.

#### V. RECOMMENDATIONS

41. The recommendations made in our previous reports are still valid. The Mechanism would like the States Parties and the various actors, including those of civil society, to take ownership of them and work towards their effective implementation.

42. In this regard, we especially encourage States to adopt laws on the protection of human rights and their activities. Above all, they should refrain from adopting freedom-suppressing laws that tend to restrict civic space and the legitimate activities of defenders to promote and defend human rights;

43. We also recommend that national human rights institutions fully exercise their mandates to promote and protect human rights in order to hold States accountable for violations against human rights defenders and intervene in support of defenders who may be victims of violations of their rights;

44. As for civil society organisations, we encourage them to continue to work with national, regional and UN human rights mechanisms to prevent and respond to human rights violations against human rights defenders;

45. While thanking our technical and financial partners for their constant support, I encourage them to continue their support to the Mechanism in its actions for a better promotion and protection of the rights of human rights defenders.

This is the content of the report I am presenting to the 75th Ordinary Session of the African Commission on Human and Peoples' Rights in accordance with Rules 25(3) and 64 of the Rules of Procedure (2020).