



# **Human Rights in Africa**

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Printed in the United States of America

Cover design by Rafael Jimenez

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JULY 2014

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# Introduction

## Place Rights Front and Center on the US-Africa Agenda

By Sarah Margon

As he stood before Ghana's parliament in 2009, President Barack Obama set out some guiding principles to underscore his interests in Africa. "[G]overnments" he said, "that respect the will of their own people, that govern by consent and not coercion, are more prosperous, they are more stable, and more successful than governments that do not." Similarly, a core pillar of the 2012 US Strategy Towards Sub-Saharan Africa set forth that the United States would "amplify and support voices calling for respect for human rights, rule of law, accountability and transitional justice mechanisms, and independent media." These words were important; they resonated strongly among African people and an increasingly vibrant civil society. They raised expectations.

But a closer look at the administration's policy toward Africa shows a disappointing reluctance to integrate human rights within a larger foreign policy framework. Notably, while President Obama has unveiled specific initiatives to strengthen US development work on the continent and connect it to core national security objectives, he has not done the same for human rights and the rule of law.

Without a larger vision that makes respect for human rights a central pillar of US foreign policy, alongside more traditional national security objectives, the administration's public condemnation of abuses and calls for alleged human rights violators to be held to account lack broader impact. The US also sends mixed messages when its aid allocations appear to disregard human rights concerns, as has been the case for security assistance packages to Chad, Kenya, and South Sudan and development aid to Rwanda and Ethiopia.

When the US has made human rights a priority in its African diplomacy, it has had a positive impact on wider policy goals and has been well received by many Africans. Take, for example, the administration's call for the Democratic Republic of Congo to implement Bosco Ntaganda's ICC arrest warrant and then its role helping transfer him to The Hague when he surrendered at the US embassy in neighboring Rwanda or the State Department's

decision to provide financial support to the Senegalese court that will try former Chadian dictator Hissène Habré. These specific actions show that when the US leverages its influence, it is able to both promote accountability and bolster the rule of law.

There are other key instances in which the US has injected human rights into its Africa policy, including efforts to limit threats to civilians by the rebel Lord's Resistance Army (LRA), support for a UN peacekeeping mission in the Central African Republic, and a commitment to maintain strong targeted sanctions on key Zimbabwe officials amid a crackdown on activists that impedes the work of independent actors and weakens government effectiveness.

In other cases, however, the US commitment to human rights and the rule of law remains understated, giving the impression that governments have a free pass to continue their “business as usual” without consequence. At least a dozen authoritarian governments across the continent are threatening independent media and nongovernmental organizations, including the LGBT community, both through individual attacks and legislation that limits their ability to function. The trend appears to be worsening and the US has had no coordinated and clear response – condemning some publicly, some privately, and some not at all. Often the response is slow and fails to articulate the consequences African leaders could face by pursuing such a path.

Ethiopia has been at the forefront of this trend. Over the past decade, the government has systematically closed political avenues for peaceful protest, jailing or forcing opposition leaders, activists, and independent journalists to flee the country simply for exercising their right to speak openly and to criticize their government. The passage of the Charities and Societies Proclamation in 2009, along with other oppressive laws, have compelled the country's most effective human rights groups to close down, substantially scale-down operations, or remove human rights activities from their mandates.

The US administration has occasionally made public statements criticizing the Ethiopian government's repression, most recently after 10 bloggers and journalists were charged with crimes under the country's anti-terrorism law in July, but these statements don't reflect a larger policy that could help get the current law repealed or substantially amended. Meanwhile, the US has developed a strong security partnership with Ethiopia in

which human rights concerns do not appear to be part of the equation. These divergent signals send the message that the US is simply paying lip service to human rights.

In Rwanda, there are almost no independent voices speaking out. Journalists who criticize the government have been killed, threatened, prosecuted, imprisoned or forced into exile. The Rwandan government's hostility toward human rights organizations, as well as intimidation of human rights defenders, has greatly weakened independent civil society. When the anti-corruption activist Gustave Makonene was murdered in July 2013, there was almost complete silence, both inside and outside Rwanda. Some diplomats raised the case privately with Rwandan officials, but there have been no strong public calls for justice at the international level.

In Uganda, meanwhile, the debate around presidential succession, accountability of public resources, governance, and other politically sensitive topics is increasingly constrained. The adoption of an anti-homosexuality law in February 2014 criminalizes the promotion of homosexuality and has far-reaching implications beyond the increase in punishment for same-sex conduct. A person could be imprisoned simply for expressing a peaceful opinion while a human rights organization could potentially face charges for advocating non-discrimination. The US response after President Yoweri Museveni signed the draconian bill shows an overdue willingness to respond to Uganda's deteriorating human rights situation – but much more still needs to be done.

In addition to the severe restrictions on civil and political space in Africa, there are numerous cases of systematic abuse by security forces that receive little or no response from the US. South Sudan, Kenya, and Nigeria – three countries that benefit from strong bilateral partnerships with the United States – are good examples, although they are not the only ones.

In the South Sudanese towns of Malakal and Bentiu, both government forces and rebels have committed abuses during the fighting that began in December. They have directly targeted civilians, carried out extrajudicial executions, often based on ethnicity, and extensively looted and destroyed civilian property, including desperately needed aid facilities. During the earliest days of the conflict, members of the South Sudanese security forces – which the United States, until recently, supported for many years – carried out widespread killings and mass arrests.

In Kenya, one of the largest recipients of US security assistance on the continent, numerous counter-terrorism operations against Somalis and Kenyans of Somali origin have included excessive force, house raids, extortion, and sexual abuse. The Anti-Terrorism Police Unit, a US-supported unit, has been implicated in enforced disappearances, killings and other abuses.

And in Nigeria, where the Islamist armed group Boko Haram has killed more than 2000 people over the last six months, the heavy hand of the Nigerian security forces has contributed to the abuses as they have targeted suspected Boko Haram supporters by burning their homes, mistreating people in custody, and detaining them in inhumane conditions.

In each country, government forces have faced no accountability for their actions, which means the underlying concerns that led to the violence remain unaddressed. All too often, US officials fail to publicly condemn these serious allegations of abuse or insist that the national authorities investigate them. On the rare occasions when security assistance is conditioned, it is usually because Congress has required it.

Given the increased funding for security assistance in Africa – whether through Obama’s Counter-Terrorism Partnership Fund or other various accounts – a commitment by the administration to embrace and engage robustly on these fundamental principles would demonstrate US resolve to promote respect for the rights of all Africans. It would also contribute to the broader national security goal of supporting professional, accountable, and effective military partners across the continent.

Surely one of the most important lessons learned from the uprisings in the Middle East and North Africa is that tradeoffs at the expense of human rights and the rule of law are untenable and they do not necessarily yield greater security and stability. Sustainable support to Africa – and to African people – demands that the administration be explicit in its messaging and its policy implementation when it comes to promoting and protecting human rights. These principles should not take a back seat to trade, investment, and security concerns. Instead, human rights should be fully integrated as a core element of US foreign policy. Doing so will not only encourage – but also in some instances require –

responsible and transparent governance by African governments. Ultimately, it will also help the US build better, stronger, and more effective partners.

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## 2014 World Report Chapters

### Algeria

Despite the lifting of the state of emergency in April 2011 and the adoption of new laws on association, media, and political parties, Algeria has made little progress on the protection of human rights. Authorities continued to restrict freedom of assembly and association, prohibiting meetings and protests. They clamped down on union rights, frequently resorting to arrests and prosecutions of union leaders and activists.

Security forces and armed groups continued to enjoy impunity for atrocities they committed during the civil war of the 1990s. Armed militants committed a significant number of attacks against government officials, members of security forces, and civilians, culminating in the attack against the gas facility of In Amenas. After lifting the state of emergency back in 2011, authorities adopted new legislation authorizing the long-established practice of holding alleged terrorists in assigned secret residences for up to nine months.

#### *Freedom of Assembly*

Algerian authorities continue to restrict freedom of assembly, relying on pre-emptive techniques, including blocking access to sites of planned demonstrations and arresting organizers in advance to prevent public protests from even beginning. During peaceful demonstrations in the south of the country organized by associations of the unemployed, police arrested protesters. Courts later sentenced several of them to fines or suspended prison terms. Police arrested Taher Belabès, a coordinator for the National Committee for the Defense of the Rights of the Unemployed, in the southern town of Ouargla on January 2, after police dispersed peaceful protesters demanding jobs and the sacking of local officials for failing to tackle unemployment. Prosecutors charged Belabès with “obstructing the flow of traffic” and “inciting a gathering” and sentenced him on February 3 to one month in prison and a fine of 50,000 Algerian dinars (US\$614).

### *Freedom of Association*

On February 20, 2013, police arrested and expelled 10 non-Algerian members of associations of unemployed workers in other Maghreb countries who had traveled to Algiers to attend the first Maghreb Forum for the Fight Against Unemployment and Temporary Work (Forum maghrébin pour la lutte contre le chômage et le travail précaire) that was to take place on February 20 and 21 at the labor union center in the Bab Ezzouar neighborhood. Officials held them at the Bab Ezzouar police station, then took them to the airport, from where they expelled five Tunisians and three Mauritians that same day, and two Moroccans the following day.

### *Freedom of Speech*

The state operates all television and radio stations, and on key issues, such as security and foreign and economic policy, they broadcast the official line and allow no dissident commentary or critical reporting.

The January 2012 Law on Information eliminated prison sentences but raised fines for journalists who commit speech offenses. The offenses include defaming or showing contempt for the president, state institutions, and courts. The law has also broadened restrictions on journalists by requiring them to respect vaguely worded concepts, such as national unity and identity, public order, and national economic interests.

Other speech offenses still pervade the penal code, which provides for up to three years in prison for tracts, bulletins, or flyers that “may harm the national interest” and up to one year for defaming or insulting the president of the republic, parliament, the army, or state institutions. Prosecutors haul journalists and independent publishers into court for defaming or insulting public officials, and first instance courts sometimes sentence them to prison and heavy fines, only to have appeals courts overturn or convert to suspended sentences the penalties imposed by the lower courts.

On May 19, the public prosecutor in Algiers charged Hisham Abboud, director and owner of the private newspaper Jaridati and its French edition Mon Journal, of compromising state security by publishing a story about President Abdelaziz Bouteflika’s health. The Telecommunications Ministry had banned the two newspapers from publishing a front

page report on the deteriorating health of the president, based on French medical sources and sources close to Bouteflika.

### *Judicial Harassment*

In 2013, authorities charged several human rights activists and union leaders with crimes related to the peaceful exercise of their right to assemble or their voicing of support for strikes and demonstrations. A court on May 6 sentenced Abdelkader Kherba, a member of the National Committee to Defend the Rights of the Unemployed (Comité national pour la défense des droits des chômeurs-CNDDC) to two months in prison, and fined him 20,000 dinars (US\$250) after he distributed leaflets about national unemployment.

### *Rights of Unions*

Algerian authorities in 2013 have increasingly clamped down on workers' efforts to form independent unions and organize and participate in peaceful protests and strikes. Authorities have blocked union demonstrations, arbitrarily arrested trade unionists, and prosecuted some on criminal charges, when the real motive behind their prosecution appears to have been punishment for union activities.

Algerian authorities engage in administrative maneuvers to withhold legal status from independent unions. The law on legalizing new unions requires these groups only to notify the authorities that they exist, not to seek their permission to form. But authorities sometimes refuse to issue a receipt proving they have been notified.

The Union of Higher Education Teachers in Solidarity (Syndicat des Enseignants du Supérieur Solidaires), for example, filed its papers on January 19, 2012. It received no receipt at the time and has yet to receive any response from the government, which means it cannot legally operate.

### *Accountability for Past Crimes*

The 2006 Law on Peace and National Reconciliation provides a legal framework for impunity for perpetrators of atrocities during the civil war. The law also makes it a crime to denigrate state institutions or security forces for the way they conducted themselves during the political strife, potentially penalizing people who allege that the forces



perpetrated human rights violations. Associations of the disappeared, which continue to call for truth and justice, face harassment.

### *Terrorism and Counterterrorism*

On January 16, 2013, militants linked to Al-Qaeda and affiliated with a brigade led by a man named Mokhtar Belmokhtar took more than 800 people hostage at the Tigantourine gas facility in Amenas, near the Algeria-Libya border. The Algerian Special Forces raided the site in an effort to free the hostages. At the end of the episode, at least 37 foreign hostages and 29 members of the armed group were killed.

Algeria strengthened its role as a regional player on counterterrorism, and continued to participate in the Global Counterterrorism Forum, a multilateral group that the US created to expand counterterrorism discussions beyond Western, industrialized countries.

## Angola

José Eduardo Dos Santos, Angola's president for the past 34 years, secured another five-year term in the August 2012 elections. Although the polls consolidated the control of the ruling Popular Movement for the Liberation of Angola (MPLA), the authorities intensified repressive measures to restrict freedom of expression, association, and assembly in 2013.

The government has pursued numerous criminal defamation lawsuits against outspoken journalists and activists, while continuing to use police abuse, arbitrary arrests, and intimidation to prevent peaceful anti-government protests, strikes, and other gatherings from taking place. The government also resumed mass forced evictions of informal settlements in 2013 and launched a new initiative to remove street traders in the capital, Luanda. Both measures affect Angola's poorest communities and have been conducted with brutality.

### *Freedom of Expression*

Freedom of expression is severely restricted in Angola due to limited independent media, self-censorship, and government repression. Only 3 percent of the Angolan population has access to the Internet and social media, which are the main channels for commenting on government policies.

The authorities use criminal defamation laws to silence and intimidate journalists and bloggers. On July 5, bloggers José Gama and Lucas Pedro were charged with "abuse of press freedom" and defamation for articles published on the news website [www.club-k.net](http://www.club-k.net), which is hosted outside of Angola. Brought by Angola's attorney general and the criminal investigation police director, the lawsuits are based on articles published between January and May that accused the attorney general of corruption and criminal investigation police officers of torture.

Between March and July, Rafael Marques, an investigative journalist and human rights defender who won the Transparency International Integrity Award in 2013, was charged with defamation in 11 criminal lawsuits. The plaintiffs are high-ranking generals, their business associates, and three private companies that operate in the diamond-rich Lunda Norte province. Marques accused the plaintiffs of involvement in torture, rape, and killings in a book he published in Portugal in 2011. Angola's Attorney General's office shelved a complaint filed by Marques against the generals and business associates in 2012, and has failed to investigate the allegations. Marques has regularly experienced threats, harassment, and pervasive surveillance, including apparently targeted hacker attacks on his computer and blog.

On June 11, Domingos da Cruz, journalist of the private weekly *Folha 8*, was charged with “instigation of collective disobedience” according to a 1978 law on crimes against the security of the state. The law was revoked and replaced by a new law in 2010. The charges were based on an opinion piece that da Cruz published in 2009. A court acquitted him on September 9, arguing the law had been revoked.

### *Right To Peaceful Assembly*

Despite constitutional protection for freedom of assembly, since 2011 the authorities have responded to peaceful anti-government protests organized by youth groups and others in Luanda and elsewhere with excessive force, arbitrary arrests, unfair trials, harassment, and intimidation of participants, journalists, and observers. The state-owned media, controlled by the ruling party, present the protests as a threat to peace. Protest organizers and participants were also targeted by surveillance and harassment and occasionally by violent attacks and abduction by security agents in 2013.

On December 22 in 2012, and March 30, May 27, and September 19 in 2013, police used excessive force to disperse peaceful youth protests in Luanda, arbitrarily detaining protesters and in several cases threatening journalists. Most protesters were released the same day without charges. However, 22-year-old Emiliano Catumbela, who was arrested on May 27, was charged with bodily harm, and later charged with attempted assassination of a police commander. He was denied access to his lawyers for several days and said he was beaten and tortured in custody. On June 25, he was released without charges.

On September 12, police arrested 17-year-old Manuel Chivonde Nito Alves, a youth activist and protest organizer, when he collected t-shirts produced for a protest planned for September 19. He was charged with “outrage” against the president based on the t-shirt slogan which called President Dos Santos a “disgusting dictator.” “Outrage” against the president is considered a crime against the security of the state under Angolan law since 2010. He was conditionally released on November 8 to await trial, after being jailed arbitrarily for almost two months.

Three journalists—Rafael Marques, Alexandre Neto, and Coque Mukuta—were arrested on September 20 and severely beaten and threatened in police custody after they interviewed several just-released protesters on the street.

During those protests, youth groups demanded an official explanation on the whereabouts of Isaías Cassule and António Alves Kamulingue. Unknown men abducted Cassule and Kamulingue after they organized a protest of former presidential guards on May 27, 2012. In March 2013, police arrested Alberto Santos, who witnessed Cassule’s abduction. Santos claimed that police tried to pressure him to incriminate opposition activists as responsible for the abductions. He was released on October 1 without charges. On November 9, an Angolan

website published details of a leaked confidential report from the Ministry of the Interior that revealed that Kamulingue and Cassule were abducted, tortured, and killed by police and intelligence officials soon after their abduction.

In April, the authorities banned a teacher's union strike in Lubango, Huila province. Union leaders faced anonymous threats and intimidation. On April 30, police detained two union leaders and charged them with disobedience and defamation of the authorities. A court acquitted them for lack of evidence on May 2.

### *Arbitrary Detentions in the Enclave of Cabinda*

An intermittent separatist insurgency persists in the oil-rich enclave of Cabinda despite a 2006 peace agreement. The government has used security as a pretext to crack down on peaceful dissent. Security forces continue to arbitrarily arrest supporters of the separatist guerilla movement Front for the Liberation of the Enclave of Cabinda (FLEC) and use torture in military custody to force detainees to confess or incriminate others. Such violations of due process rights, as well as harassment of journalists who document such cases and threats against defense lawyers, have undermined the credibility of trials for alleged national security crimes in Cabinda.

Between August 10 and September 12 2013, military and intelligence officials arrested, mistreated, in several cases tortured, and jailed at least 20 men in Cabinda, including an adviser to the deputy governor of Cabinda. They were charged with armed rebellion and remain in pretrial detention.

Nine men of Congolese origin and Angolan, Belgian and French nationalities, alleged to be former members of the defunct Armed Forces of Zaire (FAZ) were arrested on November 22, 2012, beaten and tortured by military and border guards while in incommunicado detention. In May, they were charged with armed rebellion against the government of the Democratic Republic of the Congo, illegal entry and stay in Angola. As of November 2012, the men remained in pretrial detention.

Since January 2013, Arão Tempo, a lawyer and local representative of the Angolan Bar, has received repeated death threats from intelligence officials warning him to stop defending the 20 men held in Cabinda and the 9 alleged FAZ members.

### *Police Brutality during Removals of Street Traders*

In October 2012, the governor of Luanda ordered urgent measures to reduce street trade in the capital. Since then, the authorities have scaled up efforts to remove street vendors from the streets of Luanda.

During these operations, police and government inspectors have routinely mistreated street vendors, including pregnant women and women with children, by seizing their goods, extorting bribes, threatened them with imprisonment, and in some cases arresting them. The authorities have also intimidated, harassed, and arbitrarily arrested journalists, activists, and witnesses who seek to document the brutality of the operations.

### *Forced Evictions*

The majority of Angola's urban population lives in informal settlements without legal protection. Angola's laws neither adequately protect people from forced eviction nor enshrine the right to adequate housing. In 2013, the government continued to carry out mass forced evictions in areas that it claimed were reserved for public use. The operations occurred without adequate prior notice and security forces used excessive force.

In the first days of February, security forces forcibly evicted an estimated 5,000 residents from an informal settlement in the peripheral Cacuaco municipality in Luanda. Following the evictions, security forces arbitrarily arrested dozens of residents, at least 40 of whom were charged with illegal land occupation and disobedience, and were convicted and given prison sentences.

On October 7, International Habitat Day, the authorities prevented a protest against forced evictions in Luanda organized by SOS Habitat, a nongovernmental organization.

## Burundi

The Burundian government committed to strengthening human rights protections and made progress in certain areas, such as initiatives to address gender-based violence. A five-day national debate on the justice sector produced a set of recommendations on judicial reforms. However, the justice system remained weak and under-resourced and suffered from political interference and allegations of corruption.

Impunity for human rights abuses, particularly by state agents and youth of the ruling party, was a dominant concern. Most cases of extrajudicial killings and other acts of political violence between 2010 and 2012 remained unresolved. Prosecutions were initiated against a small number of alleged perpetrators, but proceedings were slow or seriously flawed, and several police officers accused of involvement in killings and ill-treatment were released.

Most leading opposition figures who had fled the country after boycotting the 2010 elections returned to Burundi, encouraged by the government, in advance of the 2015 general elections. However, opposition party members continued to face obstruction and harassment.

Journalists and civil society activists also encountered intimidation by the government, which accused them of siding with the opposition. In June, President Pierre Nkurunziza promulgated a new press law severely curtailing media freedoms.

### *Impunity for Political Killings and Other Abuses*

Few of the perpetrators of the scores of political killings in 2010-2012 were brought to justice, due to a lack of political will and weak judicial system. In many cases, victims' families were too afraid to seek redress.

In a small number of cases, judicial authorities arrested, charged, and prosecuted police officers, following investigations by a commission of inquiry into extrajudicial killings and torture set up in 2012 by the prosecutor general. The High Court in Gitega tried Michel Nurweze, known as Rwembe ("razor blade" in Kirundi), a deputy police commissioner in Gitega province, for his alleged involvement in the November 2011 murder of Léandre Bukuru, a member of the Movement for Solidarity and Democracy (MSD) opposition party. Nurweze was also tried for attempted murder and torture in two other cases. His trial could have set an important precedent in ending impunity, but at least two prosecution witnesses would not testify in court because of the absence of adequate protection.

On August 12, the court acquitted Nurweze of the murder and torture charges, changed the offense of attempted murder to grievous bodily harm, and sentenced him to three months' imprisonment. He was released, as he had already served a year in prison. The prosecution appealed. Appeal hearings opened in October but were postponed to January 2014.

Appeal hearings in the trial of those accused of involvement in an attack in Gatumba in September 2011, which killed 39 people, concluded in November. Proceedings were complicated by the escape from detention of one of the principal defendants, Innocent Ngendakuriyo. The trial in 2012 had been seriously flawed, with several defendants convicted despite claiming they had been tortured.

### *Political Parties*

Most opposition party leaders who had fled the country after boycotting the 2010 elections returned to Burundi, including Alexis Sinduhije, president of the MSD, and Agathon Rwaswa, former rebel leader and head of the National Liberation Forces (FNL). Following their return, members of opposition parties, including the FNL and the MSD, were harassed and intimidated, despite government promises that political parties could operate freely. Government officials and police disrupted or obstructed party meetings and arrested a number of FNL and MSD members.

Members of the *imbonerakure*—the youth league of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD)—committed acts of violence, including killings, beatings, rape, threats, and extortion against their perceived opponents and other Burundians. Despite a public outcry and promises by government and party officials to punish such actions, abuses continued throughout the year. Some opposition party members threatened to retaliate in kind through their own youth groups. A clash between *imbonerakure* and MSD youth in Gihanga, Bubanza province, on October 6 caused injuries on both sides.

### *Killings, Ill-Treatment, and Arbitrary Arrests of Religious Worshippers*

Police opened fire on a large crowd of religious worshippers near Businde, Kayanza province, on March 12, killing nine people. The police then lined up the worshippers and beat them. The victims included men, women, and children. The worshippers, part of an informal spiritual movement that makes a monthly pilgrimage to Businde, consider themselves Roman Catholics, but have been rejected by the Catholic Church hierarchy in Burundi and have repeatedly clashed with local clergy, police, and governmental officials since 2012. The police, instructed by the government to prevent the worshippers from gathering at Businde, beat them severely on several previous occasions in late 2012 and January 2013. Some victims sustained broken bones and other serious injuries.

Hundreds of these worshippers were arbitrarily arrested in late 2012 and 2013. Most were accused of “rebellion” for disregarding the government decision to prohibit prayers at Businde. Many were released without charge but some were rearrested. In some cases, a condition for their release was that they would agree not to return to Businde, in violation of their right to religious freedom. More than 200 people arrested in March and April were tried summarily on the day of their arrest, without a defense lawyer, and received sentences of up to five years’ imprisonment. On appeal, their sentences were reduced to a fine and all but two of them were released. Thirty-three others arrested in late 2012 remained in pretrial detention.

The prosecutor of the appeal court at Ngozi ordered the arrest on March 16 of Bosco Havyarimana, the police commander accused of ordering the shootings and supervising the beatings, and two other police officers, Sylvie Nsengiyumva and Innocent Nizigiyimana. On May 29, all three were provisionally released, pending further investigations. At time of writing, they had not been brought to trial.

### *Harassment of Civil Society Activists and Journalists*

Burundi has a vibrant independent civil society and media, but government officials have attempted to silence their criticisms and accused them of siding with the political opposition. Government and judicial officials harassed, intimidated, and questioned several journalists about their reporting and threatened them with legal action.

On April 27, a policeman threatened Patrick Niyonkuru, a journalist with Radio Publique Africaine (RPA), as he attempted to investigate alleged extortion of bicycle-taxi drivers by the police. The policeman then shot Niyonkuru, injuring him in the arm. The policeman was arrested, tried summarily, and sentenced to 15 years in prison on the day of the attack.

On April 25, armed men broke into the house of Willy Abagenzinikindi of Radio Television Renaissance, forced him to the ground, hit him with a machete, and demanded that he hand over audio cassettes he had recorded as part of his investigations.

Hassan Ruvakuki, journalist with Radio France Internationale and Bonesha FM, who had been sentenced to life imprisonment in 2012 for alleged participation in terrorist acts after interviewing a rebel group, was released in March after spending 15 months in prison. His sentence had been reduced to three years on appeal. Following much international attention on the case, he was released early on medical grounds, then granted conditional release in October. On February 19, police fired teargas to disperse journalists marching in support of Ruvakuki in the capital Bujumbura.



The National Communication Council suspended the online readers' forum of Burundi's main independent newspaper *Iwacu* for 30 days on May 31, claiming that unspecified readers' comments had violated legal provisions on "endangering national unity, public order and security, incitement to ethnic hatred, justification of crimes, and insults to the head of state."

In June, the government adopted a new restrictive press law, despite strong national and international expressions of concern. The law undermines the protection of sources and limits the subjects on which journalists can report, potentially criminalizing reporting and analysis on subjects such as inflation, public order and security, and political killings. While eliminating prison sentences provided under the old law, it imposes new, heavy fines.

A draft law on public demonstrations and meetings, adopted by parliament but not yet promulgated, and another on nongovernmental organizations, awaiting parliamentary debate, also raised concerns about possible restrictions of freedom of association and assembly. Amendments by the National Assembly to the law on public demonstrations and meetings took into account many recommendations by Burundian civil society organizations, but the draft retained the right of an administrative official appointed to attend public meetings to suspend or dissolve them to maintain public order.

### *Transitional Justice*

At time of writing, parliament had not yet adopted a draft law establishing a Truth and Reconciliation Commission to cover crimes committed since 1962, despite assurances by President Nkurunziza that the commission would be established by the end of 2012. The draft law does not provide for the establishment of a special tribunal to prosecute those accused of the most serious offenses.

### *Returnees*

Around 35,000 Burundian refugees, many of whom had been living in Tanzania for several decades, returned to Burundi between October and December 2012 following an ultimatum by the Tanzanian government. Overall the returns took place peacefully, but there were tensions around property and land ownership, and controversy over some decisions of the National Commission for Land and Other Property, responsible for resolving such disputes.

## Central African Republic

A rebel coalition known as the Seleka took control of Bangui, the capital of the Central African Republic (CAR), on March 24, 2013, forcing out the former president, François Bozizé. A transitional government was established, and Michel Djotodia was formally named interim president in April. New elections were scheduled for early 2015.

Rebels belonging to the Seleka, which means “alliance” in Sango, the national language, engaged in widespread human rights abuses, particularly killing civilians indiscriminately. These killings, both in Bangui and outside the capital, were often followed by widespread looting and pillaging, leaving sections of an already-poor population homeless and destitute.

Djotodia denied that Seleka fighters committed abuses, initially blaming the violence on Bozizé loyalists, “false Seleka,” or bandits. On September 13, he dissolved the Seleka as a group. However, members of the Seleka continue to kill with impunity and the central government does not appear to be in total control of the Seleka.

Armed groups originally created by Bozizé to fight banditry, the *anti-balaka* (“anti-machete”), clashed with the Seleka in late 2013. Violence and insecurity took on an alarming sectarian dimension, as the anti-balaka, who are predominantly Christian and include some soldiers who served under Bozizé in the Central African Armed Forces (FACA), attacked Muslim civilians around Bossangoa, the capital of Ouham province, in response to Seleka abuses, mostly against Christian civilians.

The dire security situation hampered the delivery of humanitarian aid and Seleka fighters intimidated and harassed journalists and civil society activists.

An African Union (AU)-led peacekeeping force, the International Support Mission in Central Africa (AFISM-CAR) has requested financial, logistical, and technical support from the international community, but as of October 31 had only 2,589 of the 3,500 personnel requested.

### *Seleka Abuses*

The Seleka was created in late 2012 out of three main rebel factions, primarily from CAR’s impoverished north. The group called for more political inclusiveness and an end to the marginalization of the predominantly Muslim northern region. The Seleka includes fighters from Chad and Sudan, and it has recruited child soldiers.

The group launched an offensive in December 2012 and swiftly moved toward the capital, capturing towns along the way. A peace agreement was reached with the government in January, but was soon ignored by both parties, as the rebels advanced on Bangui, forcing former President Bozizé to flee. Along the way towards the capital, they destroyed numerous rural villages, looted homes, and raped women and girls.

After taking power, the Seleka killed scores of civilians who were trying to flee attacks. In some villages, every single structure was at least partially burned. The destruction was often accompanied by pillaging, leaving civilian populations utterly destitute.

Many villagers, forced to abandon their homes, are living in extremely difficult conditions in the bush. Lacking humanitarian support, numerous people have died of illness, injuries, or exposure to the elements. International humanitarian agencies have been able to provide limited support to only a few affected areas. Governmental and nongovernmental health services were systematically targeted, and destroyed or closed.

In Bangui, the Seleka looted entire neighborhoods as they took control of the city. Areas such as Damala, Boy-Rabe, Kasai, and Walingba saw wanton attacks and scores of civilians killed. Boy-Rabe, in particular, has been routinely ransacked by the Seleka. Government officials claimed that these were disarmament operations.

Fighting escalated in September around Bossangoa in the north. Hundreds of people have been killed and numerous communities have been burned to the ground. The anti-balaka groups have singled out Muslim communities for attack, as they are perceived to be allied with the Seleka.

Almost all of the abuses have been carried out with complete impunity. A small number of alleged Seleka perpetrators have been arrested and some prosecutions initiated against them, but the judicial system remains severely hampered and trials, at time of writing, had yet to commence. The functioning of the government, especially in the rural areas, has been seriously disrupted and limited by the coup, with many administrative buildings destroyed.

### *Refugees and Internally Displaced Persons*

The situation for displaced people is bordering on catastrophic because of their limited access to humanitarian assistance. In September 2013, the United Nations reported that about 170,000 people fled intense fighting in the north around Bossangoa. Most were left to fend for themselves in the bush, but about 36,000 found refuge in the compound of a Catholic church and at a local school in Bossangoa. The number of internally displaced persons stands at

about 400,000. Almost 65,000 CAR refugees were in the Democratic Republic of the Congo (DRC) and other neighboring countries.

### *Commission of Inquiry*

On May 22, a presidential decree established a national commission of inquiry to investigate human rights violations committed since 2002 and to identify the persons most responsible for these crimes. The commission, comprising judges, human rights defenders, and police officers, is also tasked with identifying individual victims and assessing levels of damage for eventual compensation.

The commission was initially incapable of doing its work due to a lack of funding, but in September it received technical assistance and vehicles from the government to conduct investigations. Some civil society actors have questioned the ability of a national commission to achieve results and have called for the establishment of an international commission of inquiry.

### *The International Criminal Court*

CAR first accepted the jurisdiction of the International Criminal Court (ICC) in 2001, when it became a state party to the Rome Statute. On December 22, 2004, the government went one step further and referred the situation in the country to the ICC prosecutor, after a Bangui court of appeals ruled that domestic courts were unable to prosecute grave international crimes effectively. In 2007, the ICC opened an investigation into crimes committed during the 2002-2003 civil war. The investigation has so far led to only one case, that of Jean-Pierre Bemba Gombo, a Congolese national and former vice-president of the DRC. Bemba and his Movement for Liberation of Congo forces were invited to CAR in 2002 by then-President Ange-Félix Patassé to support resistance of a coup attempt by Bozizé. Bemba is currently on trial at the ICC for war crimes and crimes against humanity.

ICC Prosecutor Fatou Bensouda continues to monitor developments in the country and has indicated that she may exercise jurisdiction over more recent crimes. She issued public statements on April 22 and August 7, warning those responsible for recent abuses that their crimes may fall under the ICC's jurisdiction and that her office would investigate and prosecute those most responsible for committing serious crimes "if necessary."

### *Peacekeeping Forces*

In March, while trying to protect the Bozizé government, 13 soldiers of the South African Defence Force were killed outside of Bangui by Seleka forces. The soldiers were there under a bilateral arrangement between Bozizé and President Jacob Zuma of South Africa.

Also unable to stop the Seleka were the Multinational Forces for Central Africa (FOMAC), regional peacekeepers deployed in CAR through an agreement signed in late 2007 with the Economic Community of Central African States (ECCAS) under the Mission for the Consolidation of Peace in Central African Republic (MICOPAX). In April, ECCAS decided to deploy an additional 2,000 troops to support MICOPAX.

In August, MICOPAX was transitioned into the AU-led AFISM-CAR. Most of the requested 3,500 troops will be made up of contingents that were already serving in MICOPAX. The mandate of AFISM-CAR includes civilian protection and the creation of conditions for the provision of humanitarian assistance. As of October 31, 2013, AFISM-CAR had roughly 2,589 of the 3,500 requested peacekeepers on the ground.

French troops, meanwhile, maintain control over the international airport in Bangui.

## Côte d'Ivoire

During 2013, the government of President Alassane Ouattara made progress in creating the legislative framework for greater respect for human rights and in ensuring better discipline within the security forces. Inadequate headway was made in strengthening the judiciary's independence, ensuring accountability for crimes committed during the 2010-2011 post-election crisis, and addressing root causes of the country's decade of violence—notably impunity, corruption, land conflict, and the proliferation of small arms.

Security force abuses decreased from 2012, in part due to government efforts. However, members of the security forces continued to engage in numerous human rights violations and acts of criminality, including arbitrary arrests, cruel and inhuman treatment of detainees, and extortion at checkpoints.

One-sided justice for the post-election crisis undermined reconciliation and, together with ongoing weaknesses within the judiciary, hindered progress in establishing the rule of law. While Ivorian authorities have investigated and charged numerous supporters of former President Laurent Gbagbo for their role in the post-election violence, there has been a near complete absence of accountability for serious crimes committed by President Ouattara's forces. The government made some efforts to improve access to justice for other crimes, including by opening a new tribunal in western Côte d'Ivoire, but corruption and the judiciary's lack of independence remain a general concern.

The country's security situation improved, though land conflict simmered in western Côte d'Ivoire with ineffective government response, contributing to several cross-border attacks from Liberia and small-scale inter-communal violence. As disarmament proceeded slowly, the country remained awash in guns, often in the hands of disgruntled former combatants.

Some of Côte d'Ivoire's partners, notably the United Nations and the United States, showed more willingness to criticize the lack of accountability for past crimes, while others, particularly France, remained largely silent. The International Criminal Court continued investigations, though many Ivorians criticized the lack of progress in the investigation of crimes by pro-Ouattara forces.

### *National Justice for Post-Election Violence*

The Ouattara government has failed to deliver on its promise to render fair and impartial justice for crimes committed during the 2010-2011 post-election crisis. This crisis was the culmination

of a decade of politico-ethnic conflict in which security forces, rebel forces, and allied militia groups regularly committed serious crimes with complete impunity.

On the Gbagbo side, Ivorian authorities have charged more than 150 civilian and military leaders, including at least 55 with serious violent crimes. However, they have failed to charge a single member of the pro-Ouattara Republican Forces for the serious crimes they committed during the crisis. Ongoing investigations also appear one-sided. A national commission of inquiry reported in August 2012 that both sides had committed hundreds of summary executions, yet the UN reported that, as of July 2013, only three of the 207 investigations subsequently opened relate to perpetrators from pro-Ouattara forces.

Military trials against several key military leaders under Gbagbo were set to start in late November. At this writing, civilian courts had yet to begin trials for post-election crimes, meaning that most pro-Gbagbo defendants have languished in pre-trial detention for two and a half years, violating their right to a trial within a reasonable time. Ivorian authorities did provisionally release 14 pro-Gbagbo defendants in early August.

### *International Criminal Court*

On September 30, the International Criminal Court (ICC) unsealed an arrest warrant against Charles Blé Goudé, the youth minister under Gbagbo, for four counts of crimes against humanity, following the unsealing in 2012 of arrest warrants against Laurent and Simone Gbagbo. Many Ivorians grew disenchanted with the lack of progress in the investigation of crimes by pro-Ouattara forces, although the Office of the Prosecutor stressed that its investigations would ultimately target both sides.

On February 15, Côte d'Ivoire ratified the Rome Statute, taking a positive step in the fight against impunity. In October, 18 months after the ICC issued an arrest warrant against Simone Gbagbo, the Ivorian government filed an admissibility challenge contesting her transfer on the grounds that national proceedings are ongoing for substantially the same crimes. The government has yet to respond to the warrant against Blé Goudé, raising further concerns about its intent to cooperate fully with the ICC.

In June, the ICC's Pre-Trial Chamber asked the prosecutor to consider providing additional evidence in the case against Laurent Gbagbo, as it decides whether or not to confirm charges for four counts of crimes against humanity.

### *Security Force Abuses*

The government and military prioritized human rights training for the armed forces, perhaps contributing to fewer abuses. However, members of the security forces continued to carry out

arbitrary arrests and detentions; cruel and inhuman treatment of detainees; and frequent acts of extortion and theft at road checkpoints. The government took occasional action to reduce checkpoint extortion, including arresting some soldiers involved, though the problem remained widespread.

Authorities made little progress towards accountability for serious security force abuses committed since Ouattara took office, including the July 2012 attack on the Nahibly internally displaced persons camp, which left at least 12 dead; and the widespread arbitrary detention, cruel and inhuman treatment, and torture by soldiers that occurred in August and September 2012 following several attacks on military installations.

There have been no prosecutions for these crimes, although authorities have started investigations into the Nahibly case. The military prosecutor did investigate and prosecute some soldiers in other, less politically sensitive cases, including for murder and theft. While these prosecutions were significant, they also suggest that the failure to prosecute in more sensitive cases stems from lack of political will.

### *Land Rights*

During the post-election crisis, violence displaced hundreds of thousands of people, either as refugees or internally within Côte d'Ivoire. Many people have returned to find their land illegally taken over through illegal sales or, in some cases, hostile occupations—violating their property rights and rights as returning refugees.

In August, the government passed reforms to land tenure and nationality laws, rightly recognizing their link to recent politico-military violence. However, it failed to adequately support local administrative and judicial mechanisms involved in resolving land conflicts, leaving many people unable to access their land more than two years after the crisis. Several attacks in March 2013 on Ivorian villages near the Liberian border were related to land dispossession, showing the potential for future violence if the government does not ensure the fair resolution of land disputes.

### *Disarmament and Security Sector Reform*

The Ivorian government made slow progress in security sector reform and in disarming tens of thousands of former combatants who fought during the crisis. According to the UN, the government had by June 2013 disarmed and demobilized around 6,000 former combatants. Some armed former combatants engaged in violent criminality, while others staged demonstrations in several towns protesting the slow progress of reintegration programs.

There was improvement in 2013 in returning basic security functions from the military to the police and gendarmerie, but the military maintained a presence at road checkpoints and in



leading the response to internal security threats. Although less visibly present than in 2011 and 2012, many youth who fought with pro-Ouattara forces during the crisis continued to perform security duties under military commanders. Several military commanders implicated in serious human rights abuses remain in key positions.

### *Sexual Violence*

Sexual violence remained a major problem. The UN reported at least 100 cases of sexual violence in the first half of 2013, including many against children. Although not required by law, Ivorian authorities often refuse to undertake investigations unless the victim presents a medical certificate, for which she must pay. Accountability for sexual violence is further undermined by the dysfunctional state of the *cour d'assises*, the Ivorian courts mandated to try such cases. Authorities often have to downgrade rape to indecent assault, which can be prosecuted in other courts but carries significantly less penalties.

With assistance from the UN, the Ivorian government is finalizing a national strategy to combat sexual violence. The government and military have also prioritized reducing sexual violence by the security forces. While these represent important steps forward, deficiencies among law enforcement and the judicial system continued to hinder investigations and prosecutions of most sexual violence cases. In addition, victims' access to health and psychosocial services remains limited, particularly outside Abidjan.

### *Corruption*

The UN Group of Experts, appointed by the Security Council to monitor the sanctions regime in Côte d'Ivoire, reported in April that former rebel warlords—now commanders in the Ivorian military—are plundering millions of dollars from the Ivorian economy through smuggling and a parallel tax system on cocoa, timber, and other export goods. Such corrupt practices could potentially undermine efforts to improve access to health and education, among other rights.

In November, 14 former cocoa sector officials, originally charged in 2008, were convicted for embezzling hundreds of millions of dollars between 2002 and 2008. Authorities have yet to credibly investigate the role of high-level political officials also believed to have been implicated and to have used the embezzled funds, in part, to purchase arms.

## Democratic Republic of Congo

Armed conflict continued in eastern Democratic Republic of Congo, with Congolese security forces and non-state armed groups responsible for serious abuses against civilians. The Rwandan-backed M23 armed group committed widespread war crimes, including summary executions, rapes, and forced recruitment of children. As the military focused attention on defeating the M23, many other armed groups also attacked civilians.

In the capital, Kinshasa, and elsewhere, government authorities have sought to silence dissent with threats, violence, and arbitrary arrests against human rights activists, journalists, and political party leaders and supporters who were critical of government officials or participated in anti-government demonstrations.

In March, M23 leader and former Congolese military commander Bosco Ntaganda surrendered to the United States embassy in Rwanda. He is awaiting trial at the International Criminal Court (ICC) on charges of war crimes and crimes against humanity committed in northeastern Congo in 2002 and 2003. One of the region's most brutal warlords, Ntaganda commanded forces that terrorized civilians for the past decade.

### *Abuses by the Security Forces*

When government soldiers fled the M23's advance on the eastern city of Goma in late November 2012, they went on a rampage and raped at least 76 women and girls in and around the town of Minova, South Kivu. In Kitchanga, North Kivu, soldiers from the 812th Regiment, allied with a Tutsi militia they had armed, clashed with a primarily ethnic Hunde armed group in late February through early March. At least 25 civilians died in the fighting. Many of the civilians killed were Hunde who appear to have been targeted by soldiers because of their ethnicity. Security forces also deliberately killed civilians during operations against Mai Mai fighters in Katanga province.

Military and intelligence officials detained many former M23 fighters and alleged collaborators for several weeks without bringing them before a court, often incommunicado and in harsh conditions.

### *War Crimes by M23 Rebels*

During their occupation of Goma and nearby areas in late November 2012, M23 fighters summarily executed at least 24 people, raped at least 36 women and girls, looted hundreds of homes, offices, and vehicles, and forcibly recruited soldiers and medical officers, police, and

civilians into their ranks. The M23 withdrew from Goma on December 1 when the government agreed to start peace talks in Kampala, Uganda.

Following infighting between two M23 factions and Ntaganda's surrender in March, abuses by the M23 continued. Between March and July, M23 fighters summarily executed at least 44 people and raped at least 61 women and girls. In August, after intense fighting resumed between the M23 and the Congolese army supported by MONUSCO, the UN peacekeeping mission in Congo, the M23 shelled populated neighborhoods in and around Goma, killing at least 7 civilians and wounding more than 40.

Since its inception, the M23 had received significant military support from Rwanda, including the deployment of Rwandan troops to Congo to fight alongside it; weapons, ammunition, and other supplies; training for new M23 recruits; and the forcible recruitment of men and boys in Rwanda, who were then sent across the border to fight for the M23.

Following public denunciations and aid suspensions to Rwanda by Western allies, when fighting resumed in late October, the M23 did not receive the military support from Rwanda on which it had previously relied. The rebels were quickly defeated by the Congolese army and UN forces. On November 5, the M23 announced an end to its armed rebellion. Many of its remaining leaders and fighters fled to Uganda and Rwanda.

### *Attacks on Civilians by Other Armed Groups*

Numerous other armed groups have carried out horrific attacks on civilians in eastern Congo, including in North and South Kivu, Katanga, and Orientale provinces. Fighters from the Nduma Defense of Congo militia group, led by Ntabo Ntaberi Sheka, killed, raped, and mutilated scores of civilians between May and September in Masisi and Walikale territories, North Kivu. Sheka is sought on a Congolese arrest warrant for crimes against humanity.

Other armed groups have also carried out ethnically based attacks on civilians in North and South Kivu. They include the Raia Mutomboki, the Nyatura, the Mai Mai Kifuafula, and the Democratic Forces for the Liberation of Rwanda (FDLR), a largely Rwandan Hutu armed group, some of whose members participated in the Rwandan genocide in 1994. Some groups have targeted human rights activists who spoke out against their abuses. In September, FDLR fighters abducted a human rights activist in Miriki, North Kivu, detained him in an underground cell for eight days, and accused him of providing information about FDLR abuses to UN peacekeepers.

In Beni territory, North Kivu, the Allied Democratic Forces (ADF), a rebel group led by Ugandan fighters, as well as other militia groups active in the area, kidnapped several hundred

Congolese civilians. In Orientale province, fighting between the Patriotic Resistance Force in Ituri (FRPI) and other militia groups and the Congolese army forced more than 80,000 people to abandon their homes.

In Katanga, Mai Mai fighters forcibly recruited hundreds of children into their ranks and killed, raped, and mutilated civilians. Some of these Mai Mai fighters are led by Gédéon Kyungu Mutanga, a warlord who was convicted by a military court in 2009 for crimes against humanity but escaped from prison in September 2011. On August 7, militia fighters in Pweto, Katanga, summarily executed a human rights activist who had denounced abuses by the group.

The Lord's Resistance Army (LRA), a Ugandan rebel group with a long record of atrocities, continued to attack civilians in northern Congo and eastern Central African Republic. At time of writing, the LRA's three senior leaders sought on arrest warrants from the International Criminal Court (ICC)—Joseph Kony, Odhok Odhiambo, and Dominic Ongwen—remained at large.

Few efforts have been made to curb abuses by these armed groups or to investigate, arrest, and prosecute those responsible. Elements of the Congolese army have in some cases collaborated with and provided support to armed groups responsible for serious abuses, including the FDLR and Nyatura.

### *Freedom of Expression and Peaceful Assembly*

Government and security forces have used violence, intimidation, threats, arbitrary arrests, and judicial proceedings based on trumped-up charges to silence dissent and prevent political leaders and activists from freely expressing their peaceful opinions or demonstrating.

Eugène Diomi Ndongala, a former member of parliament and minister, has been detained since April. Diomi is the president of the Christian Democrats (*Démocratie chrétienne*) opposition party and a founding member of the Popular Presidential Majority (*Majorité présidentielle populaire*)—a political alliance supporting opposition leader Etienne Tshisekedi.

Another member of parliament, Muhindo Nzangi, was sentenced to three years in prison in August. Only two days after he made remarks on a radio program in Goma that were viewed as critical of President Joseph Kabila's policy in eastern Congo, Nzangi was tried and convicted for endangering internal state security. On August 20, police forcibly disrupted a peaceful sit-in by Nzangi's supporters outside the North Kivu governor's office in Goma. They beat several protesters, arrested five, and threatened to charge them with rebellion.

Security forces also threatened, beat, or detained journalists and human rights activists. On March 10, police and Republican Guard soldiers beat or threatened four journalists for covering Tshisekedi's return to Kinshasa from South Africa. In July, a human rights activist was accused of being a spy; soldiers beat him after he conducted a research mission to document M23 abuses.

### *Justice and Accountability*

The vast majority of human rights abuses committed in Congo have gone unpunished. However, there have been some positive developments. On March 18, Bosco Ntaganda turned himself in to the US embassy in Kigali, Rwanda, and was flown to The Hague, where he faces charges of war crimes and crimes against humanity at the ICC. The Congolese government issued arrest warrants for several M23 leaders, and government officials have stated clearly that they will neither provide an amnesty nor integrate into the army those allegedly responsible for war crimes.

In November, the trial began in North Kivu's military operational court in Goma for 39 soldiers and officers allegedly involved in the mass rape and pillaging in and around Minova a year earlier.

In December 2012, the ICC acquitted and released Mathieu Ngudjolo Chui, who had been charged with crimes against humanity and war crimes allegedly committed in northeastern Congo in 2003. The trial of Ngudjolo's co-accused, Germain Katanga, continues. Sylvestre Mudacumura, the FDLR's military commander sought on an arrest warrant from the ICC for war crimes, remained at large at the time of writing.

## Egypt

After mass protests on June 30 against the Muslim Brotherhood, General Abdel Fattah al-Sissi on July 3 deposed Pre--sident Mohamed Morsy, who had come to power through democratic elections one year earlier, and appointed Constitutional Court judge Adly Mansour as interim president. Mansour issued a Constitutional Declaration setting out a roadmap, which included drafting a new constitution and elections. A constituent assembly of 50 appointed members completed a draft of the constitution in December. In the months following the ouster of President Morsy, police used excessive lethal force, killing over 1,300 persons at protests, and arrested over 3,500 Brotherhood supporters. Armed group escalated attacks in North Sinai killing scores of police and soldiers. A Sinai-based armed group, Ansar Bayt al-Maqdes, claimed responsibility for a Cairo assassination attempt in September on the interim government's minister of interior.

Prior to his removal, President Morsy's Muslim Brotherhood-dominated government had shown disregard for rights protections, with an increase in the prosecutions of journalists, police abuse, and sectarian violence. In December 2012, 33 percent of eligible voters (the lowest turnout for any poll since the 2011 uprising) approved Morsy's controversial new constitution by 64 percent in a referendum. The constitution further undermined key rights protections following Morsy's November 2012 Constitutional Declaration which immunized his decisions from judicial review. Legislation issued by the Shura Council, Egypt's interim legislative body following the June 2012 dissolution of the People's Assembly, included deeply restrictive draft public assembly and draft associations laws.

### *Extrajudicial Killings and Torture by Security Forces*

In January, police in Port Said killed 46 people over three days after gunmen killed two policemen during a demonstration outside a prison. In response, President Morsy praised the police and declared a one-month state of emergency in the Canal cities of Port Said, Suez, and Ismailia. In January and February, police shot dead at least 22 other anti-Morsy protesters in Cairo, Mansoura, and Mahalla.

Clashes between pro- and anti-Brotherhood protesters in the week of Morsy's overthrow between June 30 and July 5 killed at least 54 people around the country. Security forces

used excessive lethal force in dealing with pro-Brotherhood protests that involved some violence on the part of protesters. On the morning of July 8, the military broke up a Brotherhood sit-in outside the Republican Guard headquarters, killing 61 protesters who responded with stone-throwing and some gunfire, which killed two security officers.

On July 27, the police clashed with a pro-Brotherhood march, killing 95 protesters, many of them with single-shot wounds to the head and chest. On August 14, police forcibly broke up the two Muslim Brotherhood sit-ins at Rab'a al-Adawiya and al-Nahda in Cairo, killing up to 1,000 people, according to Prime Minister Hazem Beblawy. A small number of protesters in the Rab'a sit-in responded to the police with gunfire, killing seven policemen. Security officials failed to allow ambulances safe access to the sit-in to transfer severely wounded protesters to hospitals, failed to allow safe exit for patients, and shot dead one ambulance worker. Attacks on health workers and facilities threaten the realization of the right to health. Residents and officials had complained about the tens of thousands of Morsy supporters blocking the streets, and detaining and abusing suspected "infiltrators."

### *Impunity for Abuse by Security Forces*

There was no effort to account for the crimes of the Mubarak era or those killed by the police and military during and after the January-February 2011 uprising. In January, Morsy received a report by a fact-finding committee he had set up on police and military abuses against protesters, but refused to make its findings or recommendations public. In July 2013, the interim government established a Ministry for Transitional Justice but it took no steps towards accountability. The government failed to set up a fact-finding committee to look into the mass killing of protesters, despite Interim President Adly Mansour's July 8 promise to do so.

In a rare case of police accountability, a court in March sentenced one officer to three years imprisonment for shooting protesters during the protests in Mohamed Mahmoud Street in Cairo in November 2011. Only 5 of the 38 trials of middle and low-ranking police officers accused of killing protesters in January 2011 resulted in prison sentences. Two of them were suspended, so that only two officers have served actual prison time. In January, the Court of Cassation overturned the conviction of former president Hosni Mubarak. His retrial opened in May and was ongoing at time of writing. In October, the trial opened of four

police officers for the deaths of 37 detainees they were transporting to Abu Zaabal prison on August 18 on charges of “negligence and involuntary manslaughter.”

Prosecutors failed to investigate security forces for the killing of the hundreds of protesters in July and August, yet were quick to refer protesters to trial on violence-related charges. In November, a minor offenses court sentenced 12 students to 17 years imprisonment for a protest on October 30.

### *Mass Arrests and Torture*

In January and February, the police arrested over 800 protesters outside the presidential palace and elsewhere and illegally held hundreds, including at least 264 children, in Central Security Forces camps where they subjected dozens to torture, including sexual abuse. Between January and June, at least eight people died in custody as a result of torture by the police. In March, Morsy praised the police as the “heart of the revolution.” After the military deposed Morsy in July, military officials detained the former president along with 10 of his senior aides incommunicado at an unknown location for weeks. On November 4, the authorities eventually transferred Morsy to court for the opening of his trial. The judge then ordered his detention in a regular prison. Five of Morsy’s aides remained detained incommunicado without legal basis at the time of writing.

In the weeks following the dispersal of the sit-ins on August 14, police arrested the majority of the high-level and much of the mid-level leadership of the Brotherhood. They also arrested thousands of demonstrators, including 1,400 detained in the immediate aftermath of the sit-in dispersals—150 of whom were children. Prosecutors ordered their pretrial detention pending interrogation on charges of inciting or participating in violence and have continued renewing their detention on the basis of requests from security agencies but little independent evidence.

### *Military Trials*

Throughout the year military prosecutors continued to try civilians before military courts despite government claims, first by Morsy and subsequently by the post July 3 government that this was no longer occurring. The number of military trials of civilians increased following Morsy’s overthrow. Although the military mostly refrained from bringing people before military courts in Cairo, even in cases where clashes with protesters involved the



military, they tried at least 96 civilians before military courts in the other governorates. In September, a military court in Suez sentenced 51 Muslim Brotherhood members to imprisonment on charges of assaulting military officers. In October, a military court sentenced Watan journalist Hatem Abdel Nour to one year in prison for impersonating a military officer. In October and November, military trials sentenced two Sinai-based journalists, Ahmad Abu Draa' and Mohamed Sabry, to suspended prison sentences in relation to their work as journalists.

### *Freedom of Religion and Sectarian Violence*

In the first half of the year under Morsy, prosecutors interrogated at least 14 people on charges of blasphemy, referring 11 of them to trials which resulted in prison sentences for opinions protected by freedom of expression. Incidents of sectarian violence continued and increased dramatically after his overthrow. In April, sectarian violence in the town of Khosus left five Christians and one Muslim dead. Two days later, the police failed to intervene to halt clashes that broke out after a funeral at the main Coptic cathedral in Cairo, and at times themselves shot at Christian protesters inside church grounds.

In June, a mob of hundreds of Islamists lynched four Shia Egyptians in the village of Abu Musallim just outside Cairo after weeks of anti-Shia hate speech by Islamist extremists. The Morsy administration condemned the lynching but failed to condemn the sectarianism that incited it or to uphold the right of Shia to religious freedom.

In the aftermath of Morsy's overthrow, there was an unprecedented increase in attacks on churches and property of Christians. Immediately following the August 14 dispersals of Muslim Brotherhood sit-ins in Cairo, mobs chanting Islamist slogans attacked at least 42 churches, burning or damaging 37, and leaving 4 people dead. The attacks came after weeks of anti-Christian discourse in speeches at the two Brotherhood sit-ins in Cairo. Security forces failed to intervene to halt the attacks but subsequently arrested dozens of suspects. Prosecutors ordered their pretrial detention.

### *Freedom of Expression*

Under Morsy there was a sharp increase in prosecutions of journalists and political activists on charges of "insulting" officials or institutions and "spreading false information," using Mubarak-era penal code provisions. An investigative judge appointed

by the justice minister questioned over 15 journalists and politicians on criminal charges of “insulting the judiciary” after they publicly criticized the judiciary’s lack of independence. Courts ordered fines and suspended sentences in at least five defamation cases. In April, the president’s office withdrew nine criminal complaints it had filed against journalists for “insulting the president” in response to public criticism.

On July 3, the military-installed authorities shut down the Muslim Brotherhood TV station along with two other Islamist stations. Over the following two months, security officers raided the Arabic and English offices of Al Jazeera and the offices of Turkish broadcaster TRT, and police arbitrarily arrested at least 40 journalists during mass arrests after clashes. At least seven remain detained, including Al Jazeera Arabic journalist Abdallah al-Shamy who was arrested during the dispersal of the Rab’a sit-in on August 14. In September, security forces raided and sealed the premises of Freedom and Justice, the Muslim Brotherhood newspaper. In October and November, police arrested dozens of protesters for peaceful activities such as the possession of flyers or balloons with anti-military slogans on them.

### *Freedom of Association and Labor Rights*

The repressive Mubarak-era Law 84 on Associations remains in force, and security agencies blocked funding for human rights projects at registered NGOs, leading to a freeze on activities. From March to June, the Shura Council and the presidency drafted a deeply restrictive law on associations. In June, a Cairo criminal court sentenced 43 Egyptian and foreign nongovernmental organization workers to prison sentences, some of them suspended. Morsy’s government failed to pass a new trade unions law and, by the end of the year, hundreds of independent trade unions remained without legal protection. With the change in government in July, a cabinet drafting committee completed a new draft law on associations, but the government did not formally propose the law.

### *The Rights of Women and Girls*

Systematic sexual harassment of women and girls in public spaces continued without serious government attempts to halt or deter the practice. In January, Egyptian groups reported at least 19 cases of mob sexual assaults, including one woman who attackers raped with a bladed weapon and cut her genitals. In June and July, women’s rights groups confirmed 186 sexual attacks on women in Cairo’s Tahrir Square over one week. The

government's response has typically been to downplay the extent of the problem or to seek to address it through legislative reform alone. There is no law criminalizing domestic violence specifically. Other forms of violence against women, including child marriage and female genital mutilation continued to take place in some areas, despite laws prohibiting them. Personal status laws in Egypt continue to discriminate against women in relation to marriage, divorce, child custody, and inheritance. Drafters of the 2013 constitution failed to include a provision ensuring equality between men and women in the constitution.

### *Refugee, Asylum-Seeker, and Migrant Rights*

The population of refugees from Syria in Egypt grew to 300,000 by the end of the year. Over 125,000 Syrians have registered with the United Nations High Commissioner for Refugees (UNHCR); Egypt, however, has prevented UNHCR from registering Palestinians from Syria. Airport officials sent three Syrian men—two in January and one in October—back to Syria against their will in violation of the principle of non-refoulement.

After Morsy's overthrow, security officials implemented a visa requirement and security clearance for Syrians. As a result airport officials denied entry to at least 276 Syrians and returned them to Syria again in violation of the international prohibition against refoulement. In July, police and military police arrested at least 72 Syrian men and 9 boys at checkpoints on main Cairo roads in an arrest sweep following a media campaign accusing Syrians of supporting the Muslim Brotherhood. Since August, Egypt has detained without legal basis over 1,500 refugees from Syria, including 250 children, and coerced over 1,200 to leave Egypt under threat of indefinite detention.

African migrants continued to report torture and rape at the hands of traffickers operating in Sinai, a problem the government failed to address or acknowledge. In May, prosecutors interrogated a Sudanese man on charges of human trafficking, torture, and rape in the Sinai but failed to refer anyone to trial. Egyptian prosecutors have investigated only one person on Sinai-related trafficking offenses but have made no effort to investigate collusion on the part of members of the security forces, including at the Suez Canal and along the route from the southern border.

## Equatorial Guinea

Corruption, poverty, and repression continue to plague Equatorial Guinea under President Teodoro Obiang Nguema Mbasogo, who has been in power since 1979. Vast oil revenues fund lavish lifestyles for the small elite surrounding the president, while a large proportion of the population continues to live in poverty. Mismanagement of public funds and credible allegations of high-level corruption persist, as do other serious abuses, including arbitrary detention, secret detention, and unfair trials.

The period surrounding legislative elections in May 2013 was marked by the denial of fundamental freedoms. The government blocked planned protests by political opponents and arrested the organizers. The ruling party gained an overwhelming victory in the election, but the poll lacked credibility because of biased electoral processes and restrictive conditions for international observers.

The new government that formed in September maintained a system that lacks effective checks on the powers of President Obiang. Obiang appointed his eldest son and possible successor, “Teodorin,” to one of 15 senate seats he personally selects, under 2011 constitutional changes. Obiang retained Teodorin as second vice president, an appointed post not contemplated in the constitution.

Obiang and his government strongly defended Teodorin against allegations of corruption and money laundering, which are the focus of foreign law enforcement investigations in France and the United States. Although several legal decisions went in Teodorin’s favor in August, notably a California judge’s dismissal of part of a case against him, followed by Interpol’s unexpected withdrawal of an international arrest warrant against him in a separate case filed in France, intensive investigations in both countries continue and a Europe-wide warrant issued at France’s request remains in effect.

### *Economic and Social Rights*

Equatorial Guinea is the third largest oil producer in sub-Saharan Africa and has a population of approximately 700,000 people. According to the United Nation’s 2013 Human Development Report, the country has a per-capita gross domestic product of US\$32,026, which is the highest wealth ranking of any African country and one of the highest in the world, yet it ranks 136 out of 187 countries in the Human Development Index. As a result, Equatorial Guinea has by far the largest gap of all countries between its per-capita wealth and its human development score.

Despite the country's abundant natural resource wealth and government's obligations to advance the economic and social rights of its citizens, it has directed little of this wealth to meet their needs. Figures released by the International Monetary Fund in early 2013 showcase the government's spending priorities: while half of Equatorial Guinea's capital spending in 2011 was used to build infrastructure and another 22 percent was spent on public administration, health and education together accounted for only 3 percent of capital spending.

About half of the population lacks clean water or basic sanitation facilities, according to official 2012 statistics. A large portion of the population also lacks access to quality health care, decent schools, or reliable electricity. The government does not publish basic information on budgets and spending, and citizens and journalists lack the freedom to monitor the use of the country's natural resource wealth.

### *Freedom of Expression and Association*

Equatorial Guinea is notorious for its poor record on press freedom. Local journalists are unable to criticize the government or address issues the authorities disapprove of without risk of censorship or reprisal. Only a few private media outlets exist in the country, and they are generally owned by persons close to President Obiang; self-censorship is common. Foreign news is available to the small minority with access to satellite broadcasts and the Internet; others have access only to limited foreign radio programming.

Freedom of association and assembly are severely curtailed in Equatorial Guinea, greatly limiting the effectiveness of civil society groups. The government imposes restrictive conditions on the registration and operation of nongovernmental groups. The country has no legally registered independent human rights groups. The few local activists who seek to address human rights related issues face intimidation, harassment, and reprisals.

### *Political Parties and Opposition*

Only two political parties offered candidates independently in the May legislative elections. The other 10 officially recognized political parties aligned with the ruling party, which benefited from a virtual monopoly on power, funding, and access to national media. The May vote, like prior elections in the country, were marked by serious human rights violations and a denial of fundamental freedoms, including arbitrary arrests and restrictions on freedom of assembly. The National Election Commission is controlled by the ruling party and is headed by the interior minister, a prominent member of the governing party.

Requests by political activists and opposition political parties to hold peaceful demonstrations were denied. Protests planned for May and June were blocked and the organizers of the May event were arrested. At least 10 activists were arrested in May, following calls for a peaceful

demonstration on May 15 to call for government reforms and to protest a government decision denying registration to a new political party, Partido Democrático de la Justicia Social (Democratic Party for Social Justice). Clara “Lola” Nsegue Eyí and Natalia Angue Edjodjomo, the party’s co-founders and coordinators of the demonstration, were arrested on May 13 in Malabo and transferred to the city of Mongomo. They were both released after three weeks, but Nsegue was subsequently rearrested in Malabo and flown to Mongomo, an inland city, more than 200 miles away, where she remained in custody without charge from late June until her release in October.

Jerónimo Ndong, secretary general of the opposition party Unión Popular (People’s Union), was arrested on May 13 and held for several days, also in connection with the planned protest. He went into hiding after his release, but turned himself in when the authorities arrested his wife and brother to force him to emerge from hiding. Ndong was then rearrested and held for another seven days.

A number of people were arrested on their way to the planned May 15 protest and later released, including Salvador Bibang Ela, a leader of the Convergencia Social Democrática Popular (CPDS, People’s Social Democratic Convergence) opposition party. The protest was not held, due to these arrests and the heavy presence of security forces in the streets.

In June, security forces surrounded the CPDS headquarters in Malabo and several party leaders were briefly arrested in a successful effort to block a planned demonstration against alleged election fraud. The party’s earlier request for a permit for the protest was denied.

On September 22, Weja Chicampo, coordinador of the Movimiento para la Autodeterminación de la Isla de Bioko (MAIB, Movement for the Self-Determination of Bioko Island), was deported to Spain from the Malabo airport as he returned from a visit to there. Chicampo had previously lived in exile in Spain, following repeated arrests and prison terms in Equatorial Guinea, but had moved back to Equatorial Guinea. He remained in Spain at time of writing.

### *Torture, Arbitrary Detention, and Unfair Trials*

Due process rights are routinely flouted in Equatorial Guinea and prisoner mistreatment remains common. Many detainees are held indefinitely without knowing the charges against them. Some are held in secret detention. Lawyers and others who have visited prisons and jails indicate that serious abuses continue, including beatings in detention that amount to torture.

President Obiang exercises inordinate control over the judiciary, which lacks independence. The president is designated as the country’s “chief magistrate.” Among other powers, he chairs the body that oversees judges and appoints the body’s remaining members.

Judicial processes are used to intimidate or punish those perceived as disloyal to those in power. In July, Roberto Berardi, a business associate of Teodorín, was convicted of theft of company property and given a two-and-a-half year sentence, following a brief trial at which Berardi's family said no evidence was presented. Berardi had been in government custody in Bata since January. According to his family, Berardi's arrest came after he asked Teodorin about a suspicious bank transfer to a US account. They also allege that he was held in secret detention for several weeks and subjected to torture.

Eleuterio Esono, an Equatoguinean citizen who returned to the country from exile in Sweden in early 2013, was held without charge in a Malabo jail from March 12 until the end of April. He was arrested without warrant in connection with an alleged conspiracy against the state.

Agustín Esono Nsogo, a teacher arrested in October 2012 for an alleged plot to destabilize the country, remained in custody without charge or trial.

## Eritrea

Eritrea is among the most closed countries in the world; human rights conditions remain dismal. Indefinite military service, torture, arbitrary detention, and severe restrictions on freedoms of expression, association, and religion provoke thousands of Eritreans to flee the country each month. Among those fleeing in 2013 were the minister of information—whose 85-year-old father, brother, and 15-year-old daughter were immediately arrested—and the deputy head of economic affairs of the People’s Front for Democracy and Justice (PFDJ), Eritrea’s sole political party that controls most major domestic commercial enterprises.

In October, more than 300 Eritrean refugees drowned when a boat bringing them to Europe capsized near Lampedusa, Italy. According to the United Nations High Commissioner for Refugees (UNHCR), over 305,000 Eritreans (more than 5 percent of the population) have fled during the past decade.

Eritrea has no constitution, functioning legislature, independent judiciary, elections, independent press, or nongovernmental organizations; it does not hold elections. All power is concentrated in the hands of President Isaias Afewerki, in office since 1991.

In a rare sign of domestic dissent, on January 21, 2013, a group of soldiers with tanks, led by a brigadier general and three colonels, briefly occupied the Ministry of Information (“Forto”) and forced the director of government television to read a statement demanding the release of political prisoners and implementation of the 1997 constitution. The transmission was cut after a few sentences and the protestors surrendered when other military units failed to deliver expected support. According to credible reports, 60 or more high-level alleged collaborators were arrested, several of whom are now dead, some by suicide. Among them is said to be Abdella Jaber, PFDJ’s chief administrator.

Despite repeated requests, Eritrea denied the United Nation special rapporteur on Eritrea, Sheila Keetharuth, a visa. In a 2013 report based on refugee interviews, she concluded that “basic tenets of the rule of law are not respected.” Following her report, the Council “strongly condemn[ed]” Eritrea’s “continued widespread and systematic violations of human rights and fundamental freedoms.”

### *Indefinite Conscription and Forced Labor*

Eritrea conscripts all men and unmarried women into “national service.” Although Eritrean law limits national service to 18 months, most conscripts serve for much of their working lives. Conscripts are routinely used as forced labor on essentially civilian jobs. In 2013, Human



Rights Watch reported that conscripts were used by a state-owned construction company, Segen Construction Co., engaged by Canadian mining firm Nevsun Resources, to build infrastructure at its Bisha gold mine. Former conscripts described working long hours for minimal food rations, primitive lodging, and wages too low to sustain themselves, much less their families. They were not allowed to leave the work site.

Children as young as 15 are inducted and sent for military training, according to recent interviews by refugee agencies. They and other recruits are regularly subject to violence and ill-treatment for raising questions or for other perceived infractions. Beatings, torture, and prolonged incarcerations are common. Women are subject to sexual violence from military commanders, including rape. No mechanisms for redress exist.

Since mid-2012, all men in their 50s, 60s, and 70s are compelled to perform militia duty: carrying military weapons; reporting for training; and going on periodic patrols.

### *Arbitrary Arrest, Prolonged Detention, and Inhumane Conditions*

Thousands of ordinary citizens are arrested and incarcerated without charge, trial, or opportunity to appeal, and without access to family, lawyers, or independent prison monitoring organizations. While some are freed without explanation and warned not to speak about their detention, most prisoners remain in jail indefinitely. Until the “Forto” incident in January 2013, the most prominent prisoners were 21 government officials and journalists arrested in September 2001 and still held incommunicado 12 years later. None have been formally charged, much less tried; former guards who have left Eritrea report that half of them have died.

Former detainees describe brutal detention conditions. Death in captivity is not unusual. Many prisoners disappear, their whereabouts and health unknown to their families. Former prisoners describe being confined in vastly overcrowded underground cells or shipping containers, with no space to lie down, little or no light, oppressive heat or cold, and vermin. Medical treatment is poor or non-existent. Food consists of a piece or two of bread a day, occasional servings of lentils or beans, a cup of tea, and insufficient water. Beatings and torture in detention are common; wardens are able to impose any physical punishment they devise. A former interrogator told Human Rights Watch he ordered beatings of prisoners until they confessed to whatever they were accused of; they were then beaten to implicate others.

Eritreans who were forcibly repatriated to Eritrea from Middle Eastern countries and then fled again told Human Rights Watch in 2012 they had been incarcerated in cramped cells and beaten shortly after their return. They displayed scars from beatings and electric shocks. One escapee reported that several prisoners in his group of returnees died from their beatings.

### *Freedom of Religion*

Since 2002, the government has jailed and physically abused citizens for practicing religions other than the four government-controlled or recognized religions—Sunni Islam, Ethiopian Orthodox, Catholicism, and Lutheranism. Most arrests occur in private houses but many also occur during private Quran or Bible study at colleges or at national service training centers.

Some prisoners are offered release on condition that they sign statements renouncing their faith. Three deaths during captivity were reported by foreign-based religious monitoring groups in 2013, but given the difficulties of obtaining information, the number may be higher.

The octogenarian Orthodox patriarch, whom the government deposed in 2007, remains under strict house arrest.

### *Reprisals against Family Members*

Family members of some draft evaders or national service deserters have been punished by fines of Nakfa 50,000 (US\$3,333) and by detention, in a country with, according to the World Bank, per capita income in 2012 of \$560. Families are also punished when relatives living abroad fail to pay a 2 percent tax on foreign income, retroactive to 1992, or to contribute “national defense” fees. Punishments include revocation of resident families’ business licenses, confiscation of houses and other property, and refusal to issue passports to allow reunification of children and spouses with overseas parents or spouses.

### *Freedom of Expression and Association*

The government maintains a complete monopoly on domestic sources of information since it closed all local press outlets in 2001 and arrested their staff. Telephone and Internet communications are monitored. Eritrea expelled the last accredited foreign correspondent in 2008. Although foreign language transmissions are accessible, the government jammed Al Jazeera in early 2013 and has long jammed overseas transmissions from Eritrea diaspora stations. At least six government journalists arrested in 2009 and 2011 remain in solitary confinement without trial. No independent civil society organizations are permitted. Labor unions remain a government monopoly.

## Ethiopia

Hopes that Ethiopia's new leadership would pursue human rights reforms following Prime Minister Meles Zenawi's death in August 2012 have been shattered; there was no tangible change of policy in 2013. Instead, the Ethiopian authorities continue to severely restrict the rights to freedom of expression, association, and peaceful assembly, using repressive laws to constrain civil society and independent media, and target individuals with politically motivated prosecutions.

Muslim protests against perceived government interference in their religious affairs were met by security forces with arbitrary arrests and detentions, beatings, and other mistreatment throughout the year. The trial of 29 protest leaders who were arrested in July 2012 has been closed to the public, media, and family members since January. Others convicted under the country's deeply flawed antiterrorism law—including opposition leaders and four journalists—remain in prison.

Ethiopia's ambitious development schemes, funded from domestic revenue sources and foreign assistance, sometimes displace indigenous communities without appropriate consultation or any compensation. Security forces have also used violence, threats, and intimidation to force some groups to relocate, such as in the Lower Omo Valley where indigenous people continue to be displaced from their traditional lands, which are earmarked for state-run irrigated sugar plantations.

### *Freedom of Peaceful Assembly*

Since early 2012, members of Ethiopia's Muslim community—which constitutes at least 30 percent of the country's population—have organized regular public protests. Demonstrations were triggered by perceived government interference in the Supreme Council of Islamic Affairs and the Awalia mosque in Addis Ababa.

The government has clamped down heavily on the protests, arbitrarily detaining and beating protesters, including 29 prominent activists and leaders who were arrested in July 2012 and charged in October 2012 under the Anti-Terrorism Proclamation. In January, the High Court closed those hearings to the public, including media, diplomats, and family members. Some defendants have alleged mistreatment in detention and the trials raise a number of due process concerns, including lack of access to legal counsel for some defendants for almost two months, and erratic access to relatives.

The government has also undermined the defendants' presumption of innocence by broadcasting inflammatory material and accusations against them on state television. In February, the state-run Ethiopian Television (ETV) broadcast a program called "Jihadawi Harakat" ("Jihad War") that included footage of at least five of the defendants filmed in pretrial detention. The program equated the Muslim protest movement with Islamist extremist groups, casting the protest leaders as terrorists.

Despite the arrests, protests continued throughout 2013. In early August, protests were organized in the capital, Addis Ababa, as well as in other cities to commemorate Eid al Fitr, the end of Ramadan. Witnesses described a heavy police presence in Addis Ababa, and credible sources said that police used excessive force to disperse the demonstrators and detained hundreds, at least temporarily.

The Semayawi Party ("Blue Party"), a newcomer to Ethiopia's political scene, held a peaceful protest in June—the first large-scale protest organized by a political opposition party in eight years. A planned protest in August was cancelled when the Blue Party offices were raided by security forces, resulting in the arrest of dozens of people and the confiscation of equipment. The Blue Party had earlier been denied a permit by government to hold the protest.

### *Arbitrary Detention and Ill-Treatment*

Arbitrary detention and ill-treatment in detention continues to be a major problem. Students, members of opposition groups, journalists, peaceful protesters, and others seeking to express their rights to freedom of assembly, expression, or association are frequently detained arbitrarily.

Ill-treatment is often reported by people detained for political reasons, particularly in Addis Ababa's Federal Police Crime Investigation Center, known as Maekelawi, where most individuals are held during pre-charge or pretrial detention. Abuse and coercion that in some cases amount to torture and other ill-treatment are used to extract information, confessions, and statements from detainees.

Individuals are often denied access to legal counsel, particularly during pre-charge detention. Mistreated detainees have little recourse in the courts and there is no regular access to prisons and detention centers by independent investigators. Although the government-affiliated Ethiopian Human Rights Commission has visited some detainees and detention centers, there is no regular monitoring by any independent human rights or other organizations.

In July, a delegation from the European Parliament was denied access to Kaliti prison in Addis Ababa by Ethiopian authorities, despite having received prior authorization.

### *Freedom of Expression and Association*

Since 2009, when the Anti-Terrorism Proclamation and the Charities and Societies Proclamation (CSO Law) were passed, freedoms of expression and association have been severely restricted in Ethiopia. The CSO law is one of the most draconian laws regulating nongovernmental activity in the world. It bars work on human rights, good governance, conflict resolution, and advocacy on the rights of women, children, and people with disabilities if organizations receive more than 10 percent of their funds from foreign sources.

Ethiopia's most reputable human rights groups have either dramatically scaled down their operations or removed human rights from their mandates. Several of the country's most prominent human rights activists have fled the country due to threats.

Ethiopian media remains under a tight government stranglehold, and many journalists practice self-censorship. Webpages and blogs critical of the government are regularly blocked, and foreign radio and TV stations are routinely jammed. Journalists working for independent domestic newspapers continue to face regular harassment and threats.

The Anti-Terrorism Proclamation has been used to target political opponents, stifle dissent, and silence journalists. In May, the Supreme Court upheld the 18-year sentence of journalist and blogger Eskinder Nega Fenta, who was convicted in July 2012 for conspiracy to commit terrorist acts and participation in a terrorist organization. Eskinder received the PEN Freedom to Write award in 2012. Reeyot Alemu Gobebo, a journalist for *Feteh*, was convicted on three counts under the terrorism law for her writings. Her sentence was reduced from 14 to 5 years on appeal, but her appeal of the remaining five-year sentence was dismissed in January. Reeyot was awarded the prestigious 2013 UNESCO/Guillermo Cano World Press Freedom Prize.

Journalists covering the Muslim protests were threatened and arbitrarily detained. Solomon Kebede, chief editor of the now-defunct *Yemuslimoch Guday* ("Muslim Affairs"), was arrested in January and charged under the Anti-Terrorism Proclamation. Yusuf Getachew, his predecessor, was charged under the same law in 2012. Several other journalists fled Ethiopia in 2013, making it one of the top three countries in the world in terms of the number of journalists in exile.

### *Forced Displacement Associated with Development Programs*

Both the government of Ethiopia and the donor community have failed to adequately investigate allegations of abuses associated with Ethiopia's "villagization program." Under this program, 1.5 million rural people are being relocated, ostensibly to improve their access to basic services. However, some of the relocations in the first year of the program in Gambella

region were accompanied by violence, including beatings and arbitrary arrests, and insufficient consultation and compensation.

On July 12, the World Bank's board of executive directors approved the recommendation of the Inspection Panel, the institution's independent accountability mechanism, to investigate a complaint from ethnic Anuak refugees alleging that the bank violated its own safeguards in Gambella. The investigation was ongoing at time of writing. Ethiopia is proceeding with development of a sugar plantation in the Lower Omo Valley, clearing 245,000 hectares of land that is home to 200,000 indigenous peoples. Displaced from their ancestral lands, these agro-pastoralists are being moved to permanent villages under the villagization program.

## Guinea

Uncertainty over the organization of long-delayed parliamentary elections, envisioned to consolidate Guinea's full transition from authoritarian to democratic rule, dominated the political and human rights landscape and led to a worrying increase in violence in 2013. Months of violent protests involving militants from the opposition, the ruling party, and the security services left dozens dead and over 400 wounded.

Parliamentary elections, not held since 2002, were to have taken place six months after the largely free and fair 2010 election of Alpha Condé as president. However, they were repeatedly delayed by opposition demands to address technical concerns involving the electoral list and the right of the diaspora to participate, among other issues. The delay exacerbated ethnic tensions, deepened a concentration of power in the executive branch, and generated considerable frustration within Guinean civil society and the country's international partners.

The vote finally took place on September 28 but, according to Guinean and international observers, it was marred by organizational problems and irregularities including ballot stuffing by supporters of the ruling party, voter intimidation, and minors casting votes.

Endemic corruption, the chronically neglected judiciary, and the slow pace of security sector reform undermined respect for the rule of law. Rising ethnic tensions ignited political violence and led to communal clashes in the N'Zérékoré region in July, which left at least 98 dead and 160 wounded.

Excessive use of force by security forces in response to political demonstrations declined, but they were nevertheless implicated in numerous incidents of excessive use of lethal force and unprofessional conduct as they responded to the violent clashes between militants of opposing political parties. Attacks against freedom of the press increased in 2013.

Guinea made some progress in ensuring accountability for past atrocities, including the 2009 massacre of unarmed demonstrators by security forces, and indictment of a few powerful political and military figures for the 2010 torture of members of the political opposition. There was little progress in attempts to establish a reconciliation commission and an independent human rights body.

International actors—notably the United Nations Office of West Africa (UNOWA), European Union, France, the United States, and the *Organisation internationale de la francophonie* (OIF)—took proactive steps to resolve disputes over the organization of parliamentary

elections, but rarely spoke out on the need for justice for past and recent crimes by state actors.

### *Accountability for the September 28, 2009 Massacre and Other Crimes*

More than four years on, the domestic investigation into members of the security forces implicated in the September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Moussa Dadis Camara has yet to conclude. In 2010, the then-government committed to bringing the perpetrators to justice, and a Guinean prosecutor appointed a panel of three judges to investigate the crimes.

The panel has made important strides, having interviewed more than 300 victims and charged at least eight suspects including several high-level members of the security forces. However, progress continues to be stymied by insufficient government backing and support, including the government's failure to place high-level suspects on leave from their government posts pending investigation and to satisfactorily resolve the judges' outstanding request to question the former Guinean president, who is currently living in Burkina Faso. Some suspects have been in pretrial detention longer than the two years Guinean law permits.

### *Judiciary and Detention Conditions*

Decades of neglect of the judiciary has led to striking deficiencies in the sector, allowing perpetrators of abuses to enjoy impunity for crimes. The allocation for the judiciary has for several years stood at around 0.5 percent of the national budget. As a result, there continue to be severe shortages of judicial personnel and insufficient infrastructure and resources, which, when coupled with unprofessional conduct, including corrupt practices, failing to show up in court, and poor record-keeping, contributed to widespread detention-related abuses.

The indictment in 2013 of Conakry's powerful governor and two high-level soldiers for alleged torture committed during the run-up to the 2010 elections, as well as the arrest and indictment of two suspects for the 2012 assassination of Guinea's treasury director, Aissatou Boiro, demonstrated progress in addressing impunity. However, the judiciary failed to make progress in ensuring justice for the 2012 killing of six men by members of the security forces in the village of Zoghota in southeastern Guinea.

Prison and detention centers in Guinea are severely overcrowded, and inmates and detainees lack adequate nutrition, sanitation, and medical care. The largest detention facility—designed for 300 detainees—accommodates some 1,100. An estimated 75 percent of prisoners in Conakry are held in prolonged pretrial detention. The failure of the *Cour d'assises*—which hears matters involving the most serious crimes—to meet regularly contributes to the problem. The government failed to establish the Superior Council of Judges, which is tasked with discipline,



selection, and promotion of judges. International and Guinean legal aid groups helped ensure representation for the indigent.

### *Truth-Telling Mechanism and Independent Human Rights Institution*

During 2013, the “Reflection Commission,” created by presidential decree in June 2011 to promote reconciliation, made no visible progress in fulfilling its mandate. The interim co-presidents appeared to limit its mandate to promoting reconciliation largely through prayer, while local human rights groups pushed for a commission that could meaningfully address impunity.

Progress in setting up the independent human rights institution, as mandated by Guinea’s 2010 constitution, was undermined by delays in holding legislative elections; the constitution stipulates that the institution can only be established through a law voted on by the national assembly.

While the Ministry for Human Rights and Civil Liberties, newly created in 2012, lacked resources, the minister actively advocated for strengthening the judiciary, an end to impunity for abuses, and respect for freedom of the press.

### *Conduct of the Security Forces*

The government and military hierarchy made some progress in ensuring that their subordinates responded proportionately to civil unrest and to ensure the army remained in their barracks during protests. However, members of the police and gendarmerie were implicated in numerous incidents of excessive use of lethal force and unprofessional conduct as they responded to often-violent protests and clashes between militants of opposing political parties, and arbitrarily detained and beat others. Several security force members were killed during the violent demonstrations.

On at least three occasions, members of the security forces attacked or failed to protect members of the opposition or their family members from violence meted out by ruling party militants. On several occasions, members of the security forces engaged in theft, extortion, and other crimes directed at people living in neighborhoods that largely supported the opposition. The police and gendarmes also failed to equally protect people during violent street demonstrations, including by standing by while protestors supporting the ruling party attacked and at times robbed opposition supporters.

After 12 people were killed by the security forces in May, most by gunshot, President Condé tasked the justice minister with opening an inquiry into the violence and prosecuting those responsible.

### *Freedom of Media*

Censorship measures were imposed in late 2012 by state media regulators against three popular current affairs talk shows, stemming from commentary critical of government officials. One debate program on the private Planète FM station was suspended on December 13 for five weeks, and the program's host was banned for a week, based on a defamation complaint. Another station, Espace FM, was formally warned for its coverage of deadly unrest in the southern town of Guéckédou. Several journalists and news outlets covering political unrest in the capital, Conakry, were attacked, detained, or threatened during political unrest in 2013.

In mid-August, soldiers stormed Bate FM in Kankan, shutting it down for airing President Condé being booed at a rally. At least three journalists were briefly detained. The station was later attacked and looted and one journalist was assaulted in the process. The attackers were allegedly supporters of the president.

## Kenya

Kenya's closely contested presidential election in March resulted in the election of President Uhuru Kenyatta and Deputy President William Ruto, after the Supreme Court rejected an opposition challenge. Both Kenyatta and Ruto face crimes against humanity charges at the International Criminal Court (ICC) for their alleged roles in post-election violence in 2007-2008.

Fears that the 2013 election would spark a repeat of the widespread violence of 2007-2008 did not materialize, but the run-up to the elections was marred by pockets of ethnic and political violence, and police used excessive force to disperse protests in Kisumu.

The slow pace of police reform, the lack of accountability for security force abuses—including extrajudicial killings, torture, and other human rights violations by the police— and the government's failure to hold accountable perpetrators of the 2007–2008 post-election violence remain key concerns.

The September 21 attack on Nairobi's Westgate mall killed at least 67 people and highlighted the security threat posed by the militant Islamist Somali group Al-Shabaab both within Somalia and in Kenya, which hosts an estimated 500,000 Somali refugees. The Somali refugee community has frequently been subjected to discrimination and reprisals in the wake of attacks in Kenya, including a brutal police operation from November 2012 to January 2013 in Nairobi's Eastleigh neighborhood. The community did not immediately report reprisals following the attack on Westgate mall, but there were reports of arbitrary arrests and extortion by the police in the Eastleigh area of Nairobi in October and November.

### *Lack of Accountability and the ICC*

President Kenyatta, his deputy Ruto, and former radio journalist Joshua arap Sang are facing charges of crimes against humanity at the International Criminal Court (ICC) for their alleged roles in the 2007-2008 post-election violence. Ruto and Sang's trial began in September, while Kenyatta's trial is now expected to start in February 2014.

Kenya pledged to continue cooperating with the ICC, but since the election, the new government has actively campaigned at the United Nations and the African Union (AU) to have the cases dropped, deferred, or referred to a local justice mechanism. In September, the National Assembly and the Senate approved a motion calling on the Kenyan government to withdraw from the Rome Statute, the treaty establishing the ICC, which Kenya signed in 2005. The government has taken no steps to act on that motion, and any prospective withdrawal from the Rome Statute would not affect the ongoing cases at the ICC.

The ICC intervened in 2010 and summoned six people alleged to bear the greatest responsibility after parliament defeated a bill that would have established a domestic tribunal to try those responsible for the violence in 2007-2008. In 2012, a committee appointed by the director of public prosecutions said there was insufficient evidence in the 5,000 files it had reviewed, to proceed with criminal prosecutions.

In 2012, the chief justice announced plans to set up an International Crimes Division to deal with post-election violence and other related cases in the future, but the Judicial Service Commission is still assessing the modalities of setting up the division.

The ICC cases in Kenya have been marred by withdrawals of prosecution witnesses, allegedly because of bribery and intimidation; the defendants have also alleged evidence tampering or intimidation of witnesses. The ICC prosecutor described the level of witness tampering in the Kenyan cases as “unprecedented.”

### *Extrajudicial Killings, Torture, and Other Abuses by Security Forces*

Over the past five years police have been responsible for hundreds of extrajudicial killings but the perpetrators have not been prosecuted due to weak internal accountability mechanism and nascent civilian oversight.

A survey by the Kenya National Commission on Human Rights found that police had unlawfully killed 120 people between May and August 2013 under circumstances that could have been avoided, and that police did not report the killings to the civilian oversight authority, the Independent Police Oversight Authority (IPOA), for investigation as required under the law.

Police have also been implicated in the torture, disappearance, and unlawful killing of alleged terrorism suspects and individuals of Somali origin, and Somali refugees in Mombasa, Nairobi, North Eastern region, and other parts of Kenya.

In August 2012, a Muslim cleric, Sheikh Aboud Rogo, whom Kenyan authorities said they were investigating over links with terror networks in Somalia, was shot dead by unknown people. Kenya police have denied allegations that they were responsible for Aboud Rogo’s death. In September 2013, a Multi-Agency Task Force appointed by the director of public prosecutions in 2012 to investigate Aboud Rogo’s killing said in its report that it did not get adequate evidence to identify the killers and recommended a public inquest. No police officer has been held accountable for any of the crimes.

### *Reforms and Implementation of the 2010 Constitution*

The 2010 constitution provides the framework for institutional reforms to improve governance, accountability, and protection of human rights. Although reforms to the judiciary, the electoral system, and parliament have proceeded as outlined in the constitution, police reforms—including measures to improve accountability for police abuses—have lagged.

Key civilian oversight bodies, such as the National Police Service Commission and Independent Police Oversight Authority (IPOA), have been established, but important measures such as restructuring of the police service and vetting of officers—a process to remove those implicated in human rights violations from the police force—have been delayed for over a year due largely to resistance from senior officers.

Efforts to restructure the Ethics and Anti-Corruption Commission (EACC) dragged in the face of allegations that the commission's chair, Mumo Matemu, was implicated in suspected corruption at his previous post at the Kenya Revenue Authority. The restructuring is essential for investigations and important accountability measures against those suspected of corruption to proceed.

### *Treatment of Refugees*

Following a series of grenade attacks in Nairobi's Eastleigh neighborhood in November 2012, police responded with widespread abuses, including torture, rape, and beatings of at least 1,000 people, mainly Somali refugees, as well as significant extortion and looting during subsequent police operation in Eastleigh. While several police units were involved, the paramilitary General Service Unit (GSU) was responsible for many of the worst abuses.

Police responded with similar abuses against residents of the surrounding villages following a grenade attack in Mandera in September 2012 and a gun attack in Garissa in October 2012.

The Kenyan government also increased its hostile rhetoric against Somali refugees in 2013, calling for the refugee camps to be closed and for Somalis to return to Somalia, despite the ongoing conflict and insecurity in Somalia.

### *Civil Society and Human Rights Defenders*

Civil society has come under increased pressure for advocating for justice for the 2007-2008 post-election violence. During their election campaigns, Kenyatta and Ruto accused civil society of manufacturing evidence against them and coaching witnesses in the ICC cases; of receiving foreign funds and furthering foreign interests; and of preventing the ICC cases from being tried in Kenya or Tanzania.

In August 2013, Kenyan security officers in Moyale killed Hassan Guyo, a 40-year-old human rights defender who had travelled from Wajir to Moyale to document human rights abuses by security agents against villagers. The villagers were protesting the sacking of a local chief.

In September, two prominent civil society activists—Maina Kiai, the former head of the Kenyan National Commission for Human Rights and a UN special rapporteur on the rights to freedom of peaceful assembly and of association, and Gladwell Otieno, the director of AFRICOG—were threatened by supporters of the president and his deputy for their role in the ICC cases. A group of youths threatened to burn down Kiai’s rural home while unknown people send messages to Otieno, threatening to kill members of her family if she did not stop opposing the idea of ICC partly sitting in either Kenya or Tanzania.

New laws were introduced that, if enacted, would impose draconian restrictions on the media and on nonprofit organizations, including by restricting the amount of funds that organizations can receive from foreign sources. One such law, the Public Benefits Organizations (PBO) Act, which was passed in January 2013, but yet to come into force, prohibits political campaigning by nongovernmental organizations and introduces stricter accounting standards.

## Liberia

Longstanding deficiencies within the judicial system and security sector, as well as insufficient efforts to address official corruption, continue to undermine development and human rights in Liberia.

Ten years after the signing of a peace accord that ended over a decade of armed conflict, Liberians and the country's key international partners increased pressure on President Ellen Johnson Sirleaf's government to expedite reforms.

While President Sirleaf dismissed a number of high-ranking government officials accused of corruption, her government, as in past years, failed to pursue investigations into the alleged crimes, thereby undermining accountability efforts.

### *Police Conduct*

Widespread police indiscipline and corruption continue to compromise equal and impartial justice and the establishment of the rule of law. Liberian police officers routinely demand bribes and participate in extortion schemes. Members of two armed units—the Emergency Response Unit and the Police Support Unit—regularly engage in armed robbery and other criminal acts during patrols.

Police officers operate with serious logistics shortages, including a lack of vehicles, fuel, uniforms, and basic tools to carry out their duties.

The police made some effort to address the abuse, notably through the Professional Standards Division (PSD), which receives and processes public and internal complaints against officers. From January to June, the PSD received 299 cases, investigated 96, and acted upon 80. Despite this progress, many Liberians are still unaware of the unit and its work.

### *Access to Justice*

Persistent weaknesses in the judiciary undermined access to justice and due process. Prolonged pretrial detention is prevalent; fair and speedy trials are rare. The judiciary is able to conclude only a small number of cases every year. Poor management of the judiciary and corrupt practices by judges, jurors, ministry administrators, and others also severely undermine the dispensation of justice.

An estimated 80 percent of detainees are subjected to extended pretrial detention as a result of the understaffing of the courts, inadequate funding for the judiciary, and lack of coordination between the police and the courts. But greater attention by both the government and donors led to some improvements in this sector. Liberian officials, with external support, created a regional hub system, which is intended to decentralize the security and justice sectors by placing armed police officers, immigration units, and judges in five regional centers outside of Monrovia. The first hub opened in Gbarnga, the capital city of Bong County, in 2013.

### *Sexual Violence*

Sexual violence against women and girls is rampant. Hundreds of cases were reported to and documented by the Ministry of Gender and Development. The number of successful sexual violence prosecutions remains low due to poor evidence gathering, the reluctance of witnesses to testify, and deficiencies in the judicial sector. In large part because of these problems, the establishment in 2008 of Criminal Court ‘E,’ a special court designed to fast-track cases of sexual violence, has resulted in few prosecutions.

### *Truth and Reconciliation Commission and Accountability*

The government made some progress in implementing the recommendations the Truth and Reconciliation Commission has made since 2009. In June, the government released a plan for promoting national peacebuilding and reconciliation, and in October launched the National Palava Hut Program, envisioned to foster reconciliation through community and grassroots dialogue. The plan advocates for reparations, but ignores the commission’s call for prosecutions of those responsible for war crimes committed during Liberia’s two armed conflicts, for which there has still been no accountability.

### *Sexual Orientation and Gender Identity*

Numerous members of the lesbian, gay, bisexual, and transgender (LGBT) community were, in 2013, subjected to verbal assaults, harassment, and stigmatization. Although Liberian law already criminalizes same-sex conduct for both men and women, the country’s legislature has been considering even more repressive legislation. In February 2012, Liberia, like some other African countries, sought to pass new laws that would further punish LGBT people. At time of writing, there were two new bills pending before the legislature that, if passed, would increase penalties for same-sex conduct and explicitly criminalize same-sex marriage.

In July 2012, Liberia’s upper legislative house, the Senate, passed the Amendment to the Domestic Relations Law of Liberia bill, commonly known as the “Anti-Same-Sex Marriage” bill. The proposed legislation criminalizes same-sex marriage with punishment of up to five years in prison.



At time of writing, another bill that seeks to criminalize same-sex practices was before the Judiciary Committee of the House of Representatives.

### *Freedom of Expression*

There has been some improvement in the protection of freedom of expression, as evidenced by the creation of a number of independent media establishments and the passage of a Freedom of Information Act into law.

Despite these gains, Liberia's outdated and draconian defamation laws continue to pose a serious risk to freedom of expression. The August 2013 arrest and imprisonment for several weeks of editor Rodney Sieh, and the temporary closure of his prominent investigative paper, *FrontPage Africa*, raised concerns about the freedom of media to publish articles critical of government. Chris Toe, a former government minister, won the libel case he brought against Sieh and *FrontPage Africa*. The court ordered the defendants to pay Toe a judgment of US\$1.5 million. Under Liberian civil procedure law, a defendant can be imprisoned for inability to pay a libel judgment. Sieh potentially faces a long prison sentence.

There are few protections in Liberian law to ensure that defamation judgments are not excessive. Furthermore, Liberia's appeals process—including the use of disproportionate appeals bonds—effectively denies media centers and journalists the right to appeal a defamation ruling.

### *Human Rights and Anti-Corruption Institutions*

The Liberia Anti-Corruption Commission (LACC), which is empowered to investigate and prosecute on its own initiative, has secured only two convictions since it was established in 2008. The second conviction occurred in 2013 against former Liberia National Police Inspector General Beatrice Munah-Sieh. The conviction was appealed on the basis of jury errors. At time of writing, the case was pending before the Supreme Court. In June, the Senate rejected a bill submitted by President Sirleaf to give the LACC more freedom to prosecute corruption cases. Currently, the LACC must submit its cases to the Ministry of Justice and wait three months for the ministry to decide whether it will pursue its own case.

The General Auditing Commission (GAC), Liberia's independent auditing agency, has completed and issued dozens of reports in the last five years with details of mismanagement and corruption. The Ministry of Justice has investigated or pursued very few of these reports, but it announced in September 2013 it was reviewing past GAC reports for possible prosecution.

of government malfeasance. That same month, the Senate began to hold public hearings on past GAC audits.

The Independent National Commission on Human Rights, established in 2010 and empowered to investigate and consider human rights complaints, remains ineffective and weak. While there was some progress—the commission dispatched its first field monitors to Nimba, Bong, and Lofa—the commission has yet to take meaningful steps toward fulfilling its mandate.

## Libya

Libya's interim government faced multiple challenges in 2013. Myriad armed groups controlled security in many parts of the country, thousands of detainees remained in government and militia-controlled detention facilities without access to justice, and rampant ill-treatment and deaths in custody persisted. Forced displacement of tens of thousands of people from the town of Tawergha by militias from nearby Misrata had yet to be resolved.

Authorities failed to conclude any investigations into politically motivated assassinations, attacks on protesters in Benghazi and Tripoli, and attacks on journalists and foreign diplomatic missions, citing lack of resources and the precarious security situation.

### *Political Transition*

The General National Congress (GNC), Libya's first elected parliament, has yet to fulfill its core mandate to organize elections for the Constituent Assembly (CA). On July 16, the GNC approved a law for electing the 60-member CA, which will draft Libya's constitution but at time of writing the law had not been issued, and the elections date had not been fixed.

The GNC suffered from political discord between its main political parties, in particular the Muslim Brotherhood-affiliated Justice and Construction Party (JCP) and the more liberal leaning National Forces Alliance (NFA); resignations by some Congress members; and removal of some congress members due to a sweeping lustration law that banned from office persons who had held any office in the Gaddafi era.

### *Security and Militias*

The interim government failed to control deteriorating security in the country, especially in the capital, Tripoli, and in Benghazi, Libya's second largest city.

Myriad armed groups with varying agendas and allegiances, some affiliated with the government, controlled large swathes of the country and its resources—including Libya's oil terminals, its main income source—and operated with impunity. The government failed

to demobilize militias or merge fighters who fought against Muammar Gaddafi's forces in the 2011 uprising into government forces with proper vetting procedures.

Authorities "contracted" militias, comprised of former revolutionary fighters, to help impose order, instead of prioritizing establishing a military and police force. These militias, including the Libya Shield Brigades and the Supreme Security Committee (SSC) that operated under the army chief of staff and Interior Ministry respectively, operated parallel to state security forces.

Attacks by unknown groups increased against foreign diplomatic missions in Tripoli and Benghazi, including the Tripoli embassies of France and the United Arab Emirates, and the Egyptian consulate in Benghazi.

Criminal investigation units under the police and Prosecutor's Office failed to arrest suspects or complete investigations into at least 30 seemingly politically-motivated assassinations. Authorities cited lack of capacity and the security situation as reasons for their inaction.

Tribal clashes among various armed groups, mostly vying for territorial control, increased in the Nafusa Mountains; Zawiya and Warshafana on the west coast; Sirte in center of the country; and in Kufra and Sebha in the south. Different militias clashed frequently in Tripoli.

There was an increase in violence in Tripoli in November when militias mainly from Misrata attacked overwhelmingly peaceful protesters. In ensuing clashes, 51 people died and more than 500 were injured. This prompted the government to implement law 27/2013 and law 53/2013 which called on all "illegitimate" armed formations to disband.

Violence escalated in the east, particularly in Benghazi and Derna, as armed groups with a religious agenda and other militias increased attacks on the government. In June, 31 protesters, some armed, were killed during clashes outside the Benghazi headquarters of the government-aligned Libya Shield Forces militia. The protesters were demonstrating against the militia's presence in city and its alleged abuses, such as arbitrary detentions.

The Cyrenaica Transitional Council, headed by Ahmed Zubair al-Senussi, and the Political Bureau of Cyrenaica, headed by Ibrahim Jadhraan—two rival political groups with a military

wing calling for an autonomous federalist form of government—competed for recognition in Libya’s Eastern region. After months of occupying vital oil terminals in the East, Jadhran announced a parallel rival government on October 24, and created a “National Oil Company” to rival Libya’s central national oil company.

Libya’s south remained a closed military region throughout 2013. Lack of border control and tribal infighting destabilized the region and trafficking of humans, drugs, and weapons with neighboring Chad and Algeria surged.

### *Arbitrary Detention, Torture, and Deaths in Custody*

Around 8,000 detainees held in relation to the 2011 armed conflict are still in detention facilities; around 3,000 of these are held in government custody, the rest by militias. Most have no access to lawyers or judicial reviews. Militias were responsible for continuing widespread abuses, and some deaths, in custody.

The judicial police, tasked with running detention facilities, remained weak and ill-equipped. There were at least two prison riots in Tripoli and Benghazi, including one at al-Roueimy prison in Tripoli in September when authorities wounded at least eight detainees with live fire. Armed groups attacked at least two convoys transferring detainees between their prison and a Tripoli court. Numerous prison breaks occurred in Sabha. In Benghazi, 1,200 detainees managed to escape after a riot in August.

Migrant workers from sub-Saharan Africa and South Asia continued to face harassment by militias, arbitrary arrests by militias and government forces, and forced labor by criminal gangs and militias.

### *Judicial System and Transitional Justice*

The judicial system continued to face considerable challenges, including the slow pace of screening detainees and transferal to state custody. Prosecutors’ inability to bring conflict-related cases to court and gaps in the judiciary’s application of fair trial standards also plagued the system.

Militias subjected judges, prosecutors, lawyers, and witnesses to threats and violence, which authorities failed to challenge. At time of writing, the general prosecutor had not

concluded an investigation into the killing of Muammar Gaddafi and his supporters in October 2011.

On September 19, Libyan authorities started the pre-trial stage of domestic proceedings against one of Gaddafi's sons, Saif al-Islam Gaddafi, his intelligence chief, Abdullah Sanussi, and 36 other senior Gaddafi-era officials. They faced charges of murder, torture, and indiscriminate killings committed during the 2011 uprising. The trials of these former officials were expected to start in December.

At time of writing, the GNC had yet to pass the draft transitional justice law, which calls for a commission to investigate abuses, refer perpetrators for prosecution, and compensate victims directly. It would cover abuses committed during the Gaddafi era and during the transitional phase following the 2011 conflict. A draft law that would provide some compensation for mainly female victims of physical and sexual violence had yet to pass.

### *Death Penalty*

Military and civil courts imposed at least 28 death sentences, 12 of them passed in absentia, since Gaddafi's fall in October 2011. The Misrata Military Court sentenced two members of Gaddafi's military to death for violations committed during the 2011 conflict, including indiscriminate attacks against civilians and torture. A civil court in Misrata sentenced a former Gaddafi official and pro-Gaddafi fighter to death for unlawful killings during the 2011 uprising. Civil courts in Misrata, Benghazi, Zawiya, and Tripoli sentenced 12 civilians to death on charges related to the 2011 conflict and common crime charges, including murder. Lawyers and family of the accused alleged serious due process violations, including the inability to call defense witnesses. The Supreme Court had yet to approve the death sentences at time of writing.

### International Justice and the International Criminal Court

Saif al-Islam Gaddafi and Abdullah Sanussi, who are wanted by the International Criminal Court (ICC) for crimes against humanity, remained in Libyan custody, without access to lawyers.

Libya filed a legal bid at the ICC to prosecute Gaddafi domestically in May 2012, and was told it could postpone surrendering him to the court until the ICC made its decision. In May

2013, the ICC judges rejected Libya's bid and reminded the Libyan authorities of their obligation to surrender him. Libya has appealed the decision rejecting its bid.

On October 11, the ICC ruled Sanussi's case inadmissible thereby granting Libya the right to try him domestically. Sanussi's lawyers at the ICC appealed that decision. At time of writing, the ICC had yet to rule on the appeal.

### *Forced Displacement*

Approximately 35,000 people from the town of Tawergha, in Libya's northeast, remained forcibly displaced at the end of 2013, with militias from nearby Misrata preventing them from returning to their homes. The militias accuse Tawerghans of supporting Gaddafi and committing serious crimes, including rapes and torture, against people in Misrata in 2011. Militias mainly from Misrata continued to arbitrarily detain, torture, harass, and kill Tawerghans in custody. At time of writing, 1,300 people from Tawergha were detained, mainly in Misrata, or unaccounted for. The same militias also prevented residents of Tomina and Karareem, towns near Tawergha, from returning home.

### *Freedom of Speech and Expression*

Attacks on journalists increased amid instability. In August, unknown assailants killed a journalist in Benghazi, two other journalists escaped separate assassination attempts. Throughout the year, militias threatened and beat scores of other media workers, mainly in Tripoli and Benghazi.

Two politicians faced blasphemy charges and possible death sentences if found guilty for using posters during the GNC elections campaign in June 2012 that militia members claimed insulted Islam.

An editor of al-Ummah newspaper faced charges of insulting members of the judiciary after he published a list of allegedly corrupt judges and prosecutors. If found guilty, he could face up to 15 years in jail.

### *Freedom of Religion*

Attacks on Sufi religious sites across the country continued in 2013, although fewer in number than in 2012. Authorities made no effort to protect the religious sites of minorities or arrest those responsible for attacks. In August, unknown persons desecrated Sufi graves in Tripoli and, in September, desecrated a Sufi gravesite in Mizdah, southern Libya. In September, a Sufi religious leader was assassinated by unknown gunmen in the Eastern city of Derna.

### *Women's Rights*

In February, Libya's Supreme Court lifted restrictions on polygamy, enabling a man to marry up to four wives without the prior consent of his first wife. In April, the Ministry of Social Affairs suspended issuing marriage licenses for Libyan women marrying foreigners after a call by Grand Mufti al-Sadeq al-Ghariani to avoid spreading "other" religions in Libya. In the absence of a Personal Status Law, the law Concerning the Specific Provisions on Marriage and Divorce and their Consequences, Law No. 10 of 1984 is the only current legislation dealing with domestic violence, but enforcement remains weak.

### *Political Isolation*

After months of controversy, the GNC in May passed the Political Isolation Law, barring Gaddafi-era officials from holding public office for 10 years. The law's sweeping provisions, vague procedures, and lack of judicial review, meant it violated human rights standards. Armed groups surrounded the Foreign Affairs, Justice, and Interior ministries, as well as the GNC, demanding that the GNC pass the law.



## Mali

An unexpected push south by Islamist armed groups in January 2013 provoked a French-led military offensive that quickly dislodged the groups and largely ended their abusive occupation of the north. During and after the offensive, Malian soldiers committed numerous abuses, particularly against civilians and rebel suspects in their custody.

Fears about the threat posed by Islamist armed groups linked to Al-Qaeda led to considerable diplomatic efforts to resolve the crisis and stabilize Mali. The French took the lead on military matters, the European Union on training and security sector reform, and the United Nations, through the establishment of a peacekeeping force, on rule of law and political stability. While most of these actors criticized abuses by the Islamist groups, they were reluctant to publicly criticize those by the Malian army.

Largely free, fair, and transparent presidential elections in August helped stabilize the political situation. However, security was undermined by persistent communal tensions, uncertainty about the status of Tuareg rebels; ongoing attacks by Islamist groups, including suicide bombings; divisions within the military; and rising criminality.

Malian authorities made little effort to investigate and hold accountable members of the security forces implicated in abuses. However, in January, the prosecutor of the International Criminal Court (ICC) opened an investigation into crimes allegedly committed in the three northern regions of the country. The Ouagadougou Accord signed in June by the Malian government and two Tuareg groups was ambiguous about whether those responsible for serious crimes would be prosecuted.

The rule of law in the north was undermined by the slow return of members of the judiciary and police to the north. Inadequate budgetary allocations for the criminal justice system in general limited due process throughout the country. Graft and corruption, endemic at all levels of government, further impeded Malians' access to basic health care and education.

### *Abuses by State Security Forces*

Malian soldiers, in their campaign to retake the north, committed numerous abuses, including summary executions, enforced disappearances, and torture. The abuses, which targeted suspected Islamist rebels and alleged collaborators, included at least 26 extrajudicial executions, 11 enforced disappearances, and over 50 cases of torture or ill-treatment.

Detainees were severely beaten, kicked, and strangled; burned with cigarettes and lighters; injected or forced to swallow an unidentified caustic substance; exposed to simulated drowning akin to “waterboarding”; and subjected to death threats and mock executions.

The mistreatment ceased after the detainees were turned over to gendarmes, whom they sometimes bribed to secure their release. The presence of gendarmes, French soldiers, and West African troops served as a deterrent to the most serious abuses.

In August, the leader of the 2012 coup, Capt. Amadou Sanogo, was promoted to the rank of lieutenant general, despite being directly implicated in torture and enforced disappearances in 2012 and October 2013, when forces loyal to Sanogo allegedly killed four and disappeared at least seven of his loyalists who had mutinied. However, in August the interim president repealed a 2012 decree appointing Sanogo as head of the committee to carry out reforms in the army.

### *Abuses by Armed Islamist Groups and Tuareg Rebels*

Before being driven out of northern Mali, combatants with the Islamist groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al-Qaeda in the Islamic Maghreb (AQIM)—committed serious abuses against prisoners and local residents. Enforcing their interpretation of Sharia, the groups beat, flogged, and arbitrarily arrested those who smoked cigarettes, consumed alcoholic beverages, or failed to adhere to the groups’ dress code. In January, Islamist armed groups in Konna executed at least seven Malian soldiers.

AQIM continues to hold as hostages at least eight persons, including two Frenchmen, a Dutchman, a Swede, a South African, and at least three Algerians. AQIM claimed to have executed a Frenchman, Phillippe Verdon, on March 10 in retaliation for France’s military intervention in northern Mali.

On June 1 and 2, forces of the Tuareg National Movement for the Liberation of Azawad (MNLA), which still controls parts of the Kidal region, arbitrarily detained about 100 people, most of them darker-skinned men from non-Tuareg ethnic groups. The MNLA robbed, threatened, and, in numerous cases, severely beat the men. On November 2, two French journalists were abducted in the MNLA stronghold of Kidal and later executed by armed men allegedly linked to AQIM. In September, the MNLA released some 30 prisoners being held by Islamist groups in Kidal.

### *Accountability*

War crimes and other serious abuses were committed by all sides during Mali’s recent armed conflict. These abuses include the summary execution of up to 153 Malian soldiers in Aguelhok; widespread looting and pillage, and sexual violence by the MNLA; the recruitment and use of

child combatants, executions, floggings, amputations, and destruction of religious and cultural shrines by armed Islamist groups; and the summary execution, torture and enforced disappearance by soldiers from the Malian army. Many health facilities in the north were specifically targeted and looted.

In July 2012, the government of Mali, a state party to the ICC, referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. On January 16, 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions of Mali. At time of writing, no arrest warrants had been issued.

The Malian government and military high command gave mixed signals regarding abuses by Malian soldiers, at times flatly denying violations and at others promising to hold alleged perpetrators to account. While Malian authorities investigated a few incidents, including the enforced disappearance of five men in Timbuktu in February and the September 2012 killing by soldiers of 16 Islamic preachers in Diabaly, numerous others have not been investigated, and no soldiers implicated in recent abuses have been put on trial. There was progress in justice for the enforced disappearance in May 2012 of at least 21 soldiers by forces loyal to Sanogo. In October, the judge investigating the case charged and detained three security force members and summoned for questioning 17 others, including Sanogo, for their alleged role in the crimes.

### *Truth Telling and Reconciliation Mechanism*

In March, the interim government established the Commission for Dialogue and Reconciliation, but its efficacy was undermined by an unclear mandate and the hasty appointment of commissioners by the interim government, which failed to consult sufficiently with a wide variety of stakeholders. Because its mandate and powers appear limited to promoting reconciliation, some Malians have pushed for a commission that could address impunity for abuses and recommend individuals for prosecution.

### *The Judiciary*

Neglect and mismanagement within the Malian judiciary led to striking deficiencies and hindered efforts to address impunity for the perpetrators of all classes of crimes. Coupled with unprofessional conduct and corrupt practices, personnel and logistical shortfalls within the justice sector contributed to violations of the right to due process.

Because of the courts’ inability to adequately process cases, hundreds of prisoners are held in extended pretrial detention in overcrowded jails and detention centers. Very few of the estimated 250 men who were detained in relation with the offensive to retake the north had legal representation, and several died in custody as a result of inadequate medical care and

poor detention conditions. The interim justice minister did, however, replace many corrupt prosecutors and made some progress in improving detention conditions.

### *Recruitment of Children and Child Labor*

During their occupation of the north from April 2012 through February 2013, Islamist armed groups recruited, trained, and used several hundred children in their forces. Scores of children, some as young as 12, took part in battle, and many were killed while fighting or by aerial bombardments. A number of schools were destroyed by French bombings because Islamist groups were using them as command centers.

Child labor in agriculture, domestic service, mining, and other sectors was common, and often included dangerous work that Malian law prohibits for anyone under the age of 18. Child laborers in artisanal gold mining were exposed to health risks from accidents and exposure to toxic mercury. More than two years after its adoption, the government's action plan on child labor remained largely unimplemented.

## Morocco/Western Sahara

Morocco's 2011 constitution incorporated strong human rights provisions, but these reforms did not lead to improved practices, the passage of implementing legislation, or the revision of repressive laws. In 2013, Moroccans exercised their right to peaceful protest in the streets, but police continued to violently disperse them on occasion. Laws that criminalize acts deemed harmful to the king, the monarchy, Islam, or Morocco's claim over the disputed Western Sahara limited the rights to peaceful expression, assembly, and association. In February, a military court sentenced 25 civilian Sahrawis to prison terms, including nine to life imprisonment. The trial was just one of many unfair trials in recent years that have resulted in politically motivated convictions.

### *Freedom of Expression*

Independent print and online media continue to investigate and criticize government officials and policies, but face prosecution and harassment when they cross certain lines. The press law prescribes prison terms for "maliciously" spreading "false information" likely to disturb the public order, or for speech that is ruled defamatory.

Moroccan state television provides some room for debate and investigative reporting but little for direct criticism of the government or dissent on key issues. Authorities allowed Al Jazeera to resume operations in Morocco, having ordered it to shut its bureau in 2010 on account of its coverage of the dispute over the status of Western Sahara. On September 17, authorities arrested Ali Anouzla, director of the independent news site Lakome.com, because of an article describing, and providing an indirect link to, a militant Islamist recruitment video attacking King Mohammed VI. Released on October 25, he faced trial at time of writing on charges under the 2003 counterterrorism law, including "intentionally aiding those who perpetrate acts of terrorism."

Abdessamad Haydour, a student, continued to serve a three-year prison term for insulting the king by calling him a "dog," "a murderer," and "a dictator" in a YouTube video. A court sentenced him in February 2012 under a penal code provision criminalizing "insults to the king."

### *Freedom of Assembly*

Moroccans have continued to hold marches and rallies to demand political reform and protest government actions since popular protests swept the region in February 2011. The police mostly allow these protests, but on some occasions in 2013 they attacked and severely beat protesters. For example, on August 2, police violently dispersed a small protest in front of the Parliament in Rabat against a royal pardon that had been granted to a convicted pedophile. However, authorities tolerated subsequent street protests against the pardon, which authorities said had been granted in error.

In Western Sahara, security forces routinely repressed any public gathering deemed hostile to Morocco's contested rule over that territory. This included gatherings in the territory's main town, El-Ayoun, on March 23, April 29, and October 19. Authorities allowed an unprecedentedly large demonstration in favor of self-determination on May 4.

### *Freedom of Association*

The 2011 constitution introduced protection for the first time for the right to create an association yet, in practice, officials continue to arbitrarily prevent or impede many associations from obtaining legal registration, undermining their freedom to operate. Groups affected include some that defend the rights of Sahrawis, Amazighs (Berbers), sub-Saharan migrants, and the unemployed. Others include charitable, cultural, and educational associations whose leaders includes members of al-Adl wal-Ihsan (Justice and Spirituality), a well-entrenched, nationwide movement that advocates for an Islamic state and questions the king's spiritual authority. The government, which does not recognize Justice and Spirituality as a legal association, tolerated many of its activities, but prevented others. In Western Sahara, authorities withheld legal recognition for all local human rights organizations whose leaders support independence for that territory, even associations that won administrative court rulings that they had wrongfully been denied recognition.

### *Terrorism and Counterterrorism*

Hundreds of suspected Islamist extremists arrested in the aftermath of the Casablanca bombings of May 2003 remain in prison. Many were convicted in unfair trials after being held in secret detention and subjected to ill-treatment and, in some cases, torture. Police have arrested hundreds more suspected militants since further terrorist attacks in 2007

and 2011. Courts have convicted and imprisoned many of them on charges of belonging to a “terrorist network” or preparing to join Islamist militants fighting in Iraq or elsewhere.

#### Police Conduct, Torture, and the Criminal Justice System

Moroccan courts continue to impose the death penalty, but the authorities maintained a de facto moratorium under which they have carried out no executions since the early 1990s.

In his final report on his 2012 visit to Morocco, United Nations Special Rapporteur on Torture Juan Mendez concluded in February 2013, “In cases involving State security, such as terrorism, membership in Islamist movements, or supporters of independence for Western Sahara, there is a pattern of torture and ill-treatment by police officers during the arrest process and while in detention.... Many individuals have been coerced to confess and sentenced to prison on the basis of such a confession.” The rapporteur’s recommendations included amending the law to ensure that “access to lawyers of a suspect’s own choosing is granted from the moment of apprehension” and shortening the length of pre-charge detention in police custody from the current maximum of 12 days allowed in terrorism related cases. Moroccan authorities responded in detail, noting steps they were taking, such as an engagement by “the Ministry of Justice and Liberties ... to ensure the video recording of all statements made to the police during investigations and interrogations.”

Courts failed to uphold the right of defendants to receive fair trials in political and security-related cases. In some cases, they failed to order medical examinations that might substantiate defendants’ allegations of torture, refused to summon exculpatory witnesses, and convicted defendants based on apparently coerced confessions.

In February 2013, the Rabat Military Court sentenced 25 Sahrawi men to prison terms, imposing nine life sentences, after convicting them on charges arising from violence that occurred on November 8, 2010, when security forces dismantled the Gdeim Izik protest encampment in Western Sahara. Eleven members of the security forces died in the violence. The court failed to probe the allegations made by defendants, most of whom had spent 26 months in pretrial detention, that police officers had tortured or coerced them into signing false statements. Yet, the court relied on these contested statements as the main, if not sole, evidence to convict them.

Prison conditions were reportedly harsh, due in large part to severe overcrowding, a problem aggravated by investigating judges' frequent resort to the pretrial detention of suspects. The Justice Ministry stated that as of October 2012, 31,000 of the country's 70,000 prison inmates were pretrial.

On September 12, 2013, Justice Minister Moustapha Ramid—a well-known human rights lawyer who was appointed following the 2011 election victory of the Islamist-oriented Hizb al-Adalah wal-Tanmiya (Justice and Development) party—unveiled proposals on judicial reform that, if implemented, could enhance judicial independence. These proposals include diminishing executive control over prosecutors.

### *Migrants and Refugees*

Migrants from sub-Saharan Africa continued to experience police abuse in 2013. On several occasions, police rounded up migrants, transported them to the Moroccan-Algerian border and dumped them there without formally verifying their status or informing them of their rights.

In September, the National Council of Human Rights (CNDH), a state-funded body that reports to the king, issued a report on the plight of migrant workers and recommended that the government take measures to protect their rights. These included the establishment of a “national legal and institutional framework of asylum.” Currently, Morocco delegates asylum status determination to the UN High Commissioner for Refugees (UNHCR), and generally refrains from expelling migrants who have documents proving that they have applied for or received recognition from the UNHCR. King Mohammed VI publicly welcomed the CNDH's recommendations, and ordered a government task force to examine the status of migrants whose asylum claim the UNHCR had already recognized with a view toward regularizing them.

### *The Rights of Women and Girls*

The 2011 constitution guarantees equality for women, “while respecting the provisions of the Constitution, and the laws and permanent characteristics of the Kingdom.” The Family Code contains discriminatory provisions for women with regard to inheritance and the right of husbands to unilaterally divorce their wives. Reforms to the code in 2004 improved women's rights in divorce and child custody and raised the age of marriage from 15 to 18.



### *Domestic Workers*

Despite laws prohibiting the employment of children under the age of 15, thousands of children under that age—predominantly girls—are believed to work as domestic workers. According to the UN, nongovernmental organizations, and government sources, the number of child domestic workers has declined in recent years, but girls as young as 8 years old continue to work in private homes for up to 12 hours a day for as little as US\$11 per month. In some cases, employers beat and verbally abused the girls, denied them an education, and refused them adequate food.

Morocco's labor law excludes domestic workers from its protections, including a minimum wage, limits to work hours, and a weekly rest day. In 2006, authorities presented a revised draft law to regulate domestic work and reinforce existing prohibitions on under-15 domestic workers, but at this writing the parliament has yet to adopt it.

## Nigeria

Horrific abuses in the north by the militant Islamist group Boko Haram and the Nigerian security forces' heavy-handed response to this violence dominated Nigeria's human rights landscape in 2013. In May, President Goodluck Jonathan imposed a state of emergency, which was extended for another three months in November in the three states where Boko Haram is most active. The emergency failed to curb atrocities and to sufficiently protect civilians. The prosecutor of the International Criminal Court said that there was reason to believe Boko Haram had committed crimes against humanity.

More than 400 people died in 2013 from violent inter-communal conflict in Nigeria's Middle Belt states, and scores were rendered homeless from the clashes. Security forces throughout the country engaged in human rights abuses. There were few investigations or prosecutions of these crimes.

The judiciary remained nominally free from interference and pressures from other branches of government, but corruption did impede pursuit of justice. Poverty and corruption continued to afflict the oil-rich Niger Delta, while the weakness of anti-corruption institutions in government inhibited the realization of social and economic rights and the fair and transparent functioning of the public and private sectors.

### *Boko Haram Violence*

The four-year insurgency by Boko Haram, which seeks to impose a harsh form of Sharia, or Islamic law, in northern Nigeria and end government corruption, has killed more than 5,000 people. Although the Nigerian government set up a committee to develop an amnesty framework for Boko Haram, the group continued to target government security agents, churches, and mosques.

Since 2012, Boko Haram has burned more than 300 schools in the north and deprived more than 10,000 children of an education. In a particularly gory attack in July, suspected armed Islamists killed 42 pupils and teachers and burned down a government-owned boarding school in Mamudo village, Yobe state.

The Nigerian government's support for the formation of armed self-defense groups, mostly young men to assist in the apprehension of Islamist insurgents, brought a new and alarming dimension to its anti-Boko Haram efforts. These young men themselves became targets of Boko Haram attacks. In one August incident in Borno state, Boko Haram killed 24 members of

the “Civilian Joint Task Force,” as the group is called. Thirty other members were declared missing.

### *Inter-Communal and Political Violence*

Episodes of inter-communal violence in the Middle Belt states of Plateau, Taraba, Benue, and Nasarawa left more than 400 people dead and scores of houses destroyed. Federal and state authorities failed to hold accountable the perpetrators of these crimes and break the cycle of violence. In response, ethnic and religious groups in this region resorted to forming their own militias to deliver justice and security. State and local government policies fed discontent by discriminating against “non-indigenes”—people who cannot prove that they are descendants of the original inhabitants of an area.

### *Conduct of Security Forces*

Government security forces were implicated in various human rights violations with regard to the Boko Haram insurgency. The large number of troops deployed to enforce the state of emergency engaged in the indiscriminate arrest, detention, torture, and extra-judicial killing of those suspected to be supporters or members of the Islamist group. Security forces razed and burned homes and properties in communities thought to harbor Boko Haram fighters. In Baga, a town in Borno state, Nigerian troops destroyed more than 2,000 buildings and allegedly killed scores of people, apparently in retaliation for the killing of a soldier by Boko Haram. The authorities have yet to bring anyone to justice for these crimes.

The Nigerian police have also been involved in frequent human rights violations, including extrajudicial killings, torture, arbitrary arrests, and extortion-related abuses. Despite the dismantling of many “road blocks” by the inspector general of police, corruption in the police force remains a serious problem. The police routinely solicit bribes from victims to investigate crimes and from suspects to drop investigations. Senior police officials embezzle or mismanage police funds, often demanding monetary “returns” that their subordinates extort from the public.

### *Government Corruption*

The Economic and Financial Crimes Commission (EFCC) made little progress combating corruption in the public sector. In a major setback in ending impunity for corruption among political officeholders, President Goodluck Jonathan in March 2013 “pardoned” Diepreye Alamieyeseigha, a former governor of Bayelsa State, and the only governor to have served prison time in Nigeria for corruption.

Corruption cases against several dozen senior politicians, as well as oil marketers for their alleged role in a fraudulent fuel subsidy scheme, had still not been completed at time of writing. Executive interference with the EFCC, a weak and overburdened judiciary, and the agency's own missteps, including failing to appeal tenuous rulings or prosecute senior politicians credibly implicated in corruption, have continued to undermine its efficacy.

The country's other prominent anti-corruption agency, the Independent Corrupt Practices and Other Related Offences Commission (ICPC), established in 2000 to tackle corruption in the public sector, failed to file charges or achieve any major convictions in 2013.

### *Violence and Poverty in the Oil-Producing Niger Delta*

The federal government's 2009 amnesty program—which saw some 26,000 militants, youth, and gang members surrender weapons in exchange for amnesty and monthly cash stipends—have reduced attacks on oil facilities in the Niger Delta. The government has doled out these financial incentives—some US\$400 million annually—from the additional oil revenue accruing to government following the amnesty, but has still not addressed the region's underlying causes of violence and discontent, such as poverty, public sector corruption, environmental degradation from oil spills, and impunity for politically sponsored violence. In June, the government announced 2015 as the terminal date for the program and acknowledged that its inability to secure jobs for the trained ex-militants or implement an orderly exit strategy may portend more danger for the region.

### *Health and Human Rights*

Widespread lead poisoning from artisanal gold mining in Zamfara State has killed at least 400 children since 2010. The release of funds in February by the federal government to clean up the environment allowed lead treatment programs to be expanded to reach an additional 1,500 children.

In February, nine female polio vaccinators were shot dead by suspected Islamic militants in Kano, and security for vaccinators remains fragile in the north. Attacks on health workers threaten the realization of the right to health.

### *Sexual Orientation and Gender Identity*

Nigeria's criminal and penal codes punish consensual homosexual conduct with up to 14 years in prison. Sharia penal codes in many northern states criminalize consensual homosexual conduct with caning, imprisonment, or death by stoning.

In May 2013, Nigeria's House of Representatives passed the Same Sex Marriage (Prohibition) Bill, earlier passed by the Senate in November 2012, and at time of writing the bill was awaiting the president's approval. Same-sex marriages or civil unions, which could lead to imprisonment of up to 14 years, are so broadly defined in the bill that they include virtually any form of same-sex cohabitation. In addition, the bill seeks to impose prison sentences on lesbian, gay, bisexual, transgender, and intersex (LGBTI) people.

Human rights groups vocally opposed the bill because it would formalize discrimination against LGBTI people and have wide-ranging effects on the constitutionally guaranteed rights to dignity, personal liberty, freedom of speech, association and assembly, and freedoms of thought, conscience, and religion.

In July, Nigeria's Foreign Ministry announced that the country would not accredit diplomats with same-sex spouses, confirming that, if the law comes into effect, the country would extend to non-citizens its legal ban on LGBTI relationships.

### *Freedom of Expression and Media*

Civil society and the independent media openly criticize the government and its policies, allowing for robust public debate. Yet journalists are still subject to arrest and intimidation when reporting on issues implicating Nigeria's political and economic elite. In August, the federal government arrested and charged the political editor and political reporter of *Leadership* newspaper, Tony Amokeodo and Chibuzor Ukaibe, respectively, for reporting on a story based on documents allegedly issued by the president. In September, Tukur Mamu, the publisher of *Desert Herald*, was arrested and detained allegedly for publishing a book criticizing the Minister of the Federal Capital Territory.

In January, Ikechukwu Udendu, the editor of *Anambra News*, a monthly newspaper in southeastern Anambra state, was gunned down in Onitsha. In September, the mutilated body of Aisha Usman, a reporter with the news magazine *Mahangar Arewa* in Zaria, was found on a highway in Kaduna state. The causes of these deaths remained unknown at time of writing.

## Rwanda

Rwanda adopted a number of new laws, including media laws and a revised law on genocide ideology. The country continued to make impressive progress in the delivery of public services, such as health care, but freedom of expression and association remain tightly controlled. The government obstructed opposition parties and independent civil society organizations, and threatened its critics. Parliamentary elections resulted in an overwhelming majority for the ruling party, with no meaningful challenge. The leadership of one of the last remaining independent human rights organizations was taken over by pro-government elements.

Despite mounting international concern, Rwanda provided significant military support to the M23, an armed group responsible for serious abuses against civilians in eastern Democratic Republic of Congo. In November, the M23 was defeated by the Congolese army and UN peacekeepers, after Rwanda appeared to withdraw its support for the M23 during military operations.

### *Political Parties*

The ruling Rwandan Patriotic Front (RPF) won parliamentary elections in September with more than 76 percent of the vote. The only other parties that presented candidates were those broadly supporting the RPF.

The opposition Democratic Green Party of Rwanda, which had been trying to register as a party for almost four years, was finally granted registration by the government in August, on the day before the deadline for parties to submit their lists of election candidates. As a result, it decided not to take part in the polls.

Two opposition party leaders arrested in 2010—Victoire Ingabire of the FDU-Inkingi and Bernard Ntaganda of the PS-Imberakuri—remained in prison, serving sentences of respectively eight and four years, Ntaganda for endangering national security and divisionism, and Ingabire for conspiracy to undermine the government and genocide denial. Appeal hearings for Ingabire, who was sentenced in 2012, concluded at the Supreme Court on July 31. The judgment is expected in December.

Sylvain Sibomana, secretary general of the FDU-Inkingi, and Dominique Shyirambere, another party member, were arrested on March 25, after a confrontation with police outside the courtroom where Ingabire's trial was taking place. They were charged with contempt of public officials, illegal demonstration, and inciting insurrection or public disorder. Police and judicial officials questioned them about the possession of T-shirts bearing the slogan "democracy and

justice” and badges calling for Ingabire’s release. On November 22, Sibomana was found guilty of the first two charges and sentenced to two years in prison; Shyirambere was sentenced to five months.

Sibomana also faced charges in a second case linked to the prosecution of eight other FDU-Inkingi members in Karongi, arrested in September 2012 on charges of inciting insurrection or public disorder after allegedly holding illegal meetings. On July 11, seven of the original defendants were each sentenced to two years in prison. Sibomana’s case has since been joined to that of the eighth, Anselme Mutuyimana. At time of writing, the verdict in Sibomana and Mutuyimana’s trial had not yet been handed down.

### *Civil Society Organizations*

Government officials were openly hostile toward independent nongovernmental organizations (NGOs) working on human rights. The pro-government media echoed these views with public attacks on international human rights organizations and other perceived critics.

In August, the last effective independent Rwandan human rights organization, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), was taken over by members believed to be sympathetic to the government. On July 21, these members ousted the organization’s leaders and voted in a new board, violating the organization’s internal statutes and Rwandan legislation governing NGOs.

Three days later, the Rwanda Governance Board—the state body with oversight of national NGOs—recognized the new board. LIPRODHOR, through its ousted president, has taken the case to court. The case was pending at time of writing. During the forced handover between the old and new boards, police threatened LIPRODHOR staff with imprisonment if they did not cooperate with the new board.

### *Freedom of Media*

New media laws adopted in February appeared to increase the scope for independent journalism, for example by enshrining journalists’ rights to freedom of opinion and expression and by introducing media self-regulation. Some radio stations broadcast call-in programs in which listeners posed critical questions to political leaders. However, most print and broadcast media continued to be heavily dominated by pro-government views. Most journalists were unable or unwilling to engage in investigative reporting on sensitive issues and rarely criticized government policies, as a result of intimidation, threats, and prosecutions in previous years.

Saidati Mukakibibi, journalist with *Umurabyo* newspaper, arrested in 2010, was released on June 25 after serving a three-year sentence, reduced from seven years on appeal in 2012. The newspaper's editor, Agnès Uwimana, whose sentence had been reduced from seventeen to four years, remained in prison.

On March 25, the High Court in Kigali upheld the conviction of Stanley Gatera, editor of *Umusingi* newspaper, who was found guilty of discrimination and sectarianism in 2012. He was released on July 26 after serving a one-year prison sentence.

### *Justice for Genocide*

The trial of Léon Mugesera, a former government official extradited from Canada to Rwanda in 2012 and accused of planning and incitement to genocide, took place in the High Court in Kigali. It was ongoing at time of writing.

In July, the International Criminal Tribunal for Rwanda (ICTR) transferred genocide suspect Bernard Munyagishari to face trial in Rwanda. After preliminary hearings, the trial of Jean Bosco Uwinkindi, the first such case to be transferred by the ICTR to Rwanda in 2012, was postponed and had not begun in substance at time of writing.

Criminal trials of Rwandan genocide suspects on the basis of universal jurisdiction took place in the national courts of Norway, Sweden, and the Netherlands, leading to convictions and prison sentences.

A United States court convicted a Rwandan of immigration fraud for concealing her role in the genocide, stripped her of US citizenship and sentenced her to 10 years' imprisonment. A genocide suspect in Norway was extradited to Rwanda while two others in Sweden and Denmark lost their appeals against extradition. Extradition cases were pending in several other countries, including the UK, Netherlands, and France.

### *Genocide Ideology Law*

A revised version of the 2008 law on genocide ideology was promulgated in October. It contains several improvements to the 2008 law, including a more precise definition of the offense and the requirement to demonstrate intent behind the crime, thereby reducing the scope for abusive prosecutions. However, several articles retain language that could be used to criminalize free speech. The new law reduces the maximum prison sentence from 25 to 9 years.

### *Unlawful Detention, Torture, and Ill-Treatment*



In a trial of 20 people that began in 2012 and concluded in September 2013, a court in Gasabo, Kigali, failed to investigate claims by defendants that they had been held in illegal detention centers and tortured. Several defendants, accused of stealing televisions and other goods, said they had been held unlawfully, in two unofficial detention centers known as Chez Kabuga and Chez Gacinya. They stated in court that the police had tortured them to force them to confess or incriminate others. The judge dismissed their allegations of torture, saying the detainees had no evidence. The court acquitted 7 defendants and sentenced the remaining 13 to prison terms of between 3 and 10 years.

Dozens of defendants charged with endangering state security in several group trials in Musanze claimed they had been detained unlawfully in military camps or other unrecognized detention centers. Some said they had been tortured. Many defendants spent lengthy periods of pretrial detention—in some cases, more than two years—before they were tried in 2013. Some were tried and convicted without a defense lawyer.

### *Refugees from Rwanda*

Some Rwandan refugees and asylum-seekers faced security threats in their country of asylum, particularly in Uganda. Joel Mutabazi, a former presidential bodyguard in Rwanda with refugee status in Uganda, was abducted on August 20 by armed men from a safe-house in a suburb of the capital Kampala where he had been staying since escaping an attempt on his life in Uganda in July 2012. He was released the same day, thanks to an intervention by the Ugandan police. On October 25, he went missing from another location where he was living under 24-hour Ugandan police protection. His whereabouts were unknown for six days. On October 31, the Rwandan police confirmed he was detained in Rwanda but refused to disclose where he was held. On November 13, he appeared before a military court in Kigali with 14 co-accused, charged with terrorism and other offenses. The Ugandan government claimed that a Ugandan police officer had erroneously handed Mutabazi to the Rwandan police, without following correct legal procedures.

Another Rwandan, Pascal Manirakiza, who had fled to Uganda after escaping from the M23 in eastern Congo, was reported missing in August. He was found alive but unconscious, with serious injuries, near Kampala.

### *Rwanda's Involvement in the DRC*

Rwanda provided military support to the M23, a Congolese armed group responsible for killings of civilians, rape, and recruitment of child soldiers in eastern Congo. This support included supplies of weapons and ammunition; the recruitment in Rwanda of young men and boys, some under 16, to fight with the M23 in Congo; training of M23 recruits by Rwandan military officers; and the deployment of Rwandan troops in Congo to assist the M23. As in 2012, the

Rwandan government denied providing any support to the M23. In November, the M23 was defeated by the Congolese army and UN peacekeepers after Rwanda appeared to stop supporting the group during military operations.

Around 700 M23 fighters fled to Rwanda in March after infighting in the M23, and additional fighters fled in November when the M23 was defeated. They included several individuals implicated in serious abuses in eastern Congo, including four named on UN and US sanctions lists. Rwanda has yet to take steps to investigate alleged abuses by M23 fighters who fled to Rwanda.

M23 leader Bosco Ntaganda, who had long been backed by Rwanda until the M23 split into two factions in early 2013, surrendered to the US embassy in Kigali in March and was transferred to the International Criminal Court (see chapter on Democratic Republic of Congo).

## Somalia

Civilians continue to suffer serious human rights abuses as the new Somali government struggled to extend its control beyond the capital, Mogadishu, and to some key towns in south-central Somalia in 2013. Parties to Somalia's long-running armed conflict were responsible for serious violations of international law; abuses include indiscriminate attacks, sexual violence, and arbitrary arrests and detention.

The Islamist armed group Al-Shabaab maintains control of much of southern Somalia, and the group increased attacks on high-profile civilian locales in Mogadishu, including the courthouse, a popular restaurant, and the United Nations compound, killing scores of civilians. Those fighting against Al-Shabaab—a combination of Somali government armed forces, the African Union Mission in Somalia (AMISOM), Ethiopian government troops, and allied militias—have also committed abuses.

The new government's human rights record has been mixed. Despite public pledges to tackle rights violations, implementation has been poor. The government and its security forces undermined these commitments, for example, in February, by arresting a woman who alleged rape by government forces and also a journalist who interviewed her. They were convicted of tarnishing state institutions but eventually acquitted after significant international criticism.

The government gave priority to justice and security sector reform, essential to improving human rights, but insecurity in Mogadishu and other government-controlled areas remains a serious challenge. The unresolved implementation of the proposed federalism plan led to open conflict and abuses, notably in the contested port town of Kismayo, where fighting broke out in June between rival militia.

### *Abuses in Government-Controlled Areas*

Civilians were killed and wounded by crossfire, including during infighting between government soldiers over control of roadblocks.

In June, fighting between rival clan militias in Kismayo and apparently indiscriminate attacks on civilian buildings caused dozens of civilian casualties. On June 8, three children were killed when a shell struck their house and a local health clinic was damaged.

In government-controlled areas, targeted killings including of traditional elders, civilian officials, and journalists increased. The perpetrators are frequently unknown, although Al-

Shabaab is often believed to be responsible. On April 26, Deputy State Attorney Ahmad Shaykh Nur Maalin was killed in Mogadishu.

In addition, the government's military court sentenced at least six people—two civilians allegedly linked to Al-Shabaab and four soldiers—to death and executed them in Mogadishu and Beletweyne between July and August following trials that raise serious due process concerns.

In the run-up to council elections in the semi-autonomous region of Puntland, which were subsequently postponed, one journalist and two human rights defenders were killed. There were also executions by Puntland's military court.

### *Abuses by Al-Shabaab*

Access to, and information about, Al-Shabaab areas is severely restricted, but credible reports indicate that Al-Shabaab has committed targeted killings, beheadings, and executions, particularly of individuals it accused of spying. Al-Shabaab continues to forcibly recruit adults and children, administer arbitrary justice, and restrict basic rights.

Al-Shabaab supporters carried out attacks with improvised explosive devices and grenades and suicide bombings that targeted civilians, particularly in Mogadishu. On April 14, Al-Shabaab attacked Mogadishu's main court complex leaving at least 30 civilians dead, including three lawyers and a judge. A June attack on the UN compound in Mogadishu killed at least 14 people. On September 7, at least 15 people were killed in an attack on Village restaurant, popular among journalists and politicians, for the second time in under a year.

In its most high-profile attack outside Somalia, Al-Shabaab claimed responsibility for a major attack on the Westgate shopping mall, an upscale shopping center in Nairobi, Kenya, on September 20 that killed 67 people (see Kenya chapter).

### *Sexual Violence*

Women and girls face alarming levels of sexual violence throughout the country. Internally displaced women and girls are particularly vulnerable to rape by armed men including government soldiers and militia members. In January, a displaced woman, who alleged that she was raped by government soldiers, and a journalist who interviewed her were prosecuted in a deeply flawed and politicized judicial process. Security forces have also threatened individuals who have reported rape, and service providers.

Reports of sexual exploitation and abuse by AMISOM increased. In a March 2013 resolution, the UN Security Council called on AMISOM to take measures to prevent sexual abuse and

exploitation and address allegations of abuse. In August, a woman alleged that she was abducted by soldiers and then transferred to AMISOM soldiers who raped her. A joint Somali and AMISOM high-level task force was established to investigate, during which AMISOM publicly denied the allegations. The alleged victim and witnesses were intimidated by government intelligence agents during the investigation.

### *Recruitment of Children and Other Abuses*

All Somali parties to the conflict continue to commit serious abuses against children, including recruitment into armed forces and arbitrary detentions. Al-Shabaab in particular has targeted children for recruitment and forced marriage, and attacked schools.

Government authorities committed to implementing a July 2012 action plan against child recruitment but discussions about implementation were ongoing at time of writing.

### *Displaced Persons and Access to Humanitarian Assistance*

According to the UN, at least 870,000 people, many of them displaced persons, are still in need of emergency humanitarian assistance. Tens of thousands of displaced people remain in dire conditions in Mogadishu and are subjected to rape, forced evictions, and clan-based discrimination at the hands of government forces, allied militia, and private individuals including camp managers known as “gatekeepers.” Gatekeepers and militias controlling the camps have also diverted and stolen food aid intended for internally displaced persons.

In January, the government announced plans to relocate the capital’s displaced population to new camps in the Daynile district, where Al-Shabaab retains a significant presence, prompting concerns that the new camps would lack basic security and protection, as well as services. Meanwhile, forced evictions of the displaced continue including from camps planned for relocation.

Humanitarian agencies face challenges accessing populations in need due to ongoing attacks and restrictions imposed by parties to the conflict. On April 14, a car bomb exploded on the airport road in Mogadishu hitting cars carrying Turkish aid workers. On August 14, Médecins Sans Frontières (MSF) ended its 22-year operation in Somalia, citing continuing attacks by armed groups and civilian leaders on health workers. Before its departure, MSF had treated about 50,000 people per month and the World Health Organization estimates that 1.5 million people may now lack access to health care.

### *Attacks on Media*

Somalia remains one of the most dangerous countries in the world to be a journalist. Five journalists and media workers were killed in 2013, four of them in Mogadishu. On April 21, Mohamed Ibrahim Raage, a journalist working for the governmental Radio Mogadishu and Somali National Television who had recently returned to Mogadishu from exile in Uganda, was killed outside his home. A number of other journalists were also attacked, including in the town of Kismayo.

Impunity for these killings prevails. One individual was sentenced to death in March for the September 2012 killing of journalist Hassan Yusuf Absuge, and then executed in August after a trial that did not meet international due process standards.

The Puntland authorities temporarily closed media outlets and banned rebroadcasting of certain international programs. In April, the Ministry of Information banned Radio Daljir, One Nation, and Codka Nabada (Voice of Peace).

In June, a Somaliland court suspended the popular daily *Hubaal* upon request of the attorney general. The ban was lifted in August after a presidential pardon. The newspaper's leadership has been intimidated and harassed, and the editor and managing director were convicted on criminal defamation charges in July.

## South Africa

South Africa continues to struggle with the legacy of apartheid and the challenges relating to addressing increasing demands from its citizens for the realization of economic and social rights as well as respect for fundamental civil and political freedoms. Although the government has been relatively successful in the provision of social services, financial mismanagement, and corruption—especially at the local government level—have seriously undermined progress in effective and efficient delivery of social and economic services.

Growing disaffection with local government, increasing poverty levels, and unemployment contributed to a resurgence of threats of violence against, and attacks on, property belonging to refugees, asylum-seekers, and migrants in the Eastern Cape and Gauteng provinces.

### *Xenophobic Attacks*

In May and June, xenophobic attacks on the businesses and homes of refugees, asylum-seekers and migrants displaced hundreds of people in Gauteng. More than 60 foreign-owned shops were forced to close following violent looting and destruction by community members in the Orange Farm and Diepsloot areas of Gauteng. In June and September, similar attacks against Somali nationals in KwaZakhele and New Brighton in Port Elizabeth, in the Eastern Cape Province, left several shops looted and burnt. Due to the level of xenophobic violence, police had to relocate some of the foreign nationals to temporary shelters.

At time of writing no one had been arrested and charged with xenophobic violence. Instead, police arrested 21 people in Gauteng and charged them with public violence and arrested about 100 others in connection with the violence in Port Elizabeth. Official statements by members of both local and central governments have denied that violence against foreign nationals has been motivated by xenophobia or other forms of intolerance. Such statements have undermined the development of an effective, long-term strategy by the police to prevent xenophobic crimes by dealing with its root causes. On the other hand, some intervention strategies planned by local authorities in the affected areas, such as awareness campaigns and peace dialogues, sought to address xenophobia.

### *Inquiry into Killing of Marikana Miners*

The investigation into the deaths of 44 people including the police killing of 34 miners between August 11 and 16, has been obstructed by delays of the work of the Farlam Commission of Inquiry, created to investigate the killings. The commission was asked by the government to conclude its investigation in four months, but its work slowed due to loss of vital documents

(including video evidence), the deaths of witnesses, and an ongoing legal battle over state funding for lawyers representing the families of the miners killed, injured, and arrested.

The commission, which adjourned in May, resumed in July, but lawyers representing the injured and arrested miners requested another postponement, as they called on the government to cover the miners' legal fees. The presidency and minister of justice opposed the application for funding and the lawyers took their case to the North Gauteng High Court. In July, the High Court rejected the application for state funding, with Judge Raulinga ruling that the right to state funding was not absolute for the Marikana miners. Delays in submission of video evidence led to another extension of the inquiry to October 30. On October 31, President Jacob Zuma extended the term of the Farlam Commission to April 30, 2014.

Serious concerns remain about the ongoing conduct and capacity of the South African Police Services (SAPS), both in terms of the use of force in general, as well as the ability to deal with riots in a rights-respecting manner.

### *Sexual Orientation and Gender Identity*

South Africa played an important but inconsistent role in advancing the human rights of LGBT people internationally. On the domestic front, South Africa faced challenges in responding to widespread violence (including rape and murder) against lesbians and transgender men in the country.

In 2011, South Africa was instrumental in introducing a precedent-setting resolution at the United Nations Human Rights Council on combating violence and discrimination against individuals on the basis of sexual orientation and gender identity, but has not played a decisive leadership role on this issue at the UN since then.

In May 2011, the Department of Justice and Constitutional Development established a National Task Team to address gender and sexual orientation-based violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The Task Team, with representatives from government departments, independent bodies, and civil society, was tasked with developing, implementing, and monitoring a joint intervention strategy to address gender- and sexual orientation-based violence against LGBTI persons, especially in the courts and the criminal justice sector.

The Task Team became dormant and ineffectual, but has been moved to the Constitutional Development Branch of the Department of Justice and Constitutional Development and reinvigorated with new leadership, additional resources, the adoption of clear terms of reference, and the development of a national coordinated strategy to combat hate crime and



ensure that bias crimes against LGBTI people are monitored and fast-tracked through the criminal justice system. If effective, this will go a long way to demonstrate the government's commitment to fight sexual and gender-based violence by conducting genuine and timely investigations and prosecutions of perpetrators of such violence.

### *Freedom of Expression*

The controversial Protection of State Information Bill (the Secrecy Bill) remains a major concern in light of its restrictions on freedom of expression, freedom of information, press freedom, and democratic accountability. The bill, introduced in March 2010, has been criticized as inconsistent with South Africa's constitution and international human rights obligations. In April 2013, the bill was amended, and a slightly modified new version was adopted by the National Assembly. However, major concerns remain about the bill, as well as the lack of protection for whistleblowers and journalists exposing information as a matter of public interest. Under the new version of the bill, journalists or whistleblowers can potentially be arrested for reporting information deemed classified by the government that exposes corruption, mismanagement, or malfeasance—even in the face of a compelling public interest.

On September 10, President Zuma said he would not sign the Secrecy Bill, which he returned to parliament for redrafting. Zuma cited concerns with section 42 that relates to failure to report possession of classified information, and section 45 that relates to proper classification of information, stating that these lacked coherence and clarity and were therefore unconstitutional. Civil society groups welcomed the development but urged the government to address other draconian aspects of the bill including sections that provide harsh sentences and penalties for possession of information deemed by the government as classified.

Local civil society groups called on the government to amend the bill to ensure that it conformed to international standards on freedom of expression, including by providing a public interest defense. On November 12, parliament adopted a revised version of the bill but failed to address civil society concerns on its other draconian aspects. The bill was returned to the president for assent. At time of writing, he had not signed the bill.

### *Women's Rights*

The controversial Traditional Court's Bill that was withdrawn from parliament in 2012 went through a new consultation process during the first half of 2013. Following public hearings on the draft bill, the government sent the report of the consultation to South Africa's nine provinces to determine whether they supported the bill. The bill has been criticized for giving traditional leaders the authority to enforce controversial versions of customary law that infringe upon women's rights such as the practice of *ukutwala* (forced marriage), as well as

discriminatory social and economic practices, such as denial of access to land, and inheritance.

### *Disability Rights*

Despite progressive legislation on disabilities and ratification of the Convention on the Rights of Persons with Disabilities, children with disabilities, especially those living in institutions in rural areas, have limited access to mainstream education and are particularly vulnerable to physical and sexual abuse. Disability advocates have raised serious concerns about the quality of institutional care provided to children with disabilities and the lack of government oversight.

### *Rights of Asylum Seekers*

In defiance of court orders, the Department of Home Affairs refused to reopen three of its seven Refugee Reception Offices, closed in 2011. The closures, which were part of the department's plan to move asylum-processing to the country's borders, have limited asylum seekers' access not only to the asylum procedure, but also to work permits, adequate shelter, and assistance while their refugee claims are pending. On June 20, the Eastern Cape High Court once again ordered the government to reopen the Port Elizabeth Refugee Reception Centre and ensure that it was fully functional by October 1. At time of writing, the reception center had not been reopened.

### *South Africa's Foreign Policy*

South Africa since the end of apartheid has been an important and influential voice in debates over international responses to human rights issues in Africa and globally. It has twice been elected non-permanent member of the United Nations Security Council; it is a member of the trilateral forum, IBSA, composed of India, Brazil, and South Africa; and the BRICS grouping of emerging economies of Brazil, Russia, India, China, and South Africa. Its role in the African Union (AU) and as a mediator and contributor to peacekeeping forces on the continent has also grown rapidly. In November, South Africa was elected to the UN Human Rights Council.

The post-apartheid South African government has successfully created domestic standards based on the ideals of fairness, justice, and human rights that have to a greater extent shaped the country's approach to its foreign policy. South African foreign policy has consistently reflected a desire to fully integrate the country into the global system. At the same time, its foreign policy remains sensitive to the country's apartheid history, leading to the country's desire to be seen as an internationally responsible actor, a bridge between developed and developing countries, and a representative of Africa's interests in global affairs.

South Africa's history has also led it to view foreign policy through the lens of its own history of achieving locally informed, negotiated solutions to political situations and conflicts where the achievement of peace and justice were sought as mutually reinforcing imperatives.

These different competing strands of foreign policy have often manifested in an inconsistent and sometimes contradictory application of South Africa's foreign policy ideals, and a failure to consistently align foreign policy with the human rights principles articulated in the country's constitution.

In the past year, South Africa took positions on political crises in various countries that have at times been at odds with its human rights principles. In August, South Africa, which played a key role in mediating the political crisis in Zimbabwe, endorsed Zimbabwe's flawed July elections which led to President Robert Mugabe winning a seventh term.

In Syria, South Africa's expressions of concern at the political situation and escalation of violence, including the use of chemical weapons by the Syrian government, have been tempered by reluctance to condemn abuses committed by President Bashar al-Assad against his own citizens. Instead, South Africa has repeatedly emphasized the importance of all parties involved in the Syrian conflict engaging in an inclusive national dialogue to reach a negotiated settlement. Conversely, South Africa has strongly condemned the July military takeover of power in Egypt and ongoing abuses by the military. South Africa has also strongly supported the AU's decision to suspend Egypt from the regional body for an "unconstitutional change of government."

South Africa has consistently worked to bring about peace and stability and an end to abuses in the Democratic Republic of Congo, with the deployment of South African forces to the intervention brigade under the auspices of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in the eastern DRC. South Africa has also played key roles in peace and reconstruction initiatives and the restoration of rights in South Sudan and Somalia.

## South Sudan

South Sudan's second year as an independent nation was marked by political and economic uncertainty, violence in the eastern state of Jonglei, and ongoing repression of civil and political rights.

South Sudan and Sudan signed a series of agreements to resolve various outstanding issues in September 2012, but the relations between the two governments remain tense. Southern oil began flowing again through Sudan in April after a 2012 shutdown by South Sudan, but in June Khartoum threatened to stop transportation, accusing Juba of supporting rebels in its territory.

In July, President Salva Kiir dismissed his entire cabinet and appointed a new vice president and 21 new ministers, downsizing the cabinet from 28 ministries. In Jonglei state, an abusive government anti-insurgency operation against a rebel group in the area worsened brutal ethnic violence in 2013.

The government has not adequately responded to unlawful killings, arrests and detentions, and other human rights violations by its security forces. Lack of capacity and inadequate training of police, prosecutors, and judges give rise to numerous human rights violations in the administration of justice.

### *Legislative Developments*

The South Sudan Legislative Assembly (SSLA) passed three media bills in July, including a Right of Access to Information bill, more than six years after the bills were drafted. President Kiir had yet to sign the bills into law at time of writing. Journalists hope the legislation will reduce unlawful arrests and harassment of media workers, including by officers from the National Security Service (NSS) who continue to operate without legal authority.

Kiir's cabinet endorsed the ratification of seven core international human rights instruments in early 2013, including the International Covenant on Civil and Political Rights. The SSLA ratified the African Charter on Human and Peoples' Rights and the AU Convention Governing Specific Aspects of Refugee Problems in Africa, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child in late 2013, but others were still pending approval at time of writing.

South Sudan's first elections since independence are due in 2015, but preparations have lagged. The mandate of the National Constitution Review Commission, tasked with conducting broad consultation ahead of drafting a new constitution by January 9, 2013, was extended to

December 31, 2014. At time of writing, President Kiir had not sworn in members of the political parties' council, delaying registration and re-registration of all political parties, required under the 2012 Political Parties Act. Parties cannot conduct any political work or other activities until registered.

Weaknesses in the justice system give rise to human rights violations, including prolonged periods of pretrial detention, lack of defense counsel, and poor detention conditions. Although South Sudan voted in favor of the UN General Assembly moratorium on the use of the death penalty in December 2012, at least four people were reported to have been executed in November.

South Sudan's laws on marriage, separation, divorce, and related matters requires urgent reform, as almost half of South Sudanese girls between 15 and 19 are married, some as young as 12. South Sudan has no legislation that clearly sets 18 as the minimum age of marriage. Lack of a national plan of action that sets out comprehensive strategies to address child marriage has undermined efforts to curb the practice. Marital rape is also still not recognized as a criminal offense.

### *Anti-Insurgency Abuses and Ethnic Conflict in Jonglei State*

Conflict between South Sudan's army and a rebel group largely drawing support from the Murle ethnic group continued in 2013. Inter-ethnic conflict has intensified in recent years in Jonglei, with thousands killed.

An abusive 2012 government disarmament campaign helped reignite an earlier Murle insurgency. During its counterinsurgency the Sudan People's Liberation Army (SPLA) committed serious violations of international human rights and humanitarian law, especially in Murle areas. Soldiers unlawfully targeted and killed Murle civilians and caused thousands to flee their homes out of fear of attack. Soldiers also looted or destroyed homes, schools, churches, and the compounds of aid agencies, deepening Murle perceptions of persecution. At least three health facilities in Murle areas were looted and almost completely destroyed by government soldiers and rebels.

The government is conducting the anti-insurgency operation amid intense inter-ethnic fighting between Lou Nuer, Murle, and Dinka groups, often provoked by cattle raids and other attacks. The government has repeatedly failed to protect communities from these clashes or arrest or prosecute those responsible.

In revenge for Murle attacks on Lou Nuer in 2012 and in February 2013 in which at least 85 people were killed, thousands of armed Lou Nuer attacked Murle areas in July, killing over 300

Murle according to local government officials. The army did not attempt to protect Murle civilians, many of whom had fled towns to the bush because of army abuses. Credible allegations that the Lou Nuer were given ammunition by South Sudan's army have not been fully investigated. An investigation committee established by the government in 2012 to research human rights abuses and causes of violence in Jonglei state has still not received funds to begin its work.

### *Abuses by Security Forces*

Soldiers detained, beat, and attacked civilians and civilian property in various locations across the country during 2013.

Citing worsening criminality including armed robbery and inter-clan attacks, the president in January replaced the elected governor of Lakes state with military strongman Matur Chuot Dhuol. Dhuol sidestepped the courts, police, and the prisons service and ordered the army to arrest and detain suspects. Soldiers rounded up dozens of men in February and March 2013, often detaining others from the same village if they could not find the suspects, and held them in military facilities in extremely harsh conditions for weeks or months and subjected many to severe beatings.

In Eastern Equatoria, soldiers reportedly killed six civilians when soldiers attacked Orema village on April 15, 2013, apparently in revenge for the killing of security forces by armed civilians during an earlier cattle raiding incident.

Soldiers continue to occupy schools, and 26 schools were occupied at some point in 2013, mostly in Jonglei and Eastern Equatoria states. On August 14, the army announced a zero tolerance policy of child recruitment or the occupation of schools.

### *Freedom of Expression and Association*

Authorities have not fully investigated the killings of eight peaceful protesters in Wau in December 2012 by security forces or dozens of unlawful arrests of others, many from the Fertit ethnic group, who openly opposed the decision of the governor of Western Bahr el Ghazal state's to move a county headquarters. The courts conducted trials of individuals accused of ethnically-motivated crimes and perceived government opponents on a variety of charges. None of the cases brought before the court related to the protester shootings.

In January, three NSS officers arrested a journalist at gunpoint in Juba, slapped him in the face, and held him overnight in an NSS detention center. A radio journalist and two public commentators fled South Sudan after receiving threats in early 2013, including from government officials. In May, the editor and managing editor of the *Juba Monitor* were arrested,

detained, and subsequently released for allegedly defaming the deputy minister of the interior. A government investigation into the killing on December 5, 2012, of a well-known commentator and journalist, Isaiah Abraham, by unidentified gunmen outside his home in Juba has stalled.

Two lawyers from South Sudan's Law Society received death threats after launching a legal challenge against a presidential decree that forbade Pagan Amum, former secretary general of South Sudan's leading Sudan People's Liberation Movement (SPLM) political party, from speaking to media.

### *Political Instability*

Power plays within the ruling SPLM continued with Vice President Riek Machar announcing on July 4 that he will contest South Sudan's presidency in 2015. In mid-April, President Kiir, by presidential decree, withdrew executive powers delegated to Machar and replaced him with Archbishop Daniel Deng as head of the national reconciliation process.

In a sweeping move on July 23, President Kiir fired Machar and all national ministers and undersecretaries by presidential decree. He then appointed James Wani Igga as vice president and appointed a new, smaller cabinet of ministers. Kiir also sacked Pagan Amum on the same day for insubordination, including using public media to discredit the party.

Kiir removed governors of Unity and Lakes states in 2013, appointing new governors without holding fresh elections, as required under South Sudan's transitional constitution, triggering complaints of presidential heavy-handedness by some members of civil society.

Meanwhile, South Sudan's relations with Sudan remained tense. Both countries accused the other of supporting rebel groups in their territory. South Sudan halted oil production in February 2012 after a row between the two countries over oil transportation fees through Sudan's territory. A September 2012 agreement paved the way for the resolution of outstanding issues including oil flows, but implementation has been troubled with both sides threatening to cut oil flow and disagreements over the status of Abyei.

## Sudan

Fighting between Sudanese forces and rebel groups continued in Sudan's war-torn peripheries and was marked by serious violations of international humanitarian and human rights law.

In Darfur, authorities failed to protect people from intensified inter-communal clashes, particularly between Arab pastoral groups. Sudanese forces also attacked communities presumed to support rebel groups. In Southern Kordofan and Blue Nile, Sudan's indiscriminate bombing and ongoing clashes with rebels, and the obstruction of humanitarian assistance to rebel-held areas since the outbreak of conflict in June 2011, have displaced tens of thousands within those states and elsewhere in Sudan and forced more than 225,000 to flee to refugee camps in South Sudan and Ethiopia.

Sudanese security forces continued to arrest and detain activists, opposition party members, and people suspected of links to rebel groups. Authorities also censored the media and restricted space for civil society, stepping up at the end of 2012 the harassment of groups that receive foreign funding.

In September, protests, some of them violent, swept the country in response to hikes in the price of fuel and other basic commodities. Sudanese forces responded to the protests with live ammunition, and are implicated in the killing of more than 175 protesters. Security officials detained hundreds of protesters and opposition members and activists, many for weeks without charge, and stifled media coverage of the protests.

### *Conflict and Abuses in Darfur*

More than 500,000 people were displaced by conflict in 2013, a number far exceeding previous years. The vast majority of Darfur's displaced population, estimated around 2.5 million people, remain in camps in Darfur and Chad.

Communal violence, especially between Arab pastoralist groups, significantly increased in 2013. Sudanese government forces were unwilling or unable to protect civilians and in some cases participated in the fighting. In April, Ali Kosheib, a known militia leader who is wanted by the International Criminal Court (ICC) for alleged crimes in Darfur, participated in large-scale attacks on ethnic Salamat villages in Central Darfur, before being seriously wounded in May.

Government forces and allied militia carried out large-scale attacks, including aerial bombing, on locations believed by the government to be controlled by rebel groups. In February, government forces attacked Golo and Guldo in eastern Jebel Mara, killing an unknown number



of civilians and forcing tens of thousands to flee to safer areas. In early April, government forces bombed and attacked the towns of Labado and Muhajariya and several other villages in South Darfur, and reportedly burned and looted homes and killed dozens of civilians and displaced tens of thousands.

Sudan continued to deny peacekeepers from the African Union-United Nations Mission in Darfur (UNAMID) access to much of Darfur. Insecurity also undermined UNAMID's work. Armed attackers in Darfur killed 12 peacekeepers and injured many more between July and October alone.

Authorities have not prosecuted the vast majority of serious crimes committed in violation of international humanitarian and human rights law during the Darfur conflict. Although some pro-government media outlets reported that the government's special prosecutor investigated numerous cases, few if any Sudanese government forces or militia have been prosecuted, and Sudan has failed to implement justice reforms recommended in a 2009 report by the AU High-Level Panel on Darfur, the lead mediation body.

Sudan has not cooperated with the ICC; arrest warrants or summonses for six men, including President Omar al-Bashir, on charges of genocide, crimes against humanity and war crimes remain outstanding. A case involving alleged war crimes committed by one rebel leader proceeded at the ICC, while proceedings against a second rebel leader were terminated following his death.

### *Conflict and Abuses in Southern Kordofan and Blue Nile*

In Southern Kordofan and Blue Nile, Sudanese government forces continued to fight with the Sudan Revolutionary Front (SRF), a rebel coalition formed by the Sudan People's Liberation Army-North (SPLA-North) and Darfur rebel groups in 2011. In April, fighting spread to North Kordofan, displacing tens of thousands.

The conflict remains marked by serious violations of international human rights and humanitarian law, including indiscriminate bombing that has killed and maimed scores of people; destroyed schools, clinics, and other civilian buildings; and instilled fear in the population.

More than a million people have been forced to flee from their homes; at least 230,000 live in refugee camps in South Sudan or Ethiopia. Sudan obstructed humanitarian access to tens of thousands displaced in areas controlled by the SPLA-North.

Sudanese government forces have also carried out mass detentions and prosecutions in the two states. From November 2012 until May 2013, authorities detained 32 ethnic Nuba women from Southern Kordofan without charge because of their suspected affiliation with the Sudan People's Liberation Movement-North (SPLM-North), the opposition party Sudan banned in 2011. Authorities have also brought charges against dozens of men from Blue Nile state in an anti-terrorism court on the basis of their presumed links to the rebel movement.

### *Restrictions on Freedom of Assembly, Association*

In September, government security forces shot tear gas, rubber bullets, and live ammunition at protesters during sometimes violent mass protests, using excessive force. Sudanese human rights groups reported that more than 175 people, most of them teenagers or in their early twenties, were killed by shooting during the protests.

Security forces also shot and killed at least seven people including two children in Nyala, South Darfur, during September protests over the killing by militia of a prominent businessman. Government forces have also violently dispersed student protests on several other occasions across the country during the year. In May, security forces shot at students at El Fashir University, North Darfur, injuring eight.

Sudanese authorities targeted and harassed, intimidated, and closed some civil society organizations, in particular several that had received foreign funding. In December 2012, security officials shut down three civil society groups and one literary forum, and summoned leaders of other groups for questioning. Authorities have obstructed groups from legally registering and refused permission for or cancelled public activities in towns across Sudan.

In early 2013, authorities also shut down Nuba and Christian groups, arresting staff and confiscating property. Church leaders were questioned about sources of funding, and the government deported or otherwise forced to leave Sudan more than 170 foreign church members.

### *Politically Motivated Arrest and Detention*

After a cut in fuel subsidies sparked mass demonstrations in September, National Intelligence and Security Service (NISS) officials detained hundreds of protestors and opposition party members and activists, arresting many from their homes. NISS detained hundreds without charge, many of them for several weeks.

In January, security officials detained six leading members of Sudan's political opposition parties, apparently for attending a meeting of opposition groups that signed an opposition

agreement known as the New Dawn Charter, and held them without access to lawyers or appropriate medical care for at least 10 weeks before their release without charge.

Despite a pledge in April by President al-Bashir to release all political prisoners, scores remained in detention without charges, many from conflict-affected parts of the country. In July, authorities arrested more than 24 people, including ethnic Nuba and Darfuri student activists, for their perceived links to rebel groups.

### *Restrictions on Press Freedom*

Despite a pledge in May to halt prepublication censorship of newspapers, whereby security officials remove articles before a newspaper goes to print, authorities have continuously censored media. They have suspended publication of some papers, confiscated printed editions, suspended individual journalists, blocked websites, and harassed and threatened journalists with prosecution for criticizing the government.

In September, authorities tightened restrictions on media to prevent coverage of the protests. Security officials instructed newspaper editors not to publish articles related to the protests, confiscated editions of three newspapers, summoned several journalists for questioning, jammed the reception of international TV stations, and blocked the Internet for one day. Most newspapers and the TV stations have resumed, but remain under tight scrutiny.

### *Stalled Law Reform*

Sudan has yet to pass a new permanent constitution, despite the end of the transition period in the 2005 Comprehensive Peace Agreement, during which it had adopted an Interim National Constitution, and the secession of South Sudan.

The National Security Act of 2010 and many other laws contravene basic human rights norms. Authorities continued to apply Shari'a law sanctions that violate international prohibitions on cruel, inhuman, or degrading punishment. On February 14, Sudan implemented a penalty of cross-amputation, the amputation of the right hand and the left foot. Women and girls continue to be subjected to flogging and other humiliating punishments under discriminatory public order laws.

In July, parliament passed amendments to the Sudan Armed Forces Act of 2007 that subject civilians to the jurisdiction of military courts for a range of broadly defined offences such as undermining the constitutional system, leaking classified information, and the publication of "false news."

## Tunisia

Tunisia's process of democratic transition continued, but at a slow pace. The National Constituent Assembly (NCA), elected in October 2011, continued to draft a new constitution but at this writing it had yet to be approved. The assassination by alleged Islamist militants of two leading leftist opposition politicians, Chokri Belaid and Mohamed Brahmi, on February 6 and July 25 respectively, caused widespread shock and sparked a political crisis that saw the NCA suspended for two months.

Since they overthrew the Ben Ali regime in 2011, Tunisians have enjoyed greater freedom of expression, assembly and association, including the freedom to form political parties. However, several factors have hampered the consolidation of rights' protections. These include the delay in adopting a new constitution consistent with international human rights law and standards, the retention of the former regime's repressive legal arsenal, and attempts by the executive branch to control media and prosecute speech offenses.

### *Human Rights in the Draft Constitution*

The NCA issued a new draft constitution in June. Though an improvement on the three previous drafts—providing safeguards for most civil, political, economic, social, and cultural rights—it was also deficient in several respects. In particular, it failed to include a clause directly incorporating human rights, as defined under customary international law and in international treaties that Tunisia has ratified, into Tunisian national law. In addition, the new draft contained only weak formulations of the principles of equality and non-discrimination before the law, and allowed for limitation of the rights to freedom of expression, assembly, association, movement, and access to information in overly broad terms, which could result in their arbitrary restriction. At time of writing, it remained unclear when the new constitution would be adopted.

### *Freedom of Expression and Media*

The authorities decided in May 2013, after some delay, to implement decree-law 116 on audiovisual media. This required the creation of an Independent High Authority for Audiovisual Communication (HAICA) to regulate broadcast media. Despite this, the executive branch continued unilaterally to appoint the heads of state radio and television

broadcasters in contravention of international freedom of expression standards governing the independence of public service media.

In 2013, judicial authorities prosecuted many journalists, bloggers, artists, and intellectuals on account of their peaceful exercise of freedom of expression using penal code provisions criminalizing “defamation,” “offenses against state agents,” and “harming public order,” all of which can result in prison terms. The NCA made no effort to abolish or suspend these Ben Ali era provisions, and the courts did not rule them inconsistent with international human rights law.

On March 8, authorities charged blogger Olfa Riahi with criminal defamation after she published information online about alleged misuse of public funds by former foreign minister Rafik Abdessalem. Her case was still under investigation at time of writing.

On August 30, a criminal court in Hammamet imposed prison terms on two Tunisian rappers, known by the names “Weld El 15” and “Klay BBJ,” after convicting them in their absence of “insulting the police” and other charges. They had performed a song critical of police violence at a music festival. On October 17, an appeals court acquitted Klay BBJ and set him free after three weeks in prison. In March, Weld El 15 had released a video accompanying his song “Cops Are Dogs,” which showed police assaulting people. For this, a criminal court in Manouba sentenced him to two years in prison, which the Appeals Court in Tunis reduced to a suspended six-month term on July 2.

On September 9, an investigative judge ordered the arrest and detention of police union leader Walid Zarrouk after he allegedly posted comments on a Facebook post criticizing politicized prosecutions. The same day, in separate cases, prosecutors summoned Zouhaer al-Jiss, a journalist, for moderating a radio program in which a participant criticized Tunisia’s president, and Zied al-Heni, a journalist who had criticized the arrest of a cameraman who filmed an egg-throwing attack on the culture minister. Al-Heni was arrested that day and spent three days in jail before being released on bail.

### *Judicial Reform*

In April, the NCA appointed a temporary high judicial council to supervise the appointment, promotion, transfer, and discipline of judges pending the adoption of a new constitution. This long awaited reform was intended to end or reduce the undue executive influence

over the judiciary that, in October 2012, saw the Ministry of Justice arbitrarily dismiss 75 judges.

### *Women's Rights*

Tunisia has long had a reputation as among the most progressive of Arab states with respect to women's rights. The new draft constitution reflects this, declaring that the state "guarantees the protection of women's rights and supports their gains," "guarantees equal opportunity between men and women to assume responsibilities," and "guarantees the elimination of all forms of violence against women." This is an improvement over previous constitutional drafts that invoked notions of "complementary" gender roles that risked diluting the principle of equality between men and women. However, the new draft constitution fails to fully embody the principle of equality between the sexes as it refers to equal opportunity in "assuming responsibilities," but not to the broader right to equality of opportunity in all political, economic, and other spheres.

### *Prosecution of Attacks by Fundamentalist Groups*

In May, a Tunis court imposed two-year suspended prison sentences on 20 defendants it convicted of participating in an attack on the American Embassy on September 14, 2012, by thousands of people, mostly religious conservatives, protesting a movie made in the US that they deemed insulting to Islam. Four protesters died in the attack, in which protestors burned the American flag and a nearby American school, and destroyed cars and other property.

The authorities also accused Islamist religious conservatives of responsibility for the assassinations of Chokri Belaid and Mohamed Brahmi, and said that both men were shot with the same gun. Their murders sparked widespread protests. The authorities declared Ansar al-Sharia, an Islamist group, a "terrorist organization" and arrested dozens of suspected members. Two of the suspects alleged torture in prison.

### *Abuses against Protesters*

Tunisians now have more freedom to exercise their rights to peaceful demonstration since Ben Ali's ousting. However, police and other security forces continued to use excessive force against demonstrators in 2013. For example, on May 19, security forces fired live

ammunition and birdshot at protestors during clashes in Intilaka and Cite Ettadhamen, Tunis neighborhoods, killing one person and injuring four others. Following the murder of Mohamed Brahmi, security forces used excessive force, including beatings and tear gas, to disperse protesters, killing one person and injuring others. The authorities failed to investigate and to hold the security forces accountable.

### *Accountability for Past Crimes*

In June, the NCA began considering a draft transitional justice law, which proposes the creation of a Council of Truth and Dignity to uncover the truth about past rights abuses. At time of writing, the law had yet to be enacted.

Military courts have tried several groups of defendants accused of killing protesters during the revolution which toppled the former president. A military court also sentenced Ben Ali, who remains in Saudi Arabia, to life in prison for complicity in murder, after trying him in absentia, and jailed several former high-ranking officials.

These trials appeared to respect defendants' rights and enabled some victims to pursue justice, but several factors undermined their value towards achieving accountability, notably the authorities' failure to identify the direct perpetrators of killings and lack of an adequate legal framework to prosecute senior officers with command responsibility for crimes that their subordinates committed. The government's failure to press effectively for Ben Ali's extradition from Saudi Arabia also undermined accountability.

Although Ben Ali's security forces used torture extensively, the new authorities have failed in the almost three years since the overthrow of Ben Ali to investigate the majority of torture cases. In the one torture-related trial that has taken place, a court convicted former Interior Minister Abdallah Kallel and three security officials of "using violence against others either directly or through others," and sentenced them to two year prison terms. The case arose from the arrest and detention of 17 senior military officers in 1991 in connection with an alleged plot by the Islamist group Al-Nahdha against Ben Ali.

## Uganda

After 27 years in office, President Yoweri Museveni's government increasingly suppresses freedom of assembly, expression, and association while escalating threats to civil society. Two media houses faced temporary closure in 2013 for publishing articles suggesting that Museveni is grooming his son to take over the presidency. Debate around presidential succession, accountability of public resources, governance, and other politically sensitive topics is increasingly constrained. Activists who provide public information about government expenditure and corruption are obstructed from demonstrating and sometimes face criminal charges such as inciting violence, while opposition politicians are regularly prevented from holding public rallies.

### *Freedom of Assembly and Expression*

After two years of sporadic debate, Parliament passed the Public Order Management bill in August 2013 and the president assented shortly after, further restricting space for dissent and public critiques of governance. The controversial bill was considerably amended just before passage, but it remains vague, making it open to abusive application. The law still grants police wide discretionary powers to permit or disallow public meetings.

Throughout the year opposition politicians faced arrest, detention, and criminal charges for holding public assemblies in Uganda. In July, seven opposition politicians were charged in a Kampala court for belonging to and managing an "unlawful society," Activists for Change (A4C), a political pressure group the government had banned in 2012 on spurious grounds. Earlier, in February, 15 people, including the mayor of Kampala and then-opposition leader Kizza Besigye, were charged with organizing an unlawful assembly. Both cases were pending at time of writing.

The government continues to be hostile to independent media publishing politically sensitive articles. On May 7, the *Daily Monitor* newspaper detailed an alleged conspiracy to frame or eliminate high-ranking members of the government who do not support the plan for Museveni's son to take over when his father steps down. On May 20, more than 50 uniformed police sealed off the *Daily Monitor's* premises after it published a letter allegedly written by Uganda's coordinator of intelligence service, Gen. David Sejusa. Two radio stations located in the same compound were also forced off air by the Uganda Communications Commission. The same day, police closed the *Red Pepper*, another newspaper, on similar grounds. Three days later, the court withdrew the search warrant but police defied the orders and increased their presence. Two journalists and eight civil society members protesting the closures were arrested, beaten, and detained by police. They were charged with inciting violence before being released. The newspapers and radio stations were opened 10 days later when the



minister of internal affairs ordered the police to vacate the premises. The charges were still pending at time of writing.

### *Corruption*

Corruption in Uganda remains pervasive at both low and high levels of public administration. Bribery, nepotism, and misuse of official positions and resources are widespread in spite of continuous assurances from the president that corruption will be eradicated. Major corruption scandals have surfaced repeatedly in the last few years, though no high-ranking officials have served prison sentences for corruption-related offences. Scandals have rocked the health services, particularly regarding the misuse of funds intended for the provision of immunizations and essential medicines to fight HIV, tuberculosis, and malaria.

The embezzlement in 2012 of US\$12.7 million in donor funds from the Office of the Prime Minister, which was designated for the rehabilitation of the war-ravaged areas of northern Uganda, led donors to withdraw their budget support in February. Donors, who fund about 25 percent of Uganda's budget, demanded repayment when the auditor general discovered the misappropriation of the funds. The principal accountant in the Prime Minister's Office was convicted of abuse of office and forgery, but other officials implicated in the scandal were never charged.

Police have silenced and obstructed activists working to raise corruption issues and educate citizens about public sector accountability. Members of 50 civil society groups have come together in solidarity and wear black every Monday to raise awareness of corruption issues. Known as the Black Monday Movement, the campaign publishes and distributes monthly newsletters that highlight the impact of corruption on various sectors, such as education and health, and protests the impunity that government officials enjoy.

In the first 10 months of 2013, police arrested and charged at least 28 individuals handing out Black Monday materials. Nineteen were charged with inciting violence; five with possession of prohibited publications; and three with spreading harmful propaganda. Most of the 28 were stopped from distributing Black Monday materials and were detained for between three and ten hours by police before being released without charge.

### *Illegal Arrest and Detention*

The Ugandan government continues to grapple with the Allied Democratic Forces (ADF) rebels based in the Democratic Republic of Congo (DRC), a group composed predominantly of Ugandan Muslims of the Salaf sect. In 2013, Human Rights Watch documented over two dozen cases of illegal arrest and detention of Salaf Muslims. Those arrested were detained for between one week and four months, often moved to various detention locations, then released

without charge or brought before a court. Family members often could not identify where their relatives had been detained, and police often denied knowledge of the arrests.

### *Accountability for Past Abuses*

In 2009 and 2011, police and military police killed at least 49 people, but police have not conducted serious or meaningful investigations into these killings. Relatives continue to search for justice through civil cases against the government. The Uganda Human Rights Commission ordered compensation for two families for the deaths of their children at the hands of security forces, but the money was never paid. In December 2011, police disbanded its Rapid Response Unit but there have been no investigations into the killings or torture by officers in the unit. Similarly, no inquiries have been made by the Ugandan army into cases of people who were tortured or died in the custody of the Joint Anti-Terrorism Task Force (JATT).

### *The Lord's Resistance Army*

The Ugandan rebel group the Lord's Resistance Army (LRA) was active across the Central African Republic, southern Sudan, and northern Democratic Republic of Congo (DRC), with allegations of killings and abductions, though on a much lesser scale than previous years. Warrants issued in 2005 by the International Criminal Court (ICC) for LRA leaders remain outstanding. Former LRA fighter Thomas Kwoyelo, charged with willful killing, taking hostages, and extensive destruction of property, has been imprisoned in Uganda since March 2009 but his trial has not begun. The Supreme Court has not yet heard the state's 2012 appeal of the High Court ruling ordering Kwoyelo to be granted amnesty and released.

In May, Uganda's parliament reinstated legislation for another two years granting amnesty to members of armed groups who surrender, though those wanted on ICC warrants were explicitly not eligible. Sections of the Amnesty Act had been allowed to lapse in May 2012, and through the new extension of the powers of the Amnesty Commission, those who were not eligible during the interim period now will now in theory qualify for amnesty.

### *Bills Violating Human Rights Law*

The Anti-Homosexuality Bill, which proposes the death penalty for some consensual same-sex activities, and the HIV/AIDS Prevention and Control Act, which criminalizes intentional or attempted transmission of HIV, are before parliamentary committees and could still be tabled for debate and vote at any time. Both have been pending since 2009.

## Zimbabwe

National elections in July ended a five-year power-sharing coalition, retained Robert Mugabe as president, and gave his Zimbabwe African Union–Patriotic Front (ZANU-PF) over two-thirds parliamentary majority. Although the election was peaceful, the electoral process had major flaws, including highly partisan statements by the leadership of the security forces, restrictions on and intimidation of journalists and civil society activists, and a skewed voter registration process.

The opposition party, Movement for Democratic Change (MDC), and key international actors including the United Kingdom, the United States, the European Union, and Australia criticized the electoral process, differing with the Southern African Development Community (SADC) and the African Union (AU), which endorsed the elections. The discord among key actors diminished international pressure to address the disputed election and help resolve Zimbabwe’s pressing human rights and governance issues, which ZANU-PF has been unwilling to seriously address.

### *National Elections*

A generally peaceful environment characterized the build-up to the holding of presidential, parliamentary, and local government elections on July 31. However, the elections were marred by widespread irregularities raised by local monitors, including reports of voter intimidation by Zimbabwe’s security forces, traditional leaders coercing villagers to vote for ZANU-PF, a high number of “ghost” or duplicate voters present on the voters’ roll, and credible reports that large numbers of people were unfairly turned away from polling stations. The Zimbabwe Electoral Commission (ZEC) failed to make available the voters’ roll to political parties in advance of elections as required by law.

State-owned media openly aligned with, and campaigned for ZANU-PF, while vilifying the MDC. State media also failed to offer equal and impartial coverage to all political parties participating in the elections. These irregularities call into question the credibility and fairness of the election. The build-up to the elections was also marked by the failure of the former coalition government, made up of ZANU-PF and the two MDC factions, to implement needed human rights reforms.

The MDC presidential candidate, Morgan Tsvangirai, challenged in court the validity of the election in which Robert Mugabe won the presidential vote with his ZANU-PF party winning over two thirds of the parliamentary vote. When the court refused to compel ZEC to provide material

that could be used to electoral malpractices and irregularities, Tsvangirai withdrew his court petition paving the way for Mugabe to be sworn as president on August 22.

### *The New Constitution*

The enactment of a new constitution has not resulted in improving the human rights environment, largely due to ZANU-PF's failure to implement the rights provisions in the new constitution. The government has neither taken steps to enact new laws to operationalize the constitution, nor has it amended existing laws as necessary to bring them in line with the new constitution's provisions. The government also needs to fully and impartially enforce domestic laws by holding accountable all those responsible for human rights abuses and politically motivated violence.

Under the new constitution, political parties are able to propagate their views and canvass for support, free of harassment and intimidation. It enshrines respect for the rule of law, and commits the government to fully implement and realize the rights to freedom of association, assembly, expression, and information.

While the establishment of an independent and credible human rights commission is set out in the new constitution, there are significant concerns with the commission. The law establishing the commission states that it can only investigate alleged human rights abuses since February 2009. This prevents the commission from investigating previous serious crimes, including election-related violence in 2002, 2005, and 2008; the massacre of an estimated 20,000 people in the Matebeleland and Midlands provinces in the 1980s; and the government-led mass demolitions of homes and evictions of 2005. At time of writing, the human rights commission had no substantive chairperson, lacked sufficient resources, and had no support staff.

### *Conduct of Security Forces*

The security forces have a long history of partisanship on behalf of President Mugabe and the ruling ZANU-PF party. The partisanship of the security forces' leadership has translated into abuses by these forces against MDC members and supporters, and civil society organizations.

Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.

### *Freedom of Expression, Association, and Assembly*

Both the power-sharing government prior to August 2013 and the new administration have failed to amend repressive laws, such as the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and the Criminal Law Codification and Reform Act, which severely curtail basic rights through vague defamation clauses and draconian penalties. Failure to amend or repeal these laws and to address the partisan conduct of the police severely limits the rights to freedom of association and assembly.

Sections of AIPPA and POSA that provide criminal penalties for defamation, or for undermining the authority of, or insulting the president, have routinely been used against journalists and human rights defenders. Police often misuse provisions of POSA to ban lawful public meetings and gatherings. Activists and journalists continue to be wrongly prosecuted and charged under these laws. For instance, on May 7, police arrested Dumisani Muleya, editor of the Zimbabwe *Independent*, and Owen Gagare, its chief reporter, following the publication of an article on the security forces. The two were detained for eight hours, then charged with “publishing or communicating false statements prejudicial to the State.”

### *Sexual Orientation and Gender Identity*

Attacks against lesbian, gay, bisexual, and transgender (LGBT) individuals and rights activists continue to emanate from the highest level of government. During his election campaign in July, President Mugabe (who has a long history of making homophobic statements) reiterated that LGBT citizens are “worse than dogs and pigs,” and threatened to behead them. The new constitution does not explicitly recognize LGBT rights, and in his inauguration speech on August 22, Mugabe attacked same-sex marriage, which the new constitution prohibits, saying it was a “filthy, filthy, filthy disease.”

These attacks on LGBT people, arbitrary arrests of LGBT activists by the police, and the harassment by state agents of the Gays and Lesbian of Zimbabwe (GALZ) nongovernmental organization in previous years, have driven many LGBT people underground.

### *Human Rights Defenders*

A campaign of politically motivated abuses against civil society by the police began in December 2012 under the coalition government, and continues under the new administration. Police repeatedly arrested members of Women of Zimbabwe Arise as they peacefully protested human rights violations and the economic situation.

Other attacks included the arbitrary arrest on March 17 and eight-day detention of human rights lawyer Beatrice Mtetwa, on charges of obstructing justice despite a High Court order for her

release. In the lead-up to the July elections, police charged a number of civil society leaders, including Jestina Mukoko, director of the Zimbabwe Peace Project, Okay Machisa, director of Zimbabwe Human Rights Association, and Abel Chikomo, director of Zimbabwe Human Rights NGO Forum, with alleged violations of various laws under what appeared to be politically motivated attempts to curtail the human rights work of civil society organizations. Chikomo was required to report to the Harare police station on numerous occasions throughout the year and was eventually summoned to stand trial on August 1. At time of writing, Chikomo and Mtetwa's trials were ongoing.