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DRC Government Clashes with Catholic Protestors

February 22, 2018

by Dalya Kefi

After Democratic Republic of Congo (DRC) President Joseph Kabila failed to step down when his second term ended in December 2016, protests spread quickly through the country. State security forces killed [forty anti-Kabila protestors](#) and arrested 460 others after the government failed to hold elections before Kabila's term ran out. A [United Nations \(UN\) official warned](#) that the government might use the rising violence as justification to further delay elections. In an effort to bring the violence to an end, the Congolese Catholic Church mediated [negotiations](#) between Kabila's government and opposition representatives. Although a deal was reached, Kabila [still has not vacated](#) his position as of January 2018. In the months since President Kabila failed to step down, the state has committed many violations of its international obligations. As a member of the United Nations, the government is bound by [the Universal Declaration of Human Rights \(UDHR\)](#). The DRC is also bound by the [International Covenant on Civil and Political Rights \(ICCPR\)](#), ratified in November 1976. By responding to protestors and the Catholic church with violence, the state is in violation of UDHR Articles 18, 19, and 20 and [ICCPR](#) Articles 18, 19, 21, 22.

In December 2016, the Catholic Church was instrumental in bringing an end to violence and protesting in the Democratic Republic of Congo (DRC) after President Kabila failed to step down and hold elections at the end of his presidential term. The December protests were part of a much [longer history of violence](#) in the DRC; over six million people have died in a series of revolts and rebellions over the last twenty years. The church successfully [facilitated](#) an agreement between the government and opposition groups on December 30, 2016, which included provisions blocking Kabila from changing the Constitution to allow for a third presidential term, and mandating that elections must be held by the end of 2017.

In early 2017, the death of an opposition leader and other political conflict threatened the fledgling peace agreement. Catholics were frequently [attacked](#) and churches and convents ransacked. Throughout 2017, militia violence controlled the country and the peace deal eventually collapsed. In March 2017, [two UN experts were killed](#) while investigating crimes committed during a rebellion. Human rights groups suspect the government may have been involved, and in December 2017, a militia member was [arrested](#) for their murder.

As the one-year anniversary of the 2016 peace deal approached, protests were seen country-wide. [Permits were denied](#) for many demonstrations and several people died in clashes with security forces in Kinshasa, the capital. The [government cut internet and texting services](#) across the country in anticipation of planned demonstrations on December 31, 2017. The Catholic Church called for peaceful demonstrations after Sunday services, and local Catholic activists [called for marches](#) demanding that Kabila honor the peace agreement. On New Year's Eve, Congolese security forces [surrounded 134 Catholic churches](#) and erected roadblocks. Any individuals wearing religious symbols or in possession of a bible were sent away and told Mass was cancelled. State security forces stormed into Kinshasa Catholic churches during mass and [fired teargas and](#)

[stun grenades](#) at churchgoers as they attempted to march. Cardinal Laurent Monsengwo, head of the Catholic Church in the DRC, [condemned](#) the government's crackdown on peaceful protestors and accused security forces of desecrating places of worship. The violence continues into 2018, and the Office of the U.N. High Commissioner for Human Rights (OHCHR) has [urged](#) the government to investigate the "alleged killings by security forces during anti-government protests" that took place early in January 2018.

The pervasive state violence against the Catholic church and Catholic citizens, along with the violent crackdown on anti-government protestors, is a clear violation of the DRC's international obligations and core human rights norms. UDHR Articles 18, 19, and 20 include the rights of freedom of expression and opinion; peaceful assembly and association; thought, conscience, and religion. [ICCPR](#) Articles 18, 19, 21, 22 establish similar rights. The state's commitment to quashing dissent and silencing the Catholic church's criticism of Kabila's government means that citizens are not free to express their opinions, advocate for change, or freely practice their religion without fear of retribution. Kabila could suffer sanctions and international involvement if he does not adhere to the state's international obligations and his own peace treaty with the opposition and Catholic Church.

Until President Kabila's government successfully holds elections, [currently planned](#) for December 23, 2018, there is little doubt that skirmishes between protestors and government security forces will continue. As the year progresses, it remains to be seen whether the Catholic Church will continue to be targeted for its important organizing role in the country.

Children in Somalia Face Criminal Sentencing After Being Forcefully Recruited to Fight in Armed Conflict

April 12, 2018
by Sahar Takshi

Juveniles in Somalia face abuses in sentencing in the war-torn nation as conflict between the government militias and the al-Shabaab Islamist group continues. Children in rural communities are being captured to serve as child soldiers for the insurgent group. These children later face criminal prosecution and sentencing for involvement with al-Shabaab. These procedures are in violation of the [Convention on the Rights of the Child](#) (CRC) and [International Labour Organization Worst Form of Child Labour Convention](#).

Throughout the last decade, al-Shabaab has implemented a [recruitment](#) campaign which involves taking children between the ages of nine and fifteen away from their families and rural communities to hand them over to serve as child soldiers with the militant group. Al-Shabaab was successful in taking at least fifty children in a village named Bulo Fulay last September alone, and [thousands](#) of children throughout Somalia over the last ten years. Communities that refuse to comply face death threats, abductions, and physical violence from the militant group. In order to avoid forced recruitment into the insurgent military, hundreds of children in Somalia have [fled](#) their homes.

Moreover, children who are captured by al-Shabaab suffer “[mistreatment and hardship](#)” at the hands of the government, according to Laetitia Bader, Human Rights Watch Senior Africa Researcher. According to the United Nations (UN), hundreds of male children have been in government [custody](#) for alleged association with al-Shabaab forces. While child soldiers can be tried for some serious crimes, international legal [standards](#) require those proceedings to consider the age of the detainees and for the government to consider non-judicial measures.

[A report entitled, “‘It’s Like We Are Always in a Prison’: Abuses Against Boys Accused of National Security Offenses in Somalia,”](#) documents the abuses by al-Shabaab against hundreds of boys who were detained by the Somali government for alleged involvement with al-Shabaab. For example, fifteen-year-old Hamza was tried for insurrection and terrorism after he was forced to fight for al-Shabaab in 2016 and was sentenced to ten years in prison. The report further recounted that detained child soldiers were held in the same cells as adult detainees, denied legal counsel, and cut off from communicating with their families. Furthermore, the detained children received inconsistent [treatment](#) as a result of the corrupt detainment proceedings – some are released after families bribe the government, others are handed over to reintegration centers, while the rest face serious criminal charges before military courts.

On January 18, 2018, thirty-six children were [captured](#) by al-Shabaab soldiers, leading to a week of negotiations between the militant group, the UN, and child protections advocates. Somalia’s government has vowed to turn in detained children to United Nations International Children’s

Emergency Fund (UNICEF) for rehabilitation services, but the federal government's past conduct has not been reliable. Since 2015, the Somali government has handed over 250 children to UNICEF, most of whom had spent significant time in detention already.

The Somali government's conduct in detaining al-Shabaab's juveniles associated with al-Shabaab and trying them for serious crimes punishes children who were forced to serve as soldiers. Human Rights Watch [recommends](#) that Somalia ends arbitrary detention of children and find independent monitoring of detention facilities, consider alternatives to detention, and allow for basic juvenile justice protections when detention is necessary. Somalia ratified the CRC in 2015 which [discourages](#) nations from bringing children before military courts. Moreover, in 2014, Somalia [ratified](#) the International Labour Organization Worst Form of Child Labour Convention, which places restrictions on recruitment of child soldiers. While the Somali government has international obligations to prevent recruitment of juveniles in armed conflict and to consider the age of detained al-Shabaab associates, it has not incorporated these duties into its domestic laws. The Somali federal government should [adhere](#) to its international commitments and make efforts to hand over detained child soldiers to UNICEF for rehabilitation, rather than subject them to criminal prosecution as adults.

International Community Fails Women and Girls in the Central African Republic

April 17, 2018

by Brittany Stanek

In late 2012, a rebel group, called [the Seleka](#), formed after years of disenfranchisement and neglect of the Muslim population in the Central African Republic. [The Seleka](#) launched attacks against civilians by burning and pillaging homes, which displaced thousands of people. In 2013, in response to the attacks the Seleka conducted, the [anti-balaka](#) formed. The [anti-balaka](#) is a Christian rebel group that began counterattacks against the Seleka and Muslim civilians because the group equated all Muslims as Seleka sympathizers. Since 2013, [the conflict](#) has been ongoing and disproportionately affects civilian populations. Both sides of the conflict have subjected women and girls to [rape and sexual slavery](#) and so far, no member of an armed group has been arrested or tried for either crime. This impunity is in clear violation of the laws of war, several international and regional human rights treaties, and Central African law.

Rape and sexual slavery have been used by both armed rebel groups as a [tactic of war](#). Commanders have tolerated sexual violence by their forces and in some cases have ordered for it or used it as a [weapon of the conflict](#). The [sexual violence](#) has occurred during attacks on towns and villages, during door-to-door searches for men and boys, and while women and girls are conducting everyday tasks, such as going to the market and harvesting for food. The sexual violence is conducted [indiscriminately](#), even against pregnant women, with no regard for the woman's safety.

This war tactic has been used to direct attacks against women and girls due to their presumed religious affiliation or as punishment for conducting trade across sectarian lines or the females' husband's or family's purported allegiances. Human Rights Watch [conducted a study](#) on rape and sexual slavery in the Central African Republic and interviewed almost 300 victims. [Two girls recounted](#) selling cassava leaves at a market when they were kidnapped, repeatedly raped, and sexually enslaved for days because a rebel group accused them of supporting another group because the girls were selling their products to the other group. [Anti-balaka fighters](#) have also been known to inflict additional pain and humiliation by committing rape with objects, such as a grenade or a broken glass bottle, and often in front of family members.

Overall, [victims lack access to medical facilities](#). When they are available, the cost of travel is often too high. Additionally, these facilities do not offer comprehensive and confidential post-rape care and fail to refer victims to [necessary medical treatment and psychosocial support](#). Women and girls also face additional [cultural barriers](#) when disclosing or seeking help post-rape. [Stigmatization](#) is rampant from family members and the community, who often blame and taunt the victim for being sexually assaulted. The conflict has also [decimated the country's infrastructure](#), and the courts and authorities lack the capacity to investigate and adjudicate these crimes. The [International Criminal Court \(ICC\)](#) has been investigating crimes committed in the Central African Republic but the court only has the capability of prosecuting the gravest crimes that higher-level officials commit.

The rape and sexual slavery against women that the armed groups in the Central African Republic have committed for five years with complete impunity constitute crimes against humanity and war crimes. These attacks violate [Article 8\(2\)\(e\)\(vi\) of the Rome Statute](#) which is applicable to non-international armed conflicts in which the armed groups commit rape and sexual slavery. These attacks also violate [Article 7\(1\)\(g\)](#) because both armed groups have knowingly committed rape and sexual slavery as a widespread and systematic attack against civilian populations. The violence also violates [several protected core values in international human rights](#), specifically the rights to life, security of person, freedom from torture, and prohibitions on slavery and forced work. These rights are protected in several treaties to which the Central African Republic is party: The [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), the [Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment \(CAT\)](#), and the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#).

The Central African Republic's failure to take appropriate steps to eliminate the pervasive sexual violence against females requires the assistance of the international community. The international community must contribute financially to the full implementation of the [Special Criminal Court](#), which was established in 2015 but has not yet began operation because it lacks the necessary funding. The Central African Republic and international community should [ensure victims are receiving proper medical case and psychosocial support](#) following the attacks. While these overarching issues cannot be easily remedied by the Central African Republic or the international community, ending the impunity of perpetrators would restore females' faith in the justice system and begin to alter the cultural barriers of victim blaming in the country.

The Challenges of Implementing Environmental Law in Africa

April 22, 2018

by Nikki Edmunds

The ills of Africa can only be remedied by its inhabitants, not the outside world. This phrase echoes the general sentiments of the first panel held at the [Africa Legal Conference](#), hosted annually at American University's Washington College of Law (WCL). The Panel was titled "A Shift in Constitutional Frameworks in Environmental Law, Business, and Development in Africa," and the panelists included Alfred Lahai Brownwell Sr., lead campaigner of [Green Advocates International](#) in Liberia; Ekontang Makia, a prominent lawyer in Cameroon's energy sector; and Adejoké Babington-Ashaye, senior counsel at the [World Bank's Administrative Tribunal](#). Environmental law has not been touted as Africa's strongest enterprise, however, there are those on the continent that want to make others aware that it is a priority and it has been addressed by several African legal institutions.

Mr. Brownwell Sr. kicked off the panel by informing the audience that Environmental laws do exist in Africa and that they are adequate. He stressed that this is due to the several African countries (more than thirty) that have codified environmental protection laws within their constitutions. He went on to list a few of them that have enumerated the right to a clean and healthy environment, which he believes is especially important for future generations. The countries included Ethiopia, South Africa, Angola, and Cape Verde. A few of these countries' constitutions not only mention environmental law safeguards, but they also list provisions addressing the right to information held by the state and the right to development, both of which coincides with environmental sustainability. One caveat though, is that outside these countries, there are some African constitutions that do not acknowledge environmental law. Mr. Brownwell Sr. emphasized that this fact should not be regarded as a major setback because although some constitutions may not address the right to a clean and healthy environment, they usually have provisions that address the right to life, which they will often try to associate with the environmental right.

Ms. Babington-Ashaye built upon Mr. Brownwell Sr.'s constitutional analysis by emphasizing that the problem in Africa is not with the absence of environmental law, it is with its enforcement. She took a similar approach to Mr. Brownwell Sr. and discussed the various conventions and articles that underscore the importance of environmental law, such as the [African Commission of Human and Peoples Rights](#) and Article 12 of the Convention on Environment and Human Rights, that underscore the importance of environmental law. She was bothered by the fact that non-African nations choose to focus on Africa's failures rather than recognize their success in the environmental law field.

The last panelist to speak, Mr. Makia, broached a different subject in his presentation. Rather than focusing on specific statutes or conventions, he spoke about the West African energy sector, and the important role it plays in ensuring adequate infrastructural development, which could help civilians prioritize environmental sustainability. He argued that improving the livelihood of civilians could move Africa forward if there was a more cohesive effort put forth by government

agencies. African governments need to stop relying on foreign aid and come together to start relying on each other for help. This cohesive nature will allow African nations to fend for themselves and improve their own infrastructure and environments without the help of outsiders.

Moreover, the panelists raised very important issues refuting the worldview of Africa as a continent with stunted knowledge of environmental sustainability. I found the tone of the lecture to be hopeful, however I held a few reservations. As a Nigerian, I feel that Africa has many other problems to prioritize before solely focusing on environmental issues. Tackling environmental problems is an initiative that cannot be handled by the government alone. The people themselves must believe in it and be aware that they have a right to it. I do not imagine this can happen until the livelihoods of civilians are improved through proper education, access to food, access to clean water, and consistent energy sources, among other things. Citizens in most African countries litter on the street and treat the outdoors as their personal toilets. They do not appreciate their environment because they do not know how to.

With proper education, civilians can learn the importance of environmental issues. Additionally, these initiatives need to be spearheaded by African governments, not outside nations. Africa has become too dependent on outside aide and will continue to be unless they learn to work amongst themselves and for themselves. The suppression and the greed must end to make room for progress. If corrupt governments can begin to prioritize increasing the livelihoods of their people by using government income and resources properly, then civilians will have a better appreciation for their lives, and therefore their environments.

Freedom of Press and Expression in the Media Continue to Be Threatened in Angola

April 23, 2018
by Sahar Takshi

Angola continues to interfere with individual rights to freedom of expression and assembly, as well as rights to freedom of the press. The government engages in censorship of news and sentences journalists for expressing criticisms of government officials. These actions are in violation of Angola's own [constitution](#) and the UN [Universal Declaration of Human Rights](#), both of which secure freedom of expression.

The forty-year oppressive rule of Jose Eduardo Dos Santos came to an end in September 2017 when Angola elected João Lourenço as its new [president](#). While the voting process itself was peaceful, the election still resembled the severe restrictions on freedom of expression and assembly as represented by Lourenço's a problematic media [law](#). During the election, the government [censored](#) the only means of national coverage available through state-run media and some of the private media and depicted only pro-ruling party coverage. As a result, the internet remained the primary method of [criticism](#) and opposition towards the ruling party during the election.

Despite the election, many of the censorship laws from Dos Santos' [Social Communication Legislative Package](#), enacted by the Angolan parliament in 2016, remain intact. These laws limit the freedom of the press, television, broadcasting, journalist codes of conduct, and the Angolan Regulatory Body for Social Communication. While there are currently no recorded incidents of the Angolan government blocking online content, the news and available information in the media continue to be preemptively censored. For example, some independent online news outlets have reported that they received regular communication from government officials demanding that they [refrain](#) from reporting certain issues.

Angola also restricts freedom of assembly, especially peaceful, anti-government protests. In February of 2017, the Angolan police blocked a [protest](#) consisting of less than twenty individuals in the city of Luanda who were peacefully requesting the resignation of an administration minister. The arrested individuals were sentenced to almost two months in jail, and the police justified it as protecting themselves from a security risk.

Moreover, Angola continues to impose [prison](#) sentences for individuals who publish material that is allegedly insulting or "libelous" to the country or president. In 2017, two high profile Angolan journalists, Marques de Morais, who runs the anticorruption website *Maka Angola*, and Bras Lourenço, from the *O Crime* newspaper, were [charged](#) for causing outrage and injury to public authority, each charge carried a maximum sentence of six years' prison.

The censorship in traditional media forms and prohibition on assembly is a violation of Angola's own constitution. [Article 40](#) of Angola's Federal Constitution, enacted in 2010, provides that all individuals "have the right to freely express, publicize, and share their ideas and opinions through

words, images, or any other medium.” The censorship regulations that are expressly stated in Angola’s 2010 State Security Law, are in violation of its constitution. [Article 25 of the State Security Law](#) punishes insults to the government in the form of meetings or dissemination of words, images, and sounds.

The UN’s [Universal Declaration of Human Rights](#) (UDHR) also guarantees the right to freedom of opinion and expression in Article 19, as well as the right to freely and peacefully assemble in Article 20. While Angola was not a member state at the time the UDHR was ratified, Angola is a member state of the United Nations as of 1976. Article 19 specifically secures the “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media.” The international community should enforce these universally protected rights by extending them to the citizens of Angola and hold the government accountable for its violations of these globally recognized basic rights.

Rwanda Must Act Swiftly in Response to the Committee Against Torture's Observations

May 8, 2018

by Matthew Reiter

The United Nations Committee Against Torture released its [Concluding Observations](#) on Rwanda's compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#)) last December. It raises serious concerns that Rwanda continues to engage in systematic torture, enforced disappearances, intimidation, and prolonged detention of political opponents. While Rwanda has legislation in place to criminalize torture and is a party to additional UN treaties such as the International Covenant on Civil and Political Rights ([ICCPR](#)), as well as the African Charter on Human and Peoples' Rights ([African Charter](#)), international pressure must increase to ensure Rwanda abides by these obligations.

"They put me on my knees, tied a shirt around my arms and said, 'Now it is too late for you.' They took out a plastic bag and put it over my head so I could not breathe. As I was running out of air, they said, 'Do you have something else to say?' I accepted [everything they told me to accept] because I was going to die. Then they stopped. I signed a document they put in front of me." This account is just one of [over 100 cases](#) recorded by Human Rights Watch during investigations spanning seven years between 2010-2017 of people illegally detained and oftentimes tortured. The actual number is likely much higher, due to the "fear of many former detainees that speaking out may lead to [reprisals](#) by authorities."

Increased scrutiny surrounding Rwanda's practices at detention centers takes place in the context of the August 2017 Presidential election of incumbent Paul Kagame, and [his crackdown on political opponents](#). The main opposition comes from the Forces Démocratiques Unifiées (FDU)-Inkingi opposition party. Theophile Ntirutwa, a representative of the FDU-Inkingi, was "forcibly disappeared" on September 6, 2017, "[held incommunicado](#)" for 17 days, and formally arrested on September 23. In its review of Rwanda's compliance with the CAT, the Committee Against Torture noted its concern that official police reports make no mention of the days that are spent at [military facilities](#), where these abuses often occur. Ntirutwa revealed publicly in a November 2017 court hearing that he was held handcuffed and blindfolded while "disappeared," his family completely left in the dark as to his whereabouts.

Diane Rwigara announced in May 2017 that she would run as an independent candidate, which [requires 600 signatures](#) of citizen support. Not only were nude photos of her leaked –by persons unknown –just two days after her candidacy was announced, but her supporters and representatives were arrested and [threatened with treason charges](#), or intimidated while they traveled to collect the requisite signatures. Rwigara and family members would eventually be arrested in September 2017 after rumors spread that Rwigara had been "forcibly disappeared." She was accused of forgery surrounding candidacy signatures, for "illegally forming and leading a political organization," and for "[inciting insurrection](#) or trouble" in Rwanda. These two cases shed light on why the U.N. Subcommittee on Torture Prevention [suspended its visit](#) to Rwanda– the

third time in 10 years a trip was canceled –after the committee was barred from “accessing some detention sites and made it impossible for them to conduct ‘private and confidential interviews.’”

Rwanda’s Penal Code demonstrates how and why the state’s practices at detention centers towards political opponents persist. The Committee Against Torture was especially [critical](#), noting that [Article 176](#) of the Penal Code does not fully align with the definition of torture contained in Article 1 of the [CAT](#). Rwanda’s definition does not include “pain or suffering inflicted at the instigation of, or with the consent or acquiescence of, a public official or by another person acting in an [official capacity](#).”

Rwanda maintains a trend of placing domestic laws above its international obligations and commitments, including laws inhibiting torture victims from successfully bringing claims. Not only are victims required under Rwanda’s Evidence Law to [produce proof](#) that confessions were acquired through torture, but judges refuse to consider scars or medical documents, and do not order forensic investigations, contrary to its obligations under the CAT and other international agreements Rwanda is a party to, including the ICCPR and the African Charter. [Article 9 of the ICCPR](#) ensures against arbitrary arrest and detention and requires full transparency about the reasons for the arrest, as well as prompt review before a judiciary. These same assurances are embedded within [Article 6 of the African Charter](#). Time will tell if Rwanda positively responds to the Committee Against Torture’s public decry of its noncompliance with its responsibilities under the CAT, and if the international community is prepared to increase pressure should Rwanda continue to skirt its obligations.