



SHUT DOWN FOR SPEAKING OUT

Human rights defenders at risk in West and Central Africa.

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INTRODUCTION

Human rights defenders have long played an essential role in standing up for freedom, opposing repression and promoting social justice across West and Central Africa. Yet rather than heralding these efforts to promote and defend universal civil, political, economic, social and cultural rights, state authorities have far too often responded with hostility and an intolerance of dissent.

Often labelled as “subversives”, “political opponents” and “traitors”, human rights defenders have been targeted with repression, while the broader space in which they operate has been shrinking as rights to freedom of expression, association and peaceful assembly have been consistently violated. In the face of this continuing repression, however, defenders continue to contribute to the much-needed change for people across the region, providing vivid reminders of why progress on universal human rights requires strong protections for those at the forefront of claiming them.

This briefing provides a short summary of some of the key challenges faced by human rights defenders in West and Central Africa, as well as their courageous acts of defiance in the face of injustice. It complements Amnesty International’s global report on the same topic, *Human rights defenders under threat: A shrinking space for civil society*.¹

This briefing is far from exhaustive; there are many more human rights defenders in the region who put their lives on the line to protect and promote the rights of others than we can feature in a single document.²

HUMAN RIGHTS DEFENDERS: WHO ARE THEY?

In line with the 1998 UN Declaration on Human Rights Defenders and other international standards, Amnesty International considers a human rights defender to be someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without resorting to or advocating hatred, discrimination or violence. Human rights defenders come from every walk of life; they may be journalists, lawyers, health professionals, teachers, trade unionists, whistle-blowers, farmers and victims or relatives of victims of human rights violations and abuses. Their human rights defence work may be conducted as part of their professional role, or be undertaken voluntarily or on an unpaid basis.

The term women human rights defenders refers to both female human rights defenders (who may work on any human rights issue), and to defenders (who may not necessarily be women) who work on women’s rights or a range of gender-related issues.

¹ *Human rights defenders under threat: A shrinking space for civil society* (Index: ACT 30/6011/2017): <https://www.amnesty.org/en/documents/act30/6011/2017/en/>

² Unless referenced otherwise, the cases presented in this briefing are taken from Amnesty International annual reports for 2014, 2015 and 2016.

CONTEXT: WHEN ARE DEFENDERS EXPOSED TO RISKS?

Human rights defenders in West and Central Africa operate in a region in which governments and other state authorities too often fail to comply with their obligations under international human rights law. Many governments are intolerant of dissent, and weak legislatures and judicial systems that lack independence fail to act as an effective counterbalance to repression.

Human rights defenders may be at risk at any time when dissent is not tolerated, but moments when political power is contested, including elections and referendums often provide the most dramatic contexts in which human rights are repressed, despite being the very moments it should be most encouraged. Since 2014, elections in at least 14 countries have seen arrests, bans on protests and even killings,³ as have referendums in Republic of Congo, Cote d'Ivoire and Senegal. In Burkina Faso, protests against a proposal to change the constitution and an attempted coup led to the killings of 14 unarmed protesters between October and November 2014, and 14 others in September 2015, respectively.

Economic challenges matter too, as movements respond to the region's growing inequalities as well as its economic vulnerabilities. In 2017, the repression of striking trade unionists in Chad, Cote d'Ivoire and Togo cannot be understood without reference to the sharp fluctuations in the price of commodities such as fuel and cocoa, and the rise of inflation against salaries. In Nigeria, activists such as Professor Maurice Fangnon, Executive Director of the Centre for the Defence of Human Rights and Democracy in Africa, have been targeted for opposing forced evictions

of thousands of people in the name of security and development⁴. Professor Fangnon was arbitrarily detained on 7 December 2016 for six hours and has received death threats via emails and anonymous telephone calls.

Culturally, human rights defenders may find themselves attacked for stepping beyond dominant social norms and gender identities. This is the case for women human rights defenders and the defenders of the rights of Lesbians, Gays, Bisexual, Transgender and Intersex people (LGBTI) who are victims of abuses committed not only by state entities, but also by private actors. For example, in Cote d'Ivoire, the office of Alternative Cote d'Ivoire, an organization working for the rights of LGBTI people living with HIV, and the house of its director, were ransacked in January 2014 by a large mob. Computers were stolen, walls were daubed with homophobic slogans and a staff member was badly beaten, yet no one has ever been brought to justice for the attack.

Finally, the region's growing insecurity linked to armed groups has provided both the political argument - 'national security' - and, in some cases, new legal frameworks such as anti-terrorism laws to curb human rights. Human rights defenders who speak out against such repressive measures are often subjected to arbitrary arrest, threats and/or intimidations. For example, in Niger, Moussa Tchangari and Nouhou Azirka, were detained for

3 Guinea Bissau, Cote d'Ivoire, Guinea, Togo, Central African Republic, Ghana, Gambia, Benin, Gabon, Equatorial Guinea, Chad, Republic of Congo, Nigeria and Niger

4 Nigeria: Thousands forcibly evicted, more at risk (Index: AFR 44/5131/2016): <https://www.amnesty.org/en/documents/af44/5131/2016/en/>



10 days and four days, respectively, in May 2015 after denouncing the poor working conditions of security forces and human rights violations committed during the state of emergency in the Diffa region. In a different context, journalist David Tam Baryoh was detained for 11 days in November 2014 during the state of emergency in Sierra Leone for criticizing the government's response to the Ebola outbreak.



[left] Anti-gay messages written on the gate of the home of an LGBTI group's director. [right] Ransacked LGBTI refuge. ©AlternativeCI

“Our offices were closed from December 2014 to February 2015. Our staff were terrified.”

LGBTI Human Rights Defender (Cote d'Ivoire)

5 African Commission on Human and Peoples' Rights, Resolution 336 on Measures to Protect and Promote the Work of Women Human Rights Defenders, available at www.achpr.org/sessions/19th-eo/resolutions/336/; African Commission on Human and Peoples' Rights, Resolution 119 on the Situation of Human Rights Defenders in Africa, available at www.achpr.org/sessions/42nd/resolutions/119/; African Commission on Human and Peoples' Rights, Resolution 69 on the Protection of Human Rights Defenders in Africa, available at www.achpr.org/sessions/35th/resolutions/69/

6 African Commission on Human and Peoples' Rights, Resolution 69 on the Protection of Human Rights Defenders in Africa, available at www.achpr.org/sessions/35th/resolutions/69/

7 African Commission on Human and Peoples' Rights, Resolution on Measures to Protect and Promote the Work of Women Human Rights Defenders, ACHPR/Res. 336 (EXT.OS/XIX) 2016, available at www.achpr.org/sessions/19th-eo/resolutions/336/

8 Protocol A/SP1/12/01 on democracy and good governance supplementary to the protocol relating to the protocol relating to the mechanism for conflict prevention, management, resolution and security, Article 1 (j)



HUMAN RIGHTS DEFENDERS AND REGIONAL HUMAN RIGHTS INSTRUMENTS IN WEST AND CENTRAL AFRICA

The African Commission on Human and Peoples' Rights (ACHPR) has adopted a number of resolutions on the protection of human rights defenders, but is yet to formulate a set of comprehensive

guidelines. In 2004, the ACHPR adopted a resolution creating a Special Rapporteur on human rights defenders mandated to, among other things, develop and recommend effective strategies to better protect them⁶. In 2016, the ACHPR adopted a resolution calling on member states to adopt laws and measures to promote and protect human rights defenders' work, addressing the specific protection needs of women human rights defenders; and to ensure that efforts designed to address violations against women's rights are developed and monitored in

consultation with women human rights defenders; and to train all relevant authorities on their specific risks and protection needs⁷.

Although the Economic Community of West African States (ECOWAS) codifies the obligation of its member states to protect the right to freedom of peaceful assembly and association⁸, it has not adopted any specific standards to promote and protect human rights defenders and neither has the Economic Community of Central African States (ECCAS).

**“I was persecuted because I refused
to be corrupted.”**

Celine Narmadji (Chad)

A woman with a serious expression, wearing a colorful patterned headwrap and a matching off-the-shoulder top with a white beaded necklace, holds a yellow sign. The sign has the French text "LA FEMME QUI DERANGE" written in black marker.

LA FEMME
QUI DERANGE



TACTICS OF REPRESSION IN WEST AND CENTRAL AFRICA

From killings of protesters, arbitrary arrests and ill-treatment, to internet cuts and administrative measures, many states in West and Central Africa have deployed a broad and inventive range of tactics to repress human rights defenders and to coerce them into self-censorship. In a few countries, the clients, family or friends of human rights defenders are intimidated, harassed or monitored, and their activities restricted and undermined.

“I do not regret having been in prison. It is an honour for me. It is the price to pay and it will not dissuade me from doing what I think is right.”

Younouss Mahadjir, Spokesperson of the CSO platform “Ca suffit” (Chad)

States have also taken actions that reduce the space in which human rights apply and are enjoyed. They restrict the rights to freedom of expression, peaceful assembly and association for other actors in society such as journalists and political opposition groups who may be critical of the authorities ⁹.



Celine Narmadji

Head of the Women's Association for the Development and Culture of Peace in Chad and Spokesperson of the Civil Society Organisation's platform 'Trop, c'est trop' (Enough is Enough), holding a sign that says "The woman who disturbs", words she hears time and time again as a result of her activities.

©Amnesty International

⁹ Some of these individuals may be human rights defenders when they act to address human rights on behalf of individuals or groups. This assessment should be done on a case by case basis. Even those who are not considered human rights defenders should have their human rights protected.

“My husband was dreaming of a better future for his children and family. He was working every day for that. He was dedicated to his job and family.”

Aissata Lamarana Diallo, wife of a man killed during protests (Guinea)

CRACKING DOWN ON PEACEFUL PROTESTS: KILLINGS, ARRESTS AND PROHIBITIONS



Women's march in 2014 against President Blaise Compaore's plan to change Burkina Faso's constitution.
©Sophie Garcia /Hans Lucas

People who claim their rights through peaceful protests are repressed in almost every country in West and Central Africa, in ways ranging from banning demonstrations to firing on protesters. Human rights defenders and journalists who observe these demonstrations are often targeted to prevent violations being exposed.

Over the past three years, Amnesty International has documented the killings of 271 people, and the injuring of thousands of others, during protests across the region – but the true number may be higher. The countries with the highest number of

casualties include Nigeria (over 150 deaths), Guinea (35 deaths), Burkina Faso (24 deaths) and Republic of Congo (18 deaths) ¹⁰.

An overwhelming majority of these killings were committed by the security forces, including the army, who use teargas, batons and live ammunition to disperse protesters or armored vehicles to ram their way through the crowds. There is rarely, if ever, accountability for such repression.

For instance, in Nigeria, the security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) since August 2015 and injured hundreds during non-violent meetings, marches and other gatherings. By far the largest number of pro-Biafra activists were killed in May 2016, during events to mark the 49th anniversary of the declaration of the Republic of Biafra, when an estimated 1,000-plus IPOB members and supporters gathered for a rally in Onitsha, Anambra State. At least 60 people were killed and 70 injured when the security forces opened fire. Hardly any of these violations by the Nigerian security forces, and in particular the military, were investigated and suspected perpetrators have not been brought to justice ¹¹.

Apart from the threat of injury or death, peaceful protesters often face arbitrary arrest. For example, in Equatorial Guinea, ahead of the country's Presidential elections, at least 250 people were rounded up and detained during political meetings and assemblies between February and May 2016. In Cote d'Ivoire, at least 50 opposition members were arbitrarily arrested at a peaceful protest in October 2016, just before a referendum to change the constitution. Detained for hours in moving police vehicles, some of them were dropped in several places in the main city Abidjan, others around 100 km away from their homes and forced to walk back in a practice known as “mobile detention”.

In Chad, pro-democracy activists Celine Narmadji, Mahamat Nour Ibédou, Younous Mahadjir and Nadjo Kaina Palmer were arrested

in N'Djamena between March and April 2016 for planning to organize peaceful public demonstrations against the current President's bid for re-election for a fifth term. They were found guilty of 'incitement to an unarmed gathering', and received suspended prison sentences after more than two weeks in detention. They have also been prohibited from 'engaging in any subversive activities'. Their lawyers have lodged appeals, but their case has not yet progressed.

Most West and Central African states have banned and dispersed peaceful demonstrations, using vague legal grounds such as risks of "breaching the peace" or by having blanket bans on assemblies in public spaces at certain times. Legal requirements that organizers need only notify authorities of a protest have in some countries been implemented in a way that requires them to authorize it.



Nadjo Kaina Palmer

Nadjo is a young Chadian activist, spokesperson of the citizen movement IYINA ("We're tired" in local Arabic). He was arrested on 6 April 2017, without being charged, for planning to organize a peaceful demonstration, and detained in secret for several days along with two other human rights defenders. ©Amnesty International

PERSECUTION BY PROSECUTION

“The police have never established a link between me and the events of the slum near Bouamatou. This umpteenth injustice will not make us deviate from our way.”

Hamady Lehbouss, spokesperson of IRA, after he was arrested on 3 July for organizing a press conference calling for the release of his IRA colleagues.

Nearly all states in West and Central Africa have resorted to arbitrary arrests, detention and imprisonment to repress those who campaign for human rights or expose human rights violations and abuses. Over the past three years, Amnesty International has documented at least 87 arrests of human rights defenders. Usually, human rights defenders are arrested after publishing or disseminating

information or publicly criticizing human rights violations and abuses. In many cases, human rights defenders have been detained several times in their professional lifetime. Anti-slavery activists in Mauritania have faced persecution by prosecution for years, imprisoned for peacefully campaigning against practices of slavery that persist in the country despite having been

10 Deaths were also recorded in Benin (1), Cameroun (4), Central African Republic (4), Chad (12), Liberia (1), Mali (8), Senegal (1), Togo (10), Sierra Leone (3). Deaths were also recorded in Gabon after the 2016 elections, but Amnesty International has not been able to verify the number. 11 Nigeria: 'Bullets were raining everywhere': deadly repression of pro-Biafra activists (Index: AFR 44/5211/2016): <https://www.amnesty.org/en/documents/afr44/5211/2016/en/>



Moussa Biram, anti-slavery activist sentenced to two years and currently jailed in the Bir Moghreïn prison. This photo was taken in front of Mauritania's Supreme Court on 17 May 2016, before the release of Biram Abeid and Brahim Bilal, who are also anti-slavery activists. ©IRA

made illegal. For example, Biram Dah Abeid, leader of the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania) – an anti-slavery organization that the government has refused to authorize - has been imprisoned three times between 2010 and 2016, most recently spending more than a year and a half behind bars alongside two other members of his organization. Although eventually freed in May 2016 following a decision by the Supreme Court to reduce their prison terms, the Mauritanian authorities arrested 13 other IRA activists over the following two months, charging them with rebellion, use of violence, attacks against the police, and belonging to an unrecognized organization following a protest against an eviction in the slum Bouamatou, in the capital Nouakchott. Although the activists were not even present at the protest, nor involved in its organization, they were given prison sentences of between three and 15 years. Eleven activists were released following a decision of the Appeal Court, but Abdallahi Maatalla Seck and Moussa Ould Bilal Biram remain detained in the Bir Moghreïn prison, 1,100 km from Nouakchott, far away from their lawyers and relatives. They have been subjected to torture and other ill-treatment.¹³

In Cameroon, anti-terrorist legislation introduced in December 2014 to respond to the threat posed by Boko Haram has been used against civil society leaders from the English-speaking regions who denounced

discrimination against linguistic minorities. On 17 January 2017, Nkongho Felix Agbor-Balla and Dr. Fontem Aforteka'a Neba, respectively the president and Secretary-General of the Cameroon Anglophone Civil Society Consortium (CACSC), were arrested in the southwest city of Buea following a series of protests in the region. Both had signed public statements calling for protests to be carried out without violence. Mancho Bibixy was arrested in the northwest city of Bamenda on 19 January. They have been charged on eight counts in a military court for fostering hostility against the government, secession, civil war, propagation of false information, collective resistance and incitement to take up arms¹⁴.

They remain in detention, and their organizations have been banned. Over the last three years, several states including Cameroon, Chad, Guinea, Nigeria, Senegal and Togo have introduced legislation which could be used to target human rights defenders, journalists and whistleblowers in reprisal for their work, often in the name of countering terrorism and cybercrime. In Guinea for instance, the revised Criminal Code, adopted in July 2016, criminalized contempt, defamation and insult, including of public figures, with penalties of up to five years' imprisonment and a fine. The law on cyber-security and personal data protection, passed in June 2016, criminalized cyber-insults, the dissemination and communication of "false information" as well as the production, distribution or transfer to third parties of data "likely to disturb law and order or public security or jeopardize human dignity". The law likened the disclosure of data "that should be kept confidential" for national security reasons to the crimes of treason or espionage, making it punishable by life imprisonment. In October 2016, Senegal adopted amendments to the Criminal Code which criminalize insults and the production and dissemination of "immoral material" online. They also contain vague and broad definitions of terrorism-related offences which could be used to target organizers and participants in peaceful protests on the basis of acts of violence committed by others.

13 Members of the IRA are not the only human rights defenders to be persecuted in Mauritania. Blogger Mohamed Ould Cheikh Mkhaitir was sentenced to death in December 2014 for apostasy following the publication of a blog entry raising awareness on the issue of discrimination against Moulamines (blacksmiths) and the descendants of slaves in Mauritania.

14 Cameroon: arrests and civil society bans risk inflaming tensions in English-speaking regions: <https://www.amnesty.org/en/press-releases/2017/01/cameroon-arrests-and-civil-society-bans-risk-inflaming-tensions-in-english-speaking-regions/>



Abdul Fatoma,

Abdul is the CEO of Campaign for Human Rights and Development International (CHRDI) and is an anti-corruption activist. He was arrested in January 2017 following the release of a report which accused the Sierra Leonean Parliament of lack of accountability. Though released on bail, his passport was withheld for 45 days, preventing him from being with his family in the UK. ©Amnesty International

ADMINISTRATIVE BARRIERS AND SANCTIONS

Some states in West and Central Africa use administrative measures to impede the work of human rights defenders, associations and journalists, including by delaying registration to operate, suspending their activities or restricting their access to funding and subjecting activists to administrative sanctions.

In Togo, officers of the Ministry of Territorial Administration refused to deliver registration certificates to a group of LGBTI activists when they considered that the mandate of the organization as set out in the registration form “challenged cultural and social norms”¹⁵. Another organization which provides assistance to victims of torture, Association des Victimes de Torture du Togo (Association for Victims of Torture in Togo-ASVITTO) has been waiting for an official receipt of registration from the Togolese authorities for almost five years, hindering its ability to raise funds, particularly from international donors.

“I am mentally prepared for all this. I know I’ll be arrested. I know I will be jailed. I talk to my kids about that. I talk to my family-parents and siblings about that.”

In Benin, following student protests calling for the payment of student allowances and the organization of examinations in July 2016, the Council of Ministers banned all activities by student associations on campuses. In August, the university decided to invalidate the academic year for all the students in the faculty where most demonstrators were studying. Twenty-one students were banned from registering at the university for five years. In March 2017, the Constitutional Court ruled that the decision to ban the activities of student associations violated the constitution.

Several West and Central African states including Republic of Congo, Mauritania, Sierra Leone and Togo have been reviewing NGO laws which could be used to further restrict the right to freedom of association. For instance, in April 2016, the Council of Ministers of Togo adopted a bill on freedom of association which fails to meet international standards. It stated that “foreign or international associations” required prior authorization to operate in

Togo. The bill also provided that associations must respect national laws and morals, which could be used to further discriminate against LGBTI people. The bill also provided that associations may be dissolved on the basis of a decision of the Council of Ministers or the Minister of Territorial Administration in the case of “foreign and international associations”. As of April 2017, the bill had not been adopted by Parliament.

In most countries of the sub-region, and particularly in Benin, Cameroon, Chad, Cote d’Ivoire, Mali, Niger, Sierra Leone and Togo, media regulatory bodies have suspended newspapers and media outlets, often on vague legal grounds and without a possibility of appeal. The suspensions can last several months, leading to financial hardship. These suspensions and the fear of reprisals affect the ability of journalists to investigate and report on human rights abuses.

¹⁵ The details of this case, including names, dates and places are withheld for security reasons.

One of the biggest challenges was our security. You needed to be careful where you go, who you talk to. You were always watching your back while you were on the move.”

Anna Jones, National Coordinator for the West African Network for Peacebuilding (Gambia)

INTERNET CUTS AND SURVEILLANCE

Periodic restrictions on the use of the internet and social media have become an increasing feature of the repression of the right to freedom of expression in many parts of West and Central Africa. In 2016, access to the internet was entirely cut for periods ranging from two to five days before and after Presidential elections in Gabon, Gambia and the Republic of Congo. In both Chad and Gambia where Presidential elections were also held in 2016, social media sites and messaging applications such as Facebook, WhatsApp and Twitter were also only accessible throughout most of the year by using VPNs to bypass restrictions, while in Chad a range of blogs and news sites continue to be blocked into 2017. In the most severe restrictions to date, internet was shut down in the Anglophone regions of Cameroon from January to April 2017 following protests in the region about the use of French in courts and schools and demands for greater autonomy. In a statement issued in April, the Head of State finally ordered for internet to be restored after 94 days of blockage.

Even when internet is not restricted, human rights defenders may be targeted because of what they write online. For example in Chad, Tadjadine Mahamat Babouri (alias Mahadine) remains in detention after having been arrested on 30 September 2016 in N'Djamena by agents of the Agence Nationale de la Sécurité (ANS). He had posted several videos on Facebook criticizing the government's management of public funds and the country's current economic crisis. Currently detained in Moussoro Prison ¹⁶, he was initially held for at least three days in unofficial detention centres, including the ANS, without access to his family,

lawyer or medical treatment. He was allegedly tortured and deprived of food and water, and on 10 October was charged with 'undermining the constitutional order, territorial integrity and national security and intelligence with an insurrectional movement'.

States have been passing legislation which could be used to restrict internet access and subject human rights defenders to online surveillance. For instance, in Senegal, amendments to the Criminal Code and the Code of Criminal Procedure adopted in 2016 empower the authorities to restrict access to "illicit content" online and to hack into people's computer without judicial oversight.

In Nigeria, the Cyber Crime Act, which became law in 2015, requires internet service providers to keep all traffic and other data of subscribers for two years and make that data available to law enforcement agencies upon request.

Physical surveillance of human rights defenders remains the most common method in many countries, however, with the National Intelligence Agency (NIA) under the former regime in Gambia and the Agence Nationale de la Sécurité (ANS) in Chad providing prominent examples.

¹⁶ Tadjadine Mahamat Babouri (alias Mahadine)'s lawyers have requested his transfer to the Amsinene prison in N'Djamena where he could receive better medical care.



*Aminetou is a woman human rights defender in Mauritania who works on women's rights and to end child marriage. She was shortlisted for the Nobel Peace Prize in 2015.
©Amnesty International*

“I am not scared of receiving death threats as I am convinced that the situation will change.”

Aminetou Mint El Moctar (Mauritania)

ATTACKS, THREATS AND INTIMIDATION

Many human rights defenders, as well as their friends and relatives, are subjected to physical attacks, threats and intimidation including by private actors. These abuses are rarely adequately investigated and suspected perpetrators are not brought to justice, creating a climate of impunity and amounting to a violation of the obligation of the state to protect human rights defenders against violence, including by non-state actors.

In Mauritania, Aminetou Mint El Moctar continues to face death threats following a fatwa issued in June 2014 by Yehdih Ould Dahi, leader of a radical Islamist group called Ahab Errassoul (Friends of the Prophet), after she called for a fair trial for Mohamed Ould Mkhaitir, a 34-year-old blogger charged with apostasy. The fatwa states that “Whoever kills her or rips out both her eyes will be rewarded by Allah”.

The police authority refused to pursue a complaint made by Aminetou Mint El Moctar for incitement to murder, instead advising her to discuss it with the religious leader who issued the fatwa. When she and her lawyers met with him, he threatened to hit her. Her son was also threatened in 2015 and had to flee the country for his own safety.

Over the last three years in Cote d'Ivoire, the offices of five of the main human rights organizations, and another of an independent newspaper, have been ransacked, often more than once¹⁷. Despite filing complaints to the police, no one has been brought to justice in relation to these alleged robberies.

In Guinea, journalists covering political meetings and demonstrations are often subjected to threats and ill-treatment. In June 2016, journalist Malick Diallo was covering a meeting of the ruling party attended by President Condé in Conakry. A presidential guard asked him to hand over his camera. When he refused, he was pushed inside a car and taken to the office of the presidential guards where he was beaten and threatened. The guards took his camera and deleted some of the pictures before releasing him. The police refused to record his complaint. In May 2015, a group of police men assaulted three journalists, Cellou Binani Diallo, Ibrahima Sory Diallo and Youssouf Bah who were filming the protest. One of the police officers hit Cellou Binani Diallo with his helmet and four others punched and kicked Ibrahima Sory Diallo. The police officers openly threatened the journalists, saying they were “moles” and that next time they would be killed. The Ministry of Security and Civil Protection announced disciplinary measures against two of the police officers involved, including a suspension, although no legal proceedings have been brought against any of the police officers.

¹⁷ The targeted human rights organizations and media outlet are : Action pour la Protection des Droits Humains en Côte d'Ivoire (APDH), Alternative Côte d'Ivoire, Club Union Africaine Côte d'Ivoire (CLUB UA-CI), Mouvement Ivoirien des Droits Humains (MIDH), Réseau d'Action sur les Armes Légères en Afrique de l'Ouest (RASALO-CI) and L'Éléphant Déchaîné.

“I carry on because I don’t have a choice. I wanted to become a judge. It didn’t lead me to the prosecutor’s office. Instead, I ended up in prison.”

Antoine Assale Tiemoko, journalist at “L’Eléphant déchainé” and head of SOS justice. Sentenced to one year in prison in 2007 (Cote d’Ivoire). He has been under police protection since 2015.

WITH PERSISTENCE, PROGRESS IS POSSIBLE

There are many examples in the region of how the persistence and bravery of human rights defenders have led to an improvement in human rights for people in their communities and countries. In 2016 alone, following years of persistent work by human rights defenders, Togo criminalized torture in line with the Convention against Torture; Senegal brought to court members of the security forces who had been involved in killings during demonstrations; Guinea abolished the death penalty for ordinary crimes, and Burkina Faso promised to raise the legal age of marriage to 18 years. Dozens of prisoners of conscience were released in countries ranging from Mauritania to Senegal.

in January 2017, political prisoners have been freed, the country’s withdrawal from the International Criminal Court has been reversed, and promises have been made to repeal the repressive laws and end the abusive practices that have strangled dissent for so long. After years of working in the shadows, human rights defenders in Gambia are now able to operate without fear to ensure that those commitments and promises are kept.

The persistence and resilience of human rights defenders has most recently been highlighted by changes in Gambia. For over 22 years, critics of Yahya Jammeh’s government, whether human rights defenders, activists, journalists or political opponents, faced arbitrary arrest, torture or worse. Human rights defenders like Imam Baba Leigh, who spoke out against female genital mutilation and the death penalty, were subjected to enforced disappearance and torture. Journalists who continued to write critical pieces like Ebrima Manneh and Deyda Hydara were killed, and others like Musa Saidu Khan and Alhagie Ceesay were arrested and tortured.

Yet the persistence and resilience of human rights defenders, as well as others who had faced repression, now has an opportunity to bear fruit. Since a new government took power

“There is strength in numbers. At the end of the day, you always saw somebody next to you, behind you and in front of you and it strengthened your resolve because there was somebody beside you.”

Yassin Senghor, Woman Human Rights Defender (Gambia)



Left to Right: Smockey (Le Balai Citoyen), Micheline Mwendike (LUCHA), Fadel Barro (Y'en a Marre), Angélique Kidjo, Kambale Raegan (LUCHA)

AMBASSADOR OF CONSCIENCE AWARD CEREMONY 2016

In 2016, the Amnesty International Ambassador of Conscience Award celebrated human rights defenders from youth movements

in West and Central Africa who used their talents to inspire others to fight for human rights. The award was given to Y'en a Marre from Senegal, Le Balai Citoyen from Burkina Faso and LUCHA from DRC. These groups mobilized young people in their countries to undertake activities ranging from voter registrations

to peaceful protests on issues ranging from power cuts to land grabs. Angélique Kidjo was also given the award in recognition of her life's work promoting freedom of expression, girls' education and speaking out against female genital mutilation.

LAWS THAT PROTECT HUMAN RIGHTS DEFENDERS

States in West and Central Africa are increasingly recognizing the important role that human rights defenders play by passing or reviewing laws aimed at protecting defenders. In June 2014, Cote d'Ivoire became the first African state to adopt such a law, which enshrines the rights to freedom of expression, association and to be protected from reprisals. The law also specifically codifies the obligations of the state to protect human rights defenders, their families and their homes from attacks, and to investigate and punish attacks where they occur. After years of campaigning by human rights groups, including the Ivorian Coalition of Human Rights Defenders, the government passed a decree setting out how the law is to be implemented in February 2017. Ivorian civil society had called for the creation of an independent and adequately resourced protection mechanism to promote the law, monitor its implementation and adopt measures to protect human rights defenders at risk. At the time of writing, however,

the decree remains publicly unavailable, making it impossible to verify if the government met this demand.

Similar protection laws are being drafted in Burkina Faso, Guinea, Niger, Mali and Sierra Leone. If states ensure that these laws are designed to protect all human rights defenders, including those who defend the rights of cultural and sexual minorities, and if they set up meaningful protection mechanisms, they could constitute a first step in creating a safe and enabling environment for human rights defenders.

MODEL LAW FOR THE RECOGNITION AND PROTECTION OF HRDS: A PRACTICAL GUIDE TO IMPLEMENT THE HRDS DECLARATION

The "Model Law for the Recognition and Protection of Human Rights Defenders" was launched in June 2016 by the International Service for Human Rights (ISHR)¹⁸. It provides authoritative guidance to states on how to implement the HRDS Declaration at the national level by giving technical guidance on developing appropriate laws,

policies and institutions to support the work of defenders and protect them from reprisals and attacks. The Model Law was developed in consultation with over 500 defenders from every region, and settled and adopted by leading human rights advocates, including by two UN Special Rapporteurs on the situation of human rights defenders.

¹⁸ International Service for Human Rights, Model Law for the Recognition and Protection of Human Rights Defenders, available on: https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf

CONCLUSION AND RECOMMENDATIONS

Human rights defenders are not enemies of the state. They are individuals who take injustice seriously and take peaceful action to improve the human rights situation in their environment. States in West and Central Africa should consider human rights defenders as assets to be listened to, supported and protected to achieve positive social change.

AMNESTY INTERNATIONAL CALLS ON STATES TO:

Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contributions to the advancement of human rights. In particular:

- Develop and implement public awareness campaigns about the work of human rights defenders and ensure their wide dissemination;
- Publicly acknowledge the particular and significant role played by women human rights defenders and those who work on women's rights or gender-related issues, and ensure they are able to work in an environment free from violence and discrimination of any sort;
- Adopt and implement legislation which recognizes and protects human rights defenders;
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of peaceful assembly and association;
- Publicly condemn the attacks, threats and intimidation of human rights defenders;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders including by characterizing them as "criminals", "foreign agents", "terrorists", "undesirables" or of "being morally corrupt", "threats to security, development or traditional values".

Ensure a safe and enabling environment in which human rights defenders are effectively protected and where it is possible to defend and promote human rights without fear of punishment, reprisal or intimidation. In particular :

- Effectively address threats, attacks, harassment and intimidation of human rights defenders, including, where applicable, by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing the suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations to the victims;
- Establish, in consultation with human rights defenders and civil society organizations, national protection mechanisms for defenders at risk which incorporate preventive, collective and gender-sensitive approaches;
- Ensure women human rights defenders receive the specific protection they need against gender threats and violence they may face due to their work, recognizing the particular challenges and risks they face, including specific forms of violence;
- Ensure that justice systems are not misused to target or harass human rights defenders and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their human rights.

Enable participatory approaches to ensure that human rights defenders are connected with each other, within the community in which they operate and have access to decision makers at the national, regional and international levels in a secure manner. In particular:

- Ensure that domestic laws governing the surveillance of communications are brought in line with international law and standards, including by containing effective safeguards against indiscriminate mass surveillance, and guarantee that human rights defenders have access to the necessary tools to secure their communications, including encryption;
- Ensure that public policies are developed and implemented in a participatory manner in which human rights defenders and communities affected are able to actively, freely and meaningfully participate;
- Take all necessary measures to prevent and deter acts of harassment, intimidation and reprisals against human rights defenders in relation to their communications and interactions with international and regional mechanisms and other bodies.

Amnesty International urges international and regional human rights bodies and particularly the African Commission on Human and Peoples' Rights, the Economic Community of West African States and the Economic Community of Central African States to :

- Formulate a set of comprehensive guidelines on the protection of human rights defenders, including on the establishment of effective, independent and adequately resourced protection mechanisms at national and regional levels;
- Adopt policies and strengthen mechanisms to prevent and address acts of harassment, intimidation or reprisals against human rights defenders who communicate and interact with international and regional mechanisms and ensure that the crucial information received from them does not place them at risk;
- Reaffirm the right of every person, individually or in association with others, to defend and promote human rights in accordance with the UN Declaration on human rights defenders and other similar standards;
- Reiterate the crucial role and legitimacy of the work carried out by human rights defenders;
- Monitor the implementation of states' obligations and commitments in the protection of human rights defenders, including paying particular attention to women human rights defenders.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
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WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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