

Annex 30

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AMNESTY INTERNATIONAL REPORT 2012 THE STATE OF THE WORLD'S HUMAN RIGHTS

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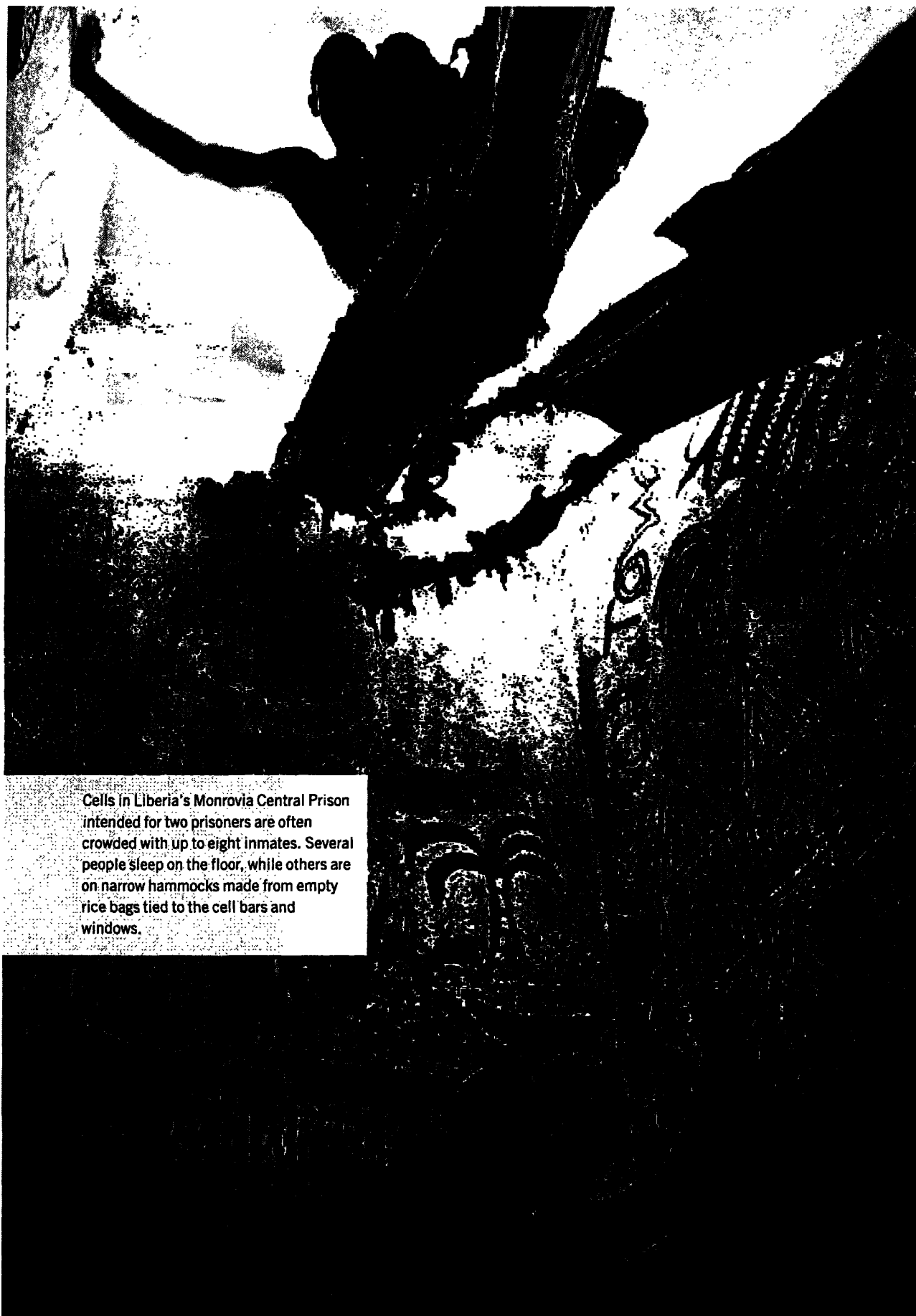
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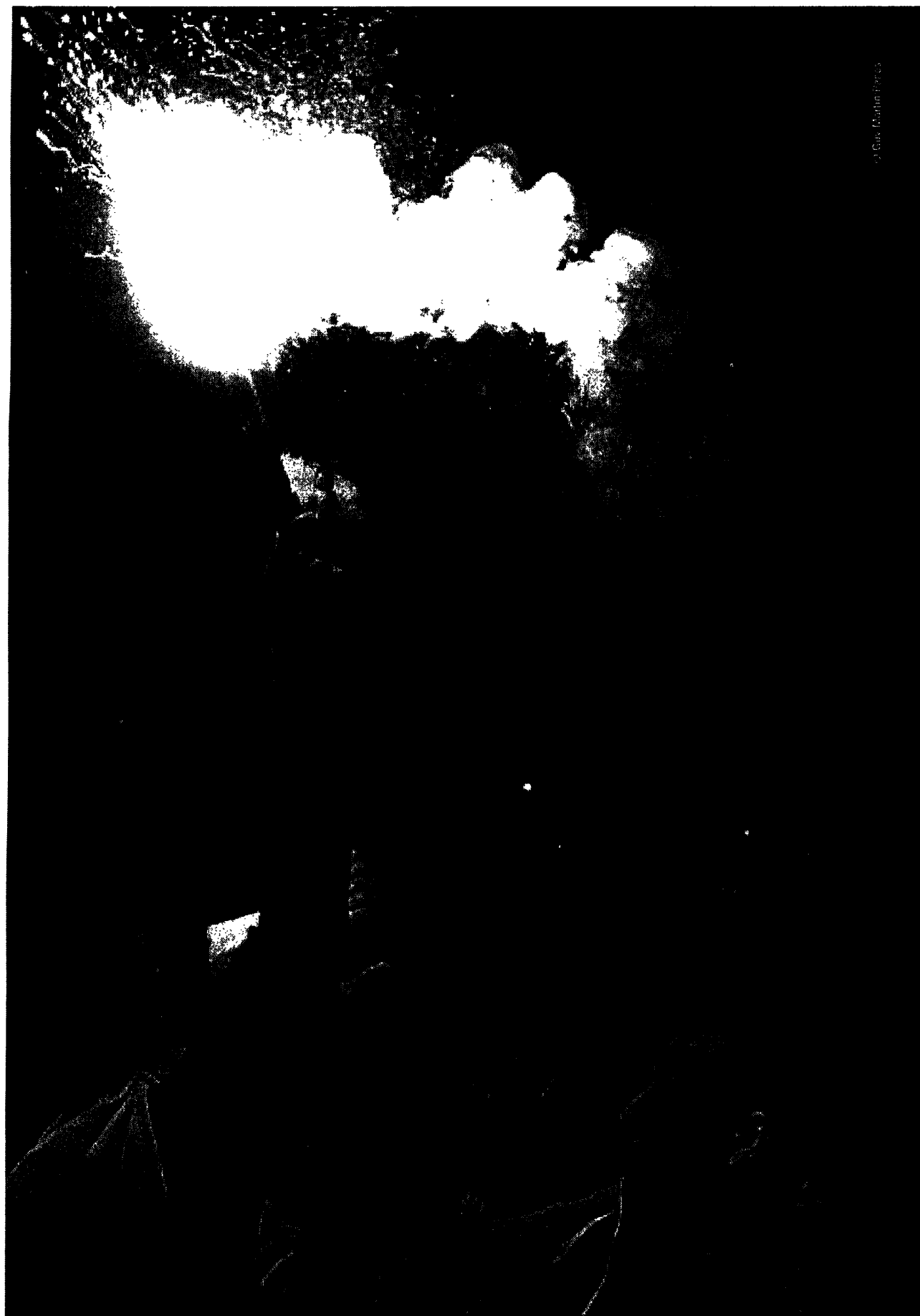
United against injustice, we work together for human rights.



Cells in Liberia's Monrovia Central Prison intended for two prisoners are often crowded with up to eight inmates. Several people sleep on the floor, while others are on narrow hammocks made from empty rice bags tied to the cell bars and windows.

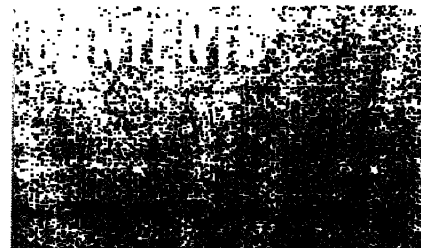
People light fires and celebrate in Tahrir Square in Cairo, Egypt, after hearing the news that President Hosni Mubarak had resigned, 11 February 2011.





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LEADING FROM THE STREETS/9

By Salil Shetty, Secretary General of Amnesty International

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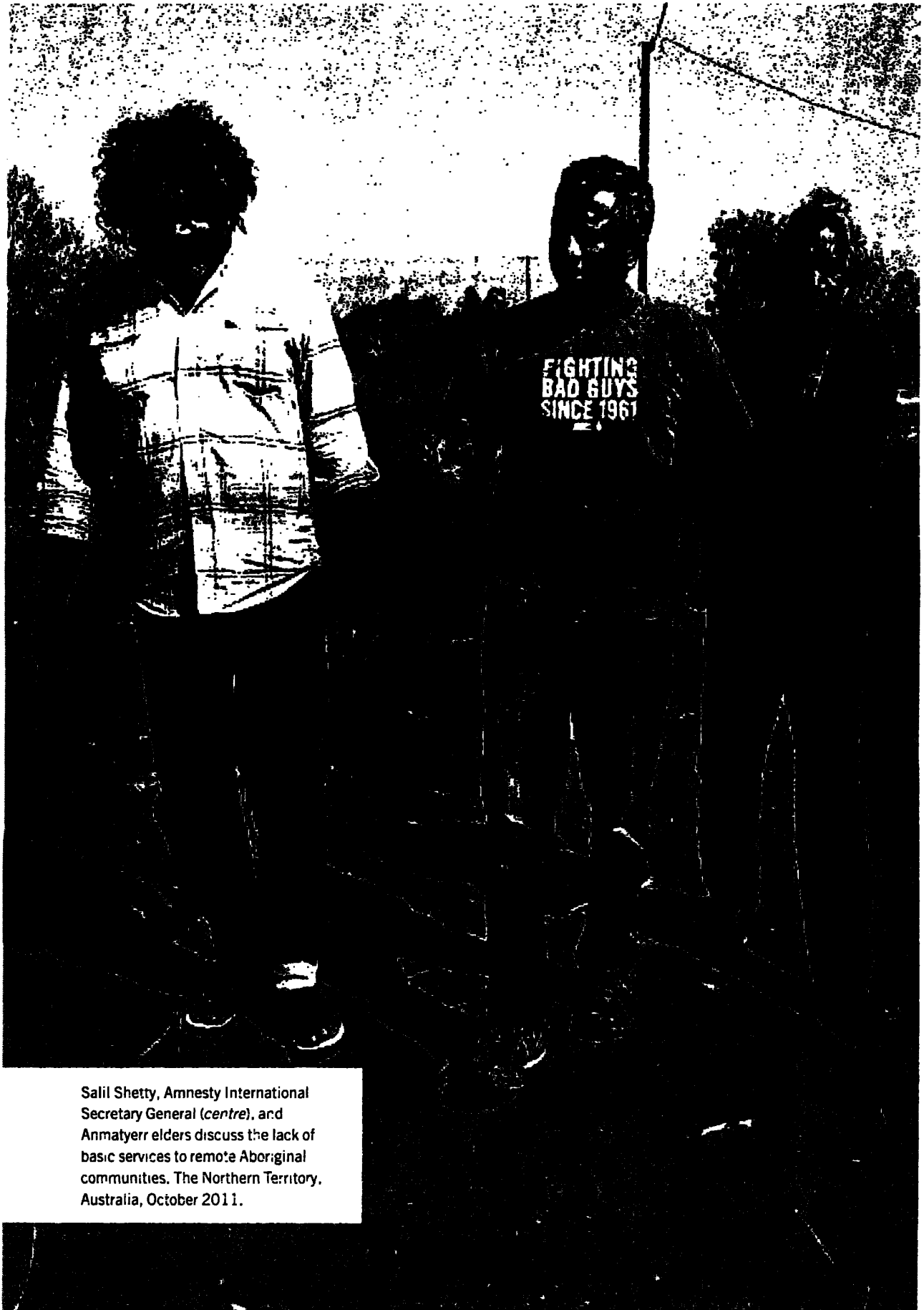
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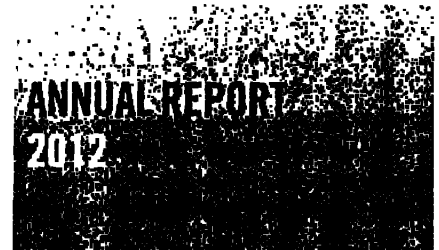
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AMNESTY INTERNATIONAL REPORT 2012
ESSAY

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Salil Shetty, Amnesty International Secretary General (*centre*), and Anmatyerr elders discuss the lack of basic services to remote Aboriginal communities. The Northern Territory, Australia, October 2011.



LEADING FROM THE STREETS

Salil Shetty, Secretary General

Change, courage and conflict all characterized 2011 – a year in which people rose up in protest against governments and other powerful actors in numbers not seen for decades. They protested against the abuse of power, lack of accountability, growing inequality, deepening poverty and the absence of leadership at every level of government. The contrast between the courage of protesters demanding rights and the failure of leadership to match that courage with concrete actions to build stronger societies based on respect for human rights was painfully apparent.

At first it appeared that protest and unrest would be restricted to countries in which discontent and repression were predictable. But as the year progressed, it was clear that the failure of governments to ensure justice, security and human dignity was igniting protest across the world. From New York and Moscow to London and Athens, from Dakar and Kampala to La Paz and Cuernavaca, from Phnom Penh to Tokyo, people took to the streets.

In the Middle East and North Africa, the initial spark was one young man's outrage and despair in Tunisia which fed by the anger of thousands of protesters engulfed the country and brought down the government of President Ben Ali. As protests spread through the region, Western governments were caught off guard. They knew that the protesters' outrage at repression and lack of economic opportunities was well-founded,

but they did not want to lose their “special relationship” with repressive governments which they saw as insurance against instability in a strategic region with significant oil and gas reserves.

Governments’ responses to peaceful protests in the region have been brutal and often deadly. The number of people killed, injured or imprisoned for exercising their rights steadily grew. Tens of thousands have been displaced and some made the perilous journey across the Mediterranean Sea in search of refuge. The spectre of significant numbers of refugees from North Africa led to even more xenophobic rhetoric from some of Europe’s politicians.

In Egypt, it has been more than a year since former President Hosni Mubarak stepped down and the Supreme Council of the Armed Forces (SCAF) assumed control in what it pledged was a transitional role. Many believe SCAF are instigating or failing to prevent violence in order to legitimize the argument that only a state run by the military is strong enough to ensure security.

But perhaps what is most disturbing in Egypt is that more than 12,000 civilians have been prosecuted by the military or been brought before the military judiciary – more than during Mubarak’s 30-year rule. The lifting of the emergency law, a major tool of abuse, was a key demand of protesters. However, the interim government, like the Mubarak government, claim they need its special powers to ensure security.

Another practice carried over from the Mubarak government is the forced eviction of people living in informal settlements. The vast majority of deaths during the 25 January Revolution were among marginalized communities including those who live in informal settlements or slums. Egyptians have lived for decades with the government’s version of security – they deserve better.

Women in particular have fared badly under military rule. In March 2011, a group of young women who had been protesting in Tahrir Square were arrested by the security forces. They were then subjected to forced virginity tests and threatened by the military. In December, an Egyptian administrative court ruled the practice illegal and ordered an end to detainees being subjected to forced virginity tests. This was a positive step, but the promotion of women’s rights and gender equality has a long way to go even though women are playing a central role in the protests. When Amnesty International asked the various political parties in Egypt to commit to protect basic human rights principles such as freedom of expression and assembly, abolition of the death penalty, religious freedom, non-discrimination and gender equality – the two parties that won a majority in the parliamentary elections fell short. The Muslim Brotherhood’s Freedom and Justice Party, which won 235 seats (47 per cent), failed to respond to Amnesty International’s request. The Salafist Al-Nur party, which came second with 121 seats (24 per cent), declined to promote women’s rights or the abolition of the death penalty.

In Libya, Colonel Mu’ammar al-Gaddafi responded to street protests by vowing to destroy the protesters, whom he repeatedly called “rats.” He and his son, Saif al-Islam – previously the “champion of reform in Libya” – declared open season on anyone they deemed unfaithful to the regime. The UN Security Council’s unprecedented referral of Libya to the International Criminal Court sent a strong signal about the importance of

accountability. Nonetheless, the country spiralled into armed conflict. By the time al-Gaddafi was killed in custody in October, his forces had abducted and tortured thousands of captured opposition fighters and other detainees. Hundreds of thousands of people had fled the conflict, resulting in mass displacement. Libya remains unstable: the National Transitional Council is not in effective control of the country and torture, extrajudicial executions, other forms of reprisals and forcible displacement continue.

Iran continued the crackdown that began after the 2009 elections and demonstrated its willingness to arrest virtually anyone identified as challenging President Mahmoud Ahmadinejad. The government closely control the media, newspapers are banned and websites and foreign satellite television channels blocked. Protests against government policies are violently dispersed and government critics are arbitrarily arrested and detained yet people continue to defend their right to freedom of expression.

The world has witnessed this pattern of protest and deadly response in country after country. In Bahrain, the government repressed demonstrations backed by the military might of Saudi Arabia. In June, Hillary Clinton, US Secretary of State, reiterated US support for the country, calling Bahrain an "important partner" despite overwhelming evidence of the government's use of deadly force against peaceful protesters and the imprisonment and torture of opposition leaders. Her muted criticism reflected the US government's desire to ensure that Bahrain continues to provide a home port for the 5th Fleet, even if it means ignoring egregious human rights violations.

In Yemen, President Ali Abdullah Saleh also refused to relinquish power even after being seriously wounded in a bomb attack. He repeatedly backtracked after entering agreements for the transfer of power despite countrywide protests demanding his removal. Finally, in November 2011, he ceded power in exchange for immunity from prosecution for the crimes committed during his rule and the uprising against it. Ali Abdullah Saleh left power in the hands of Vice-President Abd Rabbu Mansour Hadi, who was installed as the new President during uncontested elections in February 2012.

In Syria, President Bashar al-Assad stubbornly clung to power in the face of widespread popular uprisings against his repressive rule. Thousands of civilians have been killed or injured and many more displaced. The Syrian military's use of tanks to shell the city of Homs demonstrated a complete disregard for the lives of local residents. Members of the Syrian army who have defected and fled the country report being ordered to kill people who were engaged in peaceful protests or in some cases, just walking down the street. The Special Representative of the UN Secretary-General for Children and Armed Conflict reported in February 2012 that hundreds of children have been killed during the uprising and children as young as 10 years old have been arrested, detained and tortured.

The international community has a crucial role to play in establishing justice and security for people of the region. Yet, to date, international action has been largely inadequate.

POWER, RESPONSIBILITY AND ACCOUNTABILITY

The international community has struggled to respond effectively. Fear, opportunity, hypocrisy and good intentions all featured in the debate.

In 2011, the Arab League was thrust into the limelight as it sought to resolve issues in several countries in the region. Their support for the UN Security Council resolution on Libya was crucial in ensuring that none of the five permanent members exercised their veto. But, undoubtedly at odds with some of its members' concern that the protests would spread to their countries, the Arab League failed to bring an end to repression and brutality.

As the situation in Syria deteriorated, the Arab League arranged for a monitoring mission to travel to the country. But the legitimacy of the mission was immediately called into question when the Arab League named General Mohammed Ahmed Mustafa al-Dabi, former head of Sudan's military intelligence, to head the mission. Under al-Dabi's watch, the military intelligence was responsible for the arbitrary arrest and detention, enforced disappearance, and torture of numerous people in Sudan. The mission suspended its activities in late January 2012 because the violence made it impossible for the monitors to fulfil their role. A later attempt to introduce peacekeepers also failed. Former UN Secretary-General Kofi Annan was appointed as the joint UN-Arab League envoy on the Syrian crisis in late February.

When the Arab League called on the UN Security Council to fulfil its role of maintaining international peace and security, Russia and China, citing the principle of state sovereignty, vetoed a resolution that called for an end to the violence and for President al-Assad to step down. Russia also justified its veto by criticizing the NATO intervention in Libya for overstepping its mandate to protect civilians.

There is nothing new about veto power being used to subvert international peace and security. Russia (and earlier the USSR) and the USA have cast more than 200 vetoes between them - many with obvious political ramifications. Failure of the UN Security Council to act effectively on Syria, following hard on the heels of its failure to intervene in the case of Sri Lanka, raises serious questions about whether it has the political will to safeguard international peace and security. It also serves to remind those who seek the UN's protection that the international system of governance is utterly devoid of accountability. It seems that the permanent members of the UN Security Council defend state sovereignty when it shields their own behaviour from scrutiny, or helps maintain their special (and profitable) relationships with repressive governments.

Russia's veto of the UN Security Council resolution was followed by reports of continuing arms sales by Russia's state arms trader, Rosoboronexport, to the Syrian government, including a deal to sell combat jets. A former Syrian Minister of Defence auditor who defected in January 2012 reported that the sale of Russian arms to Syria had increased sharply since the uprising began.

It is perhaps not surprising that the five permanent members of the UN Security Council are also the world's largest conventional arms trading countries. Together they accounted for at least 70 per cent of all major weapon exports in 2010: the USA (30 per cent), Russia (23 per cent), France (8 per cent), the United Kingdom (4 per cent) and China (3 per cent). Throughout the world, the irresponsible flow of arms from these five

countries has led to countless civilian deaths as well as other serious violations of human rights and the laws of war.

Amnesty International documented how Western European governments, the USA and Russia authorized the supply of munitions, military hardware and police weapons to Bahrain, Egypt, Libya, Syria and Yemen in the years of brutal repression leading up to the popular uprisings. These exports could have been prevented if those supplier states had lived up to their declared policy of avoiding arms exports that could contribute to serious human rights violations.

The question remains, can the very countries that are able to veto any Security Council resolution be trusted to pursue international peace and security when they also are the largest profiteers from the global arms trade? As long as their veto power is absolute and as long as there is no strong Arms Trade Treaty that could prevent them from selling arms to governments that violate human rights, their role as the guardians of peace and security seems doomed to failure.

FAILED LEADERSHIP GOES GLOBAL

The failure of leadership that sparked and fuelled the popular protests in the Middle East and North Africa is not restricted to the UN Security Council or one region.

Anti-government protests filtered down from northern Africa into other parts of the continent. In Uganda, despite a government ban on all public protest in February 2011, people took to the streets in cities around the country to protest against the rising cost of fuel and other essential commodities. The police responded with force. Similarly, in Zimbabwe and Swaziland authorities attempted to quash protest by using excessive force. Showing the lengths some governments are prepared to go to in order to hold on to power, live ammunition has been used against protesters in countries such as Burkina Faso, Malawi and Senegal.

In Latin America too, people raised their voices. In Bolivia, social tensions are on the increase amid recurring protests over economic issues and Indigenous rights. When hundreds of people took part in a 360-mile protest march from Trinidad, Beni Department, to La Paz in mid-2011, President Evo Morales was forced to cancel plans to build a road through the Isiboro-Sécure Indigenous Territory and National Park. The plans were in breach of constitutional guarantees on prior consultation and environmental preservation laws. Scores of people were injured during the protests when security forces used tear gas and truncheons to break up a makeshift camp en route. In Mexico, protesters repeatedly took to the streets to demand an end to violence, impunity and the militarization of the war on drugs, amid mounting civilian casualties.

In Russia, protest has been fuelled by frustrations over corruption, cronyism and sham democratic processes that are denying people the opportunity to use their votes and push through change. Opposition voices in the political arena have been systematically undermined and denied access to mainstream media ensuring that Vladimir Putin faced no real opposition in the presidential elections. Adding insult to injury, Putin referred to protesters as "Banderlog" after the lawless monkeys in Rudyard

Kipling's novel *Jungle Book*, and likening their protest symbol, a white ribbon, to a condom. However, the protests herald a new era in Russia and mark a fresh set of challenges for Putin and those around him. They will have to find ways of addressing these demands now that political reform and respect for human rights have been put firmly on the agenda.

The Chinese authorities demonstrated their fear of the type of public uprisings seen in Tunisia by quickly moving to forestall protests. In February, Chinese security forces took to the streets in large numbers intent on preventing any small group from growing into a crowd in Shanghai. Despite China's tight controls on digital communications and the flow of information, official sources reported thousands of demonstrations throughout the country. Forced evictions in both rural and urban settings were a major focus for protesters in China. In Tibet, where controls are even tighter, more than a dozen monks protested by setting themselves on fire and security forces shot and killed several protesters in January 2012.

Authorities in Myanmar, too, showed their concern about the possibility of widespread public unrest as they moved to re-cast themselves as new and reform-oriented. The government permitted Daw Aung San Suu Kyi's National League for Democracy to register for bi-elections. Some exiles returned home. By mid-January 2012, 600 political prisoners had been released, many of them resuming their opposition activities. However, hundreds remain behind bars, although exact numbers are difficult to ascertain. The government's stated commitment to permitting peaceful political opposition is encouraging, but much remains to be seen.

DEMOCRACY AND DISEMPOWERMENT

When protests flared in the Middle East and North Africa and other countries where freedom of expression and freedom of assembly were typically repressed, most democratic governments appeared confident that the civil unrest would remain "over there".

In fact, protests occurred around the world and served to highlight the limitations of democratic governments in promoting and fulfilling human rights.

The clear lines that politicians draw to try to distinguish good governments from bad governments have always been oversimplified. The uprisings in the Middle East and North Africa exposed the self-serving and hypocritical foreign policies of states' that claim to respect human rights. But in these same countries, domestic policies that led to the continuing economic crisis and a high tolerance for ever-growing inequalities exposed their failure to promote human rights at home as well. Xenophobia has swept across Europe and the USA as migrants are scapegoated. Roma, who have long suffered persecution and marginalization in Europe, and other victims of urban regeneration face forced evictions and violence.

The US government's response to the economic crisis was to bail out financial institutions that were "too big to fail". But they did so without imposing any conditions on how the bailout would work. People who were unemployed, unable to secure health insurance and facing foreclosure and possibly homelessness felt betrayed. As Nobel Laureate Joseph Stiglitz wrote, "The banks got their bailout. Some of the money went to

bonuses. Little of it went to lending. In the end, bank managers looked out for themselves and did what they are accustomed to doing."

What the economic crisis revealed was that the social contract between the government and the governed was broken. Governments were at best indifferent to the concerns of the people and at worst only interested in protecting those in power. Statistics demonstrating increasing inequalities of incomes and assets were evidence of governments' failure to fulfil their obligation to ensure the progressive realization of economic and social rights.

As the economic crisis in many European countries deepened, people took to the streets in anti-austerity demonstrations. In Greece, video footage, pictures, press reports and witness testimonies pointed to the repeated use of excessive force by police in demonstrations in Athens in June, including the extensive use of chemicals, against largely peaceful protesters. In Spain, police used excessive force to stop demonstrations in which people were demanding political, economic and social policy changes.

The ongoing protests throughout Europe and North America showed that people had lost their faith in governments that time and again disregard accountability, justice and the promotion of equality.

BRAVING THE BACKLASH

While protesters in Europe and North America faced violations of their freedom of assembly and, in some cases, illegitimate use of force by the police using water cannons and tear gas, in other parts of the world the stakes were even higher. In Tunisia and Egypt, in Yemen and Syria, protesters faced the risk of death, enforced disappearance and torture to demand freedom. In Homs, protesters braved tanks, snipers, shelling, arrest and torture.

Modern technology imposed some restraints on police who were repeatedly reminded that people can use mobile phones to record incidents of police brutality and upload them to social networking sites in an instant. As it was, the police did their best to restrict media scrutiny, intimidate protesters, use tear gas, pepper spray and batons. In a particularly innovative move in the USA, the authorities dusted off an 18th century law against wearing face masks in New York in order to crack down on largely peaceful protesters.

Whether in Tahrir Square, Zucotti Park or Manezhnaya Square, a common strand linking these demonstrations was how quick governments were to prevent peaceful protest and restrict the right to freedom of expression and association.

CORPORATE POWER RISING

Few scenarios illustrate lack of leadership more than governments' failure to regulate large business, particularly multinational corporations that often profit at the expense of local communities. From Shell in the Niger Delta, Nigeria, to Vedanta Resources in Orissa, India, governments are failing to ensure that corporate actors, at a minimum, respect human rights. In many countries, hundreds of thousands of people face forced evictions as mining companies move in to claim natural resources.

Digital and communications companies are coming under greater scrutiny as they face governments' demands to comply with patently illegal laws that violate human rights

including the rights to freedom of expression, information and privacy. There is evidence that businesses ostensibly dedicated (and benefiting) from expression and sharing of opinion, including Facebook, Google, Microsoft, Twitter, Vodaphone and Yahoo are collaborating in some of these violations.

Threats to freedom of expression on the internet being highlighted in the context of human rights revolutions is not new. Amnesty International has long documented the failures of governments, such as those of China, Cuba and Iran to respect freedom of expression and related rights on the internet. Recently introduced laws in the US Congress and in the European Union also threaten internet freedom.

The failure of governments to demand any level of accountability of these corporations and institutions highlights yet again how governments work to support those in power rather than to empower those who are disempowered.

LOOKING FOR LEADERSHIP

What emerged during a year of unrest, transition and conflict was the singular failure of leadership at the national and international level. Officials of repressive governments who dismiss the concept of the universality of human rights and argue that human rights are western values being imposed on them have had their arguments laid bare. Other governments which bought the line that people in some countries are “not ready for democracy and human rights” had their beliefs equally exposed.

So, how do governments reclaim their role as legitimate leaders?

First, the hypocrisy must end. No state can legitimately claim that the people it governs are not ready for human rights and a participatory system of government. And those states that claim to defend human rights must stop shoring up dictatorial leaders because they are allies. The cry for freedom, justice and dignity being heard around the world must be honoured. The first step in doing so is for all states to respect freedom of expression and the right to peaceful protest.

Second, states must take their responsibilities as international actors seriously – particularly those charged with guaranteeing international peace and security. One example of such a commitment would be to adopt a strong Arms Trade Treaty.

In July 2012, UN member states meet to agree a final text for the Treaty. A strong Treaty would prevent the international transfer of all types of conventional arms, including small arms, light weapons, ammunition and key components, to countries in which there is a significant risk that these will be used to commit serious violations of human rights and humanitarian law. To achieve this, the Treaty would require governments to conduct rigorous assessments of the risk to human rights before issuing arms export licences. This would demonstrate that governments value human rights and international peace and security over political expediency and the profits of the arms trade. A strong Arms Trade Treaty is only so close to becoming a reality because activists, human rights defenders and individuals at the grassroots, national, regional and international level who recognize the incredible toll taken by the irresponsible trade in arms have demanded that governments address this human rights problem.

In addition, greater oversight, especially of financial institutions, needs to be put in place to prevent the type of economic crises that continues to drive many around the world deeper into poverty. Weak oversight and deregulation allowed banks and mortgage companies to gamble away people's savings and homes.

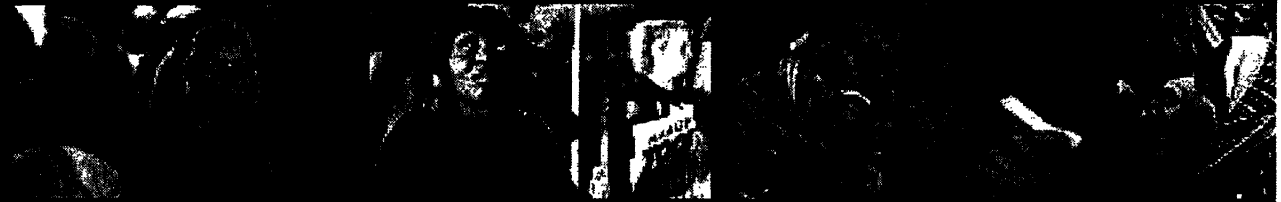
Leaders must understand the imperative to build and maintain a system that protects the powerless and restrains the powerful – a system based on the rule of law that ensures an end to impunity and adherence to international standards of due process, fair trial and independence of the judiciary, a system where leaders remember they are here to serve the best interests of their citizens. Creating an environment that provides everyone with genuine access to participation in political life, where there is strong institutional support for the engagement of civil society, is a clear way to make this vision take root.

The Amnesty International movement is built on the understanding that freedom of expression and the ability to challenge governments and demand that they respect, protect and fulfil human rights is essential in order to build a world in which all people live free and equal in dignity and rights. Protesters have thrown down the gauntlet demanding that governments show leadership by promoting human rights, justice, equality and dignity. The world has shown that leaders who don't meet these expectations will no longer be accepted.





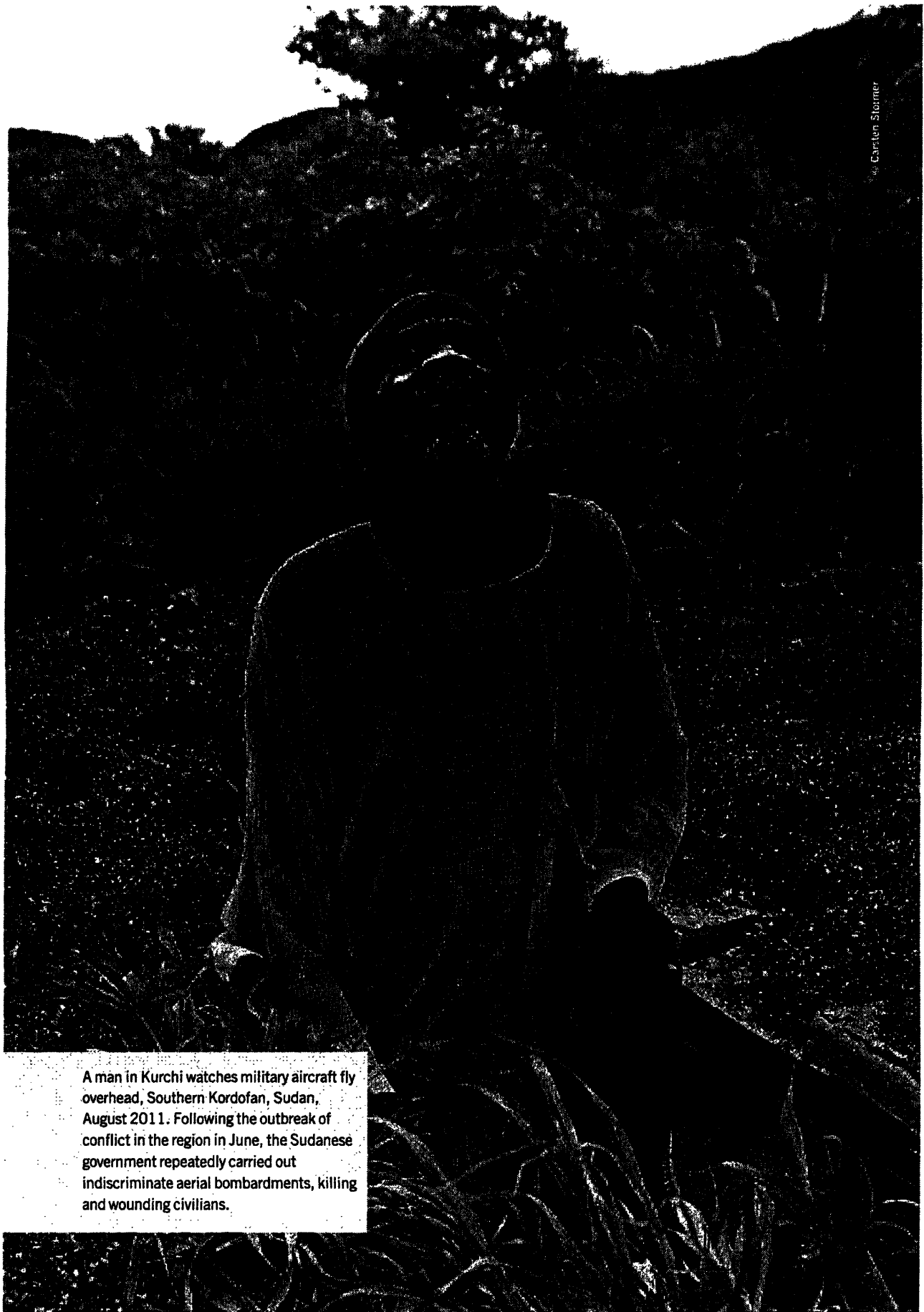
Indigenous and environmental protesters on their way to La Paz, Bolivia, to protest against a government-planned highway that would cut through Isiboro-Sécure Indigenous Territory and National Park, home to thousands. August 2011.





AMNESTY INTERNATIONAL REPORT REGIONAL OVERVIEW





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A man in Kurchi watches military aircraft fly overhead, Southern Kordofan, Sudan, August 2011. Following the outbreak of conflict in the region in June, the Sudanese government repeatedly carried out indiscriminate aerial bombardments, killing and wounding civilians.

AFRICA



"Maybe this could be the year when freedom of expression and association will be respected... Maybe this could be the year when Ethiopians will no more be imprisoned for their political convictions."

Ethiopian journalist and former prisoner of conscience, Eskinder Nega, in a speech on press freedom on the eve of the new Ethiopian calendar year in September 2011. Days later he was arrested and charged with terrorism offences and treason.

The popular movements across North Africa resonated with people in sub-Saharan Africa, particularly in countries with repressive governments. Trade unionists, students and opposition politicians were inspired to organize demonstrations. People took to the streets because of their political aspirations, the quest for more freedom, and a deep frustration with a life in poverty. They protested against their desperate social and economic situation and the rise in living costs.

Many of the underlying factors which led to the uprisings in North Africa and the Middle East also exist in other parts of Africa. They include authoritarian rulers who have been in power for decades and rely on a security apparatus to clamp down on dissent. Poverty and corruption are widespread, there is a lack of basic freedoms, and large groups are often marginalized from mainstream society. The brutal suppression of demonstrations during 2011 illustrated how the region's political leaders learned little from what happened to their peers in the north.

Poverty

Africa's poverty rates have been falling and progress has been made in realizing the UN Millennium Development Goals over the past decade. But millions of people are still living in poverty, without access to essential services such as clean water, sanitation, health care and education.

Rapid urbanization means that many Africans live without adequate housing, often in slums, where they lack the most basic facilities and are at constant risk of forced eviction by the authorities. People who are forcibly evicted often lose their belongings when their

The brutal suppression of demonstrations during 2011 illustrated how the region's political leaders learned little from what happened to their peers in the north.

homes are destroyed. Many also lose their livelihood, which pushes them further into poverty. Thousands of people were affected when mass forced evictions took place in at least five informal settlements in Nairobi, Kenya. Hundreds of people were forcibly evicted from a settlement in the Federal Capital Territory of Nigeria. Forced evictions also continued in N'Djamena, Chad, and in different parts of Angola.

Violence, including during anti-government demonstrations, was sometimes partially caused by high levels of unemployment and poverty. Anti-corruption initiatives were regularly squandered by a lack of political support. In Nigeria, for example, the President dismissed the Chairperson of the Economic and Financial Crimes Commission six months before her tenure was due to end, without explanation.

Political repression

Inspired by events in North Africa, anti-government protesters took to the streets in Khartoum and other towns across Sudan, from the end of January onward. They were beaten by security forces, and dozens of activists and students were arbitrarily arrested and detained. Many were reportedly tortured in detention. In Uganda, opposition politicians called on people to imitate the Egyptian protests and take to the streets, but violence marred the demonstrations. In February, the Ugandan government banned all public protests. The police and army used excessive force against protesters, and opposition leader Kizza Besigye was harassed and arrested. In Zimbabwe, a group of about 45 activists were arrested in February, merely for discussing events in North Africa. Six of them were initially charged with treason. In April, the Swaziland authorities repressed similar protests with excessive force.

Security forces used live ammunition against anti-government protesters in Angola, Burkina Faso, Guinea, Liberia, Malawi, Mauritania, Nigeria, Senegal, Sierra Leone and South Sudan, resulting in many casualties. The authorities usually failed to investigate the excessive use of force and nobody was held to account for the deaths caused.

Human rights defenders, journalists and political opponents in most African countries continued to be arbitrarily arrested and detained, beaten, threatened and intimidated. Some were killed by armed groups or government security forces. Investigations into the 2009 killing of human rights defender Ernest Manirumva in Burundi did not progress significantly. In June, five policemen were convicted for the 2010 killing of human rights activist Floribert Chebeya in the Democratic Republic of the Congo (DRC). However, concerns remained that some individuals allegedly involved in this crime had not been investigated.

Governments tried to control publicly available information in Burundi, the DRC, Equatorial Guinea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Liberia, Madagascar, Somalia, Sudan and Uganda. They placed restrictions on reporting certain events, closed down or temporarily suspended radio stations, blocked specific websites or banned the publication of certain newspapers. Rwanda embarked on a process of reforms to enhance media freedom, but some media outlets that were closed by authorities in 2010 remained suspended. Two journalists were also sentenced to lengthy prison terms.

The national assemblies of Angola and South Africa debated legislation which could severely limit freedom of expression and access to information. On a more positive note, President Goodluck Jonathan finally signed the Freedom of Information Act into law in Nigeria.



Conflict

The political violence that erupted following Côte d'Ivoire's November 2010 presidential elections escalated into armed conflict during the first half of 2011. Forces loyal to Alassane Ouattara were supported by French troops and the UN peacekeeping mission. They took control of the country at the end of April and arrested former President Laurent Gbagbo and dozens of his supporters. Hundreds of thousands of people were displaced because of the conflict and many fled to neighbouring countries, particularly Liberia. Several thousand civilians were killed or injured in the economic capital, Abidjan, and in the western part of the country. Both parties to the conflict unlawfully killed hundreds of civilians in March and April in the western area of Duékoué and surrounding villages. People were targeted because of their ethnicity or their perceived political affiliation. The UN peacekeeping mission failed to adequately protect civilians in Duékoué. Forces on both sides also committed acts of sexual violence, including rape. In October, the International Criminal Court (ICC) authorized an investigation into war crimes and crimes against humanity committed by both parties to the conflict. After an arrest warrant was issued, Laurent Gbagbo was transferred to the ICC in the Netherlands in November. To preserve its credibility, the ICC should ensure that crimes committed by forces loyal to President Ouattara are also investigated and individuals prosecuted. The ICC should also investigate war crimes and crimes against humanity committed prior to the November 2010 presidential elections, as the judiciary in Côte d'Ivoire has as yet been unable or unwilling to do so.

The South Sudanese people voted overwhelmingly in favour of independence during the January referendum on self-determination. With South Sudan's independence date set for 9 July, tensions rose in

Security forces used live ammunition against anti-government protesters, resulting in many casualties.

the so-called transitional areas of Abyei, Southern Kordofan and Blue Nile. The envisaged separate referendum for Abyei did not take place as scheduled in January, and conflict erupted in May. The Sudanese Armed Forces (SAF), supported by militia, took control of Abyei, causing tens of thousands of people from the Dinka Ngok community to flee to South Sudan. Houses in Abyei town were looted and destroyed. Here too the UN peacekeeping mission, deployed in Abyei, failed to take any meaningful action to prevent the attacks and protect the civilian population. By the end of the year, no resolution had been found for the status of Abyei.

Following disagreements over security arrangements and the outcome of the state elections, the situation in Southern Kordofan escalated into armed conflict between the Sudan People's Liberation Movement-North (SPLM-N) and the SAF. Hundreds of thousands of people were displaced as a result of the insecurity and conflict. The SAF carried out indiscriminate aerial bombardments that resulted in numerous civilian casualties. The UN and various organizations including Amnesty International documented these indiscriminate attacks and unlawful killings. In one example, Angelo al-Sir, a farmer, described how his pregnant wife, two of their children and two other relatives were killed in an air strike on 19 June in Um Sirdeeba, a village east of Kadugli.

By September, the Southern Kordofan conflict spilled over into Blue Nile state, again causing tens of thousands of people to flee to South Sudan and Ethiopia. The Sudanese government essentially sealed off the Southern Kordofan and Blue Nile states from the outside world by denying access to independent humanitarian organizations, human rights monitors and other observers. The AU Peace and Security Council and the UN Security Council failed to take any concrete action to address the situation, including by not condemning the lack of humanitarian access or the ongoing human rights violations.

The conflict in Darfur, Sudan, also continued unabated, forcing more people to leave their homes. Those already living in camps for internally displaced people were targeted by the Sudanese authorities because they were perceived to be supporting armed opposition groups. Rape and other forms of sexual violence continued to be reported. Sudan still refused to co-operate with the ICC. The ICC Prosecutor requested an arrest warrant for the Minister of Defence, Abdelrahim Mohamed Hussein, for war crimes and crimes against humanity committed in Darfur.

Continued fighting in Somalia against the Islamist armed group al-Shabab took on a regional dimension when Kenyan and Ethiopian

Only very rarely were individuals held to account for committing human rights violations. As a result, people have lost confidence in law enforcement agencies and the judiciary in many countries in the region.

troops directly intervened in the conflict. Indiscriminate attacks by various parties to the conflict killed or injured thousands of civilians, mainly in Mogadishu. Hundreds of thousands of people remained displaced as a result of the conflict and insecurity. The drought in the sub-region compounded the already dire humanitarian situation, and a famine was declared in parts of Somalia. Humanitarian organizations faced immense difficulties in accessing people to provide them with emergency assistance.

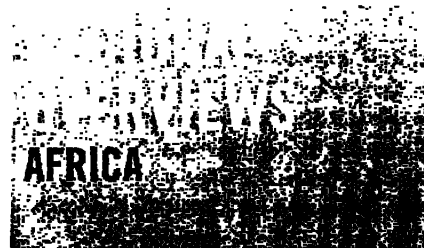
No end was in sight either to the conflict in the eastern DRC. Rape and other forms of sexual violence remained endemic, and were committed both by government security forces and armed opposition groups. Other human rights abuses, such as unlawful killings, looting and abductions continued as well, primarily by armed groups. The DRC's justice system remained unable to deal with the many human rights violations committed during the conflict. Child soldiers continued to be recruited and used in various conflicts, such as in the Central African Republic, the DRC and Somalia.

Some African governments remained reluctant to ensure accountability for crimes under international law. Senegal continued to refuse to either prosecute or extradite the former Chadian President, Hissène Habré. At the end of the year, the Burundian government discussed a revised proposal for setting up a Truth and Reconciliation Commission. However, the government seemed to have insufficient political will to create a Special Tribunal, as recommended by the UN in 2005.

Justice and impunity

Many human rights violations committed by security and law enforcement forces remained unaddressed. The authorities hardly ever initiated independent and impartial investigations in reported cases of arbitrary arrests and detention; torture or other ill-treatment; unlawful killings, including extrajudicial executions; and enforced disappearances. Only very rarely were individuals held to account for committing human rights violations. As a result, people have lost confidence in law enforcement agencies and the judiciary in many countries in the region. High costs are another obstacle to accessing the formal justice system, including for people subjected to human rights violations.

Impunity for human rights violations by law enforcement officers was pervasive in Burundi, Cameroon, Republic of Congo, DRC, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Kenya, Madagascar, Malawi, Mozambique, Nigeria, Senegal, Sudan, Swaziland, Tanzania and Zimbabwe. For example, the commission of inquiry set up by the



Discrimination against people based on their perceived or real sexual orientation or gender identity worsened. Politicians often used statements or actions to incite discrimination and persecution based on perceived sexual orientation.

Burundian authorities to investigate extrajudicial executions did not publish its findings. The Burundian authorities also failed to investigate allegations of torture committed by the National Intelligence Service in 2010. Another blatant example of institutionalized impunity was Sudan's rejection – during the Human Rights Council's Universal Periodic Review of Sudan in September – of recommendations to review its 2010 National Security Act and to reform the National Intelligence and Security Service (NISS). As a result, NISS agents continue to enjoy immunity from prosecution or disciplinary action for the human rights violations they have committed.

The number of people in pre-trial detention remained very high, as most countries' justice systems could not guarantee a fair trial without undue delay. Many people arrested had no access to legal representation. Detention conditions remained appalling in many countries, with overcrowding, a lack of access to basic sanitation facilities, health care, water or food, and a lack of prison staff. Detention conditions often fell below minimum international standards and constituted inhuman, cruel and degrading treatment or punishment. In one particularly gruesome incident, nine men died of asphyxiation caused by overcrowding during their detention in a National Gendarmerie facility in Léré, Chad, in September.

The trend towards abolition of the death penalty continued. Benin's parliament voted to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, thereby confirming its intention to abolish the death penalty. In Ghana, the Constitutional Review Commission recommended that the death penalty be abolished. Nigeria's Attorney General and Minister of Justice informed an Amnesty International delegation in October that the government had introduced an official moratorium on executions. Sierra Leone's government had made a similar announcement in September. In contrast with these positive developments, Somalia, South Sudan and Sudan were among the last remaining countries in sub-Saharan Africa to still execute people – often after grossly unfair trials.

Marginalization

Refugees and migrants were particularly affected by human rights violations and abuses in many countries. Congolese nationals were again exposed to gender-based violence while being expelled from Angola. Mauritania arbitrarily arrested several thousand migrants before deporting them to neighbouring countries. Refugees and migrants were also subjected to human rights violations in Mozambique, including reported unlawful killings by law enforcement

officials. In South Africa, refugees and migrants continued to experience violence and had their property destroyed. In December, UNHCR, the UN refugee agency, recommended that host countries take steps to terminate the refugee status of most Rwandans on their territory. Refugees and human rights organizations expressed concern about the extent to which the UNHCR had adequately articulated the rationale behind this recommendation, and also that its implementation by individual states could put large numbers of people still in need of protection at risk of being forcibly returned to Rwanda.

Tens of thousands of South Sudanese people decided to leave Sudan for South Sudan because they risked losing their Sudanese citizenship rights after South Sudan's declaration of independence. They faced numerous difficulties, including harassment before and during their journey and a dire humanitarian situation on arrival.

Violence and discrimination against women remained widespread in many countries, including as a result of cultural norms and traditions. Existing legislation institutionalizes discrimination against women in some countries. Discrimination also affected women's ability to access health care services.

Girls and women continued to be subjected to rape and other forms of sexual violence in various countries in conflict or with a large number of refugees or displaced people. These included eastern Chad, the Central African Republic, Côte d'Ivoire, eastern DRC and Sudan (Darfur). Members of government security forces were often responsible, and in most cases no investigations were carried out.

Discrimination

Discrimination against people based on their perceived or real sexual orientation or gender identity worsened. Politicians not only failed to protect people's right not to be discriminated against, but often used statements or actions to incite discrimination and persecution based on perceived sexual orientation.

In Cameroon, people believed to be in a same-sex relationship were persecuted. Scores were arrested and some, such as Jean-Claude Roger Mbede, were sentenced to lengthy prison terms. The Cameroonian government also proposed to amend the penal code to increase prison sentences and fines for people found guilty of same-sex sexual relations. In Malawi, Mauritania and Zimbabwe, men were also arrested and prosecuted because of their perceived sexual orientation. The government in Malawi enacted legislation to criminalize sexual relationships between women, and President Bingu wa Mutharika described gay men as "worse than dogs" at a political rally. In Nigeria, the Senate passed a bill further criminalizing same-sex



relationships. In Ghana, the Western Region Minister called for all gay men and lesbians to be arrested.

Uganda's anti-homosexuality bill was not discussed in parliament, but it was not formally withdrawn either. David Kato, a prominent human rights defender and lesbian, gay, bisexual and transgender (LGBT) activist, was killed in January at his home. One man was arrested for the killing and sentenced to 30 years' imprisonment in November. In South Africa, civil society pressure to address violence against lesbians, gay men, bisexual and transgender people, in particular lesbian women, led to a Task Team being set up by the authorities to prevent violence based on perceived sexual orientation.

In Eritrea, people continued to be persecuted on religious grounds. Scores were arbitrarily arrested and believed to be ill-treated while in detention.

Security and human rights

Africa has become increasingly vulnerable to acts of terrorism from various Islamist armed groups. They include al-Qa'ida in the Islamic Maghreb (AQMI), which operated in various countries in the Sahel; the religious sect Boko Haram, which stepped up its bombing activities in Nigeria throughout the year; and al-Shabab, which is active in Kenya and Somalia. These armed groups were responsible for numerous human rights abuses, including indiscriminate attacks, unlawful killings, abductions and torture.

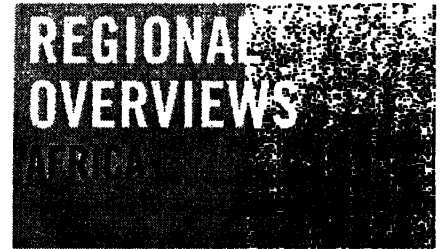
In response, some governments increased their military co-operation, including in the Sahel. Neighbouring countries also intervened militarily. Nigeria set up a Special Military Task Force to counter Boko Haram in some states. Government security forces were often responsible for human rights violations during their response to violence by armed groups. In Mauritania, 14 prisoners sentenced for terrorism activities were subjected to enforced disappearances during a transfer to an unknown location. In Nigeria, security forces responded to escalating violence in some states by arbitrarily arresting and detaining hundreds of people, subjecting people to enforced disappearance and carrying out extrajudicial executions.

Time to embrace change

Improved respect for and protection of human rights will probably not develop as quickly and dramatically in sub-Saharan Africa as in North Africa. In some places the situation might even get worse. However, factors such as sustained economic growth, demands for better governance, an emerging middle class, stronger civil society and improved access to information and communication technology will

The question is whether Africa's political leadership will embrace these changes or see them as a threat to their hold on power. In 2011, most political leaders – in their reactions to protests and dissent – were part of the problem, not the solution.

gradually contribute to a better human rights situation. The question is whether Africa's political leadership will embrace these changes or see them as a threat to their hold on power. In 2011, most political leaders – in their reactions to protests and dissent – were part of the problem, not the solution.



Footnote # 31

Amnesty International, 'Amnesty International Report 2012: The State of the World's Human Rights', at p. 26,

<<http://www.amnesty.org/en/library/asset/POL10/002/2012/en/56ec5df1-0e8d-4e99-a26d-a0e9514b451d/pol100022012en.pdf>>, last accessed on 9 July 2012.

For document see tab 30