



**Statement from Amnesty International USA for  
Subcommittee on Africa, Global Health, Global Human Rights and  
International Organization's Hearing on  
Democratic Backsliding in Sub-Saharan Africa  
September 30, 2020  
Adotei Akwei<sup>1</sup>**

---

Representative Karen Bass  
Chair  
Subcommittee on Africa, Global Health, Global Human Rights and International  
Organizations  
House Foreign Affairs Committee

Rep. Chris Smith  
Ranking Member  
Subcommittee on Africa, Global Health, Global Human Rights and International  
Organizations  
House Foreign Affairs Committee

Re: Hearing on Democratic backsliding in Sub-Saharan Africa, September 30, 2020

Dear Chairwoman Bass, Ranking Smith, and Members of the Subcommittee:

On behalf of Amnesty International, we submit the following statement on the erosion of the respect for and protection of human rights in Sub-Saharan Africa for the hearing on Democratic backsliding in Africa.

Amnesty International is a global human rights organization, launched in 1961 with millions of supporters, activists, and volunteers in over 150 countries, including

---

<sup>1</sup> The testimony was prepared with the help of Alagie Jammeh, 2020 AIUSA Almami Cyllah Fellow

250,000 here in the United States. We advocate for the rights of all as enumerated by the Universal Declaration of Human Rights.

## **Background**

Today's hearing on democratic backsliding in Africa could not come at more crucial time. As 2020 moves on to its final quarter, Congress, US policymakers and human rights advocates must start looking at the events and trends of 2020 and take them into account for the work of 2021.

Madam Chair, human rights are essential for accountability, transparency and respect for the rule of law, even as they are also dependent on them. Adherence to these principles contribute to stability and are arguably core to establishing and sustaining democratic practice. Any discussion of one must include analysis of the other. We hope that this statement brings a spotlight to the erosion of human rights during 2020 and will add to the discussion on how to restart progress in both areas.

At the beginning of 2020, core human rights concerns would have included abuses linked to conflicts such as those ongoing in South Sudan and Sudan; the Sahel region's crisis with armed groups in Mozambique, Mali, Burkina Faso, Nigeria, Chad, Niger, and Cameroon; and ongoing conflict in Somalia and the Central African Republic. It would also have included escalating civil unrest in Cameroon, Ethiopia and in the DRC.

The concerns would have highlighted the trend of closing political space by opportunistic governments in Tanzania, Zambia, Ethiopia and Nigeria. These and other governments have been targeting members of civil society, the independent press and political opposition with increasing aggressiveness for several years usually under the mantle of the so-called war on terror.

And then COVID-19 happened.

The global pandemic generated a series of continent-wide crises impacting health care systems, food insecurity, the collapse of economic activity and livelihoods. It also impacted the delivery of government services, and with court systems shut down for months, impacted the rule of law. The COVID-19 crisis exacerbated Sub-Saharan Africa's human rights challenges, as resources and attention were focused on responding to the virus, and capacity to deal with already existing challenges declined. Further, it became clear that some governments saw an opportunity and took advantage of COVID-19 restrictions to further crush civic space.

## **Increased Insecurity**

The political reforms introduced in Ethiopia by the Abiy government in 2018 raised hopes that the country would break with its past history of extrajudicial killings, torture, enforced disappearance and brutal crackdowns on nonviolent protests. While important first steps were taken, the country has sunk into increasing intercommunal conflict linked to the persistence of [abuses](#) by the security forces in some cases and a failure to protect in others. Amnesty International has serious concerns regarding restrictions on freedom of expression and the re-arrest of several societal leaders, the lack of progress on ensuring accountability for past abuses, the growing level of mistrust in the Abiy government, alarm over elections that are now nine months late and have yet to be scheduled, and a government whose legal mandate expires in under two weeks.

Cameroon also continues to suffer from increased insecurity linked to the government's attempts to crush armed groups and their alleged supporters in the anglophone regions, and as a result of the Boko Haram insurgency and the government's brutal counterinsurgency. Nearly 700,000 people have been displaced, 3.9 million are in need of humanitarian support, and several thousands have been killed. The consistent actor in all of this violence remains the Cameroonian security forces who are responsible for egregious, systematic human rights abuses including torture, extrajudicial executions and arbitrary detention. The September 21st conviction of four soldiers in connection with the brutal murder of two women and two children, captured on video, while welcome, does not address the cases of thousands of victims of abuses or suggest an end to 37 years of impunity under President Paul Biya.

### **Impunity and abuses by security forces**

The role of the security forces is perhaps the most dramatically visible measurement of the status of human rights in a country. Is it professional and properly trained? Is it accountable? Does it protect rights and uphold the rule of law?

Prior to the COVID-19 pandemic, the human rights record of the military and police in several African countries were a concern: in Cameroon the Rapid Intervention Forces (the BIR) have been linked to decades of abuse, including credible reports of torture between 2014 and 2017. To date, the government has not mounted a credible investigation or held anyone accountable.

In Nigeria both the military and [police](#) have been linked to years of egregious and systemic violations, and both have enjoyed total impunity. Torture, extrajudicial executions, assault, intimidation and corruption have been documented by domestic and international human rights groups and the independent media, and the security forces have retaliated. The case of journalist Omoyele Sowere is an alarming illustration of how the Nigerian police are a law unto themselves.

Sowore was detained on August 3, 2019, following a nonviolent rally that he had helped organize. He was detained for three days, after which the Nigerian Department of State Security Services (DSS), under the Nigeria Anti-Terrorism Act, asked the court to hold him for 90 days. The courts granted detention for 45 days.

On the 20th of September, the DSS asked for him to be detained for an additional 20 days, which was then dropped as the charges against him were filed. On September 26, after the charges had been filed, Sowore's lawyer requested he be released on bail, which the court granted. The DSS ignored the court order and kept Sowore in detention. On October 4, a new judge also granted Mr. Sowore bail, which was again ignored. On November 6, as the trial began, the Judge postponed the proceedings and signed a court order for Sowore to be released. The DSS refused to comply with the order until December 5. On December 6, DSS attempted to re-arrest Mr. Sowore while he was appearing before the judge, resulting in the judge having to flee her own court room. Omoyele Sowore remains out of prison on bail but under such restrictive conditions that he can no longer work as a journalist.

What little oversight and authority the Nigerian courts have had over the police has been severely weakened by the COVID-19 pandemic. The result is that, armed with the authority to enforce preventative measures free of a court system that has been shut down for all but the most critical cases, the police are accountable to no one and have acted like it.

In April, the Nigerian National Human Rights Commission [said](#) it had received and documented "105 complaints of incidents of human rights violations perpetrated by security forces" in 24 of Nigeria's 36 states and Abuja.

Similar [reports](#) came from Angola, Zimbabwe, Uganda, Kenya and South Africa.

### **Crackdowns on Journalists and Civil Society Organizations**

Despite many of the countries in Africa having ratified the African Human Rights Charter and the International Covenant on Civil and Political Rights, many of them regularly harass, intimidate, assault and/or arrest journalists and civil society leaders.

One of the most alarming [cases](#) was the torture of three female members of the political opposition by the government of President Emmerson Mnangagwa of Zimbabwe.

Joana Mamombe, Cecelia Chimberi and Netsai Marova, three leaders of the opposition Movement for Democratic Change – Alliance (MDC-Alliance), were arrested at a roadblock in Warren Park guarded by police and soldiers on May 13, following a protest against hunger and the lack of a safety net for poor and marginalized communities caused by the government's COVID-19 lockdown. The three women were taken from the police station by masked men and sexually assaulted over a period of 48 hours before

being returned to the town of Bindura. In a blatant act of intimidation, the government then decided to charge the women with participating in a gathering with intent to promote public violence, and breaches of the peace or bigotry as defined in section 37 of the Criminal Law (Codification and Reform) Act, among others.

Likewise, as these hearings take place, the government of Cameroon has not credibly answered for how journalist Samuel Waziz died in police custody—just days after being detained in August 2019—and why it took almost a year for them to inform his family or the public the news of his death. Dozens of other journalists are have been targeted, with some also jailed and others forced into [hiding](#).

Since 2017, media freedom in Somalia has been suppressed by the Federal Government of Somalia's security forces and officials, authorities in regional states, and by the armed group Al-Shabaab. An Amnesty report from February documents allegations of threats, harassment and intimidation of the media. The [report](#) also highlights techniques employed by the authorities to bribe media outlets to engage in self-censorship, and to carry out online harassment, intimidation and social media manipulation.

Similar harassment has also hit the independent media in Mozambique, where on August 23, an unidentified group attacked Canal de Moçambique, a Mozambican independent weekly newspaper that publishes investigative stories of public concern. Since it was launched, [Canal](#) has pursued and investigated cases of graft and injustice in public service and in political life and has come under attack as being an opposition newspaper. The group broke into Canal's offices, poured fuel on the floor, furniture and equipment, and dropped a Molotov cocktail.

Amnesty International has [documented](#) several countries in the southern Africa region who have cracked down on media houses and journalists: In Madagascar, publishing director and journalist at the *Ny Valosoa* newspaper Arphine Helisoa was [arrested](#) and put in pre-trial detention on 4 April after she was accused of criticizing the president's handling of the national response to COVID-19 in an article. In Zambia, authorities [shut down](#) the independent television news channel, Prime TV, on 9 April after cancelling its broadcasting license.

In Zimbabwe, journalists and newspaper vendors have been subjected to [arrests and intimidation during](#) their work in the context of COVID-19. At least eight journalists have faced interference and harassment in the line of their duties. Two journalists, Nunurai Jena in Chinhoyi, and Panashe Makufa in Harare, were accused of working without valid journalism accreditation cards, normally issued by the Zimbabwe Media Commission (ZMC), even though the commission has yet to issue the 2020 accreditation cards to journalists. Both journalists were reporting on the enforcement of the lockdown, including policing.

In Nigeria, Africa's largest democracy, the hopes that the 4th Republic, ushered in under Olusegun Obasanjo in 1999, would lead to increased respect for rights and freedom of expression are fading. Independent media outlets are regularly targeted for harassment and intimidation or subject to prolonged legal proceedings that effectively silence them. Nigerian authorities have carried out consistent [attacks](#) on journalists and media activists through verbal and physical assault, indiscriminate arrest, torture, detention, prosecution through trumped-up charges, and abuse of the Cybercrime and Terrorism laws.

### **Marginalized and At-Risk Populations**

Key additional populations that are highly impacted by poor human protections are those incarcerated in prisons, the internally displaced, refugees and migrants.

Pre COVID-19 Africa was already struggling to grapple with its displaced persons' crisis.

According to [UNHCR](#), the continent has 33,351,7344 displaced persons including refugees, refugee-like, returned refugees, IDPs, returned IDPs, asylum seekers, stateless, and others of concern. This would be the 18<sup>th</sup> largest country in Africa by population. These people are not just disenfranchised, they are caught in a permanent Limbo, and survive on the strength of the generosity of their host governments and international humanitarian assistance. In South Africa, the failure of the government to hold accountable persons responsible for xenophobic [attacks](#) in 2008 contributed to the repetition of attacks in 2014, 2015, 2017 and 2018. In March 2019, the South African government launched its National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP). Among the actions the NAP identifies to be taken to combat xenophobia, are creating mechanisms to ensure foreigners receive services they are entitled to, facilitating their integration, and embracing a humane and dignified approach to managing migrants, refugees and asylum seekers. However, until NAP includes steps that could quickly and effectively improve accountability for perpetrators of abuses motivated by xenophobia, and justice for its victims, refugees and migrants will remain at risk because of ongoing economic hardships and a criminal justice system that is not delivering. Adding to this risk are fears and hardships driven by the COVID-19 pandemic.

Also at risk are prisoners who are consistently housed in dilapidated, overcrowded structures and in living conditions that often constitute ill treatment.

In our April 2020 [report](#), Amnesty found that in many countries across the region, a high proportion of those in detention are there just for peacefully exercising their human rights.

Across Sub-Saharan Africa, pre-trial detention remains widely used excessively and as a tool of punishment. As of June 2019, there were 28,045 people detained in prisons in Madagascar, which have a total national capacity of 10,360. More than 75 percent of the 977 boys detained were in pre-trial detention. Children and adults accused of petty crimes in Madagascar are equally forced to stay in overcrowded and [unhygienic prisons](#) for longer than the legal term of pre-trial detention.

In Senegal, before the release of detainees announced in March 2020, the country had 11,547 people held in 37 prisons with a total capacity of 4,224 detainees. Similarly, Burundi, whose prisons have a capacity of 4,194 people, had 11,464 detainees by December 2019, of which 45.5% were in pre-trial detention.

In the DRC, the latest data available from Makala Central Prison showed that in 2016 it held 8,000 prisoners, more than five times its official capacity of 1,500. While about [700 prisoners](#) were released countrywide in 2019, at least 120 detainees died in the same period from starvation and lack of access to clean water and proper healthcare.

Our report also notes how many African governments have political opponents, journalists and dissidents locked up in their prisons.

The journalist [Ignace Sossou](#) in Benin was sentenced on 24 December 2019 to 18 months imprisonment for "harassment through electronic means of communication" for tweeting remarks attributed to the public prosecutor, who spoke at a conference organized by the French Media Development Agency (CFI).

In Burundi, human rights defender [Germain Rukuki](#) was arrested for his work and is currently serving a 32-year prison sentence, while [four journalists](#) working for one of the country's few remaining independent media, Iwacu, were sentenced on 30 January 2020 to two and a half years in jail for attempting to investigate deadly clashes in the country.

In Cameroon, three students, [Fomusoh Ivo Feh, Afuh Nivelte Nfor and Azah Levis Gob](#), were sentenced to 10 years in prison for "failing to report terrorism related information" after texting a joke about Boko Haram in Cameroon. Mancho Bibixy Tse, detained for protesting peacefully against the alleged irregularities during the 2018 presidential election or in favor of economic and social rights in English-speaking regions, was arrested on 9 January, 2017, and sentenced on 25 May 2018 by a military court to 15 years in prison for "terrorism," simply for having peacefully protested marginalization of English-speaking Cameroonians.

In Chad, Martin Inoua, the director of the privately-owned newspaper Salam Info, was sentenced to three years' imprisonment in September 2019 for defamation, slanderous accusation and criminal conspiracy after publishing an article in which a former minister was being accused of alleged sexual assault by a family member. He was initially arrested following the complaint of the minister.

In Gabon, Bertrand Zibi Abeghe, a member of the “Coalition pour la nouvelle republique,” was arrested on 31 August 2016 during demonstrations against presidential results and has since been in pre-trial detention. In September 2018, his pre-trial detention exceeded the legal deadline, and is therefore illegal.

In Mozambique, Ibrahimo Abu Mbaruco, a journalist, was forcibly disappeared on 7 April 2020 after sending a text message to a colleague saying he was being harassed by soldiers near his house in Palma Town, in Cabo Delgado Province in the North. Mozambican authorities are known for arbitrarily [detaining](#) journalists in prison and subjecting them to torture and other ill-treatment.

In Somaliland, President Muse Bihi Abdi pardoned 574 prisoners on April 1 to ease overcrowding in the face of COVID-19, but failed to release freelance journalist [Abdimalik Muse Oldon](#), who was arrested and arbitrarily detained a year ago for criticizing the president on Facebook.

In Congo, four [supporters of the opposition movement](#) “Incarner L’Espoir,” Parfait Mabilia, Franck Donald Saboukoulou Loubaki, Guil Miangué Ossebi and Meldry Rolf Dissavoulou, were accused of endangering state security and have been detained arbitrarily for several months. Political opponents and candidates for the 2016 presidential election, Jean-Marie Michel Mokoko and André Okombi Salissa, were condemned for endangering the internal security of the state in 2018 and have since been in arbitrary detention.

In Tanzania, human rights lawyer [Tito Magoti](#) and his co-accused Theodory Giyani have been in police detention since 20 December 2019, the court adjourning their trial for the ninth time on 15 April 2020. In Uganda, military police arrested writer and law student Kakwenza Rukira on 13 April 2020 over his book "Greedy Barbarians," which criticizes the country's first family. He has yet to be charged.

In [Togo](#), the detentions of Kpatcha Gnassingbé, half-brother of President Faure Gnassingbé, Commander Atti Abi, and Captain Dontéma Kokou Tchaa, who were sentenced for crimes against the state and rebellion during an unfair trial in 2011, were described in 2014 as arbitrary by the United Nations Working Group on Arbitrary Detention. As of April 2020, they are still in detention despite authorities' commitment to fully cooperate with United Nations special procedures.

## **Conclusions**

Members of the subcommittee, the fact is that the trends in Sub-Saharan Africa on respecting human rights and adhering to democratic practices are going in the wrong direction and action is needed to reverse those trends. Congress must continue to play its leadership role in supporting and advancing human rights and democratic practice *together and at the same time*. Robustly funding the International Affairs Budget must



be accompanied by political and diplomatic support for civil society, human rights activists and journalists from Congress and the Executive Branch.

At the same time, Congress must up its oversight game to ensure great transparency around the negative impacts of myopically pursuing the so-called war on terrorism, when it allows governments to eviscerate rights and corrode democratic practice.

Finally, the additional burden of helping countries respond to the economic impact of the COVID-19 pandemic must not be allowed to become another blank check for governments to justify renegeing on their human rights obligations.

## **Recommendations**

Robustly funding the International Affairs Account.

Review US counter terrorism strategy in Africa since 9/11, with a view to prioritizing security initiatives that do not sideline human rights and democratic practices.

Publicly highlight the cases of human right defenders with foreign governments whenever possible.

Ensure transparency and accountability by recipient governments, as well as in the United States, for all US COVID-19 assistance.

## **Africa COVID-19 Resources from Amnesty International**

**East Africa: People seeking safety are trapped at borders due to COVID-19 measures**

[Trapped at border due to covid-19](#)

**Sub-Saharan Africa: Government responses to COVID-19 should guarantee the protection of women and girls' rights**

<https://www.amnesty.org/en/latest/news/2020/05/subsaharan-africa-government-responses-to-covid-should-guarantee-the-protection-of-women/>

**Southern Africa: Governments must move beyond politics in distribution of COVID-19 food aid**

<https://www.amnesty.org/en/latest/news/2020/05/southern-africa-governments-must-move-beyond-politics-in-distribution-of-covid19-food-aid/>

**OPEN LETTER TO SADC: RESTRICTIVE COVID-19 REGULATIONS PRESENTING CONCERNING RAMIFICATIONS FOR ENJOYMENT OF HUMAN RIGHTS, INCLUDING LIVELIHOODS**

<https://www.amnesty.org/en/documents/afr03/2392/2020/en/>

**Southern Africa: COVID-19 a pretext for surge in harassment of journalists and weakening of media houses by states**

<https://www.amnesty.org/en/latest/news/2020/05/southern-africa-covid19-a-pretext-for-surge-in-harassment-of-journalists-and-weakening-of-media-houses-by-states/>

**Sub-Saharan Africa: Protect detainees at risk of COVID-19, unclog prisons and release prisoners of conscience**

<https://www.amnesty.org/en/latest/news/2020/04/subsaharan-africa-protect-detainees-at-risk-of-covid-unclog-prisons-and-release-prisoners/>

**Angola: Witnesses describe horrific killings of teenagers by police**

<https://www.amnesty.org/en/latest/news/2020/08/angola-witnesses-describe-horrific-killings-of-teenagers-by-police/>