



11 July 2012

To: Foreign Ministers of Members of the African Union

RE: Joint NGO letter on the endorsement by the African Union of candidates to the UN Human Rights Council

Your Excellency,

As nongovernmental organizations working to promote human rights at the United Nations Human Rights Council, we are deeply concerned by the recent decision of the African Group in New York to endorse the candidacies of Sudan and Ethiopia in the upcoming UN General Assembly elections for membership in the Human Rights Council within a closed slate that does not allow for a competitive vote.

We urge the African Union to reverse this recommended endorsement during its 19<sup>th</sup> Summit taking place in Addis Ababa until July 16. We call upon the African Union to support competition among African states for seats on the Human Rights Council and to ensure that candidates are evaluated and elected based on their proven commitment to promote and protect human rights, in light of the basic principles defined by the UN General Assembly when establishing the Human Rights Council.

According to General Assembly resolution 60/251, which established the Human Rights Council, “members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.”

Given the poor performance of their governments on protecting human rights, we believe it would be contrary to the provisions of this resolution for countries such as Ethiopia and Sudan to be endorsed as unchallenged candidates to serve on the Human Rights Council.

In **Ethiopia**, the government has severely restricted the operating environment for human rights defenders by curtailing a number of human rights and freedoms, including freedom of expression and association, in contravention of its international human rights obligations. We cannot be certain how many people Ethiopia has wrongfully detained for peacefully expressing

their political views because the government will not allow credible, independent organizations access to all detention facilities. Credible estimates place the number of people arbitrarily detained in the thousands, particularly in regions like Oromia and Somali Region, where the government faces long-running insurgencies. Torture, ill-treatment, and appalling conditions of detention are widespread in Ethiopia's prisons.

The government increasingly uses repressive legislation, including its 2009 Anti-Terrorism law, to convict, intimidate, and silence dissenting voices in the independent media, political opposition, and civil society. Scores of leaders and members of registered Oromo opposition parties who were arrested in August 2011 remain arbitrarily detained. Dozens of journalists, political opposition leaders, and human rights activists have been detained or convicted on terrorism charges since 2011. Most recently, on June 27, 2012, 24 individuals, including the independent journalist Eskinder Nega Fenta, were convicted based on politically motivated charges under the anti-terrorism law; their sentences are expected on July 13.

The 2009 Charities and Societies Proclamation has proven equally problematic in terms of its impact on civil society organizations, particularly those working on human rights issues. Several of the oldest and most respected Ethiopian human rights groups have been forced to cease most of their operations due to the restrictions on foreign funding imposed by the law, or arbitrary enforcement by the new agency established to regulate nongovernmental activity. The UN Special Rapporteur on freedom of peaceful assembly and of association, Maina Kiai, recently described the Charities and Societies Proclamation as "one of the most restrictive NGO laws in the world." The government has not yet responded to any visit requests by eight special procedures since 2006<sup>1</sup>, and a number of communications from other special procedures remain unanswered.

In **Sudan**, the government has pursued repressive tactics to silence opponents and the media, including harassment, arbitrary arrests and detentions, and torture and ill-treatment. Most recently, in June and July 2012, Sudanese security forces have used excessive and unlawful force, including using live ammunition, and arrested scores of protesters, opposition members, and journalists, as part of a crackdown on the wave of largely peaceful protests that started on June 16. Severe restrictions on the media are ongoing, with the arrest, detention, and prosecution on spurious charges of numerous journalists working on sensitive issues and by the regular confiscation of publications.

Since the conflict in South Kordofan and Blue Nile states of Sudan began in 2011, civilians have faced massive abuses that may amount to war crimes at the hands of the Sudanese military. The Sudanese army has been responsible for arbitrary detentions, extrajudicial killings, and

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<sup>1</sup> The Government of Ethiopia failed to respond to the visit request addressed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to education, the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Independent Expert on the effects of foreign debt, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right to food, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

indiscriminate bombardment in both regions. Meanwhile the government has refused access to both areas for independent humanitarian aid agencies, despite increasing displacement and worsening hunger among civilians. In May 2011 Sudan conducted a military offensive to take over the disputed region of Abyei where government forces and allied militias burned and looted homes, forcing 100,000 civilians to flee.

Sudanese human rights defenders have even faced reprisals for their participation at the Human Rights Council. The government has failed to respond to the case of the arrest of Mr. Abdelrahman Mohamed Al-Gasim reported in the UN Secretary-General's 2011 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Finally Sudan continues to refuse to cooperate with the International Criminal Court (ICC). The ICC has issued arrest warrants for three individuals, including President Omar al-Bashir, on charges of war crimes, crimes against humanity, and genocide in Darfur.

In light of these grave concerns about the domestic human rights records of Sudan and Ethiopia, we urge member states of the African Union to ensure an open slate and encourage states with a proven commitment to human rights to take part in competitive elections to the Human Rights Council.

Sincerely,

- African Centre for Democracy and Human Rights Studies (ACDHRS)
- African Democracy Forum
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Cairo Institute for Human Rights Studies (CIHRS)
- CIVICUS: World Alliance for Citizen Participation
- East and Horn of Africa Human Rights Defenders Project
- Egyptian Initiative for Personal Rights (EIPR)
- International Commission of Jurists (ICJ)
- International Service for Human Rights (ISHR)
- Human Right Agenda Nigeria
- Human Rights Network for Journalists-Uganda
- Human Rights Watch
- International Federation for Human Rights (FIDH)
- Journalists for Human Rights, Tanzania
- Protection International
- Sudan Democracy First Group (SDFG)
- Sudanese Human Rights Defenders Coalition
- West African Human Rights Defenders Network (WAHRDM / ROADDH)