

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants

REFERENCE:
UA UGA 4/2016:

17 June 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 25/2, 25/18 and 26/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of death threats and harassment of environmental and human rights defender currently a refugee in Uganda, for exercising his right to freedom of expression.**

Mr. **Sabushimike Mamert** is an environmental human rights defender from Burundi. He has been the focal point for Observateurs Nationaux des Droits de l'homme (RONADH) in the town of Vyanda. He is also the focal point for the Community Network on transitional justice, and the Coalition of civil society organizations for the monitoring of the 2005 elections, in the town of Vyanda. He is Chairman of the Association of Friends of Nature (AAN) and in this role he appealed to the Minister of Water, Environment, Spatial Planning and Urban Development to Bujumbura about the illegal exploitation of public woodlands. He is now a refugee in Kampala.

According to the information received :

On 14 April 2015 Mr. Mamert contributed to and signed a letter sent to the Secretary General of the UN on the worrying situation of violence in Burundi. Since then he has allegedly been pressured by the Burundian authorities.

On 15 September 2015 Mr. Sabushimike Mamert was the subject of an assassination attempt when a representative of the police threw a grenade inside his home in Burundi, and following this he decided to leave the country for his own safety. Since 1 October 2015 M. Mamert is in Uganda and has the status of an urban refugee.

On 5 January, 2016 a representative of the Bujumbura police came to the Makerere University in Uganda where Mr. Mamert was studying at the time. The policeman took his photo and observed his movements, which made Mr. Mamert decide to abandon his studies and change his place of refuge to Kampala. Mr. Mamert made a complaint to the police at Makerere.

He has constantly suffered death threats through anonymous phone calls and is fearing for his safety and for his life.

We express serious concern in relation to the allegations of acts of intimidation and threats towards Mr. Mamert, which seem to be related to his legitimate and peaceful activities in the promotion of environmental and human rights through the exercise of his rights to freedom of expression and freedom of association.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression and the right to freedom of association as guaranteed by Article 19 and 22 of the International Covenant on Civil and Political rights (ICCPR), ratified by Uganda on 21 June 1995, as well as Articles 9 and 10 of the African charter on Human and People's Rights. We would further like to draw Your Excellency's Government's attention to Article 9.1 of the International Covenant on Civil and Political Rights (ICCPR), which provides that everyone has the right to liberty and security of person. The enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of States parties but "must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party" (CCPR/C/21/Rev.1/Add. 13 (2004), para. 10). We refer in this regard to Resolution 12/16 of the Human Rights Council, which calls upon states to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence and to bring to justice those responsible to combat impunity.

We further would like to draw your Excellency's Government's attention to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular Articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

For your information a letter with the same allegations has been sent to the Government of the Republic of Burundi.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Mamert in compliance with international instruments, as soon as possible.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide the full details and where available the results of any investigation, or judicial or other inquiry undertaken in relation to the attacks and intimidations against Mr. Mamert. If no inquiries have taken place or if they have been inconclusive, please explain why.
3. Please provide information about whether your Excellency's Government was informed about the presence of Burundian police on its soil in connection to the case of Mr. Mamert. Please provide information about any measures taken by your Excellency's Government towards the Government of Burundi to ensure that Burundian citizens are not attacked or harassed in Uganda.
4. Please indicate what measures have been taken to ensure that human rights defenders, including non-citizens and refugees in Uganda, can operate in a safe and enabling environment and can carry out their legitimate activities and exercise their legitimate rights to freedom of expression and freedom of association without fear of harassment, stigmatization or criminalization of any kind.
5. Please indicate the measures in place in Uganda to ensure protection of the human rights of migrants.
6. Please indicate what measures have been taken with regards to investigating, prosecuting and punishing the intimidation and death threats received by Mr. Mamert.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

François Crépeau
Special Rapporteur on the human rights of migrants

Michel Forst
Special Rapporteur on the situation of human rights defenders

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression