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STATEMENT ON THE RESURGENCE OF ABDUCTIONS, ENFORCED DISAPPEARANCES, TORTURE AND EXTRA-JUDICIAL KILLINGS IN EAST AFRICA.

To: All Media Houses

The East Africa Law Society is alarmed by a worrying resurgence of human rights and rule of law violations across the East African region. The violations are characterized by clandestine abductions, enforced disappearances, torture of victims and in extreme cases extrajudicial killings. These heinous acts are primarily targeted at dissidents and government critics, political activists, journalists, demonstrators and recently young people protesting against misrule.

In the Republic of Kenya alone, there have been over 82 cases of abductions since the historic Gen-Z led demonstrations in June 2024. In this month (December) alone, the country has seen 13 abductions. 29 of the 82 abductees are still unaccounted for. In the United Republic of Tanzania, reports by human rights bodies paint a gloomy picture. Recent murders of opposition figures like Ally Kibao, abduction of Aisha Machano, a senior official from an opposition party, disappearance of Deusdedith Soka and 3 others, waves of arrests of young people planning to celebrate the international youth day, acid attacks on political activists among other incidents demonstrate a steep rise in political intolerance in the country. In the Republic of Uganda, human rights abuses, particularly those targeting the political opposition and other government critics have risen. Torture remains endemic in the country. Reports indicate that individuals are detained in illegal "safe houses" and subjected to brutal treatment. Enforced disappearances continue to be used as a tool of political repression. Reports suggest that these disappearances are strategically employed to stifle dissent, particularly during politically sensitive periods. A recent notable incident is the abduction of opposition leader Dr. Kizza Besigye in Nairobi, Kenya. He was later arraigned in a Courts Martial in Uganda. This event has raised concerns over the emergence of cross-border abductions and the broader implications for dissidents and the political opposition including those seeking refuge in other countries in the region.

The Republics of Rwanda, Burundi, South Sudan, the Democratic Republic of Congo and EAC's newest member, Somalia also face significant human rights challenges, with governments frequently resorting to enforced disappearances, abductions, and torture to maintain control. In South Sudan, ongoing

conflict exacerbates the problem, while in the DRC and Somalia, both state and non-state actors continue to engage in widespread violence against civilians and terror groups.

The continued pattern of abductions, enforced disappearances, torture and extra judicial killings across the region directly contravene the fundamental principles of the East African Community as provided for under Article 6 of the Treaty Establishing the Community. They erode gains made in promoting human rights and rule of law including the right to liberty, security, and protection from torture and cruel treatment. While governments across the region allege that some of the measures are taken to counter terrorism and maintain internal stability, detention without due process, torture and enforced disappearances signals a denial of justice and create prolonged uncertainty to families of the disappeared and that of citizens. This only serves to undermine public trust in government institutions especially those charged with national security and protecting citizens. East African Community governments must ensure that these violations are addressed immediately and effectively and that robust mechanisms for accountability are established.

Call for Immediate Action

As the regional law body, we note that all East African Community Partner States are bound by both domestic and international obligations to protect their citizens from torture, abductions and enforced disappearances. Despite of protections provided by these national and international legal instruments, enforcement is severely lacking and violations continue unabated. Most East African countries are signatories to several key international instruments, including the UN Convention Against Torture (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR), both of which obligate states to prevent torture, investigate abuses, and prosecute perpetrators. The failure by most EAC Partner States to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) further compounds the problem, leaving significant gaps in regional human rights protection. The African Charter on Human and Peoples' Rights also guarantees fundamental human rights, yet governments continue to neglect their commitments, leaving victims without recourse. This failure to act must be addressed immediately.

The situation of abductions and enforced disappearances within the East African Community has reached a critical point. As the regional law body, we note that these acts are not only violations of individual rights but attacks on the very fabric of regional unity and human dignity. They contravene the EAC Treaty and violate national and international human rights standards. We congratulate our sister Bar Associations at the national level for their steadfastness in rebuking perpetrators. We equally condemn the perpetrators and call for the following immediate actions, failure to which the regional bar shall utilize all available avenues to achieve justice for victims and enforce compliance with established human rights and rule of law standards:

1. The immediate release of all those that have been abducted. Lawful arrests should be effected on those that security agencies believe have broken the law.

2. Immediate cessation of cross-border abductions. Member states must collaborate and establish joint investigative teams, create robust intelligence-sharing frameworks and put in place coordinated legal mechanisms to address transnational crimes and arrests.

3. The urgent ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
4. Prioritization of security sector reforms. Comprehensive training on human rights, lawful detention and community policing must be implemented immediately. Mechanisms to investigate misconduct within security forces must also be strengthened.
5. Civil society and victims' voices must be central to efforts to combat enforced disappearances. Governments should institute measures to engage in urgent dialogues with civil society organizations to design and implement strategies to address these violations.
6. The convening of a high-level summit to adopt concrete, enforceable measures to address abductions, enforced disappearances and extra-judicial killings.
7. Governments that are yet to do so must establish independent and impartial oversight bodies with the power to investigate abductions and enforced disappearances. These bodies must be transparent and hold perpetrators accountable, regardless of their rank or affiliation.

We urge all East African Community Partner States to act decisively and fast in upholding commitments to human rights and rule of law. The region's leaders must demonstrate leadership by taking immediate action to end these crimes.

The East Africa Law Society remains dedicated to protecting human rights and rule of law in the region. We shall continue to provide oversight against violations and are ready to take legal action for non-compliance and to providing legal support to victims and their families.

ARUSHA, TANZANIA, DECEMBER 31 – 2024

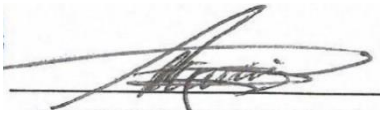
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Note to Editors:

The East Africa Law Society, is the umbrella Regional Bar Association of respective national law societies in East Africa (the Law Society of Kenya, Tanganyika Law Society, Uganda Law Society, Zanzibar Law Society, Rwanda Bar Association, Burundi Bar Association, the South Sudan Bar Association and the Ethiopia Federalm Advocates Association) together with their individual members. It is among the apex bodies of the East African Community and has Observer Status officially conferred upon it by the East African Community and the African Commission on Human and People's Rights. Established in 1995, EALS has contributed immensely to the development of EAC through strategic litigation and advocacy, building capacity of lawyers and assisting in cross-border trade facilitation.

The East African Community is the union of the Republics of Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan, Democratic Republic of Congo and Somalia. It has its headquarters in Arusha, and aims at achieving a Common Customs Union, Common Market, Common Monetary Union and Political Confederation.

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