

July 22, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Your visit to Kenya and Ethiopia

Dear Mr. President:

As you prepare to visit Kenya and Ethiopia later this month, we, the undersigned organizations and individuals, write to share our appreciation for your engagement on some key concerns on the sub-continent, including the crucial role of governance. To this end, last summer's US-Africa Leaders Summit was an important milestone and your upcoming trip presents an opportunity to reaffirm your administration's commitment to addressing the core challenges faced by millions of Africans.

As key partners for the United States, both Kenya and Ethiopia present pressing human rights concerns that we hope will be at the forefront of your discussions. While both countries face real security threats, we are concerned by the way in which each government has responded, often with abusive security measures and increased efforts to stifle civil society and the media. Many of these initiatives undermine core human rights protections and the rule of law and are also counterproductive when it comes to reducing insecurity. We urge you to clearly articulate that the United States expects its partners to support an environment where independent organizations and media outlets can thrive, and security forces undertake operations that protect – rather than abuse – their citizens.

Kenya

Your long-awaited trip to Kenya offers key opportunities to address both new and longstanding challenges with which the country continues to grapple – from security force impunity and the need for criminal justice reforms, to an increasingly restrictive environment for media and civil society, and growing pressure on Kenya's Somali refugee population and its Muslim communities.

Accountability for Abuses by the Security Forces. As you are aware, the Kenyan police and other security forces have long committed serious human rights violations with impunity. This lack of accountability was identified as a crucial area for reform in the wake of the 2007-2008 post-election violence and remains a central challenge. More recently, credible research by a number of independent organizations has implicated the Anti-Terrorism Police Unit (ATPU), along with other security forces, in serious abuses in Nairobi, on the coast and in the northeast. They have routinely responded to alleged attacks by the armed group Al-Shabab with abusive operations that appear to target specific communities – Muslims, Somali Kenyans and Somali refugees – based on their ethnicity, nationality or religion. Such actions risk further undermining confidence in the security forces, rendering them less effective, and fueling radicalization instead of countering it.

We hope you will use your visit to Kenya to press President Uhuru Kenyatta and his administration to take the necessary steps to reverse these trends. In particular, this includes the need to investigate reports of security force abuse and prosecute those responsible for serious crimes, while ensuring that independent oversight mechanisms such as the Independent Policing Oversight Authority are adequately resourced and able to effectively perform their work free from interference.

Meaningful efforts to address broader questions of impunity also entail cooperating with the International Criminal Court (ICC) and revisiting domestic efforts to investigate and prosecute serious crimes committed during the 2007-2008 post-election violence. The communal grievances that underlay that violence remain and will continue to fester if left unaddressed. In general we urge you to stress that abusive operations against Muslim and ethnic Somali communities are not only unlawful but also an ineffective response to security threats. It is critical for the national security interests of both the US and Kenya that Kenyan security force actions do not reinforce Al Shabab's one-sided public narratives.

Restrictions on civil society. Kenya's nongovernmental organizations have enjoyed a relatively open environment consistent with the rights to freedom of association and expression for more than a decade, but over the past year that has begun to change. The Kenyan government has increased legislative efforts to restrict both nongovernmental and media work, and government officials have repeatedly voiced hostility and suspicion of independent voices. In recent months, Muslims for Human Rights (MUHURI) and Haki Africa, two human rights organizations working to document abuses in counterterrorism operations on the coast, have faced an onslaught of administrative harassment, including arbitrary searches and seizure of documents, freezing of bank accounts, suspension of insurance coverage, and de-registration, despite a court order establishing that they have no links to terrorist groups.

We appreciate the many efforts by your administration – and specifically by Ambassador Robert Godec – to support these two organizations and civil society in general. We urge you to continue sending an explicit message, both in public and in private, that the protection of civil society organizations – in line with your September 2014 Presidential Memorandum on Civil Society – is a top priority for your administration and that any new legislation should respect international standards on freedom of expression and association.

Refugees. For decades, Kenya has played a crucial role in the region by providing refuge to hundreds of thousands of Somali refugees. But unsubstantiated allegations that Somali refugees pose a security threat have increased in the wake of the Garissa University attack, as have statements that they should now all return to Somalia. To date, the authorities have produced no evidence that Somali refugees provided material support to armed militants. Over the past six years, many independent organizations have documented how refugee communities in Dadaab and Nairobi are routine targets for harassment, extortion, and mistreatment by police and other security forces. Your administration has been extremely vocal about the need for the Kenyan authorities to register and protect its refugee communities, including those from Somalia. We urge you to remind President Kenyatta of

his recent pledges and obligations under both African regional and international refugee law to respect the principle of non-refoulement, ensure that refugees are protected and assisted, and consider durable long-term solutions for the refugee population.

Ethiopia

While part of your trip to Ethiopia will include a momentous visit to the African Union, we are concerned by the timing of your bilateral meetings with Ethiopia's leadership. Particularly in the wake of that country's recent non-competitive elections, your visit may send the message that the United States is giving short shrift to the profoundly repressive policies pursued by the government. The political environment in Ethiopia is dramatically restricted, as is the ability for Ethiopians to freely express themselves. Over the past decade, a range of measures has been adopted that sharply curtail fundamental liberties.

As you know, under Prime Minister Meles Zenawi, the Ethiopian People's Revolutionary Democratic Front (EPRDF) government made economic gains and apparent improvements in socio-economic indicators. However, since the 2005 election crisis the ruling party's political dominance, repression of political opposition parties, and restrictions on the media and civil society have increased dramatically.

Instead of providing leadership in the region on human rights, Ethiopia has regrettably become a model for draconian legislation that restricts freedom of speech and association. Its anti-terrorism law has been primarily used to target journalists and others critical of government policies. These laws are not only misused for political prosecutions in Ethiopia, they are increasingly a model for repressive legislation across the region. In addition, over the past 15 years, Ethiopia's security forces have committed war crimes and possible crimes against humanity, most notably in the Somali region, without any credible investigations or prosecutions.

We urge you to make clear in all your meetings that the recent release of six journalists and bloggers is welcomed, but is only a preliminary step towards more meaningful and sustainable reforms. Scores of other journalists, political opposition leaders, and protesters who have been arbitrarily detained or wrongfully imprisoned for exercising their rights should urgently be released. The July 6 conviction of 18 Muslim journalists and activists is an especially worrying sign. Moreover, Ethiopia needs to amend the Charities and Societies Proclamation and the Anti-Terrorism Proclamation, both of which are core tools used to prosecute and restrict dissenting voices. These laws need to be revised to conform with international human rights standards on freedom of expression, association, peaceful assembly, and fair trial standards.

Finally, we urge you to raise the need to address impunity by Ethiopia's security forces for a wide range of serious human rights violations, including routine torture of political detainees, extrajudicial executions and rape by military forces in various regions, and other serious crimes. The government should reverse its reflexive denials of abuse and restrictions on independent human rights investigations and reporting.

We believe it is essential for you to highlight, along with the positive change and growth that will underpin your visit, the many challenges discussed above. As you said in your

Ghana speech in 2009, “history offers a clear verdict: governments that respect the will of their own people are more prosperous, more stable, and more successful than governments that do not.” We continue to believe in this message and the need for it to be reinforced on your upcoming trip.

Thank you for your time and consideration of these important issues.

Sincerely,

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