

# EAST AFRICAN COURT OF JUSTICE



## STRATEGY PAPER

### POSITIONING THE EACJ AS A PRO-GOOD GOVERNANCE AND RULE OF LAW INSTITUTION

#### 1. INTRODUCTION

The East African Court of Justice (EACJ or ‘the Court’) is one of the organs of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community, 1999 (EAC Treaty). It was established in November 2001, with its primary responsibility being to ensure the adherence to law and compliance with the EAC Treaty as well as the interpretation and application of the Treaty.

The EACJ, currently with its seat at Arusha, emphasises Partner States’ adherence to objectives of the Treaty, operational principles of the Community, as well as fundamental principles of the Community, including good governance and the rule of law. The Court has handled over thirty (30) matters concerning and good governance and the rule of law,<sup>1</sup> including most recently, in 2020, *Hon Justice Malek Mathiang Malek v Minister of Justice of South Sudan & Others*, Reference No 9/2017 (July 24, 2020); *Union Trade Centre Ltd v Attorney General of the Republic of Rwanda & Others* (No 2), Reference No 10/2013 (November 26, 2020); and *Martha Wangari Karua v Attorney General of the Republic of Kenya*, EACJ Reference No 20/2019 (November 30, 2020), and availed remedy to persons in cases where Partner States have acted contrary to principles of rule of law.

Both principles of good governance and the rule of law have admittedly been incapable of precise definitions. The Court’s has itself admitted that good governance “*appears to be a fundamentally political, philosophical and elastic subject*, it connotes sound management of societal affairs and what that entails,”<sup>2</sup> and regards the Treaty as providing a minimum set of requirements on good governance suited for the EAC integration agenda.<sup>3</sup> On the rule of law, the Court has highlighted aspects of a principle whose observance it considers “*the premier value of the East African Community*” as a restraint on “*arbitrariness*”<sup>4</sup> and enjoining that “*every citizen is subject to the law including the lawmakers*”.<sup>5</sup> The rule of



law was described by Professor A.V. Dicey as: “*The absolute supremacy or predominance over regular law as opposed to the influence of arbitrary power and excludes the existence or arbitrariness or even of wide authority on the part of Government.*”<sup>6</sup>

The EACJ has occupied a pivotal role in application of the principles on good governance and rule of law under the EAC Treaty in 20 years of its existence. And it is very certain to continue to play an important role in years and decades to come. It is therefore crucial to have a strategy to position the EACJ as a pro-good governance and rule of law institution.

This Strategy Paper addresses the positioning of the EACJ as a forum for promoting good governance, the rule of law and protecting civic spaces.

## 2. STATUS OF GOOD GOVERNANCE AND RULE OF LAW IN EAST AFRICA

### 2.1. Good Governance and Rule of Law in EAC Partner States

Currently, a number of reports show the decline in good governance and the rule of law in Partner States of the East African Community. These reports provide governance and rule of law indexes and global rankings of the Partner States in 2020 and include World Justice Project Rule of Law Index; Freedom in the World Report (Freedom House); Corruption Perceptions Index (Transparency International); and Ibrahim Index of African Governance Report.

Partner State	Index/Report in 2020			
	World Justice Rule of Law Index	Freedom in the World Report	TI Corruption Perceptions Index	Ibrahim Index of African Governance
Burundi	Not featured	Not free	165/180	44/54
Kenya	102/126	Partly free	124/180	14/54
Rwanda	37/126	Not free	49/180	11/54
South Sudan	Not featured	Not free	179/180	53/54
Tanzania	93/126	Partly free	94/180	19/54
Uganda	117/126	Not free	142/180	22/54

The state of good governance and the rule of law in indexes and global rankings underpin perennial problems for the EAC Partner States and is one reflected in numerous references that have been brought before the EACJ against the Partner States in the past 10-15 years in terms of infringement of, and non-adherence with, good governance and the rule of law obligations in the Treaty. And it is a state of affairs that is likely to continue to be a pattern of behaviour on part of the Partner States and therefore continue to place the EACJ at the centre of addressing and resolving good governance and the rule of law disputes.

A snapshot of 2020-21 good governance and the rule of law patterns in the Partner States and insight of decisions the EACJ has handled in respect of the Partner States is provided as a context for why a strategy is necessary to position the EACJ as the good governance and rule of law institution in years to come.

#### (a) Burundi



TI Corruption Perceptions Index of 165/180 and Ibrahim Index of African Governance of 44/54 reflects a Partner State with a poor performance with regards to good governance and the rule of law. The country presents many incidences of disregard of rule of law with disappearances, arbitrary arrests, threats and harassment against real or perceived political opponents.<sup>7</sup> The media has not been immune to restrictions, with an example of four journalists were prevented from attending a COVID-19 news conference in Bujumbura in early April 2020. Imprisonment of journalists in the course of their work continues to be documented. A notable incident is the conviction of four journalists attached to *Iwacu*, the country's last remaining independent newspaper on charges related to complicity in threatening the internal security of the state.<sup>8</sup> The prosecution in this case also sought a 15-year sentence against the journalists (and their driver), and sought to have them stripped of their right to vote for five years after their imprisonment and their property confiscated. This example shows the level of media gagging and restriction in Burundi.

Further, lawyers renown for advocacy of good governance and respect of human rights face intimidation or worse still death. A notable case is that of Dieudonné Bashirahishize, a human rights lawyer and former vice-president of the East Africa Law Society who was forced into exile where he remains after countless death threats. In 2020, he was convicted in *absentia* alongside other outspoken civilians and persons in the armed forces to life imprisonment for an attempted coup against the country's former president.<sup>9</sup>

Freedom of religion in Burundi has also been interfered with on mostly political excuses. Religious leaders have been warned against making critical or "political" statements,<sup>10</sup> and some times, this culminates in arrests, for example, the arrest in 2019 of the Seventh Day Adventist Church leader, Pastor Lamec Barishinga, (and his deputy) on the allegations of "rebellion" on account of their sentiments.

In its 14 years of membership of the EAC, Burundi has been brought before the EACJ in so many references alleging infringement of good governance and rule of law obligations in the Treaty. These include *Burundi Journalists Union v Attorney General of the Republic of Burundi*, Reference No 7/2013; *East African Law Society v Attorney General of the Republic of Burundi & Another*, Reference No 1/2014; *Grand Lacs Supplier S.A.R.L & Others v Attorney General of the Republic of Burundi*, Reference No 6/2016; *Forum pour Renforcement de la Société Civile & Others v Attorney General of the Republic of Burundi & Another*, Reference No 12/2016; *Manariyo Desire v Attorney General of the Republic of Burundi*, Appeal No 1/2017; *Raphael Baranzira & Another v Attorney General of the Republic of Burundi*, Reference No 15/2014; and *Venant Masenge v Attorney General of the Republic of Burundi*, Reference No 9/2012.

#### **(b) Kenya**

Although doing better than its EAC Partner States, a decline in rule of law and good governance has been noted in Kenya. During 2020, a number of laws were passed by the ruling government to manage the spread of COVID-19. However, many of them have been flouted and misused by the government to the abuse and detriment of citizens for example *Legal Notice No. 36 -The Public Order (State Curfew) Order*, LN No 36/2020 which was contested in *Law Society of Kenya v Attorney General & Another (National*



*Commission for Human Rights & Another (Interested Parties)*), Petition No 132/2020 [2020] eKLR, which the High Court partially found in favour of the law society.

In the midst of the pandemic, a number of government officials were also implicated in a corruption scandal concerning consignment of medical supplies for medical workers in different hospitals within the country. As of September 2020, over 15 top government officials and business people were to be investigated on related grounds following public outcry.<sup>11</sup> Like other EAC Partner States, Kenya faces issues concerning abuses by security forces. Killings by police have remained largely unaddressed, with the Independent Policing Oversight Authority (IPOA), a civilian police accountability institution, unable, for various reasons, to investigate and prosecute most of the over 2,000 incidents of police killings currently on its files. IPOA has only managed six successful prosecutions since its establishment in 2011. As of April 2020, Human Rights Watch found that at least 6 people had been killed by the police within the first 10 days of Kenya's curfew to contain the spread of COVID-19.<sup>12</sup>

Despite the above, the Kenyan judiciary is credited for making a swift and workable online system to facilitate access to justice even during its lockdown last year for example e-filing of judgments, video conference remand hearings for prisoners in custody, and the delivery of court judgments through video conferencing and skype.

As with other EAC Partner States, Kenya has been before the EACJ in references alleging infringement of good governance and rule of law obligations in the Treaty, including *Mary Ariviza & Another v Attorney General of the Republic of Kenya & Another*, EACJ Reference No 7/2010 and *Martha Wangari Karua v Attorney General of the Republic of Kenya*, EACJ Reference No 20/2019.

### **(c) Rwanda**

While it enjoyed a rosy picture on the indexes and reports (with 11 out of 54 African countries on Mo Ibrahim Index), Rwanda is no different from other EAC Partner States and suffers violations of rights, including imprisonment and assassination of dissidents, journalists, and political activists.<sup>13</sup> The country continues to face issues of self-censorship and political oppression including the arrest of prominent oppositional figure, Victorie Ingabire previously aligned with FDU-Inkingi (United Democratic Forces) who was imprisoned for eight years on charges of terrorism and threatening national security and recently just released.

The grave disregard of rule of law by the government was showcased last year in the events concerning the disappearance, kidnap in Dubai and subsequent arrest and detention in Kigali of Paul Rusesabagina, a hero in the 1994 genocide and government critic living in diaspora. These actions by the government have not only offended rule of law but international laws including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).<sup>14</sup>

According to Human Rights Watch-World Report 2020, Rwanda's repression of citizens' rights and freedoms abroad is inexcusable, with a *Financial Times* investigation that revealed that Rwandan authorities had used Israeli software to spy on political dissidents



and critics living abroad, allowing them access to personal data and locations putting the lives of such persons on the line and breaching their right to privacy.<sup>15</sup>

However, in its contribution to upholding rule of law, the Rwanda Bar Association has continued to lobby for increase of salary and benefits of judicial officers to curb corruption and influence decisions being passed. In addition to this, the Association has recently launched projects in the fight against gender-based violence and legal support to Juveniles in the country which are yielding positive results.

Rwanda is on the list of references brought before the EACJ alleging infringement of good governance and rule of law obligations under the Treaty. These include *Attorney General of the Republic of Rwanda v Plaxeda Rugumba*, EACJ Appeal No 1/2012 and *Union Trade Centre Ltd v Attorney General of the Republic of Rwanda & Others*, EACJ Reference No 10/2013.

#### **(d) South Sudan**

South Sudan attained her independence on July 9, 2011 and despite this, it faced political unrest and tensions since 2013 which were subsided with a power sharing agreement signed between President Salva Kiir Mayardit and Dr. Reik Machar in 2015 and further political infighting in 2016. The years after independence have taken a toll on rule of law in the country with the result that existing laws and their enforcement has been poor while so many laws are in critical need of review.

With a corruption perception index of 179/180 and a Mo Ibrahim index of 53/54, South Sudan is an extremely dismal picture of good governance and the rule of law. As an EAC Partner State, South Sudan faces issues of restriction of freedom of expression and media for example the suspension in March 2019 of the UN's Radio Miraya by the South Sudan Media Authority citing its failure to comply with media regulations as well as the Ministry of Information's blockage of access to online media blogs Nyamilepedia and Paanluel Wel since 2017.<sup>16</sup>

The judiciary in South Sudan continues to have interference and their independence curtailed. A notable incident is the 2020 EACJ decision in *Hon Justice Malek Mathiang Malek v Minister of Justice of South Sudan & Others*, Reference No 9/2017, a reference that stemmed from the illegal and unconstitutional dismissal of judges by President Salva Kiir by presidential decree instead of following legal procedures in the Constitution and laws regulating the Judiciary. The EACJ ruled in favour of the Claimant, citing violation of Articles 6(d) and 7(2) of the Treaty on good governance and rule of law.

#### **(e) Tanzania**

As an EAC Partner State, Tanzania continues to experience serious violations of the right to freedom of expression, including freedom to seek, receive and impart information from the onset of the spread of COVID-19 in the country. There have been repressive laws, for example the *Electronic and Postal Communications (Online Content) Regulations, 2020* passed by the Tanzanian government mid-2020 which represses online speech, privacy and access to information.<sup>17</sup> Tanzania continues to repress rights of opposition parties and candidates. According to the Human Rights Watch, authorities in Tanzania killed at least 4



people and carried out other serious abuses that marred the national elections in late October and early November 2020.<sup>18</sup> In addition, in Zanzibar, it is reported that authorities and a government-aligned militia group harassed and beat people prior to and during the elections.

The observance of rule of law continues to decline in Tanzania with the executive taking harsh directives to silence those who stand up to it. A notable example is the recent case of an advocate, Fatma Karume, who was disbarred for remarks during her submissions in a case challenging the appointment of Prof. Adelardus Kilangi as the Attorney General of Tanzania.

As with other EAC Partner States, Tanzania has had references brought before the EACJ alleging infringement of good governance and the rule of law obligations under the Treaty, including on media/press freedom, for instance, *The Managing Editor, Mseto & Other v Attorney General of the United Republic of Tanzania*, EACJ Reference No 7/2016.

#### **(f) Uganda**

In the run up to the general elections in early 2021, Uganda witnessed arrests of opposition party leaders, their aides and journalists for allegedly flouting COVID-19 guidelines. In addition, unprecedented violence by authorities was also noted with use of teargas and live bullets to disperse unarmed crowds. To date, several opposition supporters remain missing or detained on baseless charges. According to the *Washington Post*, over 243 persons have allegedly been abducted by the security forces linked to political affiliations.<sup>19</sup>

It has been noted that COVID-19 public health restrictions in Uganda also paved for use of inappropriate force by security personnel in terms of enforcement for example of the curfew orders. Furthermore, it was also noted that some parts of the country have had more restrictive approaches by security personnel for enforcement of the same laws further defeating tenets of equality and non-discrimination in application of laws.<sup>20</sup>

The decline in rule of law in Uganda is in spite of the presence of positive human rights and good governance in the Constitution and several pieces of legislation.

Alongside Burundi, Uganda is the other Partner State with numerous references brought before the EACJ alleging infringement of good governance and the rule of law obligations under the Treaty. These include *Democratic Party v Secretary General of the East African Community & Others*, Reference No 2/2012; *Democratic Party & Another v Secretary General of the East African Community & Another*, EACJ Reference No 6/2011; *Godfrey Magezi v Attorney General of the Republic of Uganda*, EACJ Reference No 5/2013; *Henry Kyarimpa v Attorney General of the Republic of Uganda*, Reference No 4/2013; *James Katabazi & 21 Others v Secretary General of the East African Community & Another*, EACJ Reference No 1/2007; *Samuel Mukira Mohochi v Attorney General of the Republic of Uganda*, EACJ Reference No 5/2011; and *Reference for a Preliminary Ruling under Article 34 of the Treaty made by the High Court of Uganda in the Proceedings between the Attorney General of Uganda v Tom Kyahurwenda*, EACJ Case Stated No 1/2014

## **2.2 SWOT Analysis**



A SWOT analysis provides a reflection of the state of affairs obtained in the East African Community (and its Partner States) and the environment that the EACJ is operating in and opportunities that exist for the Court to position itself as a *good governance* and *rule of law* institution and embrace that role.

**(a) Strengths**

The following are identifiable factors or state of affairs that should strengthen the position and role of the EACJ:

- (i) The Partner States recognize the role of the EACJ and are committed to its work (and beyond the efforts to weaken the Court in 2006, the Partner States have not shown any hostility or efforts to further undermine its independence).
- (ii) Partner States have been ready to act in response to judgments of the EACJ on *good governance* and *rule of law* issues (as evidenced in Rwanda's response to the filing of the *Plaxeda Rugumba* reference).
- (iii) EACJ has benefitted from drawing its Judges from mainly national judiciaries and so it is staffed with judicial officers with experience of resolving disputes and, in many an instance, *rule of law* issues.

**(b) Weakness**

There are a number of situations that provide weakness (and possible threats) to the EACJ as a vanguard for *good governance* and *the rule of law*, including:

- (i) The EACJ is a primarily *ad hoc* Court and this character (and nature of working of the judges who are not situated in Arusha, the seat of the Court) had capacity to hamstring the effective functioning of the Court, in terms of scheduling and hearing references, applications, etc.
- (ii) The lack of transparency in the selection or appointment of Judges of the EACJ as this undermines any claim the Court is itself a product of good governance in terms of participatory involvement of EAC citizenry.
- (iii) The funding of the EACJ is tied to contributions by the Partner States to the East African Community as an organization.

**(c) Opportunities**

In spite of weaknesses (and threats noted below), there are *opportunities* for the EACJ to position itself as a *good governance* and *rule of law* institution in years and decades to come. These include:

- (i) There is an emerging and growing role of national courts embracing their role and concurrent judicial actors in the EAC and this role can be enhanced once the national courts grasp the significance of the *Tom Kyahurwenda* case and other decisions in which the EACJ has underscored role of national courts in handling trade and customs-related disputes.
- (ii) Judges who leave the EACJ at end of their tenure have returned to national judiciaries or attorneys-general offices. Such retired Judges should serve as ambassadors of the Court and infuse *good governance* and *rule of law* in legal advisories and judicial



decision-making at national levels as well as help advocate for and position the Court as *good governance* and *rule of law* institution.

- (iii) COVID-19 awakened the world to virtual hearing of matters and the EACJ in fact embraced online hearings and delivery of judgments in later half of 2020. This is an opportunity for the EACJ to expand access and reduce costs of litigants and legal professionals travelling to Arusha for hearings.

#### **(d) Threats**

There are inevitable threats to the EACJ in its efforts to continue to position itself as a *good governance* and *rule of law* institution, including:

- (i) The ever-present threat of the Partner States getting upset with the EACJ rendering judgments and rulings in favour of applicants for infringement of *good governance* and *rule of law* obligations under the Treaty. The experience of the SADC Tribunal is not far in the minds of the Court's Judges and legal professionals.
- (ii) Refusal on part of Partner States to respect or comply with decisions of the EACJ which would dampen enthusiasm and confidence in the Court.

### **3. PROPOSED STRATEGIC INTERVENTIONS TO ADVANCE GOOD GOVERNANCE AND RULE OF LAW IN THE EAC THROUGH THE EACJ**

#### **3.1 Overall Objective**

The overall objective is to position the EACJ as a forum for promoting good governance, the rule of law and protecting civic spaces.

#### **3.2 Specific Objectives**

The specific objectives of the strategic positioning of the EACJ as a forum for promoting good governance, the rule of law and protecting civic spaces include:

- (a) To position the EACJ and national courts as fora for dispute resolution in the EAC.
- (b) To create a culture of good governance and the rule of law in the EAC.
- (c) To create awareness of the EACJ among the legal professionals, civic actors, private sector as users of the Court and the EAC citizenry/residents as ultimate beneficiaries of regional integration efforts.
- (d) To create synergies between the EACJ (and national courts) and bar associations to provide networking on good governance and rule of law issues.

#### **3.3 Key Result Areas (outcomes)**

The results or outcomes of the strategic positioning of the EACJ are both immediate (short-term) and long-term. These include:

- (a) EAC Partner States respect and observe good governance and rule of law obligations under the EAC Treaty and this is reflected in international reports and indexes.
- (b) EAC citizens/residents are confident of trade engagements in goods and services in a Common Market underpinned by good governance and rule of law.
- (c) EAC citizens/residents readily access the national courts to adjudicate disputes arising from EAC Community including on good governance and rule of law.



### 3.4 Strategic Interventions and Activities

#### **(a) Strategy One: Lobby & Advocacy initiatives to strengthen the EACJ**

The Strategy Paper proposes to engage in the following initiatives to strengthen the EACJ so that the gains made by the Court in advancing good governance and the rule of law are not lost.

##### *Activities*

- (i) Engage in advocacy initiatives to ensure a more participatory and transparent process for the appointment of the EACJ judges.
- (ii) Adequate funding of the judiciary at the EACJ. The EACJ ought to have resident Judges permanently seated in Arusha and the Judges should well remunerated and facilitated to ensure efficiency in hearing and determining matters concerning rule of law and good governance in the EAC.

#### **(b) Strategy Two: Training and empowerment of stakeholders on workings of the EACJ.**

The Strategy Paper proposes continued capacity-building in terms of training of key stakeholders of the EACJ to make it known to its users as a vehicle for good governance and the rule of law.

##### *Activities*

- (i) Civil society organisation (CSO) trainings to enable more filing of rule of law and good governance matters before the EACJ.
- (ii) Training of national Courts to refer matters of rule of law to the EACJ.
- (iii) Training of legal professionals on EACJ jurisprudence (by way of liaising with the umbrella regional bar association (EALS) and national bar associations in the Partner States as part of, for instance, continuing legal education).

#### **(c) Strategy Three: Bar /Bench Committee at the EACJ**

The Strategy Paper proposes strengthening the relationship between the Bench (EACJ and national courts) and Bar (legal practitioners) as critical to engagement on good governance and the rule of law.

##### *Activities*

- (i) Strengthening of the newly established Rule of Law Committee with the EACJ to advance the rule of law.
- (ii) Support in establishment of EAC Clusters in all the EAC Partner States to act as drivers for the networking of cases before the EACJ.
- (iii) Setting up a Rule of law EAC Coalition to promote good governance and the rule of law in East Africa. This will involve CSOs, bar associations, and the private sector.

#### **(d) Strategy Four: Court Outreach**

The Strategy Paper proposes an outreach function and presence of the EACJ so as to make it (as well as the EAC) relevant to the lives of average EAC citizens/residents as this is in



fact critical to position the EACJ as an institution of good governance and the rule of law but overall regional integration measures.

#### **Activities**

- (i) Make the EACJ visible and known to EAC citizenry and residents
- (ii) Rotational hearing of references by the EACJ around the capitals of EAC Partner States (to include sittings of the Court in localities in capitals and open to citizens or broadcast on mass-media).
- (iii) EACJ @20 to be held in November 2021 should be aired on mass-media to widely publicize the Court in the EAC region.

### **3.4. Monitoring and Evaluation of the proposed Strategic Interventions**

There will be need to ensure continuous monitoring and evaluation of the planned strategic interventions. This will entail, on the one hand, (a) taking periodic and consistent follow up on the implementation of the strategic interventions and, on the other hand, (b) evaluating the progress of achievements as per set performance indicator targets.

## **4. STRATEGIC INTERVENTIONS' IMPLEMENTATION ARRANGEMENTS**

The successful implementation of the strategic interventions shall depend on collaboration between EACJ and the other stakeholders indicated in the listed strategies. The roles to be played by the EACJ and each stakeholders shall have to be fleshed out in a work plan and a matrix (of responsibilities).

## **5. CONCLUSION**

The gains and novelty brought by the EACJ in adjudicating matters of good governance and the rule of law will need a concerted and deliberate effort to build on this. This will involve collective efforts from Bar Associations/Societies in the region down to individual members of the same bodies and most importantly the East African Court of Justice. With such steps as outlined above in this Strategy Paper, the adherence to good governance and the rule of law will gradually and greatly improve.

---

<sup>1</sup> Mihreteab, T., 'The Role of the East African Court of Justice in the Advancement of Human Rights: Reflections on the Creation and Practice of the Court' (2019) 27(3) *African Journal of International and Comparative Law* 11.

<sup>2</sup> *Hon Sitenda Sebalu v Secretary General of the East African Community & 3 Others*, EACJ Reference No 1/2010 (June 30, 2011) at 34.

<sup>3</sup> *Samuel Mukira Mohochi v Attorney General of the Republic of Uganda*, EACJ Reference No 5/2011 (May 17, 2013) at 18.

<sup>4</sup> *Henry Kyarimpa v Attorney General of the Republic of Uganda*, EACJ Appeal No 6/2014 (February 19, 2016) at 41.

<sup>5</sup> *Godfrey Magezi v Attorney General of the Republic of Uganda*, EACJ Reference No 5/2013 (May 14, 2015) at 27-8.

<sup>6</sup> Dicey, A.V., *Introduction to the Study of the Law of the Constitution* (1885).

<sup>7</sup> <https://www.hrw.org/news/2020/04/27/burundi-campaigns-begin-amid-clampdown>

<sup>8</sup> <https://www.hrw.org/news/2020/02/04/burundi-journalists-convicted-flawed-trial>

<sup>9</sup> <https://wtop.com/world/2021/02/burundi-sentences-34-accused-of-coup-attempt-all-in-exile/>

<sup>10</sup> Human Rights Watch (2020), *World Report 2020 events of 2019* p.97.



---

<sup>11</sup><https://www.bbc.com/news/world-africa-54278417>

<sup>12</sup><https://www.hrw.org/world-report/2021/country-chapters/kenya>

<sup>13</sup><https://foreignpolicy.com/2021/01/23/hotel-rwanda-paul-rusesabagina-imprisoned-kagame-dissidents/>

<sup>14</sup> Article 3 of the Convention states that “no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”.

<sup>15</sup>Human Rights Watch(2020),*World Report 2020 events of 2019* p.484

<sup>16</sup>Human Rights Watch (2020),*World Report 2020 events of 2019*, p.524.

<sup>17</sup><https://cipesa.org/2020/08/tanzania-entrenches-digital-rights-repression-amidst-covid-19-denialism-and-a-looming-election/>

<sup>18</sup><https://www.hrw.org/news/2020/11/23/tanzania-repression-mars-national-elections>

<sup>19</sup>[https://www.washingtonpost.com/world/africa/allegations-of-abductions-grip-uganda-after-tense-elections/2021/02/15/19f4ceac-6f97-11eb-8651-6d3091eac63f\\_story.html](https://www.washingtonpost.com/world/africa/allegations-of-abductions-grip-uganda-after-tense-elections/2021/02/15/19f4ceac-6f97-11eb-8651-6d3091eac63f_story.html)

<sup>20</sup>International Institute for Democracy and Electoral Assistance, *The Impact of the COVID-19 Pandemic on Constitutionalism and the Rule of Law in East Africa-Analytical Report* (2020) 9.