



# BETWEEN RECESSION AND REPRESSION

THE RISING COST OF DISSENT IN CHAD

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*Cover photo: Illustration of the Place de la Nation (in NDjamena, Chad) featuring two human rights defenders who are handcuffed and gagged.*

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# GLOSSARY

<b>WORD</b>	<b>DESCRIPTION</b>
<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>ANS</b>	Agence National de Sécurité National Security Agency
<b>AU</b>	African Union
<b>CAMOJET</b>	Collectif des associations et mouvements de la jeunesse du Tchad Joint Youth Associations and Movements of Chad
<b>CGT</b>	Confédération Générale du Travail General Confederation of Labour
<b>CNS</b>	Conférence Souveraine Nationale Sovereign National Conference
<b>CSO</b>	Civil Society Organizations
<b>DDS</b>	Direction de la Documentation et de la Sécurité Directorate of Documentation and Security
<b>EU</b>	European Union
<b>INGOS</b>	International Non-Governmental Organizations
<b>LTDH</b>	Ligue Tchadienne des Droits de l'Homme Chadian Human Rights League
<b>MECI</b>	Mouvement d'Eveil Citoyen National Movement of Citizen Awakening
<b>MPS</b>	Mouvement Patriotique du Salut Patriotic Salvation Movement
<b>OTRT</b>	Office Tchadien de Régulation des Télécommunications Chadian Telecommunications Regulatory Office
<b>SYNECS</b>	Syndicat National des Enseignants Chercheurs du Supérieur National Union of Researchers and University Teachers
<b>UN</b>	United Nations
<b>UNET</b>	Union Nationale des Etudiants du Tchad Chadian National Students' Union

<b>WORD</b>	<b>DESCRIPTION</b>
<b>UPR</b>	Universal Periodic Review
<b>UST</b>	Union des Syndicats du Tchad Union of Chadian Trade Unions

# EXECUTIVE SUMMARY

When President Idriss Déby took power in Chad in 1990, he promised to make a decisive break from the horrors of the previous eight years, during which tens of thousands of people were killed under former President Hissène Habré's regime. In his inaugural speech, President Déby brought new hope for an era in which human rights would be respected, and he promised to work for "the advent of a real, pluralistic democracy, guaranteeing all individual and collective freedoms".

Over a quarter of a century later, the conviction of Habré in 2016 for crimes against humanity, war crimes and torture - and the promises of reparations for victims of his rule - may have gone some way to begin healing past wounds. However, full guarantees of individual and collective freedoms for all Chadians remain elusive and an apparatus of repression remains in place muzzling the voices of those who stand up and speak out to criticize the government or its policies.

Over the last two years, the situation has been getting worse. State efforts to repress the rights to freedom of expression, assembly and association have intensified during a period that has encompassed a highly contested Presidential election, attacks by Boko Haram and a severe ongoing economic crisis provoked by a sharp drop in the price of crude oil. During this time, as political and economic discontent have grown, individuals and organizations have increasingly voiced their dissent, and the Chadian authorities and security services have responded by banning protests and arresting, prosecuting and intimidating government critics.

The right to peaceful protest, recognised both by the Chadian Constitution and international law, has come under increasing attack, and the authorities have used an arsenal of outdated laws from the 1960s to demand – and then refuse – authorizations for public gatherings. In 2016 alone, Amnesty International documented at least 13 ministerial decrees banning peaceful protests, not including those prohibited uniquely through verbal statements. On 19 March 2016, for example, the Minister of Public Security and Immigration announced in the media a blanket ban on all demonstrations unrelated to an official election campaign for the period of 20 days, from 20 March to 8 April 2016.

While bans on peaceful protest are not necessarily new, they have become more pronounced as dissent has grown. At least four platforms and movements – comprising at least 65 associations – and two other organizations told Amnesty International that they have never received an authorization to organize a peaceful protest since they were created between 2014 and 2016. Others, including the Chadian National Students' Union (Union National des Etudiants du Tchad, UNET) and three trade union organizations, stated that they have not been granted authorization since 2008.

On the occasions when unauthorized protests have gone ahead, Chadian security forces have acted to break them up, sometimes using excessive and occasionally deadly force. In March 2016, police were caught on video beating and humiliating dozens of students who had been protesting in N'Djamena, following a protest in which one student was killed. In February 2016, at least 40 activists belonging to the Collective of Chadian Youth Associations and Movements (Collectif des Associations et Mouvements de la Jeunesse du Tchad, CAMOJET) were arrested for participating in two peaceful protests, while in December 2016 security forces also occupied the headquarters of the Union of Chadian Trade Unions (Union des Syndicats du Tchad, UST) and prevented female members from holding a planned demonstration against government austerity measures.

Individuals involved in organizing such protests – or other forms of dissent – are also targeted with arrest and prosecuted on charges including public disorder, incitement to an unarmed gathering, defamation or contempt of public authorities. Amnesty International has documented the cases of 10 human rights defenders and activists, as well as three journalists, who have been prosecuted for exercising their rights to freedom of assembly, expression and association between January 2016 and July 2017. In other cases people have initially been charged but then released a few days later.

For example, in March 2016 four leaders of pro-democracy movements and organizations, Celine Narmadji, Nadjo Kaina, Mahamat Nour Ibedou and Younous Mahadjir, were arrested in N'Djamena for planning to organize a peaceful public demonstration against President Déby's bid for re-election. Convicted of both disturbing public order and disobeying a lawful order, they spent over three weeks in detention before being released with four-month suspended sentences and prohibited from engaging in any subversive activities.

In a similar case, a year later, Nadjo Kaina together with Bertrand Solloh, two leaders of the citizen movement *Iyina* – 'we are tired' in local Arabic – were arrested by agents of the National Security Agency (Agence Nationale de Sécurité, ANS) for calling on citizens to wear red on 10 April 2017 to show their solidarity with the movement on the anniversary of the 2016 Presidential election. Kaina and Solloh were detained by the ANS without access to their families or lawyers for 16 and eight days respectively, before being handed over to the judicial police, charged with attempted conspiracy and organizing an unauthorized gathering. They were eventually convicted and released with six-month suspended sentences. They claim to have been tortured while in detention, suffocated with plastic bags containing chili.

The ANS' practice of holding government critics in secret detention has not been limited to the *Iyina* leaders. On 5 May 2017, Maounde Decladore, spokesperson of the platform "Ça doit changer" ("It must change" in French) was arrested by four armed men in plain clothes. Detained for 25 days without any access to his family or lawyer, despite them writing to the Public Prosecutor's office to request information, he says he was held at an ANS facility in Moundou before eventually being passed to the judicial police and charged with public disorder. He was then released on bail for health reasons, and is currently awaiting trial.

Sylver Beindé Bassandé, a journalist and director of community radio Al Nada FM in Moundou, was also sentenced to two years in prison and fined XAF100,000 (US\$180) on 20 June 2017 by the High Court of Moundou for complicity in contempt of court and undermining judicial authority. He had been charged after airing a radio interview with a municipal councillor, who had criticised judges after having been convicted alongside two other councillors in a separate affair.

While protests are banned and individuals targeted, whole organizations and movements have been denied a legal status and their activities have been banned. Chadian law not only requires that associations be actively authorized by the Minister of the Interior, it can also punish members of unregistered movements with prison terms of up to one year and fines of up to XAF500,000 (US\$900). Unregistered social movements and platforms have been declared "illegal" by the Chadian Minister of Public Security and Immigration, and this has been used to justify the arrest of civil society leaders such as *Iyina's* Kaina and Solloh, and to ban the activities of the National Movement of Citizen Awakening (Mouvement d'Eveil Citoyen, MECI), a movement bringing together civil society organisations, trade unions and political parties that was described as "unnatural" and "without any legal basis" by the Minister of Territorial Administration in January 2017.

The rights of trade unions, enshrined in the Chadian Constitution, have also been violated in response to the strike action they initiated from September 2016 to January 2017. Authorities have interfered in the internal affairs of the trade union representing researchers and university teachers (Syndicat National des Enseignants Chercheurs du Supérieur, SYNECS) to force the removal of its president and end its strike. Visas have been denied to international trade unions working with their counterparts in Chad. A new decree obligates unions to pay strike pay for lost days by government workers and creates a new list of essential services for which strikes can be banned. Some unions have even been threatened with closure for opposing the government's austerity programme.

Human rights defenders and journalists have told Amnesty International how they have been threatened, harassed and intimidated by either anonymous individuals or those identifying themselves as members of the security services. For example, between 22 and 24 February 2017, Eric Kokinagué, the Director of Publication of the newspaper Tribune Info, received more than a dozen anonymous threatening calls from different numbers after he published an article heavily critical of President Déby. Then, on 25 February, the columnist who wrote the article, Daniel Ngadjadoum, was abducted by armed men, detained for up to 24 hours in what he believes to be an ANS facility and forced to write a letter of apology to the Republic.

The feeling of intimidation has also been exacerbated by the surveillance of government critics, including through monitoring phone calls without any judicial oversight. Some human rights defenders told Amnesty International that, after their arrest, the ANS told them they had listened to their calls and showed them a record of their phone conversations and SMS messages. Both the Minister of Public Security and Immigration and sources within private telecommunication companies in Chad confirmed these practices.

Fearing such surveillance, many activists now use social media sites and messaging services to communicate, although in 2016 the government banned social media platforms and messaging services including Facebook and WhatsApp for much of the year, while several websites critical of the government remain inaccessible in the country. Activists may be targeted for their activities online. For example, Tadjadine Mahamat Babouri, known as Mahadine, has been detained since 30 September 2016, after having posted several videos on Facebook criticizing the

government's mismanagement of public funds and raising concerns about the country's current economic crisis. Facing charges including threatening national security and collaborating with an insurrectional movement, he awaits trial and could face life imprisonment.

At the heart of many documented cases of repression is the country's feared intelligence services, the ANS, and any plans to better respect the rights of human rights defenders, journalists and other dissenting voices in Chad will require reform of this institution. Originally intended to replace Habré's intelligence services, the Documentation and Security Directorate (Direction de la Documentation et de la Sécurité, DDS), the ANS has a similarly broad mandate and powers, and has replicated some of the dark practices of the past including arbitrary arrests, incommunicado detention in unofficial sites, and torture.

Chad is at a crossroads. Faced with growing dissent driven by political contestation and economic discontent, the authorities must choose whether they should continue to stifle their opponents and muzzle their critics, or honour the promises made by President Déby upon his arrival in power and respect their human rights obligations under international law. Amnesty International calls on the Chadian authorities to choose the latter, recommending in particular:

- Amend restrictive laws regulating public gatherings (Ordinance 46/62 and Decree No. 193/620), associations (Ordinance No. 27/62) and the right to strike (law No. 032/PR/2016) and ensure that they meet international and regional human rights standards on the rights to freedom of expression, association and peaceful assembly;
- Refrain from prosecuting, harassing and threatening people for exercising their right to freedom of expression, peaceful assembly and association, and unconditionally release all prisoners of conscience, including Tadjadine Mahamat Babouri, Maoundoe Decladore and Sylver Beindé Bassandé;
- Reform the ANS to ensure accountability, transparency and to prevent human rights violations, and instruct all security forces to end the practice of detaining and interrogating people outside of official detention sites, including ANS facilities;
- Ensure that anyone arrested has immediate access to a lawyer of their choice, their family and medical care, and are not detained without charge beyond the 48-hour period outlined in the Chadian Criminal Code;
- Conduct prompt, thorough, independent and impartial investigations into all allegations of attacks against human rights defenders and all allegations of torture, incommunicado detention and other cruel, inhuman or degrading treatment in all places of detention; and bring to justice those suspected to be responsible for such acts in trials that meet international fair trial standards and without recourse to the death penalty.



# METHODOLOGY

This report aims to analyse the deteriorating situation of human rights defenders and journalists in Chad, and the human rights violations they have suffered since 2015, encompassing a period that includes presidential elections, attacks by Boko Haram and the current economic crisis.<sup>1</sup> It is primarily based on findings from two Amnesty International research missions in December 2015 and March 2017 and dozens of telephone interviews conducted between February 2015 and August 2017. It also draws on research conducted by the organization on an ongoing basis since 1990.

During the main visit connected to this report in March 2017, Amnesty International delegates visited N'Djamena and Moundou. During the mission, delegates carried out at least 80 interviews with a wide range of victims and witnesses of human rights violations, including human rights defenders, members of civil society, journalists, trade unionists, lawyers, academics, opposition leaders, national and international researchers, as well as staff from United Nations (UN) agencies and International Non-Governmental Organizations (INGOs). In one case, Amnesty International obtained photographs showing a dead protestor, which were verified by a forensic expert to corroborate witness testimonies, and also analysed a video of arrested protestors being mistreated. In addition, delegates interviewed human rights defenders and journalists based in N'Djamena, Moundou, Kelo and Koumra; including several who fled the country previously.

Amnesty International also met with the Minister of Public Security and Immigration, and the Minister of Justice; the Human Rights Director at the Ministry of Justice; the former and current Public Prosecutors of N'Djamena and the General Prosecutor of Moundou; and the Secretary General and Director of the legal department of the High Council of Communication. However, the administrative authorities of Moundou, including the Governor and the Prefect, did not agree to meet with Amnesty International delegates.

Six weeks prior to the publication of this report, Amnesty International wrote to the authorities providing a summary of its findings and requesting a response (see appendix), but received no response.

Amnesty International has obtained consent of all people whose names are mentioned in this report, or of a family member or lawyer when it was not possible to obtain consent directly from them. While for others and for security reasons, the organisation has used generic terms such as human rights defender, activist, lawyer or journalist.

## ACKNOWLEDGEMENTS

Amnesty International thanks all human rights defenders and journalists who have taken time to talk to its delegates and share their experiences about the barriers they face to promote and defend human rights, as well as all other stakeholders who provided additional valuable perspectives.

Amnesty International also thanks the Chadian authorities who agreed to meet our delegates. Their opinions and views were essential in helping formulate the recommendations in this report.

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<sup>1</sup> This report does not aim to cover challenges faced by opposition politicians, but Amnesty International has documented violations of their rights to freedom of expression and assembly, and their right to privacy

# 1. BACKGROUND

## 1.1 A PROMISE OF DEMOCRACY AND LIBERTY

**“The MPS<sup>2</sup>, through me, assures you of its commitment to work for the advent of a real, pluralist democracy, guaranteeing all individual and collective freedoms”**

Idriss Déby Itno, President of the Republic of Chad, 4 March, 1991<sup>3</sup>

When President Idriss Déby Itno seized power from former President Hissène Habré in December 1990, he promised to end the human rights violations and other abuses that were common during the period of Habré's rule. In his first public speech, he declared there would be “no more military campaigns, no more political prisons” and that he would lead Chad towards “a system of government based on democracy... democracy in its fullest sense.”<sup>4</sup>

Three months later, on 4 March 1991, during his inaugural speech, President Déby presented a 30-month action plan toward the realization of a democratic Chad, which included the organization of a Sovereign National Conference in May 1992.<sup>5</sup> This conference brought together representatives of government, political parties and non-governmental organizations and set up transitional bodies which included members of both the opposition and civil society. This led to a referendum in March 1996 and the approval of a new constitution.<sup>6</sup>

However, after nearly 27 years in power, human rights violations are increasing, and the government and security forces have consistently resisted pressure to comply with and apply international and regional human rights treaties that Chad has ratified, many of which are enshrined in the country's Constitution.<sup>7</sup>

Many human rights defenders in Chad highlight the years 2006 to 2008 as the period when human rights violations began to intensify, with threats to national security used by the authorities to justify their repression. When, in April 2006, a coalition of opposition armed groups called the United Front for Change (Front Uni pour le Changement, FUC), launched a failed attack on N'Djamena, the authorities responded by arresting and secretly detaining at least 12 civilians and 14 Army officers.<sup>8</sup> When another coalition of armed opposition groups again attacked N'Djamena in February 2008, at least 380 people were arrested and detained, including opposition leaders Lol Mahamat Choua

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<sup>2</sup> Patriotic Salvation Movement (Mouvement Patriotique du Salut, MPS) is the ruling party and party of President Déby

<sup>3</sup> Robert Buijtenhuijs, 'Introduction. Le Tchad à deux vitesses. L'énigme Déby', *La conférence nationale souveraine du Tchad: Un essai d'histoire immédiate*, 1993, p.16

<sup>4</sup> Amnesty International, *Chad. A country under the arbitrary rule of the security forces with the tacit consent of other countries*, (Index: AFR 20/11/96)

<sup>5</sup> Robert Buijtenhuijs, 'Des promesses en partie tenues', *Idriss Déby, le dernier seigneur de la guerre du Tchad ?*

<sup>6</sup> Robert Buijtenhuijs, 'Introduction', *Transition et élections au Tchad, 1993-1997. Restauration autoritaires et recomposition politique*, 1998, p.8

<sup>7</sup> Chad is a state party to several international and regional human rights treaties and conventions including: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Labour Organization's (ILO) Convention for Freedom of Association and Protection of the Right to Organize; the African Charter on Human and Peoples' Rights (ACHPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<sup>8</sup> Amnesty International, *In the name of security? Arrests, detentions and restrictions on freedom of expression in Chad* (Index: AFR 20/007/2013)

and Ngarleji Yorongar.<sup>9</sup> Opposition leader Ibni Oumar Mahamat Saleh was subjected to enforced disappearance and his whereabouts remain unknown.<sup>10</sup>

President Déby's discourse evolved and hardened during this period. He publicly stated in December 2007 that "too much liberty kills liberty. Too much liberty leads to disorder. Too much democracy destroys society."<sup>11</sup> In January 2008, speaking at a government-organized youth rally, he added that after his government "finished with the rebels" it would "start with their accomplices", including groups who had "refused to take part" in the rally.<sup>12</sup>

More recently, in May 2013, reports of an alleged coup attempt led to the arrest and detention of at least 21 people, including members of the Chadian National Assembly, journalists, a university professor and a group of young men.<sup>13</sup> Over the last two years, security threats, political contestation around the 2016 Presidential elections, and discontent related to the country's current economic crisis have provided a context for a new wave of repression outlined in this report.

## 1.2 THE ECONOMIC AND POLITICAL CONTEXT OF DISSENT

**"Since the presidential elections, there has been a stranglehold on civil society and even opposition parties. This is no longer democracy. We can no longer meet, demonstrate, express ourselves, or sign petitions"**

Dobian Assingar, human rights defender and spokesperson of the National Movement of Citizen Awakening (MECI), N'Djamena, March 2017<sup>14</sup>

Presidential elections in April 2016 brought about more dissent and repression, with President Déby campaigning for a fifth period in office after having removed the previous two-term and age limits for presidential candidates by referendum in 2005.

Citizens' movements and social platforms held peaceful demonstrations against his candidature and his re-election, including by organizing "ghost town" protests (where people are encouraged not to leave their homes) and actions encouraging people to blow whistles and bang pots at certain times.<sup>15</sup> As the examples mentioned in this report demonstrate, the authorities have responded by stifling activists' voices and restricting their rights to freedom of expression, association and peaceful assembly.

<sup>9</sup> Lol Mahamat Choua, former transitional President, was released by the Chadian authorities on 28 February 2008. No charges were known to have been brought against him. Ngarleji Yorongar, former presidential candidate, resurfaced in Cameroun on 21 February 2008

<sup>10</sup> In addition, the National Commission of Inquiry established by the Chadian authorities to investigate the human rights violations and abuses committed by government and opposition forces in and after combats between 28 January and 8 February 2008, documented 977 deaths, (most of them (730) took place in N'Djamena), 380 cases of detention, 380 cases of rapes and 1,758 cases of individuals injured. The report found the Chadian government responsible for arbitrary arrests, unlawful detention and enforced disappearance of a number of people. The Commission's report concluded that both members of the Chadian security forces and of the opposition armed groups had committed human rights violations and abuses during that period and called for further investigations and a judiciary inquiry. Amnesty International, *In the name of security? Arrests, detentions and restrictions on freedom of expression in Chad* (Index: AFR 20/007/2013)

<sup>11</sup> Amnesty International, *Double misfortune. Deepening human rights crisis in Chad*, (Index: AFR 20/007/2008)

<sup>12</sup> Amnesty International, *Double misfortune. Deepening human rights crisis in Chad*, (Index: AFR 20/007/2008)

<sup>13</sup> In a letter sent to Amnesty International in July 2013, the Chadian authorities said a total of 21 people had been arrested and detained following the 1 May 2013 coup attempt. Amnesty International research suggests more than 30 people were arrested. Amnesty International, *In the name of security? Arrests, detentions and restrictions on freedom of expression in Chad*, (Index: AFR 20/007/2013)

<sup>14</sup> Interview with Dobian Assingar, N'Djamena, 9 March 2017

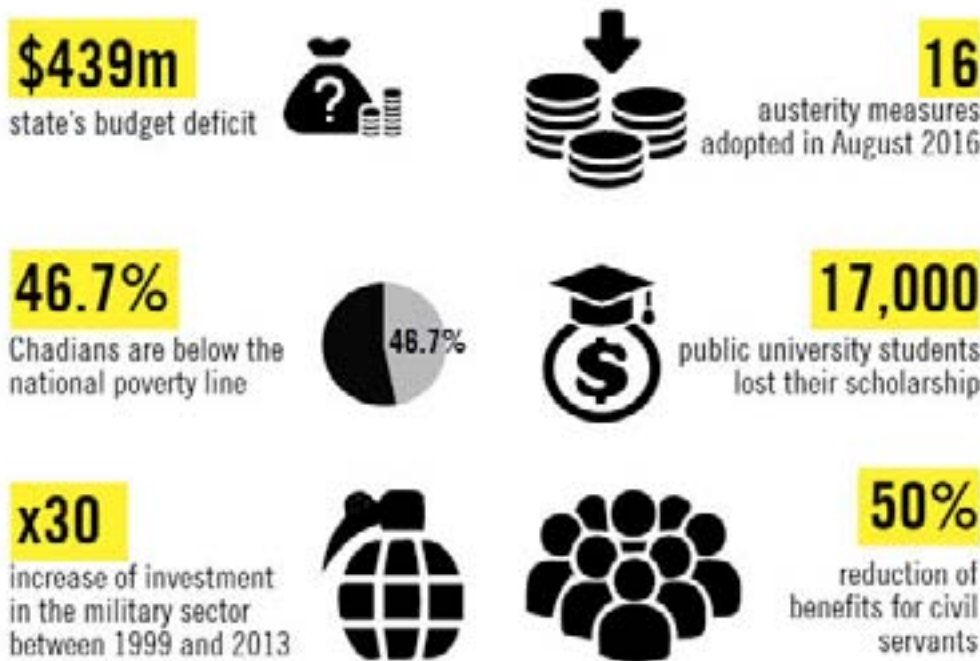
<sup>15</sup> From the French *siffle citoyen* and *tintamarre des casseroles et marmites vides*. Human rights defenders in Chad have often opted for these protest methods to circumvent bans on public demonstrations because they could be violently repressed

President Deby eventually won with 61.56% of the vote, while parliamentary elections that were due to be held in 2015 were postponed to an unspecified date, with the authorities citing a lack of funds.<sup>16</sup>

An economic crisis provoked by the sharp drop in international prices of crude oil since mid-2014 has also had a major social impact, given the country's significant dependence on oil revenues.<sup>17</sup> While a barrel of Chadian crude oil was selling at an average of US\$100 in 2013 and 2014, it dropped to US\$43 and US\$34 respectively in 2015 and 2016.<sup>18</sup> As a result, the country entered into a sharp recession and its GNI per capita – which had grown from approximately US\$190 in 2002 (a year before Chad started producing oil) to approximately US\$980 in 2014 - dropped to US\$720 in 2016.<sup>19</sup> In the 2017 budget year, Chad faces a deficit of more than XAF244 billion (US\$ 439 million).<sup>20</sup>

In August 2016, the government adopted 16 austerity measures to try to reduce its growing deficit, which included the cancellation of scholarships for 17,000 students studying in public universities in Chad and a 50% reduction of benefits for civil servants.<sup>21</sup> This response hurt household consumption and damaged the Economic, Social and Cultural Rights of the population, in a country where 46.7% of the population live below the national poverty line (2011).<sup>22</sup>

In



response to these measures, citizen platforms, youth movements, trade unions and opposition parties combined efforts to organize peaceful protests, and spoke out against these austerity measures, while trade unions went on strike for lengthy periods. As demonstrated in this report, the authorities again responded with intimidation, arbitrary

<sup>16</sup> Reuters, 'Chadian President Deby re-elected in landslide first-round victory', 21 April 2016, <http://www.reuters.com/article/us-chad-election-idUSKCN0X12XY>

<sup>17</sup> International Monetary Fund, *Chad selected issues*, August 2016, <http://www.imf.org/external/pubs/ft/scr/2016/cr16275.pdf>

<sup>18</sup> International Monetary Fund, *IMF Country Report No. 16/364*, November 2016, <http://www.imf.org/external/pubs/ft/scr/2016/cr16364.pdf>, due to inflation, we have used the exchange rate as of 1 August 2017, US\$1= XAF555.150 in this report

<sup>19</sup> World Bank, databank, World Development Indicators, GNI per capita, Atlas method (current US\$), <http://databank.worldbank.org/data/reports.aspx?source=2&country=TCD#>

<sup>20</sup> Law No. 033/PR/2016 on the 2017 General State Budget

<sup>21</sup> According to austerity measure No. 6 on the revision of the criteria for granting scholarships for students studying in Chad. Students enrolled in private universities are excluded and austerity measure No. 9 on the reduction by 50% of all benefits', *The Communication on emergency reform measures*, Extraordinary Council of Ministers, Wednesday 31 August 2016, signed by the Prime Minister, Head of Government, Mr Pahimi Padacke Albert

<sup>22</sup> World Bank, Databank, World Development Indicators, Poverty headcount ratio at national poverty lines (% of population)

arrests and detentions, and impermissible restrictions on the rights to freedom of expression, association and peaceful assembly.

While the drop in oil price was the most dramatic short-term cause of the current economic crisis, other internal and external factors have also contributed. Corruption, illicit financial flows<sup>23</sup> and the diversion of investment from primary sectors such as agriculture and livestock to the oil sector have also been widely recognized as important factors.<sup>24</sup>

## 1.3 SECURITY THREATS AND INTERNATIONAL COOPERATION

Regional security challenges including the conflict with Boko Haram and instability in Central African Republic and Libya have also caused economic disruption and increased defence expenditure. For example, according to the International Monetary Fund (IMF), the cost of operations against Boko Haram alone was at least XAF9.1 billion (US\$16.5 million) per month, which represented more than two percent of non-oil GDP in 2015.<sup>25</sup> Further, between 1999 and 2013, investment in the Chadian military sector increased 30-fold from XAF12.9 billion (US\$23 million) to XAF359 billion (US\$646 million), representing an increase in proportion of GDP spent on the military from 1.4% to 5.6%. There has, however, been a reduction in subsequent years.<sup>26</sup>

These investments have made Chad a key security ally for many regional and international partners, not least due to its central role in the UN peacekeeping mission in Mali, as a member of both the G5 Sahel<sup>27</sup> and Multinational Joint Task Force against Boko Haram. Several civil society and diplomatic sources have also commented on how this has made the international community – including countries who provide military assistance such as the USA and France<sup>28</sup> – less willing to pressure Chad on its domestic human rights record.

The threat from Boko Haram has also grown over recent years, and the government ordered new security measures following two suicide bomb attacks in N'Djamena in June and July 2015. These measures include arrests of street children and people without the required identity documents, ban on cars with tinted windows, ban on burqa<sup>29</sup>, monitoring of public buildings, hotspots, public squares, markets and other places of worship by law enforcement and local elected officials as well as unannounced searches in targeted homes and public places.<sup>30</sup> In 2015, Chad also sentenced to death 10 suspected Boko Haram members and executed them the next day following a two-day trial criticised by both the civil society and the UN.<sup>31</sup>

Chad also receives aid from its international partners, including for its justice system. The European Union (EU), for example, is providing EUR15,000,000 over four years through its Programme of Support to the Justice Sector in Chad (Programme d'Appui à la Justice au Tchad, PRAJUST Phase II), which aims to support the establishment of

<sup>23</sup> According to UNDP, Chad ranked number four in the top 10 least developed countries (LDCs) exporters of illicit capital during the period 1990-2008 with USD15.4 billion. UNDP, *Discussion Paper. Illicit Financial Flows from the Least Developed Countries: 1990-2008*, May 2011, [http://content-ext.undp.org/aplaws\\_publications/3273649/IFFs\\_from\\_LDCs\\_web.pdf](http://content-ext.undp.org/aplaws_publications/3273649/IFFs_from_LDCs_web.pdf)

<sup>24</sup> Interview with Gramp TC, N'Djamena, 21 March 2017

<sup>25</sup> International Monetary Fund, *IMF Country Report No. 16/275, Chad: Selected Issues*, August 2016, p.5, paragraph 2, [https://www.google.sn/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiAkM7do\\_rUAhXE2RoKHYndAE0QFgggMAA&url=http%3A%2F%2Fwww.imf.org%2F~%2Fmedia%2FFiles%2FCountries%2FResRep%2FTCD%2F2016-8-chad-si-1-macrofinancial-linkages.ashx&usq=AFQICNE4Sum8z4QwDg\\_1btzCmPW-pHVczw](https://www.google.sn/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiAkM7do_rUAhXE2RoKHYndAE0QFgggMAA&url=http%3A%2F%2Fwww.imf.org%2F~%2Fmedia%2FFiles%2FCountries%2FResRep%2FTCD%2F2016-8-chad-si-1-macrofinancial-linkages.ashx&usq=AFQICNE4Sum8z4QwDg_1btzCmPW-pHVczw)

<sup>26</sup> SIPRI, *Military Expenditure Database*, 2015, <http://milexdata.sipri.org>

<sup>27</sup> Comprising of Mauritania, Mali, Burkina Faso, Niger, and Chad, the G5 was created in February 2014 to address common challenges faced by its members, including peace and security, good governance, food security, climate change and needs of human development. For more information, see <http://www.g5sahel.org/>

<sup>28</sup> France has a military presence in Chad through Operation Barkhane, which was launched in 2014 as a continuation of Operation Epervier and Operation Serval. France supports Chad in reorganizing the Chadian National Army (ANT) and the National and Nomadic Guard of Chad (GNNT) through trainings and expert advice. In addition, France supports Chad on internal security issues including counter-terrorism and provided support to build Chad's judicial and police capacities in this field, <http://www.defense.gouv.fr/english/operations/operations/sahel/dossier-de-presentation-de-l-operation-barkhane/operation-barkhane> and <http://www.diplomatie.gouv.fr/fr/dossiers-pays/tchad/la-france-et-le-tchad/>. The US works in partnership with the Chadian government on counter-terrorism. Direction générale des relations internationales et de la stratégie (GGRIS), *Le Tchad : Un hégémon aux pieds d'argile*, May 2015, [http://www.grip.org/sites/grip.org/files/NOTES\\_ANALYSE/2015/Notes%20DAS%20-%20Afrique%20EQ/OBS2011-54\\_GRIP\\_Note%2019\\_Tchad.pdf](http://www.grip.org/sites/grip.org/files/NOTES_ANALYSE/2015/Notes%20DAS%20-%20Afrique%20EQ/OBS2011-54_GRIP_Note%2019_Tchad.pdf)

<sup>29</sup> Ministerial Order no. 009/PR/PM/MSP/SG/2015 on the ban of burqa, 2015

<sup>30</sup> Alwihdainfo, 'Tchad : Ces 35 mesures prises par les autorités depuis les attentats', 4 July 2015, [http://www.alwihdainfo.com/Tchad-Ces-35-mesures-prises-par-les-autorites-depuis-les-attentats\\_a19505.html](http://www.alwihdainfo.com/Tchad-Ces-35-mesures-prises-par-les-autorites-depuis-les-attentats_a19505.html) and Tchadinfos, 'Attentats Tchad: le Comité Ad hoc de crise adopte de nouvelles mesures de sécurité', 19 June 2015, <http://tchadinfos.com/tchad/attentats-tchad-comit-ad-hoc-de-crise-adopte-de-nouvelles-mesures-de-scurit/>

<sup>31</sup> The Office of the United Nations High Commissioner for Human Rights expressed its concern and appealed to the Chadian government to review its counter-terrorism law, 'UN human rights office 'deeply regrets' resumption of executions in Chad', UN News Centre, 2 September 2015

an efficient and independent justice system, improve access to justice, train judicial personnel and strengthen the penitentiary system.<sup>32</sup> Chad and the EU also continue a political dialogue under Article 8 of the Cotonou agreement, while Chad will be under examination for its third Universal Periodic Review (UPR) in November 2018.

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<sup>32</sup> EU delegation in Chad, 'Le Projet d'Appui à la Justice au Tchad (phase II) commence ses activités', 30 March 2016, [https://eeas.europa.eu/delegations/tchad/23740/le-projet-dappui-la-justice-au-tchad-phase-ii-commence-ses-activites\\_fr](https://eeas.europa.eu/delegations/tchad/23740/le-projet-dappui-la-justice-au-tchad-phase-ii-commence-ses-activites_fr)

## 2. BANNING OF PEACEFUL PROTESTS



**“When a banned demonstration takes place, demonstrators are subject to the law. Everything depends on their spirit and behaviour. If they give up, we arrest the leaders and send them to the courts. But if they resist, we spare no effort to repress the outlaws”**

Chadian Minister of Public Security and Immigration, Ahmat Mahamat Bachir, N'Djamena, March 2017<sup>33</sup>

The Chadian Constitution states that the “freedom of opinion and expression, communication, conscience, religion, the press, association, assembly, movement, demonstrations and processions are guaranteed to all”.<sup>34</sup> However, Chadian authorities have repeatedly used an arsenal of outdated laws from the 1960s to legally justify the gagging of dissenting voices, including by banning or refusing to authorize peaceful assemblies.

Chadian authorities have regularly used Ordinance No. 45/62 on public meetings and Decree No. 193/620 regulating protests on public places to ban peaceful protests.<sup>35</sup> The Ordinance stipulates that “public meetings may not take place without prior authorization” while the Decree says that all parades, outings and in a general manner, all demonstrations on public places - except those in accordance with local customs - are subject to the obligation of a prior notification and obtaining an authorization<sup>36</sup>; denying legal status to spontaneous assemblies and requires notification of the prefecture or sub-prefecture at least five days before the protest, before a final decision is taken by the Minister of Interior.<sup>37</sup> At least 13 decrees confirming a ministerial decision to refuse authorization to protest took place in 2016 alone.<sup>38</sup> This figure does not include at least a dozen verbal bans on protests announced solely through media statements by the Minister of Public Security and Immigration or administrative authorities. For

<sup>33</sup> Interview with Ahmat Mahamat Bachir, Minister of Public Security and Immigration, N'Djamena, 22 March 2017

<sup>34</sup> Article 27 of the Chadian Constitution

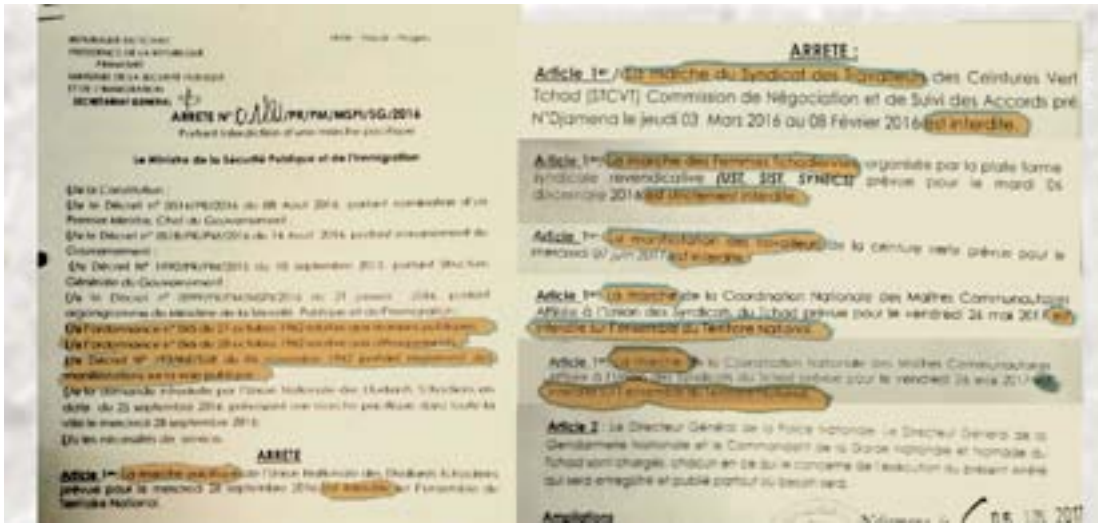
<sup>35</sup> In a statement, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that the right to freedom of peaceful assembly should not be subjected to permission of government authorities as “requiring authorization turns the right to freedom of peaceful assembly into a privilege” and that “best practice dictates that states may, at most, require prior notification for peaceful assemblies, not authorization”. He also emphasized that notification should only be required “for large assemblies or for assemblies where a certain degree of disruption is anticipated”. The ultimate purpose of the notification being to allow authorities to facilitate the exercise of the right to peaceful assembly and take required measures to protect protesters, public safety, order and the rights and freedoms of others, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, April 24, 2013, <http://freemovement.net/news/statement-chile/>


<sup>36</sup> Article 1 of the Decree No. 193 of 6 November 1962 regulating protests on public places

<sup>37</sup> Article 1 of the Ordinance No.45 of 27 October 1962 on public meetings

<sup>38</sup> According to the law, authorizations or bans of protests are issued by the Minister of Interior. However, this responsibility was transferred to the Minister of Public Security and Immigration in recent years

instance, the 20 days blanket ban on all demonstrations unrelated to the presidential elections that was issued on 19 March 2016 by the Minister of Public Security and Immigration.<sup>39</sup>



 A compilation of some of the marches that were prohibited under Ordinance 45/62 and 46/62 on gatherings<sup>40</sup> and Decree No. 193/62 which regulate protests on public places throughout 2016 and 2017

At least four platforms and movements<sup>41</sup> – comprising at least 65 associations – and two other organizations told Amnesty International that they have never received an authorization to organize a peaceful protest since they were created between 2014 and 2016. Other organizations including the Chadian National Students’ Union (Union Nationale des Etudiants Tchadiens, UNET) and three trade union organizations also stated that they have not been granted such authorization since 2008. Instead, the requested activities have been banned, leaders have been summoned for questioning, and some have been arrested.

Such restrictions run counter to the recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association who highlighted that states may, at most, require prior notification – and not authorization – for large peaceful assemblies or for assemblies where a certain degree of disruption is anticipated.<sup>42</sup> In addition, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR), both of which Chad has ratified, outline the very limited ways in which this right may be restricted.<sup>43</sup> The Chadian Constitution permits restrictions on grounds of respect to others’ freedoms and rights, public order and morality.<sup>44</sup>

In a growing number of cases, because of the history of banning assemblies, associations have decided to organize peaceful demonstrations without notifying the authorities nor seeking prior authorization. In most cases, they have just communicated about their plans through press conferences, public statements or social media. This is something they should be able to do, according to international treaties ratified by Chad, without rendering the assembly unlawful.<sup>45</sup> However, in such cases, the authorities have resorted to the use of excessive force – beating

<sup>39</sup> Jeune Afrique, ‘Tchad : début de la campagne présidentielle avec un meeting d’Idriss Déby Itno’, 20 March 2016, <http://www.jeuneafrique.com/311605/politique/tchad-debut-de-campagne-presidentielle-meeting-didriss-deby-itno/>

<sup>40</sup> Article 1 and 2 of the Ordinance No. 46 of 28 October 1962 related to gatherings

<sup>41</sup> As of June 2017, Trop c’est trop had 15 member organizations, Ça suffit had five member organizations, Iyina had eight member organizations, CAMOJET had 37 associations. Interviews with platform leaders in March 2017 and July 2017

<sup>42</sup> Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, April 2013, (A/HRC/23/39) [http://freeassembly.net/wp-content/uploads/2013/04/A.HRC.\\_23.39\\_EN-funding-report-April-2013.pdf](http://freeassembly.net/wp-content/uploads/2013/04/A.HRC._23.39_EN-funding-report-April-2013.pdf)

<sup>43</sup> According to Articles 21 and 22 (2) of the ICCPR, while the exercise of the right to assembly may be subject to restrictions on certain prescribed grounds, they must not jeopardize the right itself. They must be provided by law, in the pursuit of one of the legitimate aims “necessary in a democratic society”. Restrictions are only permissible in the interests of national security or public safety, public order (ordre public), the protection of public health or morals/ethics and the protection of the rights and freedoms of others,

<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>. According to Article 11 of the ACHPR “Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.”, <http://www.achpr.org/instruments/achpr/>

<sup>44</sup> Article 27 of the Chadian Constitution

<sup>45</sup> See joint report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, para.23: “Failure to notify authorities of an assembly does not render an assembly unlawful and consequently should not be used as a basis for dispersing the assembly. Where there has been a failure to properly notify, organizers, community or political leaders should not be subject to criminal or administrative sanction resulting in fines or imprisonment... This applies equally in the case of spontaneous assemblies, where prior notice is otherwise impracticable or where no identifiable organizer exists. Spontaneous assemblies should be exempt from notification requirements, and law enforcement authorities should, as far as possible, protect and facilitate spontaneous assemblies as they would any other assembly.”



protesters, using tear gas and in some cases using live ammunition – to break up peaceful protests and arrest protesters.



## JUSTICE-FOR-ZOUHOURA MARCHES REPRESSED, FEBRUARY 2016

In February 2016, authorities banned and repressed a wave of demonstrations across the country that had been triggered by the rape of a 16-year-old girl, Zahara Mahamat Yosko alias Zouhouira, by five men, and the release of a video online showing Zouhouira naked and in tears. Across the country, dozens of protesters were arrested, many were injured and at least two young men were killed.<sup>46</sup>

Following the release of the video, women and youth associations called on Chadians to march to demand justice for Zouhouira on 15 February 2016. On the day of the protest, hundreds of people gathered in front of Zouhouira's house in N'Djamena to demonstrate peacefully. When the protesters decided to march into town, they were stopped by the police, who used tear gas and firearms. Several demonstrators were injured and a 17-year-old boy, Abachou Hassan Ousmane, was killed. Witnesses including the person who took him to hospital and a relative who washed his body before burial told Amnesty International that he had been fatally shot by the police, with bullets hitting him in one leg and in the lower stomach.<sup>47</sup>

The authorities publicly announced that Hassan was killed by a stray bullet and that there would be an investigation into the boy's death.<sup>48</sup> The Public Prosecutor of N'Djamena told Amnesty International that the Judicial Police have initiated an investigation into the death<sup>49</sup>, while Hassan's family also lodged a complaint in April 2016.<sup>50</sup> No further information about the current status of the investigation is available.

Demonstrations continued over the following days, despite President Déby condemning the rape and promising an investigation and prosecution.<sup>51</sup> Many of these were also repressed.

On 17 February, hundreds of people – mostly women – gathered in front of the High Court of N'Djamena to call for investigations into both Zouhouira's rape and the killing of Hassan. Protesters were singing the national anthem and holding banners when about 20 police officers arrived and requested them to leave the venue. They refused and a few minutes later, a policeman fired two warning shots in the air and the police dispersed the protesters using tear gas.<sup>52</sup> On 18 February, N'Djamena high school students also demonstrated to demand justice for Zouhouira and Hassan, and were also dispersed by the police using tear gas.<sup>53</sup> On 22 February, according to media reports, a 15-year-old boy was killed and five others injured during a protest led by students in Faya Largeau.<sup>54</sup> Amnesty International has not been able to independently verify the circumstances around this death or these injuries.

On 18 February, social media platforms such as Facebook were shut down for a few days<sup>55</sup> and the Minister of Public Security and Immigration, in a press briefing, accused the students of "being manipulated by groups of politicians who send children on the street as they themselves hide". Declaring that "the festival of disorder is over", he further reiterated the banning of any new gathering "without prior authorization of the Minister of Public Security and Immigration."<sup>56</sup>

<sup>46</sup> The video has since been taken down

<sup>47</sup> Phone interviews with three family members of the victim including the person who took him to the hospital and one who washed his body before he was buried, August 2017

<sup>48</sup> Interview with two CAMOJET members and the brother of the victim, N'Djamena, between February 2016 and July 2017

<sup>49</sup> Phone interview with the Public Prosecutor of N'Djamena in office when the event occurred, 07 August 2017. He has since been moved from this position to another

<sup>50</sup> VOA Afrique, 'Tchad: Un jeune de 15 ans tue et plusieurs blessés dans une manifestation à Faya', 22 February, 2016, <https://www.voaafric.com/a/tchad-un-mort-et-plusieurs-blesses-dans-une-manifestation-a-faya-3201812.html> also based on interviews with three human rights defenders present during the protest

<sup>51</sup> RFI, 'Viol d'une jeune fille au Tchad : un « acte ignoble » selon Idriss Deby', 16 February 2016, <http://www.rfi.fr/afrique/20160216-viol-jeune-fille-tchad-acte-ignoble-idriss-deby-celine-narmadji-zouhouira>

<sup>52</sup> Information from local media corroborated with interviews with two protesters and CAMOJET members who took part in this protest

<sup>53</sup> Phone interview with a human rights defender, 18 February 2016

<sup>54</sup> Ladepeche.fr, 'Viol de Zouhouira: vent de protestation au Tchad avant la présidentielle', February 2016, <http://www.ladepeche.fr/article/2016/02/22/2282350-viol-zouhouira-vent-protestation-tchad-avant-presidentielle.html>; International Crisis Group, Chad : Between ambition and fragility, March 2016, p. 18

<sup>55</sup> Joint Press Release Survie and ACAT France, 26 February, 2016, <http://survie.org/francafricque/tchad/article/tchad-repression-mortelle-de-5085>

<sup>56</sup> Journaldutchad.com, 'Une marche de lycéens de N'Djamena dispersée par la police', February 19, 2016, <http://www.journaldutchad.com/article.php?aid=8640>



## REPRESSION OF CAMOJET YOUTH PROTESTS, FEBRUARY 2016

On 2 February 2016, the Minister of Public Security and Immigration issued a decree banning a demonstration organized by the Collective of Chadian Youth Associations and Movements (Collectif des associations et mouvements de la jeunesse du Tchad, CAMOJET), a coalition of youth associations, which was to take place on 4 February in N'Djamena. The protest aimed to oppose the Government's decision to freeze recruitment into the civil service for the next three years. Despite the ban, around 60 young people gathered in front of CAMOJET's headquarters. At around 8am, when they started to peacefully march, the security forces positioned around the offices and on the main roads fired tear gas to prevent them from progressing. Several demonstrators were injured and at least 17 were arrested before being released later that day.<sup>57</sup>

Two days later, on 6 February, CAMOJET organized another demonstration. Security forces again used tear gas and arrested at least 23 protesters for public disorder. At least two of those who were arrested and detained required emergency medical treatment after two tear gas canisters were thrown into their cell. All detainees were released without charges on 8 February.<sup>58</sup>

One of the arrested CAMOJET members, Dadji Rahamata Ahmat Mahamat, was first released after a few hours in detention on 6 February, on condition that she does not speak to the press about the arrests. Deciding instead to speak out to the media about the arrests and ill-treatment, she was arrested again. She was finally released without charge on 8 February – along with the 22 other protesters. She said she was told not to speak to the press if she did not want to “ruin her life.”<sup>59</sup>



## PROTESTING STUDENTS SUBJECTED TO DEGRADING TREATMENT, MARCH 2015

On 9 March 2015, dozens of students who had been arrested during a protest in N'Djamena were beaten and otherwise ill-treated by members of the Police Mobile Intervention Group (GMIP). A video broadcast on the internet on 13 March 2015 showed GMIP officers whipping students while ordering them to roll on the ground, and pouring sand on them.<sup>60</sup>



Screen shots of a video posted on YouTube on 13 March 2015 by Djarma Acheikh Ahmat Attidjina, showing protesting students arrested being beaten up by GMIP agents ©Private

This came after security forces dispersed a students' demonstration in N'Djamena on 9 March 2015, which had been organised to oppose a government decision to enforce the mandatory wearing of helmets for all motorcyclists. According to the Chadian Human Rights League (Ligue Tchadienne des

<sup>57</sup> Face-to-face and phone interview with five members of CAMOJET who took part in the demonstration, 10 July 2017

<sup>58</sup> Amnesty International, *Chad: Security forces beat and mistreat detained peaceful protesters* (Index: AFR 20/3423/2016). Also face-to-face and phone interviews with five members of CAMOJET, including one who was evacuated to emergency and one who was arrested, phone interviews with Mahamat Nour Ibedou, Secretary General of CTDDH who visited the detainees, and with a Chadian journalist, between February 2016 to July 2017

<sup>59</sup> Phone interview with Dadji Rahamata Ahmat Mahamat, 4 May 2017

<sup>60</sup> Observers France 24, 'Tabassage au Tchad : une victime raconte son calvaire', 17 March 2015, <http://observers.france24.com/fr/20150317-video-tchad-tabassage-police-torture-etudiants>

Droits de l'Homme, LTDH), over 200 people were arrested during the demonstration.<sup>61</sup> Some students had been throwing stones, and were accused by authorities of having set fire to a bus, and in response the police fired tear gas into the crowd and into a university compound. In the ensuing panic, students were injured and witnesses claim that a student, Hassan Daoud, was run over by a police vehicle.<sup>62</sup> Amnesty International sent a photo of Hassan's body to be analysed by a forensic expert, who confirmed that the head injury shown could be consistent with the type of injury sustained by being run over by a vehicle. There was no inquiry into his case and the Public Prosecutor denied any death during the protest.<sup>63</sup>

Following national and international pressure, a judicial inquiry was opened into the ill-treatment of the arrested students and on 20 May 2015, the N'Djamena High Court sentenced eight police officers to six months in prison and fined them XAF50,000 (US\$90) for illegitimate violence, wilful assault and complicity. Six other officers were acquitted. A GMIP Commander identified by the students as giving the orders for the ill-treatment was not prosecuted. The Public Prosecutor explained Amnesty International that there was no reasons to prosecute the GMIP Commander as he was not shown on the video and witness testimonies exonerated him.<sup>64</sup>



### UNION'S PROTEST PREVENTED AND PREMISES SEARCHED, DECEMBER 2016

Using Ordinance No. 45/62, the authorities banned a peaceful demonstration planned for 6 December 2016 by female workers from the Chadian Trade Unions Syndicate (Union des Syndicats du Tchad, UST) who wanted to protest against austerity measures and the government's management of the economic crisis. Early on the day of the scheduled protest, security forces were deployed around the premises of the UST in N'Djamena. They searched the premises without a court warrant and occupied the site for several hours, stopping demonstrators from accessing the venue and preventing the march.<sup>65</sup>

<sup>61</sup> Ligue Tchadienne des Droits de l'Homme (LTDH), Rapport définitive de la manifestation des élèves à N'Djamena 'Silence ! On torture', March 2015, [https://www.laltdh.org/pdf/rapport\\_definitif\\_de\\_la\\_manifestation\\_des\\_eleves\\_ndjamena.pdf](https://www.laltdh.org/pdf/rapport_definitif_de_la_manifestation_des_eleves_ndjamena.pdf)

<sup>62</sup> Phone interviews with two human rights defenders between 9 and 12 March 2016

<sup>63</sup> Phone interview with the Public Prosecutor, 22 August 2017

<sup>64</sup> Interview with the Public Prosecutor, N'Djamena, 8 and 22 August 2017

<sup>65</sup> African Regional Organisation of the International Trade Union Confederation, 6 December 2016, 'Evacuation immédiate des forces de l'ordre de la bourse du travail de N'Djamena', <https://www.ituc-africa.org/TCHAD-Evacuation-immEDIATE-des-forces-de-l-ordre-de-la-bourse-du-travail-de-N.html> and interviews with three members of the UST including two female workers. The Committee on Freedom of Association (CFA) in the Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO states in para. 178 that "the inviolability of trade union premises is a civil liberty which is essential to the exercise of trade union rights" and in para. 179 that "the occupation of trade union premises by the security forces, without a court warrant authorizing such occupation, is a serious interference by the authorities in trade union activities." [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@normes/documents/publication/wcms\\_090632.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf)

# 3. PERSECUTION THROUGH PROSECUTION



**“They use laws on associations, gatherings and protests in public places to justify their arrests”**

A human right defender, N'Djamena, March 2017

While often those arrested during protests may be released without charge a few days later - such as the 40 CAMOJET members highlighted in Chapter 2 – prominent government critics may sometimes be formally charged and prosecuted. From January 2016 to July 2017, Amnesty International has documented the cases of 10 human rights defenders and activists, as well as three journalists, who have been prosecuted for exercising their rights to freedom of assembly, of peaceful assembly, expression and association. In other cases, such as the 12 Iyina activists highlighted below, people have initially been charged but then released with their charges dropped a few days later.

One human rights defender explained that “civil society organizations who oppose decisions by the state have to face the security forces to make their claims”<sup>66</sup>, while one lawyer added that she believed the arrests and detentions aimed to “give them a taste” of what their lives would be like if they continued with their human rights activities.<sup>67</sup>

## 3.1 PUBLIC ORDER OFFENCES

Most commonly, authorities have used provisions in Ordinance 46/62 on gatherings<sup>68</sup> and Decree No. 193/62 regulating protests on public places<sup>69</sup> to pursue various charges including “public disorder” and “incitement to and/or taking part in an unarmed gathering.” Article 126 of the Criminal Code also stipulates that “any direct provocation of an unarmed gathering shall be punished with three (3) months to one (1) year imprisonment if it causes public disorder and, if not, with one (1) to six (6) months imprisonment”.<sup>70</sup>

In cases where a protest contravenes a prior ban by the Minister of Public Security and Immigration – either through a ministerial decree or verbal statement – “disobeying a lawful order” may be added to the list of charges faced by

<sup>66</sup> Interview with a human rights defender, N'Djamena, 21 March 2017

<sup>67</sup> Phone interview with a lawyer, 13 April 2017

<sup>68</sup> Article 1 and 2 of the Ordinance No. 46 of 28 October 1962 related to gatherings

<sup>69</sup> Article 1, 4 and 5 of the Decree No. 193 of 6 November 1962 regulating protests on public places

<sup>70</sup> Article 126 of the Chadian Criminal Code

arrested protesters. They may also be given suspended sentences and prohibited from “engaging in any subversive activities”, as was the case for the four pro-democracy activists mentioned below. No further details on what is considered a subversive activity are provided, however.

Another tactic, used against the main civil society groups campaigning against President Déby’s re-election in 2016, has been to arrest leaders on the eve of a major protest to weaken their movements and to disorganize and frighten members.



## **ACTIVISTS ARRESTED FOR PLANNING PRE-ELECTION PROTESTS, MARCH AND APRIL 2016**

Celine Narmadji, Nadjo Kaina, Mahamat Nour Ibedou and Younous Mahadjir, leaders of three pro-democracy movements and a trade union respectively (Trop c’est trop, Iyina, Ça Suffit, and UST) were arrested in N’Djamena between 20 and 23 March 2016 for planning to organize a peaceful demonstration against President Déby’s bid for re-election. They were charged with disturbing public order and disobeying a lawful order and detained at the judicial police before being transferred to the Am Sinéné prison on 24 March.

A few days after their arrest, the Ça Suffit coalition – which means “That is enough” in French – requested permission to hold a demonstration on 5 April calling for the release of the four activists, but the activity was banned by the Minister of Public Security and Immigration. On 2 April, Dr. Albissaty Salhe Alazam, a spokesperson from Ça Suffit who had signed the authorization request, received a written summons from the Public Prosecutor of N’Djamena. On 4 April he was arrested and charged with incitement to an unarmed gathering, disturbing public order and disobeying a lawful order.

Despite the arrests and ban, the protest went ahead on 5 April and security forces used tear gas against demonstrators to stop them from reaching the protest venue. At least seven protesters were arrested by security forces and released without charge later that day.

On 14 April 2016, Narmadji, Kaina, Ibedou and Mahadjir were tried and found guilty of incitement to an unarmed gathering and released with four-month suspended prison sentences. Their sentencing order also prohibited them from “engaging in any subversive activities”. They have lodged an appeal but have not yet received a response from the Court.

Dr. Albissaty was found guilty of attempting to incite an unarmed gathering by the High Court of Justice of N’Djamena on 18 April. He received a four-month suspended prison sentence.<sup>71</sup>

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<sup>71</sup> Amnesty International, Urgent Action (Index: AFR 20/3869/2016) and interviews with the five activists and their lawyers between April 2016 and March 2017



## ONE YEAR ON FROM THE ELECTIONS: THE ARREST OF 'IYINA' LEADERS AND ACTIVISTS, APRIL 2017

On 3 April 2017, Nadjo Kaina, spokesperson of the youth movement Iyina – which means “we are tired” in local Arabic – spoke at a press conference to call on Chadians to observe an Iyina Day on 10 April, marking the first anniversary of the 2016 presidential election. He encouraged people to dress in red or wear a red scarf.

Three days after the press conference, Nadjo was arrested by the National Security Agency (Agence Nationale de Sécurité, ANS) after being summoned to meet with the ANS Director. Nine days later, on 15 April, Bertrand Solloh, the Francophone National Rapporteur of Iyina, was also arrested by ANS agents while on his way to attend a media interview.<sup>72</sup> Kaina and Solloh were detained at an ANS facility for 16 and eight days, respectively. They were held in separate cells, in secret and incommunicado detention with no access to their lawyers nor their families.<sup>73</sup>

During their detention, Kaina and Solloh were subjected to torture and other ill-treatment. They were suffocated with a plastic bag containing chilis and water was forced down their throats at high pressure. They told Amnesty International that they were warned by ANS agents not to publicly discuss the torture otherwise they would “bear the consequences”.<sup>74</sup>

When Amnesty International contacted the Chadian Minister of Public Security and Immigration over these arrests, the Minister reassured the organization that Kaina and Solloh were not being tortured and said that they would be handed over to the judicial police after “investigations”.<sup>75</sup>

On 24 April, Kaina and Solloh were brought to the Judicial Police headquarters in N’Djamena. The judicial police interrogated them in the absence of their lawyers. They were charged with attempted conspiracy and organizing an unauthorized gathering, before being transferred to the Am Sinene prison. They were eventually released after being convicted and given six-month suspended prison sentences by the High Court of N’Djamena. Their lawyers have lodged an appeal.<sup>76</sup>

On 10 April 2017, 12 other Iyina members were arrested for responding to Kaina’s call to celebrate an “Iyina Day” by wearing red. The 12 activists were in discussion at the premises of the UST trade union when they were arrested by the police. They were charged with resisting state authority. The Public Prosecutor of N’Djamena subsequently dropped the charges and they were released after two days in detention.<sup>77</sup>



## ‘ÇA DOIT CHANGER’ LEADER IN SECRET DETENTION FOR 25 DAYS, MAY 2017

On 5 May 2017, Maoundoe Decladore, spokesperson of the coalition Ça doit changer – ‘It must change’ in French – was arrested by four armed men in plain clothes at around 9pm at the bus station in Moundou while he was with a friend.

He was held in secret detention for 25 days, with no information provided to his family and lawyer despite them and the LTDH writing to the Public Prosecutor of N’Djamena on 16 May.<sup>78</sup> Decladore says that during his initial interrogation he was accused by those who arrested him of inciting an insurrectional movement in Chad.

On 30 May Decladore was transferred to the gendarmerie in Moundou, at which point he realised he had been detained in a building opposite to the BEAC offices in Moundou, a building known by many people as a facility run by the ANS. Once transferred he was charged with public disorder and granted bail the same day, following a request lodged by his lawyer based on his health condition.

<sup>72</sup> Following the arrest and detention of the two Nadjo Kaina and Bertrand Solloh, the EU delegation, US and Switzerland Ambassadors issued a joint statement to express their concerns regarding the arrest without charge of several members of the civil society and the conditions of their detention, 25 April 2017, [https://eeas.europa.eu/delegations/tchad/25059/d%C3%A9claration-locale-conjointe-d%C3%A9l%C3%A9gation-de-lue-et-autres-ambassades-relative-aux-droits-de\\_fr](https://eeas.europa.eu/delegations/tchad/25059/d%C3%A9claration-locale-conjointe-d%C3%A9l%C3%A9gation-de-lue-et-autres-ambassades-relative-aux-droits-de_fr)

<sup>73</sup> Amnesty International et al, *Tchad. Les deux activistes torturés pendant leur détention en secret doivent être immédiatement libérés*, 3 mai 2017, <https://www.amnesty.org/fr/latest/news/2017/05/tchad-les-deux-activistes-torturés-pendant-leur-détention-en-secret-doivent-êre-immédiatement-librés/>

<sup>74</sup> Phone interview with Nadjo Kaina, Bertrand Solloh, their lawyers and family members, April and May 2017

<sup>75</sup> Phone interview with Ahmat Mahamat Bachir, Minister of Public Security and Immigration, 18 April 2017

<sup>76</sup> Amnesty International, Urgent Action, (Index: AFR 20/6184/2017)

<sup>77</sup> Phone interview with the two Iyina members and the lawyer who defend the group, 10 and 12 April 2017 and phone interview with Public Prosecutor of N’Djamena, 07 August 2016

<sup>78</sup> Amnesty International has received a copy of the letter

Suffering from a herniated disc, Decladore was not allowed to take his daily medication while in detention, and he also contracted typhoid.<sup>79</sup>

## 3.2 CONTEMPT AND DEFAMATION LAWS

**“We bother them with our words. The authorities want us to come to a single thought”**

A Chadian journalist, N'Djamena, March 2017<sup>80</sup>

The right to freedom of expression is guaranteed in Article 27 of the Chadian Constitution and protected by a media law that says: “freedom to express ideas and opinions by all means of communication is recognized to all citizens.”<sup>81</sup> Chad has also ratified the ICCPR and the ACHPR, both of which contain important protections.<sup>82</sup> Despite this, contempt and defamation laws have been used to stifle the free expression of government critics.

### 3.2.1 CONTEMPT OF PUBLIC AUTHORITIES

The Chadian Criminal Code punishes the “contempt of public authorities” including members of the government, National Assembly and judiciary, “through words, writings or drawings, gestures or throwing of any objects”. The Criminal Code punishes such contempt – a term that is not properly defined – with up to three years in prison and fines up to XAF250,000 (US\$450).<sup>83</sup> Such legal provisions clearly contravene guidance provided by the ACHPR, which has stated that people who assume highly visible public roles must face a higher degree of criticism than private citizens.<sup>84</sup> In addition, such sentences given to human rights defenders and journalists may act as a deterrent to others.



#### IMPRISONED FOR AIRING A RADIO INTERVIEW, JUNE 2017

On 20 June 2017, Sylver Beindé Bassandé, a journalist and director of community radio Al Nada FM in Moundou, was sentenced to two years in prison and fined XAF100,000 (US\$180) by the High Court of Moundou for complicity in contempt of court and undermining the judicial authority. He had been charged after airing a radio interview on Al Nada FM with a municipal councillor who had been convicted alongside two other councillors in a separate affair. In the interview conducted by Sylver, the councillor complained about the sentence given to him and described the judges as “inexperienced youngsters.”

The municipal councillor was also prosecuted on similar charges – but as the main perpetrator rather than complicit – and received the same sentence as Sylver. They were both imprisoned at the Moundou

<sup>79</sup> Phone interviews with Decladore between May and August 2017, his two lawyers, his friend who witnessed his arrest and a member of his family. Amnesty International has also had access to the letter sent by Decladore’s lawyers to the Office of the Public Prosecutor of Moundou and Decladore’s medical certificates and analysis

<sup>80</sup> Interview with a journalist, N'Djamena, 8 March 2017

<sup>81</sup> Article No. 2, Law No. 10-017 2010-08-31 PR on the press in Chad, 2010, <http://www.droit-afrique.com/upload/doc/tchad/Tchad-Loi-2010-17-regime-presse.pdf>

<sup>82</sup> According to Article 19 (1) of the ICCPR, “Everyone shall have the right to hold opinions without interference.” Article 19 (2), “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>. According to Article 9 of the ACHPR, “Every individual shall have the right to receive information. Every individual shall have the right to express and disseminate his opinions within the law.” <http://www.achpr.org/instruments/achpr/>

<sup>83</sup> Articles 142, 143, 144 of the Law No. 001/PR/2017 of the updated Criminal Code, Book II, Title II, chapter III, section I - Des outrages aux corps constitués

<sup>84</sup> ACHPR, Media Rights Agenda, Constitutional Rights Project, Media Rights Agenda and Constitutional Rights Project v. Nigeria, Communication No. 105/93-128/94-130/94-152, [http://www.achpr.org/files/sessions/24th/communications/105.93-128.94-130.94-152.96/achpr24\\_105.93\\_128.94\\_130.94\\_152.96\\_eng.pdf](http://www.achpr.org/files/sessions/24th/communications/105.93-128.94-130.94-152.96/achpr24_105.93_128.94_130.94_152.96_eng.pdf)

prison and are considered by Amnesty International as prisoners of conscience.<sup>85</sup> Their trial before the Court of Appeal started on 19 July 2017 when Sylver was released on bail but the municipal councillor was not.<sup>86</sup> The trial was postponed several times and is scheduled to 12 September 2017.



### **TWO YEARS IN PRISON FOR CONTEMPT OF COURT – SENTENCE OVERTURNED ON APPEAL, JULY 2015**

Djeralar Miankeol, a land rights activist and Director of the NGO Ngaoubourandi (ASNGA) based in Moundou, was arrested on 15 June 2015 and sentenced to two years in prison and fined XAF100,000 (US\$180) on 7 July 2015, after he condemned corruption in the justice system during a radio interview on FM Liberté a month earlier. Djeralar was released and all charges dropped on 28 July when his conviction was overturned by the Moundou Court of Appeal.<sup>87</sup> In 2016 alone, the office of the Public Prosecutor formally summoned Djeralar at least four times for his activism against land grabbing.<sup>88</sup>

## **3.2.2 DEFAMATION**

Chad's law on the press include provisions criminalising defamation, which has been defined as “any imputation or allegation likely to undermine the honour or consideration of a person or governing body” and is punishable with fines ranging from XAF10,000 (US\$18) to XAF500,000 (US\$900), and suspension of the media concerned for a maximum of three months.<sup>89</sup>

This provision has been used to restrict criticism of government and public officials on grounds not permitted under international human rights law. And although the law on the press removed prison sentences for defamation in 2010, the Chadian authorities have continued to arbitrarily detain journalists on defamation charges, and courts have imposed fines above those set out in law (see example below). Journalists have also told Amnesty International that this has led to self-censorship.<sup>90</sup>



### **FINED FOR ACCUSING THE PRESIDENT'S BROTHER OF CORRUPTION, OCTOBER 2015**

Stéphane Mbaïrabé Ouaye, the publisher of the newspaper Haut-Parleur, was arrested by the judicial police of N'Djamena at 3am on 2 October 2015 after Saleh Déby, Director General of Customs and the President's brother, filed a libel suit against him for publishing an article accusing him of corruption and calling him a “thief”. The next day, Ouaye was released. At trial, Stéphane was ordered to pay XAF 5 million (US\$9,005) to Saleh Déby. Ouaye and his lawyer have lodged an appeal and are still awaiting a response from the Court of Appeal. A few weeks later, Saleh Déby was removed from his position by the President and arrested for embezzling state resources.<sup>91</sup>

<sup>85</sup> Phone interviews with Sylver Beindé Bassandé's lawyers, between June and July 2017

<sup>86</sup> Reporters Sans Frontières, 'RSF demande la libération de Mahadine en détention arbitraire depuis 10 mois', 11 July 2017, <https://rsf.org/fr/actualites/rsf-demande-la-liberation-de-mahadine-en-detention-arbitraire-depuis-10-mois>

<sup>87</sup> Amnesty International, *Chad must release human rights defender detained for expressing his views*, 8 July 2015; Urgent Action (AFR 20/1916/2015); face-to-face and phone interviews with Djeralar Miankeol, his lawyer, family members and several human rights defenders, July and August 2015, and March 2017

<sup>88</sup> These are summons documented by Amnesty International and does not take into account informal summons such as the ones conveyed through telephone calls

<sup>89</sup> Article No. 51, Law No. 10-017 2010-08-31 PR on the press, <http://www.droit-afrique.com/upload/doc/tchad/Tchad-Loi-2010-17-regime-presse.pdf>

<sup>90</sup> UN Special Rapporteur on Freedom of Opinion and Expression, Report to the UN Commission on Human Rights (1999), UN Doc E/CN.4/1999/64, 29 January 1999, para. 28: “Sanctions for defamation should not be so large as to exert a chilling effect on freedom of opinion and expression and the right to seek, receive and impart information; penal sanctions, in particular imprisonment, should never be applied.”

<sup>91</sup> Reporters sans frontières, 'Le harcèlement à l'encontre du journaliste tchadien Stéphane Mbaïrabé Ouaye se poursuit', 7 October 2015, <https://rsf.org/fr/actualites/le-harcelement-lencontre-du-journaliste-tchadien-stephane-mbaïrabe-ouaye-se-poursuit>; US Embassy 2015 Human Rights report on Chad, <https://td.usembassy.gov/fr/human-rights-report-2015-fr/> and interviews with Stéphane Mbaïrabé Ouaye, N'Djamena, March 2017





## CHARGED WITH DEFAMATION FOR ACCUSATIONS OF FRAUD, JUNE 2017

In June 2017, Déli Sainzoumi Nestor, editor of the bi-monthly newspaper *Eclairages*, was charged with defamation after Daoussa Déby Itno, former minister and brother of the President of the Republic, filed a complaint. The complaint followed the publication of an article in *Eclairages* on alleged fraudulent importation of sugar in Chad, which included claims that Daoussa Déby Itno has been competing unfairly against the local sugar company, the Sugar Company of Chad (Compagnie Sucrière du Tchad, CST).<sup>92</sup> Déli denies the defamation and his trial, initially planned for 12 July 2017 was rescheduled to a later date.<sup>93</sup>

The UN Human Rights Committee, on its General Comment No. 34 on freedoms of opinion and expression, calls on state parties to “consider the decriminalization of defamation” and recommends that “imprisonment is never an appropriate penalty” in a case of defamation.<sup>94</sup> Similarly, the African Court on Human and Peoples’ Rights ruled in 2013 that imprisonment for defamation violates the right to freedom of expression and established that criminal defamation laws should only be used in restricted and exceptional circumstances, such as for the prohibition of “hate speech or incitement to violence.”<sup>95</sup> The UN Special Rapporteur on the right to freedom of opinion and expression has underlined that the only purpose of defamation, libel, slander and insult laws must be to protect reputations and not to prevent criticism of governments.<sup>96</sup>

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<sup>92</sup> *Eclairages*, Doubaïwa Bagamla et Deli Sainzoumi Nestor, ‘Vilgrain, Daoussa Déby et Cie dans la guerre du sucre’, 31 May 2017

<sup>93</sup> Reporters Sans Frontières, ‘RSF demande la libération de Mahadine en détention arbitraire depuis 10 mois’, 11 July 2017, <https://rsf.org/fr/actualites/rsf-demande-la-liberation-de-mahadine-en-detention-arbitraire-depuis-10-mois>; phone interviews with Déli Sainzoumi Nestor and his lawyers between June and July 2017

<sup>94</sup> ICCPR, CCPR/C/GC/34, General Comment No. 34, Article 19: Freedoms of opinion and expression, para. 47, September 2011.

<sup>95</sup> ACHPR, ‘In the Matter of Lohe Issa Konate v. Burkina Faso, Application No. 004/2013, Judgment, 2013, Separate opinion, para. 4 <http://www.eods.eu/elex/uploads/files/58468a1b7d3ae-Konate%20Judgment%20Engl.pdf>

<sup>96</sup> UN Human Rights Council, A/HRC/14/23, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, para.82, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf>.



## 4. RESTRICTIONS ON FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE

**“They [the authorities] said that MECI is a dangerous and unnatural association”**

Dobian Assingar, human rights defender and spokesperson of the National Movement of Citizen Awakening (MECI), N'Djamena, March 2017<sup>97</sup>

The right to freedom of association is guaranteed by Article 27 of the Chadian Constitution, as well as through Chad's international human rights obligations and commitments including under the human rights treaties the country has ratified, particularly the ICCPR<sup>98</sup>, International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>99</sup>, ACHPR<sup>100</sup> and several ILO conventions.<sup>101</sup> However, Chadian laws include provisions that are used by authorities to violate this right by banning certain organizations and social movements, and by restricting the right to strike.

### 4.1 BANNING CIVIL SOCIETY ORGANIZATIONS AND SOCIAL MOVEMENTS

<sup>97</sup> Lepaystchad.com, Djimnayel Ngarlem, 'La plateforme MecI interdit d'activites', 6 January 2017, <http://lepaystchad.com/index.php/politique/835-la-plateforme-meci-interdit-d-activites>

<sup>98</sup> According to Article 22 (1) of the ICCPR, "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." Article (2), "No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right."  
<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

<sup>99</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, Article 8 guaranteeing the right to form and join trade unions and the right to strike (provided it is exercised in conformity with a country's laws), <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

<sup>100</sup> According to Article 10 of the ACHPR, "Every individual shall have the right to free association provided that he abides by the law. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association."

<sup>101</sup> Chad has also ratified the Freedom of Association and Protection of the Right to Organise Convention (1948), the Right to Organise and Collective Bargaining Convention (1949) and the Workers' Representatives Convention (1971)

Ordinance No. 27/62 regulates the registration of associations in Chad, and requires that they receive notification of authorization from the Minister of Interior within three months of any application to be established as a legal entity. The Minister does not have to actively prohibit an association, because the ordinance makes clear that “non-reply after the three months period should be regarded as a refusal.”<sup>102</sup> Such an approach runs contrary to the recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, who has stated that a “notification procedure”, in which associations declare their status rather than require authorization for it, is more in line with the best practices related to the right to freedom of association. Best practices also include that “failure to provide a response within a clear and short time limit should result in a presumption that associations are operating legally.”<sup>103</sup>

Ordinance No. 27/62<sup>104</sup> explicitly prescribes prison terms of up to one year and fines of up to XAF500,000 (US\$900) for members of “unregistered movements”.<sup>105</sup> The Chadian authorities have applied this law in particular to platforms and various citizens’ movements. For example, in the case of Iyina, a platform of registered associations, the non-recognition of the platform was one of the justifications provided for the arrest of its leaders Nadjou Kaina and Bertrand Solloh in April 2017 (see Chapter 3.1). The Minister of Public Security and Immigration told Amnesty International, in relation to their arrest, that “in Chad, associations, organizations, trade unions and political parties are legally recognized and regulated by the law while social movements and platforms are illegal.”<sup>106</sup> Furthermore, in January 2017, the same argument was used by the Minister of Territorial Administration, Bachar Ali, to ban all activities of the National Movement of Citizen Awakening (Mouvement d’Eveil Citoyen, MECI).



## **BAN ON THE NATIONAL MOVEMENT OF CITIZEN AWAKENING (MECI) , JANUARY 2017**

MECI is a citizen movement, created on 29 December 2016 by human rights defender Dobian Assingar. The movement brings together civil society organizations, political parties and trade unions campaigning against the mismanagement of public funds and calling for democratic changes.

On 6 January 2017, the Minister of Territorial Administration issued a public statement prohibiting all MECI activities, stating that MECI is “unnatural” and “takes place without any legal basis”. In addition, he accused MECI of being “an accomplice of some adventurers abroad with subversive objectives”.<sup>107</sup> Five days later, Dobian was summoned by the Judicial Police of N’Djamena, questioned about MECI activities and released.

On 27 May 2017, the police interrupted MECI’s General Assembly, which was taking place at the Al Mouna Centre in N’Djamena. The police surrounded the venue and the Director of the Police told the organizers and participants that the meeting was banned. MECI members requested an official document banning the event but none was presented to them.<sup>108</sup>

<sup>102</sup> Article 5, para 2 of the Decree No. 165 of 25 August 1962 on the application of Ordinance No. 27 of 28 July 1962 on associations

<sup>103</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, Maina Kiai, C. p.15, para. 60, *Best practices related to the rights to freedom of association*, 21 May 2012

<sup>104</sup> According to the Special Rapporteur on Freedom of Association: “The right to freedom of association equally protects associations that are not registered. Individuals involved in unregistered associations should indeed be free to carry out any activities, including the right to hold and participate in peaceful assemblies, and should not be subject to criminal sanctions.”

<sup>105</sup> Article 6 of the Ordinance No. 27 of 28 July 1962 on associations

<sup>106</sup> Phone interview with Minister of Public Security and Immigration, April 2017

<sup>107</sup> Lepaystchad.com, Djimnaye Ngarlem, ‘La plateforme MecI interdit d’activités’, 6 January 2017, <http://lepaystchad.com/index.php/politique/835-la-plateforme-meci-interdit-d-activites> and RFI, ‘Tchad : le pouvoir réagit à la création d’un nouveau mouvement d’opposition’, 6 January 2017, <http://www.rfi.fr/afrique/20170106-tchad-le-pouvoir-reagit-creation-nouveau-mouvement-opposition>

<sup>108</sup> Face-to-face and phone interviews with Dobian Assingar and three members of the MECI, between March and May 2017

## 4.2 RESTRICTIONS ON THE RIGHT TO STRIKE

**“There is a climate of fear. Some colleagues have withdrawn”**

Barkla Michel, President of the UST, N'Djamena, March 2017<sup>109</sup>

Trade unions have long played a crucial role in the political, social and economic life of Chad. Despite this, union members have faced growing restrictions on their right to organize freely during both the recent electoral period and the current economic crisis.

The right to organize into unions is enshrined in the Universal Declaration of Human Rights, which states that “everyone has the right to form and to join trade unions for the protection of his interests” and in the ICESCR ratified by Chad on 9 June 1995.<sup>110</sup> And Article 2 of the ILO Freedom of Association and Protection of the Right to Organize Convention<sup>111</sup> states that “Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.”<sup>112</sup> This right is also recognized by both the Chadian Constitution and the Chadian Labour Code that respectively stipulates that “every citizen is free to join the trade union of his choice”<sup>113</sup> and that “the exercise of the right to strike is recognized for all employees.”<sup>114</sup>

Yet in December 2016, following several months of strikes by a coalition of unions, the government reduced these protections through Law No. 032/PR/2016. Under the new law, the Government is no longer responsible for remunerating government workers for unpaid strike days but instead decrees that trade unions themselves must pay workers for the days they go on strike.<sup>115</sup> While international standards do not require governments to cover strike pay<sup>116</sup>, the imposition of this obligation on unions would provide a potential major financial barrier to the right to strike and function freely.

In addition, Article 19 of the new law creates a new list of essential services for which strikes can be banned, including services such as radio, television and financial services. According to the ILO, the general principle of the right to strike may be entirely or partly waived only for essential services that would endanger the life, personal safety or health of the whole or part of the population if interrupted.<sup>117</sup>

Unions have also been threatened with closure. For example, on 26 December 2016, in a meeting with ruling parties, including the MPS, President Idriss Déby was recorded threatening to “move towards the dissolution of trade unions” if they continued their strike action. He also accused them of collaborating with opposition parties and being unrealistic about the economic crisis.<sup>118</sup> Implementing such threats would contravene Article 4 of the ILO’s Convention for Freedom of Association and Protection of the Right to Organize stating that “Workers’ and employers’ organizations shall not be liable to be dissolved or suspended by administrative authority.”<sup>119</sup>

<sup>109</sup> Interview with Barka Michel, President of the UST, N'Djamena, March 2017

<sup>110</sup> UNHR website, <http://indicators.ohchr.org/>

<sup>111</sup> Ratified by Chad on 10 November 1960, [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103386](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103386)

<sup>112</sup> Convention concerning Freedom of Association and Protection of the Right to Organise, Article 2, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312232](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232)

<sup>113</sup> Article 28 of the Chadian Constitution, reviewed in 2007

<sup>114</sup> Article 456 of the Chadian Labour Code

<sup>115</sup> Article 15 of the Law No. 032/PR/2016 modifying law No. 008/PR/2007 of 09 May 2007 on the right to strike in public services, “Days not worked due to strikes are not remunerated. Salaries for days not worked shall be borne by the trade unions which initiated the strike unless the reason for the strike results from a general delay in payment of wages and up to three (3) days’ strike in the same month. At the expiry of this period, the salaries of the unpaid days shall be paid by the unions which initiated the strike.”

<sup>116</sup> According to the ILO Committee on Freedom of Association (CFA) set up in 1951 for the purpose of examining complaints about violations of freedom of association (regardless of whether or not the country concerned had ratified the relevant conventions), wage deductions for days of strike gives rise to “no objection from the point of view of freedom of association principles.”, para 654. See <http://ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm>

<sup>117</sup> ILO, ‘Importance of the right to strike and its legitimate exercise’, Freedom of Association, Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, para.541, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@normes/documents/publication/wcms\\_090632.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf)

<sup>118</sup> YouTube, 31 December 2016, Eric Topona, <https://www.youtube.com/watch?v=lxpWmQPvrhE>

<sup>119</sup> Article 3-2 of the ILO’s Convention (no.87) for Freedom of Association and Protection of the Right to Organize also states that “[...] The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof” and “Workers’ and employers’ organizations shall not be liable to be dissolved or suspended by administrative authority”. The Convention also states that “each Member of the International Labour Organization for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize.”

This is not the first time that Chadian authorities have accused trade unionists of being protagonists in the political arena. In March 2013, responding to a complaint submitted by the union UST to the ILO Committee on Freedom of Association,<sup>120</sup> the Chadian authorities said that the UST “ventured into the political arena by attacking the Head of State and his family in a petition that was made public.”<sup>121</sup> The judiciary was seized of the matter and brought charges against those responsible for the petition.<sup>122</sup> In response, the Committee recalled that: “The right to express opinions through the press or otherwise is an essential aspect of trade union rights. The freedom of expression which should be enjoyed by trade unions and their leaders should also be guaranteed when they wish to criticize the government’s economic and social policy.”<sup>123</sup>



## GOVERNMENT INTERFERENCE IN SYNECS' INTERNAL AFFAIRS

In January 2017, the Chadian authorities threatened to dissolve the trade union representing researchers and university teachers (Syndicat National des Enseignants Chercheurs du Supérieur, SYNECS), unless members ended their strike action and suspended their President, Jeremy Guirayo. This followed SYNECS’ participation in a strike action against austerity measures and non-payment of salaries in October 2016, as well as Guirayo joining the social movement MECI as a member in December 2016.

On 9 January 2017, while Guirayo was sick in hospital, two ANS agents ransacked the SYNECS offices and threatened the board members present with the dissolution of the union because Guirayo had joined MECI. The same day, the Minister of Higher Education summoned SYNECS board members for an urgent meeting and asked them to suspend Guirayo as President and end the strike. SYNECS withdrew from the strike action and announced the suspension of Guirayo via a press release. However, Guirayo was later reinstated at a general assembly after he published a public statement withdrawing from MECI.

Pressured through these tactics into agreeing a truce with the government, the trade union platform ended the strike action on 11 January 2017 to prevent further deterioration of its bargaining power.<sup>124</sup>

## 4.3 DENIAL OF VISAS FOR TRADE UNIONISTS

During the strike actions between November 2016 and January 2017, Chadian authorities refused visas to international partners of Chadian trade unions, including representatives of the Organization of African Trade Union Unity (OATUU), the International Trade Union Confederation (ITUC), and the General Confederation of Labour (Confédération Générale du Travail, CGT), hindering unions’ international collaboration.

<sup>120</sup> On 16 November 2012, the UST submitted a complaint against the Chadian government to the ILO for alleged harassment of its officials, in particular the transfer of trade union officials and the arrest and conviction of its President, Vice-President and General Secretary as a punishment for strike action in the public service. ILO, *Reports of the Committee on Freedom of Association, 372nd Report of the Committee on Freedom of Association*, 13 June 2014, para. 570, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_247039.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_247039.pdf)

<sup>121</sup> According to the 372nd Report of the Committee on Freedom of Association, 13 June 2014, para.542, the UST, at a general meeting held on 1 September 2012, approved a petition which denounces the poor governance in the management of the country’s financial resources. The organization thereby criticized what they consider as a hoarding of the country’s wealth by the Head of State, his family and the people close to him

<sup>122</sup> ILO, *Reports of the Committee on Freedom of Association, 372nd Report of the Committee on Freedom of Association*, 13 June 2014, para. 558, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_247039.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_247039.pdf), Para.558

<sup>123</sup> ILO, *Reports of the Committee on Freedom of Association, 372nd Report of the Committee on Freedom of Association*, 13 June 2014, para. 570, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_247039.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_247039.pdf)

<sup>124</sup> Interviews with six unionists from UST, SYNECS and CIST, N’Djamena, March 2017



## VISA REFUSALS DURING STRIKE ACTION, NOVEMBER 2016 AND JANUARY 2017

### The Organization of African Trade Union Unity and the International Trade Union Confederation

In November 2016, the Secretary General of the OATUU and the Secretary General of the ITUC planned a working session with the UST. They both applied for visas in their respective countries, Algeria and Ghana, but were refused despite having been issued visas regularly in the past. UST advised them to get visas on arrival, as they had done during a previous trip, and initiated procedures for this with the immigration police in N'Djamena. Upon arrival at N'Djamena airport, the two delegates were notified that they would be deported. However, following the intervention of the Chadian Prime Minister, they were allowed entry to the country.<sup>125</sup>

### The General Confederation of Labour (CGT)

CGT, a French trade union organization and UST's partner organization, has regularly made public statements supporting UST and students in their strike actions against austerity measures. It has also criticized the management of public funds by the Chadian government and has lobbied French authorities to ensure that Chad respects its freedom of expression and association commitments.<sup>126</sup> In November 2016, delegates from CGT applied for Chadian visas at the country's embassy in France. The embassy told the delegates that they could only give them visas if they receive written authorization from the Chadian immigration police. The UST therefore contacted the immigration police in Chad who explained that the embassy request was not in conformity with the procedure and that the UST invitation letter attached to the visa application should be sufficient. The UST redrafted an invitation letter to the CGT and shared a copy with the Ministry of Foreign Affairs and Prime Minister. Ultimately, the Chadian embassy in Paris denied visas to CGT delegates, and CGT officials reported that the reason given by the embassy was that "Trade unionists and journalists are not welcome" in Chad.<sup>127</sup> In January 2017, the CGT delegates re-applied for visas and the embassy again denied them. The UST believes that the visa denials were motivated by the fear that the CGT's trip aimed to support the UST in the negotiations with the authorities in the context of their then strike.

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<sup>125</sup> Interviews with UST members, N'Djamena, March 2017

<sup>126</sup> CGT statements regarding the austerity measures in Chad, 'Non à la précarisation des fonctionnaires et des étudiants au Tchad!', 18 October 2016, <http://www.cgt.fr/Non-a-la-precarisation-des.html> and 'Tchad: mouvement social en hausse, démocratie en berne...', 11 January 2017, <http://www.cgt.fr/Tchad-mouvement-social-en-hausse.html>

<sup>127</sup> CGT, 'Tchad: mouvement social en hausse, démocratie en berne...', 11 January 2017, <http://www.cgt.fr/Tchad-mouvement-social-en-hausse.html> and interviews with four UST unionists, N'Djamena, March 2017

# 5. INTIMIDATION AND SURVEILLANCE



**“[I would receive] unidentified calls early in the morning, around five or six, and also at night. [Calls] are either silent, or someone would say ‘just try speaking and you will see’ or ‘stay quiet otherwise you will see’”**

A human rights lawyer, April 2017<sup>128</sup>

## 5.1 INTIMIDATION

Human rights defenders, activists and journalists are often intimidated, harassed and threatened, including through abductions and arrests, after reporting human rights violations or criticizing the authorities. Most of those interviewed by Amnesty International have reported that they have noticed suspicious, unlicensed vehicles with tinted glass, parked sometimes for days outside their homes and their workplaces. Over a dozen human rights defenders and activists as well as journalists told Amnesty International that they regularly receive threatening phone calls, either anonymously or from people introducing themselves as security agents. Out of the 45 human rights defenders and activists interviewed by Amnesty International, only two said they have never received such calls.

One human rights lawyer, for example, told Amnesty International that when she is defending sensitive cases such as of human rights defenders, activists or victims of State agents, she receives threatening anonymous phone calls late at night or early morning. She said that she fears for her life and avoids going out after dark.<sup>129</sup>

**“I am lucky that I was summoned by the police and charged, most are not. High-profile people [close to the government] prefer to send ANS agents to abduct journalists. It has become fashionable.”**

<sup>128</sup> Phone interview with a Chadian woman human rights lawyer, April 2017

<sup>129</sup> Phone interview with a female human rights lawyer, April 2017

### **JOURNALISTS THREATENED AND ARRESTED FOR CRITICIZING THE PRESIDENT, FEBRUARY 2017**

Between 22 and 24 February 2017, Eric Kokinagué, the Director of Publication for the newspaper *Tribune Info*, received more than a dozen anonymous threatening calls from different numbers. The threats came after he published an article entitled “Idriss Déby, un président poker menteur” written by the columnist Daniel Ngadjadoum.<sup>131</sup> The article called President Déby a liar for going back on his promises not to run for office again. Kokinagué said that people calling told him “you are going to pay dearly” and asked “why do you write articles against the Head of state?” naming him *al-himar* [donkey, in Arabic].

During one anonymous call he was told to come and collect a judicial summons – Kokinagué asked for it to be delivered at his place of work or at his place of residence, but it never came. Worried about the threats, Kokinagué fled his house and on 25 February ANS agents arrived to search his house, initially without a warrant, but found no incriminating evidence. They asked Kokinagué’s wife to give them his laptop, but she refused, and they later left after confiscating a few copies of the newspaper’s past editions. Kokinagué stayed in hiding for several days and although fearing for his life, returned home to be with his family and work. He added: “Even if my life is in danger, I will end up going back home. I am tired. I cannot understand that people force me to hide in my own country”.

The next day, on 26 February, the columnist, Ngadjadoum, was abducted by armed men in a non-registered vehicle with tinted glass just after he left his church, Eglise Evangelique Foyer Fraternel no.2, in N’Djamena. Ngadjadoum said that he was detained, chained up for 24 hours in a place that he believed to be an ANS facility and forced to write a letter to apologize to the Republic.<sup>132</sup> He was eventually transferred to the judicial police where he was held for two more days before being released by the Public Prosecutor, with no explanation as to the reasons for his arrest.<sup>133</sup>

**“We know there are risks in this job [but] we are bound by our profession to denounce injustice. We denounce what does not work. This undermines the regime in place, whose primary concern is to muzzle those who criticize”**

A Chadian journalist, March 2017<sup>134</sup>

On several occasions, journalists were arrested merely for covering a demonstration. On 9 September 2016, Saturnin Bemadjiel, a journalist with a radio station, FM Liberté, was arrested while covering a demonstration, even though he had his press card. He was taken to the central police station where his phone, audio recorder and notebook were confiscated. The officers read all his notes and accused him of being a “rebel”. The Director of FM Liberté, Bemadjiel’s employer, went to the police station and advocated for his release. Finally, after four hours of questioning, Bemadjiel was freed.<sup>135</sup>

<sup>130</sup> Phone interview with a Chadian journalist, June 2017

<sup>131</sup> *Tribune Info*, February 2017, ‘Idriss Déby, un président poker menteur’

<sup>132</sup> Reporters Sans Frontières, ‘Un journaliste enlevé, deux autres menaces par l’agence de renseignements tchadienne’, 28 February 2017 ; interviews with Eric Kokinagué and Daniel Ngadjadoum, N’Djamena, 8 March 2017. Ngadjadoum says that he was held in a facility near the airport, and fellow detainees told him he was at an ANS facility. He also says he was questioned by the ANS Director

<sup>133</sup> Court documents

<sup>134</sup> Interview with a journalist, N’Djamena, March 2017

<sup>135</sup> Ligue Tchadienne des Droits de l’Homme, Rapport sur la situation des Droits de l’Homme, [http://www.laltdh.org/pdf/rapport\\_dh\\_2016.pdf](http://www.laltdh.org/pdf/rapport_dh_2016.pdf); phone interviews with Saturnin Bemadjiel and LTDH, between September 2016 and March 2017





## JOURNALIST SLAPPED, HANDCUFFED AND PUT IN THE TRUNK OF A CAR, MAY 2017

On 29 May 2017, journalist Boulga David from Dja FM was arrested by ANS agents while covering a demonstration organized by staff of the 4<sup>th</sup> community district who were requesting the payment of their past months' salary. While David was interviewing demonstrators, his phone and audio recorder were confiscated by ANS agents. They took him to someone standing nearby who David believed to be their superior, who slapped David, ordered his agents to handcuff David and put him in the trunk of a car. He was taken to an ANS facility and detained for two to three hours before the ANS Acting Director called David's manager to come and sign papers for his release. According to David, the ANS Acting Director and another senior officer told him that he should never have been arrested.<sup>136</sup>

## RFI JOURNALIST SLAPPED AND DEPORTED, JUNE 2015

On 23 June 2015, around 10pm, Laurent Correau, a special correspondent for Radio France Internationale (RFI), was arrested at his hotel in N'Djamena by two immigration officers. They informed him that they had received instructions to take him to the airport, but provided no explanation or official document to justify his deportation. Both Correau and human rights defender Reed Brody, with whom he was having dinner, were slapped when they asked for an explanation.<sup>137</sup>

Correau, had arrived in N'Djamena on 18 June to produce a documentary about former President Hissène Habré. The day after his arrival, he went to the General Secretariat of Communication to complete his accreditation and was assured by ministry officials that he could start working in the country. Following his deportation, however, the Chadian authorities claimed that he did not have an official accreditation and added that an oral authorization was not sufficient.

The

authorities have also continued to label critical journalists “*dawala*” (peddlers in local Arabic), “journalists against the government” and “journalists funded by the opposition.”<sup>138</sup> According to journalists from private media interviewed by Amnesty International, this practice has damaged their reputation and has also sparked a decline in advertising revenue of their media houses as state-owned companies prefer to work with pro-government media and private companies do not want to be associated with the media labelled as “opposition”. Private media have relied even more heavily on incomes generated from adverts since they stopped receiving grants from the authorities in 2015.<sup>139</sup>

It is not only journalists who have been stigmatised or targeted with insults. Human rights defenders and trade unions have also received similar treatment from government authorities who have accused them of collusion with opposition parties or armed rebel groups. For instance, President Déby, has been recorded saying that trade unions have been in collusion with opposition parties since 1993 (see Chapter 4), the Minister of Territorial Administration accused MECL of being involved with rebels abroad (see Chapter 4) and Mahadine Babouri was arrested and charged with collaborating with an insurrectional movement (see below 5.2). The Minister of Public Security and Immigration has also stated that students are being manipulated by groups of politicians (see Chapter 2).

In one case documented by Amnesty International, the authorities removed a human rights defender from his employment for publicly criticizing the government.

<sup>136</sup> Alwihdainfo.com, ‘Tchad : Gifle, menotte, séquestre dans un coffre, le journaliste Boulga David s’explique’, 29 May 2017 [http://www.alwihdainfo.com/Tchad-Gifle-menotte-sequestre-dans-un-coffre-le-journaliste-Boulga-David-s-explique\\_a54762.html](http://www.alwihdainfo.com/Tchad-Gifle-menotte-sequestre-dans-un-coffre-le-journaliste-Boulga-David-s-explique_a54762.html) in addition to phone interviews with the journalist and his manager from June to August 2017

<sup>137</sup> JeuneAfrique.com, ‘Reed Brody (HRW) : l’Expulsion de Laurent Correau du Tchad est incompréhensible’, June 2015, <http://www.jeuneafrique.com/239689/politique/reed-brody-hrw-lexpulsion-de-laurent-correau-du-tchad-est-incomprehensible/>

<sup>138</sup> Interview with five journalists, N'Djamena on 8 March 2017

<sup>139</sup> According to the Article 32 of the Law No. 029 of 12 August 1994 on the press in Chad, the state has the duty to support directly or indirectly information agents who contribute to the right of public information. Article 33 of the same Law establishes a press aid fund, to be funded by an annual state subsidy or, possibly, by contributions from national or foreign public or private bodies. The fund is managed by the HCC. However, according to the HCC, since 2015 they have not received the funds from the Government



## REMOVED FROM HIS POSITION FOR CRITICIZING THE GOVERNMENT, APRIL 2016

On 29 April 2016, President Déby signed a decree removing MECI founder Dobian Assingar from his position as the civil society representative at the Petroleum Revenue Monitoring and Control Board (CCSRP).<sup>140</sup> He was removed after human rights organisations suspended their participation in the CCSR to protest against the arrest and detention of four pro-democracy activists Younous Mahadjir, Mahamat Nour Ibedou, Nadjo Kaina and Celine Narmadji (see chapter 3). Dobian perceived this decision as a punishment for his human rights activities. He has also claimed that prior to the decree, he had refused offers of a position within the government that were made to stop his activism.<sup>141</sup>

On 6 June 2016, the Minister of Agriculture signed a ministerial Order removing Dobian from his position of administrative and financial director at the National Office of Rural Development where he had been working since 1976.<sup>142</sup> The decree says that Dobian was being moved to another function, although he says no such post has ever been offered. Dobian told Amnesty International that some of his public accounting clients have said that state agents have threatened them not to entrust him with contracts.

## 5.2 PHONE SURVEILLANCE AND ONLINE CENSORSHIP

### “You can be listened to and spied on, it's the job of the security services”

Chadian Minister of Public Security and Immigration Security, Ahmat Mahamat Bachir, N'Djamena, March 2017<sup>143</sup>

Chadian authorities use surveillance methods to follow the activities of human rights defenders without providing the protections required by regional and international standards, such as ensuring judicial oversight and the possibility of effectively challenging the lawfulness of such measures before a court.<sup>144</sup>

Some HRDs and journalists also described how, after being arrested, ANS agents and the judicial police told them that they had listened to their calls and showed them a record of their phone conversations and SMS messages. Sources within private telecommunication companies in Chad confirmed the practices of phone tapping and monitoring calls, saying that the authorities justify it for national security reasons. One source said that phone surveillance equipment was replaced after Boko Haram's attacks on N'Djamena in June and July 2015, but that surveillance is not limited to those suspected of terrorism, but extends to any group – including civil society organisations - that may oppose to the government.<sup>145</sup>

Such practices are not denied by the authorities, with the Minister of Public Security and Immigration affirming to Amnesty International that in Chad “you can be listened to and spied on - it's the job of security services”. Three state authorities including a senior government official told Amnesty International that “individuals should and could be listened to if their activities threaten to harm social cohesion.”<sup>146</sup> To date, there is no law requiring judicial

<sup>140</sup> Decree No. 340/PR/2016, [https://www.presidence.td/?lg=fr&\\_tsk=decrets&page=3](https://www.presidence.td/?lg=fr&_tsk=decrets&page=3); letter from the human rights organisations to the CCSR and letter from CCSR to Dobian

<sup>141</sup> FIDH, “Tchad: Convocation par la police judiciaire de M. Assingar Dobian, porte-parole du Mouvement pour l'éveil citoyen (MECI)”, 20 January 2017, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tchad-convocation-par-la-police-judiciaire-de-m-assingar-dobian-porte>

<sup>142</sup> Ministerial Order No. 20/PR/PM/MA/SE/SG/2016 appointing a Head of Administrative and Financial Division to the Directorate of the National Office for Rural Development

<sup>143</sup> Interview with the Chadian Minister of Public Security and Immigration Security, Ahmat Mahamat Bachir, N'Djamena, Chad, 22 March 2017

<sup>144</sup> According to Principles and guidelines on human and people's rights while countering terrorism in Africa of the ACHPR, “*The legal framework concerning any interference with privacy, as well as their procedures, should be accessible to the public. Such measures taken shall be subject to judicial oversight, and there must be the possibility to effectively challenge the lawfulness of these measures before a court.*”

<sup>145</sup> Interviews with two private telecoms agents, N'Djamena, March 2017

<sup>146</sup> Interviews with three senior government officials, N'Djamena, March 2017

oversight for any surveillance activities.<sup>147</sup> Further, the N'Djamena Public Prosecutor confirmed that he has never delivered a legal authorization for surveillance to any institution or individual.<sup>148</sup>

In response to these surveillance tactics, human rights defenders increasingly use social media sites and messaging services such as Facebook, WhatsApp and Viber to share information and communicate. As described by one human rights activist, Abdelkerim Yacoub Koundougoumi, Coordinator of the citizen movement Project for a Credible [political] Change in Chad (Projet pour une Alternance credible au Tchad, PACT), “the internet has become the only space for freedom” for many activists in Chad.<sup>149</sup> Yet that space has also been threatened by the Chadian authorities.

Throughout much of 2016, from before the Presidential election in April until the end of the year, the Chadian authorities restricted access to social media platforms and messaging services including Facebook and WhatsApp. The services could only be accessed by using a virtual private network (VPN) to bypass restrictions.

## ACCESS TO SOCIAL MEDIA RESTRICTED



Further, some websites and blogs critical of the government have been blocked, with an agent from the Chadian Office of Telecommunications Regulation (Office Tchadien de Régulation des Télécommunications, OTRT) telling Amnesty International that a list of restricted websites, including websites critical of the government, is kept by the Director, following orders from the authorities.<sup>150</sup> The list compiled and verified by Amnesty International are largely those of activists who are very critical of the regime.<sup>151</sup>

In one instance, an activist, Tadjadine Mahamat Babouri has been targeted and arrested for his activities online.



### CONTINUED DETENTION OF TADJADINE MAHAMAT BABOURI, SEPTEMBER 2016

Online activist Tadjadine Mahamat Babouri, known as Mahadine, has been detained since 30 September 2016, after having posted several videos on Facebook criticizing the government’s mismanagement of public funds and raising concerns about the country’s current economic crisis. Charged with undermining the constitutional order, threatening territorial integrity and national security, and collaborating with an insurrection movement, he awaits trial and if convicted could face life imprisonment.<sup>152</sup>

<sup>147</sup> Phone interview with the former Public Prosecutor of N'Djamena, August 2017. A revised Criminal Procedure Code was submitted to the National Assembly in December 2016 but has not yet been in force. Amnesty International has not been able to obtain a copy of the Criminal Procedures Code. However, the former Public Prosecutor told Amnesty International that it includes a list of permissible investigation techniques such as phone tapping and physical surveillance

<sup>148</sup> Interview with the Public Prosecutor of N'Djamena, N'Djamena, March 2017

<sup>149</sup> Journal du Tchad, ‘Tchad: «Pour les activistes, Internet est devenu le seul espace de liberté» selon Abdelkerim Yacoub Koundougoumi’, 4 May 2017, <http://www.journaldutchad.com/article.php?aid=10862>

<sup>150</sup> Interview with an agent from the Chadian Office of Telecommunications Regulation, N'Djamena, 23 March 2017

<sup>151</sup> The list includes, amongst others: tchadonline.com, magazine-charilogone.over-blog.com, tchadhanana.info, makaila.fr, east-side.chad.over-blog.com/tag/tchadenligne, alwihdainfo.com, nouvelessor.over-blog.com, juliette.abandokwe.over-blog.com, zoomtchad.com and tchadoscopie.over-blog.com

<sup>152</sup> According to Article 81 and 91 of the Criminal Code in force when Mahadine was arrested and charged, the punishment for undermining the integrity of the national territory is perpetual hard labour, and death for collusion with an insurrectional movement. However, according to Articles 86

Mahadine was arrested on 30 September 2016 in the Bololo neighbourhood in N'Djamena by a group of at least seven unidentified armed men and taken to an unofficial detention centre in the Farcha neighbourhood, where he was held without access to his family or lawyer, and with neither water nor food. According to his lawyer and a relative, he was beaten and subjected to electric shocks before being transferred to the judicial police on 3 October. According to Mahadine, because of the alarming state of his health, the police initially refused to keep him and he was taken to an ANS facility, before being transferred back to the police the following day. He was eventually charged on 10 October, then transferred to the Am Sinene prison in N'Djamena where he was chained for several weeks. Later, he was transferred to the Section Nationale de la Recherche Judiciaire, and the high security prison of Koro Toro. Mahadine's medical records show that he has complained about blood in the urine, bruised liver and tuberculosis. Due to his deteriorating health condition, he was transferred to the Moussoro prison and on 15 March 2017. His lawyers requested the Minister of Justice to ensure his immediate transfer to N'Djamena to receive appropriate medical care.<sup>153</sup> No response had been received as of August 2017.<sup>154</sup>

Amnesty International considers Tadjadine Mahamat Babouri as a prisoner of conscience who was solely arrested for peacefully expressing his opinion.

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and 89 of the new Chadian Criminal Code, Mahadine if convicted could face life imprisonment. In such cases, the practice in Chad recommends the use of the least serious punishments

<sup>153</sup> Court and police documents and medical certificates

<sup>154</sup> Reporters Sans Frontières, 'RSF demande la libération de Mahadine en détention arbitraire depuis 10 mois', 11 July 2017, <https://rsf.org/fr/actualites/rsf-demande-la-liberation-de-mahadine-en-detention-arbitraire-depuis-10-mois>; face-to-face and phone interviews with CAMOJET, Mahadine's lawyer and relative between March to July 2017; Phone calls with the Minister of Justice, June 2017

## 6. THE KEY ROLE OF CHAD'S NATIONAL SECURITY AGENCY



**“We fear that the same practices from the Hissène Habré era could come back. There are already some signs, like arbitrary arrests and secret detentions... We are starting to get scared”**

A Human rights defender, N'Djamena, March 2017<sup>155</sup>

The repression faced by human rights defenders, civil society organizations, trade unions, journalists and others is carried out by different arms of the state, sometimes working in parallel. On the one hand, there is the official justice system including the police, the gendarmerie and the courts. On the other, there is the National Security Agency (ANS) – the successor to the Documentation and Security Directorate (DDS), Hissène Habré’s intelligence services.<sup>156</sup>

As the cases in this report show, ANS agents have regularly been involved in the surveillance, intimidation, arrest and detention of critics of the government, which demonstrates the essential role of this agency in the repression of human rights defenders in Chad.

The ANS was created by Decree No. 302 of 8 June 1993, following the 1993 Sovereign National Conference (SNC).<sup>157</sup> Its creation followed recommendations made by the Commission of Inquiry into former President Habré’s crimes and abuses of power<sup>158</sup>, and aimed to review the powers and structures of the intelligence agency that replaced the DDS. One of the SNC recommendations was to make the intelligence services “an instrument in the service of the people and its welfare rather than an engine of oppression and torture”.<sup>159</sup> The powers and structures

<sup>155</sup> Interview with a human rights defender, N'Djamena, 10 March 2017

<sup>156</sup> The Documentation and Security Directorate (DDS) was created by Decree No. 005/PR/83 of 26 January 1983. Under Hissène Habré’s rule, the DDS was used as a repression tool to arbitrary arrest, torture, kill and silence critical voices

<sup>157</sup> Committee against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment (CAT), *Consideration of reports submitted by States parties under article 19 of the Convention - Initial reports of States parties due in 1996*, CAT/C/TCD/1, 22 September 2008

<sup>158</sup> The Commission of Inquiry into former President Habré’s crimes and abuses of power was created by Decree No. 014/PR/P.CE/CJ/90 of 29 December 1990. The Commission of Inquiry showed that the DDS was under Habré’s rule used as an “engine of oppression and torture”, which contributed during the eight years (1982-1990) of President Habré’s rule to an outcome of some 40,000 dead and thousands of widows and orphans

<sup>159</sup> Committee against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment (CAT), *Consideration of reports submitted by States parties under article 19 of the Convention - Initial reports of States parties due in 1996*, CAT/C/TCD/1, 22 September 2008, para. 27 and 28

on the ANS have since been amended on several occasions, including via a new decree in January 2017, which provided greater powers to the agency.<sup>160</sup>

## **“The ANS is in conformity with the Constitution and mandated to summon anyone suspected of acting against public order”**

Chadian Minister of Public Security and Immigration, Ahmat Mahamat Bachir, March 2017<sup>161</sup>

While the ANS is not accused of crimes on the same scale as those committed by the DDS – responsible for the deaths of 40,000 people between 1982 and 1990<sup>162</sup> – the two agencies do share several features in terms of mandate, structure and methods that facilitate the continued commission of human rights violations.

Firstly, like the legal mandate provided for the DDS<sup>163</sup>, the mandate provided to the ANS is both vague and far-reaching, focusing on “subversion and destabilization directed against the vital interests of the state and the nation” but also “any mission with which the political authority may entrust it.”<sup>164</sup> The 2017 decree says that “the scope of the ANS missions is only limited by human rights”<sup>165</sup> as well as “the Laws of the Republic and Chad’s international commitments.”<sup>166</sup> Although such limitations are essential, they are insufficient and, as the cases in this report demonstrate, are often not respected. The broad powers and mandate provided to the ANS have allowed it to repress government critics such as Mahadine Tadjadine Babouri (see Chapter 5) and Nadjo Kaina and Bertrand Solloh (see Chapter 3).

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<sup>160</sup> Decree No. 008/PR/2017 on the restructuring of the ANS

<sup>161</sup> Interview with Ahmat Mahamat Bachir, Minister of Public Security and Immigration, N'Djamena, 22 March 2017

<sup>162</sup> Amnesty International, *‘Introduction’*, Chad: Never again? killings continue into 1990s (Index: AFR20/04/93)

<sup>163</sup> Decree No.005/PR creating the DDS

<sup>164</sup> Article 6 of the Decree No.008/PR/2017 restructuring the ANS

<sup>165</sup> Article 7 of the Decree No.008/PR/2017 restructuring the ANS

<sup>166</sup> Article 3 of the Decree No.008/PR/2017 restructuring the ANS

## LOOSE AND VAGUE MANDATES

The mandates of the ANS and DDS have several similarities. They are both broad and lack the limitations and safeguards recommended by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.<sup>167</sup>

### THE ANS MANDATE:

*Research, collect and use information relating to the security of the state;*

*Detect, forestall or prevent all activities of espionage, subversion and destabilization directed against the interests of the state and Nation, in coordination with the other services or bodies;*

*Carry out, as part of its powers and prerogatives, any mission with which the political authority may entrust it.*

### THE DDS MANDATE:

*Collect and collate all information emanating from the country and abroad concerning foreign or foreign-instigated activities likely to jeopardize national unity;*

*Identify foreign agents;*

*Detect possible networks (information or action) and their organization;*

*Identify the immediate or future aims being pursued;*

*Prepare counter-espionage, counter-interference and, if necessary, counter-propaganda measures;*

*Collaborate in enforcement by establishing files on individuals, groups and communities suspected of activities that run counter to or are merely injurious to the national interest.*

*Provide security protection for Chad's embassies abroad and for diplomatic mail.*

*(From Decree No.008/PR/2017 restructuring the ANS)*

*(From Decree No.005/PR creating the DDS)*

The ANS's powers were increased in January 2017 following Decree No. 008/PR/2017 on the restructuring of the ANS. Whilst a previous Presidential Decree issued in April 1996<sup>168</sup> made clear that the ANS did not have the powers to arrest or detain individuals, but instead must refer suspects to the police and gendarmerie, this was overturned in January 2017. In the new decree, the ANS has been provided legal powers to "arrest and detain suspects for purposes of investigation, where they represent a real or potential threat, in accordance with the laws of the Republic".<sup>169</sup>

According to the good practices published by the UN to ensure the respect of human rights by intelligence agencies, there are certain safeguards that must be respected in relation to intelligence services' powers of arrest and detention. These include the existence of a legal framework outlining the purposes of such powers and circumstances under which they may be used and strictly limiting their use to cases where there is reasonable suspicion that a crime (falling under the mandate of the intelligence services) has been, or is about to be committed. In addition, the powers of arrest and detention should be subjected to the same degree of oversight

<sup>167</sup> UNGA, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, *Good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight*, A/HRC/14/46, 2010

<sup>168</sup> Presidential Order No. 1024/PR/96, issued on 12 April 1996. Committee against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment (CAT), *Consideration of reports submitted by States parties under article 19 of the Convention - Initial reports of states parties due in 1996*, CAT/C/TCD/1, 22 September 2008, paras 31 and 32

<sup>169</sup> Decree No.008/PR/2017 restructuring the ANS

applying to the use of these powers by law enforcement authorities and individuals should have the right to challenge the lawfulness of their detention before a court.<sup>170</sup>

Even without these new powers, the ANS had for years already been illegally arresting people and detaining them in unofficial detention facilities, holding people without charge long beyond the legal limits and without providing access to families and lawyers (see Chapter 3 and Chapter 5). Such practices were not denied by authorities. Although Chad's Criminal Procedure Code provides that defendants should be brought before a court within 48 hours – renewable only once – or else released<sup>171</sup>, the Chadian Minister of Public Security and Immigration told Amnesty International that the detention period by the ANS “depends on the complexity of the case.”<sup>172</sup> He added that if the case is “light”, the detention could last 24 to 48 hours, but when it is “serious” no time limit is imposed.

Although Article 243 of the Chadian criminal procedure code states that “preventive detention must be carried out in a prison” and that custody periods must be carried out at the judicial police or gendarmerie brigades, people arrested by the ANS are instead typically detained in ANS facilities. According to one source identifying himself as an ANS agent, ANS detention sites are “scattered throughout the city of N'Djamena.”<sup>173</sup> Senior state officials interviewed by Amnesty International refused to comment on the legality of ANS detention centres, describing it as “classified information.”<sup>174</sup>

Secondly, just as the DDS was “directly subordinated to the president due to the confidential character of its activities”<sup>175</sup>, the founding decree of the ANS underlines that the agency is also “subordinated” to the Presidency, who has authority over ANS' missions, organization and attributions.<sup>176</sup> Transparency is also limited by secrecy. According to Article 3 of the decree by which it was created: “The identity of the staff of the Agency, the tasks entrusted to it, the activities it undertakes in that context, and all administrative and financial documents are covered by defence secrecy.”<sup>177</sup>

Thirdly, like the DDS, the ANS has both domestic and foreign mandates. In Chad, the ANS has its headquarters based in N'Djamena. The agency is represented in the 10 main regions of the country through regional delegations co-ordinating the missions of the branches within their geographical area of competency. Abroad, the ANS has sections coordinated by the External Research Directorate (*Direction de Recherche Exterieur* in French) in charge of collecting “information relating to the security of the state, in particular attempts to destabilize the institutions of the Republic from outside.”<sup>178</sup>

Finally, the relationship between the ANS and the official justice system is an important aspect in the arrest and prosecution of human rights defenders, journalists and others. The ANS does not have the powers to charge suspects, and must eventually pass them to the judicial police if they are to be brought before the courts. Chadian Minister of Public Security and Immigration, Ahmat Mahamat Bachir said to Amnesty International that “if ANS investigations show that the person is not involved in a [national security] case, we transfer them to the judicial police.”<sup>179</sup> This often happens once ANS interrogations are finished in order for them to be officially charged, although the arbitrary nature of the original arrest and any mistreatment are rarely subsequently investigated (see cases documented in Chapter 3).

Magistrates and prosecutors have complained on several occasions that they do not receive information on arrests carried out by the ANS, and that they have no control over cases dealt by the ANS until they are transferred to them<sup>180</sup>. If a case is politically sensitive, those outside the ANS are reluctant to intervene. One senior official, for example, told Amnesty International: “When we hear [from others] that the ANS has arrested someone, we inquire about the purpose of the arrest. When the object is political, we do not get involved.”<sup>181</sup>

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<sup>170</sup> UNGA, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, *Good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight*, A/HRC/14/46, 2010, para.42, practice 29

<sup>171</sup> Article 221 of the Chadian Criminal Procedure Code, 1994, [http://www.vertic.org/media/National%20Legislation/Chad/TD\\_Code\\_Procedure\\_Penale.pdf](http://www.vertic.org/media/National%20Legislation/Chad/TD_Code_Procedure_Penale.pdf)

<sup>172</sup> Interview with Ahmat Mahamat Bachir, the Minister of Public Security, N'Djamena, 22 March 2017

<sup>173</sup> Interview with a source identifying himself as ANS agent, May 2017

<sup>174</sup> Interview with a senior state official, N'Djamena, 22 March 2017

<sup>175</sup> Article 2 of the Decree No.005/PR creating the DDS

<sup>176</sup> Article 1 of the Decree No. 302/PR/93 of 8 June 1993 creating the ANS and Article 3 of the Decree No.008/PR/2017 restructuring the ANS

<sup>177</sup> Article 3 of the Decree No. 302/PR/93 of 8 June 1993 creating the ANS

<sup>178</sup> Article 3 of the Decree No. 008/PR/2017 restructuring the ANS

<sup>179</sup> Interview with the Chadian Minister of Public Security and Immigration, Ahmat Mahamat Bachir, N'Djamena, 22 March 2017

<sup>180</sup> Interviews with three magistrates and two Prosecutors, N'Djamena and Moundou, March 2017

<sup>181</sup> Interview with a senior government official, N'Djamena, 22 March 2017



# CONCLUSION AND RECOMMENDATIONS

In a context of security threats, political contestation and economic discontent, the Chadian government continues to use repressive tactics to stifle human rights defenders, trade unions and journalists. They have intimidated and harassed individuals, threatened their organizations with closure, and accused them of being “manipulated by opposition parties” and “rebels”, simply for exercising their right to freedom of expression, peaceful assembly and association. Outdated laws have allowed the authorities to ban protests, restrict strikes, and arrest and detain those who have taken a critical stand against those in power.

The vague and far-reaching powers provided to the ANS mean these threats are backed up by a formidable security service, working in parallel to the justice system and in contravention of national and international law, to tackle anything perceived as “destabilising” the state.

How the authorities respond to the growing dissent in Chad will define the country’s future. Chad has an obligation to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association of all its citizens. Rather than seek to stifle opposition, the authorities may need to engage with dissenting voices both to navigate through the current crisis, as well as to achieve President Déby’s original promise of “a real, pluralistic democracy, guaranteeing all individual and collective freedoms.”

## RECOMMENDATIONS

### TO THE CHADIAN AUTHORITIES

#### Regarding freedom of expression, peaceful assembly and association

- Ensure that the justice system is not misused to target or harass human rights defenders and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their rights;
- Amend Ordinance 46/62 on gatherings, Decree No. 193/620 regulating protests in public places, Ordinance No. 45/62 on public meetings, and ensure that they meet international and regional human rights standards on the rights to freedom of expression, association and peaceful assembly;
- Amend Ordinance No. 27/62 to ensure that associations are not required to obtain prior authorization to be registered as a legal entity, and provide for a simple and non-burdensome notification process. Any denial by the Ministry of Interior to register an association should be done through a detailed and timely written explanation, and should be able to be challenged before an impartial and independent court;
- Ensure that Ordinance No. 27/62 does not consider unregistered associations as illegal, that they are able to carry out their activities and that their members are not subjected to criminal sanctions for lack of registration;
- Abolish the contempt and defamation laws and replace them, if necessary, with appropriate civil laws; and ensure that charges of contempt of court and defamation are not used to restrict the legitimate exercise of the right to freedom of expression;

- Amend the law regulating the right to strike, make it coherent with ILO conventions and ensure that it is discussed in an inclusive manner with unions before it is adopted and promulgated;
- Refrain from prosecuting, harassing and threatening people for exercising their right to freedom of expression, peaceful assembly and association; investigate all threats or attacks against them because of their work or the exercise of their human rights, and bring to justice those suspected to be responsible for such acts in trials that meet international fair trial standards and without recourse to the death penalty;
- Immediately unblock access to all websites currently blocked for their critical content to the authorities including those cited in this report; refrain from restricting access to internet and messaging applications such as Facebook and WhatsApp;
- Reinstate all human rights defenders who have been removed from their position in public administration due to their activities, including Dobian Assingar, and refrain from sanctioning human rights defenders for their activities by removing them from or abolishing their functions;
- Publicly acknowledge the existence of civil society platforms, including MECI and IYINA; and authorize them to carry out with their activities.

### **Regarding the right to privacy**

- Reform the legal framework and bring it in line with international standards governing surveillance and the right to privacy. At a minimum, these reforms should ensure that access to personal data only takes place with a judicial warrant based on reasonable suspicion of criminal wrongdoing.

### **Regarding arbitrary arrest and detention**

- Immediately and unconditionally release all prisoners of conscience and drop all charges against them, including Tadjadine Mahamat Babouri, Maoundoe Decladore and Sylvester Beindé Bassandé;
- Immediately and publicly instruct the police, army, the ANS and gendarmerie, to end unlawful arrests and detention, incommunicado detention and, in particular, not to detain people beyond the 48-hour period as provided in Chadian Criminal Code;
- Ensure that the family of a person under arrest is informed immediately of their arrest and thereafter informed at all times of where they are being held;
- Permit all detainees, after their arrest and regularly during their detention, to see their families, independent medical practitioners and lawyers;
- Allow independent national and international human rights monitors access to all detention centres include ANS facilities, including the International Committee of the Red Cross which already conducts prison visits and assists prisoners in other facilities in Chad.

### **Regarding the ANS**

- Amend the laws founding and regulating the ANS and ensure that they comply with “UN good practices on legal and institutional frameworks for intelligence services and their oversight”, and adopt measures to reform the ANS:
  - Ensure there is a clear chain of accountability within the ANS and the use of those powers is subject to judicial oversight; persons alleging being victims of the abuse of those powers should have effective recourse to remedies and access to full reparation ;
  - All persons arrested by the ANS should be brought before a judge within reasonable time, not exceeding 48 hours. And the Public Prosecutor should be informed whenever a suspect is arrested by the ANS, as well as the reasons motivating the arrest, and he should be allowed to visit detainees;
  - Ensure that the ANS does not detain individuals in illegal facilities and that all detainees have prompt access to their families and they should be allowed access to a lawyer from the moment of their arrest and through the proceedings.

### **Regarding protection for human rights defenders**

- Develop and promulgate a law that recognizes human rights defenders, protects them from reprisals and attacks and supports their work. The law should be based on the Model Law for the recognition and protection of human rights defenders, endorsed by 28 high-level experts<sup>182</sup>;
- Effectively address threats, attacks, harassment and intimidation against human rights defenders, including, where applicable, by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing the suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations;
- Establish, in consultation with human rights defenders and civil society organizations, national protection mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders and journalists, including characterizing them as “rebels”, “enemies”, “opponents” or “criminals”;
- Establish a database containing information on attacks against human rights defenders broken down by age, gender identity, sexual orientation, area of work and ethnicity. Conduct ongoing analyses of patterns of attacks on defenders that allow appropriate measures to be taken to mitigate the risks;

## TO MEMBERS OF THE INTERNATIONAL COMMUNITY

- Publicly reaffirm the legitimacy of the work of human rights defenders in Chad and condemn the restrictions of their activities and the violations of their rights<sup>183</sup>;
- Urge Chadian authorities to thoroughly, impartially and transparently investigate the human rights violations outlined in this report, and offer any assistance required to do so;
- Diplomatic representatives of EU states should raise the human rights violations highlighted in this report as part of their political dialogue with Chad taking place under Article 8 of the Cotonou agreement, as well as ACHPR resolution 69 on the protection of human rights defenders in Africa<sup>184</sup>;
- Diplomatic representatives of the EU and its member states in Chad should ensure that the EU Guidelines on Human Rights Defenders are fully implemented;
- All donors providing financial and technical support to Chad’s justice and security sectors should ensure their support has a strong human rights component, includes monitoring of the security forces, and does not contribute to the commission of human rights violations;
- In particular, the European Union should ensure that under the phase II of PRAJUST project, which has a fund of 15 million euros and is expected to run from 2015 to 2019:
  - Chadian laws related to the rights to freedom of expression, peaceful assembly and association such as the laws on gatherings, public meetings, defamation and contempt are amended and if needed repealed;
  - Trainings and capacity building programs for the judicial police and gendarmerie include a strong human rights component;
- Engage in the Universal Periodic Review of Chad when it comes up for its third examination in November 2018, including by holding the government accountable for the recommendations it accepted during its previous review in October 2013 and making new recommendations to address the most pressing human rights concerns in the country including the protection of human rights defenders;
- Systematically visit human rights defenders in prison to ensure they are not tortured or ill-treated, and attend their trials to ensure they are fair. Any violations should be communicated to the authorities and ensure independent investigation into them are undertaken and suspects brought to justice in trials that meet international fair trial standards and without recourse to the death penalty;

<sup>182</sup> International Service for Human Rights (ISHR), Model law for the recognition and protection of human rights defenders, January 2017

<sup>183</sup> Joint statement signed by the EU delegation in Chad, German, French, Swiss and US embassies on the arrest of human rights defenders, [https://eeas.europa.eu/delegations/tchad/25059/d%C3%A9claration-locale-conjointe-d%C3%A9l%C3%A9gation-de-lue-et-autres-ambassades-relative-aux-droits-de\\_fr](https://eeas.europa.eu/delegations/tchad/25059/d%C3%A9claration-locale-conjointe-d%C3%A9l%C3%A9gation-de-lue-et-autres-ambassades-relative-aux-droits-de_fr)

<sup>184</sup> ACHPR <http://www.achpr.org/sessions/35th/resolutions/69/>

- Ensure that the United Nations Office of the High Commissioner for Human Rights representation in Chad has a mandate that allows its staff to conduct monitoring of prisons and other detention facilities including police cells and security service detention facilities and to report on the matter.

## **TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

- Request a visit to Chad to assess the space for human rights defenders, establish the extent of human rights violations committed by the intelligence service and the misuse of the justice system to harass and intimidate human rights defenders and activists;
- Urge the government of Chad to comply with the Commission's 2003 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, the 2010 principles and guidelines on the implementation of the ICESCR, the 2014 Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, and the 2016 Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa.

# ANNEX: RIGHT TO REPLY



Réf: TG AFR 20/2017.006

Son Excellence, Monsieur le Président Idriss Deby Itno  
La Présidence  
B.P. 74, N'Djamena,  
République du Tchad

Le 28 juillet 2017

## **OBJET : TRANSMISSION DES RESULTATS DE LA RECHERCHE MENEES PAR AMNESTY INTERNATIONAL ET DROIT DE REPONSE**

Votre Excellence,

J'ai l'honneur de vous adresser cette lettre pour vous faire part des résultats de la recherche que nous avons menée au Tchad entre décembre 2016 et mars 2017.

Depuis des décennies, Amnesty International suit la situation des droits humains dans la République du Tchad, et notamment en matière de droits à la liberté d'expression, d'association et de réunion pacifique. Plus récemment, entre 2015 et 2017, l'organisation a effectué deux missions de recherche dans le pays, au cours desquelles, notre délégation a pu apprécier l'ouverture et la coopération d'un grand nombre de représentants du gouvernement dont des ministres mais aussi des autorités judiciaires. Nous souhaiterions également féliciter le Tchad pour le retrait de la peine de mort du Code Pénal et prenons acte de l'engagement public pris à votre arrivée à la tête de l'Etat tchadien en 1990, à veiller à ce que les droits humains soient respectés. Nous serons heureux de pouvoir discuter avec vous de la manière de traduire cette volonté dans les faits, à la lumière des constatations et recommandations que nous avons faites.

Amnesty International est un mouvement mondial regroupant plus de sept millions de personnes qui défendent les droits humains et luttent contre les atteintes à ces droits dans plus de 150 pays et territoires. La vision d'Amnesty international est celle d'un monde où chacun peut se prévaloir de tous les droits énoncés dans la Déclaration universelle des droits de l'homme et dans d'autres textes internationaux relatifs aux droits humains. Essentiellement financée par ses membres et par les dons de particuliers, Amnesty International est indépendante de tout gouvernement, de toute tendance politique, de toute puissance économique et de toute croyance religieuse.

La République du Tchad a ratifié plusieurs traités internationaux et régionaux importants en matière de droits humains, dont la Charte africaine des droits de l'homme et des peuples et le Pacte international relatif aux droits civils et politiques (PIDCP), qui reconnaissent et garantissent une série de droits fondamentaux, en particulier ceux relatifs aux droits à la liberté d'expression, d'association et de réunion pacifique. Cependant, dans le cadre de nos recherches, nos équipes ont pu documenter plusieurs cas d'atteintes à ces droits, en particulier les restrictions inacceptables aux droits à la liberté de manifestations pacifiques, d'association et d'expression et

l'arrestation et la détention arbitraire de nombreux manifestants.

Dans le souhait d'entretenir un dialogue constructif et durable avec les autorités, nous voudrions vous présenter les principales conclusions de nos recherches et souhaiterions vivement recueillir vos éventuels commentaires sur les points soulevés en annexe. Celles-ci sont le fruit de nombreuses rencontres avec des défenseurs des droits humains, des représentants d'organisations de la société civile, des journalistes, des syndicalistes, des avocats, des chercheurs et académiciens, des leaders de l'opposition, des délégués des Nations unies et d'organisations internationales non-gouvernementales ainsi que l'analyse de documents officiels et dans un cas, l'analyse de photographies et vidéo. Ce résumé passe en revue les violations des droits à la liberté d'expression, d'association et de réunion pacifique au Tchad.

Nous vous serions reconnaissants de nous faire parvenir votre réponse écrite de préférence avant le 21 août 2017 par email à l'adresse [mariam.sawadogo@amnesty.org](mailto:mariam.sawadogo@amnesty.org). Ceci, afin que nous puissions la faire figurer dans un prochain rapport.

Veillez agréer, Excellence, Monsieur le Président de la République, l'expression de notre très haute considération.



Alioune Tine  
Directeur Régional  
Bureau Régional Afrique de l'Ouest et du Centre

Ampliations :

- Monsieur le Ministre de la Justice, Garde des sceaux chargé des droits humains
- Monsieur le Ministre de l'Administration du territoire et de la bonne gouvernance
- Monsieur le Ministre de la Sécurité Publique et de l'Immigration
- Monsieur le Directeur de l'Agence Nationale de Sécurité

## **Annexe 1 : Synthèse des conclusions des chercheurs d'Amnesty International**

### **Restrictions au droit à la liberté de manifestation pacifique**

Depuis 2008, les manifestations pacifiques ont été régulièrement interdites par décrets du Ministre de l'intérieur ou à travers une déclaration des autorités dont le Ministre de la Sécurité dans les médias. Pour la seule année 2016, Amnesty International a documenté les cas d'interdiction de plus de 10 manifestations pacifiques et l'arrestation d'au moins 100 manifestants. L'ordonnance numéro 45 du 27 octobre 1962 qui stipule que "*les réunions publiques ne peuvent avoir lieu sans autorisation préalable*" a été appliquée pour justifier ces restrictions et les arguments liés aux questions de sécurité et de maintien de l'ordre public ont été invoqués pour restreindre le droit à la liberté de manifestation pacifique. Cette loi est en désaccord avec les traités internationaux et régionaux ratifiés par le Tchad. Nous rappelons ici que le Rapporteur Spécial des Nations Unies sur le droit de réunion pacifique et liberté d'association a déclaré qu'"exiger une autorisation [de manifestation] transforme le droit à la liberté de réunion pacifique en un privilège" et que "les meilleures pratiques dictées que les États peuvent, au plus, exiger une notification préalable pour les assemblées pacifiques mais pas d'autorisation". Les activistes et défenseurs de droits humains qui ont participé aux manifestations interdites ont été arrêtés et placés en détention. Il s'agit notamment du cas des quatre activistes, Celine Narmadji, Nadjo Kaina, Mahamat Nour Ibedou et Younous Mahadjir, qui ont été arrêtés et détenus de manière arbitraire entre mars et avril 2016. Ils ont été condamnés à quatre mois de prison avec sursis et interdits de s'engager dans toutes activités "subversives".

### **Restrictions au droit à la liberté d'association**

Le Mouvement d'Eveil Citoyen (MECI) a été déclaré illégal par le Ministre de l'Administration territoriale car selon lui, ce "*regroupement s'est fait sans aucune base légale*" et regroupe à la fois "*des associations de la société civile, des partis politiques, des personnalités indépendantes qui relèvent chacun d'un statut juridique différent*"<sup>1</sup>. Ceci est en contradiction avec les meilleures pratiques énoncés par le Rapporteur Spécial des Nations Unies sur le droit de réunion pacifique et liberté d'association et qui préconisent que toutes les organisations doivent être protégées, qu'elles soient enregistrés ou pas et doivent pouvoir exercer leurs droits à la liberté de manifestation pacifique et à la liberté d'association<sup>2</sup>. Par ailleurs, l'article 15 de la loi 032/PR/2016 portant modification de la Loi 008/PR/2007 du 09 mai 2007 portant réglementation de l'exercice du droit de grève dans les services publics, stipule que "*les salaires des journées non-prestées sont à la charge des syndicats initiateurs au mouvement de grève, sauf si le motif de la grève résulte d'un retard général de paiement des salaires et dans la limite de trois jours de grève dans le même mois.*"

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<sup>1</sup> Lepaystchad.com, Djimnayel Ngarlem, '*La platefome Meci interdit d'activités*', 6 January 2017, <http://lepaystchad.com/index.php/politique/835-la-plateforme-meci-interdit-d-activites>.

<sup>2</sup> D'après le Rapporteur Spécial sur le droit de réunion pacifique et d'association "Le droit à la liberté d'association protège également les associations qui ne sont pas enregistrées. Les individus impliqués dans des associations non enregistrées devraient effectivement être libres de mener des activités, y compris le droit de tenir et de participer à des assemblées pacifiques, et ne devraient pas faire l'objet de sanctions pénales", A/HRC/20/27, Rapport du Rapporteur Spécial sur le droit de réunion pacifique et d'association, Maina Kiai, C. Best practices related to the rights to freedom of association, 21 May 2012, p.14, paragraphe 56.

*A l'expiration de ce délai, les salaires des journées non-prestées sont à la charge des syndicats initiateurs de la grève'. Cette disposition peut représenter une entrave à l'exercice du droit à la liberté d'association car elle pourrait être utilisée pour exiger que les syndicats initiateurs de la grève rémunèrent les travailleurs pour les jours non-prestés. De même, la loi 032/PR/2016 liste la radio, la télévision et les régies financières dans la liste des services essentiels. Or, selon la définition du bureau international du travail, les services essentielles, sont des services dont l'interruption risquerait de mettre en danger la vie, la sécurité ou la santé de la personne dans l'ensemble ou dans une partie de la population.*

### **Restrictions au droit à la liberté d'expression et arrestations et détentions arbitraires**

Plusieurs cas d'activistes et défenseurs des droits humains arrêtés, détenus et parfois condamnés pour avoir exprimé leur opinion de manière pacifique ont été documentés par Amnesty International. Les poursuites se sont notamment appuyées sur les dispositions légales relatives à la diffamation et l'outrage aux corps constitués. Ainsi, le journaliste **Sylver Beinde Bassande** a été arrêté en juin 2017 à Moundou pour avoir interviewé et diffusé sur la radio Al Nada FM une interview d'un conseiller municipal critiquant les autorités judiciaires suite à sa condamnation avec deux de ses collègues dans une autre affaire. Il a été, de même que le conseiller municipal, condamné à 2 ans de prison et une amende de 100,000 FCFA pour complicité d'outrage à la Cour et atteinte à l'autorité judiciaire. De même, durant le mois de Février 2015, suite notamment aux manifestations demandant à ce que justice soit rendue pour **Zahara Mahamat Yosko alias Zouhoua** et **Abachou Hassan Ousmane**, et durant une bonne partie de l'année 2016, l'accès au réseau sociaux (en particulier Facebook) a été régulièrement interrompu. **Tadjadine Mahamat Babouri** a été arrêté en septembre 2016 par l'Agence Nationale de Sécurité pour avoir mis en ligne des vidéos critiquant les autorités pour la corruption et la mauvaise gouvernance. Après son arrestation, il a été détenu pendant des jours sans charge et sans accès à sa famille avant d'être transféré à la police judiciaire qui l'a inculpé pour atteinte à l'ordre constitutionnel, menace à l'intégrité territoriale et la sécurité nationale et intelligence avec un mouvement d'insurrection. Il est actuellement détenu à la prison de Moussoro et son état de santé est très critique.

L'accès à certains sites internet et blogs affichant des positions critiques vis-à-vis du gouvernement, sont régulièrement/toujours bloqués, ce qui représente une entrave à l'accès à l'information des populations

### **Garanties juridiques**

Selon les nombreux témoignages que nous avons recueillis, l'Agence Nationale de Sécurité (ANS) a eu recours aux arrestations arbitraires et à la détention incommunicado et au secret, pratiques auxquelles s'ajoutent la torture et autres mauvais traitements. **Nadjo Kaina** et **Bertrand Solloh** ont été arrêtés en avril 2017 pour avoir appelé les populations à s'habiller en rouge pour manifester leur mécontentement face à la corruption, la mauvaise gouvernance et l'impunité au Tchad. Ils ont été détenus pendant 16 et 8 jours respectivement, sans charge et sans accès à leurs familles et avocats avant d'être remis à la police judiciaire et inculpés pour tentative de complot et provocation à l'attroupement. Les deux activistes ont été par la suite condamnés à six mois de prison avec sursis. De plus, de nombreux témoignages d'activistes et défenseurs des droits humains confirmés par des membres du gouvernement, attestent que les personnes soupçonnées d'être opposées au gouvernement, feraient l'objet de surveillance et que leur ligne téléphonique serait mise sur écoute sans autorisation judiciaire préalable et sans justification valable. Cette



pratique est contraire aux standards internationaux et régionaux.

## **Annexe 2 : Questions**

Les constats faits ci-dessus, suscitent une forte préoccupation et nous souhaiterions recueillir vos commentaires et précisions ainsi que toute information complémentaire concernant ces conclusions préliminaires afin de pouvoir les intégrer dans toute future publication. Nous aimerions pouvoir recevoir des informations ou des éclaircissements plus spécifiquement sur les questions suivantes :

- 1) Quelles sont les actions et mesures que vous prévoyez de mettre en place pour garantir que le pouvoir d'arrestation accordé à l'ANS par l'Article 8 du décret numéro 008/PR/2017 portant restructuration de l'ANS soit utilisé '*dans le respect des lois de la République*' et des traités internationaux et régionaux?
- 2) Quelles sont les actions et mesures que votre gouvernement entend entreprendre afin que chacun, et notamment les journalistes, les syndicalistes, les organisations de la société civile, les défenseurs des droits humains et les activistes, puissent bénéficier de leur droit à la liberté d'expression, d'association et de réunion pacifique?
- 3) Quelles sont les lois qui permettent de garantir que l'accès aux données personnelles est soumis à une autorisation judiciaire préalable et fondée sur des soupçons qui permettent raisonnablement de penser que des actes répréhensibles ont été commis ou sont sur le point d'être commis ?
- 4) Quelles sont les mesures et actions que vous prévoyez de mettre en place pour reformer les lois actuelles et les aligner aux normes internationales afin de garantir à tous les tchadiens que :
  - a- leur conversation téléphonique, courrier électronique et message téléphonique sont privés et ne peuvent être en aucun cas accessibles aux autorités et à l'Agence Nationale de Sécurité (ANS) qu'après obtention au préalable d'une autorisation judiciaire fondée sur des soupçons qui permettent raisonnablement de penser que des actes répréhensibles ont été commis ou sont sur le point d'être commis?
  - b- ils peuvent devant des juridictions compétentes contester toute décision judiciaire donnant l'accès à leurs données personnelles aux autorités ou à l'ANS ?
- 5) Combien de manifestations ont été interdites par décrets ministériels et déclarations des autorités en 2015, 2016 et 2017 ?
- 6) Quel est l'état d'avancement de la procédure judiciaire concernant **Tadjadine Mahamat Babouri** ? Et quand sera-t-il transféré à N'Djamena pour des soins de santé adéquats ?
- 7) Pour quelles raisons le mouvement d'éveil citoyen (MECI), a-t-il été interdit en décembre 2016 ?

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# BETWEEN RECESSION AND REPRESSION

## THE RISING COST OF DISSENT IN CHAD

When President Idriss Déby took power in 1990, he promised to break from the brutal rule of former President Hissene Habré and work towards the establishment of “a real, pluralistic democracy, guaranteeing all individual and collective freedoms.” However, in recent years the Chadian authorities have responded to growing public discontent with ever greater restrictions on the rights to freedom of expression, assembly and association.

Peaceful demonstrations have been banned, and protestors arrested. Leaders of social movements have been prosecuted, and their platforms outlawed. Restrictions have been placed on the right of trade unions to organise freely and to strike. Dissident voices have faced harassment, intimidation and unregulated surveillance. And online freedoms have been limited through the periodic restrictions on social media sites, messaging platforms and some critical websites.

At the heart of much of this repression is the National Security Agency (ANS), which has often acted in contravention of Chadian law by arresting and detaining government critics beyond legally defined custody periods and without allowing access to families or lawyers.

Facing political contestation, security threats from groups including Boko Haram, and a severe economic crisis, Chad is at a crossroads. Whether the authorities choose to respond to these challenges with greater repression, or instead by fulfilling President Déby’s inaugural promise of freedom, will define how the country progresses.