
GABON

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

While corruption remained endemic in Gabon in 2010, civil society engaged in promoting good governance and financial transparency, including the media and journalists, faced hostility from the Government and its supporters.

Political context

Since the election of Mr. Ali Bongo Ondimba in August 2009 at the presidency of the Republic¹, his opponents have repeatedly denounced the electoral fraud that marred the voting, as well as renewed fraud during the partial legislative and senatorial elections on June 6, 2010, which resulted in the victory of the ruling party, the Gabonese Democratic Party (*Parti démocratique gabonais* - PDG). Electoral disputes in 2009 were also reflected in the controversy over the constitutional reform, which ended on December 28, 2010 with the adoption by Parliament of a new draft revision of the Constitution, providing more rights to the President of the Republic, particularly in terms of national defense². In addition, on January 25, 2011, the Executive Secretary of the National Union opposition party (*Union nationale* - UN), Mr. André Mba Obame, who came in third in the presidential election of 2009, unexpectedly proclaimed himself President of the Republic and formed his own “Government”, before taking refuge in the premises of the United Nations Development Programme (UNDP) office, in Libreville, by asking the international community to recognise him as the legitimate Head of State³. The next day, his party was dissolved with immediate effect for violating the Constitution, and the main private television station *TV+*, owned by Mr. Mba Obame, was suspended for a three-month period⁴.

1/ During the single-tour presidential election on August 30, 2009, Mr. Ali Bongo Ondimba succeeded his father, Omar Bongo Ondimba, who died in June 2009 after 41 years as Head of State.

2/ The new text provides for example, that in order to ensure the continuity of public service upon the occurrence of a force majeure, natural disaster or a declaration of open war against Gabon, it would be possible to postpone any election without convening the Electoral College, resulting in an extension of the term in question. Return to the limitation of presidential terms and two rounds of voting, claimed by the opposition, were not included in the new provisions.

3/ Mr. Obame did not emerge from the United Nations until February 27, 2011. In the beginning of May 2011, the National Assembly voted to lift his immunity, opening the door to possible legal action against him.

4/ On April 18, 2011, the National Council for Communication (*Conseil national de la communication* - CNC) decided to lift this sanction “in an effort to restore calm in the national media landscape”.

Moreover, whereas at an internal scale the National Commission for the Fight Against Corruption and Illicit Enrichment (*Commission nationale de lutte contre la corruption et l'enrichissement illicite* - CNLCEI) kept refraining, since its inception in 2003, from ruling on actual cases of illicit enrichment or from punishing those responsible⁵, some progress were nonetheless reported internationally. Thus, on November 9, 2010, the Paris Court of Appeals approved the opening of an investigation in the case of the so-called “ill-gotten gains”, responding positively to the complaint filed by the French section of the Association “Transparency International” France (TI-France), denouncing the setting up of movable and immovable assets in France by former President Omar Bongo Ondimba and some of his relatives, which were acquired by “concealing embezzlement of public funds”. On November 10, 2010, the CEO strongly criticised this decision, stating the “reserve[d] right to initiate any action to ensure the failure” of such proceedings.

Finally, the year 2010 was marked on February 15, by the President of the Republic’s promulgation of Law No. 3/2010 to abolish the death penalty, information that was not revealed until April 2011⁶.

Harassment against defenders denouncing corruption

In 2010, representatives of civil society engaged in promoting good governance and financial transparency faced hostility from the Government and its supporters. Thus, Mr. **Marc Ona Essangui**, National Coordinator of the Publish What You Pay (PWYP) coalition and Executive Secretary of the organisation of environmental protection, “Brainforest”, was subjected to a stigma campaign orchestrated by pro-Government media for supporting the said trial of “ill-gotten gains”⁷. Since November 9, 2010, the date of the decision of the French Supreme Court, many media including *Radio-Television Gabon* (RTG1), the TV show *Pluriel*, the newspaper *L’Ombre* and the daily newspaper *Gabon Matin*, organised a stigma campaign to discredit Mr. Essangui. As an example, in its issue of December 8, 2010, *Gabon Matin*, who devoted six pages to the trial of “ill-gotten gains”, presented Mr. Essangui as an agent seeking to destabilise the State and as working for a group of foreign organisations, comprising the Extractive Industries Transparency Initiative (EITI), Global Witness, PWYP, the Revenue Watch Institute of Open Society, TI, Survival and Sherpa. During the same period, the *Pluriel* issue presented Mr. Marc Ona

5/ See Transparency International Report, *Rapport sur la corruption*, October 28, 2010.

6/ See World Coalition Against the Death Penalty and Amnesty International.

7/ See Frontline.

Essangui as “exploited by Sherpa, Survival and Transparency International, an accomplice of carnage and secret wars among the great powers in Africa, who award prizes to fellow countrymen”, presumably referring to the Goldman Prize awarded in 2008 to the latter and the Transparency International Integrity Prize 2009-2010, awarded to Mr. Gregory Ngbwa-Minsta, complainant in the case of “ill-gotten gains”. In addition, the RTG1 re-broadcasted for several days in December 2008 a press conference delivered by the Interior Minister at that time, which justified the arrest and imprisonment of Mr. Marc Ona Essangui and other defenders, including extracts in which the Minister claimed to have evidence that these defenders were exploited by French NGOs that financially supported them to destabilise the State, and that they were at the head of a vast conspiracy that was to begin by encouraging the Gabonese to revolt and by recruiting compatriots from the country’s nine provinces, but also from South Africa, France and Canada. Since his release on bail on January 12, 2009, Mr. Marc Ona Essangui was also charged with “possession of a document for distribution for purposes of propaganda” and “oral and written propaganda for the incitement to revolt against the authority of the State”.

Similarly, the media and the journalists who exposed corruption within the administration were sanctioned by the National Communication Council (*Conseil national de la communication* - CNC). Thus, on May 21, 2010, the CNC suspended the publication of the newspaper *Ezombolo* for six months for “repeatedly insulting the Head of State” following the publication of an article deemed critical of President Ali Bongo in relation with expenditures made on some of his travels. The newspaper resumed operations after the suspension period ended on November 21, 2010⁸. Furthermore, on March 29, 2010, Mr. **Albert Yangari** and Mr. **Jonas Moulenda**, respectively Editor and journalist of the newspaper *L’Union*, were summoned for the third time before the Court of First Instance in Libreville, following a complaint for “defamation” filed on March 24, 2010 by Mr. Ngui Alfred Banda, former Director General of the Gabonese Shippers’ Council (*Conseil gabonais des chargeurs* - CGC), a national institution responsible for shipping. This complaint was filed following an article published on November 28 and 29, 2009 relating to the unsolved murder of the new CEO of CGC, Mr. René Ziza, who was stabbed on November 25, 2009. The article suggests that this crime could be linked to the consequences of an internal audit ordered by Mr. Ziza, which would have revealed the misappropriation of over one billion CFA francs

(about 1,52 million euros) within the CGC. While Mr. Yangari was released on June 9, 2010, the Libreville Criminal Court sentenced Mr. Jonas Moulenda on the same day to a three-months suspended prison sentence and a 500,000 CFA francs (about 760 euros) fine for “defamation”⁹.

9/ See RSF Press Releases, March 25 and June 22, 2010.