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# CHAD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In Chad, 2010-2011 was marked by the obstruction of activities organised by civil society bodies to promote transparent management of public property, as well as by acts of intimidation against a newspaper which denounced the poor redistribution of wealth in the country.

## Political context

Since the 1990 coup d'état which brought to power Mr. Idriss Deby Itno, who was then re-elected in 1996, 2001 and 2006, the legality of the election procedures has been regularly contested by the opposition and by the civil society. The parliamentary elections on February 13, 2011, the first vote of the election calendar provided under the Agreement for the Reinforcement of the Democratic Process concluded in 2007 and which saw the victory of the political alliance of President Idriss Deby Itno confirming his absolute majority in the National Assembly, were not an exception<sup>1</sup>. Initially planned for April 3, 2011, the presidential election was held on April 25, 2011 in spite of the withdrawal of the three main opposition candidates who denounced a "huge election masquerade". President Idriss Deby was re-elected with 88.26% of the votes, according to the results announced on May 9 by the National Independent Election Commission (*Commission électorale nationale indépendante* - CENI).

In response to the recommendations issued in 2009 by the United Nations Human Rights Committee on lifting restrictions related to attacks on freedom of the press<sup>2</sup>, on August 18, 2010, the National Assembly adopted a draft law on the press regime, which had previously been rejected on June 2, 2010, and that abolishes prison sentences for press offences as well as for the crime of insulting the Head of State, whilst introducing new offences punishable with prison sentences of six months to one year and

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1/ The eleven opposition parties making up the Coalition of Political Parties for the Defence of the Constitution (*Coalition des partis politiques pour la défense de la Constitution* - CPDC) and the National Independent Electoral Commission (*Commission électorale nationale indépendante* - CENI), which confirmed the results of the parliamentary elections on February 27, 2010, pointed to a number of irregularities. See also Monitoring and Support Committee for the Agreement for the Reinforcement of the Democratic Process in Chad, *Mémoire relatif aux irrégularités de nature à entacher la sincérité et affecter les résultats d'ensemble du scrutin du 13 février 2011*, March 4, 2011.

finances of 100,000 to one million CFA francs (about 150 to 1,500 euros), as well as suspension of publication from six months for “crimes” of incitement of racial or ethnic hatred and the praise of violence<sup>3</sup>. In addition, from March 9 to 11, 2010, the Ministry responsible for Human Rights and the Promotion of Freedoms organised in N’Djamena the first National Forum on Human Rights, which aim was to report on human rights situation in the country. This initiative was welcomed by human rights defenders, who regretted however, the lack of involvement of civil society in its organisation and in drawing up the agenda<sup>4</sup>.

Furthermore, during the 14<sup>th</sup> session of the United Nations Human Rights Council held from May 31 to June 18, 2010, the Minister for Human Rights announced that his Government agreed that international experts should participate in the monitoring committee in charge of the investigation into the disappearance of Mr. Ibni Oumar Mahamat Saleh, one of the main Chadian opponents who was arrested by the army in February 2008, since when he disappeared<sup>5</sup>. However, as of the end of April 2011, this case was still not solved. In addition, although as of the end of April 2011, the Government of Senegal where the former Head of State Hissène Habré took refuge, had still not taken concrete measures to arrange his trial, the Chadian Government for its part, neither took action to bring to justice the other political officials of the previous regime, currently holding positions in important bodies such as security, defence and administration<sup>6</sup>. Finally, on July 21, 2010, the Sudanese President, Mr. Omar Hassan al Bashir, travelled to Chad to take part in a meeting of the region’s leaders<sup>7</sup>, and although he is subject to two arrest warrants issued by the International Criminal Court (ICC) for “genocide”, “crimes against humanity” and “war crimes” committed in the Darfur region and although Chad is a State Party signatory to the Rome Statute, the Chadian authorities refused to arrest him. This violation of international obligations occurred several months after the start of a new diplomatic dialogue between the two countries, who signed an agreement normalising their

3/ See International Freedom of Expression Exchange (IFEX) Press Release, 24 August 2010.

4/ See Chadian Association for the Defence and Promotion of Human Rights (*Association tchadienne pour la promotion et la défense des droits de l’Homme* - ATPDH).

5/ Postponed for almost two years, the National Commission’s investigation report had not led to any judicial proceedings and, in the name of national sovereignty, the Chadian President had always rejected foreign collaboration in local judicial affairs.

6/ See ATPDH.

7/ This was the 12<sup>th</sup> ordinary session of the Conference of Leaders and Heads of State of the Community of Sahel-Saharan States (*Conférence des leaders et des chefs d’Etat de la Communauté des Etats sahélo-sahariens* - CEN-SAD) that took place in N’Djamena from July 22 to August 23, 2010.

relations on January 15, 2010, after five years of conflict by proxy through rebel groups<sup>8</sup>.

### **Obstruction of defenders who promote transparent management of public property**

Whilst in the recent years the issue of transparency in the exploitation of natural resources has become essential to the action of Chadian civil society in its work to achieve good governance and respect for the people's economic and social rights, especially in the field of petroleum extraction, the Government authorities did not have any hesitation in placing obstacles in the way of their actions. The Local Permanent Petrol Commission (*Commission permanente pétrole locale* - CPPL), a local civil society organisation that has been working for several years for the transparent management of revenue from petroleum activities in compliance with human rights and with the environment, was refused permission on March 22, 2010, to hold a workshop planned for March 23 to 26, 2010 that would have brought together representatives of the Doba oilfield. The refusal was justified by a decision of the Interior Ministry, although the Prefect, the Governor of the region and the district chiefs had permitted this event to be held. No information about the reason for this ban could be obtained. The workshop was organised to validate a study on the best way to allocate part of the income from petroleum extraction, attributed by the law to the producing region in order to better respond to the needs of local people. Following this ban, the Chadian League of Human Rights (*Ligue tchadienne des droits de l'Homme* - LTDH) organised on April 16, 2010, a workshop in N'Djamena to publish this study at the Centre for Study and Training for Development (*Centre d'études et de formation pour le développement* - CEFOD) in cooperation with the Monitoring Committee of the Appeal for Peace and Reconciliation (*Comité de suivi de l'appel à la paix et à la réconciliation* - CSAPR)<sup>9</sup>.

Similarly, the Chadian authorities made accusations against a newspaper that reported the incorrect redistribution of wealth within the country.

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8/ This agreement led to a reciprocal undertaking to end all support for rebel movements and to deploy a joint security force responsible for surveillance in the light of the withdrawal of the United Nations peace-keeping forces in eastern Chad. On May 25, 2010, the United Nations Security Council reconsidered the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) and authorised the end of escort and security operations in the east of the country and the gradual reduction of its military component until its final withdrawal. Since then, the Chadian Government has officially taken over responsibility for the security and protection of the civilian population, including refugees, displaced persons and host communities. See United Nations Security Council Resolution 1923, S/RES/1923, May 25, 2010.

9/ See LTDH and ATPDH.

On October 18, 2010, during a press conference held at his office, the Prime Minister issued a warning to the weekly newspaper *N'Djaména Bi-Hebdo*, accusing it of publishing “untruths calling for tribal hatred and division of the country”. In an article in the edition number 1316 (October 14 to 17, 2010) called “The Lessons of South Sudan”, the newspaper compared the development of the human rights situation in Sudan with the one in Chad and made a particular mention on the lack of fairness in the distribution of resources to Chadian people. During his press conference, the Prime Minister requested the intervention of the media regulation body, the High Communication Council (*Haut conseil de la communication* - HCC) and the Observatory for Ethics and Professional Conduct in the Media (*Observatoire de la déontologie et de l'éthique des médias* - ODEMET). The following day, on October 19, 2010, the HCC, in a press release broadcast on radio, considered that the newspaper “put unproven acts on the record” and proceeded to “an abusive general use in the comparison of no current facts”, while lacking “moderation in the used tone”. No complaint was filed<sup>10</sup>.

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10/ See ATPDH and CEFOD.