

BRIEFING PAPER

Universal Periodic Review

March 2018

THE SITUATION OF HUMAN RIGHTS DEFENDERS IN CHAD

Contacts

Adélaïde ETONG KAME
International Service for Human Rights
a.etong@ishr.ch

Pafing GUIRKI
L'observatoire de suivi des instruments internationaux
des droits de l'homme
pafinguirki@yahoo.fr



During its last Universal Periodic Review in 2013, Chad accepted 119 recommendations. Of the 119, four focused on human rights defenders (HRDs) and five on freedom of expression and the press. These recommendations called on the State to take the necessary legal measures to ensure the protection of HRDs in the country and to ensure that they can operate in an environment free from harassment, threats and reprisals; guarantee, respect and promote freedom of expression; ensure the implementation of

Law 17-2010¹ regarding the press regime in Chad and protect journalists from arbitrary arrests. The government did not accept any of the recommendations. The government's refusal reflects the current situation in the country regarding the restrictions and threats faced by human rights defenders, trade unions and journalists.

RISKS FACING HUMAN RIGHTS DEFENDERS

- Following a change of mandate in January 2017 by decree n° 008/PR/2017², agents of the National Security Agency (ANS) can now arrest HRDs for reasons related to national security to 'detect, prevent and anticipate any subversive activity and destabilization directed against the vital interests of the State and the Nation' (article 6 of the decree).³
- HRDs are often prosecuted for 'terrorism' and 'endangering state security' on the basis, inter alia, of Law 34 / PR / 2015 on the Suppression of Acts of Terrorism, whose content remains relatively vague and confusing.⁴
- International journalists face restrictions. In 2015, while preparing a series of documentaries about the trial of former president Hissène Habré, Radio France International reporter Laurent Correau was attacked by police and expelled from the country.⁵

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- According to Amnesty International, in 2016 at least 13 ministerial decrees banned peaceful protests and more than 65 organizations reported being banned from organizing events between 2014 and 2016.⁶
- In 2016, Chad adopted a new penal code, which continues to list homosexuality as an offense (article 354).⁷ As seen in other African countries, this could dangerously restrict the work of HRDs working on LGBTI issues in the country.

ATTACKS ON CIVIL SOCIETY ORGANISATIONS

- According to Amnesty International, HRDs and journalists who criticize the regime, particularly with regard to the current economic crisis, are arrested and prosecuted by the authorities.⁸ Indeed, the leaders of the campaign 'Tournons la page' in Chad, an international movement advocating for a peaceful democratic transfer of power, were arrested and arbitrarily detained.⁹
- Following an interview with the associative radio FM during which he discussed the expropriation of

farmers' land, opacity in the oil industry and judicial corruption, Djeralar Miankéol (activist of the Chadian League of Human Rights (LTDH)) was arrested. Sentenced on 7 July 2015 to a 2 year suspended prison sentence and a 100,000 FCFA fine, he was finally released after the Court of Appeal canceled the previous judgment on July 28, 2015.¹⁰

- On 21 March 2016, Mahamat Nour Ahmed Ibedou, a spokesman of the coalition 'ça suffit', was arrested after organizing several demonstrations against the possibility that the current president, Idriss Deby, would run for a fifth term. He was charged with attempting to disrupt public order, opposing legitimate authority and organizing an unauthorized and unarmed gathering. The next day, the police arrested three other HRDs for the same reasons. On 7 April, they were sentenced to 6 months suspended sentence, which was later reduced to 4.¹¹
- On 5 May 2017, Mr. Maoundoe Declador, spokesman of the citizen collective 'Ça doit changer', was arrested and held incommunicado by the ANS until 30 May.¹² This followed a press conference in support of Nadjo Kaina Palmer, spokesperson for the 'Iyina' movement, affiliated to the 'ça suffit' coalition, and coordinator of 'Tournons La Page – Chad', and Bertrand Solloh Ngandjei, also a member of 'Iyina', then imprisoned.¹³
- After a call to vendors at a market in N'Djamena to strike against the increase in booth fees, Dingamnyal Nely Versinis, President of the 'Collectif Tchadien contre La Vie Chère', was arrested on 12 April 2017 by the ANS for 'misrepresentation of titles and scams'. Before the judges on 27 April 2017, he reported being sequestered, tortured and held in a secret place for 14 days. After being kept handcuffed and chained in a dark and gloomy cell,¹⁴ he was finally released for unincorporated offense.¹⁵

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- In July 2015, the publisher of the private newspaper Abba Garde, Moussaye Avenir of

- Tchiré, fled to Cameroon to escape arrest by the ANS after the High Council of Communication ordered the newspaper's closure and the seizure of its last edition.¹⁶ The High Council of Communication had ruled that the newspaper violated legal and regulatory provisions of the ethic and deontology code by comparing the current president, Idriss Deby, to a 'modern Hitler' in its edition number 108 published in July 2015.¹⁷
- According to the LTDH, journalists from TV5 Monde channel accredited to cover the 2016 presidential elections faced difficulties in covering the vote count. In addition, while filming an altercation between police and prospective voters who were unable to cast their votes, the journalists' camera was confiscated by the police.¹⁸
 - On 8 February 2018, Djimet Wiché, publication director of the news website Alwihda Info, was arrested by the ANS. He had been covering a peaceful march organized by civil society against bad governance and government austerity measures in N'Djamena. Upon his release, he received threats from the police patrol chief.¹⁹
 - According to a communiqué by the FIDH, in April 2017, Nado Kaina and Bertrand Solloh reported being tortured while in detention. They had been arrested by ANS agents for calling on Chadians to protest corruption and impunity by wearing red on the anniversary date of the 2016 presidential election. They were sentenced to a suspended sentence of 6 months in prison.²⁰
 - On 25 January 2018, during a peaceful protest organised against the high cost of living and austerity measures, Dingamnayal Nely Versinis was arrested and suffered all kinds of torture. Following this, he lodged a complaint against a general intelligence chief of the Public Security Station No. 15 of the city of N'Djamena, whom he accused of intimidation with a firearm, death threats and physical attacks. He is currently wanted by the police for filing said complaint.²¹

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- Chad recently passed a law reforming the National Commission on Human Rights.²² However, to this day it remains inactive and retains its C status.²³

RECOMMENDATIONS TO THE GOVERNMENT OF CHAD:

- Ensure that all alleged attacks against HRDs are promptly and thoroughly investigated, that perpetrators are held accountable and that victims have access to effective remedies.
- Make strong public statements recognizing the legitimate and important role of HRDs, including journalists, and take steps to hold public and private actors accountable for stigmatizing the legitimate work of defenders.
- Adopt laws protecting HRDs and their working environment in Chad, in line with the UN Declaration on Human Rights Defenders.
- Reform the ANS and ensure that it respects [good practices on legal and institutional frameworks for intelligence services and their oversight](#), to ensure respect of human rights by intelligence services and improve the ability to prosecute those found responsible of human rights violations.
- Ensure that the legislative framework as well as law enforcement guarantee and protect freedoms of expression and opinion, and refrain from intimidating and arresting journalists for their legitimate work.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and put an end to unlawful arrests and detentions and incommunicado detention against HRDs for their legitimate work.
- Issue standing invitations to all thematic special procedures and relevant regional mandate holders and invite and facilitate visits by United Nations special rapporteurs on the situation of HRDs, on freedom of opinion and expression, and on freedom of assembly and association.
- Take all measures to amend law 34 / PR / 2015 on the Suppression of Acts of Terrorism and ensure the promotion and protection of human rights and their defenders while countering terrorism in Chad by referring to best practices such as the African Commission on Human and People's Rights', "[Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa.](#)"
- Operationalise and provide the necessary resources to ensure the effective functioning of the new National Human Rights Commission and support its compliance with the Paris Principles.

ISHR and l'Observatoire de suivi des instruments internationaux des droits de l'homme encourage States to consult UPR submissions by local activists and make recommendations to Chad regarding the protections of HRDs. This paper is a result of compiling public information and direct contact and experience in the protection of HRDs. Readers should consult sources provided for additional information.

¹ Law 10-017 2010-08-31 PR, <http://www.droit-afrique.com/upload/doc/tchad/Tchad-Loi-2010-17-regime-presse.pdf>

² Décret n° 008/PR/2017 du 17 janvier 2017, portant restructuration de l'Agence Nationale de Sécurité (ANS), <http://sgg.gouv.td/decret-n-008pr2017-du-17-janvier-2017-portant-restructuration-de-lagence-nationale-de-securite-ans/>

³ Amnesty International, 'Chad increasing use of repressive laws amid brutal crackdown on human rights activists', <https://www.amnesty.org/fr/latest/news/2017/09/chad-increasing-use-of-repressive-laws-amid-brutal-crackdown-on-human-rights-activists/>

⁴ Frontline Defenders, Annual report human rights defenders at risk 2017, <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>

⁵ DefendDefenders, The state of African human rights defenders 2015, <https://www.africandefenders.org/wp-content/uploads/2017/05/StateofHRD2016EnglishFinal-2.pdf>

⁶ Amnesty International, 'Chad increasing use of repressive laws amid brutal crackdown on human rights activists', <https://www.amnesty.org/fr/latest/news/2017/09/chad-increasing-use-of-repressive-laws-amid-brutal-crackdown-on-human-rights-activists/>

⁷ Chad Criminal Code, <https://www.droit-afrique.com/uploads/Tchad-Code-penal-2017.pdf>

⁸ Amnesty International, 2017/2018 Report Africa, <https://www.amnesty.org/en/countries/africa/report-africa/>

⁹ Frontline Defenders, Annual report human rights defenders at risk 2017, <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>

¹⁰ Ligue Tchadienne des Droits de l'homme, Rapport sur la situation des droits de l'homme 2015, http://www.laltdh.org/pdf/rapport_dh_2015.pdf

¹¹ United States Department of State • Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2016, <https://www.state.gov/documents/organization/265450.pdf>

¹² Hurinews, 'Tchad : Après la liberté provisoire : Un défenseur des droits de l'homme dans un état de santé critique' <https://hurinews.com/tchad-apres-la-liberte-provisoire-un-defenseur-des-droits-de-lhomme-dans-un-etat-de-sante-critique/>

¹³ FIDH, 'Tchad : Arrestation et détention au secret de Maoundoe Declador, du collectif citoyen 'Ça doit changer', <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tchad-arrestation-et-detention-au-secret-de-maoundoe-declador-du>

¹⁴ <http://tchadrevolution.over-blog.com/2017/05/dingamyanal-versinis-recit-de-mon-enlevement-sequestration-torture-et-de-ma-detention-dans-un-endroit-secret.html>

¹⁵ VOA Afrique, 'Procès de militant au Tchad : une relaxe et deux mises en délibéré' <https://www.voafrique.com/a/proces-de-militants-au-tchad-une-relaxe-et-deux-mises-en-delibere/3828470.html>

¹⁶ Freedom House, Country report, Chad 2016, <https://freedomhouse.org/report/freedom-world/2016/chad>

¹⁷ Tchadinfos.com, Tchad : la justice ordonne la fermeture du journal Abba Garde, <http://tchadinfos.com/politique/tchad-la-justice-ordonne-la-fermeture-du-journal-abba-garde/>

¹⁸ Ligue Tchadienne des Droits de l'homme, Rapport sur la situation des droits de l'homme 2016, http://www.laltdh.org/pdf/rapport_dh_2016.pdf

¹⁹ Reporter without borders, 'Tchad un directeur de publication agressé et menacé par les forces de l'ordre', <https://rsf.org/fr/actualites/tchad-un-directeur-de-publication-agresse-et-menace-par-les-forces-de-lordre>

²⁰ FIDH, 'Tchad : Condamnation avec sursis et libération de MM. Nadjo Kaina Palmer et Bertrand Solloh Ngandjei', <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tchad-condamnation-avec-sursis-et-liberation-de-mm-nadjo-kaina-palmer>

²¹ VOA Afrique, 'Un président d'association recherché par la police au Tchad', <https://www.voafrique.com/a/un-president-d-association-recherche-par-la-police-au-tchad/4280681.html>

²² Tchad Infos, 'Les Nations Unies félicitent le Tchad pour l'adoption de la loi portant réforme de la CNDH', <http://tchadinfos.com/tchad/les-nations-unies-felicitent-le-tchad-pour-ladoption-de-la-loi-portant-reforme-de-la-cndh/>

²³ NANHRI, Tchad Commission nationale des droits de l'homme, <http://www.nanhri.org/wp-content/uploads/2016/04/CHAD.pdf>