



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND AND WALES

## **UP-DATE ON THE HUMAN RIGHTS SITUATION IN FRANCOPHONE WEST AFRICA**

(as tracked between March 2009 and March 2010)  
Report researched and written by Penelope Hamilton Bird

### **BURKINA FASO**

#### **False accusations of witchcraft**

Over 300 women around the age of 70 have been placed in a refuge in Delwende, having been forced to leave their homes after accusations of witchcraft. One of them recounts, "there was an epidemic in my village and many children died. I was accused of causing their deaths. Young people burnt my house and the elders banned me from the village and the chief did not intervene." This is by no means an isolated case in Burkina. Often the accused women are beaten, if not killed, and taken to the forest, forbidden to return to their home. The refuge, which has a capacity of 354, offers support to these women, helping them to gain confidence and recover from their experiences.

#### **Norbert Zongo**

Please refer to all my previous papers for information about this case in which Norbert Zongo, a journalist, was assassinated in 1998. Individuals close to the president have been suspected of carrying out the murder. In August 2000, five members of the Presidential Guard were charged with the murder of David Ouedraogo, Mr Zongo's chauffeur, and sentenced to lengthy prison terms. Three of these, Marcel Kafando, Edmund Koama and Ousseini Yaro, are also suspected of killing Mr Zongo. Edmund Koama died in 2001.

Thus far, no accountability has been established for the death of Norbert Zongo.

### **CAMEROUN**

#### **Bernard Njonga**

Please refer to my previous paper concerning the prosecution of **Bernard Njonga** and eight others for a public order offence following a demonstration

in December 2008 . The Court in Yaoundé was due to give judgement on 24<sup>th</sup> April. Mr Njonga was convicted and sentenced to two months' imprisonment which was suspended for three years on 23<sup>rd</sup> May 2009.

#### **Harassment of human rights defender Mme. Mbe**

**Mme. Maximilienne Ngo Mbe** is the executive secretary of the NGO Solidarité pour la promotion des droits de l'homme et des peuples (PRODHOP) and member of the Network of Human Rights Defenders in Central Africa. Since December 2008 she has regularly been subject to harassment and threats. On 25<sup>th</sup> February 2009 one of her children received an anonymous phone call from a person who said: "I am coming for you and your mother." The harassment started after a press release by PRODHOP on 11<sup>th</sup> December, the day after a demonstration organised by an NGO working against the misuse of funds and corruption in the Ministry of Agriculture. Nine individuals were arrested at the demonstration – please refer to my previous papers for further information.

#### **Harassment of the media**

**Jean Bosco Talla**, director of publication of the journal *Germinal*, has reported been followed by two men dressed in civilian clothes. On 1<sup>st</sup> July he received a threat by anonymous text message and another the next day telling him to stop "making gestures" or else he would be killed. Subsequently, on 28<sup>th</sup> July Mr Talla received an anonymous phone call warning him that he should "expect revenge". Since then, he has received several anonymous calls. It has been reported that the intelligence services are monitoring him. Another human rights activist involved in the CFDD report, **Jean-Marc Bikoko**, has also received anonymous telephone calls and warnings that the intelligence services were tracking him.

On 10<sup>th</sup> December, **Jean Bosco Talla** was arrested and detained following the publication of an article which spoke about the possibility of a secret pact between President Biya and his predecessor Mr Ahmadou Ahidjo. Mr Talla was accused of "attempting to bring dishonour to the President of the Republic." He has appeared before the court where he contested the charge. Shortly after, Mr Talla was convicted and sentenced to one year's imprisonment and three years' probation, in addition to a fine.

While President Biya was in France in July 2009, Reporters sans Frontières (RSF) took the opportunity to assess the state of the press in the Cameroun. RSF noted that the freedom of the press in Cameroun had improved in recent years but it remained the case that journalists were vulnerable to the security forces, politicians who were out to settle scores and corrupt judges. At that time, several journalists had been threatened and/or arrested and one, **Lewis Medjo**, was in prison. He had been sentenced to three years' immediate imprisonment on 7<sup>th</sup> January 2009 for "publishing false news". He had written an article in which he discussed the possible manoeuvre by the president to force the president of the Supreme Court to take retirement.

Director of publication for *le Jeune Observateur* and RSF correspondent **Jules Koum Koum** has engaged in detailed research and produced evidence of the corruption of a number of people in Cameroun. On the night of 1<sup>st</sup> September several armed men burst into Mr Koum Koum's home and stole a briefcase containing documents and personal possessions. Furthermore,

during the night of 25<sup>th</sup> September, an attempt was made to break into his house again. Having been awakened by the noise Mr Koum Koum alerted his neighbours and the assailants fled. Since 27<sup>th</sup> September his personal e-mail account as well as the account of the journal have been hacked and the passwords changed. Both of his telephones have also been bugged.

### **Impunity for security forces**

In February 2008 the security forces had put down a peaceful protest across the main cities in Cameroun with violence and summary executions. The Observatoire national des droits de l'Homme au Cameroun (ONDH) published its report into those events on 19<sup>th</sup> February 2009. They found that over four days at least 139 people had been killed and several thousand others arbitrarily arrested, unlawfully detained and summarily judged. Many had been victims of cruel, inhuman or degrading treatment during their arrest/detention. Numerous journalists and human rights defenders who tried to alert the international community were subjected to acts of intimidation. As of yet, no enquiry has been set up to hold the security forces accountable.

### **The plight of women**

A study revealed that more than 432,000 women and girls had been victims of rape over the last twenty years. 18% of cases involved a member of the family. A campaign, which will take place over two years, has been launched following the report.

### **Prison conditions**

A reporter from Jeune Afrique undertook a visit to the prison in Yaoundé. It has a capacity of 1,000 but was found to be holding 4,000 inmates. Minors and adults, convicts and those on remand are all placed together. Assault, theft and rape is widespread.

## **CENTRAFRIQUE**

### **Instability in the border regions**

The insecurity in the border region of Centrafrique, Tchad and Soudan have been comprehensively covered in my previous papers. The situation has not improved. The militias have once again taken up arms because the president has not appointed a consensual government, as stipulated in the 'Dialogue politique inclusif'. A new prime minister has not been appointed and 10 of the original ministers remain in government. The opposition parties have therefore refused to form part of the executive. Mr Ziguélé indicated that parliamentary elections would take place in March 2010, despite the fact that the electoral roll remained incomplete. The Ad Hoc Committee and Independent Electoral Commission also need to be set up.

International aid agencies in the area work in great danger and in June one worker was murdered. Throughout the year, rebels have held territory in the north of the country and caused displacement of the local population.

### **UNHRC**

In May the UNHRC, in its periodic inspection, called upon Centrafrique to implement the following measures:

- re-establish security in the north of the country;

- ensure the protection of women;
- assure the rights of displaced people;
- prevent the recruitment of child soldiers;
- ban female circumcision and protect women and girls from all forms of violence and discrimination;
- abolish the death penalty;
- act to stop extra-judicial executions;
- adopt laws against war crimes, genocide and crimes against humanity in conformity with international law; and
- ensure that journalists can work without fear of persecution and intimidation.

### **Harassment of human rights defender Mathias Morouba**

Mr Mathias Morouba is vice-president of the Observatoire Centrafricain des Droits de l'Homme and lawyer and assistant for the OCODEFAD, an NGO concerned with victims of crime. Currently, he is representing victims in the trial of Jean-Pierre Bemba, at the International Criminal Court. Mr Morouba was threatened in the court's premises in Bangui on 17<sup>th</sup> November and the following day in the office of another lawyer. He is being harassed both from the partisans of ex-president Félix Patassé and of the present government.

### **Bertrand Mamour**

The Human Rights Committee of the United Nations considered the case of Bertrand Mamour under the International Covenant on Civil and Political Rights. In November 2006, he was arrested on undisclosed grounds and continued to be detained until April the following year. He was not permitted to contact his family and was reportedly subjected to cruel, inhuman and degrading treatment. Mr Mamour was released in April last year, though was not authorised to leave the country and effectively held under house arrest. There had been no court involvement at any stage. The Committee found a violation of Article 9, the right to liberty and security.

### **Maître Goungaye Wanfiyo**

Please refer to my previous papers for further details about this case. **Mr Wanfiyo** had gathered a significant amount of evidence for the case before the International Criminal Court and was returning from a fact-finding investigation when he was killed in December last year. No post-mortem was carried out, despite the family's request. A case has brought against the driver of the lorry; this is due to be heard in March 2010.

## **COTE D'IVOIRE**

### **The press under attack**

International French broadcaster France 24 was suspended on 22<sup>nd</sup> February for airing "unbalanced information", according to the Frank Anderson Kouassi, President of the Ivory Coast's National Broadcasting Council (CNCA).

On 19<sup>th</sup> March journalist **Nanankoua Gnamanteh** from the press group Le Réveil was detained and held in custody on the orders of the public prosecutor. He appeared before the court on 24<sup>th</sup> March accused of offending the Head of State". The case centred on an article published by Gnamanteh in Le Repère entitled 'Ali Baba and the forty thieves'. It was highly critical of the president and denounced "nine years of political fraud" and "theft and

kleptomania at the top of the State". A case has also been brought against the Director of Publication, **Eddy Péhé**. On 31<sup>st</sup> March both **Gnamanteh** and **Péhé** were fined 30,000€ and the publication of *Le Repère* was suspended for eight weeks.

The Conseil national de la presse (CNP) fined *Le Nouveau Réveil* more than 7,500€ on grounds of insulting the Prime Minister, following the publication of an article on 23<sup>rd</sup> October 2009. Members of the Student Union later ransacked and looted the group's premises.

### **Jean Paul Ney**

Jean-Paul Ney was remanded in custody in January 2008 on charges of conspiracy against the state. Please refer to my previous papers for details of his case. He was granted bail on 6<sup>th</sup> May 2009.

### **Increase in sexual offences and impunity**

Human rights organisations have reported on the increase in rape and other sexual violence committed against women since the attempted coup of 2002. The Mouvement Ivoirien des droits humains (MIDH) which regularly receives such complaints has called on the government to ensure that women are effectively protected. In January 2009, following complaints made by MIDH, eight members of the security forces were prosecuted for their participation in a pornographic film which had been broadcasted on the internet, depicting young women who were forced to take part in sexual acts. Assistance Violence Sexuelle, an NGO in Attécoubé receives approximately 25 cases of sexual violence each month of which approximately 3 result in litigation. It is disappointing that the the government has chosen to blame the young women (and their families) – for supposedly dressing provocatively – as opposed to the perpetrators of the crimes.

### **Excessive use of force by army**

General Bi Poin's unit has raised concern regarding its night-time investigations of members of the opposition – the Rassemblement des Républicains. Such operations have been heavy-handed and have had the effect of challenging the independence of the unit.

### **The Forces Nouvelles put pressure on the Prime Minister**

In mid-April, the Forces Nouvelles (FN), wrote to the prime minister demanding his resignation, so as to deter him from sabotaging the elections. After the prime minister refused to resign, the ex-rebels threatened to abandon the peace process if the elections were not held in 2009. The FN have pledged to ensure security in "their" territory until the election; an accord was reached and on 15<sup>th</sup> April security plans were published. 4,000 men from the FN and 4,000 from the loyalist forces would combine to form a unit. However, the FN provided a list of only 2,600 names. This figure is clearly in conflict with the 5,000 members that are set to disarm under the peace accord.

### **Militias re-arming**

In May 2009 United Nations experts reported that militias were re-arming, in spite of the arms embargo. They have continued to pillage the regions under the control of the FN.

### **Ex-rebels hand over power**

The commanders of the rebel movement formally transferred control of the northern territory to the state on 27th May 2009.

### **Racism/“Ivoirité”**

Ivoirite is a racially discriminatory concept which seeks to determine who is and is not a ‘true Ivorian’. Over recent years it has fuelled many of the country’s problems. The legislation that was passed barring presidential candidate Ouattara is one manifestation of this idea; the recent nationality disputes surrounding voter eligibility is another. Certain individuals, namely northern Muslims, are increasingly being labelled ‘foreigners’. In February, violent protests broke out against the operation set up to delete the ‘foreigners’ from the electoral roll. The government remains adamant that false names have been placed on the list. In addition to increasing violence in the country, this move has damaged the support the president has gained, with difficulty, from the north of the country.

Ouattara’s intention to run for the 2009 presidential election has raised questions concerning his eligibility. A new constitution, approved in 2000, bars an individual from becoming a candidate unless it can be proved that both parents are Ivorian in origin (Article 35). Although this provision has impeded Ouattara’s ability to run for presidency in the past, it has since been set aside.

### **Guy Andre Kieffer**

Simone Gbagbo, wife of President Gbagbo, and government minister Paul Bouabre were due to appear in court on 23<sup>rd</sup> April in Abidjan in connection with the disappearance of Franco-Canadian journalist Guy-Andre Kieffer. Alain Gossé, a senior officer in the president's service, revealed in September that he had seen and spoken to Kieffer in a “cell” in the presidential building, where he had been taken by commandos on the date of his disappearance, 16<sup>th</sup> April 2004. He confirmed to the French judge the identity of the three individuals who have long been suspected of the crime. A soldier recalled to the judge how one of the main suspects had fired in the air to intimidate Kieffer. Unaware that his own chief officer had opened fire, one of the others then shot at Kieffer and killed him. Judge Ramaël, who is the presiding judge in the case, and Judge Blot have requested the International Criminal Court for help in investigating the involvement of numerous Ivorian citizens in the disappearance of Kieffer. Such individuals include Simone Gbagbo and Paul-Antoine Bouabré.

### **Toxic waste scandal**

Please refer to my previous papers for more information about the toxic waste scandal. Three years after the Trafigura incident experts fear further contamination. It was reported that 3,000 tonnes of waste are still stocked in the Akouédo and Djibi sites. "Dangerous products are heaped up in huge sacks," stated a local inhabitant. The people still suffer from the original pollution effects, "we still suffer, our children are born with defects, we have respiratory problems and we get skin complaints. We are dying bit by bit in the face of general indifference."

On 20 September 2009, a settlement was reached between Trafigura and the victims. The 31,000 victims would share 33 million €, equivalent to about

1,150€ per person. The representatives of the victims accepted that liability was not established and that there was no causal link between the waste and the medical problems. These damages have since been blocked by the Supreme Court.

### **Army ranks of former rebels approved**

Rebel fighters were assigned military ranks in the state army. The announcement was made by the president in the Worodogou region, former rebel territory, at the end of November 2009.

### **Elections**

On 14th May, Prime Minister Guillaume Soro announced that the election would be held on 29th November. In August, approximately twenty presidential candidates made a formal declaration of candidature.

The date was however postponed as the electoral roll was incomplete. 2 million people were yet to be listed. The security for the election also remained uncertain.

Many of the commission's members had returned to their previous jobs as a result of not being paid regularly. The official registrars were also on strike. Subsequently, in January, the president accused the Independent Electoral Commission of fraudulently adding individuals to the definitive electoral role. This was, of course, refuted by the commission. The Public Prosecutor has begun an investigation into this allegation.

On January 31st 2010, the United Nations announced that UNOCI's mandate would be extended only for a period of four months, thus putting pressure on the government to hold elections.

At the end of February 2010, President Compaore of Burkina Faso, mediator of the crisis, held emergency negotiations with all parties and put out a communique stating that elections should be held by the end of April/beginning of May.

### **Disturbances in Gagnoa**

On 19th February this year, serious disturbances took place in Gagnoa, birthplace of the president. At this time opposition leaders were meeting in Abidjan; the new government had not been formed. Confrontations between the president's partisans and those of the opposition took place throughout the country. The situation in Gagnoa however was particularly violent. Between 3-5 people were shot and dozens were injured. Despite this, demonstrations continued the next day across the country.

### **Disturbances in Vavoua**

Several thousand people participated in a demonstration in the north of the country and set fire to the prefecture, where the operation to eliminate presumed foreigners from the electoral list was in progress. The building was completely destroyed as a result of the fire. Other such incidents took place in the west of the country.

### **Dissolution of Government**

President Gbagbo dismissed his government on February 12th 2010. A new

executive was formed on 4th March, consisting of eleven opposition members.

### **New electoral commission appointed**

On 26th February 2010, a member of the opposition was elected as the president for the Independent Electoral Commission.

## **GABON**

### **Death of President Bongo**

President Bongo died after suffering a heart attack on 8<sup>th</sup> June 2009. His death was not promptly announced but was eventually confirmed by Prime Minister Jean Eyeghe Ndong in a written statement.

### **Presidential election**

The presidential election took place on 30<sup>th</sup> August and appeared to have followed the procedures in the Constitution.

Ali Bongo was elected with 41.7% of a 44% turnout. The opposition contested the result, claiming “flagrant irregularities”. They alleged that the electoral roll was incomplete, thus prohibiting everyone from voting. A number of the other candidates claimed that they were the true winners. Disturbances were reported in the main towns. Port-Gentil, the ‘oil capital’ of Gabon, was the scene of riots, looting and fires. Official figures from the government suggest that three people died, though this has been disputed by the opposition who claim that the actual figure is fifteen. There was a significant amount of destruction, especially of French premises, such as Total, as well as the French consulate.

African Union observers reported that the election had been carried out in conformity with the law but that there had been weaknesses and irregularities, including lack of knowledge of the voting procedure by poll station staff and the absence of observers in some stations when the votes were counted.

A recount was announced on 29<sup>th</sup> September 2009. The opposition called for its representatives to observe the process, though the Constitutional Court ruled against this. Mr Bongo’s victory was upheld by the Court in October of the same year.

### **Harassment of the Press**

**Albert Yangari**, owner of the daily paper L'Union, was taken to the premises of the intelligence services on 25<sup>th</sup> September and questioned about a series of articles about the post-election troubles in Port-Gentil. The paper estimated that twenty people had died during those events. The author of the article, **Jonas Noulanda**, subsequently received death threats.

The Conseil National de la Communication banned the publication of eight journals on 10<sup>th</sup> November 2009 and suspended the TV station Canal Espoir. It was accused of expressing insult.

## **Mindounbé**

Mindoumbé is a slum on the outskirts of Libreville where around 400 families make their living from an enormous rubbish dump. Women and children rummage through the waste, taking items which appear recyclable which they can then sell. The water is polluted in addition to the air. The plight of these families has long been ignored.

## **GUINÉE**

### **Presidential Election**

The presidential election was due to take place on 31<sup>st</sup> January 2010. The compilation of the electoral register, which began in 2008, was suspended in April 2009 due to a lack of resources. There were no offices for the election officials and no material with which to finish the electoral role, which was 75% complete. There were also other financial constraints. In November, the president of the Independent Electoral Commission announced that the elections would not take place in January due to the incomplete list and inadequate resources.

In 2008, Dadis Camara had stated that he would not stand as a candidate for the presidential elections, though this has since been contradicted by subsequent statements

### **Harassment of political opponents**

A declaration issued on 16<sup>h</sup> June by the National Council of Organisations of Civil Society in Guinea (CNOSCG) stated that citizens were concerned about the "violence, grave attacks on human rights, increase in armed robbery, uncertainty as to the length of the transition, as well as corruption, nepotism and racketeering from which the population has suffered for many years."

On 18<sup>th</sup> June, as he prepared to hold a meeting in Kérouané, former prime minister and leader of the Union of Democratic forces of Guinée (UFDG) **Cellou Dalein Diallo** was denied entry into the town due to an alleged suspension of political activity across the country. Mr Diallo consulted the Ministry of Territorial Administration who were unable to find a decree prohibiting political meetings. The junta had reportedly issued the order without having consulted the ministry.

A media ban was also issued on TV and radio political debates. On 23<sup>rd</sup> August, Cellou Dalein Diallo was the first to come out against Camara's candidature. Thereafter, Mr Diallo's wife was threatened on the telephone by Camara in person, "If anything happens to your husband then it's you and your children who will suffer." Camara is reportedly threatened by Mr Diallo and has offered to appoint him prime minister in return for withdrawing as a presidential candidate.

### **Government minister under attack**

The deputy leader of the junta and Minister of Security General Mamdouba "Toto" Camara was assaulted by soldiers of the presidential guard on 22<sup>nd</sup> July. A container of radio equipment given to the Guinean police force by South Korea was intercepted by these soldiers. General Camara wanted to take the container to the police. The soldiers refused and informed Dadis Camara who then sent other soldiers to collect the container. Thereafter at

least five soldiers assaulted General Camara.

### **Ambassador of Ghana assaulted**

In August the Ghanaian ambassador was kidnapped. His vehicle was held for several hours by armed men who robbed him of his possessions, before assaulting him. The aggressors were reportedly dressed in army uniform.

### **28<sup>th</sup> September massacre and rapes by security forces**

On 28<sup>th</sup> September an opposition rally was held at a football stadium in Conakry, to protest against Dadis Camara. Commander Moussa, Minister against Banditry and Drug Trafficking arrived at the scene and attempted to stop opposition leaders from proceeding to the stadium. News spread in the stadium that the leaders had been held up and several hundred burst out to confront Commander Moussa. He was forced to withdraw.

At around 11.30 am security forces burst into the stadium and fired tear gas and bullets on tens of thousands of protesters. Both Human Rights Watch and the Guinean Organisation for the Defence of Human Rights (OGDH) have put the death toll at around 150. According to its report published in October 2009, hundreds of women were brutally raped and sexually assaulted with objects such as rifle butts, sticks, knives and bayonets. Eye-witness evidence suggests that the main perpetrators of the violence were the Presidential Guard. It is alleged that Lieutenant Aboubacar "Toumba" Diakité, Chief of the Presidential Guard, gave the order to fire on the crowd. Many of the injured were taken to a hospital, though some were transferred to the army camp after the hospital reportedly received a threat from one of the president's men. Meanwhile, soldiers continued to rape, steal and fire on civilians. The government issued a communiqué apologising for those that had died; the official number given was 43. They blamed the demonstrators, claiming that they had armed themselves with weapons stolen from the police stations and promised an enquiry into the incident.

It has been reported that a number of people who had been to the hospital to identify their family members had found that the body had disappeared when they went later returned to collect it. A source at the hospital recalled seeing a military lorry which took away dozens of bodies. Human Rights Watch have concluded that the army tried to destroy evidence by taking bodies from the stadium and the morgues to bury in mass graves.

The government has described the events as a tragic accident. It denies that the killings were pre-meditated. On Radio France Internationale (RFI) Camara stated that he did not control the army. However, given the role played by the Presidential Guard this seems unbelievable. Men close to him are known to have been present including the Minister for Presidential Security, Minister for the Fight against Banditry and Drug Trafficking and the president's bodyguard, Diakité.

In October, the African Union placed sanctions on Camara and 41 members of his military junta. The European Union followed suit. It imposed an arms embargo, restricted the travel and froze the assets of those involved in the September massacre. The United States government also imposed a travel ban to the United States by some members of the junta and the government as well as others whose actions have undermined democracy.

Daily life has picked up since the massacre, though the population are waiting for Camara to answer for the crimes committed by his troops.

### **National Commission of Enquiry**

A commission set up by Camara to investigate the events of 28th September found that 63 people were killed. 36 women were raped and 21 individuals have disappeared. There were fewer victims than the United Nations enquiry which put the total number dead at 150. The commission placed full responsibility for the massacre on Diakité.

### **International Criminal Court preliminary enquiry**

On 14th October, the ICC prosecutor, Luis Moreno-Ocampo, announced the opening of an preliminary enquiry into the events of 28th September. Numerous African and French lawyers have provided evidence to the ICC; photos and videos have also been provided by others. The ICC states that Guinea has neither the political will nor the capacity to hold a fair trial for the prosecution of these crimes.

### **United Nations involvement**

In mid-October Hailé Menkerios, UN Secretary General for Political Affairs, made a brief visit to Conakry. He stated that the international community had been shocked by the violence and that impunity was no longer acceptable. He also increased pressure for the release of opponents who were being detained in military camps and other non-conventional locations.

The UN conducted a fact-finding mission in Guinea to investigate the events of 28<sup>th</sup> September. All members of the junta again blamed the protestors, claiming that they had stolen arms from two police stations. The mission felt that the number dead must be greater than 200. The number wounded by bullets is 1490 according to statistics collected by hospitals. Some of the women present had been kidnapped and taken to barracks where they were gang-raped over several days.

The findings of the mission were summarised as follows by its president Mohamed Bedjaoui:

- they considered the events of 28<sup>th</sup> September to have been a crime against humanity co-ordinated by the Presidential Guard, the gendarmes of Commandant Tiégboro and militias;
- the three forces surrounded the stadium, blocked the exits and upon entering fired tear gas and bullets, killing and wounding hundreds of the demonstrators and submitting others to sexual violence;

687 people gave evidence at the enquiry and each one told the enquiry that the people who carried out the violence were executing orders. The mission feared that Guinea was heading towards a civil war. They recommended reform of the military and the judicial system so as to put an end to the long-established impunity, the ICC investigate the 28th September massacre, the victims be compensated and domestic investigations be pursued regarding those who have disappeared.

### **Journalists in danger**

**Mouctar Bah**, correspondent for the AFP and RFI in Guinea, and **Amadou**

**Diallo**, correspondent for the BBC, were assaulted at the massacre of 28<sup>th</sup> September. Bah spoke of how the two journalists had been attacked by four soldiers who had demanded that they leave the stadium. Upon discovering that the men were journalists, the soldiers ordered them not to write about the events that were unfolding. Bah was threatened with a rifle and their personal possessions were seized.

RSF reported a week later that journalists were still being threatened. Some no longer sign their articles and others have left their home. An independent radio station has also received threats from the Presidential Guard and has been forced to keep broadcasting to a minimum.

In November the government attempted to silence press group Lynx–Lance by threatening an attack on its editorial team. The Editor in Chief of the group L'Indépendant, Talibé Barry, was summoned to the headquarters of the gendarmerie following the publication of an article about a soldier who had disappeared.

### **Arbitrary detention of human rights defenders**

On 28<sup>th</sup> October, members of the Federation of Youth Associations in Guinea and the Co-ordination of Human Rights Defender organisations went on hunger strike until 1<sup>st</sup> November in protest at the violence of 28<sup>th</sup> September and as a means of encouraging the authorities to enter into dialogue. Soldiers working for Moussa Tiégboro Camara, Minister against Banditry and Drug Trafficking, arrived and arrested the nine people, two of whom were lawyers, one of whom was the president of the Association of Young Lawyers. They were detained in the Yaya Alpha Diallo Camp and interrogated by the special services of Moussa Tiégboro Camara. They were later released.

On 26<sup>th</sup> November Mr Mouktar Diallo, member of the Observatoire national des droits de l'Homme was arrested by soldiers in Cosa and taken to Camp Alpha Yaya. He was accused of participating in an attempted coup but it is believed that he is paying the price for publicly speaking out against the 28<sup>th</sup> September massacre. On 14<sup>th</sup> December he was transferred to a detention centre of the gendarmerie nationale where he was unable to see his family. Mr Diallo was released on 5<sup>th</sup> February this year, on the orders of Prime Minister Jean–Marie Doré. A number of other detainees were released upon the arrival of the new government.

### **Increase in crime**

There has been a significant increase in crime since the massacre, in particular armed attacks on houses. Most people lock themselves in their homes by 8 pm. On 19<sup>th</sup> October, Amadou Sader Diallo was murdered in his home. One shop keeper recounted how he had been attacked in his vehicle by armed men but managed to escape unhurt. Many are afraid of speaking out against Camara for fear of being arrested/killed. A university professor was told by one of his students that his name appeared on a hit list because they were suspected of supporting the junta.

### **Attempted assassination of Dadis Camara**

On 3<sup>rd</sup> December, Diakité and his men opened fire on Dadis Camara and his entourage, killing one of his bodyguards. Camara suffered a severe wound to his head and was taken to Morocco to receive medical treatment. Idrissa

Chérif, Minister of Communication, stated that Diakité had wanted to kill Dadis so that he could take power. The junta has accused France of being behind the attempted assassination.

Following the attempted assassination, the Presidential Guard and others carried out punitive operations in several parts of the capital, seeking members of the opposition, human rights defenders, trades unionists, journalists, victims of the 28th September massacre as well as eye witnesses to the events. It is feared that those arrested are at risk of torture and could face summary execution.

### **Attempt to kidnap French gendarmes**

Attempts have been made to kidnap two French gendarmes who were on duty outside the French Embassy in Conakry on 10<sup>th</sup> and 11<sup>th</sup> December. One was wounded by a bullet in an exchange of fire. Onlookers believed them to be soldiers from the Guinean army.

On 16<sup>th</sup> December Diakité gave an interview to RFI in which he admitted instigating the attempted assassination. He stated that he had tried to kill Camara because he had placed all the responsibility for the 28<sup>th</sup> September massacre on Diakité, for which Diakité in turn says Camara was accountable. He said the operation was supervised by the President and the Minister for the president's security Claude Pivi. Diakité told RFI that at first soldiers had been sent to stop the demonstrators from making their way to the stadium. 250 new recruits, who were put in civilian clothes and armed, were subsequently sent and it was these individuals that had caused many of the deaths. He did not deny that he had been present but asserted that he had saved political leaders; two opposition politicians have said that Diakité had saved them at the time.

As of the end of 2009, Diakité whereabouts were unknown.

### **More Unrest**

On 4<sup>th</sup> December, Vice President General Sékouba Konaté returned from Lebanon to govern the country, which was in a state of anarchy. On 7<sup>th</sup> December, a vehicle transporting men commanded by Moussa Tiégboro Camara broke down. They subsequently wished to take over a police patrol vehicle. Violent confrontations took place with the policemen in the patrol vehicle, which led to the death of ten people. Later that day, the Presidential Guard led by Claude Pivi carried out a punitive operation in Cosa. Passers-by were molested and private houses ransacked, under the pretext of finding "traitors". The Imam was arrested and a civilian was shot in the back after trying to flee the scene. All those close to Toumba have been arrested or assassinated. On 5<sup>th</sup> December several of his circle were arrested at the frontier with Sierra Leone. They were reportedly tortured and a video is in the hands of the organisation Guinéenne de défense des droits de l'Homme. One of them died that day and the official explanation was that he had committed suicide.

The army was divided and settling scores amongst itself, with soldiers being arrested and detained on suspicion of 'threatening the security of the state'. 15 of them were ordered to be released by General Konaté but they were handed to the Judicial Police on the orders of the Minister of Justice, General

Sidi Lolamou.

### **Towards political dialogue?**

An agreement was signed on 15<sup>th</sup> January whereby Mr Konaté would be interim president, the presidential election would be held within six months and no member of the junta or of the government would present himself as a candidate.

Jean-Marie Doré, leader of the opposition party L'Union pour le progrès de la Guinée and spokesperson for the FFVG was nominated prime minister. Two vice-prime ministers were appointed, both prominent opposition members. Dadis Camara will remain in Burkina under the terms of the accord and elections will be held in six months' time. General Konaté has called for the support of the international community.

## **MALI**

A new family code was passed on 4<sup>th</sup> August, changing marriage laws and expanding women's rights. The National Assembly voted massively in favour of the legislation, with 117 for, 5 against and 4 abstentions. The High Muslim Council were opposed to two provisions, namely the right of illegitimate children to succession and equality of inheritance between sons and daughters.

## **MAURITANIE**

### **Journalist under pressure**

**Abdel Fettah Ould Abeidna**, director of the independent weekly journal Al-Aqsa, was prosecuted for defaming a businessman. He was tried in absentia and subsequently extradited to Mauritanie. On 30<sup>th</sup> November he was sentenced to one year's imprisonment. However, following a visit by the justice minister to the prison on 8th April, he was granted a pardon.

### **The opposition under pressure**

**Ahmed Ould Daddah**, President of the Rassemblement de Forces Démocratiques (RFD), was set to enter discussions with the junta but withdrew from the process after rejecting a list of 35 conditions which had to be met.

### **Taqadoumy**

**Abou Abbass Ould Brahim** is a professor at the University of Nouakchott and also a journalist for the news site Taqadoumy. In mid-March he published an article on the site in which he compared a colonel to Joseph Goebbels. Shortly after, he was arrested in a café by three police officers, who were not in possession of a warrant. Mr Brahim was held for 3 days and Taqadoumy was suspended. Fellow journalists took part in a demonstration, which was subsequently disrupted by anti-riot police. Thereafter, he was released without charge.

The director of the site, **Hanevy Ould Dehah**, was arrested on 18<sup>th</sup> June on the orders of the public prosecutor in Nouakchott. A complaint had been made by a presidential candidate after the publication of an article which suggested that he had suddenly acquired a significant amount of money. He

was then arrested and taken to the police station. On 24th June, he was charged with committing acts contrary to Islam and decent behaviour and was remanded in custody. This was in connection with an article asserting the benefits of sex education. He was subsequently acquitted of the defamation charges. His release was set for the 24<sup>th</sup> December but at the end of December he was still in detention.

### **Dispersal of a sit-in at the High Court**

A demonstration and sit-in by several dozen people against the 6<sup>th</sup> August 2008 coup was held in front of the High Court on 30<sup>th</sup> April. They demanded the release of political prisoners including the former prime minister who, together with four others, was accused of deliberately causing Air Mauritanie to fail.

### **Attempted kidnapping of a human rights defender**

The Coordination des forces démocratiques, a coalition of opposition parties and NGOs, organised a march on 2<sup>nd</sup> April to denounce the coup of 6<sup>th</sup> August 2008. **Mr Boubacar Messaoud**, president of SOS-Esclaves and member of the Commission Nationale des droits de l'Homme was reportedly attacked by police officers on the orders of Commissioner Ould Nejib. He was attacked by a small group of police officers who pushed him to his knees and hit him with a baton on the back of his neck. Despite losing consciousness, the policemen continued to beat him, after which they tried to put him into the boot of an unmarked car. Fortunately two passers-by recognised him and stopped the policemen and alerted passers-by.

### **Black Mauritians find acceptance**

As I have described in previous papers, there is considerable discrimination in Mauritanie by the Arab people towards Black Africans. During the previous régime of President Ould Taya over 500 black soldiers were tortured and executed, according to Human Rights Watch. Since 2008 however attitudes have changed and 13,000 black Mauritians who were in exile have now returned.

### **Anti-putsch demonstration dispersed**

On 11<sup>th</sup> May, police dispersed demonstrators who had assembled in front of the National Assembly in support of anti-putsch Members of Parliament. Police used tear gas and batons to disrupt the demonstration. Inside, around twenty MPs were holding a sit-in and a clerk who had been attending to their needs was beaten by police.

### **Attempt to assassinate a journalist**

An attempt was made to assassinate journalist **Mohamed Ould Zeine** on 12<sup>th</sup> May. He is Editor in Chief of the independent daily paper El Wattan and presenter for Radio Mauritanie. On the night of the 12<sup>th</sup> May, Mr Zeine received a phone call from someone who told him that one of his friends needed help. He then made his way towards a school and upon arrival saw two men armed with baseball bats approaching him. Mr Zeine tried to escape but the men caught up and attacked him. Mr Zeine fainted after which the attackers, believing him to be dead, fled the scene. Thereafter, he lodged a complaint with the police who assured him that they would carry out a full enquiry.

### **Presidential election**

On 15<sup>th</sup> April, General Ould Abdelaziz resigned from the army and as chief of the junta in order to run for the presidency. The RFD threatened to boycott the election as it felt that everything was set up to enable the general to win. Other opposition parties followed. One described the impending election as an “electoral comedy”, merely serving to legitimise the coup d'état of August 2008.

The presidential election was held on 18th July, organised in a period of three weeks. Candidates were only given three days to submit their dossiers. International observers did not attend as they require three months to assess the terrain before an election.

Mohamed Ould Abdelaziz won the presidency with 52.58 per cent of the votes. Opposition members denounced an electoral coup d'état. Three opposition candidates filed complaints before the Constitutional Court, alleging fraud amongst other accusations. The Court confirmed Mr Abdelaziz's victory.

### **On-going issue of slavery**

The UN Special Rapporteur on Contemporary Forms of Slavery undertook a ten-day visit to Mauritanie and concluded that the 2007 law, which criminalises slavery, is not being applied: Evidence was found of slavery, as a form of domestic servitude, child labour and human trafficking. According to the law, those found guilty of practising slavery face up to ten years in prison as well as a heavy fine. However, as SOS Esclaves stated, no case has been brought since the law came into force, though some damages have been given privately. Evidential requirements are apparently difficult to meet. Moreover, often the masters feed and house their slaves, sometimes even sending their children to school. This thus inhibits the slaves from coming forward.

## **NIGER**

### **Media under attack**

In March, Habibou Garba, Director General of the radio and television group Dounia and Idi Abdou, teacher and member of the NGO Alternative Espace Citoyens, were held in custody on charges of defamation. During a televised debate on Dounia, **Mr Abdou** described President Sarkozy's visit to Niger as “a technical stop-over and looting of Niger's resources” during a televised debate on Dounia. The extraction of uranium had indeed formed the crux of the discussions, in particular the opening of the mine at Imouraren by the French group Areva. In a separate case, the Dounia group was facing another charge of defamation, in connection with statements made about a leader of a political party on the television channel. The group was due to appear before court on 14th April.

**Abdoulaye Tiémogo**, director of le Canard Déchaîné, was convicted of “casting discredit on a judicial decision” on 18<sup>th</sup> August and sentenced to three months' imprisonment. The article commented on the decision of the prosecutor to issue an international arrest warrant for Hama Amadou. He was taken to hospital after being found ill in his cell. On 31<sup>st</sup> August he was forcefully taken from his hospital bed, against the wishes of his doctors, to

Ouallam, 100 km north of Niamey. He was released on 26<sup>th</sup> October after the Court of Appeal decided to reduce his sentence. He was suffering from malaria at the time. Mr Tiemogo claims that the accusation against him lacks foundation. Since 2000, he has apparently been arrested on five occasions.

### **Harassment of Human Rights Defenders**

On 22<sup>nd</sup> August **Wada Maman**, general secretary of an anti-corruption NGO, was arrested in Niamey by members of the Presidential Guard. He was accused of having participated in an illegal demonstration held that day and was taken to a police camp in the area, where he was not given access to his lawyer. Mr Maman contests the accusation. On 26<sup>th</sup> August he was released on bail, though the charges against him remain.

President of the anti-slavery organisation Timidria, Iguilas Weila, remains in detention. He was arrested in April 2005 on charges of falsely eliciting money from foreign donors.

### **Prosecution of former Prime Minister**

The former prime minister Hama Amadou is accused of stealing 100 million CFA of foreign aid which was intended for independent press. Amadou denies any wrongdoing and it satisfied that he has shown where the money has been used. He is of the belief that this is a political plot masterminded by divisions within his party. On 23<sup>rd</sup> April, Amadou appeared before the High Court, after ten months of detention. Amadou's lawyer accused the prosecutor of political interference when he requested two of the judges to stand down, apparently for showing sympathetic towards him. He was released on bail for health reasons. Amadou has since returned to his political activities.

### **Fact-Finding Mission in Koutoukalé prison**

On 22<sup>nd</sup> September 2008 the Collectif des organisations de défense des droits de l'homme (CODDHD) carried out an inspection of the prison in Koutoukalé, where Marou Amadou was being held.

In general, it was felt that the cells were not of an acceptable standard. Prisoners do not have access to toilet facilities during the night; some cannot see their family; prisoners who are severely ill are not separated from the rest; convicted and remand prisoners are also kept together.

### **Referendum to amend the Constitution**

On 5<sup>th</sup> May President Tandja announced that he would seek a referendum to enable him to stand for president for the third time. According to the Constitution there are six rules which cannot be revised, one of which is that the president's five year mandate can only be renewed once. Hence, there has been opposition – not only from opposition parties – but also from the president's own ranks and sympathetic parties – who did not want to see "democracy put in abeyance."

Back in 2008 the president had told opposition leaders that he would retire in December of the following year; he would not modify the Constitution as a means of retaining power. However, at a regional meeting in May 2009, he expressed his desire to continue as president in order to finish his projects. His colleagues in turn became concerned, in particular over the effect the

move may have on foreign aid.

On May 4th the president wrote to Members of Parliament stating that he would seek a referendum, after which 20 MPs went to the Constitutional Court asking it to rule on the validity of this action. The president told France 24 that the Constitution authorises a referendum and that if the people wanted him to stay he could not ignore their wishes.

A wide range of opposition groups and political parties organised anti-referendum days. On 18<sup>th</sup> May ECOWAS said that sanctions would be applied if Niger went ahead and organised the referendum; all fifteen states had signed a protocol prohibiting them from modifying their constitution within six months of an election. On 26<sup>th</sup> May the Court ruled that the president could not attempt to change the Constitution without violating his oath. The president refused to accept this judgment and on the same day he dissolved the National Assembly, stating that “the opinion of the court and of parliament do not apply in any way to the president of the republic.” This caused widespread anger and on 28<sup>th</sup> May the Front for the Defence of Democracy (FDD), a coalition of opposition parties, NGOs and labour unions, gave a press conference to speak out against the events that were unfolding.

Three days after the dissolution, President Tandja announced that a referendum would be held with a view to adopting a new Constitution. On 2<sup>nd</sup> June, the president set up a commission to work on a ‘green paper’ for a new Constitution and it delivered its report on the 10<sup>th</sup> of the same month. Thereafter the president called the referendum for 4<sup>th</sup> August, as a result of which eight ministers resigned. These were swiftly replaced by partisans of the president. On 2<sup>nd</sup> June, the FDD called for strikes and demonstrations across the country. Tens of thousands of people gathered to protest the referendum. Shortly after, trades unions called a general strike; the government had gone to court claiming that the strikes were illegal but the court ruled against this.

President Tandja granted himself “exceptional powers” on 27<sup>th</sup> June on the basis that the independence of the Republic was at stake. This allowed him to govern through orders and decrees, which was the means he adopted to dissolve and replace the Constitutional Court.

The Constitutional Court, which had declared the referendum unlawful, was dissolved on 1<sup>st</sup> July and replaced, again with members loyal to the president. These were nominated by the Minister of Justice and a university director together with the president himself. The politicisation of the judiciary did not cease there: on 3<sup>rd</sup> July the president signed a decree regarding the nomination and posting of magistrates. The judicial map was redrawn and those perceived to be recalcitrant were sent to the least influential parts of the country.

The FDD subsequently called upon Nigeriens to use all lawful means to prevent the abuse of the rule of law and democracy. It also requested the army to refuse orders from the president. The army responded by asserting its neutral position. A general strike was called for 23<sup>rd</sup> and 24<sup>th</sup> July and a march for 26<sup>th</sup> July. The court in Niamey declared the strike to be illegal.

EU aid was frozen on 12<sup>th</sup> July. The UN, the African Union and ECOWAS sent representatives to Niamey but President Tandja refused to enter discussion, telling them “the people want me to finish the work I have started”. Confrontations between the opposition and police took place in several towns throughout Niger on the day of the referendum.

The result of the constitutional referendum was 92.5% in favour. Official results suggest that the turnout was 68%. Independent observers question these figures as the polling stations were reportedly empty for the majority of the day. It is alleged that the results were taken to a place in Niamey by prefects and government ministers, before being delivered to the Independent Electoral Commission. The opposition claim the real turnout was around 7%. It was reported that 72 hours before the vote opposition members and journalists were arrested and imprisoned in several areas.

On 30<sup>th</sup> August there were clashes between police and security forces and former Members of Parliament who sought to re-establish the Parliament which had been dissolved. A number of people were wounded. 67 MPs out of 113, marched towards the parliamentary building where they intended to reinstall themselves. The police attempted to disperse them with batons and tear gas and the MPs responded by throwing stones.

On 3<sup>rd</sup> September the International Federation for Human Rights (FIDH) published a report on the situation in Niger. It commented on the “arbitrary arrests and detentions, judicial harassment, violent repression of opposition demonstrations [and] violations of fundamental freedoms [that] have characterised the régime in Niger since the referendum.” They concluded that this is the natural consequence of a breakdown of the democratic process.

### **Parliamentary elections**

As the parliamentary elections of 20<sup>th</sup> October drew closer, many of the president’s opponents were arrested. These included human rights activists, journalists and former MPs. The president has initiated a ‘clean hands operation’ as a means of sifting out opposition within parliament. 124 members have found themselves under investigation and three opposition leaders are being subjected to criminal investigation. These are Mahamane Ousmane, Hama Amadou and Mahamadou Issoufou. The opposition called for a boycott of the elections. ECOWAS also called for the elections to be postponed.

The president's party won a large majority, 76 seats out of 113. The other seats were won mainly by members of parties sympathetic to the government, with the exception of 12 seats, which were gained by independent candidates. These results have not been recognised by the international community.

### **Marou Amadou**

Marou Amadou is President of the United Front for the Safeguard of Democratic Gains (FUSAD), member of the national board of the Network of Organizations for Transparency and Budget Analysis (ROTAB) and coordinator of the Independent Advisory and Orientation Committee for the Defence of Democratic Gains (CROISADE). He is also a civil society representative at the National Independent Electoral Commission (CENI). On

9th August, Amadou read a public declaration on behalf of FUSAD condemning the corruption in the president's government as well as the illegality of the referendum that took place on the 4th of that month. He reminded the public that the Constitutional Court had found against the referendum.

On August 10th Amadou was arrested by Judicial Police for an attack against the security of the state. The following day he appeared before the Court of First Instance and was subsequently discharged. However, while he was awaiting the formalities for his release, the National Intervention and Security Forces arrived and, without a warrant, escorted him to a prison in Niamey. Here he was held by Judicial Police and was prevented from communicating with his lawyer.

Amadou was arrested previously on 29th June following a television broadcast on Dounia. He had referred to a declaration issued by the FDD in which the army was told to respect Article 13 of the Niger Constitution which reads: "no one shall be obliged to carry out an obviously illegal order". He was subsequently detained by Nigerian police after which he was accused of "provoking disobedience towards the defence and security forces," "plotting against the authority of the State" and "undertaking to demoralize the armed forces" (articles 76, 78 and 79 of the Criminal Code). These charges carry the death penalty. He was also charged with a press offence. On 2nd July he was released on bail, with all charges remaining against him.

On September 15th an appeals court in Niamey ordered Amadou's provisional release. From 11th August he has been in detention at the Koutoukalé high security prison. He has since been charged with the "administration of a non-declared organisation". The charge is highly questionable given that FUSAD is not a union of association for the purposes of the law being used to prosecute him.

On 25th January 2010, an appeals court sentenced Amadou to three months' imprisonment for "regional propaganda". He is yet to be prosecuted for the other charges.

### **Military coup d'état**

A coup d'état took place on 18th February 2010, ousting the Niger president. Tension had been mounting for some time following Tandja's successful modification of the Constitution to extend his legal term limit as president. The move brought about a political crisis. Niger became isolated internationally; ECOWAS suspended its membership.

The capture of the president took place during a cabinet meeting. The junta – or the Supreme Council for the Restoration of Democracy (CSRD) – took over the governance of the country, pledging to return constitutional order to Niger and organise elections.

## **SENEGAL**

### **Persecution of homosexuals**

Nine men sentenced to 8 years imprisonment for engaging in homosexual acts were released on 9<sup>th</sup> January 2009. The convictions were set aside on

appeal due to procedural errors: the police had carried out the operation on private premises without a warrant, upon information given to them from a neighbour.

On 24th and 25th December 24 people were arrested for participating in homosexual activity and for holding an unauthorised evening event (which was a private party held in a house). They were later released but police confirmed that the enquiries would continue.

### **The press under attack**

Hostility towards the press is on the increase. According to the Comité pour la protection des journalistes (CPJ) more than ten journalists have been imprisoned in Sénégal since 2000.

In August 2008, the premises of 2 independent journals, l'As and 24 Heures Chrono were ransacked by men in 4x4 vehicles, which bore an administration numberplate. The editor of 24 Heures Chrono, **El Malick Seck**, was sentenced to three years imprisonment after publishing an article which criticised the head of state. Mr Seck was released on 24<sup>th</sup> April after being granted a pardon by President Wade. The 12 men responsible for the attacks on the premises of l'As and 24 Heures Chrono were also pardoned.

## **TCHAD**

### **Instability in the frontier region**

The frontier region of Tchad, Centrafrique and Soudan remains in a state of great insecurity. Thousands of refugees living in the camps are caught in a humanitarian nightmare due to a lack of food and security. In its report dated 15th April 2009, the International Crisis Group described this area "a powder keg whose explosion would destabilise the whole country as well as its neighbours and aggravate the already disastrous humanitarian situation."

Tchad is the 27th largest military spender in the world. 64% of the population lives beneath the poverty limit but the president claims his expenditure is justified if the rebels are to be defeated.

At the beginning of May, Tchad and Soudan signed a peace accord and the hope was therefore that stability could return and, with it, humanitarian organisations. A coalition of three Chadian rebel movements signed a peace accord at the end of July.

### **Observations of the Human Rights Committee**

In 2009 Tchad submitted a report to the Committee, which was 12 years overdue.

The Committee was pleased to see that laws had been put in place against female mutilation, child marriage and domestic and sexual violence. It noted that a commission of enquiry had been established to investigate the human rights abuses of February 2008 (please refer to my previous paper for further details). A Minister for Human Rights has been appointed and an inter-ministerial committee has been established to monitor Chad's implementation of its international obligations.

The Committee did however raise a number of concerns. The rights protected by the ICCPR were not fully integrated into national law and it was not sufficiently publicised. In particular, the Committee noted that in the context of armed conflict throughout the country there were grave violations of human rights, including murder, rape, forced disappearances, arbitrary detention, torture, destruction of property and attacks on the civilian population. It was highly concerned that Tchad is not capable of tackling the issue of impunity, which has long-reigned in the country. The Committee also concluded that the National Commission for Human Rights is unable to exercise its functions in an effective manner, due to the level of corruption.

Displaced people are inadequately protected, particularly women who often become victims of rape (by the militias), domestic violence and mutilation. These are criminalised but the law is not enforced. The Committee was also concerned about the death penalty and forced disappearances. Pre-charge detention is prolonged without access to a lawyer or doctor and prison conditions are deplorable. Children are frequently kidnapped, married, sexually assaulted and/or forced to become soldiers.

#### **Report by the UN Committee for the Elimination of Racial Discrimination**

The Committee (CERD) issued its report in August 2009. In addition to the issues highlighted by the Human Rights Committee, this report noted the dysfunction of the judicial system, corruption, impunity, political interference in the justice system and lack of training given to judges. CERD also noted the absence of legislation prohibiting racial and ethnic discrimination.

#### **Report of the Economic, Social and Cultural Committee**

In November, the Committee reported that progress had been made towards increasing literacy, the protection of handicapped people as well as efforts to reduce poverty. Among the main concerns were corruption, impunity, lack of training given to the police force, the ineffectiveness of the justice system, the non-observance of the rights of local people vis-à-vis the exploitation of minerals and oil, the status of women, the preponderance of working children and child soldiers. The Committee found that the social structures and infrastructure were insufficient in spite of the riches of the country. A large portion of the population faces acute food insecurity. Housing is inadequate; enforced expulsions take place without replacement housing being provided.

#### **Harassment of Human rights defenders**

On 13th October, **Mr Michael Barka**, President of the trade union body in Tchad, was followed whilst driving his vehicle. A person stood in the road in front of him and barred his way. Mr Barka turned down a side street but found himself followed by a motor cycle. The rider brandished a weapon towards him but he managed to escape unhurt.

The same day when **Mr Massalabaye Tenebaye**, President of the Ligue Tchadienne des droits de l'Homme, left the Ligue's premises he was followed to his home. He was followed again the next day, and subsequently on the 16<sup>th</sup>.

The two men had visited Paris and Brussels in February and had alerted the French and European authorities about the human rights violations in Tchad.

On 20<sup>th</sup> October Mr Tenebaye was received by the Minister of the Interior, the director of the national police and the director of the intelligence services, who all pledged to ensure the security of the two men. On 26<sup>th</sup> October both Mr Barka and Mr Tenebaye filed a complaint with the police.

### **Harassment of journalists**

**Innocent Ebodé**, Editor in Chief of the independent weekly journal La Voix, was expelled from Tchad on 14<sup>th</sup> October on grounds that he did not possess the necessary permit. Mr Ebodé, who is a Cameroun national, had been summonsed to the security services where he was interviewed and told that he did not have the right to be in Tchad. Two lawyers were present at the time. Mr Ebodé had lost his passport and identity card but had his consular card to confirm his identity. That afternoon he was expelled.

On 13<sup>th</sup> October La Voix had published an article regarding the amount of money Tchad had paid France for arms. Three weeks prior to that it had published an article about the possibility of the prime minister being replaced, in addition to a piece about fraud in the Central African Bank. On 26<sup>th</sup> November the dossier was passed to the court. La Voix was accused of receiving foreign investment.

On 28<sup>th</sup> November one of its journalists, **Eloi Miandadji**, went to interview the Minister of the Interior but instead found himself being interrogated. The memory card of his camera was seized. The minister said the journal would soon be closed. On 3<sup>rd</sup> December the court in N'Djamena ordered the seizure of all the journal's publications. Mr Ebodé returned to Tchad in order to fight to keep the paper open. On 20<sup>th</sup> December three men in civilian clothes arrived at his house and assaulted him. The journal's accountant, **Amadou Bouba Gong-Daba** was kidnapped approximately ten days later. He was abandoned in a bush several dozen kilometres north-east of N'Djamena.

On 26<sup>th</sup> October, **Mr Bertin Djim-Ambingam**, journalist at the radio Arc en Ciel and member of an NGO, was assaulted by three people near his home. He had broadcasted a programme on the radio that day, during which questions of good governance had arisen. That evening one of the three assailants fired on him but he managed to escape unhurt. Mr Djim-Ambingam later returned, accompanied by neighbours, to find that one of the assailants had taken refuge in a nearby house. Police arrested this person.

## **TOGO**

### **Foreign press in difficulty**

On 30<sup>th</sup> March, Agence de presse africaine (APA) reported that papers edited outside of Togo were not made available in the country and that this had been the case for some time. The chief importer of foreign papers had refused to purchase more because of losses incurred by the free distribution of papers. The law stipulated that 12 copies of each imported journal had to be delivered to various state institutions.

### **Attempted coup?**

Kpatcha Gnassingbé, half-brother to the president, was attacked by soldiers in his home at 10 pm on 12<sup>th</sup> April. Shots were fired and his family took

refuge in one of the rooms. He telephoned his brother Rock Gnassingbé, who is the commander of a tank battalion. He arrived and deterred the assault. Two people were killed.

Two days later Mr Gnassingbé was arrested by a police chief, who was in possession of a warrant. He was charged with conspiracy and attempting to act against the security of the state – in effect, accused of attempting to stage a coup. A USB key in his possession contained incriminating material including a plan for the military control of the capital and a proclamation to take power by the armed forces. Jeeps and arms were also seized. The alleged plan was to overthrow the president, whilst he was away in China, by taking control of the radio, TV and presidential building.

Another of Kpatcha's brothers was arrested along with 30 other people, including military personnel, civilians and family members, for the same offence.

Kpatcha Gnassingbé and a dozen alleged co-conspirators were being held in the premises of the National Agency of Intelligence. No date has been fixed for the trial.

### **Partial censure of radio and television**

On 17<sup>th</sup> April the Haute Autorité de l'audiovisuel et de la communication (HACC) suspended interactive broadcasts. The HACC called on the media to show more discretion in the treatment of news stories and warned that lack of observance would lead to further sanctions. This move followed media coverage of the arrest of Kpatcha Gnassingbé and his brothers. The suspension only lasted a week but in October Parlance granted more powers to HACC which could lead to further suspensions and seizures of material.

### **Impunity still an issue**

In April 2005, the presidential election and the period preceding it were marked by considerable violence. 500 people died as a result and many were injured. (Please refer to my previous papers for further details). Victims and their families are awaiting justice. Some victims have made complaints collectively and although some enquiries have commenced, no judicial enquiry has been opened. A 'Truth, Reconciliation and Justice Commission' was set up on 29<sup>th</sup> May but NGOs claim its terms do not accord with international principles. Its powers are not clearly defined and there is no mention of victim protection. In the past, when Togolese citizens have given evidence to international organs of enquiry, they have later been subject to threats and intimidation.

Bishop Barrigah-Benissan of Atakpamé was named president of the commission. The commission is viewed with suspicion as its vice president is the former member of the Independent Electoral Commission, which validated the contested results of the 2005 presidential election.

### **Abolition of the death penalty**

On 23<sup>rd</sup> June, the National Assembly voted unanimously to abolish the death penalty. Death sentences will be converted into a life imprisonment sentence.

### **Attack on the premises of a human rights NGO**

The Collectif des Associations contre l'Impunité au Togo (CACIT) offers medical, psychological, material and legal help and support to victims of serious human rights abuses. On the night of 28<sup>th</sup> August their offices were burgled. The police were notified the next day and they arrived to inspect the premises. All of the computer equipment had been taken as well as a video projector. CACIT had just recently lodged a dozen complaints with the Togolese courts on behalf of victims and the following week was scheduled to hold a workshop on the fight against impunity and economic crime. The offices were burgled again during the night of 7<sup>th</sup> October. Some computer equipment was taken. CACIT members alerted the police in addition to the Human Rights Minister, with whom they laid a complaint.

### **Heavy-handed treatment by the police**

The Mouvement Citoyen pour l'Alternance (MCA) is an opposition movement which held a private meeting in a community hall on 19<sup>th</sup> December. The purpose of the meeting was to discuss the political situation in Togo and to work towards political change at the next presidential election due in February 2010. Gendarmes arrived at the meeting, demanding that it had to stop as they had not obtained authorisation to hold it. An MCA official protested, informing the gendarme that it was a meeting in a private place and thus, did not require authorisation. The gendarmes insisted that they must stop and leave the premises. The MCA members protested after which the gendarmes returned with armed colleagues. Men and women were pushed out into the street and several were assaulted. Two activists were beaten. One individual received an injury to his head, after being assaulted with a baton, and required urgent medical attention. Journalist **Didier Ledoux** of the journal *Liberté* was briefly arrested in order to deter him from taking pictures of the events that were unfolding.