



/ SUB-SAHARAN AFRICA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

/ REGIONAL ANALYSIS SUB-SAHARAN AFRICA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Thanks to the dissemination, the awareness and the appropriation of the United Nations Declaration on Human Rights Defenders by the African human rights mechanisms, the issue of human rights defenders is now more visible on the African continent, to which the African Commission on Human and People's Rights (ACHPR) has largely contributed. The issue however is still not one to which the integrated institutions of the African Union – such as the High Authority, the Peace and Security Council or the Conference of the Heads of State and Government – are particularly sensitive. The inclusion of the issue in the work programmes of these bodies, the access of defenders to their various meetings and the activation of the future African Court of Human and People's Rights for the protection of human rights defenders will therefore be the challenges to be faced in the years to come.

While some African States have for some years tolerated the freedom of expression of human rights defenders (*Burkina Faso, Mali, Togo, Zambia*), others on the contrary have remained completely opposed to any independent examination of the human rights situation, as is the case, for example, of *Eritrea* or *Equatorial Guinea*. In *Gambia*, owing to the systematic violations of human rights, African and international NGOs have for several years been campaigning for ACPHR headquarters to be transferred to a country more respectful of human rights. In other countries, owing to the absence of the rule of law, as in *Somalia*, or the tense attitudes of authoritarian regimes striving to remain in power, such as in *Cameroon, Gabon* or *Zimbabwe*, or in conflict or post-conflict situations such as in *Burundi*, the *Central African Republic (CAR)*, *Chad*, the *Democratic Republic of Congo (DRC)* or *Sudan*, defenders have been targeted for denouncing human rights violations and the ongoing impunity, and have often been considered as political opponents, terrorists or agents working for the West.

And indeed, in 2008, repressive practices aiming at hindering and punishing the activities of human rights defenders continued and intensified. Again, too many Governments attacked the freedoms of peaceful assembly (*Kenya, Mauritania, Nigeria, Uganda, Zimbabwe*) and of association (*Angola, Rwanda, Uganda, Zimbabwe*), and many defenders were targeted by particularly serious and repeated acts of repression, notably arbitrary arrests and detentions, threats, judicial proceedings and direct acts of violence (*Burundi, Cameroon, CAR, Chad, DRC, Kenya, Republic of the Congo, Sudan, Uganda, Zimbabwe*).

Repression of defenders in the context of elections or political crises

In 2008, defenders reporting human rights violations were particularly targeted in the context of the numerous elections held on the continent (*Angola, Djibouti, Gambia, Guinea-Bissau, Republic of the Congo, Rwanda, Zimbabwe*). In *Angola*, a few months before the elections, the Office of the United Nations High Commissioner for Human Rights was closed down, and on the eve of election day, a closing down process was reactivated against a human rights organisation that had been denouncing irregularities in the run-up to the elections. In *Zimbabwe*, defenders denouncing irregularities and post-electoral violence were considered as belonging to the political opposition, and were constantly threatened, arrested, attacked or harassed.

Even outside the election periods themselves, defenders were also often in the front line of repression in crisis situations, whether linked to earlier elections marred by irregularities and violence (*Kenya*), to coups or attempted coups (*Chad, Mauritania*), or to constitutional manipulations connected with future elections (*Cameroon*). Human rights defenders were indeed systematically harassed for having born witness to, protested against or condemned human rights violations committed in the framework of such events contrary to democratic principles. In some cases, such as in *Chad*, they had to leave the country momentarily.

The precarious situation of defenders in conflict areas

In certain conflict areas, defenders, in particular humanitarian workers, continued to be exposed to considerable danger regarding their physical integrity. In *Somalia* and in *Sudan* for instance, numerous humanitarian workers were kidnapped and killed in 2008, causing several humanitarian

organisations and agencies to temporarily suspend their activities. In *Ethiopia*, several defenders were arrested while collecting information on human rights violations.

In other regions, such as the Cabinda region in *Angola*, human rights activities were often considered to be akin to armed opposition, and human rights defenders were treated as terrorists by the authorities. Likewise, defenders trying to work in certain regions of countries where there was considerable internal tension (*Burundi, Kenya, Niger, Nigeria, Uganda*) continued to be perceived as supporting the rebels or the armed groups, and were interrogated, threatened and intimidated. In the *DRC*, human rights defenders denouncing the violations committed by all parties to the conflict were also seen as opponents, “traitors” and “agents of the West”.

Obstacles against the activities of defenders fighting against impunity

The obstacles continued in 2008, especially against defenders fighting impunity and defending the rights of victims, in particular before the International Criminal Court (ICC). The repression – attacks, intimidation, threats and public accusations of harming the image of the country – even intensified in the *DRC* and the *CAR* following the arrest of Mr. Jean-Pierre Bemba in May 2008, and the developments in the Lubanga case. Likewise in *Sudan*, the request by the ICC Prosecutor to issue a warrant for the arrest of President Omar Al-Bashir for “war crimes”, “crimes against humanity” and “genocide” led to the defenders engaged in fighting impunity being considered traitors to the nation. In *Liberia*, defenders denouncing the delays of the Truth and Reconciliation Commission and the climate of impunity prevalent in the country were also subjected to pressure.

Repression against defenders of economic and social rights

Defenders denouncing corruption, plundering of natural resources, organised crime or embezzlement of public funds

Several countries of the continent took political steps towards fighting corruption (*Chad, Liberia, Republic of the Congo, Tanzania*) by signing international commitments or by defining policies such as setting up anti-corruption observatories. In practice, however, defenders who called for transparency and expose corruption scandals, organised crime,

plundering of natural resources, the environmental consequences of mining and logging activities and the embezzlement of public funds, were subjected to reprisals: raiding and wrecking of NGO premises (*DRC, Tanzania*), attacks and death threats (*Burundi, DRC*), judicial proceedings under false pretences (*Burundi, Cameroon, CAR, Gabon, Guinea-Bissau*), NGOs excluded from monitoring mechanisms contrary to commitments (*Chad*), threats of NGO closures (*Chad, Gabon*), obstacles to freedom of peaceful assembly and arbitrary arrests following demonstrations (*Cameroon, Kenya, Nigeria*).

Repression of protests against the high cost of living and the shortage of staple commodities

Owing to the food crisis, social protest demonstrations, involving members of NGOs and of trade unions, occurred in several African countries, calling on the Governments to take steps to meet the economic crisis and the lack of purchasing power. Such protests were often put down with violence, giving rise to arbitrary arrests (*Guinea, Mauritania, Niger, Zimbabwe*).

Repression against the trade union movement

In 2008 repression against the trade union movement was brought to bear at several levels: systematic repression of protests and arrests of trade union leaders (*Mauritania, Nigeria, Zimbabwe*), unfair dismissals, forced transfers, threats against trade union leaders (*Burundi*), or obstacles to the freedom of association of trade unions (*Kenya, Nigeria*). Other more pernicious methods, revealing a political will to smother the trade union movement, were employed in *Djibouti*, where the Government set up trade unions that were neither independent nor representative and which usurped the name, the titles and the role of existing trade unions. Also, in early 2008, a trade unionist was assassinated in *Nigeria*.

Harassment of women human rights defenders

In 2008 women defenders were again subjected to acts of harassment. In *Somalia*, two women defenders engaged in the defence of women's rights, seriously at risk in view of the political context, were killed. In *Zimbabwe*, women defenders were also especially repressed and several were subjected to police violence and ill-treatment. In the *DRC*, women human rights defenders denouncing sexual violence were particularly threatened, and even attacked. Indeed several women human rights

defenders had to flee the country following such acts. In *Guinea-Bissau*, women human rights defenders fighting traditional practices such as female genital mutilation received threats, and were unable to visit certain communities.

Obstacles to freedom of association

The adoption of restrictive legislation on freedom of association (*Ethiopia, Rwanda, Uganda*), and the use of administrative or judicial obstacles (*Angola, DRC, Zimbabwe*) remained, in 2008, very effective ways of controlling the civil society. In *Ethiopia* for instance, the adoption, early in 2009, of the Bill on NGOs that had been under discussion for several years created a very restrictive environment for human rights defenders, any NGO with more than 10% of foreign funds, which is presently the case for 95% of Ethiopian NGOs, now being subject to very restricting rules. Furthermore, in the *DRC*, several human rights associations are still not recognised by the Congolese authorities, despite having fulfilled all the administrative formalities. As a result, the members of these associations were regularly subjected to acts of harassment, intimidation and threatened with arrest by the administrative and security services. In *Zimbabwe*, the authorities again restricted access to foreign financial resources through a system requiring foreign exchange to be deposited with the Federal Reserve. NGOs sometimes had to wait several months before having access to their funds, which placed their activities in jeopardy.

Silencing the media and smear campaigns in the media against the work of defenders

Throughout the year, the freedom of the press continued to be trampled in numerous African States. Several methods were used against journalists who reported on sensitive subjects and denounced human rights violations. Repressive legislation was adopted in 2008 in *Rwanda* and *Chad*, where, under cover of the state of emergency, new press offenses were introduced, such as “collaborating with the enemy”, “endangering the security of the State”, “contempt of the Head of State”, which incur heavy prison sentences and which can be invoked against anyone denouncing violations committed by Government officials. In this context, several journalists were harassed and had to leave the country momentarily for having denounced human rights violations (*Gambia, Somalia*). In *Gambia*, the security services even went to *Senegal* to harass and threaten journalists who had been obliged to leave the country.

Journalists were also considered as members of the political opposition for their denunciation activities, and were prosecuted (*Senegal*). Furthermore, in *Uganda*, the anti-terrorist legislation criminalises any attempt from a journalist to meet with, or talk to persons or groups considered to be terrorists, which restricts their activity, especially in the north of the country. In the *CAR*, instead of suing for slander, which only entails fines, the charge of “disturbing the peace” was used regularly for sentencing journalists denouncing corruption.

In other countries, censorship continued to be practiced on a large scale. In *Sudan*, for instance, security services frequently raided press editorial offices, showing a particular interest in articles on the rebel attack on Khartoum in May and its consequences, on the situation in Darfur, and on the ICC.

Finally, in several African countries the authorities made again public statements on radio or television denigrating the work of defenders, presenting them as “enemies of the people and manipulators” (*Burundi, Niger*), accusing them of “bad faith and intent to harm” (*Cameroon, Chad*), of “being paid to insult members of the Government” (*Guinea-Bissau*), of being “individuals working for foreign interests” (*DRC, Republic of the Congo*), etc. Such statements impair the credibility of the defenders in the eyes of the population, and constitute an obstacle to their work.

Urgent Interventions issued by The Observatory in 2008 on countries of the region for which there is no Country Fact-sheet¹

COUNTRIES	Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
GABON	Sound Growth, Environment, Environmental Education <i>(Croissance saine, environnement, éducation environnementale - CADDE), Africa Horizon (Afrique horizon), Struggle More for Gabon (Euvrer plus pour le Gabon), SOS Consumers (SOS consommateurs) and Women, Environment and development (Femme environnement et développement - FENSED)</i>	End of proceedings for suspending associations	Press Release	January 16, 2008
GUINEA-BISSAU			International Fact-Finding Mission Report	November 10, 2008
SWAZILAND	Mr. Musa Hlophe and Mr. James Maina	Threats / Harassment	Urgent Appeal SWZ 001/1108/OBS 196	November 21, 2008

1./ See the Compilation of cases in the CD-Rom attached to this report.

/ TESTIMONIAL

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AMIR MOHAMED SULIMAN

Director of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), Sudan

A Sudanese citizen born in 1969, I have directed the Khartoum Centre for Human Rights and Environmental Development (KCHRED) since 2001. I completed my studies in different regions of Sudan, which allowed me to appreciate the incredible diversity of the Sudanese people, culture, religions and ethnicities. I witnessed the emergence of democracy in my country and its fall into the cycle of dictatorship that began with the military coup of 1989. I observed the situation of human rights and freedoms under three different regimes: that of Numairi (1969-1985), who was deposed by the civil power, then the democratic experiment from 1985 to 1989, which was destroyed by the military coup of June 1989 led by current President Omar Hassan Al-Bashir.

I started my university studies in law school after the military coup of Al-Bashir. The older students, who had begun their academic years under the democratic regime, started to carry out political activities within the university. They were harassed by students loyal to the military regime, and some were arrested by the security services. They talked all the time to us, the newcomers, about life under the democratic regime, and deplored the situation after the military coup. They were targeted by the authorities because the Government knew that in Sudan students played a key role in challenging the dictatorial regimes. The Government began to destroy student movements of this kind after having dismembered institutions inherited from the democratic regime: the Parliament, the elected Government, trade unions, political parties and the Constitution.

It is in this political context that I began my studies and my activities as a human rights defender. At the time, thousands of Sudanese activists were arrested and placed in detention in secret places that people called "Ghost Houses". All detainees were severely tortured, many died, oth-

ers were disabled for life and all were permanently affected. They also lost their jobs and their families obviously suffered enormously. My father was also an activist. He was elected President of the Union of Veterinarians under the democratic regime and was dismissed during a very large wave of repression against political activists and trade unionists. Thousands of them were fired. From that moment, my father was arrested by the authorities on numerous occasions. He spent a total of three years in detention, including one year for “political activities”, after he joined the National Democratic Alliance (NDA), a group of several opposition parties in Sudan.

In 1993, with some friends, we founded the first student human rights group in Sudan, and initiated our first outreach to the student community in order to raise its awareness in favour of fundamental freedoms. We published a journal called *Al-Ensan* (“Human being”). Publications continued for a year, until our university was requisitioned by the Government of Sudan, putting an end to most student activities, including the activities of our group.

In 1996 I joined the Khartoum Bar Association. I worked for a major law firm in Sudan (Ghazi Suliman & Partners), in the framework of which we created a year later the Sudanese Group for Human Rights, one of the first human rights NGOs under that regime, whose mandate was to increase awareness of human rights in the Sudanese courts, but also to provide free legal aid to victims of human rights violations and to issue press releases reporting on the situation of human rights in the country. This group provided services and assistance to hundreds of people, and it is precisely for this reason that many members of the group were detained several times.

In May 2001, we created the KCHRED with other human rights activists from different sectors of civil society, including lawyers, journalists, doctors and students.

As Chairman of the Centre, I was arrested several times with other members of our organisation, the authorities’ goal being to hinder our actions. Each time, we were questioned about activities and funding of the Centre. In 2008, authorities launched a media campaign against the KCHRED and its members, accusing us of having received funds from abroad and suspecting us of corruption. This smear campaign continued

throughout the year, but did not affect the credibility of the KCHRED within the Sudanese population. In 2008, the authorities also froze our funds, affecting the operational capacity of the KCHRED. But the commitment of KCHRED members and the support of its friends kept the organisation alive.

In November 2008, I was arrested by the National Intelligence and Security Services (NISS), with two other human rights activists, **Osman Hummaida** and **Abdel Monim Aljak**. During our detention, we suffered torture and harassment because of our presumed links with the International Criminal Court (ICC). On November 26, 2008, at around 9pm, I was called to the premises of NISS in Khartoum-Bahri. An NISS officer accompanied me into an office. Upon entry, the room lights were turned off. The officer asked about the suitcase that Osman Hummaida was carrying, and about his laptop. I replied that I did not know what he was talking about, that I was driven in a NISS car and I was not with them when they were arrested. He called me a liar and said that I would regret it. He then left the office and left me with members of the NISS, who asked me to remove my glasses and my shoes. They took out sticks and black pipes and ordered me to stay standing in front of a cabinet. They started yelling at me to get me to confess to the whereabouts of the suitcase and laptop of Osman Hummaida, saying otherwise they would torture me. After half an hour, an officer of the NISS came and took me to another office, where I found two officers and Osman Hummaida, who was in a state of extreme fatigue, lack of sleep and who had been subjected to torture. They asked me to come back the next day with his bag and his laptop, saying that Abdel Monim Aljak would bring it to me. They took me into the corridor, and within a few minutes, brought in Abdel Monim Aljak, who bore signs of torture and could not stand. He leaned on my shoulder and we went down the stairs, accompanied by a NISS officer, to the gate. The officer set an ultimatum to return the bag and the computer before 11am the next day or the torture would continue. I therefore brought Osman Hummaida's bag and the laptop to the NISS building and we sat in the office, Osman and I, while they searched the contents, until 3pm; I was then released but Osman stayed in custody until November 28, 2008.

International support, first and foremost that from the Observatory for the Protection of Human Rights Defenders, allowed us to regain our

freedom. However, the work to be done to build a Sudan that respects human rights is still immense. We call today on the mechanisms and procedures established within inter-governmental organisations, but also civil society organisations, to redouble their efforts to end the harassment suffered by human rights defenders and, more generally, violations of fundamental freedoms. In early 2009, just days before the announcement of the decision of the ICC to issue an arrest warrant against President Al-Bashir, the KCHRED was closed down and its assets were frozen. I myself had to leave my country. But my determination for a Sudan that respects the rights of its citizens remains intact. The struggle continues.

/ **ANGOLA**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009**Political context**

Angola held in September 2008 its first legislative elections since 1992. The Popular Movement for the Liberation of Angola (MPLA), which rules the country since 1975, won most of the seats, holding now 191 out of 220. The elections were recognised as valid by the European Union observer mission, which noted the absence of significant incidents but some important gaps and the lack of clarity in the regulations governing two fundamental aspects in the exercise of suffrage¹. Next presidential elections being scheduled in 2009, President José Eduardo Dos Santos, who has been in power for 29 years, has been mentioning throughout the year the possibility to be elected through indirect elections rather than universal direct elections as provided for in the Constitution.

Human rights reporting in the region of Cabinda has long been inexistent since “Mpalabanda”, the only human rights organisation operating in the Angolan Province, was banned in 2006. Furthermore, on September 19, 2008, Mr. Fernando Lelo, a correspondent for *Voice of America*, who wrote articles critical of the Memorandum of Understanding for Peace and Reconciliation in Cabinda and the peace process was sentenced by a military Court to 12 years’ imprisonment on charges of crimes against the State security and instigating a rebellion in Cabinda. He had been arrested in Cabinda on November 15, 2007².

1./ These regulations concern the effective and compulsory use of voters’ lists in each and every polling station, as well as the procedures for the exercise, transmission and counting of special ballots. See in European Union Observation Mission, *Final report, Angola, Parliamentary Elections, September 5, 2008*, September 22, 2008.

2./ See Amnesty International Press Release, September 22, 2008. Cabinda is an exclave located on the territory of the Democratic Republic of Congo.

Restrictions faces by defenders of economic, social and cultural rights

In its concluding observations, the United Nations Committee on Economic, Social and Cultural Rights expressed concern in November 2008 that NGOs involved in the realisation of economic, social and cultural rights were allegedly still under strict oversight, coordination, evaluation and inspections carried out by the Technical Unit of the Coordination of the Humanitarian Assistance (UTCAH), and that human rights defenders were still subjected to many legal as well as *de facto* restrictions, which constitutes a serious obstacle to the promotion and protection of economic, social and cultural rights³.

Restriction of freedom of association in the context of the elections

Though NGOs are regulated by a declaratory regime, meaning they only have to inform about their creation, NGOs continued in 2008 to experience difficulties to get a proper registration certificate from the Ministry of Justice. This implies that they can be considered as illegal at any moment. In the electoral context, the authorities have radicalised their position against human rights monitoring. Indeed, on April 18, 2008, a few months before the elections, the Office of the United Nations High Commissioner for Human Rights, present in Angola since 2003, announced that the Government had asked it to close its offices by May 31⁴. Furthermore, the Association for Justice, Peace and Democracy (*Associação Justiça, Paz e Democracia - AJPD*), one of the most active human rights organisation in Angola, which in June 2008 had called on the Angolan authorities not to unilaterally change the electoral law and extend the elections over two days, rather than one, was reminded that its was considered as an illegal organisation. Prior to the elections, AJPD had also put out statements condemning alleged electoral irregularities and vote-buying. On September 4, 2008 – on the eve of the polling – the Constitutional Court informed AJPD that it had 15 days to challenge proceedings aiming at the closure of the organisation⁵. On September 19, AJPD presented its defence. In

3./ See UN Document E/C.12/AGO/CO/3, December 1, 2008.

4./ See UN News Centre Press Release, April 18, 2008.

5./ A legal complaint against AJPD had been lodged by the Attorney General in 2003 on the grounds that the organisation's statutes did not conform to the law.

a new submission the General Prosecutor changed the content of its legal action that aims no longer at the extinction of the association but at suppressing or rewriting those articles that are considered to be contrary to the Law of associations. Articles challenged include in particular Article 6 paragraphs b and c on the objectives of the association since the Prosecutor considers that denouncing human rights violations committed by State agents is a State prerogative. AJPD had also argued that the matter was not constitutional but rather civil and administrative and in consequence the case should be heard by a lower court. As of the end of 2008 no further notice had been delivered on the situation of the legal action. Meanwhile, AJPD was able to continue operating since there is a presumption of legality until the Court has taken its decision. If the decision is in favour of the association, the Ministry of Justice will have to issue a registration certificate. If not, and depending on the arguments of the Court, the association shall be requested to re-write this article or appeal the decision.

Urgent Interventions issued by The Observatory in 2008⁶

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Association for Justice, Peace and Democracy (AJPD)	Obstacles to freedom of association	Urgent Appeal AGO 001/0908/ OBS 149	September 8, 2008
		Joint Press Release	October 2, 2008

6./ See the Compilation of cases in the CD-Rom attached to this report.

/ BURUNDI

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Political context

In spite of progress in implementing the peace agreement with the Party for the Liberation of the Hutu People – National Liberation Forces (*Parti pour la libération du peuple hutu – Forces nationales de libération* - PALIPEHUTU-FNL)¹, the last active rebel movement in the country, Burundi continued in 2008 to face a crisis of political dialogue likely to compromise the free and democratic elections due to be held in 2010 and to affect the stability of the country. The United Nations Independent Expert on the human rights situation in Burundi even stigmatised the lack of dialogue between the political parties as creating “a highly explosive situation in Burundi”². Indeed, despite members of the Front for Democracy in Burundi (*Front pour la démocratie au Burundi* - FRODEBU) and the Union for National Progress (*Union pour le progrès national* - UPRONA) entering the Government in November 2007, tensions between the political parties worsened against a background of growing insecurity in the capital, grenade attacks against opposition members of Parliament (MPs) and the continued recruitment of PALIPEHUTU-FNL³. The replacement in June of 22 opposition MPs, following a decision by the Constitutional Court that was “widely seen as politically inspired rather than legally correct”⁴, enabled the ruling party to regain its two-thirds majority

1./ PALIPEHUTU-FNL adopted the name “National Liberation Forces Movement” (*Mouvement Forces nationales de libération*) at the beginning of January 2009.

2./ See Report of the Independent Expert on the human rights situation in Burundi, United Nations Document A/HRC/9/14, August 15, 2008.

3./ See Joint Statement by FIDH, the International Union for Human Rights (*Union internationale des droits de l'humain* - UIDH), the League for Human Rights in the Great Lakes Region (*Ligue des droits de la personne dans la région des Grands lacs* - LDGL), the Forum for the Reinforcement of Civil Society (*Forum pour le renforcement de la société civile* - FORSC), the Observatory for Government Action (*Observatoire de l'action gouvernementale* - OAG) and the Burundi Human Rights Iteka League (*Ligue burundaise des droits de l'Homme Iteka*), February 18, 2008.

4./ See Report of the Independent Expert on the human rights situation in Burundi, United Nations Document A/HRC/9/14, August 15, 2008.

in the National Assembly and demonstrated its desire to silence the opposition, the media and human rights defenders.

In this context, Burundi civil society associations made public a memorandum in September 2008 expressing their concern regarding the upsurge in criminality and armed attacks, conflicts over land rights and the proliferation of weapons held by the civilian population⁵. They also questioned the delays in consultations on implementation of the transitional justice mechanisms and the purpose of a Senate enquiry regarding ethnicity, political affiliation and gender in public services, which was the subject of great controversy amongst politicians and civil society⁶.

The stands taken by these associations put them in a particularly difficult position⁷. They denounced the upsurge in acts of harassment, intimidation, threats, legal red tape and police tailing to which civil society actors are subject and the obstruction of press freedom, which went against the spirit of and will for normalisation of relations between the Government and civil society that had prevailed during the meeting with the President of the Republic in June 2007.

Harassment and acts of intimidation against defenders who denounce corruption and trafficking in natural resources

On December 9, 2008, International Anti-Corruption Day, the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de lutte contre la corruption et les malversations économiques* - OLUCOME), an NGO, indicated that it was handling over 470 cases of corruption and economic embezzlement. Due to its denunciation activities, OLUCOME has as a result continued to be the target of blackmail and intimidation, in particular for having denounced the lack of transparency in mineral extraction in the north of the country and the complicity of agents of the Burundi authorities in smuggling activities. Thus, on August 18, 2008, the Bujumbura

5./ See Iteka League Press Release, September 4, 2008.

6./ See Human Rights Council, *Draft Report of the Working Group on the Universal Periodic Review - Burundi*, United Document A/HRC/WG.6/3/L.3, December 4, 2008, and Iteka League Press Release, December 3, 2008.

7./ See Report of the Independent Expert on the human rights situation in Burundi, United Nations Document A/HRC/9/14, August 15, 2008.

Prosecutor questioned Mr. **Gabriel Rufyiri**, President of OLUCOME, and informed him that a judicial enquiry was being opened against him due to his denunciations of corruption involving high State authorities. No charge was brought against him during this hearing, but afterwards he received anonymous messages informing him that everything would be done to charge him, and he learned on August 19 that members of the presidential police force had obtained sound archives for radio *Bonesha* programmes in which reference was made to his activities. He later received anonymous telephone threats, for which those responsible had still not been identified as at the end of 2008. Furthermore, on August 6, 2008, in Nyamurenza village, in the north of the country, a policeman fired at Mr. **Jean Niyongabo**, a member of the local supervisory group set up by OLUCOME. Mr. Niyongabo was then severely beaten by police officers and has been handicapped since then. As at the end of 2008, no action had been taken against either the policeman who shot at him or the policemen who beat him⁸.

Similarly, trade union members and officials who denounced economic and financial embezzlement in 2008, particularly within the Ministry of Justice, were targets of all kinds of harassment, with the general aim of breaking up the trade union movement in Burundi. During the first six months of the year, the Iteka League had already recorded 17 cases of violations in relation to unions, which took the form of unwarranted dismissal, compulsory job transfer and threats against trade union officials. As an example, the Free Trade Union of Workers of the Cotton Management Company (*Syndicat libre des travailleurs de la compagnie de gérance du coton - COGERCO*) was subjected to a great deal of harassment (principally unwarranted transfers) after it denounced the bad management and cases of embezzlement of which the managing director was guilty. Similarly, Ms. **Yolande Ndayongeje**, President of the Union of General Management of Prison Affairs (*Syndicat de la direction générale des affaires pénitentiaires - SYTRAPEN*), was threatened in February 2008 for having denounced cases of bad management and embezzlement that had, however, been confirmed by the State General Inspectorate in its report on February 14, 2008⁹. This was also the logic behind the imprisonment of Mr. **Juvénal**

8./ See OLUCOME.

9./ See Iteka League Press Release, February 2008.

Rududura, an official of the union of non-magistrate staff at the Ministry of Justice, since September 15, 2008 at the Mpimba central prison, for having called for independent enquiries to be opened into a number of injustices committed in the attribution of positions at the Ministry¹⁰.

Stigmatisation and judicial harassment of human rights defenders

In 2008, Burundian defenders were exposed to acts of stigmatisation and judicial harassment in the context of a case based on mere accusations, without evidence and with no legal grounds. On July 23, 2008, radio station *Rema FM* broadcast information accusing two Iteka League staff members of being behind a manipulation plan intending to accuse police and army officers of planning to eliminate members of the opposition party. On the basis of this information, the Prosecution Office at Bujumbura town hall opened a case against Mr. **Jean-Marie Vianney Kavumbagu**, President of the Iteka League between November 2003 and February 2008, Mr. **Joseph Mujiji**, Assistant Executive Secretary of the Iteka League, Ms. **Chantal Niyokindi**, Executive Secretary of the Iteka League, and Mr. **Willy Nindorera**, a researcher with International Crisis Group. This case appears to have been opened in order to prejudice the Iteka League's human rights work. There had been no developments in this case as at the end of 2008.

Obstacles to denunciations of human rights violations committed by PALIPEHUTU-FNL

In 2008, there continued to be a price to pay for denouncing human rights violations committed by PALIPEHUTU-FNL rebels (thefts, murders and rapes). Once again this year, journalists who investigated human rights violations in the areas controlled by PALIPEHUTU-FNL and who attempted to interview families were vulnerable to threats and reprisals by the rebels. For instance, Mr. **Minani Tharcisse**, a journalist with *Radio publique africaine*, was threatened by PALIPEHUTU-FNL soldiers on May 17, 2008 when he tried to interview the family of a chief of the Muyira area in Bujumbura rural province, who had been kidnapped by soldiers from the same movement.

10./ See Iteka League.

Urgent Intervention issued by The Observatory in 2008¹¹

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Messrs. Gabriel Rufyiri, Jean-Marie Vianney Kavumbagu, Joseph Mujiji, Willy Nindorera and Ms. Chantal Niyokindi	Defamation / Harassment / Intimidation / Threats	Urgent Appeal BDI 001/0808/OBS 140	August 21, 2008

11./ See the Compilation of cases in the CD-Rom attached to this report.



/ CAMEROON

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Political context

The television appearance on February 27 of President Paul Biya, in power since 1982, during which he announced a draft amendment to Article 6.2 of the Constitution allowing him to seek additional terms and to re-run for the 2011 presidential elections, in a context of economic problems, brought things to a head. A transporters' strike, launched on February 25, 2008, in particular by taxi drivers, quickly transformed into a popular movement of social demands, paralysing the country for four days. According to the Minister of Communication, the violence left 40 dead, and over 1,500 people were arrested¹. The 2008 riots were also widely used as a pretext to launch unfair criminal proceedings and suppress the opposition and civil society. The EU² and representatives of the civil society condemned the disproportionate use of force by security forces, the scale of indiscriminate arrests, and the treatment of the arrested persons³. Despite these events, on April 10, 2008 the National Assembly adopted on final reading the draft revision of the Constitution by a large majority⁴, as members of the

1./ See Human Rights House of Cameroon (MDHC).

2./ While recalling that the Constitution adopted in 1996 was the result of political dialogue and the democratic expression of people's will, the EU stressed the importance of submitting proposals for constitutional revision in a debate largely free and open, including all elements of Cameroonian society. It also denounced the violence in late February and the attempts at ethnic manipulation that followed. See Statement by the EU Presidency, March 27, 2008.

3./ Human rights NGOs have put the figure of at least a hundred dead. But since human rights defenders did not have access to the morgues, this figure is an estimate. Several thousand people were arrested - rioters and demonstrators, but also people unjustly arrested. Cases of torture were reported and, more generally, in addition to the expeditious rulings, Prosecutors would have used all the resources provided by the Criminal Code to accuse the persons brought, with charges ranging from "failure to submit an identity card" to "demonstrations on the streets, gathering and carrying weapons, destruction, rebellion and violence with regard to group officials, looting and theft" etc.

4./ The overwhelming majority of MPs belong to the ruling party, the Cameroon People's Democratic Movement (CPDM).

opposition party, the Social Democrat Front, did not vote in order to protest against this “constitutional coup”.

These tensions highlighted the problems in the country, including the lack of democracy and good governance. Corruption, impunity, obstacles posed to civil society participation in public life, and recurrent human rights violations, including economic and social rights such as access to natural resources, public services, labour, health, education, housing, etc., remain commonplace. In this context, human rights defenders continued to be threatened throughout 2008.

Harassment of defenders who denounced the repression of riots in February 2008

During the February riots, human rights NGOs denounced the indiscriminate repression they experienced, as well as the disproportionate use of force by the security forces. Because she denounced these violations, especially to the international media, Ms. **Madeleine Afité**, President of the Human Rights House of Cameroon (*Maison des droits de l'Homme du Cameroun* - MDHC), received several death threats in March, and her car was ransacked. On March 7, 2008, during prime time television, a presenter even accused her of wanting to destroy the image of Cameroon abroad⁵. Mr. **Philippe Njaru**, member of the MDHC in Kumba, was arrested on several occasions in 2008 and was threatened with death while trying to identify victims of the riots and shed light on their situation. Because of the seriousness of these threats, he had to leave Cameroon, and was still in exile in late 2008⁶. Pressure would also have been exerted on journalists and the media when they did not relay official information⁷. For example, the radio station *Magic FM* had to suspend its program after holding a debate on February 27 during which the President was severely criticised about the cri-

5./ On this day, during the 1 pm news edition on Cameroon Radio Television (CRTV), the presenter, Mr. Marc Mouzom, spoke of “an unknown person, out of nowhere, a woman claiming to a human rights defender and being heard at the international level when she says nothing true”, targeting Ms. Afité, who had expressed herself several times in the international media. See Press Release on the situation in Cameroon of the Special Rapporteur of the ACHPR on human rights defenders, March 11, 2008.

6./ See MDHC.

7/ See Press Release on the situation in Cameroon of the Special Rapporteur of the ACHPR on human rights defenders, March 11, 2008.

sis management and his willingness to amend the Constitution. The suspension was only lifted on July 4, 2008, by decision of the Minister of Communication⁸. Since the February riots, all the members of the Action of Christians for the Abolition of Torture (*Action des chrétiens pour l'abolition de la torture* - ACAT) and the MDHC have been subjected to permanent surveillance⁹.

Harassment of defenders fighting corruption

The denunciation of corruption remained a high-risk activity in Cameroon. For instance, Mr. **Paul-Eric Kingue**, former Mayor of the city of Njombé-Penja, was arrested on February 29, 2008 and prosecuted for “complicity in group looting and incitement to revolt” in the context of the riots of February 25 – 28, 2008, which took place in the city of Njombé-Penja, and for “forgery of documents” and “embezzlement of public property” in connection with his mandate as mayor. These indictments would be linked to his actions against corruption, as since his election in July 2007 Mr. Paul-Eric Kingue has dismantled a network of corruption established by his predecessor, with the help of the banana plantation companies Haut Penja (PHP) of Njombé-Penja, and denounced the abuses suffered by employees of these companies. As of late 2008, investigations in the case for “false documents” and “misuse of public property” were still pending, after his lawyers appealed because of procedural flaws. On January 19, 2009, after several adjournments in the case for group looting, the Nkongsamba High Court, in Mungo, sentenced Mr. Kingue to six years’ imprisonment and to the payment of eight hundred million francs CFA (about 1,220,000 Euros) in damages to PHP and four million francs CFA (about 6,098 Euros) to Mr. Daniel Nsonga, the strawman who brought the claim in damages for PHP.

In addition, on December 10, 2008, a protest organised by the Citizens’ Association in Defence of Collective Interests (*Association citoyenne de défense des intérêts collectifs* - ACDIC) against misappropriation and corruption within the Ministry of Agriculture and against the corn crisis, was violently repressed by the police forces, wounding several people. That morning, riot police from the Mobile

8./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, July 7, 2008.

9./ See MDHC.

Intervention Group (*Groupe mobile d'intervention* - GMI) went to the headquarters of the association, where demonstrators were given appointments, preventing people to enter and leave premises. Nine protesters, including Mr. **Nono Théophile** and Mr. **Mowha Franklin**, members of the ACDIC, and the President of the Association, Mr. **Bernard Njongang**, were arrested and taken to the police station. They were all released on the evening of December 11 and ordered to appear before court on the morning of December 12, 2008. Following their appearance, all were released, but charges for “illegal demonstration” were still pending against them at the end of 2008¹⁰. On December 11, the Solidarity Association for the Advancement of Human and Peoples’ Rights (*Solidarité pour la promotion des droits de l’Homme et des peuples* - PRODHOP), member of the MDHC, issued a press release denouncing the arrests. Since the issuance of this press release, Ms. **Maximilian Ngo Mbe**, Executive Secretary of PRODHOP, Secretary of the MDHC and member of the Human Rights Defenders Network in Central Africa (*Réseau des défenseurs des droits de l’Homme en Afrique centrale* - REDHAC), has been subjected to anonymous calls, intimidation, and serious threats in the middle of the night against her and her family¹¹. PRODHOP also denounced the numerous violations committed by security forces during the February riots.

Human rights defenders defending the rights of detained persons harassed and assimilated with criminals

In the framework of their activities, many defenders, including lawyers, faced obstacles, particularly in police stations, where they go to defend the detainees. In 2008, cases of abuse, confiscation of documents, arrest of defenders for false reasons, attempts to discredit them or threats of prosecution against human rights organisations remained widespread. Mr. **Mamsour Hamadou**, member of the Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l’Homme et des libertés* - MDDHL), had his membership card confiscated and was accused of “usurpation of title” and “trouble” while he was trying to be recognised as the adviser of a detainee whom he visited

10./ See Front Line Press Release, December 12, 2008.

11./ These threats were continuing as of late 2008.

on November 22, 2008¹². This was also the case, in October 2008, of Mr. **Jean-René Manfo Songong**, lawyer to the Bar of Cameroon and Head of the legal unit of ACAT-Littoral and the MDHC, who was insulted and threatened by police while inquiring about the reasons for the arrest for questioning of his client, Mr. **Ngalle Moussobo**. As of late 2008, Mr. Jean-René Manfo Songong continued to receive threats, especially for defending of his clients, Mr. Paul-Eric Kingue and Mr. **Pierre Roger Lambo Sandjo**, suspected following the hunger strikes on February 25-28, 2008.

Representatives of the judiciary were also guilty of such pressure, such as the Prosecutor of the Republic with the Courts of First Instance in Maroua, who, on March 28, 2008, called Mr. **Abdoulaye Math**, President of the MDDHL and leader of the Regional Observatory of Human Rights of the Greater North (*Observatoire régional des droits de l'Homme du Grand nord*), on his mobile phone to threaten and warn him that any contact with detainees would be henceforth prohibited. In violation of the criminal law of Cameroon, prison guards blocked access to the prison in a case where he was acting as a court-appointed lawyer. For his part, Mr. **Gaston Tagaï**, a member of MDDHL falsely accused of theft and arrested in September 2008, was shown on national television with handcuffs along with two other individuals, wearing a sign on his chest presenting him as one of the “authors of the theft of a squad weapon in 2006”, in an attempt to associate him with criminals. This staging occurred while the MDDHL was preparing to open an office in Roua, for which Mr. Tagaï would be responsible. Since then, the proposed antenna office has been called into question. Mr. Tagaï, who had been deferred to the Garoua prison, was provisionally released in December 2008, pending trial.

12./ Mr. Hamadou was released on November 22, 2008 but in late 2008, a procedure was initiated against him before the Public Prosecutor of Maroua.

Urgent Interventions issued by the Observatory in 2008¹³

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Abdoulaye Math	Death threats / Harassment	Urgent Appeal CMR 001/0408/OBS 047	April 3, 2008
Mr. Gaston Tagaï	Arbitrary arrest / Harassment	Urgent Appeal CMR 002/1008/OBS 161	October 8, 2008
Mr. Jean-René Manfo Songong, Mr. Ngalle Moussobo, Mr. Paul-Eric Kingue and Mr. Pierre Roger Lambo Sandjo	Arbitrary detention / Judicial proceedings / Harassment	Urgent Appeal CMR 003/1008/OBS 163	October 16, 2008
Mr. Mamsour Hamadou and Mr. Abdoulaye Math	Arbitrary arrest / Judicial harassment / Threats	Urgent Appeal CMR 004/1208/OBS 208	December 5, 2008

13./ See the Compilation of cases in the CD-Rom attached to this report.



/ CENTRAL AFRICAN REPUBLIC

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

Despite the Libreville peace and ceasefire agreement of June 21, 2008 and the General Amnesty Law adopted on September 29, 2008, fighting continued in October and November in the north of the Central African Republic (CAR), between the Central African Armed Forces (*Forces armées centrafricaine* - FACA) and rebel groups, and was accompanied by grave violations of human rights and international humanitarian law. Members of FACA units were still responsible for the summary execution of civilians, extortion of money and arbitrary arrests. In addition, several sources reported arbitrary detentions, acts of torture and mistreatment of presumed rebels carried out by the Central African security forces in detention centres. Some rebels from the Popular Army for the Restoration of the Republic and Democracy (*Armée populaire pour la restauration de la République et la démocratie* - APRD) also executed civilians after the passing by emergency courts of expeditious sentences, looted the population and carried out kidnappings.

This is the context in which the “Inclusive Political Dialogue” was held from December 5 to 20, 2008, mediated by the President of Gabon Omar Bongo Ondimba and bringing together around 200 delegates representing the Government, the opposition forces and civil society, in order to examine the obstacles to the advent of a lasting peace and to adopt a social and economic programme¹. The Dialogue led to the appointment in January 2009 of a “consensus” Government and the establishment in February 2009 of a monitoring committee made up of representatives of parties that took part in the Dialogue, charged with preparing the general elections planned for 2010 with a revision of the Electoral Code and setting up an Independent Election Commission.

1./ See International Crisis Group, *Central African Republic: Untangling the Political Dialogue*, Africa Briefing No. 55, December 9, 2008.

Human rights defenders expressed great regret that the fate of victims of the conflicts in CAR since 2002 was not on the Dialogue agenda.

In this context, the situation of defenders remained very difficult, since any determination to denounce human rights violations was perceived as undermining peace efforts and even as support for the rebels who are active in the north of the country.

Threats against defenders who fight against impunity

In 2008, the authorities perceived any attempt to fight against impunity as a threat. Organisations that defend victims' rights were a particular target following the arrest in May of Mr. Jean-Pierre Bemba Gombo after the issue of an arrest warrant by the International Criminal Court (ICC). The former Vice-President of the Democratic Republic of Congo and President and Commander in Chief of the Congo Liberation Movement (*Mouvement de libération du Congo* - MLC) is accused in particular of war crimes, systematic or generalised acts of torture and rape and crimes against humanity for acts carried out by men under his authority in 2002 and 2003, at the time of their intervention in support of the Central African troops against the rebel forces of General Bozizé. In May 2008, shortly after the announcement of the arrest of Mr. Jean-Pierre Bemba Gombo, two members of the Organisation for Compassion and Development for Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* - OCODEFAD) were victims of threats and acts of intimidation warning them against pursuing the case. Furthermore, while one of the persons threatened, Ms. **Bernadette Sayo**, OCODEFAD founder and President, was then Minister of Tourism, she was given no protection, unlike her other colleagues. Mr. **Nganatouwa Goungaye Wanfiyo**, a lawyer and President of the Central African Human Rights League (*Ligue centrafricaine des droits de l'Homme* - LCDH), also received threats because of his ICC activity on behalf of victims and linked to the arrest of Mr. Jean-Pierre Bemba Gombo. On June 17, 2008, an unknown person notified him, amongst other things, that he should be careful that the same thing did not happen to him as had happened to two other defenders; one of the latter had been killed and the house of the second person had been attacked in 2006. His death, on December 27, 2008, in unclear circumstances that had still not been elucidated as of the end of 2008, leave room for the possibility of an assassination, due to his central role in the denunciation of human

rights violations in the country and the support he was bringing to victims before the ICC².

Judicial harassment of journalists who denounce corruption

Although on November 25, 2004 the transitional Central African Parliament abolished the law providing for prison terms for all press offences, in 2008 the Central African authorities continued to deprive journalists of their freedom by unfairly sidestepping the Press Law³. Thus, instead of starting proceedings for libel, solely punishable by fines, the authorities had no hesitation in making use of the State apparatus against people who denounced fraud and corruption, such as Mr. Faustin Bambou. Mr. **Faustin Bambou**, Director of the newspaper *Les Collines de l'Oubangui*, was arrested on January 11, 2008 for having published an article accusing two ministers of receiving several billion CFA francs from the French nuclear group AREVA in December 2007. The Prosecutor of the Republic, who considered that his article had contributed to reinforcing the strike of civil servants who claimed payment of salary arrears, recommended a two-year prison sentence and payment of a fine of three million CFA francs (around 4,500 Euros). On January 28, 2008, the Bangui Magistrates' Court (*Tribunal correctionnel*) finally sentenced Mr. Bambou to six months' imprisonment for "incitement to revolt", "libel" and "insults", and to pay a symbolic one CFA franc in damages to the two ministers who were the plaintiffs in the case. Mr. Faustin Bambou was released on February 23, 2008 after being granted a presidential pardon. At the opening of his trial, his lawyers had withdrawn as a sign of protest. In their opinion, their client should have been prosecuted under the 2004 Press Law, which protects journalists from prison sentences, and not under criminal law.

2./ The NGO community and the EU Presidency paid homage to Mr. Goungaye Wanfiyo following his death and saluted his support for the work of the ICC and his role in the forum on the Inclusive Political Dialogue. See Declaration by the EU Presidency, December 31, 2008.

3./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, January 16, 2008.

Urgent Interventions issued by The Observatory in 2008⁴

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Mr. Erick Kpakpo and Ms. Bernadette Sayo Nzale	Death threats / Acts of intimidation	Urgent Appeal CAF 001/0508/OBS 092	May 28, 2008
Mr. Nganatuwa Goungaye Wanfiyo	Death threats	Urgent Appeal CAF 002/0608/OBS 106	June 18, 2008

⁴/ See the Compilation of cases in the CD-Rom attached to this report.

/ CHAD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009**Political context**

In February 2008, three rebel groups, heavily armed by Sudan¹, joined forces in a new attack on the capital N'Djamena, demonstrating once again the instability in the country and effecting public freedoms, especially after a state of emergency was proclaimed on February 18. A number of security measures were also taken, with the consequent restriction of political freedoms and citizens' rights: house searches, restrictions of freedom of movement, and a whole series of forcible expulsions and the destruction of homes in entire districts of N'Djamena, resulting in the displacement of thousands of people, in most cases with no compensation². When Chadian Government forces regained control of the capital they set themselves two goals, to identify the rebels hidden within the population and search for people who were suspected of having helped and collaborated with the rebels and who were considered traitors. Political opponents, civil society representatives, journalists or simple citizens were victims of arrest, summary and extrajudicial execution, acts of torture, extortion, rape and other forms of reprisal by units from the Government forces, especially the presidential guard, supported by the Justice and Equality Movement (JEM), a Sudanese rebel group.

The state of emergency additionally served as a pretext for the adoption, on February 26, 2008, of a Regulation on the Press Regime, which

1./ The Union of Forces for Democracy and Development (*Union des forces pour la démocratie et le développement* - UFDD), the UFDD-Fundamental (*UFDD-Fondamentale* - UFDD-F) and the Rally of Forces for Change (*Rassemblement des forces pour le changement* - RFC). See report of the Chadian Human Rights League (*Ligue tchadienne des droits de l'Homme* - LTDH), *Quand le pays sombre dans le chaos*, June 2008.

2./ See International Crisis Group, *Chad: A New Conflict Resolution Framework*, Africa Report No. 144 September 24, 2008.

notably made the creation of newspapers more difficult³ and which also introduced new press offences such as “collaborating with the enemy”, “damaging State security”, “offence against the Head of State” or the criminalisation of words inciting “tribal, racial or religious hatred”, all of which were liable to sentences of up to five years’ imprisonment and fines of 2,500,000 CFA francs (around 3,800 Euros). As a result, any denunciation of military brutality was now considered as threatening institutions. Emblematic of the hard line that was taken was Ms. Sonia Rolley, correspondent for *Radio France internationale* (RFI) and the last foreign journalist in Chad, who was notified on March 18, 2008 that her accreditation had been withdrawn⁴.

Faced with the situation of persistent insecurity for refugees, displaced persons, the local population and staff of the United Nations agencies and humanitarian organisations in the east of Chad, the deployment of the United Nations and African Union hybrid force in Darfur was intended to contribute to the stabilisation of the country in 2008, in particular by preventing janjaweed militia incursions. But the National Coordination of Backup for the International Force in Eastern Chad (*Coordination nationale d’appui au déploiement de la force internationale à l’est du Tchad* - CONAFIT)⁵, a Government body set up at the end of 2007 by the Chadian Government to support the international forces in carrying out their mandate and to organise international community aid, slowed the deployment of the UN Peace-keeping Mission in the Central African Republic and in Chad (*Mission des Nations unies en République centrafricaine et au Tchad* - MINURCAT) and the European Force (EUFOR)⁶.

The Chadian authorities set up a national commission of inquiry to investigate the grave human rights violations carried out after the attempted coup in Chad. The commission included international

3./ See Regulation No. 005/PR/2008 of February 26, 2008 on the Chad Press Regime.

4./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, March 20, 2008.

5./ See Decree No. 896/PR/2007 on the creation, organisation and attributions of CONAFIT.

6./ See International Crisis Group, *Chad: A New Conflict Resolution Framework*, Africa Report No. 144 September 24, 2008.

observers and independent civil society organisations⁷. The commission report, published in September 2008, stressed the responsibility of the state of Chad for the disappearance of political opponent Ibni Oumar Mahamat Saleh⁸ and other violations committed in February 2008. On September 20, 2008, the President adopted a decree to set up a monitoring committee to “prepare and submit for Government approval the set of measures relating to the recommendations included in the report of the commission of enquiry”. At the end of 2008, this committee, exclusively composed of ministers and excluding international observers and civil society participants, had not followed up any of the recommendations made by the commission of enquiry.

Threats against defenders who denounce human rights violations linked to the attempted coup d'État

Following the events of February 2008, several human rights defenders received threats and were subject to acts of intimidation, including Mr. **Dobian Assingar**, Honorary President of the Chadian League of Human Rights (*Ligue tchadienne des droits de l'Homme - LTDH*), Ms. **Jacqueline Moudeïna**, President of the Chadian Association for the Promotion and Defence of Human Rights (*Association tchadienne pour la promotion et la défense des droits de l'Homme - ATPDH*), Ms. **Delphine Djiraibe Kemneloum**, Vice-President of ATPDH, Mr. **Massalbaye Tenebaye**, President of LTDH, Mr. **Jean-Bernard Padaré**, lawyer and member of LTDH, Mr. **Clément Dokhot Abaïfouta**, member of the Association of Victims of Crimes and Political Repression (*Association des victimes de crimes et de la répression politique - AVCRP*), Mr. **Lazare Kaoutar Djelourninga**, Vice-President of ATPDH and Director of the radio station *FM Liberté*, Mr. **Djacko Guila Sackou**, Executive Secretary of ATPDH, and Mr. **Lou Hingané Nadji**, member

7/ See Decree No. 525/PR/2008 “Commission of enquiry into the events in the Republic of Chad from January 28 to February 8, 2008 and their consequences”.

8./ According to the report, Mr. Mahamat Saleh was arrested on February 3, 2008 after the rebels withdrew from N'Djamena. The soldiers who came to arrest Mr. Mahamat Saleh at his home “were wearing Chadian army uniforms” and “although it has not been possible to obtain any information or element of proof regarding his fate [...], it is probable that he is now dead”. See Report of the Commission of Inquiry into the events in the Republic of Chad from January 28 to February 8, 2008 and their consequences (Unofficial translation).

of the Moundou branch of LTDH⁹. During the months of February and March 2008, the ATPDH head office received several visits from units of the National Security Agency (*Agence de sécurité nationale - ANS*), the Government political police, which tried to find out whether ATPDH had contacts abroad, and intimidated head office support staff. At the end of 2008, threats continued to be made against these defenders.

In addition, the authorities orchestrated a smear campaign against LTDH following the presentation by Mr. Massalbaye Tenebaye, during an interview at *RFI* on July 19, 2008, of an LTDH inquiry report into human rights violations committed during and following the rebel forces' attack on N'Djamena in February 2008¹⁰. On July 20, Mr. Tenebaye, Mr. **Baldal Oyamta**, LTDH Secretary General, and Mr. **Dominique Touadé**, in charge of LTDH communications department, received telephone calls from the Main Secretary of the Ministry of Human Rights, who insisted that they should send him the report as soon as possible. On July 21, 2008, the Minister of Communications and Government Spokesman spoke about the report on *Radio Tchad* in a threatening tone, accusing LTDH of lying and of wanting to cause harm. On July 22, 2008, the Minister of Human Rights, Ms. Fatimé Issa Ramadane, summoned Messrs. Tenebaye and Oyamta to her office to express her strong disapproval that the report had been published without previously informing the Ministry. On the evening of July 22, the presenter of the eight o'clock evening news on national television declared that the LTDH report was "(...) a tissue of inappropriate statements and lies". However, the report of the national commission responsible for investigating the human rights violations committed in February 2008, published in September 2008, fully confirmed the LTDH analysis of the facts and the State's responsibility for the grave human rights violations committed on this occasion.

9./ The ACPHR Special Rapporteur on human rights defenders in Africa expressed grave concern about the precarious situation of defenders in Chad. See Press Release on the situation in Chad, March 24, 2008.

10./ The LTDH report, entitled *Quand le pays sombre dans le chaos*, was published in mid-June.

Attempt to shut down a human rights organisation

On July 30, 2008, Mr. Clément Dokhot Abaifouta, the newly elected President of AVCRP board, was called by the N'Djamena judicial police for a hearing after the previous AVCRP board had filed a complaint that had resulted in the Minister of Interior issuing an order to shut down AVCRP on the grounds that the association was not registered. On July 31, 2008, Mr. Abaifouta went to the offices of the judicial police accompanied by his lawyer. He was taken in for questioning on the orders of the Prosecutor of the Republic, and placed in custody for “forgery and use of forged documents” and “incitation to tribal hatred”. In the police report, the police superintendent in charge of the investigation established the existence of “technical flaws since the closure was ordered without the different parties being heard” and because “this case was handled by two authorities: the judicial police and the Ministry of Interior”. On August 1, 2008, Mr. Abaifouta was brought before the N'Djamena Court, which dismissed the case against him. As a result Mr. Abaifouta was released at the end of proceedings whose sole objective appeared to be to discredit the work of his organisation.

Acts of harassment against defenders who denounce corruption

In 2008, human rights defenders denouncing corruption within State bodies were subjected to acts of harassment. On January 16, 2008, *FM-Liberté*, the radio station created in 1998 by the Union of the Chad Trade Unions (*Union des syndicats du Tchad* - UST) and the Collective of Human Rights Associations to Promote Democracy (*Collectif des associations de défense des droits de l'Homme pour promouvoir la démocratie*), was shut down following a police raid, and its Director, Mr. Lazare Kaoutar Djekourninga, was arrested for “broadcasting false information”, following the broadcast of a press release issued by the Association for the Defence of Consumers' Rights denouncing the corruption of certain civil servants, in particular the practice of demanding money paid under the table in order to obtain an identity card. Mr. Kaoutar Djekourninga was released in the days that followed and the radio station reopened on May 27, after the court declared that it was incompetent to judge the case.

Civil society continued to be kept at a distance from the mechanism established to manage oil revenues, in violation of the Chadian law that provides for the presence of two NGO representatives within the Oil

Resources Management and Monitoring College (*Collège de contrôle et de surveillance des ressources pétrolières - CCSRP*)¹¹. In 2007, Mr. Dobian Assingar, a civil society representative within CCSRP, had already been replaced following a decision by the Chadian Government. At the beginning of 2008, when the scope and supervisory powers of the College should have been strengthened, its composition was radically altered. Mr. Michel Barka of the UST and the two other members representing civil society were replaced by people considered as more amenable by the Government¹².

Urgent Interventions issued by The Observatory in 2008¹³

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Mr. Dobian Assingar, Ms. Jacqueline Moudeïna, Ms. Delphine Djiraibe Kemneloum, Mr. Lazare Kaoutar Djelourninga and Mr. Lou Hingané Nadji	Threats to security	Urgent Appeal TDC 001/0208/OBS 016	February 6, 2008
Mr. Massalbaye Tenebaye	Threats to security	Urgent Appeal TDC 001/0208/OBS 016	February 6, 2008
	Threats / Acts of intimidation	Urgent Appeal TDC 002/0708/OBS 124	July 23, 2008
Mr. Jean-Bernard Padaré	Threats to security / Harassment	Urgent Appeal TDC 001/0208/OBS 016	February 6, 2008
	Threats to security / Harassment	Urgent Appeal TDC 001/0208/OBS 016.1	23 February 2008
Mr. Clément Abaifouta	Threats to security	Urgent Appeal TDC 001/0208/OBS 016	February 6, 2008

11./ See Chapter 4 of the Law No. 1 of January 11, 1999 on the management of oil earnings, and International Crisis Group, Chad, a new conflict resolution framework, Africa Report No. 144, September 24, 2008.

12./ See International Trade Union Confederation (ITUC) Press Release, Chad, peace heads the list of union demands, June 10, 2008.

13./ See the Compilation of cases in the CD-Rom attached to this report.

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
	Arbitrary arrest	Urgent Appeal TDC 003/0808/OBS 131	August 1, 2008
	Liberation / End of judicial proceedings	Urgent Appeal TDC 003/0808/OBS 131.1	August 4, 2008
Messrs. Baldal Oyamta and Dominique Touadé	Threats / Acts of intimidation	Urgent Appeal TDC 002/0708/OBS 124	July 23, 2008



/ DEMOCRATIC REPUBLIC OF CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The year 2008 was marked by the war that took hold again in the east of the country, the heightening of tensions between the Congolese political stakeholders and, in this context, a significant restriction of fundamental freedoms that was seriously detrimental to human rights defenders. Indeed, the Goma Peace Agreement signed in January 2008 and the “Amani Leo” (“peace now” in Swahili) programme were undermined by the violent fighting that started again in August between the troops of the National Congress for the People’s Defence (*Congrès national pour la défense du peuple* - CNDP) of the dissident General Laurent Nkunda and the DRC Armed Forces (*Forces armées de la RDC* - FARDC), to gain control in particular of natural resources and certain areas of North Kivu province. International humanitarian law and human rights law were totally violated during the clashes. The civilian population was victim to summary execution, rape, forcible recruitment, theft, pillaging and other violations committed by the armed forces involved. The population en masse was forced to escape the fighting and go either to displacement camps or to Uganda.

Faced with this situation of open conflict, the position of the Government authorities and the rebels hardened with regard to any voice raised in protest, whether by the political parties or civil society, and that, in their view, might undermine their authority. Freedom of expression, peaceful assembly and association were particularly impaired in 2008: several independent media, such as the *Molière* television channel, were closed down by decree of the Ministry of Communications, or were attacked by the security services, in particular after broadcasting interviews with members of the opposition. Several journalists were arrested in this regard and were still being held in arbitrary detention as of the end of 2008. In addition, despite the introduction of an information policy under Article 26 of the Constitution, the organisation

of public demonstrations remained in practice subject to arbitrary Government approval¹.

The increased tensions can also be explained by the crucial progress made in international justice in 2008: on May 24, the Belgian authorities arrested Mr. Jean-Pierre Bemba Gombo, President of the Movement for the Liberation of Congo (*Mouvement pour la libération du Congo* - MLC) and former presidential candidate in 2006, in compliance with the international arrest warrant issued by the International Criminal Court (ICC) for crimes allegedly committed by the latter and by men under his command in the Central African Republic between 2002 and 2003. In addition, the trial of Mr. Thomas Lubanga, former rebel chief of the Union of Congolese Patriots (*Union des patriotes congolais* - UPC)², which opened on June 23, was due to resume in 2009 in The Hague.

Broadly speaking, human rights defenders in DRC paid a heavy toll in 2008 and were given no protection by the Government.

Campaigns of stigmatisation and threats against NGOs and defenders fighting against impunity and supporting the work of the International Criminal Court

In 2008, civil society organisations and their members involved in the fight against impunity for the authors of serious human rights violations, particularly by supporting international justice, and who demand full respect for the Congolese Constitution and the establishment of a democratic regime in DRC, continued to face repression by the authorities in power.

Members of the Voice of the Voiceless (*Voix des sans voix* - VSV) were subject to acts of intimidation after they denounced the killing of a member of the family of Mr. Laurent-Désiré Kabila in January 2008. VSV called, in particular, for a fair trial following this murder.

1./ In October 2008, violence was used to break up marches organised by teachers and students calling for an improvement in teachers' working conditions, of which the authorities had been notified.

2./ UPC is a militia group operating in Ituri. Mr. Lubanga was the first person to be handed over to the ICC in March 2006, accused of recruiting children under 15 years old and making them take active part in the 2002-2003 hostilities.

Since then, VSV members have regularly been the target of tailing and telephone taps, and their offices were put under surveillance by security agents. Further, in June 2008, the Alliance of Patriots for the Refundation of the Congo (*Alliance des patriotes pour la refondation du Congo* - APARECO) published a press release on its Internet site titled “J. Kabila is extremely angry and orders the killing of **Floribert Chebeya**, President of the Voice of the Voiceless”, in which President Joseph Kabila ordered the National Intelligence Agency (*Agence nationale des renseignements* - ANR) to eliminate physically Mr. Floribert Chebeya Bahizire, accusing VSV of having seized the diplomatic authorities, in particular the French Ambassador in the DRC, to intervene on behalf of former members of the Zaire armed forces who had allegedly been kidnapped, arrested, held in secret detention and, in some cases, summarily executed³. Similarly, in March 2008, Mr. Christophe Ngulu Maene, a member of the local Goma branch of the Committee of Human Rights Observers (*Comité des observateurs des droits de l’Homme* - CODHO), was subjected to death threats made by the military. On July 5, 2008, while Mr. **Christophe Ngulu Maene** was in France for the World Forum on Human Rights, unknown persons, claiming to be from the army in Goma, made death threats by telephone to his wife, in the following terms: “Your husband has gone to Europe to make accusations against us to the ICC, we’ll be waiting for him, as soon as he gets back, we’ll cut off his head [...]. He’s the one at the CODHO office who handles the cases of the deaths of Major Lumoo Buunda and his aunt Véronique Ndoole Furaha after Ms. **Chantal Sifa Bunyere** escaped⁴. He will pay for it dearly”. Fearing for his safety, Mr. **Christophe Ngulu Maene** was obliged to extend his stay in Europe⁵. In addition, in November 2008, Mr. François Batundi Lunda, a member of the CODHO team of researchers in the CNDP-occupied administrative districts of Masisi and Rutshuru, was forced to escape from DRC after death threats were made by several officers of

3./ See VSV.

4./ In February 2008, Ms. Chantal Sifa Bunyere, President of the Women’s Association for Assistance to the Underprivileged (*Association des Femmes pour l’assistance aux défavorisés* - AFAD), received death threats from unknown persons claiming to be soldiers, after she had denounced to the military justice those allegedly responsible for the murder of Major Lumoo Buunda during the night of February 16, 2008 in Goma and of his aunt Véronique Ndoole Furaha, who was killed one month earlier. As at the end of 2008, threats continued against Ms. Sifa Bunyere.

5./ See Committee of Human Rights Observers (CODHO).

the CNDP army while he was on a mission in the Rutshuru district in north Kivu, where grave violations were committed against the civilian population⁶.

NGOs that work closely with the ICC were particular targets throughout the year. As an example, FIDH, the African Human Rights Association (*Association africaine des droits de l'Homme* - ASADHO), the Lotus Group (*Groupe Lotus* - GL) and the League of Electors (*Ligue des électeurs* - LE) were insulted and threatened by persons linked to or belonging to the MLC, especially following the arrest of Mr. Jean-Pierre Bemba in May 2008. For example, Mr. **Dismas Kitenge**, President of GL and Vice-President of FIDH, was accused on May 28, 2008 of having “sold Bemba to FIDH and to the Westerners”, and was warned of the fate in store for him if Mr. Bemba was found guilty. Furthermore, in June 2008, UPC members threatened Messrs. Christian Lukusha and **Joël Bisubu**, members of Justice Plus working in Bunia, after they spoke out publicly on the decision by the ICC Trial Chamber on June 13, 2008 to suspend proceedings against Mr. Thomas Lubanga. Mr. Christian Lukusha had expressed his reaction on *Radio Okapi*, accusing in particular the United Nations of having refused to grant repeated requests by the ICC Prosecutor’s office to lift the confidentiality of the documents that had been transmitted, and considering this decision to be an impediment in the fight against impunity and the establishment of international justice. Mr. Joël Bisubu expressed himself in similar terms on the BBC. These defenders had to leave Bunia, as they feared for their physical safety. In addition, in July 2008, relatives of Ms. **Carine Bapita**, a member of the organisation Women and Children for Human Rights (*Femmes et enfants pour les droits de l'Homme* - FEDHO) and a Congolese lawyer representing victims at the ICC in the Thomas Lubanga case, had to go into hiding after being subjected to threats and acts of intimidation.

The Network of Interdependent Youth Organisations of Congo-Kinshasa (*Collectif des organisations des jeunes solidaires du Congo Kinshasa* - COJESKI-RDC) was threatened after publishing a statement in September 2008 in which it called on the Head of State to use his constitutional privileges to put a definitive end to the war and the

6./ Idem.

insecurity that was tearing the country apart. In particular, Several COJESKI-RDC regional coordinators received threats made through anonymous phone calls. Furthermore, during the night of October 22, 2008, armed soldiers unsuccessfully tried to force the gate of the COJESKI-RDC headquarters in Kinshasa. They also threatened the COJESKI-RDC security guards who refused to let them in. As at the end of 2008, the members of COJESKI-RDC continued to receive threats⁷.

Judicial harassment: a tool to muzzle defenders

In 2008, judicial harassment was still used as a tool to muzzle dissident voices in the country, and members of organisations that denounce the violations in eastern DRC and in the rest of the country were treated as enemies of the State or traitors and suffered fierce repression by the Government as well as the militia and armed groups. Human rights defenders therefore remained a favourite target, as was the case with Mr. **Georges Mwamba Wa Mwamba**, GL Public Relations Officer, who was arrested while he prepared to deliver an invitation to a university event to the ANR Director in Kisangani. He was placed in detention, subjected to ill-treatment by ANR agents and accused of “spying” and “destabilising the Head of State”, charges that were later re-qualified as “attempted arson” and “communicating with a political detainee”. He was released on June 10, 2008 but his case had still not been closed as at the end of 2008. In addition, on July 16, 2008, the Advocate General to the Kinshasa/Gombe High Court informed Mr. **Amigo Ngonde**, Honorary President of ASADHO, that a complaint had been filed against him by Mr. Théodore Mugalu, head of President Joseph Kabila’s “civil house”⁸ for “defamation” and “damaging allegations”, following the written denunciation by Mr. Ngonde of the arbitrary arrest of a women’s rights activist at the beginning of 2008. As at the end of 2008, Mr. Ngonde was still required to remain available for further questioning by the court.

7/ See VSV.

8./ The “civil house” of the Head of State is an institution attached to the Presidency of the Republic and is responsible for dealing with the family affairs of the President and his family.

Attacks and threats against defenders supporting the victims of sexual violence

En 2008, the lives of defenders who denounced sexual violence continued to be at risk, as was the case of Ms. **Wabihu Kasuba**, in charge of monitoring activities on behalf of the organisation Voice of Those with No Voice or Freedom (*Voix des sans voix ni liberté* - VOVOLIB) and councillor at the Panzi Support Centre for Victims of Sexual Violence, who was killed on May 18, 2008 in south Kivu⁹. In March 2008, Ms. Thérèse Kerumbe, member of the association Women's Solidarity for Peace and Integrated Development (*Solidarité féminine pour la paix et le développement intégral* - SOFEPADI), received threats while she was in Europe to take part in an advocacy mission organised by FIDH on the fight against impunity and sexual violence in DRC. Requests for protection made to the local authorities by SOFEPADI went unanswered and, with threats increasingly made against her, Ms. Kerumbe had to escape from Bunia, in Ituri. Despite repeated applications to the Prosecutor, SOFEPADI had received no assurance of her safety and it remained impossible for her to return as at the end of 2008. Further, in November 2008, SOFEPADI Coordinator Ms. **Noella Usumange Aliswa** and her family were attacked at their home in the town of Bunia. She was seriously injured and had to be evacuated to South Africa to receive appropriate care. This attack appeared to be directly linked to the work of SOFEPADI in support of women victims of the conflict. In July 2008, the staff of the Psychological and Medical Centre for the Rehabilitation of Torture Victims (*Centre psycho-médical pour la réhabilitation des victimes de la torture* - CPMRVT/Kitshanga) were the target of threats and acts of harassment by CNDP, which wanted to get hold of the medical registers containing the identities of victims of sexual violence treated by the Centre¹⁰.

Impunity for the murder of journalists defending human rights

In 2008, the United Nations Mission in DRC (*Mission des Nations unies en RDC* - MONUC) referred to the tense atmosphere that prevailed in Bukavu and to the threats made against defence lawyers in

9./ See ACHPR Special Rapporteur on human rights defenders Press Release, June 17, 2008.

10./ These threats followed reports by MSF/Holland referring to a great number of women victims of sexual violence in the area under CNDP control.

the appeal trial following the murder of Mr. **Serge Maheshe**, a journalist with *Radio Okapi*, a radio station that plays an essential role in the fight against violence and arbitrary acts, especially in eastern DRC¹¹. In March 2008, several NGO members who observed the trial were intimidated by the military Auditor General for having revealed the serious violations of norms concerning the right to a fair trial. In this climate of impunity, on November 21, 2008, Mr. **Didace Namujimbo**, also a journalist with *Radio Okapi*, was shot and killed near his home in Bukavu. Although the Bukavu General Prosecutor opened an investigation, those responsible for the killing had still not been identified as at the end of 2008.

Harassment of defenders fighting against illegal exploitation of natural resources

The authorities are particularly sensitive to anything concerning natural resources, and defenders of economic, social and cultural rights who denounce the effects of mining and forestry on the environment, or cases of corruption, are exposed to threats and obstacles to their work. As an example, on March 21, 2008, Mr. **Hubert Tshiswaka**, then Executive Director of Action for Impunity against Human Rights (*Action contre l'impunité pour les droits de l'Homme - ACIDH*), based in Lubumbashi, and currently a member of the Open Society Institute for Southern Africa (OSISA), was arrested by ANR for distributing a leaflet denouncing the lucrative contracts signed between the Congolese Government and certain multinational corporations in the Katanga mining region, and the misappropriation of public funds by the Congolese authorities. He was released the same day due to the absence of charge against him. Furthermore, at the end of 2008, proceedings were still pending against 27 human rights defenders from Bumba, in Equateur province, for “defamation and damaging allegations”, after they had addressed a petition to the Government denouncing abusive forestry exploitation by the Industrial and Forestry Company of DRC (*Société industrielle et forestière de DRC - SIFORCO*). This petition

11./ See MONUC Human Rights Division, *Human Rights Monthly Assessment - April 2008*, June 17, 2008.

had been drawn up during a seminar organised by VSV in Bumba in September 2006¹².

Threats against freedom of association

In 2008, many human rights associations continued to work without legal status in spite of completing all the required administrative formalities. Members of these associations were routinely the target of harassment, intimidation and threats of arrest by the administrative and security services. On September 9, 2008, the Minister of Justice and Human Rights published in the national press a long list of 140 NGOs, including ASADHO, GL and VSV, presenting them as operating illegally despite the fact that they hold licences to operate, as do many others. He accompanied this publication with a smear campaign against human rights NGOs. The campaign was taken up by the State media, especially the Radio télévision nationale.

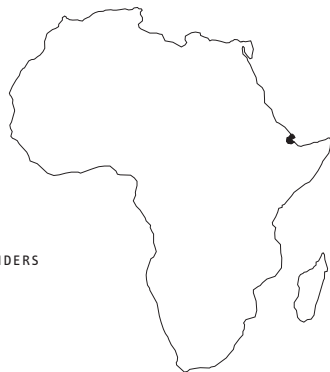
Urgent Interventions issued by the Observatory in 2008¹³

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Ms. Thérèse Kerumbe and Ms. Julienne Lusenge	Death threats / Acts of intimidation	Urgent Appeal COD 001/0408/OBS 048	April 4, 2008
		Urgent Appeal COD 001/0408/OBS 048.1	April 9, 2008
Mr. Georges Kapiamba	Death threats / Acts of intimidation	Urgent Appeal COD 002/0408/OBS 050	April 9, 2008
Ms. Sophie Roudil, Mr. Jean Bedel, Mr. Jean-Pol Ngongo and Mr. Dieudonné Sango	Death threats / Harassment	Urgent Appeal COD 003/0408/OBS 059	April 21, 2008

12./ In February 2008, the High Court of Mongala district based in Lisala declined jurisdiction to rule on the complaint filed by SIFORCO in March 2007 against these 27 defenders. Following this decision, SIFORCO filed a complaint with the Appeal Court in Mbandaka, capital of Equateur province. On June 28, 2008, the Deputy General Prosecutor went to Bumba, where he heard two of the defenders, Messrs. Michel Gala Komanda and José-Maria Mokwele. Since then the case has remained pending before the Mbandaka Appeal Court.

13./ See the Compilation of cases in the CD-Rom attached to this report.

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Ms. Thérèse Kerumbe and Ms. Julienne Lusenge	Death threats / Acts of intimidation	Urgent Appeal COD 001/0408/OBS 048	April 4, 2008
Mr. Georges Mwamba Wa Mwamba	Arbitrary detention / Threats	Urgent Appeal COD 004/0608/OBS 098	June 9, 2008
	Release / Judicial harassment / Ill-treatment	Urgent Appeal COD 004/0608/OBS 098.1	June 18, 2008
Mr. Joël Bisubu, Mr. Christian Lukusha and Mr. Godefroid Mpiana	Serious threats	Urgent Appeal COD 005/0708/OBS 111	July 1, 2008
Ms. Carine Bapita, Mr. Amigo Ngonde and Mr. Paul Nsapu	Threats / Stigmatisation / Harassment	Urgent Appeal COD 006/0708/OBS 120	July 15, 2008
		Urgent Appeal COD 006/0708/OBS 120.1	July 22, 2008
Mr. Amigo Ngonde	Judicial harassment	Urgent Appeal COD 007/0708/OBS 122	July 17, 2008
Mr. Arnold Djuma, Mr. Elie Lwatanga and Solidarity for the Social Promotion and Peace (<i>Solidarité pour la promotion sociale et la paix</i> - SOPROP)	Threats / Harassment	Urgent Appeal COD 008/0808/OBS 132	August 1, 2008
Mr. Lucien Kalinde Bin Kalinde et Mr. Trésor Kibangula Helali	Arbitrary arrest / Ill-treatment / Release	Urgent Appeal COD 009/1108/OBS 180	November 4, 2008
Ms. Noella Usumange Aliswa	Attacks / Acts of intimidation	Urgent Appeal COD 010/1108/OBS 185	November 11, 2008
Mr. Didace Namujimbo	Murder	Urgent Appeal COD 010/1108/OBS 197	November 24, 2008
		Joint Press Release	November 26, 2008
		Situation note	December 24, 2008



/ DJIBOUTI

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

Unsurprisingly, the legislative elections of February 8, 2008 allowed the People's Rally for Progress (*Rassemblement populaire pour le progrès* - RPP), the party of President Ismail Omar Guelleh, to win the 65 seats at stake. Indeed, the opposition parties had decided to boycott this election to protest against the lack of reforms of the Electoral Code, which were claimed since the parliamentary elections of 2003¹. The election period in Djibouti was also once again marked by the silencing of both the opposition and civil society.

Assimilation of defenders with political opponents in the electoral context and ongoing judicial harassment against those denouncing the use of force by the authorities

As the elections of February 2008 approached, human rights defenders were subject to intimidation. While several leaders of the opposition parties were under house arrest on February 1 to prevent an opposition rally organised in the framework of the election campaign², Mr. **Jean-Paul Noël-Abdi**, President of the Djibouti League of Human Rights (*Ligue djiboutienne des droits humains* - LDDH), was prevented on the same day from leaving his home by members of the armed forces. The reason given by the authorities was to prevent the opposition rally. This confirms the assimilation by those in power of human rights defenders with political opponents. In December 2007, Mr. Noël-Abdi had already been arrested following a press release denouncing the risk of electoral fraud.

1./ In these elections, all the seats in Parliament had been allocated to the presidential party while opposition parties obtained 38% of the vote.

2./ Mr. Ahmed Youssouf Ahmed, President of the Republican Alliance for Development (*Alliance républicaine pour le développement* - ARD), Mr. Ismael Guedi Hared, President of the Union for Democracy and Justice (*Union pour la démocratie et la justice* - UDJ), and Mr. Souleïman Farah Lodon, Vice-President of the Movement for Democratic Renewal and Development (*Mouvement pour le renouveau démocratique et le développement* - MRD).

Moreover, defenders denouncing the use of force by authorities were also subjected to harassment. On November 29, 2008 for instance, the trial of Mr. Jean-Paul Noël-Abdi before the Supreme Court was postponed *sine die*. This trial was initiated in 2007 following the publication by the President of LDDH of an informational note on the discovery of a mass grave in the village of Day, which included the bodies of seven civilians who were killed by Government forces in 1994. Throughout the trial, irregularities marred the proceedings. Several written requests formulated by the attorney appointed by the Observatory, by which the latter asked permission to appear before the Supreme Court, went unanswered, even though other Djiboutian and foreign lawyers pleaded before this court in other cases.

Systematic muzzling of the trade union movement

Since the entry into force of the new Labour Code in 2006, and despite repeated calls by the International Labour Conference to Djiboutian authorities in June 2007 to comply with their international obligations, the rights of trade unionists continued to be violated and several muzzling strategies were implemented (confiscation of travel documents, judicial harassment, restrictions on freedom of association). In early May 2008, Mr. **Adan Mohamed Abdou**, Secretary General of the Djiboutian Labour Union (*Union djiboutienne du travail* - UDT), was summoned twice by the Government and threatened with reprisals if he did not renounce his responsibility in the leadership of UDT. In 2008, the Government also actively contributed to the establishment of non-independent and non-representative trade unions that usurp the name, qualifications and role of existing trade unions.

Given the seriousness of the situation of trade unionists, a “direct contacts mission” of the International Labour Organisation (ILO) visited Djibouti in January 2008. The mission recommended the inclusion of UDT within the delegation of workers for the 97th session of the International Labour Conference, held in June 2008. To fulfil this recommendation, the Government formally included UDT in the delegation but used a subterfuge to prevent it from participating. Thus, Mr. Adan Mohamed Abdou was informed upon arrival at the Conference that he had been dismissed by false documents signed by Mr. Mohamed Youssouf Mohamed, former President of a pro-Government organisation that usurped UDT’s name. The ILO Credentials Committee reported that it had been referred to by Mr.

Adan Mohamed Abdou and Mr. **Kamil Diraneh Hared**, Secretary General of the General Union of Djiboutian Workers (*Union générale des travailleurs djiboutiens* - UGTD), who requested the invalidation of the credentials of the Djiboutian delegation. In a supplementary communication, the authors of the referral alleged that Mr. Mohamed Youssef Mohamed improperly used UDT's letterhead and proceeded to false signatures on the orders of the Government³. In its report to the 97th session of the International Labour Conference, the Committee considered that these practices were representative of non-compliance with the principles of freedom of association in the country and acts of interference by the Government in trade union affairs. In addition, for the Committee, "it now seem[ed] clear that there is a problem of legitimacy of the people supposedly representing UDT"⁴. The Committee urged "the Government to guarantee the implementation of a procedure based on objective and transparent criteria for the nomination of the Workers' representatives in future sessions of the Conference", and stressed that it expected "the nomination can be finally made in the spirit of cooperation between all the parties concerned, in a climate of confidence that fully respects the ability of the workers' organizations to act in total independence from the Government, in accordance with ILO Conventions Nos. 87 and 98".

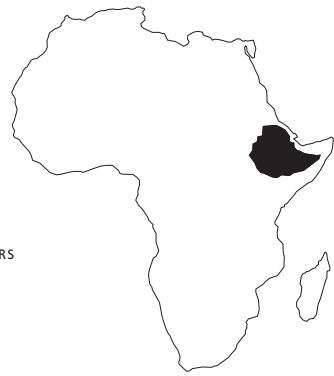
Urgent Interventions issued by The Observatory in 2008⁵

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Jean-Paul Noël-Abdi	Harassment / House arrest	Urgent Appeal DJI 001/0208/OBS 014	February 1, 2008
	Judicial harassment	Press Release	November 14, 2008
	Judicial harassment	Press Release	December 4, 2008

3./ See International Labour Conference, *Provisional Record 4c, 97th session, Second Report of the Credentials Committee*, 2008, para. 36.

4./ *Idem*.

5./ See the Compilation of cases in the CD-ROM attached to this report.



/ ETHIOPIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

In April 2008, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won a landslide victory in the local elections, amid cases of violence and intimidation reported by opposition parties and NGOs¹. As a consequence, two parties, the United Ethiopian Democratic Forces (UEDF) and the Oromo Federalist Democratic Movement (OFDM), decided to pull out of the electoral process a few days before the poll. Local authorities are said to have prevented the registration of opposition candidates in many constituencies where the opposition had achieved good results in 2005. As a result, the EPRDF won 559 seats out of the 623 districts in the country and all but one of the 39 Parliament seats.

Even before the elections, frequent human rights violations in the country were reported, notably arrests and detentions without charge or trial of critics of the Government by the Ethiopian police, as well as the extrajudicial killing of a political activist². Many dissidents, members of the former regime or opponents to the present Government remained in detention at the end of 2008³.

Furthermore, the country was still facing ethnic tension in several regions where civil population were hostages of both the Ethiopian army and the rebels of the Ogaden National Liberation Front (ONLF). NGOs documented severe abuses such as displacement of rural communities, burning villages, confiscation of livestock, restricted access to water or to food. Torture in custody, arbitrary detention and extrajudi-

1./ See Human Rights Watch (HRW), *World Report 2008*, January 2009.

2./ See in particular Ethiopian Human Rights Council (EHRCO), *Regular Report n°31*, July 2008.

3./ See European Union Note on the situation in Ethiopia, Directorate-General for External Policies of the Union, DGExPo/B/PolDep/Note/2008_183, October 2008.

cial killings of civilians by the Ethiopian forces and non-State actors were also reported⁴.

2008 nonetheless witnessed some positive developments, with the release by a Presidential grace on March 28, of human rights defenders Messrs. **Daniel Bekele**, Head of Policy Research and Advocacy Department of Action Aid Ethiopia, and **Netsanet Demissie**, founder of the Organisation for Social Justice in Ethiopia (OSJE), who had been convicted of “incitement” related to the 2005 elections by the Federal High Court, as well as the release of all journalists detained in relation to their work since the November 2005 crackdown. However, about eight newspapers were still being denied licenses to operate and a number of Ethiopian journalists in exile were still afraid to return home for fear of reprisals⁵. And if the New Media Law passed by the Parliament on July 1 eliminates the practice of pre-trial detention for journalists, it was not applied in 2008.

Obstacles to human rights defenders’ access to information in zones of rebellion and arbitrary arrests

In 2008, the Government remained very suspicious of anyone who tried to collect information on human rights violations in zones of rebellion, in particular in the Oromia region. For instance, on October 30, 2008, Messrs. **Obsa Wake**, **Fekadu Negri** and **Belay Korme**, three members of the Ethiopian Human Rights Council (EHRCO), an NGO that produced periodic reports on human rights violations committed as a result of ethnic clashes in the Oromia region, were arrested in Nekmte, before being released on November 2 without charges, on a 2,000 Birr bail each (around 140 Euros). They had been arrested on suspicion of having links with the Oromo Liberation Front (OLF) and possession of firearms. Moreover, at the end of 2008, Mr. **Abdi Abate**, a member of EHRCO who had been arrested in July 2007 in Nekmte, remained detained and charged with the crime of supporting the OLF. His court case before the Federal High Court was adjourned until February 9, 2009.

4./ See EHRCO, *Regular Report n°31*, July 2008 and HRW Report, *Collective Punishment: War Crimes and Crimes Against Humanity in the Ogaden Area of Ethiopia’s Somali Regional State*, June 12, 2008.

5./ See EHRCO.

Obstacles to humanitarian stakeholders operating in conflict zones

In 2008 again, the Ethiopian Government continued to put obstacles to humanitarian work in conflict zones. For example, in July, the Swiss branch of Doctors Without Borders (*Médecins sans frontières* - MSF) withdrew from Ethiopia's Somali region (Ogaden), condemning the authorities' attitude towards humanitarian organisations that led to recurrent arrests of MSF Switzerland staff without charge or explanation, and arguing that repeated administrative hurdles and intimidation had prevented the agency from bringing urgently needed medical aid to the population⁶. Both the International Committee of the Red Cross (ICRC) and MSF Belgium had been expelled by the Government in August and September 2007.

Adoption of a law restricting freedom of association

On January 6, 2009, a new law on freedom of association, called the Law Charities and Societies, was adopted by Parliament, although it had been condemned by international observers⁷. Even though the civil society was consulted in the elaboration of the text, the overwhelming majority of the elements submitted by NGOs throughout the consultations were ignored by the authorities. This new law creates a very restrictive environment for human rights defenders and seriously impairs the independence of civil society insofar as it aims at strictly controlling and monitoring civil society, in particular with the forthcoming elections of 2010. Thus, the text extends the definition of a "foreign NGO" to all NGOs in Ethiopia receiving more than 10% of foreign funding, and bans such NGOs from carrying out a high number of human rights related activities. It also strengthens the capacity of the executive to refuse registration, pronounce dissolution and interfere in the activities of associations.

6./ See MSF Press Release, July 10, 2008.

7/ See Council of the European Union, Document 14146/2/08 REV 2, *Annual Report on Human Rights 2008, November 7, 2008*, and Declaration of Ms. Mary Robinson, former UN Human Rights Commissioner, to IRIN News, January 6, 2009.



/ GUINEA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

In 2007, Guinea had been faced with a revolt of the people against the Government of late President Lansana Conté, who had been in power for 23 years. Following negotiations, an agreement had been reached on January 27, 2007¹ regarding the formation of a new Government led by Mr. Lansana Kouyaté, appointed Prime Minister by consensus and given extensive executive powers for a three year transitional period, during which parliamentary and presidential elections were to be organised². The dismissal of the Prime Minister in May 2008, and his replacement by Mr. Ahmed Tidiane Souaré, clearly demonstrated the lack of willingness from the General-President to carry out reforms and to organise transparent elections before the end of 2008, with a view to presidential elections being held in 2010³. In addition, the President of the National Independent Election Commission (*Commission électorale nationale indépendante* - CENI) announced on October 20 that the election could not be held within the allotted time due to considerable delays in organising the voting process.

From the beginning of 2008, trade unions and civil society organisations led peaceful protests against the violations of the January 27, 2007 agreements. The commission of enquiry in charge of elucidating the circumstances of the human rights violations committed during the demonstrations in 2007 and those responsible for such violations was unable to complete its mission due to lack of resources⁴, and its mandate

1./ The agreements were signed by the trade unions, the employers, the National Assembly, the Supreme Court and the Economic and Social Council.

2./ The last parliamentary elections, in 2002, had been boycotted by most of the opposition parties. The current National Assembly is consequently largely dominated by the presidential party and its allies, who hold 90 of the 114 seats.

3./ See International Crisis Group, *Africa Briefing No. 52*, June 24, 2008.

4./ The funds allocated in particular by the European Union for the functioning of this commission were blocked with no official reason given by the Presidency.

ended in December 2008. In addition, the National Observatory on Democracy and Human Rights (*Observatoire national de la démocratie et des droits de l'Homme* - ONDH), set up by the Prime Minister in July 2008 to investigate and report on human rights violations, to lead initiatives in human rights education, essentially with the security forces, and to advise the Government on matters relating to human rights and humanitarian law, was still not operational as at the end of 2008, due to finance problems.

Following the announcement of the death of President Lansana Conté on December 23, 2008, the National Council for Democracy and Development (*Conseil national pour la démocratie et le développement* - CNDD) came to power in a coup led by Captain Moussa Camara. In accordance with an EU demand, the CNDD appointed a civilian Prime Minister, Mr. Kabine Komara⁵. The CNDD met with civil society, the political parties and women's and young people's associations from the beginning, leaving hopes of a new start within the public opinion. However, some civil society organisations, including the Guinean Human Rights Organisation (*Organisation guinéenne des droits de l'Homme* - OGDH), showed their concern regarding the presence, amongst the members of the CNDD and within the Government, of individuals responsible to varying degrees for human rights violations, acts of corruption, and other serious crimes. They also alerted public opinion on the risks of jeopardising the rule of law and establishing arbitrary justice, especially after a statement made by some CNDD members according to which "if there's a criminal around, he must be killed on the spot"⁶. They called on CNDD to repeal the ban on all political and union activity that had been imposed on December 23, 2008. At the end of 2008, the NGOs were still waiting for a response to their views.

Abusive use of force during peaceful demonstrations

Amid the context of impunity that reigned throughout 2008, particularly regarding human rights violations committed during the 2007

5./ The EU also called for presidential and parliamentary elections to be held before the end of the first half of 2009. See Declaration by the EU Presidency on the situation in Guinea, December 31, 2008.

6./ See OGDH.

demonstrations, the Guinean security forces used excessive force every time peaceful demonstrations called for political reforms or improvements in the economy. This was particularly the case during the demonstrations that took place in several regions of the country between September and October 2008 against the high cost of living and the shortage of basic commodities, focusing in particular on demands for improved access to electricity, water and land to cultivate. At least five people were killed, around twenty were injured and many people were tortured in detention following the repression by the security forces. Furthermore, following a demonstration on October 31, 2008, at least ten people were arrested and taken to a military camp, where they were tortured. All these people were later released without charge⁷.

7/ *Idem.*



/ KENYA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The December 2007 Presidential elections were marred by serious irregularities, and set off a wave of violence throughout Kenya until the end of February 2008, which claimed over 1,000 lives and displaced over 300,000 people¹. Serious human rights violations included organised violence by militia, gender-based violence, and spontaneous, disorganised uprisings of mobs protesting the flaws, during which there was a disproportionate and excessive use of force by the police against protesters, mainly in opposition strongholds. After the signing in February 2008 of a power-sharing agreement between President Mwai Kibaki and the opposition, a new government was formed in April 2008, headed jointly by the President and, as Prime Minister, by the opposition leader Raila Odinga.

Following the election violence, a Commission of Inquiry led by Justice Philip Waki was set up to investigate the violations². In October 2008, the Waki Commission found that Kenyan politicians from both sides had organised and financed attacks on supporters of their opponents. It also denounced the use of excessive force against civilians by security forces, including extrajudicial executions as well as crimes ranging from looting to rape. It recommended the establishment of a special tribunal to try major perpetrators of the violence. Following the political agreement decided by President Kibaki and Prime Minister

1./ See Report of the Commonwealth Observer Group, January 2008, Press Release of the EU Election Observation Mission, January 2008, and Kenya Human Rights Commission Press Release, February 7, 2008.

2./ See East and Horn of Africa Human Rights Defenders Project Report, *The Situation of Human Rights Defenders in the East and Horn of Africa, Report to the Forum on the participation of NGOs at the 44th session of the African Commission on Human and People's Rights (ACHPR), Kenya Chapter*, November 2008.

Odinga on December 17, 2008, this special tribunal should have been established by January 30, 2009 – but the deadline was missed³.

Furthermore, in early March 2008, the Kenyan army was deployed in the Mount Elgon district (western province of Kenya) to clamp down on the activities of the Sabao Land Defence Forces (SLDF) in an action called “Operation Okoa Maisha”. The SLDF was accused of carrying out an increasing number of attacks on villages, killing people, stealing cattle and destroying homes. According to the Kenyan NGO Independent Medico-Legal Unit (IMLU), the military operation reportedly resulted in mass arrests and subsequent prosecution of over 1,200 persons with most of the persons arrested raising complaints of torture⁴.

Threats, assaults and harassment of defenders denouncing post-electoral human rights violations

In the post-election context, the lives, safety and security of human rights defenders were placed at great risk and their work severely impaired, especially when denouncing post-electoral human rights violations⁵: in its concluding observations in November 2008, the UN Committee against Torture noted “with concern allegations of reprisals, serious acts of intimidation and threats against human rights defenders, especially those who report acts of torture and ill-treatment, and in particular human right defenders involved in addressing the post-election violence”⁶. The establishment of the Grand Coalition Government also had a negative impact on civil society by bringing both the Government and the opposition together in a shared consensus to limit the space accorded to civil society and to restrict efforts to shed light on violations committed by both parties⁷.

3./ Parliamentarians rejected the special tribunal twice, on January 29 and February 13, 2009, after a constitutional amendment motion to institute the tribunal by the Government was defeated.

4./ See IMLU, *Preliminary report of medico-legal investigation of torture by the military at Mount Elgon “Operation Okoa Maisha”*, April 2008.

5./ See Memorandum to the ACHPR on the human rights situation in Kenya signed by 27 Kenyan organisations, 43rd extraordinary session of the ACHPR, February 15, 2008.

6./ See UN Document CAT/C/KEN/CO/1, November 21, 2008. The Committee also noted the common practice of unlawful and arbitrary arrest by the police and the widespread corruption among police officers, which particularly affects the poor living in urban neighbourhoods.

7./ See East and Horn of Africa Human Rights Defenders Project, Report above-mentioned.

For instance, on January 25, 2008, Mr. **James Maina**, a member of “Bunge La Mwananchi” (the People’s Parliament), reported that he received a series of death threats from members of the militia Mungiki for having shared details of attempts by the President’s Party of National Unity to involve Mungiki in the organised counter-attacks. At the end of January, Mr. Maina was forced to change his phone number and the place where he was staying, and subsequently fled the country. Likewise, in late January 2008, Mr. **Maina Kiai**, Chairman of the Kenya National Commission on Human Rights (KNCHR), and Mr. **Haroun Ndubi**, lawyer and member of the Kenya Domestic Observers Forum, also received phone calls from anonymous people who told them that they would “cut off their heads” if they went on criticising the outcome of the elections. In January 2008, human rights defenders, including Ms. **Muthoni Wanyeki**, Executive Director of the Kenya Human Rights Commission (KHRC), Ms. **Gladwell Otieno**, Director of the Africa Centre for Open Government, Ms. **Njeri Kabeberi**, Executive Director of the Centre for Multi-Party Democracy, as well as Messrs. Maina Kiai, Haroun Ndubi, **Ndung’u Wainaina**, member of the National Convention Executive Council, James Maina and **David Ndiu**, co-founder and Director of the Kenya Leadership Institute, were also termed as traitors by a criminal group calling itself the “Thagicu” Renaissance Movement. On January 10, they had denounced the irregularities in the elections and submitted a complaint on behalf of the Kenya for Peace, Truth and Justice Coalition to Kilimani police station against the Electoral Commission of Kenya with regard to criminal offences, including the fabrication of false certificates, the neglect of duty, the disobedience of statutory duty, the forgery of judicial or official documents, etc. The death threats became true when Mr. **Kiriinya Ikunyua**, a driver for the police force who wished to testify on unlawful killings by police forces, was shot at his front door on October 16, one day after the release of the Waki report by the Commission of Inquiry⁸.

A new challenge for human rights defenders also arose at the end of the year with regards to the discussions on the establishment of the special tribunal for Kenya to investigate and prosecute perpetrators of the last election violence. Many NGOs gathered in the Kenya for

8./ *Idem*.

Peace, Truth and Justice Coalition indeed feared that defenders who will be willing to witness the serious human rights violations they have documented before the special tribunal will face serious threats and harassment if no real protection is guaranteed.

Harassment of human rights defenders denouncing human rights violations in the Mount Elgon district

The report of the Waki Commission failed to investigate the violence in Mount Elgon or to include it into its recommendations of issues to be dealt with once a national tribunal is established – primarily because the SLDF was not directly involved in the post-elections violence. This situation has constituted a significant threat to human rights defenders who spoke out against the violations taking place, and several activists were reported to have been intimidated and interrogated. For instance, on August 14, 2008, Dr. **Walter Wekesa Nalianya**, who participated in documenting human rights violations in Mount Elgon Hospital Kitale in regard to Mount Elgon torture cases⁹, was summoned by police and taken to Kakamega’s Provincial Criminal Investigation Office. The police alleged that Dr. Wekesa Nalianya was not registered under private practice and thus ought not to have documented the Mount Elgon torture allegations. The police then told him to write a report on his involvement in the Mt. Elgon torture allegations made by the KNCHR. Dr. Walter Wekesa Nalianya was released later on the same day. In addition, “Mwatikho”, a human rights organisation working in western Kenya, lost its registration on the basis that it was carrying out activities of an NGO when in fact it had registered as a community organisation. This measure was clearly linked to its release of a statement in April 2008 accusing the Government of torture and enforced disappearances in Mount Elgon district¹⁰.

Curtailment of freedoms of peaceful assembly and association

In 2008, regulations were increasingly being interpreted in a restrictive manner, which undermined the work of defenders and their rights,

9./ Dr. Wekesa Nalianya documented human rights violations in Mount Elgon Hospital Kitale for a KNCHR report that was released in May 2008. He has also actively collaborated with IMLU, a registered NGO working for the rights of torture victims in Kenya, on examining torture cases.

10./ See Mwatikho, Western Kenya-Human Rights Watch (WKHRW) and Human Rights Watch Joint Statement, April 2, 2008.

notably freedom of assembly. For example, IMLU, along with several other civil society organisations, sought to organise a peaceful procession on June 26, 2008 to mark the UN International Day in support of victims of torture. In accordance with Kenyan law, IMLU sent a prior notification to the police on the event, but their notification was rejected on security grounds. The march was called off but participants nonetheless gathered on the given day and were dispersed by the police using tear-gas. As of the end of 2008, IMLU was seeking to bring this case to court based on the principle that the police's decision to reject the notification was illegal and unconstitutional as under the Public Order Act organisers are only bound to inform the police and are not subject to their approval¹¹.

In addition, police officers continued to use excessive force in dispersing peaceful processions. Thus, on May 30, 2008, the police violently dispersed a peaceful procession organised by the grass root movement "Bunge La Mwananchi" to protest against the soaring food prices. Yet, the organisation had given a notice to the police as required by the law. The police further arrested six members of Bunge La Mwananchi, Mr. **Gacheke Gachihi**, Mr. **Jacob Odipo**, Ms. **Hellen Ayugi**, Mr. **Samson Ojiayo**, Mr. **Fredrick Odhiambo** and Mr. **Stephen Gitau**. They were later arraigned in court but the charges were subsequently dropped after the police failed to prove their case. Members of Bunge La Mwananchi were on different occasions in 2008 arrested, harassed and intimidated by the police, and their meetings were termed illegal, further compromising on their right to association.

Furthermore, in November 2008, the UN Committee on Economic, Social and Cultural Rights expressed concern about reported delays in the registration of trade unions, closure based on vague grounds, interference by officials with the Office of the Registrar of Trade Unions and the Ministry of Labour in the management and operation of trade unions, and excessive restrictions on the right to strike, in particular in the Export Processing Zones (Article 8)¹².

11./ *Idem*.

12./ See UN Document E/C.12/KEN/CO/1, November 19, 2008.

Urgent Interventions issued by The Observatory in 2008¹³

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Members of the Kenyans for Peace with Truth and Justice Initiative (KPTJ) and Mr. Maina Kiai	Threats	Urgent Appeal KEN 001/0108/OBS 005	January 14, 2008
Ms. Muthoni Wanyeki, Ms. Gladwell Otieno, Ms. Njeri Kabeberi, Messrs. Maina Kiai, Haroun Ndubi, Ndung'u Wainaina, James Maina and David Ndi	Death threats	Urgent Appeal KEN 001/0108/OBS 005.1	February 6, 2008
Dr. Walter Wekesa Nalinya	Summoning / Intimidation	Urgent Appeal KEN 002/0808/OBS 135	August 14, 2008
	Release	Urgent Appeal KEN 002/0808/OBS 135.1	August 19, 2008

13./ See the Compilation of cases in the CD-Rom attached to this report.



/ LIBERIA

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Political context

2008 witnessed some positive developments in the fight against impunity in Liberia, as cases involving Liberian officials responsible for crimes committed during the conflict in Sierra Leone were addressed in 2008 by foreign and international jurisdictions. At the end of 2008, the trial of Mr. Charles Taylor, former President of Liberia, was still ongoing before the Special Court for Sierra Leone in the Hague¹, while Chuckie Taylor, Mr. Charles Taylor's son, was tried on October 30, 2008 in the United States and found guilty of torture and related crimes committed while serving as the head of the former Liberian President's Anti Terrorist Unit.

At the national level, there was also some formal progress in the fight against impunity but obstacles remained. On January 8, 2008, the public hearings of the Truth and Reconciliation Commission² (TRC) were officially opened³. On November 30, 2008, the TRC published a list of 198 names of individuals suspected of having perpetrated war crimes and other serious human rights violations between 1979 and 2003, and called on these individuals to appear before it to respond to the

1./ 'See Liberia Watch for Human Rights. The Special Court for Sierra Leone is an ad hoc court established in 2002 through an agreement between the United Nations and the Sierra Leonean Government. The court's mandate is to "prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law" committed in Sierra Leone and also violations of Sierra Leonean law committed in the country. The alleged crimes committed by Mr. Taylor cover murdering and mutilating civilians, using women and girls as sex slaves, abducting adults and children, and forcing them to perform forced labour or become fighters during Sierra Leone's conflict.

2./ Appointed in February 2006, the TRC is mandated to investigate gross human rights violations and violations of international humanitarian law as well as abuses that occurred during the period from January 1979 to October 14, 2003.

3./ See United Nations Mission in Liberia, *Report on the Human Rights Situation in Liberia*, November 2007 - June 2008.

allegations⁴. However, individuals holding senior positions made it publicly clear that they would not cooperate and would oppose stringent resistance to the TRC and its recommendations, thus undermining the impact of this list. Human rights organisations continued to denounce the impunity of high authorities such as senators also before domestic courts and the weakness of the judicial system.

In addition, despite the progress being made by the TRC, Liberia was still plagued by ethnic tensions that cut across many segments of the society. The prevalence of law and order incidents, including mob justice and random violence, which have become a major national security concern, underlines the tenuous state of the security situation in the country⁵.

In 2008, the Government continued to pursue its programme of political and constitutional reforms as well as national reconciliation including the appointment of a Governance Commission to make recommendations to the legislature. However, journalists and human rights defenders denouncing bad governance remained subject to reprisals. For instance, in Grand Gedeh county, in February 2008, *Smile FM* radio station was temporarily closed following an action by the Office of the County Superintendent. This action seems to be a reprisal as it followed action taken by the same Superintendent and his office only a few months earlier in October 2007 to interrupt radio broadcasting following discussions organised by civil society and aired on the radio station accusing Government officials of mismanaging funds and bad governance practices⁶. In May 2008, the Parliament adopted a law for the establishment of the Liberia Anti-Corruption Commission following requests made by the World Bank and the International Monetary Fund to address endemic corruption in the country. In September, the President appointed the commissioners and chairman. This decision was criticised by civil society who had been part of the process of passing

4./ See Amnesty International Press Release, December 5, 2008. So far the court has heard 84 witnesses and prosecution has indicated that there are fewer than 10 witnesses left to testify when the Court resumes work on January 12, 2009.

5./ See UN Security Council, Document S/2008/553, *Seventeenth progress report of the Secretary-General on the United Nations Mission in Liberia*, August 15, 2008.

6./ See United Nations Mission in Liberia, *Report on the Human Rights Situation in Liberia*, November 2007 - June 2008.

the bill but was not consulted for the nomination of Commissioners. The Commission does not include members of civil society showing the lack of will to have an independent body. Civil society organisations also continued to ask for the establishment of an Independent National Commission on Human Rights (INCHR)⁷.

Harassment of defenders fighting against impunity and defending the rule of law

According to the UN Secretary General's report, although the human rights situation in the country continued to improve, the weakness of rule of law institutions still impeded the protection of human rights⁸. Therefore, defenders engaging in the fight against impunity still faced harassment from both State and non-State actors. For instance, on October 10, 2008, Senator Kupee threatened the Director of Liberia Watch for Human Rights, Mr. **Thompson Ade-Bayor**, after he had attended several talk shows on radio and television and asked for justice to be made in the murder on February 11, 2008 of a young man aged 15, in Zorzor district, Lofa county. Liberia Watch said it had in its possession pictures and documents linking Senator Kupee to the death. Despite the police warrant of arrest and several demonstrations asking that Senator Kupee be brought to court, the Ministry of Justice continued to protect the Senator. In a letter dated September 30, 2008, Liberia Watch reminded the Ministry that nobody was above the laws of Liberia. It also called on the President to put an end to this situation of impunity⁹. On November 11, 2008, during a demonstration in Lofa county asking for justice on the occasion of the visit of the President, Senator Kupee also accused Liberia Watch of "mobilising the people". At the end of 2008, he had still not appeared before a court.

Furthermore, a number of human rights defenders who engaged in the promotion of the rule of law in different communities of the Grand Gedeh county also faced threats in 2008. As an example, on April 10, 2008 a rule of law workshop conducted by animators of the Carter

7/ Although the act establishing the INCHR was enacted and came into force in 2005, the Commission has remained inoperative due to the continued delay in the appointment of its commissioners.

8./ See UN Security Council, Document S/2008/553, *Seventeenth progress report of the Secretary-General on the United Nations Mission in Liberia*, August 15, 2008.

9./ See Liberia Watch for Human Rights.

Centre and the Inter-Religious Council of Liberia for members of Sentrue village, Konobo district, was interrupted by one of the elders who threatened to bring the “country devil” to the session because he did not agree with the message conveyed by the animators. This resulted in all the participants fleeing the workshop. By the end of April 2008, the animators had been unable to continue their activities in the communities¹⁰.

10./ See United Nations Mission in Liberia, *Report on the Human Rights Situation in Liberia*, November 2007 - June 2008.



/ MAURITANIA

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Political context

The year 2008 was marked by the coup d'état that overthrew President Sidi Ould Cheikh Abdallahi, who had come to power in April 2007 and was the first democratically elected President since the country became independent in 1960. His accession to power had resulted in some progress in the field of human rights, in particular the adoption of laws aimed at settling the “humanitarian backlog”, in particular on the question of the return of refugees, whose situation was a consequence of the ethnic and racial crises that had divided the Mauritanian society in the 1980s and 1990s. In addition, despite the continued human rights violations, especially the generalised use of torture to obtain confessions from people accused of links with Islamic groups, the safety of human rights defenders had improved.

The coup d'état of August 6, 2008, carried out by General Abdelaziz, a former captain of the presidential guard who had been dismissed by the Head of State on August 5, 2008, created a completely new situation¹. The international community, led by the African Union, unanimously condemned the military junta² and rallied to call for the

1./ The Prime Minister had formed a new Government in mid July to put an end to two weeks of political crisis after the previous cabinet resigned on July 3 under threat of a motion of censure in Parliament.

2./ See EU Presidency Declaration August 6, 2008. In addition, on September 22, 2008, the Peace and Security Council of the African Union warned the actors of the coup and their civilian supporters of the risk of sanctions and isolation if they did not give a positive response to the demand made on October 6, 2008 for the return to constitutional order. However, sanctions were not adopted at either of the two consultative meetings held in Addis-Ababa on November 10 and 21 at the African Union headquarters, or the coordination meeting on the situation in Mauritania held in Brussels on December 12, 2008. Due to the junta's lack of reaction in this regard, on October 20 the EU opened consultations in the framework of Article 96 of the Cotonou Agreement and several consultations also took place under the umbrella of the African Union. In the case of violation by one of the parties of certain essential elements of the Agreement (respect for human rights, democratic principles and the rule of law), this mechanism provides for increased consultation in order to resolve the situation.

immediate release of President Sidi Ould Cheikh Abdallahi and the return to constitutional order. Two weeks later, the junta released the Prime Minister, the Minister of the Interior and the Director of the National Agency for the Support and Integration of Refugees (*Agence nationale d'appui et d'insertion des réfugiés*), who had been arrested at the same time as the President. The President of the Republic was finally released during the night of December 21, 2008, following the visit of a high level mission to Nouakchott on December 7, 2008, which was seen as the last chance before the adoption of sanctions³. The AU nevertheless maintained the threat of sanctions if the return to constitutional order had not been achieved by February 6, 2009. The next presidential elections were also set for May 2009 following the "Special Consultation on Democracy" (*États généraux de la démocratie*), which took place from December 27, 2008 to January 6, 2009, in spite of being boycotted by the clan of overthrown President Sidi Ould Cheikh Abdallahi.

In this context, any voice calling for a return to democracy and denouncing violations committed by the junta and the police force was repressed and the situation of defenders became extremely precarious once again. In addition, all fundamental freedoms – freedoms of expression, assembly and association – severely regressed. Information was blocked and, for example, all references to events prior to August 6 were erased from the Mauritanian Information Agency website. Similarly, after a television debate organised by *Télévision mauritanienne* on the subject of "the outcome of the political crisis", a former minister of the deposed Government, Mr. **Isselmou Ould Abdel Ghader**, was prosecuted before the Mauritanian courts, the Director of the national television was dismissed and the journalist who had convened and organised the on-screen debate was sacked.

Repression of the freedom of peaceful assembly

Following the coup d'état, all peaceful assemblies and demonstrations that did not support the junta were banned. But a great many members of civil society, including members of human rights NGOs and trade union members, still took part in peaceful demonstrations

3./ The high level mission was led by the AU and included representatives from the UN, the International Organisation of Francophonie, the Islamic Conference and the Arab League.

calling for the return to constitutional order and respect for economic and social rights. The security forces used violence to repress several of these peaceful protests. On August 19, 2008 for instance, although the demonstration had been authorised, several union officials, including Mr. **Samory Ould Beye**, Secretary General of the Free Confederation of Mauritanian Workers (*Confédération libre des travailleurs de Mauritanie* - CLTM), were molested by the police and forcibly taken to the Tevrag Zeina I police station in Nouakchott, before being subsequently released. This situation was repeated in October when six Mauritanian trade unions⁴ had called a peaceful demonstration in Nouakchott to celebrate World Day for Decent Work on October 7, 2008. Around twenty demonstrators were injured and several were taken to Tevrag Zeina I police station, including Mr. Abderrahmane Ould Boubou, Secretary General of the Mauritanian Workers' Union (*Union des travailleurs mauritaniens* - UTM). Violence seems to have become the only response of the new military authorities and the High State Council (*Haut conseil d'État* - HCE) to defenders' claims. On October 8, 2008, during a demonstration organised by the political parties to call for the return to constitutional order, the headquarters of the Mauritanian Human Rights Association (*Association mauritanienne des droits de l'Homme* - AMDH), where demonstrators had sought refuge, was wrecked by the police, who fired tear gas grenades into the premises and broke down the main door.

Intimidation, threats and stigmatisation of defenders

In 2008, both before and after the coup d'état, human rights defenders continued to be threatened regularly in the press, on Internet, during sermons in mosques, or by telephone. They were subjected to telephone taps and were tailed. These threats further increased after the coup d'état. Civil society was indeed made responsible for the sanctions adopted by the international community against the junta. During a meeting in Akjoujt in October, a Member of Parliament called for the dissolution of all human rights NGOs and for all defenders "to be

4./ The Mauritanian Workers' Union (*Union des travailleurs mauritaniens* - UTM), the General Confederation of Mauritanian Workers (*Confédération générale des travailleurs de Mauritanie* - CGTM), the CLTM, the Federation of Free Trade Unions in Mauritania (*Union des syndicats libres de Mauritanie* - USLM), the National Union of Mauritanian Workers (*Union nationale des travailleurs de Mauritanie* - UNTM) and the National Confederation of Mauritanian Workers (*Confédération nationale des travailleurs de Mauritanie* - CNTM).

beaten up". In addition, from October 2008, Ms. **Aminetou Mint El Mokhtar**, President of the Association of Women Heads of Families (*Association des femmes chefs de familles - AFCF*), received anonymous death threats each time she published articles on-line denouncing human rights violations in Mauritania. On December 14, 2008, a man approached her and threatened her with death and tried to run her over with his vehicle.

Urgent Interventions issued by The Observatory in 2008⁵

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Trade-union members, including Mr. Samory Ould Beye	Obstacles to freedom to demonstrate	Press Release	August 21, 2008
Members of the Mauritanian Workers' Union (UTM), the Free Confederation of Mauritanian Workers (CLTM), the General Confederation of Mauritanian Workers (CGTM), the Federation of Free Trade Unions in Mauritania (USLM), the National Union of Mauritanian Workers (UNTM) and the National Confederation of Mauritanian Workers (CNTM)	Obstacles to freedom to demonstrate	Press Release	October 9, 2008

5./ See the Compilation of cases in the CD-Rom attached to this report.



/ NIGER

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

After the start of an armed rebellion in 2007, President Mamadou Tandja decreed a “state of alert” in the Agadez region in the north of the country on August 24, 2007. This exceptional measure, which restricts individual and collective freedoms, is provided for in the Constitution of Niger. As a result, all power passed to the army. Subsequently, targeted summary executions, arbitrary arrests, the destruction of nomads’ means of subsistence, displaced persons and NGO bans were reported.

In addition, the journalist Mr. Moussa Kaka, correspondent with Radio France Internationale and Director of the private radio station Radio Saraouniy, became the symbol of the muzzling of the media. He was detained from September 20, 2007, accused of “complicity in a plot against State authority” for having been in regular contact with the NigerMovement for Justice (*Mouvement des Nigériens pour la justice* - MNJ)¹ in the framework of his job, and was finally released on October 6, 2008. His release was the result of large-scale international mobilisation but it did not mean the end of judicial proceedings². The case of Mr. Kaka took place in an increasingly difficult environment for freedom of expression: closure in July 2008 of the Press House (*Maison de la Presse*) after the Ministry of Communication issued a press release that implied that such a place reflected foreign interests; suspension for one month of the private radio and television group *Dounia* by the High Council of Communication in August, following a letter that merely referred to “non respect of terms of reference”; threats to suspend twenty directors of publication of private newspapers. It is also

1./ The Niger Movement for Justice (MNJ) calls for respect for the 1995 agreements signed by the Government, improved distribution of wealth, in particular the income from uranium, and measures to support families displaced because of the exploitation of the uranium deposits.

2./ The chamber of accusation of the Niamey Appeal Court indeed decided to rename the charges against him to “an act likely to harm national defence”, an offence, and no longer a crime, liable to one to five years in prison and a heavy fine.

to be noted that, on April 22, the High Council ordered the closure of *Sabara FM*, the principal radio station of Agadez for an indefinite period, after it broadcast testimony by victims of acts of brutality by Niger soldiers³.

Niger also continued to experience serious economic problems⁴. Although the 2005 food crisis, which had caused a steep rise in prices and caused a serious economic and social crisis, ended, citizens' groups continued to criticise the management of services such as water, electricity, health care, gas and oil.

Civil society organisations accused and discredited by the authorities

Once again this year, the Niger authorities tried, through the media, to discredit the work of human rights organisations when the latter denounced violations for which the authorities were responsible. Following the adoption by Parliament on May 5, 2008 of a new law awarding a number of indemnities and benefits to elected members of the National Assembly (indemnities relating to the work carried out during and outside Assembly sessions, as well as indemnities intended to cover the medical expenses of all their family members aged under 25), two human rights NGOs, the Citizen's Movement (*Mouvement citoyen*) and Citizen's Convergence (*Convergence citoyenne*), organised several demonstrations calling on the people to protest against this law. Following the people's demonstrations and the stand taken by the two organisations against the unequal treatment inferred in the text in question, Mr. **Nouhou Arzika**, a member of the Citizen's Movement, Mr. **Badié Hima**, Vice-President of the Niger Human Rights Association (*Association nigérienne pour la défense des droits de l'Homme - ANDDH*), and coordinators from other civil society structures were attacked by members of Parliament during a session that was repeatedly broadcast on national television on May 20, 2008. Messrs. Arzika and Hima were referred to in particular as "enemies of the people" and "manipulators". Despite being seized by the President of the Republic, the Constitutional Court, in a decree issued on June

3./ See Reporters Without Borders (RSF) Press Release, August 20, 2008.

4./ See United Nations Development Programme (UNDP), *National Report on Progress towards Achieving the Millennium Development Goals*, 2008.

13, 2008 upholding the view of the civil society organisations declared the law to be in contravention of the Constitution⁵. Furthermore, on December 2, 2008, an application to demonstrate made by the Citizens' Movement was turned down. The aim of this demonstration was to denounce Parliament's non-respect of the ruling of non-conformity issued by the Constitutional Court, thereby maintaining MPs' indemnities and benefits. Similarly, in a response broadcast on national television on October 5, 2008, the Director of Penitentiary Affairs and Pardons attacked Messrs. Badié Hima and **Moustapha Kadi**, President of the Collective of Defenders of the Right to Energy (*Collectif des défenseurs du droit à l'énergie*) and threatened to suspend the Collective of Organisations for the Defence of Human Rights and the Promotion of Democracy (*Collectif des organisations de défense des droits de l'Homme et de promotion de la démocratie* - CODDHD) and its partners, after the CODDHD published a report on the poor conditions in which the former Prime Minister, Mr. Hama Amadou, was held in preventive detention at the Koutoukalé civilian high security prison. The report had been drawn up following a visit made by members of the Collective inside the prison, with the authorisation of the Minister of Justice⁶.

Acts of harassment against defenders denouncing attacks on economic and social rights and environmental rights

In 2008, defenders fighting on behalf of economic and social rights were targets of various acts of harassment because of their work, as was the case of the Collective of Niger Civil Society (*Collectif de la société civile nigérienne* - CSCN). CSCN regularly organises marches followed by meetings on the "place de la concertation" in Niamey, to call for an audit of the President of the Republic's Special Programme, which objective is sustainable human development in Niger, the end of the instrumentalisation of a part of the judiciary, and the resolution of

5./ The court considered that under the terms of Article 93 of the Constitution, "the provisions and amendments tabled by deputies are inadmissible when their adoption results in a reduction in public resources, whether through the creation of or an increase in public expenses, unless they are accompanied by a proposal for an increase of receipts or for savings of an equivalent amount" (Unofficial translation).

6./ See CODDHD, *rapport de visite à la prison civile de haute sécurité de Koutoukalé*, October 2008.

social problems through measures aimed at reducing the cost of living, the construction of social infrastructures for the underprivileged areas of the capital, etc. On March 2, 2008, the car of Mr. **Mahamane Hamissou**, CSCN Coordinator, caught fire at the organisation's headquarters. The latter filed a complaint but, as of the end of 2008, this had not been followed up and the cause of the fire remained unknown. The Collective was also victim of obstacles to freedom of peaceful assembly, as the demonstrations it convened on November 9 and December 21, 2008 to denounce the poor governance and call for an audit of the President of the Republic's Special Programme, were arbitrarily banned.

Furthermore, the Government remained unreceptive to civil society questioning of the State's management of basic services and natural resources⁷, and routinely resorted to manoeuvres of containment to suppress its activities, for example by considerably delaying the issuance of authorisations to demonstrate. In addition, the extraordinary turn-out of security forces at the time of demonstrations organised by organisations for the defence of economic and social rights was generally perceived by their members and, more broadly, by actors of civil society, as being a manoeuvre to intimidate people with the aim of dissuading them from participating.

Impunity for acts of harassment against defenders denouncing violations in the context of the conflict in the north

Since the conflict began in the north, several organisations have taken a stand to condemn the use of weapons as a means of achieving

7/ In a joint declaration of September 6, 2008, the Coordination of Arlit Civil Society (*Coordination de la société civile d'Arli*) and the Collective for Defence of the Right to Energy (*Collectif pour la défense du droit à l'énergie - CODDAE*) criticised, for example, the dilapidated water distribution installations used by the Niger Water Exploitation Company (*Société d'exploitation des eaux du Niger - SEEN*) and its effects on the deficiencies in the supply of drinking water, denouncing the lack of concern and the negligence of the parties involved. See Coordination of Arlit Civil Society and CODDAE, *déclaration conjointe sur la situation de l'alimentation en eau potable de la ville d'Arli*. Amongst other campaigns, CODDAE led a national campaign on human rights in the energy domain and another on the damaging effects of the mining industries. It also engaged in the fight against the high cost of living in the following energy fields: hydrocarbons, water, electricity, gas. Other groups such as Citizens' Convergence intervened on the issue of electricity to call for an unconditional end to untimely electricity cuts and to prevent any form of privatisation of public enterprises, including NIGELEC. See Memorandum of Citizens' Convergence, July 10, 2008.

demands in a democratic environment, at the same time calling on the Government to recognise the rebellion and to make contact with a view to entering into dialogue with MNJ. Despite the open letter addressed to the President of the Republic in January 2008 by several leaders of human rights organisations⁸ who had received threats in 2007 after condemning the humanitarian drama and the human rights violations in the north that were due to the conflict, the authors of these threats, which ended following this letter, had still not been identified as at the end of 2008.

8./ Including ANDDH, the Niger Citizens' Alternatives Spaces Group (*Groupe alternatives espaces citoyens Niger*), CODDHD and the Network of Human Rights Organisations (*Réseau des organisations de défense des droits de l'Homme - RODDHAD*).



/ NIGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

Despite the transfer of power from the military to the civilians in May 1999, Nigeria continued in 2008 to face violations of his citizen's rights by both State and non-State actors, large scale corruption¹ and ethnic clashes. Moreover, the Niger Delta question remained this year again the key human rights concern in the country with conflicts going on in Bayelsa, Delta and River States. For decades, the region has been subjected to the exploitation of resources by transnational oil companies and the Government, accompanied by environmental contamination, expropriation of farmlands, increased militarisation, etc². The security forces, including the military, also kept on committing human rights violations, including extrajudicial executions, torture and other ill-treatments and the destruction of homes³. Communities in the Delta whose human rights were affected by oil operations faced difficulties in securing remedy and redress.

In the autumn, tensions arose in northern Nigeria when riots took place on November 28–30 in Jos city, Plateau State. During these riots caused by the victory of the mainly Christian-backed ruling party – the People's Democratic Party – in State (local Government) elections, 200 people were killed, and some 7,000 displaced. The Government declared a temporary curfew to avoid further violence. The Nigerian Inter-Religious Council held a meeting in Jos under the chairmanship of the Sultan of Sokoto and Catholic Archbishop John Onaiyekan to help prevent future outbreaks⁴. However, the crisis cannot be said to

1./ In 1999 Nigeria was ranked the most corrupt nation by Transparency International. According to the 2008 Corruption Perception Index it now ranks 121st out of 180 countries.

2./ See Civil Liberties Organisation (CLO), with the support of FIDH, *Submission for the Universal Periodic Review of Nigeria for February 2009*, September 2008.

3./ See Amnesty International, *Submission to the UN Universal Periodic Review, Fourth session of the UPR, February 2009*, September 1, 2008.

4./ See International Crisis Group, *CrisisWatch Bulletin*, December 2008.

be a religious crisis. It is rather a political crisis embedded in religion with a strong ethnic component.

The Government also restricted freedom of expression, in particular publications on the state of health of President Umaru Yar'Adua. For instance, on September 16, 2008, Channels TV was closed by the State Security Service (SSS) and some of its staff arrested after broadcasting a report, previously made by the Agence France Presse, according to which the President was planning to resign due to his health condition. Following a protest organised by a coalition of human rights and pro-democracy organisations named the "United Coalition for Democracy", including members of the Nigeria Union of Journalists, Civil Liberties Organisations (CLO) and the Campaign for Democracy on September 20, 2008, the National Broadcasting Commission (NBC) lifted the suspension and the staff was released. However the NBC said that the SSS would be continuing its investigation on the TV station. Several arrests of on-line journalists posting political or satirical articles also took place this year⁵.

Harassment of human rights defenders denouncing human rights violations, including corruption

In 2008, human rights defenders who denounced human rights violations were subjected to various acts of harassment. For instance, Mr. **Chiadiadi Ochiagha**, a member of CLO, was arrested in October 2008 by the Enugu State police command on the allegation that he was not a member of CLO. He was at the time investigating on behalf of CLO on the case of Ms. Esther Ezenwamadu, whose husband was allegedly abducted at the palace of his traditional ruler at Akpakuma-Nze in Udilga of Enugu State in 2007. In the course of the investigation, several suspects were arrested and charged. It is believed that the people of the community ganged up against Mr. Ochiagha with the police and arrested him. He was finally released without charge in November 2008⁶.

In particular, corruption remained a major issue, while the Law on freedom of information, considered as essential by human rights

5./ See CLO and Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, November 18, 2008.

6./ See CLO.

defenders to fight against corruption, failed to be adopted. This law had been adopted by the former Parliament but the then President Olusegun Osabanjo had refused to promulgate it. The law was presented again in 2008 before the current Parliament, which set up a new committee to examine it. Human rights defenders voiced their concern that this exercise was intended to empty it thus encouraging secrecy in governance and lack of participation⁷. The NGOs and human rights defenders who continued to fight endemic corruption and asked for the establishment of an effective police accountability system and improving police pay and conditions, as requested by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions in his 2006 report⁸, therefore remained subjected to various acts of harassment throughout the year.

Meanwhile, 2008 was marked by several social protest movements intended to denounce corruption. These movements brought together civil society organisations, students, movements against corruption, workers and trade unionists. They appeared in April 2008 in several cities including Lagos, Abuja and Oshogbo and were ongoing throughout the year. These actions were severely repressed as it was the case in Oshogbo, Osun State, where the peaceful protest organised on July 11, 2008 to condemn the corrupt practices of members of a court in a case concerning the challenged election of the State Governor was repressed by police officers at the request of the State Government. As a result, Mr. **Waheed Lawal**, Chairman of the Campaign for Democratic and Workers' Rights, and Mr. **Debo Adeniran**, Coordinator of the Coalition Against Corruption Leaders, as well as 22 other activists were arrested and detained until July 23, at Ilesha Prison. They were charged with "conspiracy", "disturbance of public peace", "unlawful gathering", "seditious statements on placards" and "seditious publication". Later, they were released following mass protest of civil society and the charges were abandoned⁹.

7./ See Transparency International Nigeria, *Memorandum submitted by Transparency in Nigeria (TIN) to the Senate Committee on information on the occasion of the public hearing on the freedom of information bill*, June 2, 2008.

8./ See UN Document E/CN.4/2006/53/Add.4, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Nigeria*, January 7, 2006.

9./ See CLO.

Impossibility to monitor the human rights situation in the Niger Delta

Due to the current conflict, increasing militarisation and human rights violations taking place in the Niger Delta, it was almost impossible for defenders to report on the situation without being perceived as political actors. In addition, many human rights defenders faced increased insecurity and were therefore forced to flee the region. One among others, Mr. **Isine Ibanga**, a journalist with the *Punch Newspaper* and member of CLO, was attacked and injured by police officials on patrol while walking to his residence in Port Harcourt, Rivers State, in November 2008. This attack coincided with recent threats against Mr. Ibanga and the *Punch Newspaper* by the Abonnema Local Government Area Chairman, following a news story he reported concerning victims of rape by gun-carrying young men, against female members of the National Youth Service Corp, serving in the area¹⁰.

Attacks and harassment against trade unionists and students

The right to organise and the right to strike remained limited in Nigeria. Workers taking strike action that is deemed to be illegal were liable to both a fine and an imprisonment sentence up to six months. In addition, Nigerian labour law prohibits and criminalises strikes that are deemed to relate to conflicts of interest or any strikes relating to economic issues, including strike action to protest against the Government's social or economic policy affecting workers' interests. In that context, on January 6, 2008, Mr. **Alhaji Saula Saka**, Lagos State Chairman of the National Union of Road Transport Workers (NURTW), was killed by four men. According to his family, the assassination was clearly linked to his trade union activities and leadership. At the end of the year, the investigation conducted by the State Criminal Investigations Department had still not identified the murderers.

Students were also repressed for claiming the right to unionise. In 2008, a conflict that had started the year before at the university of Obafemi Awolowo continued. In 2007, ten student activists including the Students' Union President, Mr. **Saburi Akinola**, the Speaker of the Students' Parliament, Mr. **Andrew Ogumah**, and the Public Relations Officer, Mr. **Olatunde Dairo**, had been arrested, detained and expelled

10./ See Institute of Human Rights and Humanitarian Law Press Release, November 11, 2008.

from the university for their struggle for better welfare conditions and respect for students' right to unionise and association. They were detained for over seven months at Oshogbo Prison in Osun State. They were released on bail in February 2008 due to local and international protest in particular from the Students' Union, labour, civil society activists as well as the international campaigns led by the Committee for a Workers International (CWI), who also called for their reinstatement. In a public statement posted on campus on December 31, 2008, the university authorities announced the recall of three of the targeted student activists. Conditions for their reinstatement included a letter of apology/undertaking and withdrawal of cases instituted against the university from courts.

Urgent Intervention issued by The Observatory in 2008¹¹

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Alhaji Saula Saka	Assassination	Urgent Appeal NGA 001/0108/OBS 008	January 16, 2008

11./ See the Compilation of cases in the CD-Rom attached to this report.



Political context

Originally scheduled for January 20, 2008, local and municipal elections were finally held on June 29, 2008, officially to address the technical and organisational failures recorded during the general elections held in June and August 2007¹. According to local NGOs², the process took place in a peaceful climate throughout the country but was marked by high abstention and experienced major malfunctions³. NGOs primarily deplored the fact that the Government did not involve various stakeholders – in particular, opposition parties and organisations defending human rights and promoting the rule of law – in the preparation of the ballot. On December 1, 2008, the Government initiated a revision of electoral rolls, which continued until January 20, 2009 in preparation for the presidential election in July 2009. However, it is feared that, as in the municipal elections, defenders questioning the free and transparent nature of the elections continue to be harassed by the authorities.

The country also continued to face serious problems of corruption, in particular within the administration of justice, police services, and taxes and customs. However, positive steps were made with the creation in September 2007 of the Observatory for the Fight Against Corruption, Extortion and Fraud (*Observatoire de lutte contre la corruption, la concussion et la fraude*), an independent body with the responsibility

1./ The elections had been boycotted by several opposition parties and marred by numerous irregularities. The presidential party, the Congolese Labour Party (*Parti congolais du travail*), thereby obtained the majority in Parliament.

2./ See in particular Meeting for Peace and Human Rights (*Rencontre pour la paix et les droits de l'Homme* - RPDH) Press Release, July 4, 2008.

3./ Incomplete voter lists, failures in the allocation of electoral materials to various polling districts, insufficient number or absence of ballot papers of several candidates, some voters having several voting cards, errors of the identities of voters, multiple entries, etc.

to monitor and evaluate audits undertaken by public institutions in all public sectors, the implementation of the Government's plan of action in the fight against corruption, and governance reforms initiated by the Government. The nine members of this body come from the judiciary, the National Assembly, the Senate, the State General Inspectorate, trade unions, the private economic sector, the Ecumenical Council of Churches, civil society and the Executive Committee to implement the Extractive Industries Transparency Initiative (EITI)⁴.

Threats and assimilation of human rights defenders with political opponents

As in 2007, the National Commissioner of the Police, General Ndengue, continued to discredit the work of defenders by treating them as political opponents, accusing them of being in the pocket of foreign powers and tarnishing the image the country. For instance, on January 11, 2008, Mr. **Roger Bouka Owoko**, Executive Director of the Congolese Observatory of Human Rights (*Observatoire congolais des droits de l'Homme* - OCDH), was summoned to the Directorate-General of Police. This summoning followed the publication by OCDH, on January 8, 2008, of a press release sent to members of the Government, public institutions, and African and Western diplomatic missions in the Republic of the Congo. In this document, OCDH requested the postponement of local and municipal elections to allow for the establishment of a commission to organise truly independent elections and the update of electoral rolls through a special administrative census. The Directorate-General of the Police stated that the request for the postponement of elections by OCDH was a political demand which, according to them, was not the responsibility of a human rights NGO. They also made it clear to Mr. Bouka Owoko that when they provide evidence of "collusion" between OCDH, the opposition and foreign powers to destabilize Congo, "they will [shoulder their] responsibilities". Similarly, on October 3, 2008, the newspaper *La Semaine africaine* published an article highly virulent against OCDH. In this

4./ EITI was launched in 2003 in Johannesburg (South Africa) during the World Summit on Sustainable Development, and aims at increasing the transparency of revenues paid to the Government and/or its dismemberment by oil, gas and mining companies by providing to third parties a summary of payments. Congo was accepted as a candidate to EITI at a Board meeting in Accra held on February 22, 2008. The country must now have its candidacy validated by EITI by March 9, 2010.

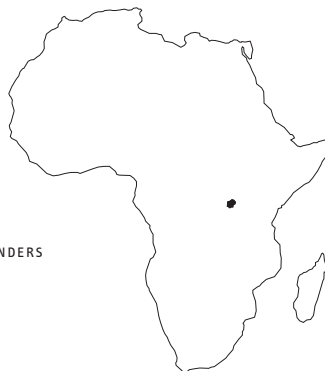
article, the spokesman for the command of the national police accused the organisation of networking with the French and U.S. intelligence services (Central Intelligence Agency - CIA) and threatened to apprehend those responsible for endangering State security. Furthermore, he asserted that the organisation “[was] not acting to defend human rights, but rather to serve as an instrument for the arsonists who find pleasure in seeing our country set ablaze”. This article was published after a press luncheon held on September 19, 2008 by OCDH on the defence of the teachers’ union and echoed another article published in the same newspaper on June 17, 2008, in which OCDH was accused of being funded by the CIA and Mr. Bouka Owoko was accused of having received in 2006 the French Republic prize for human rights from French intelligence services.

Urgent Interventions issued by The Observatory in 2008⁵

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of issuance
Congolese Observatory of Human Rights (OCDH), including Mr. Roger Bouka Owoko	Threats / Harassment	Urgent Appeal COG 001/0108/OBS 006	January 15, 2008
	Threats	Urgent Appeal COG 001/0108/OBS 006.1	October 14, 2008

5./ See the Compilation of cases in the CD-ROM attached to this report.

/ RWANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009**Political context**

Parliamentary elections were held from September 15 to 18, 2008 and won by the ruling Rwanda Patriotic Front (*Front patriotique rwandais* - FPR) with a large majority¹. These were the second elections since the adoption of the Constitution in June 2003, which put an end to the post-genocide transition period. According to the European Union Observation Mission, the elections took place in a peaceful environment, despite a number of irregularities being noted². The mission also referred to instances of intimidation and a number of short-term arrests, mostly related to allegedly “illegal campaigning”³ by the Social Democratic Party and the Liberal Party.

In 2008, the country still faced the major challenge of making the reconciliation process a success and washing away the deep stain left by the genocide. In this regard, the country is involved in a judicial process, in particular before the “Gacaca”⁴ people’s tribunals, with the aim of trying people suspected of having taken part in the 1994 genocide. The Rwandan Parliament passed a law on February 21, 2008 that extends the courts’ jurisdiction to permit them to try the “first category of planners” and to pronounce sentences up to life imprisonment. In November

1./ The next presidential elections are planned for 2010 and the local and Senate elections for 2011.

2./ Irregularities included the total or partial absence of seals on the ballot boxes at the opening of polling stations, the non-reconciliation of ballots, the non-verification of electors’ fingers for ink to prevent multiple voting and the non-rigorous verification of voters on the voter list. See EU Election Observation Mission Final Report, *Legislative Elections to the Chamber of Deputies 15 - 18 September 2008*, November 21, 2008.

3./ In some instances, the local authorities accused members of the opposition parties of campaigning illegally, arguing in particular that their opponents had not informed them of their intentions. See Rwandan Association for the Defence of Human Rights and Public Liberties (*Association rwandaise pour la défense des droits de la personne et des libertés publiques* - ADL).

4./ The Gacaca tribunals include more than 250,000 judges at around 10,000 courts throughout the country.

2008, it voted a law that introduced discriminatory treatment by abolishing life sentences for cases transferred by the International Criminal Tribunal for Rwanda (ICTR), in order to prompt the transfer of cases⁵. However, these tribunals remain characterised by their political nature⁶ and by grave dysfunction, such as cases of corruption, abuse of power and use for personal goals.

This year was also marked by a hardening towards independent journalists who criticised the Government, with the adoption of a new Press Law by Parliament on May 7, 2008. Several members of Parliament had already expressed concern in debate about certain provisions that could endanger freedom of the press, in particular the articles relating to press offences, which stipulate that it is possible to resort to preventive detention of journalists if they are suspected of publishing false information, libel and insults, or of publishing attacks on morals⁷. A few days before the adoption of this law, on May 2, 2008, the new Minister of Information, Ms. Louise Mushikiwabo, banned three directors of independent publications – the private weekly *Umuseso*, the bi-monthly *Rushyashya* and the bi-monthly *Umuwugizii* – from attending the ceremony to commemorate the International Press Freedom Day⁸. In addition to the Press Law, a Law on the Interception of Communications on Grounds of National Security was adopted on September 9, 2008, which would be used in an abusive manner against human rights defenders and journalists⁹. This law has indeed a broad impact since it authorises all kinds of acts of tapping surveillance, recording, storage and decoding of communications, as well as any other type of surveillance of communication networks and data without the knowledge or explicit authorisation of the user. In order to do this, Rwanda has invested considerable sums in sophisticated technologies for intercept-

5./ See Law No. 6620/2008 of November 21, 2008, which modifies and complements Organic Law No. 3120/2007 of July 25, 2007 relating to the abolition of the death penalty, published in the Official Journal (*Journal officiel*) No.23, December 1, 2008.

6./ It is, for example, virtually impossible for victims to obtain justice for crimes committed by soldiers belonging to the Rwandan Patriotic Army (*Armée patriotique rwandaise* - APR), the armed branch of FPR and protected by the latter. See LIPRODHOR.

7./ See League for Human Rights in the Great Lakes Region (*Ligue des droits de la personne dans la région des Grands lacs* - LGDL) Press Release, May 9, 2008.

8./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, May 6, 2008.

9./ See LIPRODHOR.

ing any message sent by telephone or Internet. To this should be added the interception of correspondence sent by post.

Impossibility of independent observation of elections

During the parliamentary elections, some human rights defenders were the target of pressure and acts of harassment to prevent them from carrying out independent observation during the election campaign and on voting day. The Civil Society Election Observation Mission (*Mission d'observation électorale de la société civile* - MOESC) was organised by the Civil Society Platform (*Plateforme de la société civile*) at the Government's initiative and set up a country-wide observation programme. Any organisation wishing to observe the elections was obliged to do so via the Platform, which brings together 700 civil society organisations. "Long term" observers were recruited before the start of campaign operations, as well as "short term" observers. On August 14, 2008, the League for the Promotion and the Defence of Human Rights (*Ligue pour la promotion et la défense des droits de l'Homme* - LIPRODHOR) was refused accreditation by the National Election Commission (*Commission nationale des élections* - CNE) on the grounds that LIPRODHOR was already involved in observation activities through MOESC since it was a member of the Collective of Human Rights Leagues and Associations (*Collectif des ligues et associations de défense des droits de l'Homme* - CLADHO), itself a member of MOESC, and that no organisation could participate in two different observation missions. However, LIPRODHOR had not proposed observers to MOESC through CLADHO because it planned to set up an independent field mission. Following CNE's refusal, LIPRODHOR finally took part in MOESC with two "short term" observers but was not able to deploy long term observers and file a report. CNE also refused accreditation to the League of Human Rights in the Great Lakes Region (*Ligue des droits de la personne dans la région des Grands lacs* - LDGL) for members of its observation group who were at the same time members of LIPRODHOR, although this had not been a problem for other organisations. It may also be noted that the President of CNE attacked the LDGL report, arguing that its president had changed the preliminary version of the report in order to make it more critical¹⁰.

10./ See Human Rights Watch (HRW), *World Report 2008*, December 2008.

Obstacles to the work of international NGOs

In December 2008, a law was published in the official journal, identifying three types of NGOs: those constituted under national law, those under foreign law and those representing a religious faith¹¹. A specific law relating to the organisation and functioning of each category was due to be voted at a later date and civil society organisations expected new restrictions. The adoption of this law, which lays down strict rules for foreign organisations, in particular requiring them to prove that they have worked with national organisations that are already registered, demonstrates the desire to bring these organisations under control.

In 2008 hostility also took the form of obstacles to the entry of international NGOs members¹². On two occasions, the Rwandan Government refused permission for Dr. **Alison Des Forges**, Principal Advisor to Human Rights Watch (HRW), to enter Rwanda, firstly on September 4 and then on December 2, 2008, as she came to take part in an international conference on legal aid. On this occasion, Rwandan officials prevented her from leaving the plane and sent her back to Belgium. It is worth noting that Dr. Des Forges was an expert witness at 11 ICTR trials for genocide, in particular that of Colonel Théoneste Bagosora and two other people who were convicted on December 18. She also gave evidence during trials for genocide in national courts of Belgium, Switzerland, the Netherlands and Canada. On several occasions, most recently on December 12, 2008, HRW called on the ICTR Prosecutor to ensure that he carried out his mandate to examine the allegations made against FPR. On December 3, 2008, the Rwandan authorities blocked another member of HRW for one day; he was finally authorised to enter Rwandan territory in the evening.

11./ On October 12, 2007, the draft law specifying the methods of registration and recruitment of personnel and operational methods for international NGOs established in Rwanda was applied by ministerial decree without being adopted by Parliament or promulgated by the President.

12./ See HRW Press Release, December 23, 2008.



/ SENEGAL

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

Politics in the year 2008 were dominated by the launch by the opposition parties of a National Dialogue (*assises nationales*) in June. By boycotting the parliamentary elections in June 2007, the opposition parties had indeed allowed President Abdoulaye Wade's Senegalese Democratic Party (*Parti démocratique sénégalais* - PDS) to win the National Assembly and the Senate with an overwhelming majority. Faced with the country's worsening economic situation and Government tensions, on June 1, 2008 these parties grouped together as the Front Siggil Senegal and launched a national dialogue that was also joined by trade unions, employers' organisations, various civil society and human rights organisations, such as the African Assembly for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO) and the National Human Rights Organisation (*Organisation nationale des droits de l'Homme* - ONDH), and personalities from all kinds of domains. The organisers explained that this was not a subversive exercise or a plot and that the President was invited to take part, but they did not hide the fact that the intention was to examine his achievements and to prepare for the local elections in March 2009, which had been delayed on two occasions. Nevertheless, the social climate was increasingly tense during the year. For instance, violence occurred in October on the periphery of a protest against the high cost of living and against electricity cuts.

In 2008, human rights defenders continued to denounce the use of torture that persisted in places of detention and the willingness of placing the judiciary under supervision notably through reinstating the Supreme Court and abolishing the Constitutional Court. Furthermore, the right of magistrates to form a trade union was still not recognised, and their ability to command respect for their rights and their independence was therefore restricted. Civil society organisations that fight for respect of human rights also contested the fact that, two years after

the solemn undertaking by Senegal to implement the decision of the African Union mandating it to “ensure that Hissène Habré is tried, on behalf of Africa”, no proceedings had been opened against the former Chadian dictator, who was accused of crimes against humanity, crimes of war and torture.

In this context, the Government became extremely sensitive to any criticism, particularly with regard to journalists, who were assimilated with political opponents. On July 26, 2008, during a news broadcast of the *Radio télévision sénégalaise* (RTS), Mr. Farba Senghor, Minister of Craft Trades and Air Transport and PDS National Secretary, who is close to the President, called on his militant supporters to boycott the media that supported the opposition. He also called on public sector companies and the administrative authorities to “suspend all advertising contracts” with these media and assimilated journalists with politicians¹. He was subsequently identified as instigating the vandalising of the premises of the private daily newspapers *L’As* and *24 heures* during the night of August 17 to 18, 2008. Following these serious, repeated attacks on the independent media’s freedom of expression (death threats, vandalising of offices, arrests, etc.), Mr. Senghor was dismissed from the Government so that the judiciary could question him².

In addition, although Senegal hosted the 15th International Conference on AIDS and Sexually Transmitted Infections in Africa (ICASA) from December 3 to 7, 2008 and, as host country, undertook to reduce the impact of HIV/AIDS on sexual minorities, this remained contradicted by its laws, which continued to treat homosexual relationships as crimes. On December 21, 2008, police officers arrested nine men who were preparing to carry out activities for HIV prevention. On January 6, 2009, these nine men were given eight years’ prison sentences³ and a fine of 500,000 CFA francs (around 762 Euros) for “indecent or unnatural acts with a person of the same sex” and for “forming a criminal association”⁴.

1./ See Reporters Without Borders (RSF) Press Release, July 30, 2008.

2./ See *Jeune Afrique*, September 7, 2008.

3./ The Prosecutor had called for a five years’ prison sentence.

4./ See RADDHO. As of the end of 2008, the nine men were still held at the Dakar prison camp.

Repression of journalists who denounced human rights violations

Against the background of the deterioration of the political situation and of respect for rights, journalists who denounced human rights violations have become a favourite target for repression. For instance, Mr. **El Malick Seck**, Publishing Director of *24 Heures*, was jailed on August 28, 2008. On September 15, 2008, Mr. Seck was sentenced at the first hearing to three years in prison for “disseminating false news”. His newspaper had claimed that President Abdoulaye Wade and his son, Karim Wade, were involved in laundering money stolen in a hold-up at the Central Bank of West African States (*Banque centrale des Etats de l’Afrique de l’ouest* - BCEAO) in Bouake, Côte d’Ivoire, in August 2002⁵. Furthermore, several journalists were the target of repeated, unexpected summons by the Criminal Investigation Division (*Division des investigations criminelles* - DIC), as was the case for Mr. **Madiambal Diagne**, General Director of the Future Communication Group (Groupe avenir communication), who was summoned to appear by the Brigade of General Affairs on July 14, 2008. On July 13, 2008, in a broadcast on *Radio Futurs Média* (RFM), Mr. Diagne had stated that he was in possession of information showing that the writer and journalist Mr. **Latif Coulibaly**, a special correspondent with the newspaper *Sud Quotidien*, would be summoned by the judge to be notified that he was charged with “concealing documents”⁶. Mr. Latif Coulibaly is being prosecuted after the publication of his latest book *Loterie nationale sénégalaise : Chronique d’un pillage organisé*, in which he denounced the serious cases of corruption in management of the Senegalese National Lottery (LONASE) following the return of Baïla Alioune Wane as Executive Director. On July 1, 2008 he received a summons to appear before the judge of the first examiner’s office for the Dakar Regional Tribunal on July 12 and 17. Since then, he must appear before the judge at least once a month and as of the end of 2008 the case against him was still pending⁷.

Unexpected police raids on publishing offices to demand copies of forthcoming editions of newspapers that contravened requirements for

5./ See RADDHO and ONDH.

6./ See *Le Quotidien*, July 15, 2008.

7./ See RADDHO.

legal registration were also registered, as was the case of the newspaper *Le Populaire* in August 2008. The Managing Director of the *Com7* press group that edits the newspaper filed a complaint for assault and violation of a residence against one of the police officers, who were formally identified. The newspaper possessed sensitive information relating to cases of corruption involving Mr. Farba Senghor. The case was still pending as of the end of 2008⁸.

In addition, members of the Gambian National Intelligence Agency (NIA) carried out operations on Senegalese territory to intimidate exiled journalists despite the fact that it is the responsibility of the State of Senegal to protect all persons under its jurisdiction. On March 10, 2008, three NIA agents appeared at the Dakar home of Mr. **Yahya Dampha**, a former journalist with the daily newspaper *Foroyaa*, with the intention of taking him away to “talk about his activities”, a kidnapping attempt that was short-lived thanks to the intervention of his neighbours. After the security forces made a new visit to his family, Mr. Dampha left Senegal to go to Sweden, where he obtained refugee status in June 2008. He had been arrested in Banjul in October 2007 when he accompanied an Amnesty International mission to investigate arbitrary arrests, attacks on freedom of the press and torture in detention. He had been released by the Gambian authorities after a few days without charge but, because of the repeated visits to his home by NIA agents and fearing for his safety, he had had to leave Gambia to take refuge in Senegal. Members of the Gambian security forces also obtained information concerning Mr. **Mohamed Oury Bah**, a former Sierra Leonean journalist for *The Independent* newspaper, who fled Gambia on January 20, 2008 after being arrested several times and threatened by the intelligence services, because of his fight for press freedom⁹. In particular, they questioned his neighbours about his movements.

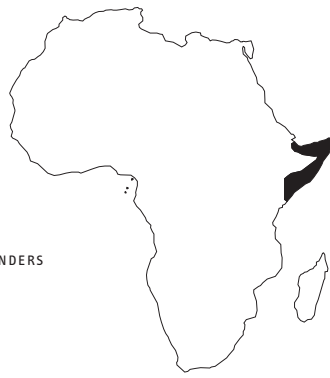
8./ *Idem*.

9./ See RSF Press Release, March 14, 2008.

Urgent Intervention issued by The Observatory in 2008¹⁰

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Yahya Dampha	Kidnapping attempt / Fear for safety	Urgent Appeal SEN 001/0308/OBS 040	March 19, 2008

10./ See the Compilation of cases in the CD-Rom attached to this report.



Political context

Despite the support of the Ethiopian army since December 2006, the Transitional Federal Government (TFG) has been unable to consolidate the State in Somalia. In 2008, the situation has continued to deteriorate into one of the worst humanitarian and security crises. Fighting was perpetrated in violation of humanitarian and human rights law. Many hundreds civilians died because of indiscriminate shelling and bombings. All major towns in south-central Somalia were captured by one faction or another of the Islamist insurgents except for Mogadishu, where TFG control is contested, and Baidoa. At the end of 2008, the Islamists dominated nearly as much territory as they did before the Ethiopian invasion¹.

The signing in June of a UN-facilitated peace accord, known as the Djibouti Agreement, by the TFG and the Alliance for the Re-liberation of Somalia (ARS), by which both sides agreed to end their conflict and called on the UN to deploy an international stabilisation force, was a positive step. Yet, the failure by important parties to the insurgency, including the extremist movement known as “Al Shabaab”, to participate meant that little of the expected outcomes had yet been achieved as of the end of 2008². The question of the withdrawal of the Ethiopian troops, which started in January 2009 as part of the Djibouti Agreements, also remained at the heart of the conflict. While noting the progress made in the Djibouti peace process, the UN Secretary General stated in January 2009 that conditions were not yet right for a UN peacekeeping operation in Somalia³.

1./ See International Crisis Group (ICG), *Somalia: To move beyond the failed State*, Africa Report No. 147, December 23, 2008.

2./ See UN News Centre, Press Release, December 22, 2008.

3./ See ICG, *Somalia: To Move Beyond the Failed State*, Africa Report No. 147, December 23, 2008.

On December 29, 2008, President Abdillahi Yusuf resigned following a confrontation with Parliament and the Prime Minister. International observers, and in particular the UN Secretary-General Special Representative for Somalia, praised this decision as being the first time in Somalia's modern history that a President decided to leave office peacefully⁴. This decision could have a positive impact in the future on the peace process.

In this environment, those who provided assistance to the civilian population and exposed abuses – human rights defenders, journalists⁵, humanitarian and aid workers – were themselves targeted by all parties involved in the conflict through abductions, torture and murder⁶. The lack of investigation into these violations entrenched firmly impunity in this country and left defenders at even greater risk⁷.

Threats and intimidation faced by humanitarian workers

The provision of humanitarian assistance in south and central Somalia remained critical in 2008. Convoys delivering food and humanitarian assistance faced illegal “taxation” at numerous temporary checkpoints. Food deliveries by ship were hijacked by pirates in Somali waters⁸. Access to humanitarian assistance – such as food and basic amenities, water and sanitation, and primary medical care – was also compromised by threats and intimidation of aid personnel and the targeting of actual aid operations by various parties⁹. These acts of violence were

4./ See UN News Centre, Press Release, December 29, 2008.

5./ According to the National Union of Somali Journalists (NUSOJ), 35 Somali journalists have fled to Kenya since May 2007, 15 have fled to Djibouti, four to Ethiopia and three to Uganda.

6./ See East and Horn of Africa Human Rights Defenders Project (EHAHRDP), www.defenddefenders.org/html/advocacymaterial.html, and UN Political Office for Somalia, Press Release 0035/2008, December 10, 2008.

7./ Once again, in 2008, the UN Independent Expert on the situation in Somalia condemned all attacks on aid workers, journalists and human rights defenders and called upon all Somali authorities to provide full protection and independence to journalists and media personnel, human rights defenders and international humanitarian aid personnel operating in Somalia. See Human Rights Council, *Report of the Independent Expert appointed by the UN Secretary-General on the situation of human rights in Somalia, Mr. Ghanim Alnajar*, UN Document A/HRC/7/26, March 17, 2008.

8./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, January 10, 2008.

9./ *Idem*.

mainly committed by local groups targeting some relief agencies but also, increasingly, by some insurgent groups. Local grievances against NGOs usually revolve around “unfair” recruitment policies, insensitive to clan balance, poor salaries and perceived bias in the awarding of contracts. Increasingly, criminal gangs targeted NGOs for their assets. It was also becoming lucrative to kidnap NGO workers for ransom¹⁰.

On January 28, 2008, Mr. **Victor Okumu**, a Kenyan surgeon, Mr. **Samien Lehalle**, a French logistics expert and their Somali driver, Mr. **Mohamed Abdi Ali**, were killed near Kismayo in a car attack by a bomb set off by remote control. The car belonged to the Dutch branch of Doctors Without Borders (*Médecins sans frontières* - MSF). On July 11, 2008, Mr. **Mohamed Mohamud Khayre**, Deputy Director of “Daryeel Bulsho Guud” (DBG), a local humanitarian organisation, was also killed¹¹. The increase in attacks and kidnappings of humanitarian workers forced MSF to reduce its operations. Eighty-seven international staff working on 14 projects were evacuated after this attack¹². At the end of March and considering the needs, MSF decided that part of the personnel should return to the areas where the security conditions were acceptable¹³. Other international NGOs such as CARE International also suspended their operations in parts of Somalia due to the climate of fear and threats against their personnel. They denounced that in all the cases against local or international organisations, no parties or individuals were held to account¹⁴. At the end of 2008, two international staff from MSF, kidnapped near the Ethiopian border on September 22, and four from Action Against Hunger (*Action contre la faim* - ACF), kidnapped at Dhusa Mareb airport to the north of Mogadishu on November 5, still remained hostages. The insurgents were claimed to keep them to negotiate the release of Somali prisoners held in Ethiopia.

United Nations staff members were also targeted. For instance, on January 6, 2009, three masked gunmen shot and killed a Somali national

10./ See ICG, *Somalia: To Move Beyond the Failed State*, Africa Report No. 147, December 23, 2008.

11./ See EHAHRDP Press Release, July 18, 2008.

12./ See MSF Press Release, February 1, 2008.

13./ See MSF Press Release, March 20, 2008.

14./ See CARE Press Release, June 20, 2008.

working for the World Food Programme (WFP) while he was monitoring school feeding in school¹⁵. Mr. **Muktar Mohammed Hassan**, a UNICEF staff member, another WFP staff, Mr. **Abdinasir Aden Muse**¹⁶, and Mr. **Osman Ali Ahmed**, Head of the United Nations Development Programme (UNDP) in Somalia¹⁷, were also killed in 2008.

Attacks against journalists and restrictions of freedom of expression

The situation of media professionals has been dangerous over the past two years, and in 2008 journalists continued to be persecuted, killed, arbitrarily arrested and harassed in Africa's most dangerous country for the media. Reporting news on the conflict and security issues was indeed considered as a form of treason by all parties to the conflict and independent media were continuously targeted both by the TFG authorities and the insurgents¹⁸. In 2008, two journalists were killed, several journalists were arrested and international reporters continued to be kidnapped while covering stories, and in particular while reporting on human rights abuses in the country. Thus, on June 7, 2008, Mr. **Nasteh Dahir**, Vice-Chairman of the National Union of Somali Journalists (NUSOJ), and *BBC*-Somali service reporter, was shot by two insurgents while walking home from an Internet café in Kismayo. The two men followed him from his office in Kismayo, called out his name, and then shot him as he turned around. It appears that his murder was an act of reprisal for his work as he had been reporting on a conflict over distribution of tax revenue in Kismayo¹⁹. On November 25, 2008, Mr. **Hilal Sheik Shuayb**, the manager of the privately-owned *Radio Warsan* in Baidoa, was arrested on the orders of the province's Governor after a Baidoa court's verdict in a soldier's trial for murder was broadcast live by the station. He was released four days later²⁰.

The authorities also continued to put pressure on journalists in order to avoid independent reporting on human rights violations, and impeded

15./ See WFP Press Release, January 6, 2009.

16./ See UN News Centre Press Release, November 5, 2008.

17./ See EHAHRDP Press Release, July 18, 2008.

18./ See EHAHRDP.

19./ See EHAHRDP Press Release, June 9, 2008.

20./ See RSF Press Release, December 10, 2008.

journalists from leaving the country, thus impairing on their freedom of movement. For example, on January 4, 2008, Mr. **Mohammed Shidane Daban** of *Radio Banadir* was arrested by the Federal Government security forces at Mogadishu's international airport. His arrest could be an attempt to stop the continuing exodus of journalists, which phenomenon reflects badly on the Government's image²¹.

International reporters also continued to be the target of abductions. On November 26, 2008, two journalists from Spain and the United Kingdom, Messrs. **Colin Freeman** and **Jose Cendon**, who were in the region for a week to report stories on piracy were kidnapped in Bossasso, Puntland. They were released on January 4, 2009²².

Attacks against women human rights defenders

As showed by the stoning to death on October 27 of a woman who had been charged of adultery with men who had allegedly raped her, the situation in Somalia is one of increased intolerance towards women. In this context, women human rights defenders were particularly targeted, especially in areas where the Islamist insurgency was most present. This year, two were killed. On October 25, 2008, Ms. **Duniya Sheikh Doon**, Chairwoman of the local branch of the Women's Development Organisation (IIDA), a Somali women's development organisation in the town of Guriel, was killed. The organisation provides housing, counselling, education, training and jobs for women displaced by war and victimised by violence and rape. Likewise, Ms. **Mariam Dabayarey Aden Mohamed**, Chairwoman of the Bay region Women's Organisation in Baidoa, was killed on November 3, 2008²³. Furthermore, on July 9, 2008, the Coalition for Grassroots Women Organisation (COGWO), a prominent coalition of women's rights organisations based in Mogadishu, was amongst a list of organisations named in a threatening letter that was published and posted in several public places across Mogadishu. In particular, the coalition members were accused of being "infidels" as a result of their efforts to empower women. In addition, on July 13, 2008, a local radio station in Mogadishu

21./ See RSF Press Release, January 10, 2008.

22./ See RSF Press Release, November 27, 2008.

23./ See Press Release by the Independent Expert on the situation of human rights in Somalia, November 5, 2008.

broadcast an interview in which an anonymous interviewee threatened to kill COGWO staff members in particular and human rights activists in general. COGWO also received a series of menacing emails notably one on July 15, in which Ms. **Sharifa Adow**, Chairperson of COGWO, was personally threatened by people believed to be members of the Al-Shabaab militia group²⁴.

24./ See EHAHRDP Press Release, July 18, 2008.



/ SUDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

This year was marked by the attack on Khartoum launched on May 10, 2008 by members of the Darfurian Justice and Equality Movement (JEM). This was the first time a Darfur-based armed opposition group had reached the capital since the start of the conflict in 2003. The fighting that took place entailed violations of international human rights and humanitarian law reportedly committed by both sides. The Government's response in the weeks after the attack entailed serious violations of civil and political rights, including a broad wave of arrest of people perceived as belonging to political parties sympathetic to JEM, including some human rights defenders¹.

In Khartoum and other parts of northern Sudan, the National Intelligence and Security Services (NISS) systematically used arbitrary arrest and detention against political dissidents. According to allegations received by the United Nations, NISS detention can typically be accompanied by additional serious human rights violations such as incommunicado detention, ill-treatment, torture or detention in unofficial places of detention². The UN also documented numerous cases in which the NISS arbitrarily arrested and detained political

1./ See Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar*, UN Document A/HRC/9/13, September 2, 2008. In the Khartoum area, 481 people were detained and then released again in the immediate aftermath of the attack. Other sources reported that several hundred civilians were arbitrarily arrested and detained without charge in the aftermath of the attacks, in addition to combatants and some 90 alleged child combatants. At the end of July, two and a half months after the attacks, some 500 were feared to be still in NISS detention, their whereabouts unknown, and the authorities had provided no specific information on those in detention to relatives or human rights workers. See Khartoum Centre for Human Rights and Environmental Development (KCHRED).

2./ See Office of the High Commissioner for Human Rights, *Tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, Arbitrary arrest and detention committed by national security, military and police*, November 28, 2008.

dissidents, among them human rights defenders. In all of these cases, essential procedural safeguards guaranteed by applicable international law, including detainees' rights to be promptly brought before a judge and to consult with legal counsel, were not met. NISS agents operating in plain clothes and using cars not marked as belonging to the security forces often carried out arrests without identifying themselves, or informing the target person about the reason for the arrest. Arrested persons were usually not allowed to contact their families or a lawyer. In some cases, NISS agents acted on their own. In others, the police first arrested the concerned individuals before handing them over to the NISS for interrogation³.

Although the International Criminal Court (ICC) issued in May 2007 arrest warrants against former Sudanese Interior Minister Ahmed Harun and militia leader Ali Kushayb for alleged "war crimes" and "crimes against humanity" in Darfur, as of the end of 2008 Khartoum was still refusing to hand them over to face trial⁴. On July 14, 2008, the ICC Prosecutor announced the request of a warrant for the arrest of President Omar Al-Bashir on charges of "war crimes", "crimes against humanity" and "genocide". The authorities then engaged in a diplomatic campaign aimed at convincing UN Security Council members to suspend the case. Furthermore, the Government made a number of public statements proclaiming its willingness to pursue justice in national courts and to achieve peace in Darfur, and claimed that the situation on the ground had improved. For instance, President Al-Bashir claimed in a TV interview on October 17 that the situation in Darfur was now "very normal"⁵. However, between July and October 2008, the Government's bombing and fighting in north Darfur led to the displacement of some 90,000 people. Even in November, following the Government's declaration of a "unilateral, unconditional ceasefire"⁶, the Sudanese army continued to bomb villages in north and west Darfur. Despite

3./ *Idem*.

4./ Instead, Mr. Harun was allowed to continue as Minister of State for Humanitarian Affairs and in September 2007 was appointed to a committee responsible for investigating human rights abuses in Darfur. In the same month, Mr. Ali Kushayb was reportedly released from custody in Sudan because of a lack of evidence against him.

5./ See Human Rights First, Save Darfur Coalition and Human Rights Watch Report, *Rhetoric vs. Reality: The Situation in Darfur*, December 2, 2008.

6./ See Declaration by the EU Presidency, November 18, 2008.

the Government's rhetoric on fighting impunity, it also continued to grant senior posts to individuals such as Mr. Musa Hilal, considered to be janjaweed Top Commander and who has been subjected to a UN travel ban and asset freezes since 2006.

Rebel groups and bandits were also responsible for abuses against civilians and attacks on humanitarian operations and peacekeepers, and in November 2008 the ICC Prosecutor sought three arrest warrants for rebel leaders accused of directing one such attack that killed 12 peacekeepers at Haskanita in September 2007⁷. In addition, the UN/African Union Peacekeeping Force (UNAMID) was at less than 50% of its mandated strength and also repeatedly came under attack. The result was an insecure environment for Darfuris and humanitarian workers alike.

In this context, the Sudanese authorities initiated in 2008 a campaign to intimidate all prospective supporters of the ICC, notably human rights defenders involved in the fight against impunity. On February 20, the Manager of the NISS, Mr. Salah Gowsh, announced publicly, in all newspapers, that the Sudanese authorities would amputate anyone cooperating with the ICC. Mr. Mohamed Alsary Ibrahim, a Sudanese national, was the first person in Sudan to be targeted and prosecuted for allegedly cooperating with the ICC, though the latter denied any link with the Court. He was sentenced to 17 years of imprisonment on January 28, 2009. Additionally, Mr. Ali Mahmoud Hassanein, Vice-President of the Unionist Democratic Party (UDP), an opposition party, was arrested on December 29, 2008 after he expressed his support with the ICC and was released two days after without any charge.

Campaign of harassment and intimidation of human rights defenders fighting against impunity

In November 2008, with the arrest of three human rights defenders by the NISS for interrogation on the ICC, the human rights community was warned that dealing with international justice issues would be severely repressed. On November 24, Messrs. **Osman Hummaida**, a Sudanese and British human rights researcher residing in the

⁷/ See Human Rights First, Save Darfur Coalition and Human Rights Watch above-mentioned report.

United Kingdom, **Abdel Monim Aljak**, a human rights defender residing abroad, and **Amir Mohamed Suliman**, Chairperson of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), were arrested by the NISS offices in Khartoum north for interrogation purposes related to their human rights activities in Sudan and particularly Mr. Hummaida's relationship with the ICC. The three human rights defenders were interrogated several times in the absence of any legal counsel, threatened and two of them were subjected to acts of torture and ill-treatment, including water-boarding and severe beatings, until they accepted to hand over their belongings, i.e. computers and documents. While the two others were arrested and released several times, Mr. Hummaida, was held continuously until November 28, 2008 when he was released in the middle of the night. Due to his bad health and the acts of torture and ill-treatment suffered during interrogation, he was hospitalised twice. None of the three human rights defenders had been charged as of the end of 2008.

Attacks on humanitarian staff

The Sudanese Government continued in 2008 to obstruct the delivery of assistance through bureaucratic constraints, harassment of humanitarian staff and lack of compliance with the Joint Communiqué on the Facilitation of Humanitarian Activities in Darfur it signed with the UN on March 28, 2007. Attacks against humanitarian agencies also continued this year. Incidents of violence against aid workers in the first eight months of 2008 had already outnumbered the records in 2007⁸. Thus, between January and March 2008, 170 aid workers were abducted and 11 killed⁹. On November 17, 2008, the moratorium facilitating humanitarian aid included in the Joint Communiqué due to expire in January 2009 was extended until January 2010 but its implementation remains to be tested. In August 2008, Doctors Without Borders (*Médecins sans frontières* - MSF) suspended their activities in north Darfur as a result of repeated attacks against their personnel and assets¹⁰. As a result, 65,000 civilians were temporarily left without medical

8./ See UN Security Council, Secretary-General *Report on African Union–United Nations Operation in Darfur*, UN Document S/2008/659, October 17, 2008.

9./ See Human Rights First, Save Darfur Coalition and Human Rights Watch above-mentioned report.

10./ See MSF Press Release, August 1, 2008.

assistance¹¹. Likewise, the suspension of activities in north Darfur by the German Agro Action, a key World Food Programme partner, after several banditry attacks on its staff, meant that 450,000 civilians were left without food assistance¹².

Restrictions to freedom of expression

Media organisations, NGOs and human rights defenders all reported increasing harassment and censorship by the Government and especially NISS, in particular in relation to any reporting on the rebel attack on Khartoum in May and related arrests of alleged suspects, the situation in Darfur, and the ICC¹³. On May 14, 2008 for instance, NISS officers searched the premises of the Arabic-language newspaper *Alwan*, confiscated property and indefinitely suspended the publication of the paper. Reportedly, the reason for the raid and the suspension were allegations that *Alwan* had disclosed sensitive military information by publishing a story about a Sudanese military aircraft that was allegedly shot down by JEM during their attack on Khartoum. From May 2008, several journalists were also summoned or detained, and hundreds of articles, of which more than 50 related to the conflict in Darfur, were removed or partly removed by NISS media censors. On November 17, 2008, over 60 journalists were arrested at a peaceful demonstration in Khartoum against censorship by the Government. All were released later on the same day¹⁴. On November 18, 10 newspapers suspended publication for one day to protest Government censorship and the detention of journalists¹⁵.

Furthermore, the NISS undertook throughout 2008 a defamation campaign against journalists who were at the forefront of the defence

11./ See Office of UN Deputy Special Representative of the UN Secretary-General for Sudan UN Resident and Humanitarian Co-ordinator, *Darfur Humanitarian Profile No. 33*, October 1, 2008.

12./ See World Food Programme Sudan, *Monthly Situation Report Issue 2008/8*, August 2008.

13./ See Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Sudan*, Sima Samar, UN Document A/HRC/9/13, September 2, 2008.

14./ See Reporters Without Borders (RSF) Press Release, November 25, 2008. The security agencies began their repressive work on February 10, removed an article from *Al-Sahafa*. In the days that followed, they prevented *Al-Rai al-Shaab* from publishing, they interrogated the editors of *Al-Ahdaht* and *Al-Watan* at length, they interrogated the editors of *Al-Wifaq*, *Al-Midan*, *Al-Sudani* and *Al-Rai al-Aam*, and they made nightly visits to *Al-Midan's* printing press to have articles removed. The list of incidents has not let up since then.

15./ See Committee to Protect Journalists (CPJ) Press Release, November 19, 2008.

of freedom of expression. For instance, some were accused of receiving “foreign money” and portrayed as journalists taking orders from outside of the country. Those allegations were circulated on October 13, 2008 by some newspapers linked to security services like *Akbir labza*. No legal action was brought against any of these journalists. The 16 prominent journalists who were specifically targeted for their articles condemning human rights violations in Sudan included Mr. **Faisal Elbagir**, a member of KCHRED as well as a correspondent of Reporters Without Borders (*Reporters sans frontières* - RSF) and *Al-midan* newspaper in Sudan, Mr. **Alhaj Warraj**, a journalist for the daily *Agras Al-hurria*, Mr. **Faisal Salih**, column writer of the daily *Al Akhbar*, Ms. **Lubna Ahmed Husain**, Officer of UNMIS Public Information Unit, Ms. **Madiha Abdallah**, a journalist working for the newspaper *Alayam*, and Ms. **Hanadi Osman**, a journalist of the daily *Alray Alaam*¹⁶.

Urgent Interventions issued by The Observatory in 2008¹⁷

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Hassan Eltaib Yassin	Acts of harassment and intimidation	Urgent Appeal SDN 001/0508/OBS 084	May 16, 2008
Mr. Amir Mohamed Suliman, Mr. Osman Hummaida and Mr. Abdelmonim Aljak	Arbitrary arrests / Release / Arbitrary detention	Urgent Appeal SDN 002/1108/OBS 199	November 25, 2008
		Urgent Appeal SDN 002/1108/OBS 199.1	November 26, 2008
	Ill-treatment and torture / Arbitrary detention	Press Release	November 27, 2008
	Release	Press Release	November 28, 2008

16./ See KCHRED.

17./ See the Compilation of cases in the CD-Rom attached to this report.



Political context

In 2008, President Jakaya Kikwete, following strong and continuous public pressure, took action against corruption, one of the major issues in the country. In January, the Governor of the Bank of Tanzania, the late Mr. Daudi Balali, was sacked following an audit revealing losses through fraudulent transactions relating to external payment arrears on the account of the Central Bank of Tanzania (BOT). Moreover, on February 7, after a report of the Special Parliamentary Committee of Inquiry revealed a number of irregularities in the procurement process in respect of emergency power supply in Tanzania, the former Prime Minister, Mr. Edward Lowassa, as well as former and current Ministers for Energy at the time, Messrs. Ibrahimu Msabaha¹ and Nazir Karamagi respectively, resigned after being indicted for those irregularities. Corruption within police forces was also seen as a factor contributing to mob violence, together with delay in investigation and judicial proceedings, economic hardship, lack of knowledge of judicial proceedings, public resources being in the hands of a few and corrupt figures, and revenge².

In Zanzibar, the political situation has remained tense since the general elections in 2005. “Mwafaka”³ talks ended on April 1, 2008 without reaching a consensus on power sharing between the ruling political party “Chama Cha Mapinduzi” (CCM) and the opposition Civic United Front (CUF). In addition, the regulation of NGOs matters is

1./ Mr. Ibrahim Msabaha was Minister for Energy in 2006. He then became Minister for East African Cooperation.

2./ See East and Horn of Africa Human Rights Defenders Project Report, *The situation of Human Rights Defenders in the East and Horn of Africa, Report to the Forum on the participation of NGOs at the 44th Session of the African Commission on Human and People’s Rights (ACHPR) and Southern African Human Rights NGO Network (SAHRiNGON)*, Tanzania Chapter, November 2008.

3./ “Mwafaka” is a Swahili term that refers to political agreement.

not part of the Union's matters⁴, meaning that Tanzania mainland and Zanzibar have separate laws on this matter. As a consequence, NGOs registered in Tanzania mainland under the NGO Act (2002) cannot legally operate in Tanzania Zanzibar and vice versa. NGOs consider this situation as a potential obstacle to freedom of association.

Harassment of journalists denouncing corruption

Despite the efforts carried out by President Kikwete against corruption and the adoption of the Prevention and Combating of Corruption Act in 2007, journalists denouncing corruption of Government officials continued in 2008 to be intimidated. It is also to be noted that Section 37(1) of this Act prevents the media and individuals from reporting alleged offences under investigation by the Prevention and Combating of Corruption Bureau (PCCB)⁵. For instance, on January 5, 2008, Mr. **Saed Kubenea**, journalist, Editor and Managing Director of the Swahili weekly investigative newspaper *MwanaHALISI*, and Mr. **Ndimara Tegambwage**, a veteran journalist for the media house "Habari Cooperation", were assaulted in the office of the newspaper in Dar es Salaam. This attack is believed to be linked with reports published throughout 2007 by the two journalists and that implicated senior Government officials. Indeed, the newspaper reported on several corruption scandals related to agreements made between the Government and foreign companies and the misuse of public funds through illegal public procurement procedure, such as for instance the engagement of the Richmond Company for emergency supply of electricity in Tanzania between 2007 and 2008. Mr. Kubenea filed a complaint but, by the end of the year, there had been no investigation into the assault. Subsequently, Mr. Kubenea received several death threats on his mobile phone asking him to stop reporting investigative stories about public leaders and the misuse of funds. As of the end of 2008, his case was still pending in court⁶.

4./ The United Republic of Tanzania is the union of Tanganyika and Zanzibar.

5./ See the Coalition for Advocacy for Freedom of Information and Expression, which includes the Media Council of Tanzania, Media Owners Association, Tanzania Media Women's Association, the Legal and Human Rights Centre, Tanzania Gender Network Programme and the Tanganyika Law Society.

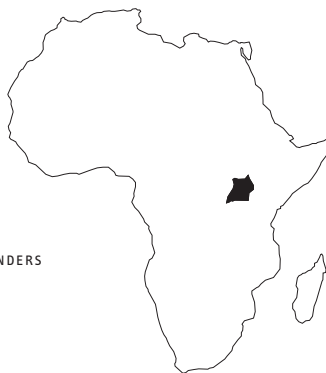
6./ See Legal and Human Rights Centre (LHRC).

Arbitrary arrest of economic, social and cultural rights defenders, in particular land rights defenders

Despite the fact that incidents against human rights defenders were scarce in 2008, the latter continued to be perceived as a threat to the Government rather than an active player for the improvement of the human rights situation in the country. In particular, human rights defenders and village leaders who were providing information on land rights and fighting against forced evictions in communities were subjected in 2008 to fallacious judicial proceedings designed to hinder their activities. These proceedings intimidated other villagers from coming forth for their rights. For instance, in April 2008, Mr. **Ibrahim Koroso**, a community leader and a member of the Legal and Human Rights Centre (LHRC) in Serengeti district, who has been involved in judicial cases against Government officials in relation to forced eviction cases, was arrested on the allegation of “unlawful possession of goods” contrary to the provisions of the Wildlife Conservation Act. He was denied both police bond and court bail. His case was lodged at Serengeti District Court and he was sent to Mugumu prison. The intervention of human rights activists including LHRC members facilitated his release on bail on May 7, 2008. Ultimately, in November 2008, Mr. Koroso’s charges were dropped by the Government and he was acquitted for lack of evidence. Since 2000, when M. Koroso started to act as a representative for 134 families from his village in a case against the then District Commissioner and Officer Command of District (OCD-Police) concerning forced evictions related to the expansion of Ikongoro Game Reserve⁷, he has been arrested several times and released each time due to lack of evidence. It is to be noted that his arrests often coincided with the times when he was due to appear before the Commission for Human Rights and Good Governance. This was also the case in April as he was to testify in the same case before the Court of Appeal of Tanzania⁸.

7/ In 2001, Mr. Koroso lodged a complaint before the Commission for Human Rights and Good Governance, to which LHRC provided legal representation. The Commission ordered in December 2004 adequate and fair compensation to the villagers for their properties that were destroyed. It also called upon the Government to provide emergency humanitarian assistance to the people to restore them back to their normal life. Despite the fact that the evictions were considered illegal, the Government refused in 2005 to adhere to the Commission’s recommendations.

8./ See LHRC.

/ **UGANDA**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009**Political context**

As part of the peace talks carried out under Sudan mediation and known as the “Juba process”, the Government of Uganda and the Lord’s Resistance Army (LRA) signed on February 19, 2008 an important annex to their agreement dated June 29, 2007. This annex includes a cease-fire and principles for disarmament, demobilisation and reconciliation, as well as the adaptation of the judiciary system in order to prosecute war crimes. Following the signing of the peace agreement, the security situation improved¹.

However, a final peace agreement should have been signed in April but LRA leader Joseph Kony failed to appear, thus raising questions on his commitment to the peace negotiations. Mr. Kony was given a second chance to sign a peace agreement on November 29, 2008 but, again, he made no appearance. On December 14, 2008, the situation worsened, when the military from Uganda, southern Sudan and the Democratic Republic of Congo lodged a joint attack, known as Operation “Lightning Thunder”, on Mr. Kony and the LRA rebels. Some journalists reporting on this operation were harassed, as was the case of two journalists from *The Monitor* newspaper, summoned on January 7, 2009 by the police and the Criminal Investigations Department (CID), and questioned about an article they wrote on Operation “Lightning Thunder”, which the Government considered prejudicial to the country’s security. These journalists were held on police bond, which was cancelled after three weeks².

1./ To that extent, the European Union considered that for the first time in many years, there was a real chance for reconstruction and long-term development in northern Uganda. It insisted that peace and justice should pave the way for reconciliation and was to be compatible with the wishes of the local communities, national law and the Rome Statute of the International Criminal Court (ICC). See Declaration of the EU Presidency concerning the Juba peace process, February 6, 2008.
2./ See Foundation for Human Rights Initiative (FHRI).

Impunity was one of the issues that remained in 2008 at the heart of human rights debates in the country. Human rights defenders would like to see justice prevail, whether through the International Criminal Court (ICC) or through the traditional justice system (*mato-put*), to ensure that victims and survivors have an access to full and effective reparations. However, the search for domestic alternatives to ICC prosecutions to support the peace agreement initiative was criticised by the international community as undermining arrest warrants issued by the ICC against four LRA leaders³ on charges of crimes of the utmost gravity: crimes against humanity including murder, enslavement, sexual enslavement, and rape; and war crimes, including murder, intentionally directing an attack against a civilian population, pillaging, incitement to rape, and forced enlisting of children. Moreover, civil society organisations have raised serious doubts regarding the cooperation of Ugandan authorities with the ICC.

Legal obstacles to the work of human rights defenders

In 2008, independent civil society organisations continued to raise awareness on some provisions of the NGO Registration (Amendment) Act adopted in 2006 by Parliament, which could threaten their autonomy and independence. However, this Act had still not been implemented by the end of 2008, since the guidelines for its implementation have yet to be adopted⁴.

Under the terms of the 2006 Registration (Amendment) Act, NGOs have to renew licences on a regular basis and must provide written recommendations issued by two entities deemed “acceptable” to a NGO Regulatory Body established within the Ministry of Internal Affairs, called “NGO board”, composed of a very limited number of members

3./ In July 2005, the court issued warrants for the arrest of the top five LRA leaders - Messrs. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Dominic Ongwen - for crimes against humanity and war crimes. See Human Rights Watch, *Benchmarks for Justice for Serious Crimes in Northern Uganda Human Rights Watch Memoranda on Justice Standards and the Juba Peace Talks*, May 2007 - February 2008.

4./ The 2006 Registration (Amendment) Act amends the 1989 NGO Registration Act (that had so far been implemented according to guidelines provided by the 1990 NGO Regulations). New guidelines are required for the 2006 Registration (Amendment) Act to be implemented. National NGOs have voiced concerns about restrictive provisions of the 2006 Registration (Amendment) Act, and there was hope throughout 2008 that these concerns would be addressed in the new guidelines that still had to be adopted.

from civil society, the majority of the board members coming from different ministries including of Internal and External Security ones. Without a clarification on the concept of acceptability, this provision could be used to silence more critical NGOs. Another provision of the Act stipulates that organisations are prevented from making direct contact with local people in rural areas without giving a seven days notice in writing to the district authorities. This is likely to further undermine their work, particularly activities of human rights monitoring. The Amendment Act also expands the powers of the Ministry of Internal Affairs to regulate the dissolution of NGOs.

After a meeting held in January 2008 between Government and NGO representatives, a committee composed of representatives from both sides was formed to renegotiate the final text of new guidelines, which are designed replace the existing ones in order to implement the 2006 Registration (Amendment) Act. The Committee met three times in 2008. Despite efforts made by NGO committee representatives to address concerns, the latest version of the text still gives broad powers to the “NGO board” to control the operations of NGOs in Uganda. At the end of the year, the new regulations were forwarded to the Minister of Internal Affairs for his signature.

Sedition laws and other criminal laws also continued to be a tool against journalists who were seen as critical of the authorities. In particular, the provisions of the Anti-Terrorist Act of 2002, which criminalises any attempt by a journalist to meet or speak with persons or groups regarded as terrorist and punishes such initiatives with death penalty, still seriously hinder the capacity of journalists who wish to denounce human rights violations in particular in northern Uganda, where the Government continued to use the war on terrorism to curb its internal conflict and rebellion.

Human rights defenders at risk when denouncing torture and extrajudicial killings

In a context where security and war on terrorism continued to prevail, the space for human rights defenders remained limited in 2008, and the latter still faced legislative obstacles, in particular when touching upon issues such as torture and extrajudicial killings. Indeed, the legislation criminalising torture had still not been adopted by the end

of 2008⁵ and individuals and NGOs denouncing such cases continued to be at risk in 2008. For instance, in October 2008, the Coordinator of the Human Rights Network for Journalists, Mr. **Sebagala Wokulira**, escaped a kidnapping attempt after an interview at Metro FM, during which he had asserted that hundreds of people were being detained and tortured in military “safe houses”⁶. At the end of the year, he was still hiding as he feared for his security.

Harassment of human rights defenders working on LGBT rights

Lesbian, gay, bisexual, and transgender (LGBT) activists continued in 2008 to be exposed to arbitrary arrests and judicial proceedings, as well as to be subjected to ill-treatment whilst in detention, primarily at the hands of the Ugandan police due to homophobic attitudes. For instance, in June 2008, three activists, **Usaam “Auf” Mukwaya**, **Onziema Patience** and **Valentine Kalende**, were arrested by the police force at the 2008 HIV/AIDS Implementers’ Meeting during a peaceful protest to highlight the current failure by the Government to offer HIV/AIDS prevention programmes and treatment to LGBT persons in Uganda. They were released on bail after having been charged with “criminal trespass” on June 6, 2008. On August 15, 2008, the prosecution withdrew the case. In September 2008, two other defenders, **George Oundo**, Co-chairperson of the Sexual Minorities in Uganda (SMUG), and **“Kiiza” Brendah**, were arrested and arbitrarily detained for a week and then released on bail, after being charged for “involvement in indecent practices”. They were mistreated whilst in detention and interrogated by the police in order to identify other LGBT individuals, thus raising serious concerns about the security of other LGBT human rights activists.

On a positive note, on December 22, 2008, the High Court of Uganda gave its final judgement in the case of Ms. **Victor Juliet Mukasa**, President of SMUG. In the night of July 20, 2005, her house had been illegally raided by Government officials without a search warrant. The High Court ruled that the Government had violated the rights of

5./ See United Nations Document CAT/C/CR/34/UGA, *Conclusions and Recommendations by the Committee against Torture*, June 21, 2005.

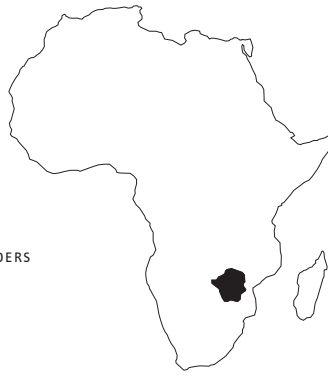
6./ Safe houses are unauthorised secret detention centres used by Ugandan security agencies.

Ms. Victor Juliet Mukasa and Ms. Yvonne Oyoo (a guest at her house), and declared that Ugandan constitutional rights apply to LGBT people regardless of their sexual identity or orientation. The Government will consequently be required to pay damages to both Ms. Musaka and Ms. Oyoo for violating their rights and seizing Ms. Musaka's documents. This Court ruling gives hope that Government and law enforcement agents will better respect LGBT human rights and their defenders.

Urgent Interventions issued by The Observatory in 2008⁷

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Onziema Patience, Ms. Valentine Kalende and Mr. Usaam Mukwaya <i>alias</i> Auf	Arbitrary detention / Harassment	Urgent Appeal UGA 001/0608/OBS 096	June 5, 2008
	Release on bail / Judicial proceedings	Urgent Appeal UGA 001/0608/OBS 096.1	June 6, 2008
	Judicial proceedings / Harassment	Urgent Appeal UGA 001/0608/OBS 096.2	June 20, 2008
	Threats of torture	Joint Press Release	July 30, 2008
	End of judicial proceedings	Urgent Appeal UGA 001/0608/OBS 096.3	August 18, 2008
Ms. Victor Juliet Mukasa	Court ruling	Press Release	December 23, 2008

⁷/ See the Compilation of cases in the CD-Rom attached to this report.



Political context

In 2008, Zimbabwe has experienced a major crisis linked to its national elections. The violence that culminated during the March 29 elections – with summary executions and enforced disappearances of political opponents – continued under other forms after the Zimbabwe African National Union – Patriotic Front (ZANU-PF), for the first time since the independence of the country, lost control of Parliament to the opposition Movement for Democratic Change (MDC). In addition, the results of the first round of the presidential elections – held on the same day and withheld for over a month¹ – gave MDC leader Mr. Morgan Tsvangirai 47.9% against 43.2% for Mr. Robert Mugabe. The run up to the second round of the presidential election, scheduled for June 27, 2008, saw a generalisation of the use of force and acts of violence including arbitrary arrests and detentions, death threats, disappearances, acts of ill-treatment and torture, intimidation, visits and breakdown of offices perpetrated by the army, Government-backed militias and ZANU-PF supporters. Their objective was to silence human rights defenders, NGOs and journalists reporting on the irregularities noticed in the framework of the electoral process and on the deteriorating human rights situation, as well as political opponents and ordinary citizens perceived as supporting the opposition.

On June 22, 2008, Mr. Morgan Tsvangirai announced his decision to withdraw from the poll to curb the politically instigated violence, leading to the “re-election” of Robert Mugabe as a sole candidate five days later. Mr. Mugabe’s re-election was considered as illegitimate

1./ See Declaration of the EU Presidency calling for the expeditious release of the presidential election results, in accordance with the due process of law, April 16, 2008.

by a number of international observers². With the mediation of the South African Development Community (SADC), a power-sharing agreement on the formation of a new Government was reached on September 15, 2008 between ZANU-PF and the opposition leaders of the two factions of the MDC, Messrs. Morgan Tsvangirai and Arthur Mutambara. However, no significant progress was made leading to a political turmoil that left the country in a situation of vacuum with no Government. State violence and a devastated economy, with inflation rates reaching the world's highest rate³ and severe shortages of food and basic services⁴ remained the order of the day as of the end of 2008.

In view of the gravity of the situation in December, the United Nations and Commonwealth countries urged international action on Zimbabwe's humanitarian crisis in view of the fact that "nearly six million people require emergency food aid and that the outbreak of cholera has killed hundreds in Zimbabwe and now spread to its neighbours"⁵. They warned of the collapse of essential services, such as health, sanitation and education. In an attempt to stop the circulation of information on Zimbabwe, on December 12, the Permanent Secretary for Information and Publicity Mr. Charamba threatened to ban accredited foreign offices or local reporters working for foreign news organisations accusing them of embarking on a propaganda assault against Zimbabwe⁶. According to the UN Special Rapporteur on Human Rights Defenders, the crisis was compounded by the use of unjustified

2./ See Statement by the UN Secretary-General, UN Document SG/SM/11650, AFR/1716, June 23, 2008, and EU Council Conclusions on Zimbabwe, 2886th External Relations Council meeting Brussels, July 22, 2008. The SADC had deployed more than 400 observers, the African Union over 60 and the Pan-African Parliament 30, while the United Nations had provided logistical and technical support to SADC. While the observers had been harassed and intimidated, they had reported many irregularities, including a requirement that voters report the serial numbers of their ballots to officials of the ZANU-PF party.

3./ In its 2008 *World Economic Outlook* issued in October 2008, the International Monetary Fund (IMF) argues that "no projections for 2008 and beyond are shown because Zimbabwe is in hyperinflation, and inflation can no longer be forecasted in a meaningful way. Unless policies change, inflation can increase without limit".

4./ See UN Security Council, UN Document SC/9387, July 8, 2008.

5./ See Commonwealth Press Release, December 8, 2008.

6./ See Media Institute of Southern Africa Press Release, December 2008.

force by the authorities in response to peaceful demonstrations and the recent abductions of human rights defenders⁷.

Repression faced by human rights defenders monitoring the election process and denouncing the climate of political violence

Following the pre-election campaign of intimidation, the already precarious situation of human rights defenders deteriorated after the results of the March 29 poll were made public. By the end of June 2008, the Special Rapporteur of the ACHPR on Human Rights Defenders explained that there had not been a single day without her being informed of a violation of their rights including threats, attacks, arrests and harassment⁸.

In 2008, the usual pattern of repression of peaceful demonstrations applied to demonstrations linked to the monitoring of the elections. For instance on May 28, 2008, 13 members of Women of Zimbabwe Arise (WOZA) and a member of Men of Zimbabwe Arise (MOZA) were arrested in Harare while demonstrating against the wave of political violence in front of the *Zambian Embassy*. Ms. **Jennifer Williams**, WOZA National Coordinator, and her deputy Ms. **Magodonga Mahlangu** were granted bail on July 3, 2008 after spending a considerable period of time in remand prison. The 14 defenders were all charged with “distributing materials likely to cause a breach of the peace” under Section 37 of the Criminal Law (Codification and Reform) Act. After several postponements of the trial, the 14 defenders who were to appear before Harare Magistrate’s Court on October 15, 2008 were all removed off remand by the Magistrate because the State was not ready to prosecute.

Furthermore, on December 3, 2008, a group of 15 unidentified armed men abducted Ms. **Jestina Mukoko**, Director of the Zimbabwe Peace Project (ZPP) and Board Member of the Zimbabwe Human Rights NGO Forum, from her home. Ms. Mukoko had been denouncing political violence. After almost three weeks during which her whereabouts

7/ See UN Press Release, December 22, 2008.

8./ See Press Releases by the Special Rapporteur of the ACHPR on Human Rights Defenders in Africa, April 19 and June 23, 2008.

were unknown, she appeared before the Harare Magistrates Courts on December 24, 2008 with eight other accused on charges of “treason”, allegedly arising from recruiting people for banditry training to overthrow the Government, which carries a potential death sentence in the event of conviction. The appeals made by the lawyers to the High Court to grant her bail were vain as the State challenged the Court decision through an appeal to the High Court and she was taken to Chikurubi maximum security prison, where she remained as of the end of 2008.

Obstacles to freedom of association

Visits and breakdown of offices

In 2008, several human rights organisations had to close their offices following attacks and threats to their members, and operations of international NGOs were forcibly suspended by Government, thereby undermining efforts to bring human rights violations to the attention of the international community⁹. In this regard, on June 11, 2008, uniformed members of the Zimbabwe Republic Police forced the National Constitutional Assembly (NCA) Matebeleland south office to close, on the grounds that NGOs must not be operating as decided by a recent directive of the Government. The day before, ZANU-PF militias had ordered the closure of the NCA office in Masvingo, following the shuttering of the windows of the premises on June 6, 2008.

Moreover, one of the common tactics used by the Central Intelligence Organisation to intimidate human rights defenders and spread fear among them was to put human rights defenders under surveillance, visiting their offices and tapping their telephone lines. In the electoral context, acts of repression of this kind intensified. For example, in April 2008, national police officers raided the offices of the Zimbabwe Election Support Network (ZESN) as well as the house of its Director, Ms. **Chipfunde-Vava**, to search for subversive documents. They confiscated computers and other materials. Likewise, on June 9, 2008, ZANU-PF members and war veterans stormed into the Gokwe offices

9./ In a Press Released dated August 30, 2008, the UN Secretary-General welcomed the announcement of the Government of Zimbabwe to lift the suspension of field operations of non-governmental and private voluntary organisations.

of the Progressive Teachers' Union of Zimbabwe (PTUZ), ransacked the office, grabbed a number of documents that they took away with them, and ordered that the union ceases its business. Two days before, Mr. Moses Mhaka, PTUZ Coordinator for Gokwe, had been severely beaten up by the same persons.

Hindered access to financial resources and restriction on bank transactions

In 2008, the Government continued to control financial resources of human rights NGOs through the Reserve Bank of Zimbabwe (RBZ). For instance, in early 2008, the Zimbabwe Lawyers for Human Rights (ZLHR) had to wait for two months in order to undertake a programme because they had not received their money from the RBZ¹⁰.

Repression against defenders denouncing the ravages of the economic crises on the population

With the current economic crisis and shortage of food and fuel supplies in Zimbabwe, the majority of the population in the country – particularly in the rural areas – have been heavily dependant on food aid and supplies according to quotas provided by the Government and the other relevant agencies controlled by the Government. Defenders reporting on this situation were not only repressed, but the Government also used the denial of food supply and other basic services as a weapon against them. This was particularly the case for members of the Save Zimbabwe Campaign and members of the Zimbabwe Congress of Trade Unions (ZCTU), whom representatives reported in January 2008 that the Zimbabwean officials had informed them that suspected supporters of ZCTU usually received less food than the average population, and that they would have to distant themselves from such organisations if they wanted to receive food supplies according to the official quotas.

In addition, peaceful demonstrations to denounce the alarming economic and social situation led to arrests and violence, as was the case for instance on October 16, 2008, when a march of about 200 people

10./ When an NGO deposits money in a bank, the financial police require that it be transferred to the Federal Bank of Zimbabwe. The NGO has to solicit the Federal Bank for any activity requiring funds. Considerable time can elapse before obtaining an answer, and it can happen that the activity cannot be carried out, thereby creating a situation in which the NGO fails to satisfy the requirements of the donor.

organised by WOZA was repressed, resulting in the arrest of nine members, including the two WOZA leaders Ms. Jennifer Williams and Ms. Magodonga Mahlangu. Seven of the arrested were released without charge on the same day. However, the two leaders were only released on bail on November 6, 2008. They were held at Mlondolozu female prison in deplorable conditions. As of the end of 2008, they remained charged for allegedly “disturbing the peace, security or order of the public” under Section 13(1)a of the Criminal Law (Codification and Reform) Act. Likewise, on December 3, 2008, following a peaceful march organised by ZCTU to protest against the financial crisis by delivering petitions to the RBZ Governor and offices, more than 69 demonstrators, leaders and members of ZCTU, including Mr. **Wellington Chibebe**, ZCTU Secretary General, and Mr. **Lovemore Matombo**, its President, were arrested. On December 8, all were released and, at the end of 2008, it was not known whether some of them would be prosecuted.

The International Labour Conference (ILC) that took place in Geneva in June 2008 expressed deep concern at the “surge in trade union and human rights violations” and the regime’s “massive violence against teachers”. It “further regretted the continual recourse made by the Government to the Public Order and Security Act (POSA) and lately, to the Criminal Law (Codification and Reform) Act of 2006, in the arrest and detention of trade unionists for the exercise of their trade union activities, despite its calls upon the Government to cease such action”. It also “took note with deep concern of [...] the ongoing threats to trade unionists’ physical safety”. It further deplored the Government’s refusal to accept ILO assistance to improve the situation and called on it to “immediately halt all arrests, detentions, threats and harassment of trade union leaders and their members, drop all charges brought against them and ensure that they are appropriately compensated”¹¹.

11./ See ILC, 97th Session, *Conference Committee on the Application of Standards: Extracts from the Record of Proceedings*, 2008.

Urgent Interventions issued by the Observatory in 2008¹²

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
		International Fact-Finding Mission Report	March 19, 2008
Ms. Rindai Chipfunde-Vava, Ms. Irene Petras, Mr. Dzikamai Machingura, Mr. Barnabas Mangodza, Ms. Jestina Mukoko, Mr. Clever Bere, Dr. Francis Lovemore, Mr. Alois Chaumba, and Mr. Earnest Mudzengi, Mr. Noel Kututwa and Zimbabwe Election Support Network (ZESN)	Searches / Harassment	Urgent Appeal ZWE 001/0408/OBS 068	April 28, 2008
Mr. Lovemore Matombo and Mr. Wellington Chibebe	Arbitrary detention / Judicial proceedings	Urgent Appeal ZWE 002/0508/OBS 075	May 14, 2008
Mr. Raymond Majongwe	Arbitrary detention	Urgent Appeal ZWE 002/0508/OBS 075.1	May 16, 2008
	Release on bail	Urgent Appeal ZWE 002/0508/OBS 075.2	May 20, 2008
Ms. Jennifer Williams, Mr. Philimon Sajeni and Ms. Magodonga Mahlangu as well as members of members of Women of Zimbabwe Arise (WOZA) and Men of Zimbabwe Arise (MOZA)	Arbitrary detention / Judicial proceedings / Harassment	Urgent Appeal ZWE 003/0608/OBS 094	June 4, 2008

12./ See the Compilation of cases in the CD-Rom attached to this report.

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
	Release on bail / Arbitrary detention	Urgent Appeal ZWE 003/0608/OBS 094.1	June 13, 2008
	Release on bail	Urgent Appeal ZWE 003/0608/OBS 094.2	July 4, 2008
Ms. Jennifer Williams and Ms. Magodonga Mahlangu	Arbitrary detention / Use of police force / Ongoing harassment / Judicial proceedings	Urgent Appeal ZWE 006/1008/OBS 164	October 17, 2008
		Urgent Appeal ZWE 006/1008/OBS 164.1	October 27, 2008
	Release on bail	Urgent Appeal ZWE 006/1008/OBS 164.2	November 6, 2008
Mr. Tinarwo and Mr. Moses Mhaka	Harassment / Ill-treatments	Urgent Appeal ZWE 004/0608/OBS 100	June 12, 2008
Mr. Biggie Bangira, Mr. Musa Mabika and Mr. Leon Chiimba	Obstacles to freedom of association / Arbitrary detention / Death threats / Ill-treatments	Urgent Appeal ZWE 005/0608/OBS 101	June 13, 2008

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
<p>Mr. Wellington Chibebe, Mr. Lovemore Matombo, Mr. Tonderai Nyahunzvi, Mr. Canwell Muchadya, Mr. Hillarious Ruyi, Mr. Cde Tarumbira, Mr. Joseph Chuma, Ms. Getrude Hambira, Ms. Angeline Chitambo, Ms. Tecla Masamba, Ms. Martha Kajama, Ms. Mirriam Katumba, Mr. Japhet Moyo, Mr. Ben Madzimure, Mr. Fungayi Kanyongo, Mr. Raymond Majongwe, Mr. James Gumbi, Mr. Osward Madziwa, Mr. Gideon Shoko, Mr. Charles Chikozho, Mr. Isaac Thebethebe, Mr. Moses Mhaka, Mr. Wilbert Muringani, Mr. Benard Sibanda, Mr. Elinas Gumbo, Mr. Ndodana Sithole, Mr. Nicholas Zengeya, Mr. Isaac Matsikidze, Mr. Sarudzai Chimwanda, Mr. David Moyo, Mr. Enoch Paradzai and Mr. Kenneth Nemachena, as well as Zimbabwe Congress of Trade Unions (ZCTU) and Progressive Teachers' Union of Zimbabwe (PTUZ)</p>	<p>Arbitrary arrests / Obstacles to the freedom of assembly</p>	<p>Urgent Appeal ZWE 007/1208/OBS 205</p>	<p>December 3, 2008</p>
<p>Ms. Jestina Mukoko</p>	<p>Abduction / Enforced disappearance</p>	<p>Urgent Appeal ZWE 008/1208/OBS 206</p>	<p>December 4, 2008</p>
<p>Mr. Broderick Takawira and Mr. Pascal Gonzo</p>		<p>Urgent Appeal ZWE 008/1208/OBS 206.1</p>	<p>December 9, 2008</p>