

AFRICA

SITUATION OF HUMAN RIGHTS DEFENDERS¹

Human rights defenders in Sub-Saharan Africa continued to carry out their activities in a highly hostile and dangerous environment in 2006.

Although some positive steps could be observed, notably in *Mauritania*, the situation was particularly worrying for defenders operating in the *Democratic Republic of Congo (DRC)* and *Zimbabwe*, while it significantly worsened in countries undergoing armed conflicts or fierce political repression such as *Burundi*, *Chad*, the *Central African Republic (CAR)*, *Ethiopia* and *Sudan*.

Authorities further carried out and diversified repressive strategies aimed at infringing or criminalising the activities of human rights defenders in 2006. New restrictive legislations hampering the exercise of the freedoms of association, expression and peaceful assembly were adopted during the course of the year (*Ethiopia*, *Nigeria*, *Sudan*, *Uganda*, *Zimbabwe*), while an increasing number of activists faced judicial proceedings as well as arbitrary arrests and detentions (*Angola*, *Burundi*, *Cameroon*, *Chad*, *Congo-Brazzaville*, *Djibouti*, *DRC*, *Eritrea*, *Ethiopia*, *Somalia*, *Sudan*, *Zimbabwe*). Numerous cases of direct violence were also reported, be they assaults, attacks, or cruel, inhuman and degrading treatment (*Burundi*, *Cameroon*, *DRC*, *Ethiopia*, *Zimbabwe*), while many African defenders were repeatedly threatened with death, harassed or slandered (*Burundi*, *CAR*, *DRC*, *Gambia*, *Liberia*, *Senegal*, *Zimbabwe*).

Human rights defenders in a conflict, post-conflict or political crisis situation

2006 was marked by the escalation of armed conflicts, in particular in Eastern Africa, as well as by tensions arising from the holding of elections in several countries throughout the continent. In such

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

contexts, human rights defenders did not only suffer from the general insecurity faced by civilian populations, but were also alternately accused by the different political actors and/or parties to the conflicts of supporting the rebellion, political opposition or the ruling power, which considerably increased their isolation and vulnerability.

Human rights defenders in armed conflicts

In *Sudan*, local and international organisations operating in the Darfur region, in the West of the country, were subjected to numerous acts of violence and were regularly attacked by the various parties to the conflict, whether government forces, “Arab” militias (*janjaweed*) or the different rebel factions. Although a peace agreement was finally signed in May 2006², human rights defenders were faced with constant insecurity and were repeatedly targeted by the Sudanese government, which did not tolerate any public denunciation of the grave human rights violations perpetrated against Darfuri populations.

The authorities particularly attempted to stifle local NGOs, such as the Amel Centre for Treatment and Rehabilitation of Victims of Torture and the Sudan Social Development Organisation (SUDO). In 2006, members of these organisations were repeatedly arrested and arbitrarily detained, summoned by security services and subjected to judicial proceedings, mostly under charges of “offences against the State”, “breaches of constitutional order” or “disseminating false news”.

International NGOs were also severely controlled and repressed. In November 2006 for instance, the Norwegian Refugee Council (NRC), a relief agency coordinating the Kalma camp for internally displaced persons (IDP) in South Darfur, and which has had its activities suspended on five different occasions since 2004, received a letter from the Humanitarian Affairs Commission (HAC) ordering its expulsion from the South Darfur State. The HAC decision was likely responding

2. The Darfur Peace Agreement (DPA) was signed by the Government of Sudan and the majority faction of the Sudan Liberation Army (SLA, main rebel movement) on May 5, 2006 in Abuja (Nigeria). This Agreement was however rejected by other rebel splinter groups, and *janjaweed* militias did not take part in the negotiations.

to the NRC denunciation of the upsurge in rape cases in Kalma camp, information that the authorities had strongly denied.

This type of sanctions very often came in addition to repeated attacks against local and international humanitarian workers. Indeed, at least 14 members of international humanitarian NGOs were the victims of extra-judicial killings in 2006³. In June 2006 for example, Oxfam International had to suspend its activities in Saraf Omra, North Darfur State, following the abduction of one of its local staff members, Mr. Nouraldeen Abdalla Nourein, in May 2006. Mr. Abdalla Nourein was found dead on July 28, 2006⁴. Furthermore, the number of attacks - mainly led by militias and rebel groups - targeting the vehicles or compounds of humanitarian organisations dramatically increased, thus hampering these agencies in providing vital assistance to tens of thousands of civilians affected by the conflict. In December 2006 alone, over 400 humanitarian workers had to be evacuated from several camps in the region⁵.

The newly enforced Organisation of Humanitarian and Voluntary Work Act 2006 that was adopted in February 2006 also represents an additional obstacle for local and international NGOs operating in the Darfur region⁶.

Access to information about the ongoing conflict in Darfur further remained strictly limited. Although censorship was officially lifted in 2005⁷, Sudanese authorities engaged in new waves of censorship against independent newspapers in September 2006 and banned the publication of all articles calling for or simply regarding the adoption of a United Nations resolution allowing the deployment of a UN peacekeeping force in Darfur, which was firmly opposed by the government. Foreign journalists' activities were also increasingly controlled and suppressed in 2006, as the authorities regularly denied them visas or travel documents, the granting of which nevertheless offered no guarantee of gaining access to the region.

3. See Integrated Regional Information Networks (IRIN), UN Office for the Coordination of Humanitarian Affairs (OCHA).

4. See Sudan Organisation Against Torture (SOAT).

5. See IRIN.

6. See below.

7. The President of the Republic Mr. Omar El-Bashir announced the lifting of the state of emergency on July 11, 2005.

Finally, the conflict in the Eastern part of the country⁸ also affected the activities of human rights defenders, such as Mr. Hussain Osman Mohamed Ismail, a member of the SOAT students' network, who was detained from March 10 to 18, 2006 by military intelligence services in Toker (Red Sea State), where he was conducting an enquiry into several cases of human rights violations committed in the town since 1997.

The extension of the Darfur conflict to neighbouring countries, in particular *Chad* and the *CAR* where rebel movements are believed to be backed by Sudan, further impeded human rights defenders' activities, which were considered as highly suspect by these two governments who accused any dissident voice of supporting the rebels.

In *Chad*, the first rebel attacks led by the United Front for Democratic Change (FUC) were launched in April 2006, shortly before the presidential elections were to be held⁹. In such a context, human rights defenders were equated with the rebels and political opposition and were on the frontline of repression. As such, Mr. Mingar Monodji, chair of the N'Djamena 7th District branch of the Chadian League for Human Rights (LTDH), was arrested on April 24, 2006, shortly after the rebel offensive of April 13-14, 2006 had been repelled. Mr. Monodji was detained incommunicado and subjected to cruel, inhuman and degrading treatment by military officers who reproached him for having been in contact with *Radio France Internationale (RFI)* and *Agence France Presse (AFP)* reporters and accused the LTDH of being "an organisation of traitors and mercenaries". Mr. Monodji was eventually released on April 27, 2006, after the soldiers threatened to kill all LTDH leaders and members "one by one after the May 3 [presidential] election, starting with [him]".

Chadian authorities further severely suppressed all voices reporting the human rights violations committed in the eastern part of the

8. The conflict in Eastern Sudan opposed the government to the Eastern Front, a rebel movement created in February 2005 and calling for an equitable sharing of power and natural resources in the region. Following a decade of tensions and simmering unrest, the conflict significantly escalated in 2005 and 2006 when the Front and the Justice and Equality Movement (JEM, a rebel group active in Darfur) united. A peace agreement could finally be reached between the government and the rebels on October 13, 2006 in Asmara (Eritrea).

9. The presidential election was held on May 3, 2006 and won by the outgoing President, Mr. Idriss Deby.

country. For instance, Mr. Evariste Ngaralbaye, a journalist with the independent weekly *Notre Temps*, was accused of “defamation” and “insult to the armed forces’ honour and morale” on October 27, 2006 after publishing an article denouncing the enlistment of child-soldiers in the Chadian regular army. Mr. Ngaralbaye was released on October 31, 2006.

In addition, the government adopted Decree No. 1014 on November 13, 2006 after fighting resumed in the eastern part of the country. This decree, which placed the capital and several other regions under a state of emergency and imposed prior censorship on privately-owned print media, also prohibits newspapers from “reporting on issues likely to jeopardise public order, national unity, territorial integrity or the respect for the institutions of the Republic”. The vague definition of these “issues” gives the authorities full discretion to penalise the publication of any material relating to human rights, and deprives defenders of an important media support and relay. The Decree was extended for another six months on November 23, 2006, after the rebels of the Union of Forces for Democracy and Development (UFDD)¹⁰ announced their intention to resume their offensive against the Chadian regular army¹¹.

In addition, humanitarian workers continued to be regularly targeted by reprisals and attacks. On November 15, 2006 for instance, a staff member of Doctors Without Borders (MSF) was killed in Koloy, in the southeast of the country, and another was injured during an attack led by men on horseback¹².

In the *Central African Republic*, several rebel groups attempted to overthrow the regime of President Bozizé and launched military offensives in the north of the country in 2006, close to the Chadian and Sudanese borders. In particular, the Union of Democratic Forces for Unity (UFDR), a rebel group active since 2005, has considerably strengthened its operations since the beginning of 2006, and the fighting between government forces and the rebellion has significantly intensified

10. The UFDD was created on October 22, 2006 and brings together the three largest armed movements operating in Eastern Chad, namely: the United Front for Democratic Change (FUC), the Democratic Revolutionary Council (CDR) and the Union of Forces for Development (UFD).

11. See Reporters Without Borders (RSF).

12. See IRIN, November 20, 2006.

in the northeast of the country since June 2006. The high level of insecurity resulting from these violent confrontations prevented humanitarian NGOs from having access to the region, and human rights defenders who denounced the serious violations of international humanitarian law by all belligerents, in particular the army, were targeted by defamatory campaigns orchestrated at the highest State level. In particular, the President of the Republic, Mr. François Bozizé, described them as “protectors of criminals” on several occasions in 2006.

In addition, human rights activists defending the rights of victims of international crimes continued to be subjected to serious threats and intimidation during 2006. In August 2006 for instance, the home of Ms. Bernadette Sayo, president of the Organisation for Compassion and Development for Families in Distress (OCODEFAD), was burgled.

In *Somalia*, the fighting between the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT) and the Union of Islamic Courts (UIC), in May and June 2006, severely affected a civil society already marginalized by a decade of political mayhem. On May 29, 2006 for instance, Mr. Abdi Farah Mohamed, regional coordinator of the Peace and Human Rights Network (PHRN) in the Puntland regional state, was detained for two days after calling for the organisation of a civil society demonstration calling for peace when fighting resumed in Mogadishu.

Finally, the tensions between Somalia and *Ethiopia*, which considerably escalated in late December 2006, might further hinder the activities of human rights defenders operating in both countries.

Human rights defenders in post-conflict, political transition or crisis situations

Although the *Angolan* government and the various separatist movements active in the Cabinda Province finally reached a peace agreement¹³, tensions persisted between the authorities and the few factions that rejected the agreement. Against such a background,

13. The Memorandum of Understanding for Peace and Reconciliation in Cabinda was signed in Namibe (Angola) on August 1, 2006. However, it was rejected by the Front for the Liberation of the Enclave of Cabinda (FLEC).

defenders who denounced the human rights violations committed in the region were often equated to the separatists by the authorities who suspended the activities of the only human rights organisation operating in Cabinda, Mpalabanda, and detained its spokesperson, Mr. Raoul Danda, for several weeks in September and October 2006.

In *Burundi*, the tense political atmosphere prevailing in 2006 led to an upsurge in attacks against human rights defenders. In particular, organisations fighting against the impunity of the perpetrators of the 1993 crimes were again targeted, such as AC-Genocide Crimoso, an NGO based in Gitega. Messrs. Thacien Sibomana and Poppon Mudugu, both members of the association, were notably detained without charge for ten days in May 2006¹⁴. Furthermore, Mr. T rence Nahimana, president of the NGO Initiatives Society for a Common Vision (CIVIC), was detained from May 10 to December 27, 2006 after calling upon the authorities to rapidly reach an agreement in the negotiations with the National Liberation Forces (FLN)¹⁵.

In *C te d'Ivoire*, elections were again postponed in spite of the establishment of a transitional government on December 28, 2005. In a particularly deleterious and violent context, defenders were trapped by the extreme polarisation of the political life in the country and were faced with repeated death threats and harassment.

In the *DRC*, the difficulties arising from the end of the political transition and the electoral period¹⁶ generated a new upsurge in insecurity for human rights defenders throughout the country. Indeed, impunity was one of the major issues raised during the electoral campaign as several candidates were suspected of grave human rights violations. The situation further worsened shortly before the run-off presidential ballot opposing the outgoing President, Mr. Joseph Kabila, to Mr. Jean-Pierre Bemba, a former warlord suspected of being

14. See OMCT, Iteka League, ACAT-Burundi and Association of Women Lawyers in Burundi (AFJB), *Human Rights Violations in Burundi, Alternative Report to the United Nations Committee Against Torture*, November 2006.

15. A rebel movement, which notably contests the Arusha Peace Agreement, signed in Tanzania between the Burundian government and 17 political parties in August 2000.

16. Although the end of the political transition was initially scheduled for June 30, 2006, it had to be postponed until July 30, 2006, when the first round of the presidential ballot as well as parliamentary elections were held. The run-off presidential election as well as the provincial poll was held on October 29, 2006.

responsible for war crimes committed in 2002 and 2003 in the eastern region of Ituri and the CAR. In such a context, defenders were trapped in a cross fire and alternately accused of supporting the opposition led by Mr. Bemba when denouncing the human rights violations perpetrated by the government, or of campaigning for Mr. Kabila's victory when raising the issue of Mr. Bemba's impunity. Defenders voicing their concern at the participation of suspected perpetrators of international crimes in the ballot were particularly targeted, as in the case of Mr. Hubert Tshiswaka, chair of the Lubumbashi-based NGO Action against Impunity and for Human Rights (ACIDH), who was subjected to repeated smear campaigns orchestrated by a pro-governmental political party, after ACIDH published a statement urging the population not to vote for suspected perpetrators of human rights abuses running for the March 2006 elections. Members of the Voice of the Voiceless (VSV), of the Committee of Human Rights Observers (CODHO), or the eastern-based Lotus Group also faced similar reprisals.

The electoral period also entailed serious infringements to the freedom of expression. For example, Mr. Bapuwa Mwamba, a journalist for the daily *Le Phare*, was assassinated by three armed men at his home in Kinshasa, on the night of July 7 to 8, 2006. On July 6, 2006, he had signed an article entitled: "Why is the transition jammed in the DRC", in which he had denounced the "increasing insecurity prevailing in the eastern part of the country", the "frequent human rights violations" and "political intolerance" of the authorities¹⁷.

Lastly, human rights defenders collaborating with the ongoing investigations led by the International Criminal Court (ICC) continued to be exposed to serious threats and smear campaigns. On November 22, 2006 for instance, during the hearing of confirmation of the charges pending against Mr. Thomas Lubanga Dyilo, former leader of the Union of Congolese Patriots (UPC) militia in Ituri, before the ICC in The Hague (Netherlands), the defence asserted that the NGO reports on which the ICC Prosecutor had based the charges were "often no more than a collection of rumour and speculation". In addition, the defence namely accused Justice Plus, a human rights organisation based in Bunia, Ituri, of conveying information to the

17. See Journalists in Danger (JED).

prosecution. Since then, the organisation's members have received numerous anonymous phone calls threatening them with death.

In the aftermath of the waves of repression against the protest movements contesting the results of the parliamentary elections of May 2005¹⁸ in *Ethiopia*, human rights defenders continued to be particularly targeted in 2006. Several of them have been detained for over a year, such as Mr. Daniel Bekele, a lawyer and programme manager for ActionAid-Ethiopia, Mr. Kassahun Kebede, chairman of the Addis Ababa branch of the Ethiopian Teachers' Association (ETA), and Mr. Netsanet Demissie, a lawyer, founder and president of the Organisation for Social Justice in Ethiopia (OSJE). All three are accused of "outrage against the Constitution" in the framework of a trial for "treason" against 111 political opponents and journalists.

Several members of the Ethiopian Human Rights Council (EHRCO) were further forced into exile for fear of reprisals in late 2005 and early 2006 and several others remained subjected to judicial proceedings, as for instance Messrs. Tesfawe Bekele, Seifu Degu, and Chane Kebede, all three members of the EHRCO branch in Dessae, who were prosecuted under charges of "attempt to overthrow the legitimate government by force" as a result of their monitoring activities during the May 2005 elections.

Obstacles to freedom of association

Several bills aimed at strengthening governmental control over independent civil society were again proposed or adopted in 2006. These texts, which provide for multiple legislative constraints on NGOs operations, illustrate the strategy implemented by several countries in Africa and internationally to drastically muzzle dissident voices.

In *Ethiopia*, the Minister for Justice issued a formal notice that added layers of complexity to the NGOs registration process on September 18, 2006. This ministerial notice does not have the status of a directive and could thus be elaborated without any supervision by other governmental or constitutional organ. In particular, it provides

18. Two protest movements contesting the results of the May 15, 2005 parliamentary elections and the victory of the ruling party were repressed in bloodshed by the authorities in June and November 2005. See Observatory Judicial Observation Missions Report, *Ethiopia: The Situation of Human Rights Defenders from Bad to Worse*, December 2006.

that NGOs are now required to present their project proposals to a Committee composed of representatives of eight different Ministries¹⁹ and to sign operation agreements with the relevant government agencies in order to obtain or renew their license. To this end, an eight-member Committee chaired by the Minister for Justice was reportedly set up in September 2006. By late 2006 however, no further information could be obtained as to the exact composition of this Committee, its prerogatives or the criteria for denial of an operating licence. This notice further stipulates that all NGOs willing to obtain or renew their licence after September 18, 2006 shall abide by these new provisions; however, the Minister for Justice only publicly circulated this notice in mid-November 2006 and its dissemination appeared to remain relatively unknown.

In *Nigeria*, the “Bill for an Act to Make Provisions for the Prohibition of Relationship Between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith” was introduced before the Parliament by the Minister of Justice in January 2006. In particular, it prohibits the registration of all organisations concerned with the defence of the rights of sexual minorities and provides for extended prison sentences against all persons involved in the registration of such associations. By late 2006, this Bill was still being examined by the National Assembly.

In February 2006, the *Sudanese* Parliament adopted the “Organisation of Humanitarian and Voluntary Work Act 2006”, which imposes serious restrictions on freedom of association and an increased control over NGOs activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations. The vague definitions contained within this text are likely to be invoked arbitrarily in order to deny or cancel the registration certificate of certain organisations. The legislation also strengthens the administrative constraints for registering and the discretionary powers of the Minister for Humanitarian Affairs. In 2006, several independent NGOs denouncing the human rights violations committed throughout the country were sanctioned on the basis of this new law,

19. Namely, the Ministries of Justice, Foreign Affairs, Education, Health, Labour and Social Affairs, Youth and Sports, Women’s Affairs, and Disaster Prevention and Preparedness Agency. See abovementioned report.

such as the SUDO offices in El-Geneina and Zalingei, and the organisation for the defence of women's rights AWOON-Red Sea (Red Sea Province) which had its activities suspended for several weeks in March and April 2006.

This new legislation is likely to be further toughened according to statements delivered by Mr. Ahmad Mohamed Haroun, Minister for Humanitarian Affairs, during a press conference he convened in Khartoum on October 4, 2006. Mr. Haroun, who notably accused international NGOs of "supporting political activities", indicated that all UN agencies operating in the country shall be regulated by the Act and that "the situation called for the need to put [further] restrictions on voluntary work"²⁰.

In *Uganda*, the "Non-Governmental Organisations Registration (Amendment) Act", adopted by the Parliament in April 2006, reportedly came into force in June 2006. This Act was designed to "step up surveillance and government supervision of NGO activities as a means of preventing abuses associated with the freedom of worship in Uganda"²¹, and was elaborated without prior consultation with civil society. In particular, it adds to the already existing administrative constraints of the registration process and provides for criminal sanctions against NGOs and/or their members in case of contravention. The NGO National Board tasked with issuing registration certificates and valid operation permits is exclusively made up of government representatives, who now benefit from wider administrative and discretionary powers allowing an increased interference with the internal affairs of NGOs. In addition, the arguments raised during the parliamentary debates that preceded the adoption of this Act clearly suggested that it could be particularly resorted to in order to deny registration to associations for the defence of sexual minorities' rights²².

20. See SOAT.

21. See Periodic Report to the African Commission on Human and Peoples' Rights presented by the Government of Uganda at the 39th ordinary session held in Banjul, the Gambia, from May 11 to 25, 2006.

22. During the parliamentary debates, Members of Parliament Messrs. John Kigyagi and Amama Mbabazi notably argued that the Act would preclude "NGOs wishing to promote activities that are detested in the society or against culture" from operating in the country. Mr. Kigyagi further added: "An NGO may come from Europe and wants to promote lesbianism. What do you do about it?" (See Foundation for Human Rights Initiative – FHRI).

Finally, it remained impossible for human rights defenders to carry out their activities freely in *Equatorial Guinea* or *Eritrea*, where the authorities continued to totally stifle civil society. Besides, *Rwandese* authorities maintained intense pressure on independent activists in order to curtail their ability to operate.

Infringements to the freedoms of expression and assembly

Freedom of expression remained under constant attack throughout the continent in 2006. Indeed, if positive steps were taken in *Angola* where the authorities adopted and enforced a new press law in line with international standards²³, other countries imposed further legislative or statutory restrictions on the exercise of the freedoms of expression and information.

In *Somalia* for instance, Sheikh Hassan Osman, head of the Union of Islamic Courts (UIC) judicial administration, and Sheikh Abdullahi Hussein Barre, deputy director of the UIC information and propaganda department, introduced a thirteen-rule charter regulating the freedom of the press in the UIC-controlled areas in October 2006. This charter prohibits the “[publication or dissemination of] information contrary to the Muslim religion, the public interest or the interest of the nation”, and establishes an Information bureau tasked with registering all media operating in areas controlled by the UIC, without specifying the criteria for the granting or denial of registration. Media are further required to obtain express authorisation before “[participating] in seminars or programmes supported by foreign organisations”. This provision might be used to deny accreditation to journalists wishing to participate in meetings or conferences relating to the human rights violations committed in the UIC-controlled regions. Lastly, Somali journalists are compelled “to reveal the identity of their sources” and media directors shall be held legally responsible for any contravention of these rules of conduct²⁴.

In *Zimbabwe*, the Criminal Code (Codification and Reform) Act came into force on July 1, 2006. This law significantly strengthens the heavy sentences already provided for by the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy

23. See Human Rights Watch (HRW).

24. See RSF.

Act (AIPPA). This new legislation has been regularly invoked against human rights defenders since its signing into law and reinforces an already very repressive judicial arsenal. In particular, it significantly restricts freedoms of expression and peaceful assembly. Indeed, Article 31 strengthens Article 15 of POSA and provides that “any person who publishes or communicates a statement which is wholly or materially false, inciting or promoting public disorder or public violence or endangering public safety; or adversely affecting the defence or economic interests of Zimbabwe; or undermining public confidence in a law enforcement agency; or interfering with, disrupting or interrupting any essential service” shall be liable to a fine of up to 250,000 ZWD (800 euros) and/or a twenty-year jail term. Article 33 prohibits “abusive, indecent, obscene or false statements (...) that may engender feelings of hostility towards; or cause hatred, contempt or ridicule of the President of the Republic” and thus reinforces Article 15 of POSA and Article 65 of AIPPA. “Undermining the authority of or insulting the President” carries a punishment of a year in prison and/or a fine up to 10,000 ZWD. In addition, Article 36 stipulates that “any person who, acting in concert with one or more other persons, (...) disturbs the peace, security or order of the public or any section of the public; or invades the rights of other people; intending such disturbance or invasion or realising that there is a real risk or possibility that such disturbance or invasion may occur, shall be guilty of public violence and liable to a fine not exceeding 150,000 ZWD or imprisonment for a period not exceeding ten years or both”.

In a large number of countries, defenders also remained systematically subjected to smear campaigns and threats every time they published their reports or publicly denounced human rights violations.

In *Burundi* for instance, Mr. Aloys Kabura, a correspondent for the *Burundian Press Agency (ABP)* in the Kayanza province, was arrested in May 2006 after criticising the violent behaviour of police officers against journalists and human rights defenders. On September 18, 2006, the Ngozi Court sentenced Mr. Kabura to five months in prison on charges of “rebellion” and “defamatory statements”. He was released on October 30, 2006 after serving his term.

In *Cameroon*, Ms. Agnès Taile, a radio personality who presents the phone-in show “The word is yours” on privately-owned *Sweet FM* radio station, during which the audience repeatedly complained about police violence and corrupt practices, was brutally assaulted and hit by three hooded men on the night of November 6 to 7, 2006. For the previous three weeks, Ms. Taile had received numerous anonymous threats that she had denounced during her show a couple of days only before she was attacked²⁵.

In *Congo-Brazzaville*, the Public Prosecutor of the Brazzaville Court of First Instance publicly accused the Congolese Observatory for Human Rights (OCDH) of “dishonesty” after the association published, in October 2006, a report denouncing the arbitrary detention of several military officers and civilians who were held in custody without a warrant or trial for several months.

In the *DRC*, the heads of Journalists in Danger (JED), Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi, received numerous threatening phone calls and were forced into hiding for several weeks in February 2006. Shortly before, JED had published an article disclosing its preliminary conclusions about the murder of a journalist and his wife in November 2005.

In *Ethiopia*, the independent press has remained strictly muzzled since November 2005. Many journalists were forced to flee the country, such as Mr. Kifle Mulat, head of the Ethiopian Free Press Journalists’ Association (EFJA), who is being tried in his absence in the framework of the ongoing “treason” trial²⁶. A dozen websites reporting about the conduct of the trial, such as *Cyberethiopia*, *Seminawork*, *Addis Ferenji* or *Ethiopian Review*, were further made inaccessible within Ethiopia. Lastly, the members of the commission established by the Parliament in December 2005 to investigate into the November 2005 violence were threatened and intimidated to dissuade them from publishing their findings. Three of them were forced into exile following intense pressure from the authorities.

In the *Gambia*, no investigation was opened into the assassination of Mr. Deyda Hydera, a journalist, on December 16, 2004²⁷.

25. See RSF and Cameroon House for Human Rights (MDHC).

26. See above.

27. See Annual Report 2005.

In 2006, the National Intelligence Agency (NIA) further systematically targeted journalists exposing the recurrent violations of freedom of expression as well as the constant threats and harassment they were faced with to international organisations. On May 22, 2006 for instance, the police summoned the contributors to the US-based *Freedom Newspaper* website that frequently denounces attacks on freedom of expression in the Gambia, and requested that they report to the nearest police station within 24 hours or face judicial proceedings. On May 26, 2006, the pro-governmental *Daily Observer* newspaper published the police summons, and stated that “the security services [were] in possession of the full list of persons who continuously supplied [this website] with information, which it used to castigate and vilify the democratically elected government of His Excellency, President Dr. Alhaji Yahya Jammeh”. The *Daily Observer* also released the entire list of the persons summoned. Shortly after, over a dozen journalists were arbitrarily detained for several weeks²⁸.

In *Nigeria*, Mr. Bukhari Bello, executive secretary of the National Human Rights Commission (NHRC), was removed from office on the order of the Minister for Justice in June 2006 after criticising the authorities for the harassment and intimidation of the media and journalists by national security agencies and the unconstitutionality of proposed amendments to the Constitution aimed at extending the presidential term of office.

Freedom of expression severely deteriorated in *Senegal* during the course of the year. Several defenders, such as Mr. Alioune Tine, secretary general of the NGO African Engagement for the Defence of Human Rights (RADDHO), and Ms. Dié Maty Fall, an independent journalist, were seriously threatened after they signed a civil society declaration entitled: “Civic resistance for the safeguard of the institutions of the Republic”. These threats were part of a broader context of increasing intimidation against journalists, in particular by high-ranking officials, which led to an upsurge in attacks and aggressions, as the authorities more generally implemented a strategy aimed at silencing any criticism ahead of the February 25, 2007 presidential election.

In *Zimbabwe*, the authorities multiplied their threats and accusations against organisations involved in the defence of the freedom of

28. See Article 19.

the press. In June 2006 for instance, Mr. Tichaona Jokonya, Minister of Information, called independent journalists “traitors”, adding that “the end of a felon is always death”. Similarly, on September 28, 2006, the Media and Information Commission (MIC) accused the Zimbabwean branch of the Media Institute of Southern Africa (MISA-Zimbabwe) of supporting a “regime change”. The following day, the pro-governmental daily *The Herald* published a statement by Mr. Tafataona Mahoso, MIC chair, who asserted that the Media Alliance of Zimbabwe (MAZ), comprised of the Zimbabwean Union of Journalists (ZUJ), the Media Monitoring Project of Zimbabwe (MMPZ) and MISA-Zimbabwe, was “convening clandestine meetings under the guise of meetings on the media law reform”. These three organisations were to hold a seminar on the restrictive media and information laws in force since 2002 the next day²⁹.

Human rights defenders operating in Africa also faced numerous obstacles to their freedom of assembly.

For example in the *Gambia*, on the occasion of the 7th Summit of the African Union (AU) held in Banjul from June 25 to July 2, 2006, several civil society organisations organised a forum on freedom of expression in Africa. On June 19, 2006 however, The Association of Non-Governmental Organisations (TANGO) convening the event received a letter from the Coordinating Committee set up by the Gambian government to supervise the organisation of the Summit, banning the forum under the pretext that the issues it planned to address were not among those proposed for NGOs consultations provided for in the framework of the Summit. The forum could eventually be held in Saly-Portudal, Senegal, on June 29 and 30, 2006.

In *Niger*, a rally calling for peace in the world and organised by the Independent Thought and Orientation Committee for the Safeguard of Democratic Achievements (CROISADE) was banned by the Niamey III communal administration, which argued that “given the prevailing social tensions (...) nurtured by several civil society organisations, public authorities were unable to ensure and preserve public order and peace during this march”³⁰.

29. See Media Monitoring Project of Zimbabwe (MMPZ).

30. See CROISADE.

In *Zimbabwe*, the Criminal Code (Codification and Reform) Act, which came into force in July 2006³¹, also provides for major restrictions of the freedom of peaceful assembly. Article 37 notably stipulates that any person “participating in a gathering with intent to promote public violence, breaches of the peace or bigotry, and distributing or displaying any writing, sign or other visible representation that is obscene, threatening, abusive or insulting” shall be sentenced to a 2,000 ZWD fine (6 euros) and/or a five-year imprisonment term.

Repression of the defenders of economic, social and cultural rights

2006 was marked by an upsurge in repression against activists engaging in the defence of economic, social and cultural rights.

In several countries, human rights defenders denouncing corrupt practices, economic embezzlement, the mismanagement or exploitation of natural resources were frequently faced with severe reprisals by the authorities.

In *Burundi*, the director of the Observatory for the Fight Against Corruption and Economic Embezzlement (OLUCOME), Mr. Gabriel Rufyiri, was detained from August to December 2006. Other members of the association were repeatedly attacked during the course of the year. Some of them were still receiving threats by the end of 2006.

In *Congo-Brazzaville*, Mr. Christian Mounzéo, head of the NGO Engagement for Peace and Human Rights (RPDH), and Mr. Brice Makosso, permanent secretary of the Episcopal Justice and Peace Commission in Pointe-Noire, were both given a one-year suspended prison sentence on December 28, 2006, following their involvement in the “Publish What You Pay” campaign calling for the mandatory disclosure of books of account of oil, gas and mining companies.

In the *DRC*, defenders voicing their concern at the ongoing exploitation of natural resources in the country were systematically targeted and threatened. In April 2006 for instance, Mr. Jean-Claude Katende, director of the Katanga section of the African Association

31. See above.

for the Defence of Human Rights (ASADHO/Katanga), and Mr. Jean-Pierre Mutemba, secretary general of the New Labour Dynamics (NDS), were both threatened with death after criticising the poor management of natural resources by the Congolese authorities. Similarly, members of the Organisation for the Settling, Literacy and Promotion of Pygmies (OSAPY), based in Kisangani, were intimidated every time they publicly called for more transparency in the management of forest resources or for the respect for indigenous peoples' rights.

Union activities further remained under tight government surveillance and a number of unionists defending their right to organise collectively were attacked, arbitrarily arrested or detained in 2006.

In *Botswana*, Mr. Japhta Radibe, president of the Botswana Teachers' Union (BTU) and chair of the Southern Africa Teachers' Organisation (SATO), was officially informed in late October 2006 that he was targeted by a decision of early retirement because of his union activities. Following intense support from BTU members, Mr. Radibe was finally reinstated in his teaching post in November 2006³².

In *Cameroon*, members of student unions were again severely suppressed in 2006. Eight members of the Association for the Defence of Cameroonian Students' Rights (ADDEC), who had been briefly detained in December 2005 following student protests, were sentenced in June 2006 by the Yaoundé Court of First Instance to a seven-month prison sentence, suspended for five years. In addition, Messrs. Patipe Tiencheu and Cleytus Tse Tabanq, president and vice-president respectively of the National Front for the Liberation of Student Consciousness (FRONALICE), had their renewal of enrolment denied in all Cameroonian universities because of their union activities. They both went on hunger strike to protest against this situation in mid-December 2006, and were then subjected, along with several other FRONALICE members, to arbitrary arrest and detention, and cruel, inhuman and degrading treatment by armed groups allegedly operating on the order of the president of the Douala University. All students were subsequently released a few days later³³.

32. See Education International (EI).

33. See ACAT-Littoral.

In *Djibouti*, the National Assembly approved the new Labour Code, endorsed by the Cabinet in November 2004, on January 28, 2006 (Law No. 133/AN/05/5eL). Its entry into force considerably strengthened the restrictions already in existence under the former Code adopted on December 15, 1952. Although the rights to organise collectively, to establish or join a labour organisation remain unchallenged, Article 215 of the new Code provides that unions shall obtain prior authorisation of the Ministries of Justice, Home Affairs and Employment in order to be legally registered. If requested by the relevant ministries, the Minister of Justice shall be entitled to disband any union through a mere administrative order.

In that context, Djiboutian trade unionists again endured arrests, judicial proceedings and unfair dismissals in 2006. Four prominent union leaders, Messrs. Mohamed Ahmed Mohamed, Djibril Ismael, Adan Mohamed Abdou and Hassan Cher Hared, were arrested and detained for several weeks in March and April 2006, and still faced charges of “sharing intelligence with a foreign power” and “outrage against the President of the Republic” by the end of 2006. Mr. Hassan Cher Hared, international relations secretary of the Djiboutian Workers’ Union (UDT) and secretary general of the Djiboutian Post Office Workers’ Union, was further forced into exile in late 2006 after being dismissed from his position at the Djiboutian Post Office and threatened with arrest.

In the *DRC*, the head of the Kinshasa-based trade union *Prosperité* was arbitrarily detained for four days in late January 2006, following a meeting where he had denounced the irregularities in the payment of salaries in the public sector³⁴. In addition, Mr. Joseph Kibangula N’Koko, president of the Francophone League of Nurses (LIEF) in the DRC, was arbitrarily detained on three occasions in 2006 after LIEF presented its union demands to the authorities³⁵.

In *Eritrea*, no information was made available in 2006 about the situation of Messrs. Tewelde Ghebremedhin, Minase Andezion and Habtom Weldemicael, three union leaders who were arrested in March 2005 and were still believed to be detained incommunicado as of the end of 2006³⁶.

34. See United Nations Mission in the Democratic Republic of Congo (MONUC).

35. See League of Electors (LE).

36. See Annual Report 2005.

In *Ethiopia*, members of the Ethiopian Teachers' Association (ETA) continued to be permanently harassed, while its general assembly was violently disrupted on two separate occasions in 2006. Several ETA members were arrested in the course of the year, including Messrs. Wasihun Melese and Anteneh Getnet who were detained for ten days in September 2006, shortly after ETA brought a complaint before the International Labour Organisation (ILO) in order to denounce the repeated obstacles to the holding of its general assembly.

In *South Africa*, 25 trade unionists were arrested in Pangola, Mpumalanga Province, on April 12, 2006 following a peaceful demonstration organised in solidarity with Swazi workers and calling for democracy in Swaziland. Among those arrested were: Mr. Joe Nkosi, vice-president of the Congress of South African Trade Unions (COSATU), Mr. Cedric Gina, second vice-president of the National Union of Metalworkers of South Africa (NUMSA), the vice-president of the National Education Health and Allied Workers (NEHAWU), Mr. Michael Mahsabela, treasurer of NEHAWU, and Mr. Zet Luzipo, COSATU provincial secretary of COSATU in Kwazulu Natal. On August 22, 2006, the charges of "public violence" against the unionists were dropped³⁷.

Lastly, several governments tried to downplay the extent of the ongoing economic crises in their respective countries and systematically repressed the economic and social demands of the populations, which were often considered as political opposition.

In *Guinea-Conakry*, Mr. Fodé Bangoura, Minister of State for Presidential Affairs, declared on June 12, 2006 that he would "crush trade unionists" after Guinean unions launched a general strike to protest against rising living costs. In addition, Mr. Bangoura reportedly threatened three prominent labour activists with death, namely: Mr. Louis Mbemba Soumah, general secretary of the Free Trade Union of Teachers and Researchers of Guinea (SLECG) and first deputy general secretary of the Guinean Workers' Union (USTG), Mr. Ibrahima Fofana, USTG secretary general, and Mr. Ahmadou Diallo,

37. See International Confederation of Free Trade Unions (ICFTU), Human Rights Institute of South Africa (HURISA) and COSATU.

first deputy secretary general of the National Confederation of Guinean Workers (CNTG). Mr. Ibrahima Fofana had previously been followed by unidentified individuals riding a motorbike since the demonstrations of May 1, 2006³⁸.

In *Niger*, the Minister for Home Affairs Mr. Mounkaïla Mody informed the organisers of the Nigerian Social Forum (FSN) that he had decided to ban the event which was due to be held a few days later, in October 2006. The FSN was finally authorised by the government and took place in November 2006, but remained under close surveillance. On this occasion, Mr. Claude Quémar, a French national and secretary general of the French section of the Committee for the Abolition of the Third World Debt (CADTM), was expelled from the country by the authorities who reproached him for some of the statements he had made during the Forum.

Finally, *Zimbabwean* authorities fiercely repressed the different movements protesting against the deteriorating economic situation in the country and the rising living costs. In particular, several hundred members of Women of Zimbabwe Arise (WOZA) were arrested and subjected to judicial proceedings in 2006. In addition, several leaders of the Zimbabwe Congress of Trade Unions (ZCTU) were arrested and violently beaten by the police in September 2006 during peaceful demonstrations denouncing the declining standard of living and calling for a better access to antiretroviral medication for HIV/AIDS infected persons. On this occasion, hundreds of labour activists were detained, questioned, ill-treated and intimidated by the police in 16 cities throughout the country; most ZCTU offices were surrounded or sealed off. Likewise, fifteen students were arrested in Bulawayo on November 22, 2006 as a group of local NGOs held a peaceful demonstration to protest against inflation, collapsing health and education systems, food shortages, suffocation of democratic space and violations of women's rights³⁹.

38. See ICFTU.

39. See IRIN, November 22, 2006.

Mobilisation for regional and international protection of human rights defenders

United Nations (UN)

During the second session of the Human Rights Council, held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her report on the situation of human rights defenders in *Nigeria*, which she had visited from May 3 to 12, 2005. Ms. Jilani welcomed “the development of Government initiatives in the field of human rights”. However, she expressed her concern “with regards to the framework regulating freedom of assembly, access to information and to a lesser extent freedom of association” and “over the situation of journalists working on corruption, good governance and the situation of trade unions and labour activists”. Lastly, she noted “the difficulties encountered by economic, social and environmental rights activists particularly in the Nigeria delta region and those encountered by women rights activists” and observed that the “high” level of impunity “greatly increases the vulnerability” of human rights defenders⁴⁰. On this occasion, the representative of the Federal Republic of Nigeria stated that his government “had taken note of the conclusions and recommendations in [this] report, and would factor them into the overall policy on human rights defenders”.

The Office of the United Nations High Commissioner for Human Rights (UNOHCHR), in its third periodic report on the situation of human rights in *Sudan* issued in April 2006, urged the government to “refrain from harassing, arresting, detaining or physically abusing individuals who bring human rights abuses to the attention of the police, other government authorities, or the international community” and to hold accountable those perpetrating abuses against human rights defenders. The High Commissioner further called on the Sudanese government to undertake legal reform, in particular in relation to the Organisation of Voluntary and Humanitarian Work Act 2006. Likewise, in its fourth periodic report published in May-June 2006, the High Commissioner underlined that the “Humanitarian Aid Commission (HAC) also contributed to the atmosphere of repression in the country” and recalled that on June 25, 2006, the HAC had

40. See UN Document E/CN.4/2006/95/Add.2.

prohibited SUDO, a national NGO, from working in the areas of peace building and protection and had limited its mandate to health and nutrition issues.

During her visit to Sudan from April 30 to May 5, 2006, the High Commissioner for Human Rights, Ms. Louise Arbour, expressed her concern about the new NGO legislation, which “will further hamper the work of NGOs by imposing heavy bureaucratic requirements and additional costs and delays and will therefore restrict even more the already limited space available to civil society generally”⁴¹.

The UN Secretary General Mr. Kofi Annan addressed the Security Council about the situation in Darfur on September 11, 2006 and stressed that “humanitarian workers have continued to be targets of brutal violence, physical harassment and rhetorical vilification. Many of their vehicles have been stolen. Twelve aid workers have lost their lives in the last two months alone - more than in the previous two years”⁴².

During the 86th and 87th sessions of the Human Rights Committee (HRC) held from March 13 to 31 and from July 10 to 28, 2006, respectively, the Committee was “concerned that many human rights defenders [in the *Democratic Republic of Congo* and in the *Central African Republic*] cannot freely carry out their work because they are subjected to harassment or intimidation, prohibition of their demonstrations or even arrest or arbitrary detention by the security forces”. The Committee therefore urged the two State parties to “respect and protect the activities of human rights defenders” and to “ensure that any restrictions imposed on their activities are compatible with the provisions of Articles 21 and 22 of the International Covenant [on Civil and Political Rights]”⁴³.

The UN Committee Against Torture (CAT), during its 37th session held from November 6 to 24, 2006, “took note with concern of the reprisals, serious acts of intimidation and threats to which human rights defenders are subjected [in *Burundi* and *Togo*], especially those who report acts of torture and ill-treatment”. The CAT called on the

41. See UN Press Release, May 5, 2006.

42. See UN Press Release, September 11, 2006.

43. See Concluding Observations of the HRC, UN Documents CCPR/C/COD/CO/3 and CCPR/C/CAF/CO/2.

two State parties to “adopt effective measures to ensure that all persons who report cases of torture or ill-treatment are protected against any acts of intimidation and the harmful effects that might result from such reports” and encouraged them to “strengthen its cooperation with civil society in campaigning for the eradication and prevention of torture”⁴⁴.

The African system of protection of human rights defenders

African Commission on Human and Peoples’ Rights (ACHPR)

During the 39th and 40th sessions of the ACHPR held in Banjul, the Gambia, from May 11 to 25 and from November 15 to 29, 2006, the Observatory introduced both a written and an oral statement under the item of the agenda dedicated to the situation of human rights defenders in Africa.

Ms. Reine Alapini-Gansou, ACHPR Special Rapporteur on human rights defenders, indicated in her report to the 40th session that she had addressed several communications to six different countries (*Burundi, Cameroon, CAR, Ethiopia, Senegal and Sudan*) denouncing cases of repression of human rights defenders in Sub-Saharan Africa.

On June 28, 2006, Ms. Reine Alapini-Gansou and Ms. Hina Jilani “[expressed] their profound concern at the removal of Mr. Bukhari Bello as executive secretary of the National Human Rights Commission of *Nigeria* on 19 June 2006”⁴⁵ and feared that Mr. Bello’s removal was occasioned by some of his public statements⁴⁶.

In late 2006, the Special Rapporteur also sent communications to *Angola, Burundi, the DRC, Niger and Zimbabwe*.

An ACHPR delegation composed of Ms. Reine Alapini-Gansou and Commissioner Mumba Malila, Special Rapporteur on prisons and conditions of detention in Africa, further visited *Uganda* from July 24 to 31, 2006. As of the end of 2006, the mission report had not yet been made public.

In 2006, the Special Rapporteur on human rights defenders also submitted requests to visit *Sierra Leone, Liberia, Guinea-Conakry, Côte d’Ivoire, DRC, CAR, Rwanda and Cameroon*. Liberia and the

44. See Concluding Observations of the CAT, UN Documents CAT/C/BDI/CO/1 and CAT/C/TGO/CO/1.

45. See Compilation of cases below.

46. See UN Press Release, June 28, 2006.

CAR expressed their willingness to receive her while other requests were not responded to.

African Union (AU)

African Heads of State and Government, gathered during the 6th Summit of the AU convened from January 16 to 24, 2006 in Khartoum (Sudan), adopted a decision authorising “the publication of the 19th Activity Report [adopted by the 38th session] of the ACHPR⁴⁷ and its annexes, except for those containing the Resolutions on *Eritrea, Ethiopia, Sudan, Uganda and Zimbabwe*”⁴⁸.

These Resolutions strongly condemned the serious human rights violations as well as abuses against human rights defenders perpetrated in these countries. The same AU decision called upon the ACHPR to “ensure that in future, it enlists the responses of all States parties to its resolutions and decisions before submitting them to the Executive Council and/or the Assembly for consideration” and requested State parties “within three months of the notification by the ACHPR, to communicate their responses to resolutions and decisions to be submitted to the Executive Council and/or the Assembly”.

This decision, which entitles African Heads of State to give their prior approval before ACHPR resolutions and recommendations are adopted, gravely undermines its independence and evidences the political desire of African leaders to bring the institution, which has asserted and increased its competences since its establishment in 1986, into line.

During the 9th session of the AU Executive Council held in Banjul on June 28-29, 2006, the Council further endorsed the ACHPR activity report adopted by the 39th session of the Commission with the exception of its decision on *Zimbabwe*⁴⁹, thus confirming the interference with the Commission’s activities and weakening its ability to rapidly address emergency situations and grave human rights violations.

47. The 38th ordinary session of the African Commission took place from November 21 to December 5, 2005 in Banjul (The Gambia).

48. See AU Document Assembly/AU/Dec.101(VI).

49. See Decision EX.CL/Dec. 310 (IX).

Finally, the Criteria for granting observer status and for a system of accreditation within the AU remained highly restrictive since they were ratified by the 5th ordinary session of the AU Assembly. These Criteria implicitly preclude international NGOs from obtaining observer status and significantly limit the appointment of independent local organisations⁵⁰.

African Court on Human and Peoples' Rights

The judges of the African Court on Human and Peoples' Rights were finally elected on the occasion of the 6th ordinary session of the AU Assembly of Head of State and Government convened in Khartoum (Sudan) on January 23 and 24, 2006.

The AU Permanent Representatives' Committee (PRC) and the Legal Experts from Member States further met at the AU Headquarters in Addis Ababa (Ethiopia) from May 15 to 19, 2006 in order to discuss the planned single legal instrument on the merger of the African Court on Human and Peoples' Rights and the AU Court of Justice. During its 9th ordinary session, in June 2006, the AU Executive Council adopted a resolution to refer this project "to a meeting for Ministers of Justice and Attorney Generals from Member States for finalisation and submission of a report to the next Ordinary Session of the Executive Council, in January 2007"⁵¹.

The judges of the African Court first met in Banjul (The Gambia) on July 3, 2006, on the occasion of the 7th AU Summit. Mr. Ben Kioko, Legal Counsel of the AU Commission, chaired this meeting.

European Union (EU)

On September 22, 2006, the European Union expressed its "deep concern" about "the latest infringement of human rights and funda-

50. See Annual Report 2005: The Criteria apply to NGOs registered in AU Member States if the majority of the NGOs management is composed of African citizens and if the NGO is devoted to regional or continental activities, which automatically excludes international NGOs. It is further stipulated that "the basic resources of such NGOs shall substantially, at least two-thirds, be derived from contributions of its members". This provision contradicts the budgetary realities of African NGOs, which can only stay effective and independent if they receive third party funding from private foundations, the State or governmental institutions, and favours the participation of governmental non-governmental organisations (GONGOS).

51. See Decision EX.CL/Dec.283 (IX).

mental freedoms” in *Zimbabwe*. In particular, the EU denounced that “on September 13, the Zimbabwe Council of Trade Unions (ZCTU) organised a demonstration to express concerns about the situation workers face in Zimbabwe. The Government of Zimbabwe responded by arresting the President and the Secretary General of the ZCTU. In addition, the government undertook countrywide arrests of individuals who had planned to participate in these demonstrations. Considerable violence leading to serious injuries was used in many cases, including while the individuals were under arrest”. The European Union thus urged the government of Zimbabwe “to stop intimidation and assaults and to respect the human rights and fundamental freedoms of its citizens”⁵².

On November 16, 2006, the European Parliament adopted a Resolution on *Ethiopia*⁵³, in which it denounced the “continuing arrests, harassment, arbitrary detention, humiliation and intimidation of (...) civil society activists” in the country and noted the arrest of Ms. Yalemzewd Bekele⁵⁴ in October 2006. The Parliament further condemned the arrest of ETA members Anteneh Getnet and Wassihun Melese, stressing that “these new arrests [seemed] to be a response to the ETA complaints about government interference in its activities and intimidation of its leaders”. The Parliament called on the Ethiopian authorities to “refrain from acts of intimidation and harassment against (...) ETA members carrying out their professional obligations”. In addition, the Parliament expressed its concerns at the “pressure on the members of the Commission of Inquiry” established with the task of investigating the June and November 2005 killings to “alter [its] findings” and urged the Ethiopia government “to publish unamended and in its entirety, and without any further delay, the final report of the Commission”. It also called for “the relevant courts to be supplied with the report” and “to take due account of it so that fair trials can be conducted”. Finally, the Parliament recalled that “111 opposition party leaders, journalists and human rights defenders, including Messrs. Netsanet Demissie and Daniel Bekele, are still in custody and

52. See Declaration by the Presidency on behalf of the European Union on the suppression of demonstrations in Zimbabwe, September 22, 2006, Press Release 375/2006.

53. See Resolution of the European Parliament P6_TA-PROV(2006)0501.

54. See Compilation of cases below.

facing trial”, and called on the government to “immediately and unconditionally release all political prisoners, whether journalists, trade union activists, human rights defenders or ordinary citizens”, and to “fulfil its [international and regional] obligations with respect to human rights (...) including the right of peaceful assembly, freedom of opinion, and an independent judicial system”.

International Labour Organisation (ILO)

On June 7, 2006, the Observatory submitted a written statement denouncing the renewed legislative constraints on labour rights in *Djibouti* to the 95th session of the International Labour Conference (ILC), held in Geneva (Switzerland) from May 31 to June 16, 2006. Several of the Observatory’s concerns were included in the recommendations endorsed by the ILC and the International Labour Office (ILO), in particular those noting the “constant repression”, repeated arbitrary arrests and judicial harassment of union leaders by the authorities. In particular, the ILO Committee on Freedom of Association “[noted] with deep concern the new allegations of serious interference by the government in trade union activities and internal union affairs” and “[requested] the government to accept a direct contacts mission”.

The Credentials Committee also urged the Djiboutian authorities to “rapidly respond to the grave allegations (...) relating to the arrest and detention of union members and leaders” and recalled that the judicial observation mission mandated jointly by the Observatory and the International Confederation of Free Trade Unions (ICFTU) was denied access to the territory on April 1, 2006 and were thus prevented from attending the trial of four prominent labour leaders. The Committee ultimately requested that “the Government of Djibouti submit for the next session of the Conference (...) a detailed report substantiated with relevant documentation on the procedure utilised to nominate the Workers’ delegates and advisers” in order to ensure a proper active participation of the latter in the work of the Committee.

Civil society

On April 28 and 29, 2006, the HIVOS Foundation and Zimbabwe Lawyers for Human Rights (ZLHR) organised a “Forum on Human Rights Defenders in the Southern African Development Community (SADC). Particular focus was placed on the issues of personal safety and minimising risk in carrying out human rights activities. The seminar provided training on international norms and standards as well as the submission of complaints to the various regional and international mechanisms.

On July 17 and 18, 2006, Peace Brigades International (PBI) convened a seminar entitled “Security and Protection of Human Rights Defenders in the Great Lakes Region” in Kinshasa (DRC), to foster the establishment of an enhanced dialogue between defenders operating in the region. In particular, this event aimed at addressing the security issues linked to the promotion and protection of all human rights, comparing experiences and strategies that actually strengthened their protection and of explaining the various regional and international protection mechanisms. Participants could jointly bring their recommendations and proposals to the governments of the region, other foreign States, intergovernmental organisations, as well as to local and international NGOs. Ms. Hina Jilani and Ms. Reine Alapini-Gansou attended this event.

Finally, the East and Horn of Africa Human Rights Defenders Project (EHAHRD) held a conference on freedom of expression and journalists’ rights from November 27 to 29, 2006, in Entebbe (Uganda), in which numerous defenders from Eastern Africa participated.

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

ANGOLA

Dissolution of Mpalabanda and judicial proceedings against Messrs. Raul Manuel Danda and Agostinho Chicaia¹

Since the Civic Association of Cabinda - Mpalabanda (*Associação Cívica de Cabinda - Mpalabanda*) was created in 2003, its members have regularly been harassed and threatened, in particular following the publication of three separate reports documenting human rights violations in the Cabinda region in 2003, 2004 and 2005. During 2006, this harassment has been on the increase.

Indeed, on January 29, 2006, a peace march organised by Mpalabanda on the occasion of the 121st anniversary of the Simulambuco Treaty² was banned by the authorities. On the same day, the homes of the main leaders of the organisation were surrounded by anti-riot police forces.

On June 19, 2006, Mr. **Agostinho Chicaia**, Mpalabanda director, was summoned to appear before the Commercial Court of Cabinda where he was informed that the government had submitted a request to ban the association, accusing its members of inciting the population to “violence and hatred” and of “pursuing a political agenda rather than being involved in human rights activities”. Mpalabanda was given ten days to submit a responding affidavit, which was subsequently duly delivered.

On July 24, 2006, Mpalabanda was informed of a court decision dated July 20, 2006 ordering its ban. The organisation initiated an appeal against this verdict to the Supreme Court.

1. See Urgent Appeal AGO 001/1106/OBS 134.

2. The Simulambuco Treaty was ratified on February 1, 1885 between Portugal and the Province of Cabinda, which was granted a protectorate status and autonomy from the rest of Angola.

On September 14, 2006, pending appeal, the Governor of the Cabinda Province ordered the dissolution of the organisation, the freezing of its assets, and had its premises sealed off.

In addition, Messrs. Chicaia and **Raul Manuel Danda**, a journalist and spokesperson for Mpalabanda, were arbitrarily arrested by the provincial criminal investigation police upon their arrival at Cabinda airport on September 29, 2006. They were just returning from Luanda where Mr. Danda usually lives. Police officers searched Mr. Danda's belongings and seized various documents relating to the ongoing conflict in the Cabinda region written by Mr. Danda and other journalists. Some of these articles had been published by several national newspapers. The Provincial Criminal Investigation Directorate then alleged that Mr. Danda was in possession of documents calling for the secession of the Cabinda province and containing statements "injurious to the President of the Republic".

On the same day, the police forcibly dispersed about 30 persons demonstrating against Messrs. Danda and Chicaia's arrest by shooting bullets in the air.

Mr. Chicaia was reportedly released a few days later.

Mr. Danda was initially held without charge at the headquarters of the provincial criminal investigation police in the city of Cabinda. He appeared before the Attorney General on October 2, 2006, and was formally charged with "instigating, inciting and condoning crimes against State security" the next day, then immediately transferred to the Cabinda civil prison. According to the Law No. 22-C/92 on State Security, he faces a two-year prison sentence. Judicial proceedings were also reportedly initiated against Mr. Chicaia under the same charges.

Mr. Danda was released on bail on October 27, 2006. He was allowed to return to his home in Luanda pending criminal investigation, but was forbidden to leave the city without the express permission of the Prosecutor's office.

As of the end of 2006, no date had been set for the hearing in Messrs. Chicaia and Danda's case. Mpalabanda premises remained closed down pending the appeal against its ban.

Finally, Mpalabanda's members have faced numerous acts of harassment and obstacles to their freedom of peaceful assembly since the association was prohibited; some of them had to go into hiding, while others were forced to leave the Cabinda Province for fear for their physical integrity.

Threats against CIRID members³

On August 8, 2006, Mr. **Déo Hakizimana**, founder and director of the Independent Centre for Research and Dialogue Initiatives (*Centre indépendant de recherches et d'initiatives pour le dialogue* - CIRID), received several anonymous death threats on the CIRID headquarters landline blaming him for “overstepping the limits by standing up for Tutsis”. Rumours aimed at discrediting the association also circulated, and CIRID was notably accused of having “joined forces with the putschists”.

These threats followed the publication of an OMCT urgent appeal on August 7, 2006. Based on CIRID information, OMCT had then expressed its concerns about allegations of ill-treatment and torture against Mr. Alphonse-Marie Kadege, former Vice-President of the Republic, during his arrest by Burundian secret services in late July 2006. OMCT had also denounced the arrest of Mr. Alain Mugabarabona, leader of the National Liberation Forces-Icanzo (*Forces nationales de libération* – FNL-Icanzo), and Mr. Déo Niyonzima, secretary general of the Peoples’ Reconciliation Party (*Parti pour la réconciliation des peuples* - PRP). These three political opponents were accused of being involved in a plot to overthrow the government.

The CIRID secretariat continued to receive threatening phone calls until September 2006.

Besides, the complaint filed in February 2005 by Ms. **Francoise Niyonzima**, personal assistant to Mr. Hakizimana, was not examined during 2006. In February 2005, Ms. Niyonzima was physically assaulted and seriously wounded by a member of the armed forces of the Bujumbura Officers’ Training College, while sitting in a café close to her home. She subsequently required significant medical treatment. The complaint she filed shortly after these events was transferred to the Bujumbura Public Prosecutor’s office.

Lastly, Mr. Hakizimana’s complaint for an arson attack on his home, on April 26, 2005, was not investigated in 2006. On that date, his residence was shot at from several directions while he was inside along with the main members of his organisation. His car was

3. See Annual Report 2005 and Open Letter to the Burundian authorities, September 4, 2006.

destroyed by a mortar whilst he received several pieces of shrapnel in the right thigh, from which he still suffers to this date. Ms. Françoise Niyonzima and Ms. Edith Ndimurwanko, CIRID accountant, also sustained serious injuries.

Arbitrary arrest and release of Mr. T erence Nahimana⁴

On May 10, 2006, Mr. T erence Nahimana, president of the NGO Initiatives Society for a Common Vision (*Cercles d'initiative pour une vision commune* - CIVIC), was arrested by officers of the National Intelligence Service (*Service national de renseignement* - SNR). On May 5, 2006, Mr. Nahimana had addressed an open letter to the President of the Republic and given a press conference to urge Burundian authorities to rapidly engage in negotiations and reach an agreement with the FNL.

Mr. Nahimana was transferred to the Mpimba central prison in Bujumbura on May 15, 2006 and charged with "threatening State security" (Articles 404 and 428 of the Criminal Code), an offence punishable by up to twenty years in prison.

The Court of Appeal confirmed the legality of Mr. Nahimana's arrest and detention on June 12, 2006.

The Bujumbura Court of First Instance held the preliminary hearing in his case on November 23, 2006 and decided to take the matter under advisement.

The charges against Mr. Nahimana were finally dropped and he was released on December 27, 2006.

Arbitrary arrest and release of Mr. Aloys Kabura⁵

Mr. Aloys Kabura, a correspondent for the *Burundian Press Agency* (*Agence burundaise de presse* - ABP) in the Kayanza Province (northwest of Bujumbura), was arrested on May 31, 2006 on suspicion of "libel" and "rebellion against the State authorities" after criticising the government.

On April 20, 2006, in a bar, Mr. Kabura had indeed publicly condemned the abuses committed by police forces in the country,

4. See Open Letter to the Burundian authorities, September 4, 2006.

5. *Idem*.

referring in particular to the behaviour of national intelligence officers who had violently assaulted twenty-eight journalists and two members of the Iteka League, Messrs. **Ernest Nkurunziza** and **Furahisha Nzisabira**, during a press conference held on April 17, 2006⁶. Following these denunciations, the executive director of intelligence services lodged a formal complaint with the Prosecutor of Kayanza.

Mr. Kabura was transferred to the Ngozi prison where he was initially detained for “[committing], in public, an act (...), gesture or remark that demonstrates or incites contempt towards established powers [and] agents of public authorities” (Article 273 of the Criminal Code), a charge carrying a two-month imprisonment sentence and/or a fine up to 5,000 Burundian francs (about 4 euros). However, the Criminal Procedure Code stipulates that pre-trial detention shall only apply to those suspected of crimes liable to over a year in prison.

On June 5, 2006, the Public Prosecutor for the Kayanza Province therefore issued a new arrest warrant that was antedated to the day on which the original warrant was established, listing additional offences, in particular “outrage” (Articles 273-1 and 276-1 of the Criminal Code) and “defamatory statements” (Article 178-1) to legitimise Mr. Kabura’s pre-trial detention.

On June 16, 2006, the Ngozi Court of Appeal dismissed the petition contesting his detention.

Mr. Kabura, who developed a severe condition with his legs while in detention, to the extent that he was barely able to walk, officially petitioned the director of the Ngozi prison to be granted access to a doctor and proper medical care.

On June 23, 2006, the Ngozi Court of Appeal confirmed the legality of his detention and dismissed his request to be released on bail on medical grounds, arguing that an official medical certificate was mandatory to legitimise such a procedure.

The Court took the matter under advisement on July 28, 2006.

Mr. Kabura was officially indicted and condemned to a five-month

6. On April 17, 2006, Mr. Mathias Basabose, a member of the National Council for the Defence of Democracy - Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* - CNDD-FDD, ruling party), convened a press conference at his home to explain his quarrel with the party’s leader on corruption, embezzlement and influence peddling allegations.

prison sentence for “rebellion” and “defamatory statements” by the Ngozi Court on September 18, 2006.

He was released on October 30, 2006 after serving his term.

Harassment against OLUCOME and its members⁷

In 2006, Burundian authorities regularly targeted members of the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de lutte contre la corruption et les malversations économiques* - OLUCOME), an organisation denouncing corrupt practices and irregular allocation of government contracts in the country.

Attack against OLUCOME headquarters

On May 29, 2006, over thirty individuals led by Mr. Salvatore Nkuriragenda, an intermediary for several Burundian businessmen suspected of corruption, attacked the headquarters of OLUCOME. The assailants confined the members present to the office and violently beat Mr. **André Misago**, the association’s accountant.

Mr. Nkuriragenda locked up the premises with two padlocks before convening a press conference during which he called for the cessation of the “disturbing” activities of OLUCOME. The association’s members confined in the headquarters managed to call the police who arrested Mr. Nkuriragenda as well as Mr. Dieudonné Nihorimbere, who also participated in the attack. However, both men were released without charge a few hours later.

The same day, OLUCOME filed a complaint in relation to the confinement of its members, and for the assault and battery against Mr. Misago. The organisation also asked the authorities for protection. However, none of these matters were examined.

In the following days, OLUCOME received several threatening letters from the Ministry of Home Affairs, accusing the association of working in place of the State General Inspectorate and of handling its files and information in a “biased” way, and precluding it from publishing the results of its investigations.

7. See Open Letter to the Burundian authorities, September 4, 2006, and Urgent Appeal BDI 001/1206/OBS 150.

Obstacles to freedom of assembly

In early June 2006, OLUCOME members organised a sensitization campaign to increase public awareness of the fight against corruption, in Bujumbura. On this occasion, several members were arrested by a group of individuals led by Mr. Adrien Nihorimbere, a local figure close to the government, and were accused of disseminating false information and defamatory statements. They were all detained for several hours at the special department of the criminal investigation police.

All OLUCOME members were released without charge a few hours later, after the association had proven that it had duly informed the authorities of the campaign, which had been officially approved.

Attempted interference with OLUCOME internal affairs

On June 12, 2006, OLUCOME members received a notarized deed informing them that a general assembly aimed at replacing the legitimate executive board of the association had been convened by a group of persons who were not affiliated with the organisation. The surrogate board, elected during this assembly and registered with a notary, was notably chaired by Mr. Clément Nkurunziza, a member of the ruling party and close to the government. Mr. Adrien Nihorimbere⁸ was appointed treasurer.

After OLUCOME provided evidence that none of these persons were members of the organisation and that the election of this surrogate board did not comply with the organisation's internal rules of procedure, the notary had to cancel the deed certifying the assembly's minutes on June 14, 2006.

Arbitrary detention and release of Mr. Gabriel Rufyiri

In early August 2006, Mr. **Gabriel Rufyiri**, OLUCOME president, was threatened by a high-ranking administrative official who claimed that he "would no longer stand" any public criticism by the association and that he would "resort to any possible means and even kill [him] if necessary".

On August 16, 2006, Mr. Rufyiri was arrested in Bujumbura and taken to the Mpimba central prison, on the basis of a complaint for

8. See above.

“libel” filed by Mr. Hilaire Ndayizamba, a prominent member of the ruling party and a businessman whom OLUCOME accused of embezzlement in the sale of palm oil to the national police, in June 2006.

On August 23, 2006, the Bujumbura Court held a preliminary hearing to rule on the legality of Mr. Rufyiri’s detention and decided to release him on bail. However, Mr. Rufyiri was maintained in detention following an appeal lodged by the Public Prosecutor.

On September 22, 2006, the Court of Appeal pressed additional charges against him, including “defamatory statements”, and upheld the legality of his detention on September 25, 2006.

Mr. Rufyiri was released on bail on December 12, 2006, but still faced charges by the end of 2006.

Intimidation and threats against several OLUCOME members

Since Mr. Rufyiri’s arrest, OLUCOME members, in particular its executive board, have received repeated phone calls threatening them and their families with death if they did not cease their activities.

On October 3, 2006 for instance, the OLUCOME secretary general was called in for questioning by the Public Prosecutor’s office. Following this summons, he and his family received several phone calls threatening him with death and forcing him into hiding.

As a result of these repeated threats, OLUCOME members were reluctant to come to the office for fear of arrest, thus severely hampering the organisation’s activities.

Continued threats against members of the Iteka League⁹

Since July 17, 2006, Messrs. **Innocent Nibizi**, **Joël Ntihinnyura** and **Jérôme Nyawenda**, all three members of the Iteka League in the Muyinga Province, have been regularly harassed after they conveyed information to the association’s headquarters regarding several bodies that were found in the Ruvubu river, some of which could be identified as civilians arrested and detained in the Mukoni military camp.

9. See Annual Report 2004.

On October 12, 2006, Mr. Nibizi was arrested by soldiers of the Mukenke military camp. He was accused of disseminating false information and of being a member of Palipehutu-FNL.

He was released a week later, after an officer of the Muyinga criminal investigation department, also an Iteka member, interceded on his behalf. Mr. Nibizi was nonetheless put on probation and had to report every two days to the Nkoyoyo military station. He was further summoned for questioning on November 11, 2006.

On October 12, 2006, soldiers of the Mukenke military camp surrounded Mr. Ntihinnyura's home to arrest him. He managed to escape and went into hiding for a couple of months. Following the intervention of Iteka with the Provincial Governorate, he came back to Muyinga in early December 2006. In spite of the Governorate's guarantee that he would no longer be harassed, the police attempted to arrest him on December 12, 2006. Mr. Ntihinnyura escaped and was again forced into hiding.

As of the end of 2006, he was still reportedly wanted by the police following a complaint for "libel" filed by Mr. Belchmans Batakanwa, a member of the ruling CNDD-FDD, and was thus unable to return to Muyinga for fear of arrest.

Lastly, Mr. Nyawenda was directly threatened by the administrator of the Muyinga commune who accused him of disseminating information to Iteka and the United Nations Operation in Burundi (UNOB) after new bodies were discovered in the Ruvubu river on November 23, 2006.

On December 6, 2006, soldiers of the Mukoni military camp came to his home to arrest him following a complaint lodged by another CNDD-FDD member, Mr. Jean Minani, who accused him of conveying erroneous information to Iteka. Mr. Nyawenda managed to hide and escape but remained wanted as of the end of 2006.

Judicial proceedings against Messrs. Alhadji Mamat and Alhadji Mey Ali¹⁰

By the end of 2006, Mr. **Alhadji Mamat**, chief of the Sao district in Afadé (northeastern Cameroon), and Mr. **Alhadji Mey Ali**, director of the NGO Civil Society Organ (*Organe de la société civile - OS_civile*), were still subjected to judicial proceedings pending before the Kousseri Court of First Instance. The hearing was postponed on numerous occasions in 2006, and no further date had been scheduled.

Messrs. Alhadji Mey Ali and Mamat were accused of “slandering denunciation and defamation” on August 11, 2005 after Mr. Mamat lodged a complaint against Sergeant Enama Pantaleon for “torture and complicity in torture” against the population of the Sao district in July 2005. At the same time, Mr. Mey Ali also filed a complaint in relation to the same facts with the head of the Gendarmerie of the Far-North province in Maroua.

In addition, on August 28, 2006, Mr. **Karim Abani**, head of the public relations department of Os_civile, was insulted and threatened by Mr. Simon Nyah Hemou, Sergeant of the Ter gendarmerie squad of Kousseri, in front of the organisation’s premises and in the presence of Mr. Mey Ali. Shortly before this incident, Mr. Abani had asked the Major of the Kousseri brigade to examine the complaint filed by a victim which Sergeant Nyah Hemou had previously dismissed. Following Mr. Abani’s intervention, the Major had ordered his subordinate to open an investigation into this complaint.

Additionally, Messrs. Mey Ali and Karim Abani were summoned for questioning on November 16, 2006 after Os_civile publicly reported that police officers had abducted and raped a 13-year-old girl on October 14, 2006.

Mr. Mey Ali was released without charge after several hours of questioning, whereas Mr. Abani was charged with “harbouring a criminal” and detained in police custody until November 24, 2006. This accusation was linked to his intervention with the police earlier that day, when officers came to search the land of a certain Mr. Alhadji Hissein, who was wanted for fraud. On this occasion, a crowd

10. See Annual Report 2005.

gathered in front of Mr. Hussein's house, located near the office of Os_civile, leading Mr. Abani to enter the property and enquire about the situation. Although the police was already on the spot upon Mr. Abani's arrival, the authorities later accused him of facilitating Mr. Hussein's escape. A hearing was set for January 11, 2007 before the Kousseri Court.

All Os_civile members were regularly followed by the police in 2006.

Continued harassment of SCNC members¹¹

Forced disappearance of Mr. Daniel Fonkoua

As of the end of 2006, no further information had been made available about the situation and possible place of detention of Mr. **Daniel Fonkoua**, former director of the Human Rights Defence Group (HRDG) and a member of the Southern Cameroon National Council (SCNC), an organisation denouncing the marginalisation of the Anglophone provinces in the north- and southwest of the country and defending the right to self-determination of these regions. SCNC has repeatedly been denied legal recognition by the authorities for the past few years.

On September 10, 2005, a group of armed police officers arrested Mr. Fonkoua at his home, in the context of a series of measures aimed at preventing SCNC from organising a peaceful demonstration scheduled for October 10, 2005 in commemoration of the autonomy of the Anglophone provinces¹².

Mr. Fonkoua's relatives could not obtain any information about his situation in 2006 and were repeatedly harassed and watched by the police during the course of the year.

Arbitrary arrests and judicial proceedings against several SCNC activists

On April 27, 2006, 65 SCNC members, including the chairman of the Northwest Province branch, Mr. **Hitler Mbinglo**, his deputy, Mr.

11. *Idem.*

12. On October 1, 1961, Anglophone provinces were granted independence and joined a federal State along with the Francophone regions. In 1972 however, this federal system was replaced by a unitary State dominated by the Francophone community.

Henry Nyah, and SCNC deputy executive secretary, **Mr. Fidelis Chinkwo**, were arrested in Oku (Northwest Province) while participating in a meeting convened at the home of one of the members.

All 65 were detained in Oku police station and accused of organising a peaceful rally in favour of the right to self-determination of the Anglophone provinces, scheduled for May 20, 2006 on the occasion of Cameroon's national day. The authorities had previously banned this demonstration.

The 65 SCNC members were charged with "secessionist activities" and released on bail on May 4, 2006.

Messrs. Mbinglo, Chinkwo, Nyah and **Martin Ngok**, SCNC secretary general, were arrested again on May 7, 2006, while holding a press conference in Bamenda. They were detained at the Bamenda police station and released a few days later.

By the end of 2006 however, all proceedings remained pending.

Ongoing harassment of MDDHL members

Judicial harassment¹³

The Ahmadou Ahidjo Jamot / CAMTEL case

On February 2, 2006, the Maroua Court of First Instance discharged Mr. Ahmadou Ahidjo Jamot, a representative of the national telecom company CAMTEL. The Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l'Homme et des libertés* - MDDHL) had lodged a complaint against Mr. Jamot for "abuse of authority" in 2003 after the association's phone lines were cut in December 2002. The verdict was handed down in the absence of Mr. Jamot.

Acquittal of Messrs. Djafarou Alhadji, Pierre Zra and Oumarou Deli

In April 2006, Messrs. **Alhadji Djafarou**, **Pierre Zra** and **Oumarou Deli**, all three MDDHL members, were acquitted by the Far-North Provincial Court of Appeal.

The three men were arrested on June 17, 2005 after contesting, in December 2003, the appointment of Mr. Abdouramane as deputy chief of the village of Mogodé. They were then arbitrarily detained in

13. See Annual Report 2005.

the Mokolo prison for five months. Mr. Abdouramane was notably suspected of violations against the village population.

On August 17, 2005, the Mokolo Court of First Instance sentenced Mr. Djafarou to a six-month suspended prison term for “forgery”, “use of forged documents” and “disturbing the course of justice”, whereas Messrs. Zra and Deli were condemned to a three-month suspended prison sentence. They appealed against this decision to the Far-North Court of Appeal, which granted them parole on November 17, 2005.

In addition, several judicial proceedings initiated by or against MDDHL remained pending as of the end of 2006, such as: the Elise Monthé case; the Semdi Soulaye and *Crédit du Sahel* case; and the Christine Siamta case.

Harassment of Messrs. Ahmadou Rhékang and Blaise Yacoubou¹⁴

On February 10, 2006, Mr. **Ahmadou Rhékang**, an MDDHL member, was detained for over two hours in the headquarters of the Far-North provincial division of the criminal investigation police in Maroua, where police officers humiliated him and threatened him with imprisonment if he did not resign from his position within MDDHL.

Mr. Rhékang was arrested upon arrival at the police station where he was to file a complaint on behalf of Mr. Collins Okoro, a Nigerian citizen who asked MDDHL for assistance after he was summoned by the criminal investigation department in a case relating to his professional activities. The officers in charge of the inquiry had then confiscated Mr. Okoro’s residence permit.

Following Mr. Rhékang’s arrest, Mr. **Blaise Yacoubou**, head of the MDDHL protection department and office administrator who first initiated the complaint, was summoned by the chief of the provincial division and insulted by the officer who brought him the summons.

On March 1, 2006, Mr. Yacoubou was again called in for questioning by the criminal investigation department, three days after he coordinated a training seminar for MDDHL members in Maroua.

14. See Annual Report 2005 and Urgent Appeal CMR 001/0306/OBS 022.

Sentencing, arbitrary detention and release on bail of Mr. Adama Mal-Sali¹⁵

On May 3, 2006, following numerous adjournments, the Maroua Court of First Instance sentenced Mr. **Adama Mal-Sali**, an MDDHL representative in Balaza-Lawane, to six months' imprisonment for "libel and slanderous denunciations", on the basis of a complaint lodged in April 2005 by Mr. Amadou Adoum Haman, community leader of the Balaza-Lawane Canton (*larwan*). Mr. Mal-Sali had denounced the malpractices and abuses perpetrated by Mr. Adoum Haman, who had forbidden the villagers under his jurisdiction to report about their situation to Mr. Mal-Sali.

Mr. Mal-Sali was released on bail on June 14, 2006 on the order of the Attorney General.

Continued harassment of ACAT-Littoral and MDHC members¹⁶

Members of the Cameroon House for Human Rights (*Maison des droits de l'Homme du Cameroun* - MDHC), and in particular its head coordinator Ms. **Madeleine Afité**, who also acts as chair of the Douala branch of the Action by Christians Against Torture (*Action des chrétiens pour l'abolition de la torture à Douala* - ACAT-Littoral), continued to be repeatedly intimidated in 2006. MDHC premises remained under constant police surveillance, while the association's members, as well as lawyers and victims visiting the organisation were regularly followed by police and security officers.

On April 15, 2006 for instance, the car of Mr. **Maxime Bissay**, an ACAT-Littoral and MDHC member, was followed by an unidentified vehicle over several kilometres. Mr. Bissay, who was along with friends and feared for their safety, decided to pull over and seek refuge in a parish nearby. They finally decided to abandon their car and walk home through by-roads after they realised that the vehicle following them had stopped and was obviously waiting for them.

15. See Annual Report 2005 and Urgent Appeal CMR 002/1205/OBS 130.1.

16. See Annual Report 2005.

CENTRAL AFRICAN REPUBLIC
Serious threats against several human rights defenders¹⁷

In early January 2006, several human rights defenders were threatened following the unrest arising from the assassination of Second Lieutenant Wilfrid Yango Kapita, who was shot dead by Staff-Sergeant Jean-Claude Sanzé during an altercation on the night of January 2 to 3, 2006. On January 3, 2006, Mr. Sanzé was removed from the prison where he was held in custody, tortured and murdered by friends of Mr. Yango Kapita, on the very premises of the Investigation and Intelligence Services (*Service de renseignements et d'investigation* - SRI).

On the same day, the home of Mr. **Nicolas Tiangaye** was ransacked and looted. Mr. Tiangaye, for whom Mr. Sanzé had served as an aide-de-camp, is a prominent lawyer and former president of the Central African League for Human Rights (*Ligue centrafricaine des droits de l'Homme* - LCDH), former leader of the Central African Bar Association and former chairman of the National Transitional Council.

During a meeting held at the *Kwa Na Kwa* ("Work and work only"- KNK, a political group supporting the President of the Republic) headquarters, Mr. Célestin Dogo, a military officer suspected of assassinations and other human rights violations, declared that he was ready to "settle the score" with Mr. **Nganatouwa Goungaye Wanfiyo**, a lawyer and LCDH president.

On January 4, 2006, Mr. **Adolphe Ngouyombo**, chair of the Human Rights and Humanitarian Action Movement (*Mouvement pour les droits de l'Homme et d'action humanitaire* - MDDH), and Mr. **Adolphe Ngouyombo**, a journalist, president of the Central African Journalists' Union (*Union des journalistes centrafricains* - UJCA) and editor-in-chief of the daily *Le Citoyen* who had published an article denouncing human rights abuses perpetrated by militaries, received multiple threatening phone calls.

Finally, on January 10, 2006, Mr. **Emile Ndjapou**, a magistrate and president of the litigation department of the State Council, received threats after he participated in a meeting convened by ECOSEFAD, an association promoting fundamental freedoms. During this meet-

17. See Urgent Appeal CAF 001/0106/OBS 008.

ing, Mr. Ndjapou had addressed the human rights situation and the peace process in the country, and had strongly criticized the attitude of the army. Later that day, a military vehicle stopped in front of his home and attempted to break open his portal. Mr. Ndjapou's son managed to scare the assailants away by switching the lights off and setting guard dogs on them.

Smear campaign against human rights defenders¹⁸

On March 15, 2006, the President of the Republic General François Bozizé commemorated the third anniversary of his accession to power and described human rights defenders as “protectors of criminals”, during a speech delivered in Mbaiki town.

On August 25, 2006, during an audience granted to the Movement for the Liberation of the Central African People (*Mouvement pour la libération du peuple centrafricain* - MLPC, opposition party), President Bozizé reportedly mentioned his meeting with an FIDH delegation on June 16, 2006, stating that he had been about to “stab” Mr. Nganatouwa Goungaye Wanfiyo, who took part in the meeting as an FIDH delegate.

In addition, on the occasion of the country's national day celebrated on December 1, 2006, Mr. François Bozizé delivered a speech to the Nation in which he notably accused magistrates, human rights defenders, journalists and political opponents of “undermining the country's development”.

In particular, Mr. Bozizé claimed that “human rights leaders in the CAR tend to consider human rights as their own doing, which is a plain lie (...). Defenders in this country hide behind the notion of human rights to engage in politics. If they want to act like politicians, all they have to do is to create their own political party and let others address human rights for the real good of the population (...). It is absolutely unbearable that certain persons today can rise and lie like this, not only protecting people who actually killed but also shouting loud and open that human rights violations are perpetrated here and there, thereby protecting criminals (...). Defending human rights means nothing but to respect one's neighbour, his country and the Head of State. But every time, these people brandish human rights to

18. See Urgent Appeals CAF 002/1006/OBS 120 and CAF 003/1206/OBS 148.

insult the Nation (...). Is this human rights? It is unworthy of a human rights representative to insult his country and the President of the Republic and then rejoice at it (...). Some people distort the very concept of human rights out of sheer dishonesty”.

Mr. Bozizé further blamed the independent press for “writing nonsense about the country’s situation” and stated that “it is neither normal nor acceptable to regularly splash the country’s worse features across the front page”.

Robbery of OCODEFAD documents and harassment of its members¹⁹

On August 3, 2006, three armed men broke into the home of Mrs. **Bernadette Sayo Nzale**, president of the Organisation for Compassion and Development for Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* - OCODEFAD). These individuals stole the organisation’s computer, several USB memory sticks and other documents relating to OCODEFAD activities, including its quarterly report and a list of victims’ names. However, all other valuable goods were left behind. A neighbour later claimed that he had recognised at least one of the thieves who had been lurking around Mrs. Sayo Nzale’s house for the past few days. The burglars operated in clear daylight, while the house caretaker and occupants were out.

OCODEFAD documents were stolen a week after the association, in a press release issued on July 29, 2006, protested against a project of general amnesty for the perpetrators of human rights violations committed in the country since 2002. This request was introduced before the Parliament on July 28, 2006 by Pastor Josué Binoua, a politician, in the name of national reconciliation. Following the publication of the OCODEFAD press release, its president and members received numerous anonymous threats.

On August 4, 2006, Mrs. Sayo Nzale filed a complaint for theft with the territorial brigade of the military police.

On August 9, 2006 however, OCODEFAD’s lawyer, Mr. Mathias Morouba, who requested a copy of the complaint, was told that it had gone missing.

19. See Urgent Appeal CAF 001/0905/OBS 086.1.

Serious threats against Mr. Bruno-Hyacinthe Gbiegba²⁰

On September 29, 2006, Mr. **Bruno-Hyacinthe Gbiegba**, a lawyer and chairman of the Central African section of the Action by Christians Against Torture (*Action des chrétiens pour l'abolition de la torture - ACAT-RCA*), was approached by an unidentified individual who informed him that two “former liberators”, who had supported President Bozizé during his coup in March 2003, “were about to attack him personally” as he was allegedly “hiding behind his human rights activities to oppose the regime”. These two men had been condemned to a six-month suspended prison sentence for assault and battery against one of Mr. Gbiegba’s clients in March 2006.

On September 19, 2006, several national human rights organisations, including ACAT-RCA and LCDH, had issued a press release denouncing the arbitrary detention of 14 persons, who had been prosecuted and acquitted for “criminal conspiracy” and “complicity in conspiracy”, in connection with the ongoing rebellion in the north of the country against President Bozizé’s government. Following intense protest and mobilisation of lawyers and civil society, these 14 persons were released on September 25, 2006.

CHAD

Harassment and threats against LTDH and ATPDH members

Arbitrary arrest and serious threats against Mr. Mingar Monodji²¹

On April 24, 2006, four individuals in military uniform arrested Mr. **Mingar Monodji**, chair of the N’Djamena 7th district branch of the Chadian League for Human Rights (*Ligue tchadienne des droits de l’Homme - LTDH*) while on his way home. The soldiers reproached him for having been in contact with reporters for *Radio France Internationale (RFI)* and the *Agence France Presse (AFP)* on April 17 and 18, 2006. Noticing his LTDH membership card, they further accused him of holding “the mercenaries’ ID card” and declared: “Your organisation is a one of traitors and mercenaries, all LTDH members

20. See Urgent Appeal CAF 002/1006/OBS 120.

21. See LTDH.

are Southerners. Why don't you stand for our brothers in the East? When one of you guys dies though, you shout as if you were more Chadian than the rest of us".

Mr. Monodji was released without charge on April 27, 2006 and had to be immediately hospitalised following serious ill-treatment inflicted by the soldiers while in detention.

Before they released him, the officers further threatened him with death and declared: "If you don't go and tell your shithead of LTDH president and this woman who shouts every day on the radio that Mr. Déby should resign [referring to Ms. **Delphine Djiraibe**, a lawyer and former director of the Chadian Association for the Defence and Promotion of Human Rights (*Association tchadienne pour la défense et la promotion des droits de l'Homme* - ATPDH)] to stop talking nonsense, we'll kill you one by one after the May 3 [presidential] election - starting with you".

Lack of investigation into Ms. Delphine Djiraibe's assault²²

In 2006, no investigation was opened into the attack led against Ms. Delphine Djiraibe in May 2005.

On May 24, 2005, Ms. Djiraibe was attacked after she participated in the hearing aimed at cancelling the results of the referendum amending the Constitution of March 31, 1996. After she left the N'Djamena Supreme Court that day, Ms. Djiraibe was followed by two men riding a motorbike who crashed into her car as she was stepping out in front of her office. The two assailants then insulted and threatened her before taking flight upon passers-by's intervention.

Arbitrary detention and release of Mr. Tchanguiz Vatankhah²³

On April 28, 2006, Mr. **Tchanguiz Vatankhah**, founder and director of the Association for the Protection of Environment and Persons' Rights (*Association pour la protection de l'environnement et des droits des personnes* - APEDP), editor-in-chief of *Radio Brakoss*, a community radio station operating in Moissala, president of the Union of

22. See Annual Report 2005.

23. See Annual Report 2005 and Joint Press Releases of the Observatory and *Agir ensemble pour les droits de l'Homme*, May 17 and 22, 2006.

Chadian Private Radios (*Union des radios privées du Tchad* - URPT), and an Iranian refugee residing in Chad for the last 30 years, was arrested and placed in detention at the N'Djamena central police station.

His arrest followed the publication of an URPT press release dated April 25, 2006 and signed by Mr. Vatankhah who called for the presidential election of May 3, 2006 to be postponed.

Mr. Vatankhah, who was denied access to a lawyer and his family, went on hunger strike until May 17, 2006.

He was released on May 19, 2006 during a ceremony held at the office of the Minister for Human Rights.

Mr. Vatankhah filed a complaint for unlawful detention jointly with several other local human rights organisations, against the commander of the Bahr Sara gendarmerie squad in May 2006.

On September 17, 2006, the gendarmerie commander warned the head of the LTDH youth commission that members of human rights associations "shall start digging their own graves". He further named as "slaves" two journalists working for *Radio Brakoss*, Messrs. **Marcel Ngarkoto** and **Kallassal Mingar**.

As of the end of 2006, Mr. Vatankhah's complaint against the commander of the Bahr Sara gendarmerie had not yet been examined.

Ms. Jacqueline Moudeïna's aggressor appointed to a governmental position²⁴

On May 30, 2006, the President of the Republic, Mr. Idriss Deby Itno, signed the Decree No. 378 appointing individuals to high-ranking official positions. On this occasion, Mr. Mahamat Wakayé was promoted Director of the road, river and lake safety department of the Ministry of Infrastructure, a position bearing important, potentially coercive powers.

Mr. Wakayé was commanding the N'Djamena's police as general superintendent when security forces violently dispersed a peace march organised by women's groups on June 11, 2001 to protest against the electoral fraud that occurred during the presidential election. Police forces notably threw grenades at the demonstrators, seriously wounding Ms. **Jacqueline Moudeïna**, ATPDH legal officer, a lawyer for the vic-

24. See Annual Report 2004.

tims in the Hissène Habré case in Chad and Senegal, and laureate of the 2003 Martin Ennals Award for Human Rights Defenders (MEA)²⁵.

On March 18, 2002, Ms. Moudeïna and six other women lodged a complaint with the N'Djamena Court against three police officials, namely Messrs. Mahamat Wakayé, Mahamat Idriss and Taher Babouri, for illegal violence and grievous bodily harm.

In 2003, Mr. Wakayé was promoted to the position of Director of the criminal investigation police department.

On November 17, 2004, the N'Djamena Court of Appeal upheld the decision of the N'Djamena Criminal Court of November 11, 2003 to discharge the three attackers.

Arbitrary arrest and detention of Mr. Evariste Ngaralbaye²⁶

On October 27, 2006, Mr. Evariste Ngaralbaye, a journalist for the independent weekly *Notre Temps*, was summoned by the National Department of Criminal Investigation (*Section nationale des recherches judiciaires* - SNRJ) of the N'Djamena gendarmerie. He was accused of “defamation” and “insult to the armed forces’ honour and morale”, and was immediately taken to custody.

Mr. Ngaralbaye was arrested after publishing an article in the October 24, 2006 edition of *Notre Temps* entitled “The conflict in the East: a useless war”, in which he denounced the enlistment of child-soldiers in the Chadian regular army. This article was mainly based on testimonies of teenagers’ parents claiming that armed forces had enrolled their children to fight against the rebels based in Eastern Chad.

Mr. Ngaralbaye was released on grounds of technical irregularities on October 31, 2006 as no complaint had been lodged against him at

25. The Martin Ennals Award for Human Rights Defenders (MEA), created in 1993, is a unique collaboration among eleven of the world's leading non-governmental human rights organisations to give protection to human rights defenders worldwide. The jury is composed of: Amnesty International, Human Rights Watch, Human Rights First, FIDH, OMCT, the International Commission of Jurists, Diakonie Germany, the International Service for Human Rights, International Alert, Front Line, and Huridocs.

26. See Urgent Appeal TCD 001/1106/OBS 139.

the time of his arrest. The same day, however, the Commander-in-chief of the national gendarmerie officially pressed charges against him.

On November 2, 2006, Mr. Ngaralbaye appeared before the Public Prosecutor who notified him that he would soon be summoned to court.

The journalist and his lawyer went to the Prosecutor's office again on November 3, 2006 to obtain a copy of the file in order to prepare his defence. On this occasion, the Prosecutor reportedly claimed that this file did not exist.

As of the end of 2006, proceedings remained pending.

CONGO-BRAZZAVILLE

Judicial harassment of Messrs. Christian Mounzéo and Brice Makosso²⁷

On April 5, 2006, Mr. **Christian Mounzéo**, head of the NGO Engagement for Peace and Human Rights (*Rencontre pour la paix et les droits de l'Homme* - RPDH), and Mr. **Brice Makosso**, permanent secretary of the Episcopal Justice and Peace Commission (*Commission épiscopale justice et paix*) in Pointe-Noire, both coordinators of the "Publish What You Pay" campaign in the country (*Publiez ce que vous payez* - PCQVP), were summoned to the Pointe-Noire central police station on the order of the Public Prosecutor of the Pointe-Noire Court of First Instance, on the basis of a complaint for "forgery" and "misuse of funds" filed by Mr. William Bouaka, former RPDH secretary general, on February 17, 2006.

Messrs. Mounzéo and Makosso reported to the central police station on April 6, 2006 and were then taken to the police special department, where they were questioned about their activities, in particular their involvement in the "Publish What You Pay" campaign calling for the mandatory disclosure of the books of accounts of oil, gas and mining companies. Both activists were remanded in custody for several hours and released without charge in the evening.

On the same day, criminal investigation police searched their homes without warrants and seized a number of documents related to their

27. See Urgent Appeals COG 001/0406/OBS 050, 050.1 and 050.2.

human rights activities. The headquarters of the Justice and Peace Commission were also reportedly searched without a warrant.

On April 7, 2006, while reporting to the police station to sign the minutes of their questioning, Messrs. Mounzéo and Makosso were indicted by the Public Prosecutor for “forgery” and “breach of trust”, and subsequently held in custody in the Pointe-Noire central prison.

They were both released on bail on April 28, 2006.

The hearing was repeatedly postponed until the Court laid additional charges of “breach of trust” and “complicity in breach of trust” on October 9, 2006. These charges had been introduced by the Prosecutor in July and were first examined by the Court on October 29, 2006. The hearing was further adjourned until November 28, then December 27, 2006.

Mr. Mounzéo was further arrested without a warrant on November 13, 2006 at Maya-Maya international airport, upon his return from a professional journey to Europe. He was detained until November 14, 2006 and officially banned from leaving the country. Mr. Mounzéo’s arrest and travel ban were ordered by the Pointe-Noire Public Prosecutor who had been removed from office on July 10, 2006.

On December 27, 2006, the Pointe-Noire Court found Messrs. Mounzéo and Makosso guilty of “forgery and use of forgeries” and “breach of trust” and condemned them to a one-year suspended prison sentence and a 300,000 CFA francs fine each (about 457 euros).

Messrs. Mounzéo and Makosso immediately appealed this decision.

Smear campaign against OCDH²⁸

On October 25, 2006, the Congolese Observatory for Human Rights (*Observatoire congolais des droits de l’Homme* - OCDH) released a report denouncing the arbitrary detention of several military officers and civilians who had been held in custody without a warrant or trial for several months. A copy of this report was conveyed to the Congolese authorities, in particular the Minister in charge of the relations with Parliament, the Minister for Justice and Human Rights, the Minister of Home Affairs and National Security, and the Parliament²⁹.

28. See Annual Report 2005.

29. See FIDH and OCDH Joint Press Release, October 19, 2006.

Referring to the OCDH report, Mr. Alphonse Dinard Mobangat-Mokondzi, Prosecutor of the Brazzaville Court of First Instance, publicly declared that “the accusations brought by OCDH [were] sheer dishonesty”.

COTE D’IVOIRE

Continued harassment of MIDH members³⁰

Lack of investigation into the attack against MIDH headquarters

As of the end of 2006, the Ivorian authorities had failed to investigate the complaint filed by the Ivorian Movement for Human Rights (*Mouvement ivoirien pour les droits humains* - MIDH) following an attack against its headquarters in Abidjan on January 10, 2005. On that day, a group of individuals who introduced themselves as police officers had raided the premises, accompanied by Mr. Ted Azduma Manamassé, a former member of the organisation. These persons then threatened MIDH members present and confiscated their cell phones. Although the assailants were immediately arrested and were due to appear before the Public Prosecutor the next day, they were all released during the night.

Threats against Mr. Drissa Bamba

On August 11, 2006, Mr. **Drissa Bamba**, media officer and head coordinator of MIDH activities, was threatened by four gendarmes.

While on a field visit in the Cocody II-Plateaux neighbourhood, Mr. Bamba was called to by several taxi drivers, also members of the Union of Transport Workers (*Syndicat des transports*), whose cars had been stopped by gendarmerie officers. Although the gendarmes failed to notify them of any specific offence, they confiscated the vehicles documents and demanded 1,000 CFA francs (1,50 euro) per unionist.

When Mr. Bamba asked the officers to return the papers, they threatened him with death and said: “You there, you’re a dead man, and we are ready to put our rank at stake to make sure this happens. It is our zone here, we’ll meet again”.

30. See Annual Report 2005.

Mr. Bamba then appealed to the general commissioner who subsequently ordered the gendarmes to return their papers to the unionists.

DEMOCRATIC REPUBLIC OF CONGO

Repression of human rights defenders - Kinshasa

Harassment of League of Electors and its members

Threats against Mr. Paul Nsapu's relatives³¹

On January 30, 2006, three men in plain-clothes, one of whom could be identified as a security officer, came to the headquarters of the League of Electors (*Ligue des électeurs* - LE) in Kinshasa and asked for information about an FIDH field mission organised in eastern DRC in September and October 2004. On this occasion, the mission delegates had collected numerous testimonies of victims of human rights violations in the framework of the ongoing investigations initiated by the International Criminal Court (ICC). The three individuals threatened the staff present when they realised that Mr. **Paul Nsapu**, LE director, was away and promised to come back to “sort him out” and to “punish him for his activities against the Nation and the authorities”.

On February 22, 2006, Mrs. **Kapinga Tshiswaka**, wife of Mr. Nsapu, was violently assaulted in Kinshasa by three plain-clothes individuals. As a result of a violent beating to her face, she sustained a trauma to her left eye. Her aggressors notably claimed that this attack was a direct response to her husband's “anti-patriotic activities” and further indicated they had come to “punish” her for conveying him information about the situation in the country.

On April 7, 2006, Mr. **Léon Mukulu**, Mr. Nsapu's brother, was approached in a street of Kinshasa by two unidentified individuals who questioned him in threatening terms about his relationship to and contacts with Mr. Nsapu. Mr. Mukulu found refuge at the headquarters of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme* - ONDH) and the High Media

31. *Idem.*

Authority (*Haute autorité des médias* - HAM), where he stayed for several hours waiting for the two men to abandon their watch.

On September 16, 2006, Mrs. Tshiswaka was further summoned for questioning by the security services of Congo-Brazzaville, upon her arrival at the Brazzaville “Beach” from Kinshasa. Security officers accused her of being a “suspect element”, obviously acting upon a description provided by the DRC intelligence services. Mrs. Tshiswaka’s luggage was thoroughly searched and she was detained for several hours.

More generally, the authorities continued to orchestrate wide campaigns of denigration against the LE, clearly aimed at challenging its credibility with donors.

*Smear campaign against Mr. Sabin Banza*³²

In an article published on the *AfricaNews* website on November 9, 2006 and entitled “A plot gets foiled”, the Movement for the Liberation of the Congo (*Mouvement pour la libération du Congo* - MLC, an opposition party founded by Mr. Jean-Pierre Bemba, a candidate in the presidential election) accused “a dozen of activists, all affiliated to FIDH”, to have “devised a machination” to bring about Mr. Bemba’s “political death”. Among the defenders mentioned were in particular Mr. **Sabin Banza**, LE vice-chairman, and Mr. **Amigo Ngonde**, director of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l’Homme* - ASADHO).

This article was published shortly after FIDH had issued an international fact-finding mission report, on October 12, 2006. This report, entitled *Forgotten and stigmatised: the double punishment of the victims of international crimes*, focused on the problem of impunity in the Central African Republic, and underlined Mr. Bemba’s active role in the war crimes perpetrated in the CAR between 2002 and 2003.

Continued harassment of JED members³³

In February 2006, Messrs. **Donat Mbaya Tshimanga**, **Tshivis Tshivuadi** and **Charles Mushizi**, president, secretary general and

32. See Urgent Appeal COD 006/1106/OBS 138.

33. See Annual Report 2005 and Urgent Appeal RDC 008/1205/OBS 128.1.

legal adviser respectively of Journalists in Danger (*Journalistes en Danger* - JED), received multiple anonymous phone calls threatening and accusing them of “serving the opposition’s interests”, “gambling with peoples’ honour” and “making unfounded statements”.

These threats followed the publication, in the February 7, 2006 edition of *Le Soft* newspaper, of an article summarizing JED’s investigation into the assassination of Mr. Franck Ngyke Kangundu, a journalist who was murdered along with his wife, Mrs. Hélène Mpaka, on the night of November 2 to 3, 2006. The final findings of this inquiry disclosed the presumed responsibility of several people close to the government and high-ranking officials. Mr. Liyolo Limbe Pwanga, who was incriminated in the article, publicly threatened Messrs. Mbaya Tshimanga and Tshivuadi and stated that both JED leaders had become his “enemies to death” and that he would not “let them do”. Mr. Kakule, a former colleague of Mr. Ngyke, also suspected to be involved in his murder, sent a letter forcefully accusing the two journalists of “intellectual dishonesty” and announcing his intention to bring charges against them. As of the end of 2006 however, no proceedings were reported to have been initiated by Mr. Kakule.

In addition, on February 10, 2006, witnesses warned JED members that their premises were being watched several hours a day by a group of police officers stationed closeby.

Owing to these threats and accusations, Messrs. Mbaya Tshimanga and Tshivuadi were forced into hiding for about a month for fear for their safety.

On February 16, 2006, following the official release of the JED report on the assassination of Mr. Ngyke and Mrs. Mpaka, a police officer came to the organisation’s office looking for Mr. Tshivuadi, who was away at the time. The officer then left a summons signed by the deputy general inspector and head of the Operations Department Mr. Elias Tshibangu, “inviting” JED secretary general to report to the headquarters of the Intelligence and Special Services Department (*Direction des renseignements généraux et services spéciaux* - DRGS). Mr. Tshivuadi, who was in hiding at the time, decided not to respond to this summons for fear of being arrested.

The two JED leaders could eventually resume their activities on March 9, 2006 after they met with the President of the Republic Mr. Joseph Kabila.

However, Mr. Mbaya was summoned on three different occasions

in March 2006, once before the Military Audit Department of the Matate garrison and twice before the Public Prosecutor.

In addition, Messrs. Mbaya and Tshisuadi received another summons from the Prosecutor of the Kinshasa/Gombe Court of Appeal on July 11, 2006, ordering them to “appear this day before the criminal investigation inspector to answer facts that [would] be disclosed on the spot”. The two men did not respond in person but sent their lawyer who was then told that their presence was necessary. However, this summons was never reissued.

Lastly, the complaint filed by JED in December 2005 following threats against its members was not investigated during 2006. The association merely received, on September 21, 2006, the copy of a letter addressed by the Attorney-General, Mr. Tshimanga Mukeba, to the Prosecutor of the Kinshasa/Gombe Court of Appeal, asking him for details about the “ongoing” investigation into the complaint.

Threats against CODHO members³⁴

On March 3, 2006, the headquarters of the Committee of Human Rights Observers (*Comité des observateurs des droits de l'Homme* - CODHO) received a phone call from a person claiming to be a member of the security services of the President of the Republic, who threatened the organisation if it did not cease its activities. He explicitly referred to several court cases on which CODHO was working, in particular one involving a former female assistant to President Laurent Désiré Kabila. The man added that the security services would close down CODHO offices and arrest its members if they carried on their work.

On October 31, 2006, eight armed members of the rapid intervention police squad (*Police d'intervention rapide* - PIR) raided the CODHO premises where Mr. N'Sii Luanda and Ms. Mbula Wilimo, the president and a member of the association respectively, were finalising a report on the demonstration organised earlier that day by supporters of Mr. Jean-Pierre Bemba, as well as a preliminary report on the presidential and provincial elections held on October 29, 2006.

When questioned by Mr. N'Sii Luanda about the motive for their visit, one of the police officers answered: “We are here on an opera-

34. See Annual Report 2005 and Urgent Appeals COD 001/0306/OBS 024 and 024.1.

tion, you have nothing to say or ask about it and you should just leave". As Mr. N'Sii Luanda insisted and asked them if they knew that they were invading the office of a human rights NGO, they replied in these terms: "We know that perfectly well and that is the exact reason why we're here; now get out or you'll experience the worst; you people are always like that, pretending you know nothing about what you're doing or what's going on".

When Mr. N'Sii Luanda and Ms. Wilimo subsequently left the office, they observed that three PIR vehicles without licence plates surrounded the building. Mr. N'Sii Luanda refused to follow the officers when they failed to present a warrant and was then forcibly taken to one of the cars on the order of the squad commander. Ms. Wilimo and Mr. N'Sii Luanda were released after the officers searched his pockets and stole 80 US\$ (62 euros).

The squad members told them that they would come back and warned that CODHO activities and publications were being closely watched, as was every move of its members.

CODHO filed a complaint against persons unknown with the general auditor of the DRC Armed Forces (*Forces armées de RDC - FARDC*) on November 27, 2006 and referred the case to the Minister for Home Affairs and Security, Mr. Kalume Numbi.

Continued harassment of ONDH members

*Attack against Mr. Michel-Innocent Mpinga Tshibusu*³⁵

On the night of June 13 to 14, 2006, a group of hooded men wearing military uniforms attempted to attack the home of Mr. **Michel-Innocent Mpinga Tshibusu**, a lawyer, former president of the Mbuji-Mayi Bar and chairman of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme - ONDH*), in the Ngaliema commune of Kinshasa. One of the assailants was caught climbing over the wall of the residence by a police officer in charge of Mr. Mpinga Tshibusu's protection, who then fired at him. Another officer, who was guarding the front door of the house, was shot at by attackers hidden in the street opposite the building. Soldiers and police officers guarding other houses in the vicinity finally rushed as backup and managed to set the assailants on flight.

35. See Urgent Appeal COD 004/0606/OBS 072.

*Harassment and threats against Mr. Jean-Marie Kadima Kande and his family*³⁶

On June 10, 2006, Mr. **Jean-Marie Kadima Kande**, a lawyer and ONDH technical adviser working closely with the LE, received an anonymous phone call from a person introducing himself as an MLC member, who threatened him with retaliation for his “lies and harassment” against Mr. Bemba. Mr. Kadima had just returned from a trip to Gabon and Europe where he had taken part in several conferences. On this occasion, he had addressed the Belgian Parliament underlining the increasing insecurity faced by human rights defenders in the DRC and urging the country’s authorities to ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.

On July 27, 2006, the building hosting ONDH premises was attacked, ransacked and burnt down by MLC supporters. Most of the association’s documents were destroyed in this attack, including a number relating to judicial proceedings supervised by ONDH and Mr. Kadima against suspected perpetrators of grave human rights violations, including Mr. Joseph Kabila, Mr. Jean-Pierre Bemba and several other high-ranking officers of the Republican Guard.

On August 1, 2006, Mr. Kadima received another phone call from Mr. Mbonzi, head of a militia close to the MLC, who threatened and warned him that “this was now a personal war and that [Mr. Kadima] should be prepared for anything to happen to him”. The day before, Messrs. Kadima and Mpinga Thsibasus had filed several complaints against the MLC and its leaders that had been widely covered by the national media.

On September 5, 2006, while at the court house with two other ONDH colleagues, Mr. Kadima was further threatened by an MLC-affiliated lawyer who told him that the MLC now “had its eye on [him]” and that “the worst would come at the least expected moment”.

On the night of September 28 to 29, 2006, four armed men broke into his home and aggressively demanded to see him. As Mr. Kadima was away at the time, the four assailants gathered his wife and four children in one room and threatened to kill them all if he did not put an end to his “provocations” against officials of the Republican Guard.

36. See ONDH.

They added that they would “seriously take care of [Mr. Kadima]” and that they would “eventually get to [him]”. These threats and attack seriously shook Mr. Kadima’s children, and his three-month pregnant wife sustained a miscarriage in the following hours.

Lastly, Mr. Kadima gave an interview to several radio and television channels on October 3, 2006, after four victims of arbitrary detention and acts of torture who had previously informed ONDH about their situation testified before court. The next day, Mr. Kadima’s vehicle was followed by six military men driving a jeep. After a while, the jeep drove past Mr. Kadima’s car and barred the road as its occupants jumped off trying to block his way out. Mr. Kadima managed to escape and seek refuge at a friend’s house nearby.

Due to these repeated threats and attacks, Mr. Kadima went into hiding and subsequently fled the country in late October 2006.

Continued harassment of VSV members³⁷

After the Voice of the Voiceless (*Voix des sans-voix* - VSV) published a poster entitled “Elections in the DRC: More martyrs and victims for democracy” on July 18, 2006, the members of the association were continuously watched and followed by police and security services for several weeks.

On July 21 and 24, 2006, elements of the National Intelligence Agency (*Agence nationale de renseignements* - ANR) remained posted all day in front of VSV headquarters and noted every move of the organisation’s members and visitors.

On July 22, 2006, an agent of the national police special services visited VSV office and pretended to be the brother of a victim. This person produced a letter regarding a supposed case of “disappearance” but was unable to precise either the name of the victim or the circumstances of his disappearance. On the same day, Ms. **Pétronille Kamba**, VSV secretary, was followed from the Kintambo neighbourhood to her home, most probably by a member of the security forces who tried to obtain her address as well as information about VSV and its programme officers.

On July 26, 2006, VSV decided to close down its office following another wave of intimidation against its members, most particularly

37. See Annual Report 2005 and Urgent Appeal COD 005/0806/OBS 092.

against Messrs. **Floribert Chebeya Bahizire**, its chairman, and **Dolly Ifebo Mbunga**, vice-president, who were forced into hiding on the same day.

On July 28, 2006, Mr. **Willy Tukayendji**, a consultant for the VSV psycho-medical assistance programme for elderly people, was questioned by officers of the ground forces at his workplace, at the medical centre of the Kokolo military camp. The soldiers asked him about the information sources and “advisability” of an interview given by Mr. Floribert Chebeya earlier that day. In this interview broadcast by the *Canal Kin* and *Congo Canal Télévision* TV stations, Mr. Chebeya had once again raised questions about the assassination and the family ties of former President Laurent Désiré Kabila and the true identity of the President of the Republic Mr. Joseph Kabila. He also shared his concerns about the ongoing violence in the eastern part of the country.

On the night of July 28 to 29, 2006, two armed men in plain clothes aggressively knocked at the door of Mr. Tukayendji’s house for several hours as he refused to answer the door. A few days before, on July 25, Mr. Tukayendji had been followed by two men in Kintambo.

VSV headquarters remained closed from July 26 to August 2, 2006 and most of its members, including Messrs. Chebeya and Ifebo, were forced into hiding for over a month.

By the end of 2006, the association was able to resume its activities normally.

Repression of human rights defenders - Katanga

Harassment and threats against ACIDH and its members³⁸

On March 18, 2006, the Union of Nationalist Federalists of Congo (*Union nationale des fédéralistes du Congo* - UNAFEC), a party close to the government and led by the Minister of Justice, issued a press release accusing the Lubumbashi-based NGO Action Against Impunity and for Human Rights (*Action contre l’impunité pour les droits humains* - ACIDH) of “inciting ethnic hatred”.

This UNAFEC press release was most likely a response to a statement published by ACIDH on March 11, 2006 and urging the population not to vote for suspected perpetrators of human rights abuses running for the presidential election.

38. See Annual Report 2005 and Urgent Appeal COD 002/0406/OBS 055.

On March 24, 2006, ACIDH sent a letter to the UN Special Representative for the DRC expressing its concern about the establishment of new militias by political parties in Katanga. This letter was copied to the Congolese authorities and the members of the International Committee in Support of the Transition (*Comité international d'accompagnement de la transition* - CIAT).

On March 31, 2006, *Kinu Nkonga Batwi*, a pro-governmental association, issued a press release strongly libelling Mr. **Hubert Tshiswaka Masoka**, ACIDH director, who also received an anonymous phone call threatening him with death later that evening.

On April 3, 2006, ACIDH addressed the office of the Public Prosecutor in Lubumbashi, as well as national and regional authorities, MONUC and several leaders of foundations, urging for the adoption of protective measures for Mr. Tshiswaka.

On April 7, *Kinu Nkonga Batwi* released another statement claiming that Mr. Tshiswaka had murdered a member of the Mulubakat ethnic group, an accusation immediately denied by ACIDH. The UNAFEC youth wing (JUNAFEC) responded to ACIDH denial on April 11, 2006 by describing Mr. Tshiswaka as an “agitator” and a “mere tribalist”. *Le Lushois*, a weekly newspaper run by the UNAFEC deputy secretary general, published two articles in its April 6 edition, accusing Mr. Tshiswaka of “inciting ethnic hatred in Katanga” in an attempt to “sabotage the elections”.

Mr. Tshiswaka went into hiding following these repeated threats and acts of harassment. As of the end of 2006, he had not yet been able to publicly resume his activities.

Arbitrary arrest and judicial proceedings against Mr. Roger Onger Labugu³⁹

On December 9, 2006, Mr. **Roger Onger Labugu**, ACIDH programme manager for civil and political rights, was arrested by members of the Lubumbashi University president’s militia. At the time of his arrest, Mr. Onger Labugu was near the university campus distributing an ACIDH press release protesting against the decision of the president of the University to rehouse students in tents and garages⁴⁰ and denouncing the increasingly repressive measures taken

39. See ACIDH.

against the students and teachers opposing these moves.

Mr. Onger Labugu was charged with “breach of the peace” and “incitement to rebellion” and released a few hours later.

As of the end of 2006, these charges remained pending.

Continued harassment of ASADHO/Katanga

*Death threats against Messrs. Jean-Claude Katende and Jean-Pierre Mutemba*⁴¹

On April 19, 2006, the Network for Natural Resources (*Réseau Ressources naturelles* - RNN) organised a workshop in Lubumbashi on “The role of the media and civil society in the exploitation of natural resources in the DRC”. In its concluding statement, RNN denounced the poor management of natural resources by the Congolese government and the authorities’ corrupt practices, in particular the allocation of a number of unfair contracts.

Following this statement, Mr. **Jean-Claude Katende**, director of the Katanga section of the African Association for the Defence of Human Rights (ASADHO), and Mr. **Jean-Pierre Mutemba**, secretary general of the New Labour Dynamics (*Nouvelle dynamique syndicale* - NDS), both RNN-affiliated organisations, were anonymously threatened with death if they did not stop addressing the issue of the management of natural resources in public.

Furthermore, several prominent members of the ruling People’s Party for Reconstruction and Democracy (*Parti du peuple pour la reconstruction et la démocratie* - PPRD), some of whom had been incriminated during the RNN workshop, gave a press conference accusing RNN members of “working in the pay of international NGOs striving to prejudice the interests of the ruling power”. These statements were broadcast by the *Mwangaza* television channel.

On May 3, 2006, Mr. Ngandu Djemo, Governor of the Katanga Province, warned Mr. Mutemba that he would “lose his life” if he continued to lobby the authorities for a more transparent management of natural resources in the country.

40. In the end of 2006, the President of the University decided to remedy the overcrowding of the campus by rehousing several hundreds of students living on the campus in tents and garages, whereas renovation work of several buildings has been under way for over two years.

41. See Urgent Appeal COD 003/0506/OBS 057.

*Death threats against Mr. Timothée Mbuya*⁴²

In July 2006, Mr. **Timothée Mbuya**, head of the ASADHO/Katanga publications department, was repeatedly threatened with death by members of the ANR after the NGO Global Witness launched its report entitled *Digging in corruption*, in Lubumbashi.

Mr. Mbuya was accused of having conveyed information to Global Witness and of having facilitated the organisation of the press conference launching the report.

*Harassment against Mr. Golden Misabiko*⁴³

Mr. **Golden Misabiko**, honorary president of ASADHO/Katanga, was forced into hiding in early November 2006 following serious and credible threats. Mr. Misabiko was targeted after addressing a letter to the President of the Republic Mr. Joseph Kabila on October 20, 2006, in which he accused him of numerous human rights violations, including massacres and crimes against humanity, and scathingly criticised his person. Beyond the content and the formulation of this letter⁴⁴, the Observatory underlines that Mr. Misabiko has been repeatedly threatened, harassed and arrested -in particular in June 2005- by the authorities in the past few years.

As of the end of 2006, he was still actively wanted by the ANR services and remained in hiding.

Repression of human rights defenders - Oriental Province

Continued harassment of the Lotus Group

*Poisoning attempt and threats against Mr. Dismas Kitenge Senga*⁴⁵

On March 9, 2006, Mr. **Dismas Kitenge Senga**, president of the Lotus Group (*Groupe Lotus*), a human rights NGO based in Kisangani, started vomiting blood in addition to having a high tem-

42. See ASADHO/Katanga.

43. See Annual Report 2005.

44. Mr. Misabiko stated, *inter alia*, that the identity of the President of Republic was "a lie", that he "killed Laurent Desiré Kabila" as well as "Major Masasu Nindaga Antelme". He further accused Joseph Kabila of "selling uranium to Iran and North Korea" and of "being a cocaine-addict".

45. See Annual Report 2005 and Urgent Appeal COD 006/1106/OBS 138.

perature, three days after he had dinner with several dissidents of a former rebel party in a restaurant in Kisangani. During this dinner, Mr. Kitenge had collected the testimonies of these persons who were to explain their reasons for leaving the party and to report aggressions and threats by their superiors. He was treated in the teaching hospital of Kisangani for aggravated food poisoning resulting from the ingestion of a local poison known as “karuho”, occasioning a severe infection of his alimentary canal. Although Mr. Kitenge received intensive care in several hospitals in the country and abroad, his general health condition remained delicate by the end of 2006.

He subsequently pressed charges against one or several unknown persons, which had not been examined by the criminal investigation police by the end of 2006.

Besides, Mr. Kitenge was repeatedly threatened and harassed in October and November 2006 by PPRD members and officials who accused him of pursuing a political agenda, supporting the opposition and being an “opponent to the Head of State”.

Shortly before its chairman was targeted, the Lotus Group had convened a press conference on “The electoral process and the campaign for the run-off presidential election: assessment and prospects” on the occasion of the launching of an FIDH mission report entitled *An electoral process under strain in the DRC*⁴⁶. During this press conference organised at the association’s headquarters on the eve of the ballot, Mr. Kitenge had denounced the human rights violations committed in the country, the impunity of State representatives suspected of these abuses as well as the illicit exploitation of the DRC natural resources. He had also deplored that the presidential campaign had been flawed by personal attacks between Mr. Joseph Kabila and Mr. Jean-Pierre Bemba.

The press conference was widely covered by local and national media, whilst Mr. Kitenge gave additional interviews regarding the general human rights situation and the electoral process.

46. FIDH mandated an information mission to Kinshasa from September 21 to 28, 2006 in order to assess the general human rights situation in the country at the end of the political transition process that started in 2003 and in the context of the run-off presidential election of October 29, 2006.

Following these statements, Mr. Kitenge received several anonymous phone calls by PPRD members accusing him of supporting Mr. Bemba and threatening him with “reprisals” if Mr. Kabila was re-elected.

On October 29, 2006, as the second round of the presidential ballot was held, Mr. Kitenge’s sister and brothers were also threatened by PPRD supporters in Kisangani.

In addition, Mr. Kitenge was contacted by a PPRD official in Kisangani in early November 2006. This person informed him of the “discontent” of the Chief of the DRC armed forces and of the Ministry of the Interior following the broadcasting of his statements during the abovementioned press conference. One of his close friends working for a Lotus Group partner human rights association was arrested by the ANR on November 8, 2006. He was then questioned at length about his relationship with Mr. Kitenge and ordered to cease his activities before being released without charge a few hours later.

The Lotus Group issued a press release naming the threats faced by Mr. Kitenge, who also denounced his situation in an interview with *Radio Okapi*, on November 15, 2006. On November 18 and 19, 2006, Mr. Dieudonné Mata, executive secretary of the PPRD provincial section, responded in a interview that Mr. Kitenge “[was] not a human rights activist” but rather “an opponent to the President of the Republic and its movement”, and further accused him of “taking political sides”. This interview was widely broadcast by *Radio Okapi*.

*Intimidation and threats against Mr. Gilbert Kalinde*⁴⁷

On the night of March 23, 2006, the home of Mr. **Gilbert Kalinde**, an executive member of the Lotus Group, was attacked by four armed individuals who forced open the front door of the house. The four men, who could not be identified, declared that they had come to “trash” him. Mr. Kalinde managed to escape the house unnoticed and took refuge at his neighbours’ place.

During the night of June 20, 2006, five armed men again came to his home. In Mr. Kalinde’s absence, they robbed all of the valuable goods and threatened his family that they would kill him if he did not put an end to his human rights activities.

Lastly, Mr. Kalinde was interviewed by the *BBC* on October 26,

47. See Annual Report 2005.

2006 and gave his assessment of the political situation in the country before the elections. In this interview, which was broadcast by *BBC Radio 4* and which was also available on the *BBC* website from November 6 to 11, he notably denounced the involvement of Rwanda, Uganda and some Congolese politicians in the ongoing arms trafficking in the DRC.

On November 13, 2006, a group of individuals stepped out of an unregistered vehicle in Mr. Kalinde's neighbourhood and told the inhabitants that they were looking for a "mister human rights" who "had insulted them". Mr. Kalinde, who was in the street nearby, managed to escape unseen.

Continued harassment of OSAPY and its members⁴⁸

Threats against Mr. Willy Loyombo

From February 20 to 27, 2006, Mr. **Willy Loyombo**, a member of the Lotus Group in Opala and president of the Kisangani-based Non-Governmental Organisation for the Settling, Literacy and Promotion of Pygmies (*Organisation non gouvernementale pour la sédentarisation, l'alphabétisation et la promotion des Pygmées* - OSAPY), received anonymous phone calls threatening him on three separate occasions. The callers urged him to cease his activities and denunciations of the lack of implementation by the World Bank of its Safeguard policies and its Operational policies on indigenous people. Mr. Loyombo was one of the thirteen signatories of a complaint filed on November 19, 2005 with the Bank's Inspection Panel. This complaint was registered on December 2, 2005 by the Panel, which then mandated an eligibility assessment mission to the DRC in January 2006.

On February 28, 2006, Mr. Willy Loyombo was summoned by intelligence officers while on a mission in Opala (260 km away from Kisangani) along with two representatives of Greenpeace-Belgium. The security services notably accused him of stirring up a "conspiracy against the Congolese government".

In March 2006, after the World Bank's Inspection Panel released its eligibility report stating the admissibility of the complaint filed in November 2005, Mr. Loyombo received several anonymous phone

48. *Idem*.

calls threatening him with death. In addition, on March 5, 2006, Mr. Marcel Roger Lokwa, leader of the Yawende-Loolo community, held a press conference in Lieke Lesole (in the Opala territory), during which he described Mr. Loyombo as “a pervert” and incited the population to kill him the next time he was seen around.

Mr. Loyombo received threatening phone calls again in late September and early October 2006 after he participated in a press conference convened in Kisangani on September 29, 2006. During this conference, which was given wide media coverage, Mr. Loyombo assessed the conclusions of the Regional Sensitization Seminar on the Rights of Indigenous Populations/Communities in Central Africa, held in Yaoundé (Cameroon) from September 13 to 16, 2006. He specifically denounced the plundering of the country’s forest resources and the violations of the customary and traditional rights of the indigenous peoples or communities settled close to forestry operations.

As a result of these threats, Mr. Loyombo was still unable to travel through the region for fear for his safety by the end of 2006 and was thus seriously impeded in informing local communities about the provisions of the new forest legislation, retrocession of taxes and their customary rights.

Threats against Messrs. Richard Lokoka and Paulin Polepole

On August 5, 2006, Mr. **Richard Lokoka**, an OSAPY member, and Mr. **Paulin Polepole**, a trainee lawyer at the Kisangani Bar and an RNN member, were both threatened by members of the national police of Isangi while on an investigation mission in Yafunga (170 km away from Kisangani, in the Isangi territory) to assess the environmental impact of industrial timber exploitation in the region.

The police notably accused them of inciting the population to demonstrate against the timber company SAFBOIS, located in the region, before expelling them from the Yafunga on a SAFBOIS vehicle.

Ongoing harassment of ANMDH members⁴⁹

On October 7, 2006, a group of armed police officers arrested Mr. **Eddy Twafiki**, deputy coordinator of the branch of the Nelson

49. See Lotus Group and ANMDH.

Mandela Association for the Defence of Human Rights (*Association des Amis de Nelson Mandela pour la défense des droits de l'Homme - ANMDH*) in Osio, near Kisangani.

The day before, Mr. Twafiki had interceded on behalf of four young men who had been arbitrarily arrested and ill-treated by a group of drunk police officers. Mr. Twafiki was placed in detention at the Osio police station.

Messrs. **Alfred Shishi**, **Sousto Lokwa** and **John Lokangu**, three members of the ANMDH branch in Osio who came to the police station to enquire about their colleague's situation, were also placed in custody a few hours later.

All four were accused of "incitement to revolt" and transferred to the Kisangani police detention centre on the same day.

Messrs. Twafiki, Shishi, Lokwa and Lokangu were released on bail on October 17, 2006 after ANMDH paid 15 euros in bail each.

As of the end of 2006, the charges remained pending.

Repression of human rights defenders - Ituri

Continued harassment of Justice Plus members⁵⁰

In 2006, members of Justice Plus, a human rights association based in Bunia, faced increased acts of harassment and retaliation.

Judicial proceedings against Messrs. Joël Bisubu, Christian Lukusha and Aimé Magbo

On October 16, 2006, the preliminary hearing of the appeal filed in December 2005 by Mr. **Joël Bisubu**, Justice Plus deputy director, Mr. **Christian Lukusha**, legal adviser, and Mr. **Aimé Magbo**, a Justice Plus member, was held in Bunia before the roaming chamber of the Kisangani Court of Appeal.

On December 6, 2005, Messrs. Bisubu, Magbo and Lukusha were convicted by the Bunia Court of First Instance and fined in lieu of a six-month custodial sentence, and sentenced to an additional six-month imprisonment term if they failed to pay for the trial expenses. All three had been indicted for "defamatory statements" in December 2004 following the release of a Justice Plus report.

50. See Annual Report 2005.

No further date for the hearing had been set by the end of 2006.

Serious threats against Justice Plus leaders

On October 3, 2006, Justice Plus issued a press release denouncing the disappearance, in August and September 2006, of over thirty internally displaced persons (IDP) living in the Gety IDP camp, including women and children. In particular, Justice Plus underlined the possible involvement of the FARDC first integrated squad in these events.

On November 23, 2006, a series of missions organised jointly by the United Nations Mission in the DRC (*Mission de l'Organisation des Nations unies en RDC - MONUC*), the Military Audit Commission and civil society led to the exhumation of about thirty bodies buried in several common graves, a couple of miles away from the Bhavi FARDC military camp, near Gety. Several soldiers and officers were subsequently arrested.

Since then, Justice Plus members received repeated phone calls threatening them with death, and accusing the organisation of having fostered the arrests of the FARDC elements. In addition, Mr. Joël Bisubu was approached on November 8, 2006 by FARDC members who declared: "Keep on following the roads leading to Gety, but remember that this is a military operations zone; (...) Let Justice Plus behave that way, yet be ready to take responsibility for it".

Additionally, in November 2006, during the hearing for the confirmation of the charges pending against Mr. Thomas Lubanga Dyilo⁵¹ before the International Criminal Court (ICC) in The Hague (Netherlands), the defence denounced the "justice of NGOs" in its conclusions and namely accused Justice Plus and its executive director, Mr. **Honoré Musoko**, of conveying erroneous information to the prosecution.

51. Mr. Lubanga Dyilo, former leader of the Union of Congolese Patriots (*Union des patriotes congolais - UPC*), was arrested on March 15, 2005 in the DRC and is accused under the Rome Statute of enlisting, conscripting and using children as soldiers in the conflict in Ituri. As a result of the investigation opened by the ICC Prosecutor in June/July 2004, an arrest warrant was issued against Mr. Lubanga on February 10, 2006. He was transferred to the Scheveningen detention centre in The Hague (Netherlands) on March 17, 2006 and appeared before the Court for the first time on March 20, 2006. The confirmation of charges hearing was held in The Hague from November 9 to 28, 2006.

Ever since, Justice Plus members have regularly been publicly insulted or threatened by UPC supporters who blame the association for Mr. Lubanga's indictment. On November 10, 2006 for instance, Mr. **Godefroid Mpiana**, Justice Plus executive secretary, received anonymous phone calls warning him that he would "also catch some if [he kept] on accusing Mr. Lubanga".

In addition, Mr. Joël Bisubu received nine anonymous phone calls on December 19, 2006 alone, upon his return from the ICC 5th session of the Assembly of States Parties, which was held in The Hague from November 23 to December 1, 2006. The person calling notably asserted: "We are militiamen and we have already killed people; we know that you were in the Netherlands lately and that you brought them further evidence to accuse Lubanga. You will remain mere dung here in Ituri".

DJIBOUTI

Arbitrary detention and judicial proceedings against several union leaders⁵²

On January 22, 2006, two intelligence officers arrested Mr. **Hassan Cher Hared**, international relations secretary of the Djiboutian Workers' Union (*Union djiboutienne du travail* - UDT) and secretary general of the Djiboutian Post Office Workers' Union (*Syndicat des postiers de Djibouti*). Mr. Cher Hared was then questioned about the applications filed by several unionists in order to participate in a training workshop on union rights organised by the Israeli "Histadrut" labour federation in February 2006. Mr. Cher Hared was subsequently released.

On February 20, 2006, Mr. **Mohamed Ahmed Mohamed**, head of the legal department of the Port Workers' Union (*Union des travailleurs du port* - UTP), and Mr. **Djibril Ismael Egueh**, secretary general of the Maritime and Transit Service Union (*Syndicat du personnel maritime et du service de transit* - SP-MTS), were arrested without a warrant, before being taken to the intelligence and criminal

52. See Annual Report 2005, Urgent Appeals DJI 001/0206/OBS 016, 016.1, 016.2, 016.3 and 016.4, Press Release of March 14, 2006 and International Fact-Finding Mission Report, *Djibouti: les défenseurs des droits économiques paient le prix fort*, August 2006.

investigation department. They were both questioned at length about their union activities as well as about their recent participation in the labour training workshop held in Israel.

Messrs. Ahmed Mohamed and Ismael Egueh were released without charge on February 22, 2006. However, the police confiscated their passports, which were only returned a couple of months later. No reason was then given for their arrest.

On March 5, 2006, they were both arrested again and placed in incommunicado detention, in the headquarters of the national police criminal investigation department. At the same time, police searched their respective homes and confiscated all documents referring to their union activities. This search was reportedly carried out without a warrant.

On March 8, 2006, Messrs. Mohamed and Egueh appeared before an examining magistrate who charged them with “supplying information to a foreign power” (Articles 137 to 139 of the Criminal Code) and issued a committal order against them. They were both transferred to the Gabode prison, in Djibouti.

Furthermore, on March 11, 2006, Mr. **Adan Mohamed Abdou**, UDT secretary general, and Mr. Hassan Cher Hared were also arrested without a warrant and taken to the headquarters of the criminal investigation department. They appeared before an examining magistrate who charged them with “supplying information to a foreign power” and issued a committal warrant on March 13, 2006. Messrs. Abdou and Cher Hared were immediately transferred to the Gabode prison and denied access to a lawyer or a doctor.

The additional charges of “sharing intelligence with a foreign power” and “outrage against the President of the Republic” were brought against Messrs. Abdou, Cher Hared, Ahmed Mohamed and Egueh in the following days. These charges are liable to a 10- to 15-year term of imprisonment and a five to seven million Djiboutian francs fine (24 to 34,000 euros).

In a letter dated March 18, 2006 and officially registered by the Gabode prison administration on March 21, 2006, the four union leaders urged the prison director to convey, to their lawyers and the court, a request for the annulment of the pending hearings on grounds of technical irregularities.

Messrs. Hassan Cher Hared and Mohamed Abdou were released on bail on the order of the examining magistrate on March 29, 2006.

On the next day, Public Prosecutor Djama Souleiman appealed against this decision.

On March 30, 2006, the Djibouti Appeals Chamber decided to reserve its judgement until April 6, 2006.

Mr. Adan Mohamed Abdou was again arrested without a warrant at his home on April 3, 2006, and immediately taken to Gabode. Mr. Hassan Cher Hared, who was actively wanted by the police, could not be located.

On April 6, 2006, Messrs. Abdou, Ahmed Mohamed and Egueh were released on bail and put on probation by the Djibouti Appeals Chamber.

As of the end of 2006, the four union leaders remained on probation pending trial. The next hearing had not yet been scheduled.

Expulsion of a judicial observation mission mandated by the Observatory and expulsion of an ILO mission⁵³

On April 1, 2006, members of a mission mandated jointly by the Observatory and the International Confederation of Free Trade Unions (ICFTU) were denied access to the Djiboutian territory in spite of prior verbal consent from the Minister for Home Affairs. The delegates, who were to attend the trial of the abovementioned union leaders on April 6, 2006, were jostled and insulted before being forcibly returned to their plane.

On the same day, Mr. **Ibrahim Mayaki**, an official of the International Labour Office (ILO) mandated by ILO to investigate the situation of union rights defenders in Djibouti, and holder of a diplomatic passport, was granted access to the territory. On April 3, 2006 however, Mr. Mayaki was arrested and questioned for several hours by the General Intelligence Services. He was released after signing an expulsion order that was executed on April 4, 2006.

Judicial harassment and unfair dismissal of Mr. Hassan Cher Hared⁵⁴

On May 25, 2005, Mr. Hassan Cher Hared was dismissed without prior notice by the director general of the Djiboutian Post Office who

53. See Urgent Appeal DJI 001/0206/OBS 016.4 and International Fact-Finding Mission Report mentioned above.

54. See International Fact-Finding Mission Report mentioned above.

described his activism in favour of union rights as an “irresponsible behaviour”. Mr. Cher Hared subsequently filed three separate complaints against the director general for “embezzlement of part salaries, psychological harassment and abuse of power”, “discrimination on grounds of union activities” and “unfair dismissal”.

As of the end of 2006, these complaints had not yet been examined by the State Prosecutor and remained pending.

On June 21, 2005, Mr. Cher Hared lodged a complaint with the Social Labour Court against the Djibouti Post Office to be reinstated. By late December 2006, this complaint was still under examination although such procedures are usually completed within a six-month period of time.

On January 31, 2006, Mr. Cher Hared, who was demoted to the position of “head of restricted unions” of the Djiboutian Post Office in December 2005, referred his case to the President of the Republic in order to speed up the official reinstatement process. On March 16, 2006, while Mr. Cher Hared was in detention⁵⁵, the secretary general of the Ministry provided him with a written information request.

The acting director general of the Djiboutian Post Office, Mr. Bobaker Farah Moussa, then responded by writing to the Ministry and strongly discrediting Mr. Cher Hared, who lodged a complaint with the Public Prosecutor’s office for “defamation of character” when informed of this letter by the Ministry. This complaint was transmitted to the criminal investigation department of the national police on April 17, 2006 but was subsequently repealed in late April 2006, allegedly on the order of the Office of the President of the Republic.

Finally, Mr. Cher Hared participated in a training session on employment policies organised by the International Training Centre of the International Labour Organisation (ILO) in Turin, Italy (September 11-28, 2006), Geneva, Switzerland (September 30-October 3, 2006) and Paris, France (October 3-6, 2006). While in Turin, Mr. Cher Hared was notified that he had been dismissed by the director general of the Djiboutian Post Office, on the order of the Office of the President of the Republic.

While in Paris, his colleagues further informed him that the Djiboutian airport police had been ordered to confiscate his passport

55. See above.

upon his return to the country and to arrest him for “violating his probation” by travelling to the ILO headquarters in Geneva “without prior approval of the authorities”.

On October 4, 2006, the UDT filed a complaint with the ILO Committee on Freedom of Association to denounce this situation.

As a result of these repeated threats, Mr. Cher Hared decided not to return to Djibouti and currently lives in exile abroad. His dismissal had not been officially confirmed by the end of 2006.

Interference with SP-MTS activities⁵⁶

On March 15, 2006, while Mr. Djibril Ismael Egueh, SP-MTS secretary general, was detained⁵⁷, the secretary general of the Ministry of Employment issued an official notice appointing a new secretary general to the union’s leadership, without prior consultation with SP-MTS members.

The UDT, to which SP-MTS is affiliated, filed a complaint with the ILO Committee on Freedom of Association on April 25, 2006. By the end of 2006, this complaint had been examined by the Committee but the Djiboutian government had not yet responded to it.

In December 2006, although Mr. Egueh remained in office and the majority of SP-MTS members did not acknowledge the authority of the secretary general appointed by the Ministry, the latter still officially chaired the union.

Ongoing harassment of Mr. Jean-Paul Noël Abdi⁵⁸

On November 4, 2006, Mr. Jean-Paul Noël Abdi, chairman of the Djiboutian League for Human Rights (*Ligue djiboutienne des droits humains* - LDDH), filed a request to extend the validity of his passport in order to participate in a conference on freedom of expression and journalists’ rights organised from November 27 to 29, 2006 in Entebbe (Uganda) by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP). The passport division informed him at that time that his passport would be returned by November 7, 2006.

56. See International Fact-Finding Mission Report mentioned above.

57. See above.

58. See Annual Report 2005.

On that date however, the authorities refused to return his passport as well as the ID that he had deposited with his request. On November 9, 2006, Mr. Noël Abdi addressed a letter to Colonel Abdillahi Abdi Farah, chief of the National Police Forces (*Forces nationales de police* - FNP), to renew his request.

As the authorities failed to respond, Mr. Noël Abdi filed a complaint against Mr. Abdi Farah for violating his fundamental freedoms (Articles 195 to 197 and 390 of the Criminal Code) on November 13, 2006.

On November 19, 2006, Mr. Abdi Farah summoned Mr. Noël Abdi to his office. In the presence of four high-ranking FNP officials, he accused him of giving wide media coverage to this case and demanded a letter of apology as a condition for the return of his passport. Mr. Noël Abdi refused to comply with this request.

He finally withdrew his complaint on November 22, 2006 after his passport and ID were returned on November 20, 2006.

Mr. Noël Abdi nevertheless decided not to travel to the conference in Entebbe for fear of being harassed upon his return.

ERITREA

Incommunicado detention of three union leaders⁵⁹

In 2006, no information was made available as to the place and conditions of detention or to possible charges brought against Mr. **Tewelde Ghebremedhin**, president of the Food, Beverages, Hotels, Tourism, Agriculture and Tobacco Workers' Federation, Mr. **Minase Andezion**, secretary general of the Textile and Leather Workers' Federation, and Mr. **Habtom Weldemicael**, president of the Coca Cola Workers' Union and member of the Food and Beverage Workers' Federation executive committee.

The three trade unionists are still believed to be held incommunicado and thus at risk of being tortured or ill-treated.

Messrs. Tewelde Ghebremedhin and Minase Andezion were arrested by police forces on March 30, 2005. Mr. Habtom Weldemicael was arrested on April 9, 2005 for having allegedly urged Coca Cola work-

59. *Idem*.

ers to engage in industrial action to protest against the worsening of their living standards.

ETHIOPIA

Arbitrary detentions and judicial proceedings against several human rights defenders and civil society representatives⁶⁰

In the aftermath of the May 15, 2005 parliamentary elections and of the announced victory of the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), fierce confrontations between the police and young demonstrators who contested the validity of the poll led to violent crackdowns in the main Ethiopian cities, in particular Addis Ababa, Gondar, Awassa, Dessie and Nazreth, in June and November 2005.

Although most of the thousands of people arrested in November 2005 were subsequently released, 131 persons were denied bail and formally charged on December 21, 2005 with crimes including "conspiracy", "outrage against the Constitution", "inciting, organising and leading armed rebellion", "high treason" and "genocide", all these charges being liable to sentences ranging from 25 years' imprisonment to death penalty.

The charges

In late December 2006, three human rights defenders remained detained among the 131 accused, the majority of whom are political opponents and journalists. These three persons are: Mr. **Kassahun Kebede**, chairman of the Addis Ababa branch of the Ethiopian Teachers' Association (ETA), Mr. **Daniel Bekele**, a lawyer and programme manager for ActionAid-Ethiopia, and Mr. **Netsanet Demissie**, a lawyer, founder and president of the Organisation for Social Justice in Ethiopia (OSJE).

Mr. Kebede was arrested on November 1, 2005 when the police also searched ETA headquarters. On the same day, Mr. Bekele was arrested

60. See Annual Report 2005, Open Letter to Ethiopian authorities, January 5, 2006, and Judicial Observation Missions Report, *Ethiopia: The Situation of Human Rights Defenders from Bad to Worse*, December 2006.

at his home without a warrant. On November 8, 2005, Mr. Netsanet Demissie handed himself in to the police as soon as he heard that an arrest warrant had been issued against him. All three have since been detained at Kaliti prison, in Addis Ababa, and were formally charged with “outrage against constitutional order” (Articles 31(1) (a) and (b), 38, 34, 27(1) and 238(2) of the 2005 Criminal Code) on December 21, 2005.

Although none of them are politically affiliated, all three defenders are accused of using their respective associations to fulfil political agendas, supporting the Coalition for Unity and Democracy (CUD, main opposition party) and attempting to overthrow the government by force. Indeed, their bill of indictment states that Messrs. Kebede, Bekele and Demissie “[made] the associations they represent function beyond their fundamental mandate and objectives and [used] them as instruments for their crime”. They further allegedly “mobilised and provided leadership to members of their associations in support of mutinous acts by passing decisions and press releases in the name of their associations (...), and instigated and supported the youth to participate in mutinous acts”.

Furthermore, Mr. **Taye Woldesmiat**e, former ETA chairman, and Mr. **Kifle Mulat**, president of the Ethiopian Free Press Journalists’ Association (EFJA), also face the same charges and are being tried in their absence.

Messrs. Bekele and Demissie were particularly active in the establishment of the Civil Society Peace Plan Initiative, which was formed by associations in an attempt to foster political dialogue in the aftermath of the contested results of the May 15, 2005 elections.

Mr. **Mesfin Wolde-Mariam**, founder and former president of the Ethiopian Human Rights Council (EHRCO), now a prominent CUD member who was also arrested on November 1, 2005, currently faces all seven above-mentioned charges.

Denial of provisional release

On January 4, 2006, the Federal High Court dismissed the application for their provisional release filed by Messrs. Kebede, Bekele and Demissie in November 2005. The Criminal Bench of the Federal High Court upheld this decision on March 10, 2006.

The three defenders appealed against this decision to the Cassation

Bench of the Federal Supreme Court on June 5, 2006. Their appeal was dismissed on August 3, 2006, when the Court argued that the charges pending against them were “serious” and hence not subject to bail.

Concerns about the due process of the trial

The trial of the 111 defendants⁶¹ began on May 2, 2006 before the Second Criminal Bench of the Federal High Court.

On July 19, 2006, the Public Prosecutor began to present documentary evidence and filed a request to be allowed to present additional materials. Messrs. Kebede, Bekele and Demissie objected to this request as well as to the admissibility of the evidence presented by the Prosecution.

On August 4, 2006, the Court adjourned the hearing until October 5, 2006; on that date, a judicial observation mission mandated by the Observatory was permitted to attend the trial.

The Court dismissed the three defendants’ objections on October 13, 2006.

When the trial resumed on November 6, 2006, Messrs. Bekele and Demissie complained that they had been prevented from seeing each other in order to prepare their case since November 3, 2006.

Ongoing harassment of EHRCO members⁶²

Ethiopian organisations that denounced the gross human rights violations committed during the June and November 2005 crack-downs (extra-judicial executions, arbitrary arrests and detentions, torture, harassment, forced disappearances etc.), in particular the Ethiopian Human Rights Council (EHRCO) and its members, were particularly targeted by the authorities following the November 1 and 2, 2005 demonstrations.

Indeed, several EHRCO members were forced to cease their human rights activities in 2006, and some to flee the country after facing serious threats in late 2005, as was the case of Messrs. **Tadesse Chernet**, **Wondimagegn Gashu**, **Yared Hailemariam** and **Birhanu Tsegu Adenew**.

61. In March 2006, 20 persons, mostly journalists, were discharged and released. By the end of 2006, 76 individuals and 10 legal persons (political opposition parties and several newspapers) were heard by the Court, 25 others being tried *in absentia*.

62. See Annual Report 2005.

Judicial proceedings against Messrs. Seifu Degu, Tesfawe Bekele and Chane Kebede

By the end of 2006, the judicial proceedings initiated in June 2005 against Messrs. **Tesfawe Bekele** and **Seifu Degu**, both teachers and president and vice-president respectively of the EHRCO branch in Dessae, and Mr. **Chane Kebede**, a teacher and EHRCO member, were still pending. The next hearing was scheduled for January 30, 2007.

On June 14, 2005, the three men were arrested at Dessae School and taken to the municipal prison. Mr. Bekele and Mr. Degu had been mandated by EHRCO to monitor the election process. All three were charged with “trying to overthrow the legitimate government by force” and released on bail on June 23, 2005 pending trial.

Furthermore, Mr. Seifu Degu and Messrs. **Mekonen Bezu** and **Reta Chanie**, both teachers and EHRCO members who turned themselves over to the police after their wives had been arrested in their stead, were subsequently arrested again on November 2, 2005. All three were released without charge on December 19, 2005.

Mr. Seifu Degu was forced to renounce to his activities with EHRCO owing to repeated threats and pressures by the Dessae authorities in 2006.

Release of Ms. Mulunesh Abebayehu Teklewold

Ms. **Mulunesh Abebayehu Teklewold**, a teacher and a member of EHRCO and of the Addis Ababa branch of the Ethiopian Teachers' Association (ETA), was released without charge on June 9, 2006.

Ms. Abebayehu Teklewold had been arrested at her workplace, at Kelemworke School in Addis Ababa, on November 9, 2005, and detained in Kaliti prison.

Continued harassment of Ms. Elfinesh Demissie

Ms. **Elfinesh Demissie**, a teacher and former member of EHRCO executive committee, was summoned for questioning by security services in late August 2006. She was briefly detained before being released on bail. Ms. Demissie's arrest was most likely linked to her activities with EHRCO as well as her outspoken denunciations of the human rights

abuses committed by the authorities in November 2005.

As of the end of 2006, no additional information had been made available regarding possible judicial proceedings against her.

In the course of the year, Ms. Demissie was regularly threatened with professional sanctions by the directors of the school in which she teaches.

Ongoing harassment of ETA and its members⁶³

Judicial proceedings against ETA

In the early 1990s, as a result of government interference and pressures, a pro-governmental ETA was set up in order to replace the independent ETA that was created in 1949. In 1993, the independent ETA's accounts were frozen under the pretext that the association was not registered, while its leaders were arbitrarily arrested and detained, and some of them murdered. As a consequence, two organisations bearing the same name are currently in operation.

On January 30, 2004, the premises of the independent ETA were sealed off as it was alleged that the association was operating without a valid registration certificate. On December 15, 2004 however, the Federal High Court ruled that the independent ETA was the legitimate organisation and ordered that its accounts be unfrozen and its offices unsealed.

The government ignored this decision and the surrogate ETA lodged an appeal to the Federal Supreme Court on December 25, 2004.

On March 30, 2006, the Federal High Court ordered the independent ETA to hand over all its assets and properties to the surrogate association.

On November 20, 2006, following the appeal lodged by the independent organisation, the Supreme Court ruled this decision null and void, arguing that the Federal High Court had failed to address the main issues of the dispute. The case was thus sent back to the High Court to properly investigate the merits of the case.

No further date of hearing was scheduled by the end of 2006.

63. *Idem.*

ETA general assembly disrupted

On April 30, 2006, army special forces surrounded the building where the independent ETA was due to hold its special general assembly. Participants were forced to vacate the premises, and several of them were arrested and deprived of their IDs and documents. All of the persons arrested were released without charge later that day.

The general assembly was then re-scheduled for August 30 and September 1, 2006. On this occasion, the ETA duly informed all relevant authorities of the event, which was to be held at the headquarters of the Confederation of Ethiopian Trade Unions. It was estimated that it would gather over 300 ETA delegates and representatives of international organisations.

On August 30, 2006, the assembly opened without any interference by the authorities. A few hours later, however, police forces and security services surrounded the building, forcibly dispersed the participants and terminated the event.

On September 11, 2006, the ETA and Education International (EI), to which the association is affiliated, submitted a complaint to the ILO Committee on Freedom of Association in order to denounce the repeated obstructions to the holding of the ETA general assembly.

Arbitrary detention of Messrs. Wasihun Melese and Anteneh Getnet⁶⁴

In early 2006, Mr. **Anteneh Getnet**, a teacher and an ETA member, was illegally dismissed from his position in an Addis Ababa school, allegedly because of his ETA membership.

In addition, on May 1, 2006, Mr. Getnet was abducted by members of security services who drove him outside of the capital, and severely beat him before leaving him to die in a forest. Mr. Getnet ultimately regained consciousness and managed to seek help in a village nearby.

By the end of 2006, he still suffered from significant health problems as a result of this attack, and had been unable to resume teaching.

Furthermore, on September 23, 2006, Mr. **Wasihun Melese**, a teacher and a member of the ETA branch in Addis Ababa, was arrested at his home by members of the security services. Mr. Melese, who had been elected to the national executive board of the independent ETA

64. See Education International (EI).

on August 26, 2006, was then taken to the police Central Investigation Bureau (known as Maekelawi), in Addis Ababa.

A few hours later, Mr. Getnet was also arrested by three plain-clothes police officers after taking part in a meeting held at the ETA headquarters in Addis Ababa. Mr. Getnet was also taken to Maekelawi.

On September 25, 2006, Messrs. Melese and Getnet appeared before the Addis Ababa Court, which remanded them in custody for an additional two weeks, following a request by the police. Although not formally charged, they were to appear again before the Court on October 9, 2006.

They were finally released on bail on October 4, 2006; however, the police informed them that they could be summoned again for further investigation.

As of the end of 2006, none of them had been officially charged. Their arrest and detention were likely to have been ordered as reprisals for the joint complaint submitted by the ETA and EI on September 11, 2006.

New wave of arrests against ETA members

On December 14, 2006, Mr. **Tilahun Ayalew**, director of the ETA branch in the Bahir Dar region (in the northwest of the country), was arrested by security officers while on his way home.

A few days later, Mr. Ayalew was remanded in custody and transferred to Maekelawi, where he was allegedly detained incommunicado and tortured.

In addition, Mr. Anteneh Getnet⁶⁵ was also arrested on December 29, 2006 and placed in detention in Maekelawi.

On January 1, 2007, both Messrs. Ayalew and Getnet appeared before the Lideta District Court, in Addis Ababa. The Court remanded them in custody without charge for an additional two weeks and postponed the hearing until January 15, 2007.

Lastly, security services arrested Mr. **Meqcha Mengistu**, head of the ETA branch in the East Gojam region, on December 15, 2006.

As of the end of 2006, no further information was available about his situation or place of detention.

65. See above.

Arbitrary arrest and detention of Ms. Yalemzewd Bekele⁶⁶

Ms. Yalemzewd Bekele, a lawyer working for the European Commission Delegation in Addis Ababa, and a volunteer for the Ethiopian Women Lawyers' Association (EWLA), who has been involved in several human rights and civil society projects, was arrested on October 19, 2006 in the border town of Moyale (on the Kenyan border).

Ms. Bekele was suspected by the authorities of disseminating a calendar issued by the CUD on September 11, 2006, on the Ethiopian New Year's Eve, calling for 14 different types of non-violent actions of civil disobedience. A special government task force was subsequently established to investigate the publication and distribution of this document, leading to a new wave of arrests. Ms. Bekele was as such reported to be considered by the security forces as a "suspect of heavy crime".

Ms. Bekele was informed that an arrest warrant had been issued against her on October 12, 2006 and she attempted to flee the country on October 19. On the same day, two European diplomats and colleagues of Ms. Bekele, Messrs. Bjoern Jonsson and Enrico Sborgi, were arrested while on their way back to Addis Ababa, after dropping her in Moyale. The two men were immediately expelled from the country. Mr. Fassil Assefa, a friend of Ms. Bekele, was also arrested at his hotel in Moyale on October 19, 2006.

On October 21, 2006, Ms. Bekele was remanded in custody for another five days by the Moyale Court and taken to the Moyale police station.

Ms. Bekele and Mr. Assefa were subsequently transferred to Addis Ababa central prison on October 25, 2006. Ms. Bekele was released without charge on October 26, 2006; Mr. Assefa is believed to have been freed on the same day.

Hindrances to the publication of the report of the Parliamentary Investigation Commission on the November 2005 events⁶⁷

In December 2005, the Ethiopian Parliament appointed an 11-member Commission tasked with leading an independent inquiry into the June and November 2005 violent crackdowns and determining if security forces had resorted to excessive use of force.

66. See Urgent Appeals ETH 001/1006/OBS 125 and 125.1.

67. See Judicial Observation Missions Report mentioned above.

The Commission was initially due to release its report in March 2006. On April 25, 2006 however, five of its members were replaced, allegedly on grounds of medical difficulties or work burden.

In early July 2006, shortly before completing their report, the members of the Commission held an internal vote and ruled eight against two (and one abstention) that the security forces had used excessive force directly resulting in the killing of 193 people including 40 teenagers - i.e. five times the official death toll.

According to the deputy chairperson of the Commission, Mr. Wolde-Michael, the inquiry team came under intense pressure once the ruling party learnt of its findings. Electricity to their offices, which had been placed under tight police surveillance, was reportedly cut off and the Prime Minister Mr. Meles Zenawi allegedly summoned the Commission members a few days before the report was due to be released to ask them to reverse their findings.

On July 31, 2006, the president of the Commission, Mr. Fire-Hiwot, resigned from his position and left the country in September 2006.

Mr. Wolde-Michael also fled in exile in September 2006 following alleged death threats. He disseminated the supposed initial report of the Commission to several international press agencies. The Minister for Information, Mr. Bereket Simon, dismissed the findings of this "leaked" report, which notably concluded that security officers had used excessive force, as "rubbish" and "mere rumours".

However, the official version of the report was presented before the Parliament on October 21, 2006 and confirmed that at least 193 people were killed in the June and November 2005 riots. Although this report, which was clearly a revised version of the original, asserted that the government's response "manifest[ed] some weaknesses and mistakes" and that "respect for human rights was not strictly consistent with the Constitution", the Commission concluded that "the actions taken by the security forces to control the violence was a legal and necessary step to protect the nascent system of government".

Obstacles to a civil society forum⁶⁸

Ban of a forum on freedom of expression during the African Union Summit

On the occasion of the 7th Summit of the African Union (AU) held in Banjul from June 25 to July 2, 2006, several civil society organisations decided to organise a forum on freedom of expression in Africa. It was scheduled to take place in Banjul on June 29 and 30, 2006.

On June 19, 2006 however, Mr. Bolong Sonko, head of the Coordinating Committee set up by the Gambian government to supervise the organisation of the AU Summit, communicated a letter to The Association of Non-Governmental Organisations (TANGO) notifying the organisers of the forum that the event was officially banned. The Kombo Beach Hotel, where the forum was due to be held, also received a copy of this letter.

Mr. Bolong Sonko justified his decision by asserting that the issues to be addressed by the forum were not among those proposed for consultation with NGOs in the framework of the Summit. However, most other civil society workshops were authorised.

The forum on freedom of expression was eventually held in Saly-Portudal, Senegal, on June 29 and 30, 2006.

Repression against the *Daily Express*

The *Daily Express*, an independent newspaper, was launched on July 1, 2006 on the occasion of the opening of the 7th ordinary session of the AU Assembly of Heads of State and Government. In its first edition, it notably published the press release issued by civil society organisations protesting against the ban of the forum on freedom of expression.

On July 5, 2006, the pro-governmental *Daily Observer* accused the *Daily Express* of “tarnish[ing] the image of the country”.

On July 14, 2006, Mr. **Abdul Gafari**, founder of the *Daily Express*,

68. See Mauritanian Association for Human Rights (*Association mauritanienne des droits de l'Homme - AMDH*).

and Mr. **Sam Obi**, a journalist, were arrested by the National Intelligence Agency (NIA).

On the same day, Mr. **Sulaymane Makato**, another journalist for the *Daily Express*, received two anonymous text messages on his cell phone threatening him with arrest and urging him to “leave before it [was] too late”. Mr. Makato immediately went into hiding and stopped his activities with the newspaper.

Messrs. Obi and Gafari were released without charge on July 18, 2006.

LIBERIA

Smear campaign against FOHRD⁶⁹

On November 18, 2006, Mr. David Kortie, an executive member of the ruling Unity Party (UP) and a member of the Governance Reform Commission (GRC), stated in a press release that “some so-called human rights groups justify donors’ funds or contributions by bad-mouthing the Liberian government on a daily basis”. Mr. Kortie further asserted that human rights NGOs “[made] money through lies and deception” and he specifically mentioned the name of Mr. **Aloysius Toe**, director of the Foundation for Human Rights and Democracy (FOHRD).

In the previous weeks, FOHRD had criticised the repartition of the national budget and denounced the embezzlement of funds within the Liberia Petroleum Refining Corporation (LPRC).

Mr. Kortie, defending the LPRC management under his GRC mandate, accused Mr. Toe of attempting to “destroy the government” and qualified FORHD’s criticism of “deception”. Mr. Kortie further demanded that FORHD and all other human rights organisations operating in the country make public their budget and sources of funding, thus insinuating that independent associations’ disapproval of the government administration were solely aimed at making their leaders “richer”.

69. See FOHRD.

MAURITANIA
Judicial proceedings against Mr. Mohamed Lemine Ould Mahmoudi, Ms. Aïchetou Mint El Hadar and Mrs. Moya Mint Boya⁷⁰

Proceedings remained pending against Mr. Mohamed Lemine Ould Mahmoudi, a journalist, Ms. Aïchetou Mint El Hadar, a teacher, and Mrs. Moya Mint Boya, spouse of an opposition senator, by the end of 2006. Ms. Mint El Hadar and Mrs. Mint Boya are both active members of the NGO SOS-Slaves (*SOS-Esclaves*).

On March 13, 2005, Mr. Mohamed Lemine Ould Mahmoudi was arrested while inquiring into a case of slavery in Mederdra village.

On March 16, 2005, he was transferred to the Rosso civil prison, in the Trarza region, and accused of “offences against national security”.

In connection with this case, Ms. Aïchetou Mint El Hadar and Mrs. Moya Mint Boya were arrested on March 13, 2005 and held in the Nouakchott women’s prison. They were accused of “complicity in offences against national security”.

Mr. Diabira Bakary, Minister for Justice, ordered the release of the two women on April 14, 2005, a decision that was later confirmed by the Nouakchott Court of Appeal.

NIGER
Mr. Mohamadou Arzika’s aggressor provisionally released⁷¹

In January 2006, Mr. Dan Foulani, a businessman close to the government who attempted to murder Mr. Nouhou Mahamadou Arzika, president of the National Organisation for Consumers’ Defence (*Organisation nationale de défense des consommateurs*) and head of the Niger Equity-Quality Coalition Against High Costs of Living (*Coalition Qualité-Equité contre la vie chère au Niger*), was provisionally released on the order of the Prosecutor.

70. See Annual Report 2005.

71. *Idem*.

Mr. Arzika and the Niger Association for Human Rights (*Association nigérienne des droits de l'Homme - ANDDH*) immediately appealed against this decision. As of the end of 2006, the appeal remained pending.

On October 26, 2005, Mr. Foulani had burst into Mr. Arzika's office brandishing a gun and attempted to shoot him without success as his gun jammed. He had then ordered two henchmen accompanying him and armed with bludgeons to kill Mr. Arzika, who eventually managed to escape thanks to a colleague's intervention, as one of the aggressors attempted to strangle him. Mr. Arzika immediately filed a complaint for attempted murder with the Niamey police station.

Although the police enquiry was closed on October 28, 2005, the investigation report was only transmitted to the court on November 11, 2006. Mr. Dan Foulani also filed a complaint for "insults and defamation" (arguing that these offences had stirred up his anger and violence) on the very same day.

Mr. Dan Foulani was summoned by the examining magistrate on December 21, 2005, and placed in detention at the Kollo prison right after the hearing.

On December 22 and 23, 2005, Mr. Arzika was also called in by the examining magistrate to be heard in relation to Mr. Dan Foulani's complaint and his own. Although the evidence was insufficient, he was accused of "complicity in defamation and insults" and provisionally released. Mr. Arzika appealed against the judge's order.

As of the end of 2006, the two cases were still pending.

Reopening of CROISADE headquarters⁷²

On May 11, 2006, the Independent Thought and Orientation Committee for the Safeguard of Democratic Achievements (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques - CROISADE*) was finally able to open new offices in Niamey.

On May 10, 2005, CROISADE headquarters, which also sheltered the Platform of Organisations for the Defence of Human Rights and Democracy (*Collectif des organisations de défense des droits de l'Homme et de la démocratie - CODDHD*) and the Equity-Quality

72. *Idem.*

Coalition, were closed down as the association was unable to pay the rent that was suddenly increased by 120%. On that day, the owner of the premises required the CROISADE president and staff to vacate the premises in order to close it down.

End of judicial proceedings against two Timidria leaders⁷³

On June 5, 2006, the 4th Chamber of the Niamey Court of First Instance ruled that there was no grounds for the prosecution of Mr. **Ilguilas Weila**, president of the national executive committee of Timidria, an association fighting against slavery in Niger, and Mr. **Alassane Bigga**, deputy secretary general of the Timidria regional section in Tillabery. All charges pending against them were subsequently dropped.

Messrs. Weila and Alassane Bigga had been arrested on April 28, 2005 before being transferred to the Niamey civil prison on May 4, 2005. They were both indicted with “attempted fraud of foreign donors” and were provisionally released by the Niamey Regional Court on June 18, 2005.

Messrs. Weila and Alassane Bigga were arrested on the request of the leader of the Tahabanatt nomadic group, after Timidria had staged a ceremony for the “social and economic reinsertion of 7,000 slaves”, an event sponsored by Anti-Slavery International.

Obstacles to the Nigerian Social Forum⁷⁴

On October 20, 2006, the Minister for Home Affairs Mr. Mounkaïla Mody addressed an official notice to the organisers of the Nigerian Social Forum (*Forum social nigérien* - FSN) notifying the prohibition of this event, which was initially scheduled to be held from October 27 to 30, 2006. Mr. Mody specifically argued that “the government will not accept a trial of its policies on its own soil, especially by foreigners”.

The Forum was eventually authorised by the government following intense negotiations between the authorities and the FSN coordinating committee and held in Niamey from November 3 to 6, 2006.

73. *Idem.*

74. See Urgent Appeal NER 001/1106/OBS 133.

Arbitrary arrest and expulsion of Mr. Claude Quémar⁷⁵

On November 9, 2006, Mr. **Claude Quémar**, secretary general of the French section of the Committee for the Abolition of the Third World Debt (*Comité pour l'annulation de la dette du tiers-monde - CATDM*), was arrested in Tahoua on the order of the general administration of the Niamey police. At the time of his arrest, Mr. Quémar was participating in a conference on HIV/AIDS held in the framework of the Caravan for Social Alternatives⁷⁶.

During the FSN, Mr. Quémar had conducted several workshops, in particular a seminar on “the globalisation of solidarity, struggles and resistance against neo-liberalism”, as well as a conference entitled “An odious debt ? Which prospects beyond the Heavily Indebted Poor Countries (HIPC) Initiative and the cancellation of the debt of 18 poor countries?”.

Mr. Quémar was transferred to Niamey and placed in custody in the capital's central police station a few hours after his arrest in Tahoua. The police did not explain the reasons for his detention but questioned him about some of the statements he had made during the FSN, asking him if he acknowledged his comments.

Mr. Quémar was later transferred to the headquarters of the criminal investigation police and ordered to leave the territory. He was released later that evening.

In the afternoon of the next day, he was again detained by the criminal investigation police department for several hours before being taken to Niamey airport and expelled back to France.

⁷⁵ *Idem*.

⁷⁶ The Caravan for Social Alternatives, which aims at disseminating information and promote debates about international development policies, took place from November 7 to 14, 2006 in a dozen of towns throughout the country.

Obstacles to freedom of association⁷⁷

On January 19, 2006, Mr. Bayo Ojo, Minister for Justice, presented the “Bill for an Act to Make Provisions for the Prohibition of Relationships Between Persons of the Same Sex, Celebration of Marriage by Them, and Other Matters Connected Therewith” before the Federal Executive Council.

The same day, the Council approved the text which prohibits, in particular, “the registration of gay clubs, societies and organisations by whatever name they are called (...) by government agencies” (Article 7) and provides for a five-year prison term for any person involved in the registration of such organisations, or in the “organisation, sustenance, procession or meetings, publicity or public show of a same sex amorous relationship directly or indirectly, in public or in private” (Article 7-3).

The Bill was introduced before the House of Representatives on March 30, 2006, and examined by the Senate in first reading on April 11, 2006. On this occasion, some of its provisions were extended so as to provide for prison sentences for any person who “goes through the ceremony of marriage with a person of the same sex” or “performs, witnesses, aids or abets the ceremony of same sex marriage” (Article 8).

By the end of 2006, this Bill was still pending before the National Assembly.

Retaliation against Mr. Bukhari Bello and forcible dispersal of a peaceful demonstration⁷⁸

On June 19, 2006, Mr. **Bukhari Bello**, executive secretary of the National Human Rights Commission (NHRC) of Nigeria, received a letter from the Federal Ministry of Justice notifying him of his removal from office.

A couple of days before, Mr. Bello had met the Minister for Justice, who had reportedly informed him of the discontent of the govern-

77. See Press Release, April 7, 2006.

78. See Joint Press Release of the Observatory and the International Service for Human Rights (ISHR), June 23, 2006.

ment, in particular the President of the Republic Mr. Olusegun Obasanjo, following some of his public statements. During the 39th ordinary session of the African Commission on Human and Peoples' Rights (ACHPR) held in Banjul (The Gambia) from May 11 to 25, 2006, Mr. Bello had notably condemned the harassment and intimidation of the media and journalists by national security agencies. He had also publicly disapproved the proposed amendments to the Nigerian Constitution extending the presidential term of office, denouncing "African leaders who are not military men but use constitutional amendments to perpetuate themselves in power."

Mr. Bello's dismissal notably violated the NHRC Act No. 25 of 1995, which provides that a member of the Commission's Council may be appointed or removed from office by the President of the Republic only and not by the Minister for Justice (Article 4-2).

Following strong protest by other members of the NHRC Council, the Minister for Justice convened a meeting with the Commission's members on June 30, 2006. Mr. Bello came with his colleagues but was denied entry to the Ministry.

On July 3, 2006, Mr. Ojo appointed Ms. Folashade Ajoni, a representative of the Ministry of Justice with the NHRC, as executive secretary of the Commission.

The Minister further purportedly requested the police inspector-general to prevent Mr. Bello from accessing the premises of the Commission.

On July 13, 2006, several human rights NGOs, including the Open Society Justice Initiative (OSJI), organised a meeting in Abuja to protest against Mr. Bello's removal and government interference with the independence of the Commission. Upon arrival at the hotel where the event was due to be held, participants were denied access to the building by the police and members of the State Security Services (SSS) for supposedly "failing to obtain prior police authorisation". Civil society activists were then forcibly dispersed while some of them, who managed to enter the premises, were reportedly beaten.

The meeting could ultimately take place on the same day at the headquarters of the Centre for Democracy and Development (CDD).

SENEGAL**Intimidation against Mr. Cheikh Yérim Seck⁷⁹**

In mid-October 2006, Mr. Cheikh Yérim Seck, a reporter for the French weekly *Jeune Afrique*, was informed of a possible attack against him. Indeed, as his car had been impounded for several days at the Medina police station in Senegal, a police source “advised” him to have it checked before taking it back, suggesting that it could have been booby-trapped in an attempt on his life.

Mr. Seck’s vehicle had been immobilised after his driving licence and the car’s registration documents and insurance certificate were successively confiscated by the police, for no apparent reason. By the end of 2006, these documents had not yet been returned.

In addition, Mr. Seck, who is presently living in France, was regularly followed when travelling in Senegal in the course of the year. Likewise, his personal phone was continuously tapped and he was informed that the Senegalese police services held files regarding his private life.

Mr. Seck was further repeatedly targeted by smear campaigns orchestrated by pro-governmental Senegalese media, who even outrageously accused him of paedophilia in July 2005.

Mr. Seck, who regularly denounces corruption scandals in the country, has also published numerous articles on the case of Mr. Hissène Habré, former Chadian dictator in exile in Senegal, who was indicted in 2000 by a Senegalese Court for complicity in crimes against humanity, torture and atrocities. He was arrested by Senegalese authorities in November 2005 following an extradition request submitted by Belgium.

Death threats against Mr. Alioune Tine, Ms. Dié Maty Fall and Mr. Jacques Habib Sy⁸⁰

On November 25, 2006, Ms. Dié Maty Fall, a journalist for the daily *Sud Quotidien*, was threatened by unidentified individuals who called her mother and asked if she was home, before stating in their final call that she had to “put an end to her activities and (...) mind her own business”.

79. See Urgent Appeal SEN 001/1006/OBS 122.

80. See Urgent Appeal SEN 002/1206/OBS 152.

During the night of November 26 to 27, 2006, Mr. **Alioune Tine**, secretary general of the NGO African Engagement for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO), received three different phone calls by a person who introduced himself as Mr. X. This person urged Mr. Tine to cease his activities and “advised” him to “think a bit more about himself, his family and his children”.

Ms. Maty Fall and Mr. Tine were threatened two days after the publication of a statement entitled “Civic resistance for the safeguard of the institutions of the Republic” that they had signed along with several other civil society representatives and members of the Monitoring Committee of the Republican Pact (*Comité de suivi du Pacte républicain*). In particular, this document denounced the “arbitrary arrests” and “inappropriate summonses to the Criminal Investigation Division (*Division des investigations criminelles* – DIC)” regularly targeted at human rights defenders and journalists in the country. Shortly before this statement was signed, Mr. Tine had also called on the authorities to promote a political context conducive to the democratic participation and expression of all groups within society.

In an increasingly tense pre-electoral context, these threats were indicative of the degradation of fundamental freedoms, in particular freedom of expression, in Senegal. In early November 2006 for instance, Mr. **Jacques Habib Sy**, director of the NGO Aid Transparency, was also threatened with death, while several journalists denouncing the repeated infringements of democratic procedures and the rule of law were regularly targeted by high-ranking officials.

Finally, on December 28, 2006, while at a funeral, Ms. Maty Fall was approached and attacked by an unknown woman who violently threw her on the floor and bit her on the back of the neck, accusing her of discrediting the President of the Republic Mr. Abdoulaye Wade. Ms. Maty Fall filed a complaint and the case remained under investigation as of the end of 2006.

SIERRA LEONE**Investigation into Mr. Harry Yansaneh's assassination⁸¹**

On May 10, 2005, Mr. **Harry Yansaneh**, former editor of the independent newspaper *For di people*, as well as a member of the National League for Human Rights and of the Amnesty International section in Sierra Leone, was violently assaulted and beaten in his Freetown office. Several of his aggressors were relatives of Mrs. Fatmata Hassan, a member of Parliament affiliated to the ruling Sierra Leone People's Party (SLPP). Mr. Yansaneh died as the result of the beating on July 28, 2005.

Although the investigation commissioned by the Government concluded that Mr. Yansaneh's death was "unlawful and illegal" and should as such be qualified as "involuntary manslaughter", Attorney General Frederick Carew decided to drop these charges on January 17, 2006. Mr. Carew confirmed this decision on February 7, 2006, arguing that Mr. Yansaneh's death resulted from a chronicle kidney insufficiency.

On August 8, 2006 however, the director of public prosecutions acknowledged before the Freetown High Court that there was sufficient evidence to prove that Mr. Yansaneh "died as a result of grievous bodily harm" inflicted "with intent to wound". This admission makes it legally possible to extradite Mrs. Fatmata Hassan Komeh's children, Ahmed Komeh, Bai Bureh Komeh and Aminata Komeh, all three suspected of being involved in Mr. Yansaneh's beating.

The Attorney General requested their extradition on August 15, 2006.

The proceedings remained pending as of the end of 2006.

81. See Annual Report 2005.

SOMALIA**Arbitrary arrest of Mr. Abdi Farah Mohamed⁸²**

On May 29, 2006, Mr. **Abdi Farah Mohamed**, regional coordinator of the Peace and Human Rights Network (PHRN) in the Puntland regional state, was arrested after he called for the organisation of a civil society demonstration for peace when fighting resumed in Mogadishu.

Mr. Farah Mohamed was released on parole after two days in detention. As of the end of 2006, no additional information had been made available as to any potential charges against him.

SUDAN**Obstacles to freedom of association⁸³**

The “Organisation of Humanitarian and Voluntary Work Act 2006” was adopted at its second reading by the Sudanese Parliament on February 20, 2006. This text had been rejected at first reading on February 13, 2006 following the approval by the National Council of Ministers of a report presented by its Humanitarian Affairs Committee, stating that some amendments would be necessary to the adoption of the Bill.

Although several restrictive provisions were withdrawn from the initial bill, the amended version still imposes serious restrictions on freedom of association as well as an increased control over NGO activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations.

The Act was signed by the President of the Republic Mr. Omar Hassan Ahmed El Bashir on March 16, 2006.

On May 30, 2006, a group of lawyers representing a panel of over 400 national NGOs petitioned the Constitutional Court challenging the constitutionality of the Act and called for its suspension until the provisions restricting freedom of association were amended

82. See East and Horn of Africa Human Rights Defenders Project (EHAHRDP).

83. See Annual Report 2005, Press Release, February 16, 2006, and Joint Press Release of SOAT and the Observatory, March 7, 2006.

The Court ruled this petition admissible during a preliminary hearing held on June 6, 2006.

As of the end of 2006, however, no further hearing was scheduled.

Modalities for NGO registration, rejection or cancellation of registration

According to the Act, all NGOs have to apply for registration with the General Registrar of Organisations, whereas all voluntary organisations already legally recognised in the country are required to register again under the new provisions within a period of 90 days from the date of the coming into force of the Act. The registration of organisations of less than 30 members may only be approved by the Minister for Humanitarian Affairs or by the Council of Ministers, on the Minister's recommendation.

The organisations applying for registration shall pay the "prescribed registration fees", the amount of which is not set down. The authorities might thus use the vagueness of these provisions to arbitrarily deny registration or to change the fees according to the type of NGO applying, while potential costs may deter many organisations from registering.

The law provides for specific conditions for the registration of foreign organisations that shall "submit a registration certificate authenticated by the Sudanese Embassy or mission covering their respective country" and are compelled "to sign a country agreement to perform its programmes in coordination with or with the participation of one or more national organisations". International organisations are required to comply with "any other conditions to be laid down by the Minister".

It also stipulates that "operating licences shall be renewed annually": thus, all NGOs will be reviewed and scrutinised annually by the authorities, which could refuse to register some organisations on arbitrary criteria such as their criticism of government policies or their denunciations of human rights violations.

The General Registrar may further deny or cancel registration "if the activities [of any national or international organisation] are incompatible" with the provisions of this Act, "if the organisation, without acceptable justifications, failed to carry out its activities for a period of one year", or if it was proven guilty of embezzlement. NGOs may

appeal this type of decision with the Humanitarian Aid Commission (HAC), then with the Minister, and may resort to a competent court if the authorities reject or fail to respond to an appeal.

Sanctions

The Act provides that any person “carrying out activities within an unregistered voluntary organisation shall be punished upon conviction by a fine”. In addition, national courts can expel, upon conviction, any foreign national contravening the provisions of the law” and seize all assets of any organisation operating without a valid registration certificate.

The Registrar is further entitled, with the approval of the Commissioner, to suspend the activities of NGOs that fail to comply with the provisions of this Act, “for the period of time he deems appropriate”. NGOs may appeal such a decision to the Minister within two weeks, or refer the case to a competent court if the latter dismisses or fails to respond to the appeal. NGO members convicted under the provisions of this legislation can face a suspension of up to one year of voluntary activities by the Registrar, which also has authority to initiate individual criminal proceedings.

Control over NGOs’ activities

The Act entitles the Registrar “to keep all documents, minutes and reports of NGOs”, and “to examine their records” to ensure that their activities are carried out in accordance with the law. He shall also “supervise elections of all national organisations”, and be assigned to “any other functions” by the Minister.

The General Commissioner for Humanitarian Aid shall further “carry out preliminary investigations to determine whether or not NGOs abide by the law, initiate all necessary legal proceedings with competent judicial bodies if appropriate” and be assigned to “any other function” on the Minister’s order. He shall also “organise geographically and by sector, coordinate NGOs’ activities and programmes, assess the impact of voluntary and humanitarian work and settle disputes that may arise among such organisations or with any other bodies”. Registered organisations shall submit narrative reports twice a year to the Commissioner, as well as their annual progress report and a certified copy of an annual audit report. Progress reports shall include a

budgetary summary and assessment, and note any substantial changes in provisional programmes.

Release of Mr. Mohamed Ahmed Alarbab⁸⁴

On January 6, 2006, Mr. **Mohamed Ahmed Alarbab**, a lawyer and human rights defender, was released without charge after four months in custody.

Mr. Alarbab was arrested in Khartoum on October 1, 2005, while investigating the arrest of several persons involved in the May 18, 2005 riots in the Soba Aradi area of Khartoum.

While being questioned at the Mayo police station, Mr. Alarbab was denied access to his lawyer and his family, and was reportedly severely beaten and threatened. Two days later, he was transferred to the Kalakla police station.

Mr. Alarbab was initially accused of “participating in the committing of a criminal act” (Articles 21 and 24 of the 1991 Criminal Code), “murder” (Article 130), “crimes against constitutional order” (Article 50), “crimes against the State” (Article 51), “public nuisance” (Article 77), and “harbouring a criminal” (Article 107).

Obstacles to freedom of assembly

Obstacles to a civil society forum⁸⁵

On January 21 and 22, 2006, the Sudan Organisation Against Torture (SOAT), the International Refugee Rights Initiative and the Khartoum Centre for Human Rights and Environmental Development (KCHRED) organised a consultation with members of civil society in Khartoum as a contribution to the work of the 6th African Union (AU) Assembly of Heads of State and Government, held on January 23 - 24, 2006. The forum, which brought together numerous national and international NGOs, as well as representatives of the United Nations and the European Commission, focused on peace and justice in the region and aimed at promoting closer collaboration between local or regional associations and AU institutions.

84. See Annual Report 2005.

85. See Press Release, January 27, 2006.

On January 22, 2006, security forces in plain clothes entered the building where the closing session of the NGO Forum was being held. Alleging that the event had not been authorised, security officers asked for the names of all participants and detained 35 human rights and pro-democracy activists, some of whom were jostled, threatened, verbally abused or assaulted. In addition, the conference working papers as well as several laptops, files and personal documents were seized.

After three hours of questioning, security forces decided to release international representatives and to hold back Sudanese nationals. All the participants detained were finally released when foreign representatives refused to be separated from their Sudanese colleagues.

On the same day, two members of the forum organising committee were summoned for questioning and freed without charge a few hours later.

Obstacles to a civil society forum on the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women⁸⁶

On February 20, 2006, KCHRED, SOAT and the Amel Centre for Treatment and Rehabilitation of Victims of Torture launched a nationwide campaign to push for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The final conference of this campaign was scheduled to be held on March 16, 2006 in Port Sudan.

On March 15, 2006, officers from the National Security Bureau (NSB) in Port Sudan summoned Mr. **Hassan Altaieb**, a lawyer and a SOAT member, to the NSB headquarters in Port Sudan, where he was questioned about the final meeting of the campaign due to be held the next day. Security officers demanded the list of the participants expected to attend the event, including the full names of all the speakers.

Following two hours of questioning, security officers informed Mr. Altaieb that the conference was cancelled. No official reason was given for this decision. The hotel where the event was due to be held was also advised to cancel the room reservation.

86. See SOAT.

Arbitrary arrest and release of Mr. Hussain Osman Mohamed Ismail⁸⁷

On March 10, 2006, Mr. **Hussain Osman Mohamed Ismail**, *alias* Hussain Zikir, a student and member of the SOAT network of students, was arrested by members of the military intelligence service in Toker, Eastern Sudan, where he was inquiring, since March 6, 2006, into several cases of human rights violations committed in the village since 1997.

On March 18, 2006, Mr. Hussain Osman Mohamed Ismail was released without charge, after intelligence services confiscated all documents relating to his education and promotion of human rights activities.

Suspension of AWOON-Red Sea activities⁸⁸

On April 11, 2006, the Humanitarian Aid Commission (HAC) sent a formal letter to the Womens' Awareness Raising Group-Red Sea (AWOON-Red Sea), a women activists' organisation that provides legal assistance and advice for women in Port Sudan, ordering that its activities be suspended and its accounts frozen until further notice.

The HAC stated that AWOON-Red Sea had violated the Organisation of Humanitarian and Voluntary Work Act 2006⁸⁹ after the organisation submitted a funding proposal to the European Commission, without first seeking the authorisation of the HAC. This proposal was to enable the implementation of an AWOON programme on women's access to justice, which was launched in March 2006 after the EU granted the funding in early 2006.

However, the proposal was submitted in July 2005, at which time the law governing the activities of NGOs in Sudan (the Humanitarian Aid Commission Act of 1998) did not require organisations to obtain prior authorisation of the HAC before seeking funding from foreign sources. This provision was only introduced with the passing of the Organisation of Humanitarian and Voluntary Work Act, but was clearly retroactively applied by the HAC to disrupt AWOON activities.

87. See Urgent Appeal SDN 001/0306/OBS 027.

88. See Urgent Appeal SDN 003/0406/OBS 051.

89. See above.

AWOON-Red Sea filed an appeal with the HAC shortly after the freezing of its operations. Having received no response, it addressed its case to the Minister for Humanitarian Affairs.

In late April 2006, Port Sudan police denied AWOON-Red Sea members access to a conference convened by the United Nations Development Programme (UNDP), in which over 250 NGOs were due to participate.

AWOON-Red Sea was finally authorised to resume its activities by the regional Minister for Humanitarian Affairs in May 2006.

Ongoing harassment of SUDO and its members

Arbitrary arrest of Messrs. Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur, Osman Ali Ismael and Sayed Abu Bakr⁹⁰

On February 13, 2006, Messrs. **Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur** and **Osman Ali Ismael**, four members of the Sudan Social Development Organisation (SUDO), as well as Mr. **Sayed Abu Bakr**, a SUDO volunteer, were arrested by a group of armed security officers in the town of Ed Dain. At the time of their arrest, the five men were conducting a training session on the protection and promotion of human rights at the Ed Dain University.

The five SUDO staff members were taken to the Ed Dain National Security Bureau (NSB) where they were held for several hours. No reason was given for their arrest.

They were all released without charge the same day.

Mr. Jaafar Khalifa summoned by National Security⁹¹

On February 20, 2006, Mr. **Jaafar Khalifa**, director of the SUDO branch in El Geneina (West Darfur), was summoned for questioning by National Security.

Mr. Khalifa was questioned about the alleged political activities of SUDO and its sources of funding.

He was released without charge a few hours later.

90. See SOAT.

91. See United Nations Mission in Sudan (UNMIS) Bulletin, February 23, 2006.

Suspension of SUDO activities in West Darfur⁹²

On March 11, 2006, Messrs. Jaafar Khalifa and **Adeeb Abdel Rahman Yousif**, director of the SUDO Zalingei section, received a formal notice of the HAC dated March 9, 2006, ordering the suspension of all SUDO activities in the West Darfur State, as well as the closing of all of their offices, health and feeding centres operating in the region.

In a separate letter, also dated March 9, 2006, the HAC, referring to the newly adopted Organisation of Humanitarian and Voluntary Work Act, gave additional instructions regarding the seizure of all assets belonging to these SUDO offices and ordered the organisation to provide a full report on its incomes and expenditures.

On March 11, 2006, the HAC also addressed a letter to the Agricultural Bank ordering it to close the account of the SUDO Zalingei office and to suspend all transactions as of March 13, 2006.

In spite of SUDO's repeated requests for clarification, the HAC has never specified what provisions of the Law it had allegedly violated.

On March 28, 2006, the SUDO branch in El Geneina received a letter from the State Ministry for Social Affairs authorising the office to resume its activities in West Darfur on the condition that it would reapply for registration under the new NGO Law within 90 days. The El Geneina office was able to resume its operations on April 4, 2006.

The SUDO branch in Zalingei was finally permitted to reopen on an unspecified date.

SUDO offices in El Fashir closed down⁹³

In December 2006, the North Darfur State authorities ordered the closing down of the SUDO office in El Fashir, noting that this decision was to be effective as of December 18, 2006. Since then, Mr. **Khalil M. Bakhiet Tukras**, director of the SUDO branch in El Fashir, as well as two other SUDO members, Messrs. **Gaffar El Khalifa** and **Mohamed Abaker**, have been summoned for questioning by security forces on a daily basis.

92. See Urgent Appeal SDN 002/0306/OBS 030.

93. See Darfur Relief and Documentation Centre (DRDC) Press Release, January 3, 2007.

Harassment against members of the Amel Centre for Treatment and Rehabilitation of Victims of Torture

Judicial harassment against Messrs. Mossaad Mohamed Ali and Adam Mohammed Sharief⁹⁴

On May 15, 2006, NSB officers in Nyala summoned Mr. **Mossaad Mohamed Ali**, a lawyer and coordinator of the Amel Centre for Treatment and Rehabilitation of Victims of Torture in Nyala, and Mr. **Adam Mohammed Sharief**, a member of the Amel Network of Lawyers in Nyala.

Messrs. Ali and Sharief were then held for thirteen hours in the NSB headquarters in Nyala. They were subsequently released without being questioned or charged.

On May 16, 2006, Mr. Ali was again summoned to the security offices and placed in incommunicado detention without charge until May 20, 2006. He was denied access to a lawyer and his family, and security officers also denied representatives of the United Nations Mission in Sudan (UNMIS) authorisation to see him. No reason was given for his detention.

Upon his release, Mr. Ali was ordered to report to the NSB on May 21, 2006 and was detained there for four hours. Security officers told him to come back the next day.

On May 23, 2006, the NSB ultimately informed him that his daily reporting was no longer necessary and that they would proceed by way of summons if they needed further information.

Mr. Sharief was again called in for questioning and detained for several hours by the NSB on June 6, 2006 before being released without charge.

Harassment of Mr. Mohamed Ahmed Abdullah⁹⁵

On June 30, 2006, the NSB called Mr. **Mohamed Ahmed Abdullah**, a physician working for the Amel Centre in Nyala, on his mobile phone and ordered him to report immediately to their office. Mr. Mohamed Ahmed Abdullah, who was due to attend a meeting on the Darfur Peace Agreement (DPA) convened by Mr. Omar Fur, Minister

94. See Urgent Appeals SDN 004/0506/OBS 062 and 062.1.

95. See Urgent Appeal SDN 005/0906/OBS 109.1.

of Agriculture of the South Darfur State, replied that he was unable to do so but that he would report to the NSB office right after the meeting.

Later that afternoon, about 150 heavily armed officers surrounded the compound where the meeting was being held, while 50 of them interrupted the event to announce that they had come to arrest Mr. Mohammed Ahmed Abdullah for attending an illegal gathering under the state of emergency law.

Upon the intervention of Mr. Omar Fur, security officers eventually left the building without arresting him.

Judicial harassment of Mr. Nagib Ngam Eldine⁹⁶

On July 9, 2006, three NSB officers arrested Mr. **Nagib Ngam Eldine**, director of the Amel Centre, in Khartoum and took him to the office of the Prosecutor on suspicion of “crimes against the State”.

Mr. Nagib was then questioned about several reports issued by SOAT on the summary trials of hundreds of persons arrested during the riots which took place throughout the country following the death of the Sudan First Vice-President Mr. John Garang, in a helicopter crash on August 1, 2005. In particular, Mr. Nagib was accused by the security officers of having provided this information to SOAT.

Dr. Nagib was released on bail nine hours later and was notified that an investigation had been initiated against him for “publication of false news” (Article 66 of the 1991 Criminal Code), “public nuisance” (Article 77), “failure to produce documents or deliver statements” (Article 99), and “libel” (Article 159), as well as under the provisions of the 1999 Press and Printed Materials Act as amended in 2002 and 2004.

As of the end of 2006, these charges remained pending.

Judicial proceedings against Mr. Mossaad Mohamed Ali and Ms. Rasha Souraj, Ms. Ebtisam Alsemani and Ms. Najat DafaAlla⁹⁷

On July 27, 2006, Mr. Mossaad Mohamed Ali⁹⁸, Ms. **Rasha Souraj** and Ms. **Ebtisam Alsemani**, two lawyers volunteering for the Amel Centre in Nyala, received a letter from the NSB accusing them of dis-

96. See Open Letter to the Sudanese authorities, July 21, 2006.

97. See Urgent Appeal SDN 044/0506/OBS 062.2.

98. See above.

seminating erroneous reports and disclosing confidential military information. This letter further stated that the Nyala Public Prosecutor had initiated proceedings against them for “offences against the State” and that their case had been referred to the police for an investigation, which was likely to lead to their arrest upon completion.

On July 29, 2006, Mr. Ali, Ms. Souraj, Ms. Alsemani and Ms. **Najat DafaAlla**, another voluntary lawyer with the Amel Centre, were formally ordered to report to the Public Prosecutor’s office the next day to answer charges of “offences against the State” and “undermining the constitutional order”, under Part 5 of the Criminal Code. The questioning was postponed at their request until July 31, 2006 in order to properly prepare their defence.

On that date, the defendants appeared before the Prosecutor and were asked to come back the next day.

On August 1, 2006, Mr. Ali and Ms. DafaAlla reported to the police station where they were separated and questioned about a demonstration that was held in the Otash refugee camp on May 29, 2006 to protest against the DPA, and which had been violently dispersed by security and police forces who fired live ammunition at the protestors. Mr. Ali and Ms. DafaAlla, who had defended five of the arrested demonstrators and had submitted a public request for information about their situation and their whereabouts to the “Security Committee”, were then accused of spreading false information and of being a threat to public security.

Upon their release, Mr. Ali and Ms. DafaAlla were further informed that the police would re-evaluate the facts and refer the case to the Prosecutor in order to bring it before a court.

Ms. Alsemani and Ms. Souraj, who were in Khartoum at the time, were interrogated upon their return to Nyala on August 12, 2006.

As of the end of 2006, proceedings remained pending.

Arbitrary arrest and harassment of Mr. Mohamed Badawi⁹⁹

Mr. **Mohamed Badawi**, a prominent human rights lawyer in El Fashir, North Darfur, and coordinator of the Amel Centre, was summoned by the NSB in El Fashir on September 9, 2006. He immediately reported to the security services, where he was held for over

99. See Urgent Appeal SDN 005/0906/OBS 109.

three hours without being questioned or informed of any possible charges against him. He was then released without charge but ordered to come back on the following day.

On September 10, 2006, Mr. Badawi duly reported to the NSB headquarters, where he was detained for six hours and questioned about the Amel Centre's activities, as well as his contacts with international organisations and the Communist Party, before being released without charge.

Arbitrary arrest and judicial harassment of Ms. Saffaa Abdel Rahim Saror, Ms. Nafisa Mohamed Adam and Ms. Awatif Mohamed Adam¹⁰⁰

On September 16, 2006, security forces arrested Ms. **Saffaa Abdel Rahim Saror**, Ms. **Nafisa Mohamed Adam** and Ms. **Awatif Mohamed Adam**, three social workers of the Amel Centre office in El Fashir.

They were held at the NSB headquarters in El Fashir for six hours during which they were questioned about the Centre's operations and several reports on the human rights situation in Darfur that the association had transmitted to international organisations.

On October 2, 2006, Ms. Saffaa Abdel Rahim Saror received an official letter from the NSB summoning her to appear on the next day.

After duly reporting to the NSB office on October 3, 2006 she was placed in custody but was released without charge several hours later.

Arbitrary detention and release of Mr. Charles Locker¹⁰¹

On July 4, 2006, Mr. **Charles Locker**, executive director of *Manna Sudan*, an NGO promoting peace building, human rights awareness, education, and dialogue between southern Sudan local communities, was arrested at his home by the police. No reason was given for his arrest.

A few hours earlier, police officers had come to the *Manna Sudan* offices in Ikotos, Eastern Equatoria, looking for Mr. Locker. In his absence, the officers held several staff members for several hours and seized most of the organisation's assets, including a vehicle.

Mr. Locker was reportedly transferred to the central detention centre in Torit, in Eastern Equatoria.

100. See Urgent Appeal SDN 005/0906/OBS 109.1.

101. See Open Letter to the Sudanese authorities, July 21, 2006.

His arrest was most likely linked to the online publication of several of his articles suggesting the involvement of the Eastern Equatoria Governor, Mr. Aloisio Ojetuk, and other regional authorities in tribal clashes.

Mr. Locker was released without charge on September 4, 2006.

Suspension of activities and expulsion of the NRC¹⁰²

In January 2006, the HAC suspended all activities of the Norwegian Refugee Council (NRC) in the Kalma camp of internally displaced persons (IDPs)¹⁰³, coordinated by the NRC since 2004, despite the fact that the organisation's licence to operate had been renewed in November 2005. A few weeks later, the NRC managed to negotiate a one-year cooperation agreement with the HAC and resumed its activities.

On April 4, 2006 however, the HAC office in Nyala revoked this agreement and informed the agency that it must withdraw all international staff from the South Darfur State. No reason was given for this decision.

Following the visit to Darfur and Eastern Chad of Mr. Jan Egeland, UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, from May 6 to 11, 2006, the Governor of South Darfur agreed to renew the cooperation agreement of the NRC, which was permitted to resume its activities in South Darfur on June 1, 2006.

On September 3, 2006, the NRC was again denied access to the Kalma camp, for the fifth time since 2004. It was informed by the HAC and the National Security Agency (NSA) that it was under investigation for "falsely reporting" the increasing number of rapes in the camp to the United Nations and the African Union.

Indeed, according to its mandate, the NRC reported its concerns about the increase in attack and rape cases to the Sudanese authorities, the United Nations Mission in Sudan (UNMIS) and the African Union Mission in Sudan (AMIS), in July and August 2006. This information was subsequently broadly disseminated by several other international organisations.

102. See Annual Report 2005.

103. The Kalma camp shelters about 90,000 IDPs.

On November 6, 2006, two months after the suspension and despite intense negotiations with the Sudanese government, the NRC informed the HAC of its decision to close its relief operations in South Darfur.

In an official notice received by the NRC on November 16, 2006, which referred to a decision adopted on October 10, 2006, the HAC informed the organisation of its expulsion from the South Darfur State and ordered it to hand over all its assets to the Commission within 72 hours.

Following the announcement of the NRC's expulsion, Mr. Farah Mustafa, the Minister for Social Affairs and Information, acting governor of the South Darfur State and spokesman of the government, stated that the organisation's allegations about rapes in the Kalma IDP camp were "false and unfounded" and were serving a "foreign agenda".

By the end of 2006, the NRC had managed, with the assistance of the Norwegian Embassy, to negotiate the transfer of its assets in the South Darfur State to its programmes and other agencies operating in the rest of the country.

TANZANIA

Investigation into Messrs. Kidanka and Bukuku's assault¹⁰⁴

On September 10, 2005, Mr. **Christopher Kidanka**, head of the information department of the Legal Human Rights Centre (LHRC), was violently beaten by prison guards after he tried to give assistance to Mr. **Mpoki Bukuku**, a journalist for the British daily *The Citizen*. Both men were covering the forcible evictions of inhabitants of the Ukonda neighbourhood in Dar es Salaam.

Both men were then locked up for two hours in a car parked in the sun, without water or medical care, although their wounds were bleeding profusely.

Messrs. Kidanka and Bukuku lodged a complaint and a commission composed of four policemen and four prison guards was established to investigate the events and to publish a report within two weeks. The Dar es Salaam Resident Magistrate Court first heard the case on

104. See Annual Report 2005.

September 21, 2005; on this occasion, five senior prison officers and four prison guards were indicted for “assault”. They all pled not guilty and were released on bail. They were nonetheless banned from leaving the city.

On April 19, 2006, Messrs. Kidanka and **Ezekiel Massanja**, LHRC finance and administration manager, were summoned to testify by the Resident Magistrate Court in Dar es Salaam. The hearing was then postponed until May 15, 2006.

Proceedings remained pending as of the end of 2006.

UGANDA

Obstacles to freedom of association¹⁰⁵

On April 7, 2006, the Parliament adopted an “Act to provide for the registration of non-governmental organisations (NGOs), to provide for the monitoring of NGOs, to establish a Board for these purposes and for other connected matters”, also known as the “Non-Governmental Organisations Registration Act” amending the NGOs Registration Statute No. 5 of 1989.

This act was initially introduced before the Parliament as Bill No. 33 in October 2001, but was regularly dismissed following significant protest by national NGOs and the international community.

Although changes were made to the proposed Bill No. 33, a number of provisions of these new regulations raise strong concern about possible obstacles to freedom of association and potential interference by the authorities with NGOs internal affairs. In addition, the bill was scrutinised by the Committee of Defence and Internal Affairs, with little consultation with civil society.

By the end of 2006, the NGO Registration (Amendment) Act was reported to have been signed into law by the President of the Republic, Mr. Museveni. Civil society, however, found it difficult to confirm this information, which illustrated a clear lack of transparency with regard to the enforcement and applicability of this law.

105. See Observatory Statement to the 40th ordinary session of the ACHPR, November 15-29, 2006, and Foundation for Human Rights Initiative (FHRI).

Enhanced administrative constraints on NGOs registration

The new Act establishes an additional administrative hurdle for the registration of NGOs. Whereas Statute No. 5 of 1989 already made it mandatory to obtain a registration certificate, the amended legislation provides that NGOs shall be granted an operating licence in addition to the certificate in order to carry out their activities. Section 3(a) thus stipulates that “no organisation shall operate in Uganda unless it has been duly registered (...) and has a valid permit”. Besides, “the duration and form of this permit” shall be determined by the Minister of Internal Affairs (Section 9c).

Moreover, according to Section 3(d), “an organisation shall not be registered under this Act if the objectives of the organisation as specified in its constitution are in contravention with the law”. Although the initial formulation of this Section, which referred to the “contravention of any government policy or plan, or public interest”, was restricted in its latest version, it remains particularly vague and could allow the authorities to deny registration on grounds of “public order” or “national security”.

Interference with NGOs activities

The reshaping of the composition of the NGOs National Board that is vested with granting registration certificates and valid permits (Section 3a) is a matter of further concern. Indeed, Section 5 provides that the Board shall be comprised of 13 members including three “members from the public”, seven representatives of various ministries¹⁰⁶, one member from the office of the Prime Minister, one member from the Internal Security Organisation and one member from the External Security Organisation. Although the quality or function of the “members from the public” is not specified, the Minister of Internal Affairs, Mr. Ruhakana Rugunda, under the authority of whom the Board is placed, made it clear that these members would not be chosen amongst NGOs representatives. Indeed, the Minister argued during parliamentary debates that “[NGOs had] their

106. The Board shall be composed of representatives of the Ministries of: Internal Affairs; Justice and Constitutional Affairs; Local Governments; Health; Agriculture, Animal Industry and Fisheries; Gender and Social Development; Education and Sports.

internal politics” and could thus “turn the Board into a battle ground for their parochial interests”.

The composition of the Board being primarily of members of the government, as well as the participation of two members of the security services are all the more problematic that its administrative powers have been significantly extended compared to those under the 1989 Registration Statute, which has been amended so as to include the “[monitoring of] organisations carrying out their services at all levels of the Government” (Section 6c) as well as the “[elaboration of] policy guidelines for community based organisations” (Section 6d).

Criminal sanctions against NGOs and their members

Finally, the NGOs Registration (Amendment) Act 2006 provides for criminal sanctions against NGOs and their members contravening the new legislation. Indeed, an organisation violating “any provisions of this Act, operating contrary to the conditions or directions specified in its permit, or carrying out any activity without a valid permit or certificate of incorporation commits an offence and is liable, on conviction, to a fine not exceeding 500,000 shillings” (207 euros) (Section 2g). According to Section 8 (a), any director or officer of an organisation that “commits an offence under the Act” can be sentenced to a one-year term of imprisonment and/or a fine up to one million shillings (415 euros), or to six months’ imprisonment and a 400,000 shillings fine (166 euros) if an NGO operates without a valid permit (Section 8b).

ZIMBABWE**The case of Gabriel Shumba *versus* the Government of Zimbabwe before the ACHPR¹⁰⁷**

The case opposing Mr. **Gabriel Shumba**, a lawyer working for the Zimbabwe Human Rights Forum, to the Government of Zimbabwe was heard before the African Commission on Human and Peoples' Rights (ACHPR) on December 2, 2005 in Banjul (The Gambia). Mr. Shumba, who had been arrested along with other members of the Movement for Democratic Change (MDC) in January 2003, had been tortured by national security agents while in detention. Although the Harare High Court had dismissed the charges of treason against him due to a lack of evidence in February 2003, Mr. Shumba had been forced into exile and continued to receive threats even after his case was closed.

The case was mentioned in the Resolution on the situation in Zimbabwe that was adopted by ACHPR in December 2005. The Executive Council of the African Union nevertheless refused to endorse this resolution in January 2006.

Although the ACHPR was due to hand down its verdict in Mr. Shumba's case during its 39th ordinary session held in Banjul in May 2006, the head of the ACHPR Secretariat, Mr. Omari Holaki, informed Mr. Shumba that it would be examined during the following session scheduled in Banjul in November 2006. However, the case was not addressed during the ACHPR 40th session.

Closing of the pending investigation against Ms. Netsai Mushonga¹⁰⁸

No further step was taken in 2006 in the pending investigation against Ms. **Netsai Mushonga**, coordinator of the Women's Coalition, an umbrella group for women rights associations in Zimbabwe.

Ms. Mushonga was arrested on November 8, 2005 for having convened a training workshop in a local hotel. This training, sponsored by

107. See Annual Report 2005.

108. *Idem*.

the NGO Women Peacemakers International, aimed at familiarising women with non-violent methods in dispute settlement and conflict resolution.

Ms. Mushonga was formally indicted on charges of “organising a political meeting without informing a regulatory authority”, i.e. the police, on November 15, 2005.

She was released on the same day and notified that she would be summoned to appear before the court once the police investigation closed.

Arbitrary arrests and judicial proceedings against Mr. Arnold Tsunga and several board members of the *VOP* radio station¹⁰⁹

On January 18, 2006, two police officers and one soldier raided the Mutare residence of Mr. **Arnold Tsunga**, then president of the Zimbabwe Human Rights Association (Zimrights), executive director of Zimbabwe Lawyers for Human Rights (ZLHR), and a board member of *Voice of the People (VOP)*, an independent radio station, and laureate of the 2006 Martin Ennals Award for Human Rights Defenders (MEA). When told that Mr. Tsunga was away at the time, they arrested two of his domestic workers.

On January 21, 2006, police officers came to arrest him at his second home in Harare. As Mr. Tsunga was absent again, they arrested a ZLHR driver and another house worker.

On January 24, 2006, Mr. Tsunga and five other *VOP* trustees, Mr. **David Masunda**, Mr. **Millicent Phiri**, Mr. **Lawrence Chibwe**, Mr. **Nhlahla Ngwenya** and Ms. **Isabella Matambanadzo**, were arrested and charged with “broadcasting without a licence” (Article 7 (1) chapter 12:06 and Sections 6 (a) and (b) of the Broadcasting Services Act), an offence liable to two years’ imprisonment. Three other *VOP* journalists, Ms. **Maria Nyanyiwa**, Ms. **Nyasha Bosha** and Ms. **Kundai Mugwanda**, who had been arrested in December 2005 after the police searched the *VOP* premises, also faced the same charges.

Messrs. Tsunga, Masunda, Phiri, Chibwe, Ngwenya and Ms. Matambanadzo were released on bail on the day of their arrest but

109. See Urgent Appeals ZWE 001/0106/OBS 011 and 011.1 and Joint Press Releases with ICJ, June 15 and September 29, 2006.

were notified that they were to report weekly to the Criminal Investigation Department (CID).

Furthermore, an unknown individual came to ZimRights' office on January 26, 2006, requesting a meeting with Mr. Tsunga, who was not there at the time. The man, who was believed to be linked to the army, claimed that members of the Zimbabwe Military Intelligence Corps (ZIC) had received the order to kill Mr. Tsunga.

In addition, on February 16, 2006, Mr. **Gift Phiri**, an independent journalist working for the *VOP* and *Voice of America* radio stations, was brutally assaulted by five men who reproached him for working for media outlets "hostile to the Government".

The preliminary hearing of the case of the *VOP* trustees was postponed from February 10 to 28, 2006, when the Rotten Row Magistrate Court of Harare dismissed the defence petition to drop the charges for lack of evidence. The hearing was adjourned until April 26, then June 15, 2006.

On that date, the Court did not accede to the prosecution's request for the presiding magistrate to be replaced, and postponed the hearing. This application was made in the presence of a judicial observation mission mandated jointly by the Observatory and the International Commission of Jurists (ICJ).

On September 25, 2006, the Prosecutor made an application requesting that the charges be brought against *VOP* as a trust as opposed to individual members of the staff and board. He further requested that the hearing be postponed and the accused be placed on remand until November 7, 2006 to ascertain that *VOP* was duly registered with the Registrar of Companies at the Deeds Office.

However, the judge held that the grounds invoked in support of the remand were insufficient and struck out all charges against the *VOP* staff and board members.

As of the end of 2006 however, the entering of charges against the *VOP* as a legal person remained possible as the judge did not rule on this specific point. Neither did the Court make an order officially permitting *VOP* to resume broadcasting and no decision was rendered in relation to the return of the station's equipment that was seized during the December 2005 search of the premises.

Continued harassment of WOZA and its members¹¹⁰

– On February 13, 2006, approximately 181 persons, mainly women along with 14 children, were arrested during a peaceful demonstration organised in central Bulawayo by the NGO Women of Zimbabwe Arise (WOZA) to protest against human rights abuses committed in the country. Four WOZA leaders, Ms. **Jennifer Williams**, Ms. **Magodonga Mahlangu**, Ms. **Emily Mpofo** and Ms. **Maria Moyo** were among the persons arrested.

These 181 persons were charged with “organising an illegal gathering” (Article 24 of the Public Order and Security Act - POSA) and “obstructing public thoroughfare”.

Ms. Williams, Ms. Mahlangu, Ms. Mpofo and Ms. Moyo were released on February 14, 2006 after appearing before the court.

The other 177 detainees were freed on bail on February 17, 2006, after the Court decided to drop the charges.

– On February 14, 2006, over twenty heavily armed police officers arrested around 250 women in Harare, all WOZA members, while participating in an annual peaceful march protesting against the economic and social inequalities faced by women in Zimbabwe. The women were rounded up and forced into municipal police trucks, before being taken to the police station.

Mr. **Tafadzwa Mugabe**, a lawyer working for the ZLHR rapid reaction unit, was harassed, insulted and detained with his clients, before being released without charge several hours later.

Sixty-three of the detained WOZA members were later accused of “acting in a manner which is likely to lead to a breach of the peace or to create a nuisance or obstruction” under Article 7(c) chapter 9:15 of the Miscellaneous Offences Act (MOA). They were all released on February 17, 2006.

The case was adjourned on several occasions until August 28, 2006 when the Rotten Row Magistrates Court acquitted all 63 defendants.

– On May 4, 2006, several hundreds of WOZA members gathered peacefully in Bulawayo, demanding education rights for their children and protesting against significant increases in school fees. As they

110. See Annual Report 2005 and Urgent Appeals ZWE 002/0206/OBS 015, 015.1, 015.2 and 015.3.

were about to disperse, anti-riot police forces violently arrested 185 persons including 73 children aged 7 to 18, seven mothers with babies, Ms. Williams and Ms. Mahlangu. All were taken to the Bulawayo central police station.

The 73 children were freed a few hours later, whereas the seven mothers and their babies were released on May 5, 2006.

The 105 WOZA activists remaining in detention were initially charged with “acting in a manner which is likely to lead to a breach of the peace” (Article 7(c) of MOA).

They were all released on May 8, 2006 after the court decided to drop the charges.

– On May 16, 2006, Ms. Williams and one of her colleagues were threatened with death by a Bulawayo police official, Mr. Ndlovu.

– Two WOZA members were arrested in Mutare on May 23, 2006, after WOZA held a workshop on social justice conducted by Ms. Jennifer Williams on May 20, 2006.

– Another WOZA member was further arrested in Tshabalala, near Bulawayo, on May 24, 2006, as she had gone to Mahlabezulu school to pay her child’s fees. When noticing that she was wearing a WOZA scarf, the school administration called the police. Although the woman could prove that she had not participated in a demonstration held the day before in Bulawayo, she was placed under arrest and her house was searched. When the police found a WOZA tee-shirt in her home, she was questioned forcefully as to the name of the person who had given her the tee-shirt. That woman was also arrested that day. Both WOZA members were detained for several hours and released after signing caution statements.

– On August 21, 2006, over 180 members of WOZA and Men of Zimbabwe Arise (MOZA) were arrested in Bulawayo during a peaceful protest against the new monetary policy of the government (the revaluation by 1,000% of the Zimbabwean dollar, known as “Operation Sunrise” came into force on August 1, 2006) and taken to various police stations across the city.

Thirteen women with babies, as well as 26 children, were released after a few hours but were required to report to the police station the next day.

All the persons detained were freed on August 23, 2006 and 152 of them were accused of “participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry” under Article 37-1(b) of the Criminal Code (Codification and Reform) Act 2006. The hearing was scheduled for October 10, then November 7, 2006. On that date, the Bulawayo Magistrates Court dismissed the charges against all 152 defendants.

– About thirty WOZA members were arrested in Harare on September 11, 2006 as they were about to hold a peaceful rally to protest against the poor quality of public services. A few hours later, another 80 activists who had decided to maintain the demonstration in spite of their colleagues’ arrests were also taken into custody.

A total of 107 persons were detained until September 14, 2006 and were accused of “participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry” (Article 37-1(b) of the Criminal Code (Codification and Reform) Act 2006).

All charges were dropped by the Rotten Row Magistrate Court on October 23, 2006.

– Ms. Mahlangu, Ms. Mpofu, Ms. **Siphiwe Maseko** and Ms. **Patricia Khanye**, all four prominent WOZA members, appeared before the Western Commonage Magistrate Court of Bulawayo on October 3, 2006 in relation to facts dating back to June 16, 2004. All four were accused under Article 24 of POSA of “participating in an unlawful gathering” and were discharged by the Court.

Likewise, nine other WOZA activists, namely Ms. Williams, Ms. Mahlangu, Ms. **Memory Mushore**, Ms. **Anna Moyo**, Ms. **Erika Sithole**, Ms. **Edith Mbofana**, Ms. **Anna Dube**, Ms. **Emma Sibanda** and Ms. **Selina Ncube**, were acquitted by the Tredgold Magistrate Court in Bulawayo on October 4, 2006 for charges dating back to June 19, 2006. All nine had then been arrested following a demonstration protesting against the deterioration of the Zimbabwean economy and celebrating the international refugee day. They were accused of “acting in a manner which is likely to lead to a breach of the peace or to create a nuisance or obstruction” (Article 7(c) of MOA).

– On November 29, 2006, over sixty WOZA members and four MOZA members were arrested while marching peacefully through

central Bulawayo to mark the launching of the “16 Days of Activism Against Gender Violence”, an international campaign running until International Human Rights Day on December 10, 2006, as well as the first edition of the International Women Human Rights Defenders’ Day. Demonstrators were also protesting against POSA.

About 30 anti-riot police officers began to assault the group with bludgeons and forcefully dispersed the 200 participants. Several persons were severely beaten, including a young baby. Six WOZA members had to be taken to Mpilo Hospital for medical attention, including one woman who sustained an open fracture to her leg.

Forty persons were then taken to Bulawayo former central police station (Drill Hall), where they were beaten and intimidated by police officers before being released without charge on the same day. At the same time, thirty-six WOZA members and four MOZA activists, including six mothers with babies, were detained at the central police station. Ms. **Sheba Dube**, a lawyer for WOZA, was then threatened with arrest for “interfering with the course of justice” while trying to attend her clients. She was finally able to access the detainees on the following day.

The six mothers with babies were released on November 30, 2006 but told to report to the police the next day.

All these forty people were charged under Articles 37 (“participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry”) and 46 (“public nuisance or obstruction”) of the Criminal Code (Codification and Reform) Act, which carry sentences of up to six-month imprisonment and a fine.

They were all freed on December 4, 2006.

As of the end of 2006 however, charges remained pending and no date had been set for a preliminary hearing.

Ongoing harassment of NCA members¹¹¹

Again in 2006, hundreds of members of the National Constitutional Assembly (NCA) were arrested while peacefully demonstrating in favour of a revision of the Constitution.

On February 21, 2006 for instance, Harare police forces arrested 43 NCA members during a peaceful march urging for constitutional

111. See Annual Report 2005 and OMCT Urgent Appeal ZWE 280706.

reforms organised on the occasion of the birthday of the President of the Republic. All these persons were released after a few hours in custody.

62 NCA members were again arrested on February 23, 2006 while peacefully marching towards the Parliament House. They were all charged with “breach of the peace” under Article 7 of the MOA and released after they paid a 250,000 ZWD (2 euros) bail each.

During another peaceful demonstration on April 7, 2006, police forces arrested 51 NCA members who were charged with “breach of the peace” and “participating in an illegal gathering” under Article 19 (1) of POSA.

On July 12, 2006, 128 NCA members including four women with babies were arrested in Harare and detained at the central police station. They were accused of “obstructing public thoroughfare” (Article 46 chapter 9:23 of the Criminal Code), a charge punishable by up to six months’ imprisonment and/or a fine, before being released on July 15, 2006.

Likewise, on July 13, 2006, Messrs. **Future Matondo**, **Alinmah T. Munafireyi Rajabo**, **Tapuwa Mundangepfupfu**, **Shelter Zimunhu**, **Albert Mhetu**, **Louis Chizaka** and **Stewart Muzhambi**, as well as Ms. **Florence Bundo**, Ms. **Shelly Saburi** and Ms. **Ruth Katsande**, all NCA members, were taken to custody after holding a public gathering calling for constitutional reforms. They were all charged with participating in a demonstration “likely to cause a breach of the peace” under Article 37 chapter 9:23 of the Criminal Code. All ten were freed on payment of 500,000 ZWD bail each.

Another 146 NCA members were arrested on September 20, 2006 during a peaceful rally condemning police violence against several leaders of the Zimbabwe Congress of Trade Unions (ZCTU) and calling for the adoption of a new Constitution. Twenty-seven participants had to be hospitalised following the brutal dispersion of the demonstration by the police forces.

In addition, Mr. **Lovemore Madhuku**, NCA chairman, was arbitrarily arrested on October 31, 2006 while taking part in a peaceful gathering organised by NCA in Harare which was forcibly dispersed by the police. He was released without charge on November 2, 2006.

Lastly, Mr. Madhuku’s home was targeted by an arson attack on January 1, 2007. Unidentified assailants reportedly sprinkled gasoline

on the house doors and window ledges before setting it on fire whilst Mr. Madhuku, his wife, their three children and five family members were sleeping inside. They all managed to escape unhurt through a window that had cracked open due to the heat.

Mr. Madhuku filed a complaint with the Waterfalls police station. An investigation was subsequently opened.

Ongoing harassment of ZCTU and its members

Arbitrary arrest and judicial proceedings against Mr. Wellington Chibebe¹¹²

On August 15, 2006, Mr. **Wellington Chibebe**, secretary general of the Zimbabwe Congress of Trade Unions (ZCTU), was arrested at a roadblock while on his way back from Masvingo with his family. The police demanded to search his car.

Mr. Chibebe was detained at the Waterfalls police station before being accused of “failure to cooperate with a police officer”, a charge that was later changed to “common assault against a police officer” in contravention of Article 176 of the Criminal Code (Codification and Reform) Act, which provides for up to ten years’ imprisonment and/or a fine of up to 100,000 ZWD.

Mr. Wellington Chibebe appeared before the Mbare Magistrates Court on August 17, 2006 and was subsequently released on payment of 2,000 ZWD bail. The hearing was later repeatedly postponed.

Proceedings remained pending as of the end of 2006.

Arbitrary arrest, ill-treatment and judicial proceedings against several ZCTU leaders¹¹³

On September 12 and 13, 2006, ZCTU organised nationwide peaceful demonstrations calling for decent wages, government action on the country’s dramatic inflation rate, tax reductions and better access to anti-viral medication.

On this occasion, the majority of the unionists who took part in the demonstrations were intimidated by militias loyal to the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) and

112. See Urgent Appeal ZWE 003/0806/OBS 098.

113. See Urgent Appeal ZWE 003/0806/OBS 098.1.

brutally repressed by the police. Hundreds of unionists were briefly arrested and questioned and the ZCTU branch offices in several cities were surrounded and some even sealed off as in Masvingo and Mutare. Acute police violence against demonstrators was reported in at least 16 towns including: Harare, Chitungwiza, Plumtree, Gwanda, Hwange, Bulawayo, Beitbridge, Masvingo, Mutare, Chinhoyi, Kariba, Gweru, Shurugwi, Gokwe, Kwekwe and Chegutu.

In Harare, about fifteen ZCTU leaders including Mr. **Lovemore Matombo**, ZCTU president, Ms. **Lucia Matibenga**, first vice-president, and Mr. Chibebe were arrested on September 13, 2006. All were detained at the Matapi police station, in the Harare Mbare district, where they were violently beaten. Mr. Chibebe sustained several cuts to his skull, as well as three fractures and serious haematomas all over his body. Mr. Matombo suffered a broken arm and numerous bruises. Ms. Matibenga, who had whip marks all over her back and a swollen neck, suffers from impaired hearing as her ear drums were damaged by the beating she received. While detained in poor conditions, the ZCTU leaders were denied access to a doctor – in particular to a doctor from the organisation Doctors for Human Rights – or a lawyer.

Mr. Matombo, Mr. Chibebe and Ms. Matibenga were transferred on September 14, 2006 to the Harare central police station where several police officials ordered that reports be provided in relation to the assaults on them. The Matapi police denied having committed any acts of violence. The union leaders' lawyer petitioned the High Court of Harare to require the police to grant them access to a doctor. Later that day, Mr. Chibebe, Mr. Matombo and Ms. Matibenga were taken back to Matapi police station.

On September 15, 2006, Mr. Matombo and Ms. Matibenga appeared before the Harare Court. Mr. Chibebe was unable to attend the hearing due to his injuries. All three, along with 28 other ZCTU leaders, were charged under Article 37 of the Criminal Code (Codification and Reform) Act 2006 ("disturbing the peace and order") and subsequently released on payment of a 20,000 ZWD (62,50 euros) bail each.

The trial was then postponed until October 3, 2006, when the Court ordered the Criminal Investigation Department (CID) to open an inquiry into the violence inflicted on a dozen ZCTU leaders and adjourned the hearing until October 17, 2006.

On October 5, 2006, the government dismissed the reports of

violence and Mr. Reuben Marumahoko, Home Affairs Deputy Minister, declared before the Parliament that “the demonstrators were injured while trying to resist arrest by jumping from moving police vehicles”.

On October 17, 2006, the trial of the 31 ZCTU leaders was postponed until October 30, and subsequently to December 4, 2006. On that date, the Harare Court ruled that the petition initiated by ZCTU to challenge the constitutionality of the Criminal Code (Codification and Reform) Act 2006 was admissible. This petition was subsequently transferred to the Supreme Court, which was due to hand down a ruling on the matter in early 2007. The hearing was adjourned until March 26, 2007 pending the Supreme Court’s decision.

Finally, on November 29, 2006, Mr. Chibebe and 14 other ZCTU leaders lodged a further complaint against the Minister of Home Affairs, Mr. Kembo Mohadi, police commissioner Augustine Chihuri and other police officers for their involvement in “acts of torture”.

Proceedings remained pending as of the end of 2006.

