
CHAD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The armed attack against the Government in the capital by three rebel groups in February 2008 has left its mark. In this context, the United Nations Human Rights Committee denounced in August 2009 the acts of murder, rape, enforced disappearance, arbitrary detention, cases of torture, destruction of property, forced displacements and attacks against the civilian population perpetrated by the Chadian security forces¹. Shortly after the offensive, the political and military authorities imposed a 15-day state of emergency, which relegated the question of human rights and fundamental freedoms to secondary importance. The power of the military increased, with the army benefitting from material and financial advantages and also total impunity. Furthermore, President Idriss Deby Itno continued to leave the opposition no room for manoeuvre and to put considerable pressure on the officials of civil society organisations after some of them refused to take part in marches in support of the Government that were initiated in February 2009 by the different ministries, including the Ministry of Human Rights.

On January 7, 2010, the President of the National Independent Election Commission (*Commission électorale nationale indépendante* – CENI) announced the election calendar². Civil society stakeholders emphasised the fact that the prospect of elections constituted the sole progress made under the Global Political Agreement, for lack of introduction of a real dialogue on issues of governance and management of the State, particularly oil revenues and social injustice linked to the discrimination and favouritism enjoyed by Government allies³. Amongst other things, this agreement gave the rebels the chance to form a political party⁴. However, in May 2009, the start of fighting again between the rebels grouped within

1/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, United Nations Document CCPR/C/TCD/CO/1, August 11, 2009.

2/ In the framework of the Global Political Agreement concluded between the presidential majority and the radical opposition on August 13, 2007, the parliamentary elections should take place on November 28, 2010, followed by local elections on December 12, 2010 and the first round of the presidential elections, scheduled for April 23, 2011.

3/ See International Crisis Group Africa Report No. 65, August 26, 2009.

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

the Union of Resistance Forces (*Union des forces de la résistance* – UFR) and Government forces once again threatened peace and security in the sub-region and also increased the risk of aggravating the humanitarian situation in the east of the country.

In this context, the United Nations Human Rights Committee reminded the Chadian Government, amongst other things, that it had an obligation to respect and protect human rights defenders and to lift non-conventional restrictions on freedom of association, freedom of the press and freedom of assembly⁵. Included in these provisions is Regulation No. 5, adopted in February 2008, which drastically restricts press freedom through provisions that penalise any critical reporting of sensitive subjects in Chad, notably Government business, the armed rebellion and ethnic relationships. This regulation had still not been repealed by the end of 2009.

Furthermore, although Chad gave political support to Senegal and promised financial support for trying former Chadian President Hissène Habré, accused for his presumed responsibility in the mass crimes committed under his regime, impunity remained commonplace in the country, and there was still no real political willingness to begin judicial proceedings against the holders of office under the Habré regime, guaranteeing senior positions in defence, security and civil administration institutions for the great majority⁶. Similarly, although the national commission of inquiry set up to investigate the repression that followed the N'Djamena attack in 2008 noted the responsibility of the Chadian army in the disappearance of political opponent Ibni Oumar Mahamat Saleh, no serious inquiry or judicial proceedings had been opened against those responsible by the end of 2009.

Intimidation of defenders who denounce impunity

In 2009, defenders who were most at risk were again those who fight against impunity for the most serious crimes and abuses committed by agents of both the previous and the current State regime. As an example, human rights defenders working on the disappearance of Mr. Ibni Oumar Mahamat Saleh since February 3, 2008 were constantly under surveillance and exposed to threats and intimidation⁷. Furthermore, Messrs. **Michel Barka**, President of the Union of Chad Trade Unions (*Union des syndicats du Tchad* – UST), and **Tenebaye Massalbaye**, President of the Chadian

5/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, United Nations Document CCPR/C/TCD/CO/1, August 11, 2009.

6/ See ATPDH.

7/ For security reasons, the names of the people concerned are not mentioned.

League of Human Rights (*Ligue tchadienne des droits de l'Homme – LTDH*), were particularly at risk after travelling in February 2009 to Paris and Brussels as delegates of the Monitoring Committee of the Appeal for Peace and Reconciliation (*Comité de suivi de l'appel à la paix et à la réconciliation – CSAPR*)⁸ to alert the French authorities and European Union representatives on the political situation and law and order in Chad. In particular, they provided evidence concerning the blocking of implementation of the recommendations of the commission of inquiry set up to investigate the human rights violations committed during the coup d'état in February 2008. For instance, on October 13, 2009, while he was driving his car, Mr. Barka was tailed by several unmarked vehicles. An unidentified person wearing plain clothes then stopped in the middle of the road, blocking the way. In order to escape from what he believed to be an illegal arrest, Mr. Barka turned into another street. A motorbike followed him and its driver took advantage of Mr. Barka stopping and brandished a gun in his direction. Mr. Barka managed to escape. On the same day, and then again on October 14, 16 and 23, Mr. Massalbaye was also subjected to tailing and was watched by unidentified individuals. On October 23, around ten armed men entered his home while he was absent. On October 26, 2009, Messrs. Massalbaye and Barka filed a complaint against unknown persons with the Prosecutor General of the Republic for being followed and for attempted murder. The case was sent to the N'Djamena Court of First Instance. On October 20, 2009, Mr. Massalbaye was received by the Minister of the Interior and Public Security, accompanied by the Director of the national police, the Director of public security and the Director of intelligence services, who assured him that they would take all measures necessary to guarantee his safety and that of Mr. Barka, as well as open an extensive investigation into the facts. On October 29, 2009, the authorities took steps to guarantee the safety of Mr. Massalbaye. During five days, security officers were assigned to his home and police also accompanied him when he travelled around. As of the end of 2009, there had been no progress in the police investigation and the complaint to the Prosecutor. Furthermore, on October 26, 2009, Mr. **Bertin Djim-Ambingam**, a journalist with *Radio Arc en ciel* and a member of the Orientation, Strategy and Political Analysis Committee (*Comité d'orientation, de stratégie et d'analyse politique – COSAP*), one of the CSAPR bodies, was attacked by three people near his home. One of the attackers fired at him but was

8/ CSAPR is the civil society follow-up structure for the Appeal for Peace and Reconciliation launched at the end of a day organised on November 16, 2002 in Chad to consider the issue of peace. This appeal was signed by 150 members of civil society, opposition political parties and hundreds of Government allies as well as representatives of religious denominations. The CSAPR is trying to organise national dialogue and to implement a procedure for national reconciliation.

unable to hit him. On the same day, he had broadcast a programme on modernisation of public life in Chad in which questions on good governance had been broached. One of the attackers was arrested on October 29, 2009 and then released. As of the end of 2009, there had been no progress in the police investigation.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Michel Barka and Mr. Massalbaye Tenebaye	Attempted murder / Threats / Surveillance	Urgent Appeal TDC 001/1009/OBS 153	October 22, 2009
Messrs. Michel Barka, Massalbaye Tenebaye and Bertin Djim-Ambingam	Harassment	Urgent Appeal TDC 001/1009/OBS 153.1	October 30, 2009