
REPUBLIC OF THE CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

On July 12, 2009, the presidential elections were held in a tense climate, marked by high abstention and many irregularities¹. There was considerable tension after the official results announcing, with no surprise, the victory of the incumbent President Denis Sassou Nguesso, in power since 1997, with over 78 % of the votes. During a peaceful protest march, organised by the opposition on July 15, 2009, the same day the results were published, the security forces brutally attacked demonstrators and international journalists present in Brazzaville. Real bullets were fired at the demonstrators, injuring at least one person. Broadcasting equipment belonging to journalists from the international press who were covering the event, such as Mr. Arnaud Zajtman and Ms. Marlène Rabaud, special correspondents for the French TV channel *France 24*, and Mr. Thomas Fessy, correspondent for *BBC* radio, was broken or confiscated². Members of the Government had criticised the international media on several occasions, accusing them of transmitting false information³.

Furthermore, the authorities once again did not consult civil society on decisions relating to the management of resources, particularly forestry resources, regardless of the mechanisms set up to do so, and the rights of indigenous peoples on their lands, especially the Pygmies, continued to be flouted. More generally, the situation regarding negotiation of the Partnership Agreements between the Republic of the Congo and the European Union were symbolic of the Government's failure to take civil

1/ See Congolese Observatory of Human Rights (OCDH) Press Release, July 13, 2009. The OCDH termed the election as barely credible and denounced irregularities such as multiple votes, ballot box stuffing, and the swelling of voting numbers.

2/ See Journalists In Danger (*Journalistes en danger* - JED) Annual Report 2009, *Liberté de la presse au quotidien : entre la peur et la survie. L'état de la liberté de la presse en Afrique centrale*, December 15, 2009.

3/ See OCDH.

society concerns into account, even when required by treaties⁴. On March 23, 2009, the United Nations Committee on the Elimination of Racial Discrimination confirmed this tendency in its report on the situation in the Congo⁵.

Intimidation of defenders who denounced irregularities in the holding of the presidential elections

In 2009, human rights defenders who denounced voting conditions in the July election were threatened and harassed, including by the authorities in office. As an example, the Territorial Surveillance Directorate (*Direction générale de la surveillance du territoire*) refused permission for the FIDH pre-election observation mission to enter the Republic of the Congo in June 2009, requesting that it be postponed until after the vote on the presidency. There was no response to the letter addressed by the Congolese Observatory of Human Rights (*Observatoire congolais des droits de l'Homme – OCDH*) to the officials of the Territorial Surveillance Directorate on June 24, 2009 requesting an explanation for this refusal⁶. As a result, OCDH was the only truly independent organisation that was able to observe the presidential vote. On July 13, 2009, OCDH Executive Director, Mr. **Roger Bouka Owoko**, received anonymous telephone calls on the same day that OCDH published its communiqué after its observation of the election vote. One of the messages told him: “Keep on selling your country to the outside world; you’ll see what will happen to you, say whatever you like”. In addition, on July 15, 2009, at the end of a demonstration organised by the opposition, two people who introduced themselves under a false identity as members of Mr. Bouka’s family went to OCDH offices to meet him. He was away and they promised to come back. On the next day, they phoned to ask to meet Mr. Bouka privately to

4/ In February 2009, the Platform of Civil Society Organisations for the Sustainable Management of Forests in the Republic of the Congo (*Plateforme des organisations de la société civile pour la gestion durable des forêts en République du Congo*) called for postponement of the agreement negotiation session scheduled to take place in Brussels from February 16 to 19, 2009, on the grounds that the civil society consultation procedure and the rights of local communities and indigenous peoples had not been respected. See Position Paper of the Association for the Defence and Promotion of the Rights of Indigenous People (*Association de défense et de promotion des droits des peuples autochtones - ADDPA*), OCDH, the Junior Legal Desk (*Comptoir juridique junior - CJJ*), the Organisation for Development and Human Rights in the Congo (*Organisation pour le développement et les droits humains au Congo - ODDHC*) and the Forum for Governance and Human Rights (*Forum pour la gouvernance et les droits de l'Homme - FGDH*), February 11, 2009.

5/ See Committee for the Elimination of Racial Discrimination, *Concluding Observations of the Committee for the Elimination of Racial Discrimination*, United Nations Document CERD/COG/CO/9, March 23, 2009.

6/ See OCDH Letter to the authorities, June 24, 2009. A copy of this letter was sent to the Minister of Security.

discuss the OCDH stand in the election and hinted at the possibility of working together. There was no follow-up. Furthermore, on July 13, the Committee to Monitor Peace and Reconstruction in the Congo (*Comité de suivi pour la paix et la reconstruction du Congo*), a body that accredits national organisations to observe the election, ordered OCDH to give it the election observation report so that it could be published in the body's summary report. The aim of this manoeuvre was to make sure that OCDH would not be able to take a stand in opposition to the official position.

Reprisals against defenders who denounce corruption

Any criticism also remained a risky activity: people who denounced cases of corruption and poor management of natural resources also continued to pay a high price, as illustrated by the death in suspicious circumstances of Mr. **Bruno Ossébi**, a journalist and reporter for the on-line newspaper *Mwindu*, who died on February 2, 2009 following a fire that took place at his home on January 21. On the same day, an identical incident took place at the home of the Congolese political dissident in exile in France, Mr. Benjamin Toungamani. These fires occurred three days after *Mwindu* published an exclusive interview with Mr. Toungamani in which the latter accused the President of corruption. Mr. Ossébi was known for his criticism of the Congolese Government and his involvement in cases of corruption. Mr. Ossébi and Mr. Toungamani both envisaged filing civil party complaints against Mr. Sassou-Nguesso and the Presidents of Equatorial Guinea and Gabon concerning "ill-gotten gains" in France. In January 2009, Mr. Ossébi had also revealed that the National Petroleum Company of the Congo had applied for funding amounting to 100 million U.S. dollars from a French bank because of poor management of petroleum profits by the Congolese Government. While a post-mortem was not carried out, the committee of investigation appointed by the Examining Magistrate on February 25, 2009, which was supposed to publish its findings within one week, has never issued a report and, as of the end of 2009, there had been no progress in the investigation⁷. In addition, based on an article that appeared in the French weekly magazine *Le Point* on July 30, 2009, which discussed NGO transparency and asked questions about NGO involvement in the ill-gotten gains affair, two editorials on August 25 and 26, 2009 appeared in the daily paper *Les dépêches de Brazzaville*, attacking both international and local NGOs, accusing them of trying to "destabilise the African Governments" and appealing to the same Governments to

7/ See Reporters Without Borders and JED Report, *République du Congo, Mort du journaliste franco-congolais Bruno Jacquet Ossébi : mystères et négligences*, July 2009 and JED Annual Report 2009, *Liberté de la presse au quotidien : entre la peur et la survie. L'état de la liberté de la presse en Afrique centrale*, December 15, 2009.

make the battle for transparency for NGOs that “harass them” a priority for action. The campaign was aimed in particular at international NGOs such as Transparency International, Survival (*Survie*), Global Witness and Sherpa, which are involved in denouncing the corruption of certain African leaders and their ill-gotten gains in Europe⁸. Defenders working on the issue of the conditions that should be required in response to the request to cancel the debt of the Congolese State were particular targets, including Mr. **Christian Mounzé**, President of the NGO Meeting for Peace and Human Rights (*Rencontre pour la paix et les droits de l’Homme* – RPDH), and Mr. **Brice Makosso**, Permanent Secretary to the “Justice and Peace” Episcopal Commission (*Commission épiscopale “justice et paix”*), who had already been harassed in 2006 for their participation in the “Publish What You Pay” Coalition (coalition “Publiez ce que vous payez”), as well as Mr. Mounzé’s French lawyer, Mr. **William Bourdon**. During programmes broadcast by national television on August 4, 5, 6 and 7, 2009, which repeated these accusations, Mr. William Bourdon was directly mentioned as President of Sherpa and Mr. Mounzé’s lawyer, Mr. Makosso and Mr. Mounzé were presented as henchmen of these international organisations and as dangerous elements whose intention was to destabilise the country⁹. In addition, on November 6, 2009, Mr. Mounzé received calls from advisors to the Minister of Mines and Geology and the Finance Minister while he was about to travel to Milan and Berlin for publication of a report on respect for human rights in the Italian Petroleum Company’s (*Ente Nazionale Idrocarburi* – ENI) new investment projects on tar sands and biofuel. The advisors to the two Ministers, who did not understand why this report might be published before they had seen it and given their permission for publication, dissuaded him from leaving as that “could be dangerous” for the country and for himself. When Mr. Mounzé returned, he continued to receive anonymous threatening phone calls¹⁰.

8/ See Meeting for Peace and Human Rights (RPDH).

9/ RPDH tried, unsuccessfully, to obtain a copy of the programme and was therefore not able to file a complaint. See RPDH.

10/ See RPDH.