



## / AFRICA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007



**World Organisation Against Torture**

8, Rue du Vieux-Billard – Case postale 21  
1211 Genève 8 – Switzerland  
Tel. + 41 (0) 22 809 49 39  
Fax. + 41 (0) 22 809 49 29  
omct@omct.org / www.omct.org

**fidh**

**International Federation for Human Rights**

17, Passage de la Main-d'Or  
75011 Paris – France  
Tel. + 33 (0) 1 43 55 25 18  
Fax. + 33 (0) 1 43 55 18 80  
fidh@fidh.org / www.fidh.org

# / ANGO LA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Arbitrary detention, judicial proceedings and obstacles to the freedom of movement of Ms. Sarah Wykes<sup>1</sup>**

In the night of February 18 to 19, 2007, police officers came to the hotel room of Ms. **Sarah Wykes**, a British citizen and a senior campaigner of Global Witness, in Cabinda, and seized a number of her personal belongings, including her passport, a digital camera and several documents. Ms. Wykes was then arrested without a warrant, and brought to the police station.

Ms. Sarah Wykes had arrived in Angola on February 11, 2007 to meet with civil society and local authorities, to discuss the process of transparency in oil revenues in Angola<sup>2</sup>. The Angolan authorities were fully aware of the visit of Ms. Wykes and had granted her a visa.

On February 19, 2007, Ms. Wykes was brought to court without being allowed to meet her lawyer.

On February 21, 2007, Ms. Wykes was released on a bail of 180,000 kwanzas (about 1,546 euros) and, on February 28, 2007, she was given permission to leave Cabinda and return to Luanda, on condition that she would report to the police every two days.

On March 15, 2007, Ms. Wykes was officially notified that her appeal to leave the country had been granted by the Attorney General on the condition that she returns to Angola upon request of the judicial authorities. Ms. Wykes left Angola on March 19, 2007. Yet, as of the end of 2007, the charges against her for alleged violation of Article 26 of the Angolan Law relating to crimes against national security remained pending.

## **Ongoing closure of Mpalabanda<sup>3</sup>**

As of late 2007, the appeal lodged by the Civic Association of Cabinda (*Associação Cívica de Cabinda - Mpalabanda*) before the Supreme Court remained pending.

On July 24, 2006, Mpalabanda had been informed of a court decision dated July 20, 2006 ordering its ban, because it would incite the population to “violence and hatred” as well as because it would be “more engaged in political activities than human rights activities”.

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

The Mpalabanda association and its members have been harassed for several years, in particular for having published reports in 2003, 2004 and 2005 documenting human rights violations in the Cabinda region.

---

1./ See Urgent Appeals AGO 001/0207/OBS 021, 021.1 and 021.2.

2./ Global Witness is an organisation working on the links between the exploitation of natural resources, the conflicts and human rights.

3./ See Annual Report 2006.

# / BURUNDI

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## End of the proceedings against Mr. Gabriel Rufyiri<sup>4</sup>

In January 2007, the proceedings against Mr. **Gabriel Rufyiri**, President of the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de lutte contre la corruption et les malversations économiques* - OLUCOME), were dropped.

In early August 2006, Mr. Rufyiri had been threatened by a high-ranking administrative official who had 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 had been arrested in Bujumbura and taken to the Mpimba central prison, on the basis of a complaint for “libel” filed by Mr. Hilaire Ndayizamba, a prominent member of the ruling party and a businessman whom OLUCOME had accused of embezzlement in the sale of palm oil to the national police, in June 2006.

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

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

On December 12, 2006, Mr. Rufyiri had been released on bail.

## Lack of investigation into the assault against OLUCOME offices<sup>5</sup>

As of late 2007, no follow up had been given to the complaint and the request of OLUCOME.

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

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

On the same day, OLUCOME had filed a complaint in relation to the confinement of its members, and for the assault and battery against Mr. Misago. OLUCOME had also asked the authorities for protection.

---

4./ *Idem.*

5./ *Idem.*

# / CAMEROON

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Ongoing acts of harassment against the organisation “Os\_civile”<sup>6</sup>

### Ongoing judicial proceedings against Messrs. Alhadji Mamat and Alhadji Mey Ali

As of late 2007, the proceedings against Mr. **Alhadji Mamat**, Chief of the Sao district in Afadé (north-eastern Cameroon), and Mr. **Alhadji Mey Ali**, Director of the NGO called “Civil Society Organ” (*Organe de la société civile* - Os\_civile), remained pending after the hearing in their trial was postponed on numerous occasions.

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

### Ban of a demonstration against death penalty

On October 5, 2007, Mr. Alhadji Mey Ali requested the Sub-prefect of the Kousseri urban district an authorisation to organise a demonstration against death penalty, on October 10, 2007.

On October 8, 2007, the Sub-prefect forbade the demonstration, arguing that the Cameroonian law was still recognising death penalty.

## Ongoing judicial proceedings against Mr. Adama Mal-Sali<sup>7</sup>

As of late 2007, the trial before the Court of Appeal of the Far-North of Mr. **Adama Mal-Sali**, a representative in Balaza-Lawane of the Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l'Homme et des libertés* - MDDHL), for “libel and slanderous denunciations” against a village chief, was still ongoing. Indeed, the hearing in his trial was postponed on four occasions due to the non-appearance of the village chief or of witnesses.

On May 3, 2006, following numerous adjournments, the Maroua Court of First Instance had sentenced Mr. Adama Mal-Sali to six months’ imprisonment, on the basis of a complaint lodged in April 2005 by Mr. Amadou Adoum Haman, community leader of the Balaza-Lawane canton (*lawan*), after Mr. Mal-Sali had denounced the malpractices and abuses perpetrated by Mr. Adoum Haman. In particular, the latter had forbidden the villagers under his jurisdiction to report to Mr. Mal-Sali about the human rights violations they were subjected to.

On June 14, 2006, Mr. Mal-Sali had been temporarily released, on the order of the Prosecutor General.

## Arbitrary arrest of Mr. Jean Marc Bikoko and Ms. Brigitte Tamo<sup>8</sup>

On November 28, 2007, Mr. **Jean Marc Bikoko**, President of the Trade Union Confederation of the Public Sector (*Centrale syndicale du secteur public*), and Ms. **Brigitte Tamo**, a teacher in the technical high school of Yaoundé and a member of this Confederation, were arrested while participating in a demonstration organised by the Trade Union Confederation of the Public Sector in front of the National Assembly in Yaoundé, in order to ask for the restoration of civil servants’ wages.

---

6./ *Idem.*

7./ *Idem.*

8./ See Urgent Appeals CMR 001/1107/OBS 150 and 150.1.

In the evening, Mr. Bikoko and Ms. Tamo were released, after being detained for more than ten hours in the gendarmerie of the Centre legion.

# / CENTRAL AFRICAN REPUBLIC

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Ongoing acts of harassment against OCODEFAD members<sup>9</sup>

On January 17, 2007, Ms. **Bernadette Sayo Nzale**, President of the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* - OCODEFAD), received several anonymous phone calls on her cell phone and her daughter's phone, during which she was threatened with death.

On the next day, a journalist at *Radio centrafrique* received an anonymous phone call, of which author announced Ms. Sayo's death. The mobile gendarmerie was also contacted by phone, and the authors of the calls declared: "Ms. Sayo was killed, you can go and pick her body at her home". The gendarmes then went to her home, and could notice that Ms. Sayo was safe and sound.

On January 29, 2007, one of the OCODEFAD branch manager was assaulted at her home by the chief of her district, in Bangui. The latter threatened her with death, insulted and beat her. Her foot was injured. Another member of OCODEFAD, who was present at the time of those events, was also subjected to violence. As a consequence, she had to be hospitalised for a long time. At least three other OCODEFAD branch managers were victims of similar violence.

Finally, on February 1, 2007, unknown persons in plain-clothes accosted Ms. Sayo in the street and threatened to kill her, together with Mr. **Goungaye Wanfiyo**, a lawyer and President of the Central African League of Human Rights (*Ligue centrafricaine des droits de l'Homme*).

Ms. Sayo's children were also subjected to threats, acts of harassment and public humiliations.

---

9./ See Annual Report 2006 and Urgent Appeals CAF 001/0905/OBS 086.2 and OBS 086.3.

## End of the proceedings against Mr. Evariste Ngaralbaye<sup>10</sup>

In 2007, the proceedings against Mr. **Evariste Ngaralbaye**, a journalist for the weekly *Notre Temps*, were closed.

On October 27, 2006, Mr. Ngaralbaye had been summoned by the National Department of Criminal Investigation (*Section nationale des recherches judiciaires* - SNRJ) of the Ndjamenan gendarmerie. He had been accused of “defamation” and “insult to the armed forces’ honour and morale”. He had been immediately taken to custody.

His arrest had followed the publication in *Notre Temps*, on October 24, 2006, of an article of Mr. Ngaralbaye 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.

On October 31, 2006, Mr. Ngaralbaye had been released on grounds of technical irregularities as no complaint had been lodged against him at the time of his arrest. The same day, however, the Commander-in-Chief of the national gendarmerie had officially pressed charges against him.

---

10./ See Annual Report 2006.

## **Assault against the LIDHO headquarters and harassment against its members<sup>11</sup>**

On May 21, 2007, the headquarters of the Ivorian League for Human Rights (*Ligue ivoirienne des droits de l'Homme* - LIDHO), in Abidjan, were ransacked by around 300 members of the Student and School Federation of Côte d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire* - FESCI). The aggressors stole computer hardware, supplies and all the personal belongings of the organisation members. They also damaged the building and destroyed the furniture and the archives.

Moreover, despite the fact that a police station was nearby and the arrival on the spot of policemen during the havoc, nobody was arrested. The attackers even held a meeting in front of the premises of the League, insulting its members, calling them “traitors” and “enemies of the Government”.

The reason invoked by FESCI, which had forbidden the National Coordination of Teachers and Researchers (*Coordination nationale des enseignants et chercheurs* - CNEC) from holding meetings in Ivorian universities, was that LIDHO had lent its premises to CNEC members, on strike since April 13, 2007, for a press conference on May 18. This meeting was seen by FESCI as an act of defiance. However, this reason would only be a pretext, since the LIDHO has been recurrently denouncing the numerous abuses and acts of harassment perpetrated by FESCI members on the university campus of Abidjan over the past few years.

LIDHO lodged a complaint with the Prosecutor General of the Republic against FESCI Secretary General who, during a meeting held at the University of Cocody two hours earlier, had publicly urged its members to attack the headquarters of the organisation, as well as against the Secretary of the “Cité Rouge” branch of FESCI, who led the operation.

As of late 2007, no further information could be obtained as regards the follow up to these two complaints.

---

11./ See Urgent Appeal CIV 001/0507/OBS 050.



# / DEMOCRATIC REPUBLIC OF CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Arbitrary arrest and ill-treatments against Mr. Albert Amakantu Loma<sup>12</sup>**

On March 24, 2007, Mr. **Albert Amakantu Loma**, a member of the branch in Kinshasa of the NGO “Action for the Endogenous Development of the Underprivileged African Peoples” (*Action pour le développement endogène des peuples africains déshérités*), a Goma-based human rights association working in favour of community development, was arrested in Kinshasa during military confrontations between army members, who are allies of the Republican guard, and guards of Mr. Jean-Pierre Bemba, President of the Movement for the Liberation of Congo (*Mouvement pour la libération du Congo - MLC*). Previously, Mr. Amakantu Loma had denounced the arbitrary arrests of civil society members that had taken place in Kinshasa.

While being detained in the Kin-Mazière prison, Mr. Amakantu Loma was tortured. A few days later, he managed to escape, his family having paid security agents. He then went into hiding and, as of the end of 2007, he had sought refuge abroad.

## **Ongoing death threats and intimidation acts against Messrs. Tshivis Tshivuadi and Donat Mbaya Tshimanga<sup>13</sup>**

At the end of June 2007, following the denunciation by Journalists in Danger (*Journalistes en danger - JED*) of the murder of Mr. Serge Maheshe, a journalist at the United Nations radio *Okapi* in Bukavu (south-Kivu province) on June 13, 2007, Mr. **Tshivis Tshivuadi**, JED Secretary General, received a phone call, the author of which declared that “he knew his wife and his children well”, and warning him of the possibility of “a rocket falling on [his] house”.

On the day before, JED had revealed that Mr. Maheshe had received death threats one month earlier, from members of the Republican guard (presidential guard). In front of the hasty judicial proceedings opened by the military justice less than 24 hours after the assassination and accusing about ten persons, including women, children and two military men, JED had also denounced an “attempt to cover tracks” and to “protect the real murderers”. In addition, on May 3, 2007, on the occasion of the World Press Freedom Day, Mr. Tshivuadi had denounced arbitrary detentions and acts of torture against journalists.

Likewise, on July 6, 2007, Mr. Tshivis Tshivuadi and Mr. **Donat Mbaya Tshimanga**, JED President, would have been warned by a reliable source that JED activities in the Maheshe case had caused the discontent of hundreds of persons within the political circles. This source would have advised them to keep “a low profile” and to “temporarily leave the country”.

On July 31, 2007, following a press conference held by Mr. Mbaya in Kinshasa in order to denounce the amendments to two bills restraining freedom of the press, the Press and Information Minister, Mr. Toussaint Tshilombo Send, gave an interview to the private channel *Antenne A*, qualifying JED as an “anti-patriotic organisation that needs to be annihilated by all means” and as an organisation “dedicated to the depreciation of the image of the country abroad for well-known reasons”.

Following these threats, Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi temporarily fled the country.

After their return in the DRC, JED received, on August 20, 2007, an anonymous facsimile ordering “once and for all” that Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi stop working on the case of Mr. Franck Ngyke, a journalist assassinated in 2006. The message also warned them that “[their] time would come and that they knew what [they] would do to [them]”.

---

12./ See League of Electors.

13./ See Annual Report 2006 and Urgent Appeal COD 001/0907/OBS 114.

## **Death threats and harassment against Mr. Kabala Mushiya and his family<sup>14</sup>**

On September 2, 2007, Mr. **Kabala Mushiya**, former Senior Official of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme* - ONDH) and Secretary General of the Committee for Democracy and Human Rights (*Comité pour la démocratie et les droits de l'Homme* - CDDH), who was coming back from the United Kingdom, was detained at his arrival at N'djili airport in Kinshasa by six agents of the General Directorate for Migrations (*Direction générale des migrations* - DGM). The agents questioned him on the human rights activities he had carried out in the United Kingdom as well as on the contacts he had had during his stay in Europe with Mr. **Paul Nsapu**, President of the League of Electors (*Ligue des électeurs* - LE), currently exiled in Belgium. During the interrogation, Mr. Kabala Mushiya was accused of having “tarnished the image of the country abroad” and of having “criticised the DRC institutions”.

Furthermore, on September 5, 2007, three plain-clothes officers went to Mr. Kabala Mushiya's house in order to arrest him. As he was absent, the officers threatened his relatives with death. Since then, regular visits have been carried out by the officers at Mr. Kabala Mushiya's house. As a consequence, Mr. Kabala Mushiya decided to go into hiding. As of the end of 2007, Mr. Kabala Mushiya was still hiding.

## **Serious threats and harassment against ASADHO/Katanga<sup>15</sup>**

On September 20, 2007, a tract that was signed by “the Cabinet” and entitled “The ASADHO/Katanga is misled by Cituka Mpulu” was published in Lubumbashi, as well as on the website of “Solidarity for Katanga” (*Solidarité katangaise*), an organisation presided over by the Minister for Humanitarian Affairs, Mr. Jean-Claude Muyambo, and in which the Katanga section of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme* - ASADHO), was accused of being partial.

In a press release dated of September 18, 2007, the ASADHO/Katanga had denounced the Minister for Humanitarian Affairs' abuse of power in his case against Mr. Cituka Mpulu: on April 15, 2007, the latter had been sentenced by default by the Peace Court of Kamalondo, in Lubumbashi, subsequent to a complaint lodged by Mr. Muyambo for “despoliation of a State house”. On August 14, 2007, he had been incarcerated at the central prison of Kasapa in Lubumbashi, although he appealed his sentence, which should have suspended the enforcement of the judgement.

Moreover, on September 21, 2007, the Director of Mr. Muyambo's Cabinet sent a threatening letter to ASADHO/Katanga, of which paragraph 3 informed them that the Minister was “warning them” and “determined to go all the way with all delinquents who have to answer for their acts because his honour and dignity have to be respected”.

Finally, on October 5, 2007 several members of Solidarity for Katanga gathered in front of the offices of the ASADHO/Katanga, chanting hostile songs. Some members of Solidarity for Katanga were carrying sticks.

## **Ongoing threats against Mr. Paul Nsapu<sup>16</sup>**

On October 4, 2007, Mr. Appolinaire Malu Malu, President of the Independent Electoral Commission (*Commission électorale indépendante* - CEI), publicly attacked Mr. Paul Nsapu<sup>17</sup>, following his statement on *Radio France Internationale* (RFI), in which he had expressed his concern about the situation of human rights defenders in Africa and criticised some electoral processes, including the one in DRC. In particular, Mr. Appolinaire Malu Malu called Mr. Paul Nsapu a “trouble-maker and a personality without any experience in the electoral area who needs to be neutralised”.

---

14./ See Urgent Appeal COD 003/1007/OBS 128.

15./ See Urgent Appeal COD 002/1007/OBS 126.

16./ See Annual Report 2006.

17./ See above.

## Assault and threats against Mr. Dismas Kitenge Senga<sup>18</sup>

On October 18, 2007, Mr. **Dismas Kitenge Senga**, President of the Lotus Group (*Groupe Lotus*), a human rights organisation based in Kitangi, was accused by a group of students, who blocked his vehicle while he was on his way to the University of Kisangani, where he works, of supporting General Laurent Nkunda and therefore of being a “traitor corrupted by those insurgents”. They also accused him of being an opponent to the regime of President Kabila, therefore echoing the positions of the Government and of the People’s Party for the Reconstruction and Democracy (*Parti du peuple pour la reconstruction et la démocratie* - PPRD, presidential party) on the armed conflict in north-Kivu. Furthermore, the assailants warned him that they would burn his house in case General Nkunda’s rebels were to advance. They also threw stones at his car. Mr. Kitenge had to go out of his car and could leave the university thanks to a group of teachers and of two students’ representatives.

This assault followed Mr. Kitenge Senga’s statement, on October 11, 2007, on *RFI*, during which he had called for a negotiated solution to the armed conflict in the northern Kivu, in order to consolidate peace in the DRC and in the whole region of the Great Lakes. On October 16, 2007, Mr. Kitenge Senga had also intervened on *Radio Okapi* about the rejection of the motion of distrust against the State Minister Mr. Nkulu, from the presidential majority, by the National Assembly. Mr. Kitenge Senga subsequently received anonymous phone calls by some supporters of the parliamentary majority, who reproached him to promote positions close to those of the opposition and to be partial.

---

18./ See Press Release, October 19, 2007.

## Ongoing acts of harassment against several trade union leaders<sup>19</sup>

As of late 2007, the criminal proceedings based on the charges of “supplying information to a foreign power” (Articles 137 to 139 of the Criminal Code), “sharing intelligence with a foreign power” and “outrage against the President of the Republic”, opened in March 2006 against Messrs. **Adan Mohamed Abdou**, Secretary General of the Djiboutian Workers’ Union (*Union djiboutienne du travail* - UDT), **Hassan Cher Hared**, International Relations Secretary of the UDT and Secretary General of the Djiboutian Post Office Workers’ Union (*Syndicat des postiers de Djibouti*), **Mohamed Ahmed Mohamed**, Head of the legal department of the Port Workers’ Union (*Union des travailleurs du port* - UTP), and **Djibril Ismael Egueh**, Secretary General of the Maritime and Transit Service Union (*Syndicat du personnel maritime et du service de transit* - SP-MTS), remained pending. These charges are liable to a 10- to 15-year term of imprisonment and a five to seven million Djiboutian francs fine (from 24 to 34,000 euros).

These proceedings followed the participation of these trade union leaders in a training workshop on union rights organised by the Israeli “Histadrut” labour federation in February 2006 as well as a complaint they had lodged regarding trade union leaders being forced to retire or being abusively dismissed.

Furthermore, at the end of 2007, the travel documents of Messrs. Mohamed Ahmed Mohamed and Djibril Ismael had still not been returned to them by the general intelligence services. These documents had been confiscated in February 2006 by the police criminal investigation department, as the two men were coming back from the workshop held in Israel.

Finally, following various acts of intimidation and harassment, Mr. Djibril Ismael Egueh decided to go into exile in Europe.

In addition, the new SP-MTS Secretary General, who had been nominated on March 15, 2006 by the Secretary General of the Ministry for Employment, with no consultation with the trade union members, remained in office as of December 31, 2007.

## Ongoing judicial harassment against Mr. Jean-Paul Noël Abdi<sup>20</sup>

On March 9, 2007, Mr. **Jean-Paul Noël Abdi**, President of the Djibouti League of Human Rights (*Ligue djiboutienne des droits de l’Homme* - LDDH), was put in police custody after being brought to the premises of the police criminal investigation department by police officers who came to his house, without any reason for his arrest being communicated to him. On March 10, 2007, he was detained at the Gabode prison, following a decision of the Public Ministry, for “flagrante delicto”. On the next day, he was temporarily released, on the basis of a decision of the President of the Djibouti Criminal Court of First Instance (*Chambre des flagrants délits du Tribunal de première instance de Djibouti*), who ordered an investigation.

This arrest followed the publication of various statements made by Mr. Noël Abdi on behalf of LDDH about the bloody intervention of the security forces in Arhiba - a district of the city of Djibouti - on November 30, 2005. Mr. Noël Abdi had also published, on March 3, 2007, an information sheet entitled “The Day, an area where the law does not apply”, in which he reported the discovery of a mass grave in the village of Day (Tadjourah district), comprising the bodies of seven civilians reportedly killed by governmental forces on January 1, 1994. Mr. Noël Abdi was also denouncing the rape of a young girl by a Sergeant of the Presidential Guard in February 2007 in the same village.

Immediately after his release, two officers of public security went to his house in order to confiscate his passport. As a consequence, Mr. Noël Abdi was prevented from going to Burkina Faso, where he

---

19./ See Annual Report 2006.

20./ See Annual Report 2006, Press Release, April 11, 2007 and Urgent Appeals DJI 001/1207/OBS 156 and 156.1.

was to take part, on March 14, 2007, to the regional press conference organised by the Observatory on the occasion of the launching of its Annual Report 2006, as well as from attending, on March 15, the congress of the Inter-African Union of Human Rights (*Union interafricaine des droits de l'Homme - UIDH*).

On March 18, 2007 Mr. Noël Abdi was sentenced by the Djibouti Criminal Court of First Instance to six months' imprisonment and a fine of 100,000 Djiboutian francs (about 362 euros) for "divulging false news" and "defamation" (Article 425 of the Criminal Code and Article 79 of the Law on Communication). Those charges were never communicated to Mr. Noël Abdi.

Mr. Noël Abdi's lawyer, who was present at his trial, had requested that the hearing in his case be postponed, as the most important documents of his case were not communicated to him - in particular those relating to the preliminary procedure and the complaint of the Ministry of Defence. His lawyer also justified his request with the need to summon important witnesses. As his request was rejected by the judges, he was not able to defend his client. Nevertheless, he lodged an appeal.

On April 11, 2007, Mr. Noël Abdi was sentenced by the Djibouti Court of Appeal to one year in prison, including eleven months' suspended sentence, and to a fine of 300,000 Djiboutian francs, in presence of his lawyers, Mr. Michel Tubiana - who was commissioned on behalf of the Observatory -, Mr. Luc Aden and Mr. Zakaria. The three lawyers lodged an appeal with the Court of Cassation, which was registered on June 24, 2007<sup>21</sup>. However, as of late 2007, no date for the hearing had been communicated.

Furthermore, on December 2, 2007, Mr. Noël Abdi was arrested by police officers while in his car, along with his lawyer. The police officers seized the key of his car as well as his mobile phone. Mr. Noël Abdi was then detained at the police station of Djibouti, where he was interrogated about a press release the LDDH had issued, and of which he was the author, in which he was denouncing the corruption of the ruling authorities and the risk of electoral fraud during the polls of January 2008. Mr. Noël Abdi was then transferred to the Nagad detention centre, 40 kilometres from the city of Djibouti, before being released just before midnight, following a decision of the Head of the Djiboutian police.

---

21./ This appeal was aiming at demonstrating, *inter alia*, that according to the Criminal Procedure Code, a sentence cannot be aggravated on the same grounds in appeal and that the proceedings against Mr. Noël Abdi had no legal basis. In their pleadings submitted to the Court of Appeal, Mr. Noël Abdi's lawyers noted that their client had been prosecuted under a *flagrante delicto* procedure, which was not provided by law, and that the facts reported in the information note were indisputable and of public knowledge.

# / ERITREA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Release of Messrs. Tewelde Ghebremedhin, Minase Andezion and Habtom Weldemicael<sup>22</sup>**

In April 2007, 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, were released.

On March 30, 2005, Messrs. Tewelde Ghebremedhin and Minase Andezion had been arrested by police forces. On April 9, 2005, Mr. Habtom Weldemicael had been arrested for having, according to the authorities, urged Coca Cola workers to engage in industrial action to protest against the worsening of their living standards.

---

22./ See Annual Report 2006.

# / ETHIOPIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Ongoing arbitrary detention of Messrs. Daniel Bekele and Netsanet Demissie, and release of Mr. Kassahun Kebede<sup>23</sup>**

After several hearings and adjournments, the Federal High Court of Ethiopia decided, during its session that took place from March 30 to April 9, 2007, to acquit and to release 25 defendants, including Mr. **Kassahun Kebede**, a member of the Ethiopian Teachers' Association (ETA), as well as to drop the most serious charges ("attempted genocide" and "high treason") against 106 persons<sup>24</sup>.

However, the Court ruled that several other charges, including those of "outrage to constitutional order", were still maintained against 43 of the 106 accused, most of them being leaders and members of the main opposition party as well as human rights defenders.

On July 11, 2007, the Prosecutor required the death penalty against the 43 accused, a demand that was not followed by the Federal High Court, which decided, on July 16, to sentence them to lengthy terms of imprisonment.

On 20 July, 2007, the Ethiopian President announced his decision to grant pardon to 38 of the 43 sentenced, after they agreed to sign a written statement in which they acknowledged that they had resorted to unconstitutional means in order to overthrow the Government. Messrs. **Daniel Bekele**, the Head of Policy Research and Advocacy Department of Action Aid Ethiopia, and **Netsanet Demissie**, the founder of the Organisation for Social Justice in Ethiopia (OSJE), refused to sign such a statement and were accordingly not pardoned. They then lodged an appeal to the Supreme Court.

On December 26, 2007, the Supreme Court sentenced Messrs. Bekele and Demissie to two and a half years in prison. However, it is likely that they benefit from a conditional release, as they have already spent two thirds of their time in detention, while awaiting their trial.

## **Ongoing acts of harassment against ETA**

In 2007, the Government continued to interfere with ETA activities and to harass and repress its members.

### **Ongoing interference of the Government within ETA activities<sup>25</sup>**

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 in the following years. As a consequence, two organisations bearing the same name are currently operating.

On March 30, 2006, the Federal High Court had 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 had 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.

---

23./ See Annual Report 2006 and Press Release, April 19, 2007.

24./ The trial, which concerned over a hundred members of the opposition and journalists, started in November 2005 following the violent confrontation between the security forces and young demonstrators who were challenging the validity of the results of the general elections held on May 15, 2005 and the subsequent victory of the ruling party. On December 21, 2005, 131 persons were accused of crimes such as "conspiracy", "incitement to armed rebellion", "outrage against the Constitution", "high treason" and "genocide", incurring from 25 years' imprisonment to death penalty. Three human rights defenders are also among the accused: Messrs. Kassahun Kebede, Daniel Bekele and Netsanet Demissie, who were charged with "outrage against the constitutional order".

25./ See Annual Report 2006.



On June 21, 2007, the independence of the ETA was once again challenged by a ruling of the Federal High Court, which ordered the transfer of the financial assets of the ETA to the pro-governmental association. Subsequent to this ruling, the ETA Secretary General, Mr. **Gemoraw Kassa**, received a letter requesting him to proceed with this transfer, otherwise he would have to appear before court on December 17 in order to explain this refusal.

The trade union members then appealed to the Supreme High Court but, as of December 31, 2007, the latter had not yet taken a decision.

#### **Arbitrary detention and ill-treatments against ETA members<sup>26</sup>**

In December 2006, Messrs. **Anteneh Getnet**, a member of the ETA Addis Ababa Regional Council, **Meqcha Mengistu**, local ETA Chairperson in the East Gojjam area as well as a member of the ETA Committee responsible for the implementation of an HIV/AIDS education programme (EFAIDS), **Woldie Dana**, another ETA leader, as well as Mr. **Tilahun Ayalew**, another ETA official, were arrested, and accused of being members of the Ethiopian People's Patriotic Front (EPPF), an armed opposition group.

On March 22, 2007, a court ruled that it had found no evidence to support the charge. As a result of the acts of torture he was subjected to while in detention, Mr. Ayalew would still have difficulties to walk.

On May 28, 2007, Mr. Tilahun Ayalew went into hiding on hearing that Government security agents were coming to arrest him. On the same day, the agents arrested his wife instead, but released her the following day. As of late 2007, no further information could be obtained regarding Mr. Tilahun Ayalew's situation.

Furthermore, on May 30, 2007, Messrs. Anteneh Getnet and Meqcha Mengistu were again arrested at their homes. As for Mr. Woldie Dana, he was arrested on June 4, 2007. In August 2007, Mrs. **Wibit Legamo**, Mr. Woldie Dana's wife, and Mr. **Berrhanu Aba-Debissa**, another ETA member, were also arrested. They were subsequently accused of belonging to the EPPF.

On December 20, 2007, they were all brought to court, and were released on bail.

Messrs. Anteneh Getnet and Meqcha Mengistu were tortured during their detention, and claimed that they were coerced into signing false confessions that they had links with the EPPF. The court rejected these "confessions", but did not investigate into their allegations of torture.

#### **Ongoing harassment against EHRCO members<sup>27</sup>**

##### **Arbitrary detention of Mr. Abdi Abate**

On July 18, 2007, Mr. **Abdi Abate**, a member of the branch in the city of Nekmte of the Ethiopian Human Rights Council (EHRCO), was arrested without a warrant, and accused of having links with the Oromo Liberation Front (OLF).

As of the end of 2007, he remained detained, but no further information could be obtained regarding his whereabouts or the date of his potential trial.

##### **Arbitrary detention of Mr. Paulos Abebe**

On December 2, 2007, Mr. **Paulos Abebe**, also a member of EHRCO, was arrested while investigating into a conflict that had taken place among ethnic groups from Borena Oromo and Konso in the city of Teltelle.

On the next day, he was released without any charge being held against him.

---

26./ See Urgent Appeal ETH 001/1007/OBS 133.

27./ See Annual Report 2006.



# / GUINEA - CONAKRY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Repression acts against several trade union leaders<sup>28</sup>

On January 22, 2007, several members of the Red Berets (*Bérets rouges*), the guards of the President of the Republic that are led by his son, Mr. Ousmane Conté, went to the Stock Exchange, where many trade unionists and members of civil society organisations had gathered since the beginning of the general strike that was led since January 10, 2007 in the whole country.

Upon their arrival, the Red Berets ransacked all the offices and the computers, and beat up several trade unionists with their gunstocks. About twenty trade union leaders, including Dr. **Ibrahima Fofana**, Secretary General of the Workers' Union of Guinea (*Union syndicale des travailleurs de Guinée* - USTG), Ms. **Hadja Rabiadou Diallo**, Secretary General of the National Confederation of Guinean Workers (*Confédération nationale des travailleurs guinéens* - CNTG), Mr. **Yamodou Touré**, Secretary General of the Organisation of Free Trade Unions of Guinea (*Organisation des syndicats libres de Guinée* - ONSLG), and Mr. **Abdoulaye Baldé**, Secretary General of the Democratic Union of Guinean Workers (*Union démocratique des travailleurs de Guinée* - UDPG), were also beaten, before being arrested and brought in the premises of the Mobile Company for Intervention and Security (*Compagnie mobile d'intervention et de sécurité* - CMIS).

They were all released late in the night from January 22 to 23, 2007.

---

28./ See Urgent Appeal GIN 001/0107/OBS 007.

## **Absence of developments in the proceedings initiated by and against Mr. Nouhou Mahamadou Arzika<sup>29</sup>**

In 2007, neither the complaint lodged by 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*), with the Niamey gendarmerie for assassination attempt, nor the appeal lodged by Mr. Arzika following the decision to temporarily release his aggressor, Mr. Dan Foulani, a businessman close to the Government, nor the complaint for defamation lodged against Mr. Mahamadou Arzika by Mr. Foulani were examined by the judicial authorities.

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

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

On December 21, 2005, Mr. Foulani had been summoned by the Examining Magistrate and placed in detention at the Kollo prison right after the hearing.

On December 22 and 23, 2005, Mr. Arzika had also been called in by the Examining Magistrate to be heard in relation to Mr. Foulani's complaint and his own. Although the evidence was insufficient, he was accused of "complicity in defamation and insults" and temporarily released. Mr. Arzika had appealed against the judge's decision.

In January 2006, Mr. Foulani had been temporarily released upon order of the Prosecutor. Mr. Arzika and the Niger Association for Human Rights (*Association nigérienne des droits de l'Homme - ANDDH*) had immediately appealed against this decision.

---

29./ See Annual Report 2006.

# / REPUBLIC OF THE CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Obstacles to Messrs. Christian Mounzéo and Brice Makosso's freedom of movement<sup>30</sup>

On January 15, 2007, Mr. **Christian Mounzéo**, President 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, and both Coordinators of the "Publish What You Pay" Coalition (*Coalition Publiez ce que vous payez*), which calls for the transparent management of revenue from the extractive industries, were arrested at the airport of Pointe-Noire by agents of the air and borders police, who were acting upon order of the Prosecutor of the Republic. They were about to take a flight to Nairobi (Kenya), where they were supposed to take part in the World Social Forum. They were then informed that the Director General of the national police had given instructions to forbid them to undertake some trips, under the pretext that they would tarnish the image of the country through the statements they would be making during those international fora.

Messrs. Mounzéo and Makosso were forbidden to leave the Pointe-Noire district and were put in police custody. After eight hours, they could meet the Prosecutor, who told them that the decision curtailing their freedom of movement was still valid, and that the proceedings in appeal for "mismanagement of funds" and "forgery" remained pending<sup>31</sup>. Messrs. Mounzéo and Makosso were released in the middle of the afternoon, after their flight had already left.

On February 12, 2007, Messrs. Mounzéo and Makosso were again prevented from leaving the country, while they were to go to France in order to take part in the Citizens Summit France-Africa, which was organised from February 11 to 13 in Paris. Messrs. Mounzéo and Makosso were to take the floor during the plenary session, respectively on the economic and social rights in Africa and on financial flows and development.

On April 10, 2007, Mr. Mounzéo was once again disembarked from the Air France flight that was due to leave for Berlin, where he was supposed to attend a board meeting of the Extractive Industries Transparency Initiative (EITI), of which he is a member as a representative of the African civil society.

On May 25, 2007, the ban to leave the country that was imposed on Messrs. Mounzéo and Makosso was lifted. They were thus able to go to Libreville, in Gabon, to take part in a EITI conference.

On July 31, 2007, the Court of Appeal confirmed the decision of the Pointe-Noire Tribunal of December 27, 2006, in the absence of Messrs. Mounzéo and Makosso. The President of the Court of Appeal confiscated the whole file of the case, thus preventing Messrs. Mounzéo and Makosso's lawyers to lodge an appeal with the Court of Cassation. As of the end of 2007, the file remained confiscated and the ruling of the Court of Appeal had still not been notified to them.

Furthermore, on October 4, 2007, during a meeting of the EITI National Executive Committee, in which Messrs. Mounzéo and Makosso were participating, the Minister for Economy, Finances and Budget threatened civil society members who belong to this committee in the following terms: "Now that you have been appointed, I ask you to get down to work in the interest of the Congo... If you work well, you will be supported by the Minister of Finances that I am. But if you spread again false information, you would find on your way the Minister of Finances that I am...". This statement was strongly advising civil society members who were present in the committee not to advocate any more freely on transparency and the fight against corruption.

---

30./ See Annual Report 2006, Urgent Appeal COG 001/0406/050.2 and Open Letter to the authorities, February 13, 2007.

31./ In 2006, Messrs. Mounzéo and Makosso had been forbidden to leave the country subsequent to a decision from the Pointe-Noire Public Prosecutor dated November 15, 2006 (although this Prosecutor had been removed from office on July 10, 2006), then from the Pointe-Noire Court dated of November 28, 2006. On December 27, 2006, Messrs. Mounzéo and Makosso had been sentenced to a one-year suspended prison sentence and a 300,000 CFA francs fine each (about 457 euros) for "breach of trust", "forgery and use of forgeries" and "complicity". Messrs. Mounzéo and Makosso had immediately appealed this decision. The initial charges were subsequently revised.

## Ongoing acts of harassment and discredit campaign against OCDH and its members<sup>32</sup>

On July 17, 2007, Mr. **Roger Bouka Owoko**, Executive Director of the Congolese Human Rights Observatory (*Observatoire congolais des droits de l'Homme - OCDH*), was threatened by the Director of the Minister of Culture's Cabinet, who described OCDH members as "irresponsible people seeking the sensational", following a press release by OCDH denouncing discrimination against indigenous pygmy minorities who, invited to a music festival, had been provided accommodation in the zoo of Brazzaville.

In addition, on August 14, 2007, on the eve of the Independence National Day, while OCDH had issued a press release entitled "In the context of rigged elections, political prisoners, poverty and corruption, the Congo celebrates its National Day", Mr. Charles Zacharie Bowao, Minister for the Presidency in charge of Cooperation, Humanitarian Action and Solidarity, asked OCDH to avoid "to be manipulated".

Moreover, on December 4, 2007, during the opening workshop on the negotiations of the Voluntary Partnership Agreement / Application of the Forestry Regulations, Governance and Trade (*Accord de partenariat volontaire / Application des réglementations forestières, gouvernance et échanges commerciaux - APV/FLEGT*) between the European Union (EU) and the Republic of the Congo, Mr. Alain Marius Ngoya-Kessy, collaborator of Mr. Henri Ndjombo, Minister for the Forestry Economy, threatened OCDH after Mr. **Roch Euloge N'Zobo**, Programme Manager at OCDH, asserted that the forestry sector was weakened by corruption. The representative of the Ministry for the Forestry Economy thus accused the OCDH, without naming it explicitly, of being an "organisation of agitators who enable themselves to write nonsense on the Internet". He further said that "the leaders of this organisation are manipulated by international organisations, of which they relay the documents to tarnish the country's image". As a consequence, he threatened to suspend the negotiations with the EU if this organisation was to be the focal point for civil society within the Steering Committee of the negotiations of these agreements.

Finally, on November 23, 2007, during a working session of the 42<sup>nd</sup> session of the African Commission on Human and Peoples' Rights (ACHPR), the Government made use of a pro-Government organisation, the National Association for the Defence of Migrants and Women (*Association nationale pour la défense des migrants et des femmes - ANEDEM-F*), to denigrate OCDH activities in the case of the Beach disappearances<sup>33</sup>. Thus, Mr. Omer Kandé, the ANADEM-F representative, took the floor during the public sessions of the ACHPR, without being allowed to do so, to say that OCDH was "a manipulative organisation writing lies", in particular when it was asserted that there were forced disappearances in the Beach of Brazzaville. Mr. Kandé added that "the case of the Beach disappearances was a hoax that had been well orchestrated by OCDH and FIDH". As a consequence, he requested the ACHPR to demand OCDH to bring the proofs about the number of the 354 "presumed disappeared of the Beach"<sup>34</sup>.

---

32./ See Annual Report 2006.

33./ In December 1998, because of the civil war, several hundreds of thousands of people fled the battles and the violence committed by armed groups in the Congolese capital. Most of these displaced persons went to the Pool, a tropical forest zone to the south of Brazzaville, whilst others crossed the river and took refuge in the DRC. Between May 5 and 14, 1999 large scale disappearance of people returning to Brazzaville via the river port at Beach was organised by the Congolese authorities after the signing of a tripartite agreement between the DRC, the Republic of the Congo and the Office of the High Commissioner for Refugees, defining a humanitarian corridor designed to guarantee their safety. However, on their arrival in Brazzaville, they were arrested for interrogation by public agents, separated from their relatives and executed. Over 50 people disappeared on May 5, 199 and over 200 on May 14, 1999. Investigations established that over 300 people disappeared in this case.

34./ Already, in June 2007, Mr. Kandé, a native of DRC, had co-published a book entitled: The case of the Beach disappearances: Truth for History (*L'affaire des disparus du Beach : vérité pour l'histoire*). He had then organised a press conference during which he had asserted that he had analysed OCDH and FIDH different reports on the case of the Beach disappearances. In particular, he had said that, according to his investigations, the number of disappeared persons would not be of 354 but of nine, thus asking OCDH and FIDH to "answer for their lies".

## Sentencing and arbitrary detention of Mr. François-Xavier Byuma<sup>35</sup>

On May 3, 2007, Mr. **François-Xavier Byuma**, the former Vice-president of the Rwandan League for the Promotion and the Defence of Human Rights (*Ligue rwandaise pour la promotion et la défense des droits de l'Homme* - LIPRODHOR), the Coordinator of the Network of Human Rights Defenders in Central Africa (*Réseau des défenseurs des droits de l'Homme en Afrique centrale* - REDHAC) and the President of the Rwandan Association for the Protection and Promotion of the Child "Turengere Abana" (*Association rwandaise pour la protection et la promotion de l'enfant "Turengere Abana"*), an NGO based in Kigali that notably fights against sexual abuses and forced child labour, received a summons to appear for "complicity in the 1994 Rwandan genocide". This notification was sent as the NGO Turengere Abana was enquiring on allegations of the rape of a 17 year-old girl and had declared that the judge and President of the Gacaca Tribunal would be the author of this crime.

Mr. Byuma was prosecuted for "training to firearms handling during the genocide"; "illegally possessing weapons"; "constitution of barriers" erected in order to prevent the Tutsis from escaping the genocide and "involvement in the attacks of the Interahamwe" during the genocide.

During the hearing of May 13, 2007, Mr. Byuma challenged the Bench and the President of the Bench, arguing that his right to a fair trial would not be guaranteed since the President of the Bench was accused in the enquiry led by Turengere Abana. However, this request was rejected and Mr. Byuma was subsequently detained and transferred to the Kigali central prison on May 14.

On May 20, 2007, Mr. Byuma pleaded not guilty and was released, awaiting the ruling of the court.

On May 27, 2007, the Gacaca Tribunal of Biryogo, in Kigali, dropped the charges against Mr. Byuma for "illegally possessing weapons", "constitution of barriers" and "constitution of lists of Tutsis", but found him guilty of "participating in a training on firearms handling" and "participating in attacks while being an administrative authority". He was sentenced to 19 years' imprisonment. In addition, the Court found him guilty of several counts of indictment which had not been mentioned in the first reading of the bill of indictment, in particular of the aggression and the abduction of a woman who had provided an inconsistent and vague testimony during the hearing.

Moreover, several defence witnesses have reportedly been subjected to acts of intimidation, and two persons judged at the same time as Mr. Byuma and on the same grounds, of which one acknowledged that she was guilty, were acquitted.

Following the appeal lodged by Mr. Byuma, two hearings took place on July 14 and July 21, 2007. The hearing was then postponed to July 28, 2007 and to August 18, 2007. On that day, the Court of Appeals upheld the sentence ruled against Mr. Byuma by the Gacaca Tribunal, following an unfair trial in which no argument developed by the witnesses supporting the defendant was taken into account.

As of the end of 2007, Mr. Byuma remained detained in Rilima prison, 70 km south of the capital. He filed an appeal for review to the Executive Secretary of the National Service of the Gacaca Jurisdictions, which was accepted but of which merits had not yet been investigated by the end of the year.

---

35./ See Urgent Appeals RWA 001/0607/OBS 059 and 059.1.

## Intimidation and harassment acts against RADDHO<sup>36</sup>

On July 11, 2007, a policeman in plain clothes, who would have entered the premises of the African Engagement for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO) in order to use the water-closets, discovered declassified war weapons. According to RADDHO, these weapons would have been stocked in this location following the organisation of an awareness-raising campaign against light weapons in 2004 and 2005.

Subsequently, Mr. **Alioune Tine**, RADDHO Secretary General, was heard by the police in relation to that discovery on two occasions: on the one hand, on July 11, 2007, by the police of Dieupeul; on the other hand, on July 17, 2007, by the Chief Commissioner for Urban Safety.

Moreover, on July 18, 2007, during a press conference held by the Ministry of Interior on the question of illegal migrations of Senegalese, the Senegalese Minister of Interior declared that “human rights organisations like the RADDHO have no more *raison d'être*”.

The headquarters of the organisation were put under permanent police surveillance until the end of July 2007, when the declassified weapons were, as planned by the RADDHO, incinerated in Ndioum, northern Senegal, in the framework of the “Flames of Peace” (*Flammes de la paix*) awareness-raising demonstrations against light weapons organised by the organisation.

---

36./ See Urgent Appeal SEN 001/0707/OBS 082.



# / S U D A N

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Ongoing judicial harassment against SOAT<sup>37</sup>

As of late 2007, the charges against the Sudan Organisation Against Torture (SOAT) remained pending.

On July 9, 2006, Mr. **Nagib Ngam Eldine**, former Coordinator of SOAT activities in Sudan, had been arrested by three officers of the National Security Bureau (NSB), before being brought to the office of the Prosecutor in charge of crimes against the State, in Khartoum, where he had been detained for several hours. Mr. Nagib had then been questioned about several reports issued by SOAT on the summary trials of hundreds of persons arrested during the riots that 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.

Dr. Nagib had been released on bail nine hours later and notified that an investigation had been initiated against SOAT 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.

## Repression acts against opponents to the building of the Kajbar dam<sup>38</sup>

### Arbitrary detention of several defenders following their participation in a peaceful demonstration

On June 13, 2007, Sudanese security forces killed and injured civilians in the Farraig village, Halfa municipality (northern Sudan), by shooting at them during a peaceful demonstration against the construction of the Kajbar dam. On that occasion, several individuals were arrested and detained in Dongola, the capital of the northern State, and in Khartoum, including Messrs. **Alam Aldeen Abd Alghni**, **Emad Merghni Seed Ahmed**, **Abd Allah Abd Alghume**, all lawyers who were attending the protest to look into any legal issue related to the event, and Mr. **Mugahid Mohamed Abdalla**, a journalist covering the demonstration.

Likewise, on July 20, 2007, Mr. **Osman Ibrahim**, Spokesperson of the Committee Against the Building of the Kajbar Dam (CABKD), an association campaigning on behalf of the communities that are at risk of being affected by the dam, was arrested at home by police officers, in Farraig village, without a warrant and without being informed of where he was being taken. His arrest followed his participation in the demonstration of June 13, 2007.

On August 19, 2007, Messrs. Osman Ibrahim, Alam Aldeen Abd Alghni, Emad Merghni Seed Ahmed, Abd Allah Abd Alghume and Mugahid Mohamed Abdalla were all released, after being detained in Dabak prison, in the north of Khartoum.

### Arbitrary detention of several CABKD members

From August 27 to 29, 2007, Messrs. **Nazmi Mohamed Hamed**, **Nayif Mohamed Hamed**, his brother, **Al Khatib Mohamed Elsir**, **Maisara Izzeldin Mohamed Munowar**, and **Faroug Nuri**, all CABKD members, were arrested in Dongola. In addition, Mr. **Hisham Abbas**, another CABKD member, was arrested in the city of Wadi Halfa while travelling to Egypt, and Messrs. **Daoud Suliman** and **Isam Mohamed Fagir** were arrested in Kerma, before being transferred to Dongola.

---

37./ See Annual Report 2006.

38./ See Urgent Appeals SDN 001/0707/OBS 083, 083.1, 083.2, 083.3 and 083.4, and Closed Letter to the authorities, August 8, 2007.

All men were detained in Dongola, under the control of the National Intelligence and Security Forces (NISS), except for Mr. Hisham Abbas, who was detained in Wadi Halfa.

Furthermore, from August 27 to 29, 2007, the following CABKD members were arrested, before being released shortly after: Mr. Osman Ibrahim, Mr. **Ezzeldeen Idris**, a teacher from CABKD Farraig section, Mr. **Abdel Hakim Nasor**, a lawyer and a member of the Committee, Mr. **Mamoun Abdel Aziz**, a member of the Committee in Karma who handed himself to the security forces in Karma after they arrested his brother, Mr. **Abdel Razig**, and Mr. **Samil Mohamed Samil**.

On September 12, 2007, Mr. Nayif Mohamed Hamid was released, while Messrs. Nazmi Mohamed Hamid, Al Khatib Mohamed Elsir, Maisara Izzeldin Mohamed Munowar, Faroug Nuri, Hisham Abbas, Daoud Suliman and Isam Mohamed Fagir were all released on the next day.

#### **Arbitrary detention and judicial proceedings against Messrs. Mahjoub Ourwa and Nouredine Madani<sup>39</sup>**

On November 17, 2007, a Khartoum court sentenced Messrs. **Mahjoub Ourwa** and **Nouredine Madani**, respectively Chairman and Editor of the independent newspaper *Al-Sudani*, published in Arabic, to a fine of 10,000 Sudanese pounds (3,500 euros) each or two months in prison.

The court order was issued after a libel suit brought by the NISS, which considered that the report published on July 20, 2007 by Messrs. Ourwa and Madani, in which they denounced the abusive arrests by the NISS of four journalists that took place in the framework of the June 13 protests against the construction of the Kajbar dam, was defamatory.

Messrs. Ourwa and Madani refused to pay the fine and filed an appeal to challenge their sentence. They were nonetheless arrested and taken to Khartoum Obdurman prison.

On November 30, 2007, the Khartoum Court of Appeal reduced the sentence against Messrs. Mahjoub Ourwa and Nouredine Madani to 3,500 Sudanese pounds (around 1,000 euros) in total or two months' imprisonment. The two journalists agreed to pay the fine and were therefore released.

#### **Arbitrary detention and ill-treatments against SOAT and KCHRED members<sup>40</sup>**

On November 21, 2007, two persons from the political section of the National Security Service (NSS) went to the offices of the Khartoum Centre for Human Rights and Environmental Development (KCHRED). They took Mr. **Amir Mohamed Suleiman**, KCHRED Chairperson, and Ms. **Mashair Abdullah Omer**, KCHRED Financial Officer, to the NSS premises in Khartoum north, where they were detained from noon to 8.30 p.m., and were interrogated about personal matters as well as about the financial and administrative structures of the KCHRED.

On the same day, Ms. **Madiha Abdullah**, a journalist with the daily newspaper *al-Ayyam*, which has faced frequent censorship, and a collaborator of the Al-Laq Press Centre, a Khartoum-based non-governmental organisation that carries out activities including training journalists, as well as Dr. Nagib Ngam Eldin were also detained and questioned at the NSS offices in Khartoum north.

On November 22, 2007, Mr. Amir Suleiman and Dr. Nagib Ngam Eldin were ordered to return to the NSS offices, and Ms. Omer was further required to provide documentation relating to the finances of KCHRED.

On November 28, 2007, Ms. Mashair Abdullah Omer was summoned again for further questioning and detained at the offices of the political section of the NSS in Khartoum north, from 9 am until 8.30 pm. While in detention, she would have been ill-treated and questioned about the structure and sources of funding of the KCHRED.

Previously, on November 4, 5 and 6, 2007, Mr. **Faisal el-Bagir**, a SOAT member and a reporter for Reporters Without Borders (*Reporters sans frontières* - RSF), Ms. **Lemia el-Jaili Abu Bakr** and Mr. **Sabah Mohamed Adam**, both KCHRED members, had already been summoned to the NSS offices in Khartoum north, detained for several hours and subjected to questioning along similar lines.

All were subsequently released without charge.

---

39./ See Urgent Appeals SDN 002/1107/OBS 147 and 147.1.

40./ See Urgent Appeals SDN 003/1107/OBS 148 and 148.1.



# / U G A N D A

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Arbitrary arrest and judicial proceedings against Mr. Richard Tumusiime<sup>41</sup>**

On February 16, 2007, Mr. **Richard Tumusiime**, Editor-in-chief of the *Redpepper* newspaper, was arrested and accused with “sedition”, after publishing an article, on the day before, denouncing the corruption and the dysfunctions in governmental circles.

Mr. Tumusiime was released on bail on the same day, awaiting his trial, which had not yet taken place as of December 31, 2007.

## **Censorship against defenders of LGBT rights<sup>42</sup>**

On November 23, 2007, Ugandan and Kenyan defenders of lesbian, gay, bisexual, and transgender (LGBT) rights, including representatives from Sexual Minorities Uganda (SMUG), a prominent umbrella organisation advocating for the rights of homosexuals in the country, were scheduled to take the floor at the “Speaker’s Corner” of the Commonwealth Heads of Government Meeting (CHOGM), which took place from November 23 to 25, 2007, in Kampala. However, those defenders were instead forcibly thrown out of the People’s Space by the Ugandan police, which refused to allow them to enter again, thus preventing them to take the floor.

In order to intimidate the defenders, the police broke sticks from trees. In addition, when Ms. **Victor Juliet Mukasa** declared that she would “not move a single step from this place”, the police threw her down. A person who came to help her was caned by the police. During seven hours, the defenders remained standing outside the gate in quiet protest, waiting to be allowed back in to deliver their speeches. After dark, they decided to leave.

Furthermore, on the same day, two members of the Ugandan organisation Amakula were also thrown out of the People’s Space, after showing, the day before, a film that discussed homosexuality.

---

41./ See Foundation for Human Rights Initiative (FHRI).

42./ See Press Release, November 28, 2007.

# / Z A M B I A

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## **Obstacles to freedom of association<sup>43</sup>**

On July 17, 2007, the Minister of Justice, Mr. George Kunda, presented a bill on non-governmental organisations to Parliament for enactment, declaring that this text represented an attempt to “enhance transparency and accountability among civil society groups”. Civil society organisations, which had not been consulted during the preparation of the bill, denounced the new legislation as being a manoeuvre by the State to silence them, and to erode the role of civil society. The latter is indeed regularly accused of engaging in political activities under cover of human rights. In addition, the introduction of the law might be linked to the National Constitution Conference<sup>44</sup>, and designed to silence the NGOs that were reluctant to be involved in the process<sup>45</sup>.

On July 20, 2007, the Zambian Parliament debated this bill, which seemed to aim at regulating the activities of the organisations of civil society and at stifling any dissenting voice towards the Government. NGOs are indeed regularly accused by the Government of being “politicians using NGOs as a shield”.

In particular, the bill calls for “the registration and co-ordination of NGOs [including international organisations that have offices in Zambia, so as] to regulate the work, and the area of work of NGOs operating in Zambia”. In addition, if the bill becomes law it would empower the Minister of Home Affairs to form a 10-member board, comprised of Government members and two representatives from civil society, which would “receive, discuss and approve the code of conduct [of NGOs], and [...] provide policy guidelines to NGOs for harmonising their activities to the national development plan of Zambia”.

The bill also provides that NGOs should register annually, and enables the Government to suspend NGOs that fail to submit quarterly or annual reports or when they misapply funds they receive from donors.

On July 31, 2007, several international NGOs with offices in Zambia sent a joint letter to the Vice-President, expressing concern about the impact of the proposed bill on their work. They regretted the lack of consultation and expressed their concern in particular about the lack of recognition of the positive role of the civil society as well as about the discretionary powers given to the Minister for the Interior.

The result of the mobilisation was that the Government subsequently postponed the presentation of the bill to the parliamentary session of January 2008.

---

43./ See Press Release, July 20, 2007.

44./ On August 31, 2007, the law establishing the National Constitution Conference, demanded by the opposition and numerous civil society organisations, was submitted to Parliament and adopted by President Mwanawasa. This enabled the setting up, in December 2007, of the Constitution Review Commission, composed of 462 members and scheduled to sit for twelve months. However, several opposition parties, trade unions, churches and associations, in particular women’s associations, refused to participate, denouncing the takeover of the process by those in power, under the leadership of President Mwanawasa and his party - the Movement for Multi-Party Democracy - and also the indemnities allocated to each participant, 250 US dollars per day, in a country where most of population lives on less than one dollar per day.

45./ In particular the “Oasis Forum”, comprising: the Law Association of Zambia (LAZ); the three main churches: the Zambia Episcopal Conference, the United Church of Zambia and the Zambia Evangelical Fellowship; the NGO Coordinating Committee and other civil society organisations.

# / Z I M B A B W E

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Arbitrary arrest of Mr. Arnold Tsunga<sup>46</sup>

On January 25, 2007, Mr. **Arnold Tsunga**, Executive Director of Zimbabwe Lawyers for Human Rights (ZLHR) and 2006 Laureate of the Martin Ennals Award for Human Rights Defenders, was arrested at the Harare international airport, on his return from the World Social Forum in Kenya. Four men, one of whom would be a well-known operative of the Central Intelligence Organisation (CIO), which is responsible for vetting people as they enter and exit the country, brought him to an office where he was briefly detained and interrogated, before being released. Since then, Mr. Tsunga would have been placed under surveillance by the CIO.

## Harassment acts against PTUZ members<sup>47</sup>

On February 1, 2007, several police officers from the Law and Order Section at Harare central police station stormed into the house of Mr. **Raymond Majongwe**, Secretary General of the Progressive Teachers Union of Zimbabwe (PTUZ), and asked to meet him. Although his wife indicated that he had travelled out of Harare, the officers continued to harass her, threatening to arrest her and confiscate her identity documents if her husband did not report to the Harare central police station on the next day morning.

Finally, Mr. Majongwe and his lawyers decided to report to the police station on February 5, 2007, fearing to be detained during the weekend. A few hours after Mr. Majongwe had reported to the police station, numerous soldiers stayed parked over 20 minutes in a truck and a car in front of his house. Blinding lights were also directed at the house.

Furthermore, on February 2, 2007, Messrs. **Charles Kagurambamba**, **Henry Chinorumba** and **P. Dube**, three teachers and PTUZ members, were arrested at the Gaza Secondary School in Chipinge, for having organised a sit-in calling for better work conditions of work and salaries. They were released on the same day.

## Death threats against several defenders<sup>48</sup>

In early April 2007, Mr. Arnold Tsunga was informed of the existence of a death list issued by the Central Intelligence Organisation of Zimbabwe, calling for his execution, along with that of several other human rights defenders, journalists and political opponents. The death list included the names of Mr. **Lovemore Madhuku**, President of the National Constitutional Assembly (NCA), Mr. Raymond Majongwe and Messrs. **Gift Phiri** and **Wilf Nyarota**, respectively a journalist at and the Editor of *The Zimbabwean*, an independent newspaper.

In particular, the list specifies that these persons “pose a security risk” and that the executions “fall under the purview of the Zimbabwe Intelligence Corps (ZIC) and of the Zimbabwe African National Union - Patriotic Front (ZANU PF, ruling party) Security Hit Squad”.

## Arbitrary detention of Messrs. Alec Muchadehama and Andrew Makoni<sup>49</sup>

On May 4, 2007, Messrs. **Alec Muchadehama** and **Andrew Makoni**, two lawyers and members of ZLHR, were arrested outside the High Court in Harare by members of the Law and Order Section of Harare central police. They were taken to the central police station “for interrogation”.

---

46./ See Urgent Appeal ZWE 001/0207/OBS 014.

47./ See Urgent Appeals ZWE 001/0207/OBS 014 and 014.1.

48./ See Urgent Appeal ZWE 002/0507/OBS 042.

49./ See Urgent Appeal ZWE 003/0507/OBS 046.

Several ZLHR colleagues, who had come to enquire about the reasons for the arrest, were turned back by a police officer, who threatened to physically assault Mr. **Dzimbabwe Chimbga**, a ZLHR member, and to arrest all the lawyers present if they persisted. Messrs. Muchadehama and Makoni were denied access to their relatives and were also denied food and medication.

An urgent application was filed by ZLHR at the High Court of Zimbabwe, which, in the evening, granted a “temporary order” allowing access to the two detainees and allowing them access to food, medical attention if necessary, and visits by their relatives, pending the hearing of the matter the following day.

In spite of this, Mr. Makoni was transferred to Stoddart police station and Mr. Muchadehama to Matapi police station. They were denied visits, food and medication.

On the following day, the court declared that their arrests were unlawful and that Messrs. Makoni and Muchadehama should be immediately released.

When travelling to Matapi police station to fetch their colleague, lawyers from ZLHR were informed that Mr. Muchadehama had been taken back to Harare for “further interrogation”. At the Stoddart police station, they were informed that the officer in charge was not available and that therefore Mr. Makoni could not be released.

On May 6, 2007, after a second urgent application was filed, several police officers visited Messrs. Makoni and Muchadehama’s law firm. Mr. **Lawrence Chibwe**, Deputy Secretary of the Law Society of Zimbabwe (LSZ), and Mr. **Otto Saki**, Programme Coordinator at ZLHR, were threatened with arrest if they persisted in trying to invalidate the search warrant. Police proceeded to remove certain documents and did not allow the lawyers to remain present during the search nor to take an inventory of what had been taken.

Despite a second decision of the High Court ordering that they should be produced in court on May 6, 2007, which the police disregarded, Mr. Muchadehama and Mr. Makoni remained in custody.

The two lawyers were subsequently released on bail and, in July 2007, the charges against them were dropped.

### **Assault of several members of ZLHR and LSZ<sup>50</sup>**

On May 8, 2007, several LSZ members, respectively Ms. **Beatrice Mtetwa**, President, Mr. **Mordecai Mahlangu**, a lawyer and the former President, Mr. **Chris Mhike** and Mr. **Colin Kuhuni**, Councillors, as well as Ms. **Irene Petras**, Executive Director of ZLHR, and another lawyer, Mr. **Fitzpatrick**, were severely beaten by the police for their activities in defence of the rule of law and for having protesting against the harassment of lawyers in Zimbabwe and other human rights violations.

### **Admissibility of the case Gabriel Shumba versus the Zimbabwean Government before the ACHPR<sup>51</sup>**

During its 41<sup>st</sup> session, which took place in Accra (Ghana), from May 16 to 30, 2007, the African Commission on Human and People’s Rights (ACHPR) said the petition of Mr. **Gabriel Shumba**, a lawyer for the Zimbabwe Human Rights Forum and Executive Director of the Zimbabwe Exiles Forum (ZEF), was admissible. Yet, it had still not pronounced its judgement on the merits by the end of 2007.

On December 2, 2005, the case opposing Mr. Shumba to the Government of Zimbabwe had been heard before the ACHPR in Banjul (The Gambia).

Mr. Shumba, who had been arrested along with other members of the Movement for Democratic Change (MDC, opposition party) in January 2003, had been tortured by national security agents while in detention. In February 2003, the Harare High Court had dismissed the charges of treason against him due to a lack of evidence.

---

50./ *Idem*.

51./ See Annual Report 2006.

## Threats and intimidation acts against several defenders during the 41<sup>st</sup> session of the ACHPR<sup>52</sup>

During the 41<sup>st</sup> session of the ACHPR, several Zimbabwean human rights defenders were subjected to threats and intimidation acts.

Thus, on May 18, 2007, a dozen of human rights defenders were threatened by the Minister of Justice and Parliamentary Affairs, Mr. Patrick Chinamasa. Amongst these defenders were Ms. Irene Petras, Mr. Arnold Tsunga, Mr. Otto Saki, Mr. Dzimbabwe Chimbga, Ms. **Tafadzwa Mapfumo** and Mr. **Brian Penduka**, members of the Zimbabwe NGO Forum, Messrs. **Blessing Chimhini** and **Solomon Sako**, members of the South African Human Rights Trust (SAHRIT), Mr. **Xolani Zitha**, a member of the Bulawayo Agenda, Mr. **Primrose Matambanadzo**, a member of the Zimbabwe Association of Doctors for Human Rights (ZADHR), Mr. **Wilbert Mandinde**, a member of the Zimbabwean section of the Media Institute of Southern Africa (MISA-Zimbabwe), and Messrs. **Itai Zimunya** and **Jacob Mafume**, members of the Crisis Coalition Zimbabwe.

Moreover, during an interview to *Radio Gold*, Mr. Chinamasa publicly accused Mr. Gabriel Shumba as well as all above-mentioned defenders of “working towards the regime change” in Zimbabwe, and threatened them. On the same day, Mr. Chinamasa also insulted Mr. **Michael Majuru**, a retired judge of the High Court of Zimbabwe, of being a “scam”, a “skunk” and “rubbish”, adding that he had “offered him a job as a judge” and felt “betrayed”, as Mr. Majuru was “contravening the Government’s ideology”.

Messrs. Shumba and Majuru were both involved as complainants in communications against the State of Zimbabwe that were heard by the Commission at this session.

## Ongoing acts of harassment against members of WOZA/MOZA<sup>53</sup>

On June 6, 2007, during a peaceful march organised through Bulawayo by members of the Women and Men of Zimbabwe Arise (WOZA/MOZA) to launch their campaign called “Ten steps to a new Zimbabwe” and to denounce the exclusion of Zimbabwean civil society from the ongoing dialogue initiated by the MDC, several groups of participants were violently dispersed by the riot police a few minutes after the beginning of the march. Ms. **Rosemary Sibiza**, Ms. **Angeline Karuru**, Ms. **Martha Ncube**, Ms. **Sangeliso Dhlamini** and Ms. **Pretty Moyo**, five WOZA members, were badly beaten with baton sticks, arrested and detained at the Bulawayo central police station.

Upon hearing of these events, another group of around 100 women led by Ms. **Jennifer Williams**, WOZA National Coordinator, went to the police station, where they were assaulted. Ms. Williams and Ms. **Magodonga Mahlangu**, another WOZA leader, were arrested on this occasion.

Following the arrest, Mr. **Kossam Ncube**, a lawyer and a member of ZLHR who went to the police station to represent them, was harassed by police officers. He was verbally abused and accused of being “unethical” and “irresponsible”, before being pushed out of the station.

On the day after, Mr. Ncube was again denied access to his clients by the police officers.

On June 8, 2007, Ms. Sibiza, Ms. Karuru, Ms. Ncube, Ms. Dhlamini and Ms. Moyo were charged with “employing means which are likely to interfere with the ordinary comfort, convenience, peace or quiet of the public or any section of the public” (Section 46 of the Criminal Law - Codification and Reform Act), before being released.

On June 9, 2007, Ms. Williams and Ms. Mahlangu were also charged under Section 46 of the Criminal Law - Codification and Reform Act, and with “participating in gathering with intent to promote public violence, breaches of the peace or bigotry” (Section 37 (1a) of the same law). They were then released on bail of 100,000 Zimbabwean dollars each.

On June 18, 2007, Ms. Williams and Ms. Mahlangu appeared before the Court of Bulawayo. On this occasion, their lawyer filed a constitutional challenge to the charges against his clients, since their wording is too vague and meaningless, thereby rendering them ineffective. On the day after, the Court requested that the request be transmitted to the Supreme Court.

---

52./ See Closed Letter to the authorities, May 24, 2007.

53./ See Annual Report 2006 and Urgent Appeals ZWE 004/0607/OBS 063, 063.1, 063.2 and ZWE 006/0907/OBS 117.

As of the end of 2007, no further information could be obtained as regards the follow-up to these charges.

Furthermore, on September 18, 2007, Ms. Magodonga Mahlangu, Ms. Rosemary Siziba and Ms. **Sitshiyiwe Ngwenya**, another WOZA member, were arrested and taken to the Bulawayo police station where they were charged under Sections 140 and 143 of the Criminal Codification Act for “malicious damage to property owned by the State”. The charges related to messages reading “choose love over hate” that have been written on roads around Bulawayo. Ms. Mahlangu was reportedly brought to a police station located 30 kilometres away from the city. While she was in detention, Law and Order officers subjected her to intensive interrogations and threatened her with death. The three activists were then brought to court on September 19, 2007, where lawyers facilitated their release. However, they remain prosecuted for “malicious damage to property owned by the State”.

#### **Death threats against Mr. Kucaca Phulu<sup>54</sup>**

On August 22, 2007, a person calling himself “Moyo”, from the office of ZANU PF, called the law firm of Mr. **Kucaca Phulu**, a lawyer and Chairperson of the Zimbabwe Human Rights Association (ZimRights), and spoke to the receptionist. He then said that Mr. Phulu had been seen with one of his client who is charged for “armed robbery” and wanted for arrest. He then threatened Mr. Phulu, adding that if his client could not be found, Mr. Phulu would be “killed” in his place.

Although ZimRights lodged a complaint, it has never received any acknowledgment of its reception and, as of the end of November 2007, no public investigation into these events had taken place.

#### **Harassment acts against ZCTU members<sup>55</sup>**

On September 13 and 14, 2007, Messrs. **Eliot Muposhi**, **Willmore Makure** and **Tafara Tawengahama**, members of the Zimbabwe Congress of Trade Unions (ZCTU), were arrested in Masvingo and taken to the police station of the city where they were interrogated by police officers from the Law and Order section and members of the Central Intelligence Organisation, concerning a “stay away” (boycott) which was supposed to take place on September 19 and 20, 2007 in order to peacefully protest against the deterioration of living conditions and other related issues such as salary freezes, job losses, runaway inflation, corruption and unemployment. After the interrogation, which lasted three hours, they were released but threatened with reprisals if they went ahead with the stay away.

On September 17, 2007, in Harare, three other ZCTU members, Messrs. **Michael Kandukutu**, **Justice Mucheni** and **Tennyson Muchepfa**, were arrested in the Workington area while trying to distribute fliers for the stay away. In the framework of these arrests, the ZCTU members were assaulted by police officers before being taken to Mbare police station where they were further assaulted. They were then transferred to Harare central police station where they were again submitted to ill-treatments.

On September 19, 2007, they were taken to court and released on a bail of 500,000 Zimbabwean dollars.

On October 5, 2007, a court in Harare decided to drop the charges of “criminal nuisance” (Section 46 of the Zimbabwean Criminal Code) against the three men, adding that they were distributing information that was public knowledge.

On September 18, 2007, Mr. **Isaac Teveteve**, the Secretary of the Gweru branch of the ZCTU, was arrested and sent to detention in Gweru, in Bulawayo, before being released a few hours later.

---

54./ See Urgent Appeal ZWE 005/0807/OBS 097.

55./ See Urgent Appeals ZWE 006/0907/OBS 117 and 117.1.