

/ AFRICA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

/ BURUNDI

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

Whilst implementation of the comprehensive ceasefire agreement, signed on September 7, 2006 by the Government of Burundi and the rebels, has been blocked since the National Liberation Forces (*Forces nationales de libération* - FNL) left the negotiating table in July 2007, the presence of the Party for the Liberation of the Hutu People - National Liberation Front (*Parti pour la libération du peuple hutu - Forces nationales de libération* - PALIPEHUTU-FNL) in the west of the country led to human rights violations in 2007 by both the rebels and the security forces¹.

The year 2007 had begun, though, with a glimmer of hope for political stability with the release of five of those accused of plotting a coup in 2006, including the former Head of State, Mr. Domitien Ndayizeye, and three journalists from the radio stations *Isanganiro* and *Radio publique africaine*. However, delays in implementing the agreement with the FNL and the destitution of the President of the ruling power, the National Council for the Defence of Democracy – Force for the Defence of Democracy (*Conseil national pour la défense de la démocratie – Force de défense de la démocratie*) have provoked a crisis inside this party which paralysed the Parliament and other national institutions. Under pressure from civil society and the country's international partners, the opposition parties agreed to selective participation in parliamentary sessions². The political crisis was finally resolved with the constitution of a new Government in November 2007.

1./ The Integrated Office of the United Nations in Burundi (BINUB), which replaced the UN Mission in Burundi on January 1, 2007, referred to these human rights violations in its weekly reports. As an example, in the week of December 3 - 7, 2007, 238 cases of violations by representatives of the Burundi national police were counted, as well as five cases of violations by agents of the National Defence Force and five cases by agents of the National Intelligence Service. Other reports included evidence of violations committed by the FNL.

2./ See Second Report of the United Nations Secretary-General on BINUB, November 23, 2007.

As part of the process of reconstructing the country and the consolidation of peace, the new Government has to tackle the issue of transitional justice and bring to light the serious human rights violations committed since the start of the civil war in 1993. In March 2007, it was agreed to set up a tripartite commission for the organisation of popular consultations. This commission is made up of six people representing the State, civil society and the international community. The establishment of a transitional justice mechanism was the main objective of the visit by the United Nations High Commissioner for Human Rights from May 19 to 23, 2007. Civil society organisations notified the High Commissioner, however, that it would be difficult to consider any kind of justice as long as the security situation was not ensured.

Threats and attacks against defenders who denounce torture practised by State agents

In its Final Conclusions in February 2007, the United Nations Committee Against Torture expressed its alarm at reports that torture is a widespread practice. It also noted its concern about reprisals, intimidation and threats made against human rights defenders, particularly against persons who report acts of torture and ill-treatment, and requested the State to take steps to ensure their protection³.

Despite these Recommendations, in 2007 several NGO members were threatened, intimidated or subject to beatings by the authorities they dared to accuse, primarily police agents. Thus, on February 23, 2007, Mr. **Alexis Nzisabira**, a member of the Iteka League (*Ligue Iteka*), was beaten by the Head of the Internal Security Police for having reported acts of torture that the latter would have carried out. Similarly, on March 18, 2007, Mr. **Emile Mbokoka**, an observer for the Iteka League, was intimidated and threatened verbally by an internal security police agent because of an article that had appeared on the organisation's website on March 16, 2007 on cases of torture carried out by agents of the police force.

3./ See Conclusions and Recommendations of the Committee Against Torture, United Nations document CAT/C/BDI/CO/1, February 15, 2007.

Acts of intimidation against defenders who report corruption and trafficking in natural resources

Corruption remained a major problem in Burundi, although it is not considered as such by all State representatives⁴. This year, the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de Lutte contre la Corruption et les Malversations Economiques* - OLUCOME) continued to be subjected to blackmail and intimidation for having denounced the lack of transparency in mineral extraction in the north of the country and the complicity of Burundi administration officials in smuggling activities. On December 9, 2007, the International Anti-Corruption Day, OLUCOME reported that it was dealing with more than 470 corruption cases and spoke of threats made against other institutions such as the *Radio publique africaine*. During the award of a prize by OLUCOME to the former Minister of Good Governance for his work in the fight against corruption, the latter, addressing his successor, saluted the role of NGOs, mentioning the Iteka League, the Observatory of Government Action (*Observatoire de l'action gouvernementale* - OAG) and other organisations and encouraged him to continue this collaboration. Sadly, this positive approach remains too isolated.

Acts of reprisals against defenders who report abuses of power

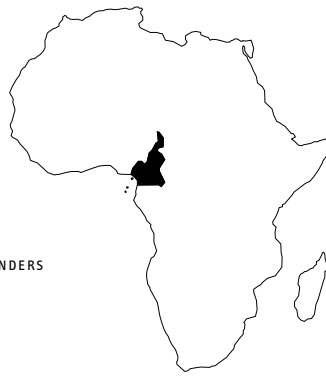
Criticism by Burundi human rights defenders of the authorities' abuse of power led to reprisals against them: Mr. **Alexis Ndayiragije**, a correspondent of *Radio sans frontières Bonesha FM* in Gitega province, was arrested in April 2007 for broadcasting information about the hijacking of supplies destined for the poor people of one of the country's provinces; another journalist, Mr. **Karihungu Amissi**, was threatened for reporting the destitution of a district chief by the authorities. Mr. **Pierre Claver Mbonimpa**, Chairman of the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues* - A.PRO.D.H), was questioned by the Prosecutor of the Republic on May 18, 2007

4/ The European Union invited the Government of Burundi to establish once and for all principles for the efficient and transparent management of State affairs (See Declaration by the Presidency on behalf of the European Union, November 27, 2007).

for speaking of the delay in handling the case of the killers of nearly 30 people in Muyinga province in the north of the country.

Obstacles to reports of human rights violations committed by the PALIPEHUTU-FNL

There is also a price to pay for reporting human rights violations committed by PALIPEHUTU-FNL rebels (thefts, murders and rapes). Mr. **Evariste Nzikobanyanka**, a journalist with *Radio publique africaine*, was threatened by a PALIPEHUTU-FNL member for broadcasting information concerning the killing of two of the movement's members by their companions in arms at the beginning of April 2007.



/ CAMEROON

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Although the legislative and municipal elections held on July 22 and September 30, 2007 gave President Paul Biya, who had been in power since 1982, a large majority in the Assembly, the opposition parties and NGOs denounced the election as fraudulent and several appeals were made against the results. In addition, in his end of year speech the President spoke in favour of modifying article 6.2 of the Constitution, which limits presidential mandates to two consecutive seven-year terms of office, which would allow him to seek one or more further terms.

According to the United Nations¹, in development terms the country had not yet managed to make any significant improvement regarding its citizens' living conditions by the end of 2006, despite overall good economic performances. The same situation was true in 2007.

Cameroon is still faced with serious problems of democratic deficiency and of governance, notably due to deficiencies in the management of public affairs, to corruption, to impunity, to the obstacles to civil society participation in public life and to recurrent human rights violations, especially of economic and social rights (access to resources, public services, work, health, education, housing, etc.).

Threats made against defenders who condemn massive corruption

There was no significant progress in 2007 in Cameroon in the fight against the massive corruption that affects all sectors of public life, despite ratification of the United Nations Convention Against Corruption, the adoption of specific provisions as part of the revision

1./ See the United Nations System Common Country Assessment based on the Cameroon Government's Poverty Reduction Strategy Document (*Document de stratégie de réduction de la pauvreté*), December 2006.

of the Criminal Code in January 2007 and the creation of the National Anti-Corruption Commission (*Commission nationale anti-corruption* - CONAC) in March 2006.

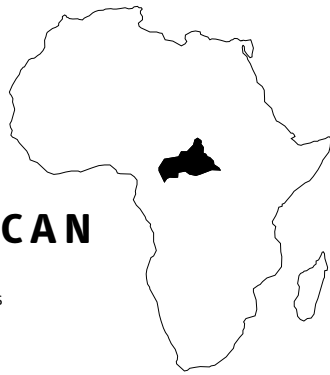
Indeed, human rights defenders who report corruption are currently vulnerable to reprisals carried out with the complicity of the State apparatus. The Cameroon House for Human Rights (*Maison des droits de l'Homme du Cameroon* - MDHC) and its Head Coordinator, Ms. **Madeleine Afité**, were harassed after reporting abuses and manipulations carried out by the police, notably in numerous cases of corruption in which they were involved. Surveillance, verbal and telephone threats as well as telephone bugging were used, for example, to try and prevent MDHC from pursuing its investigations into the follow-up to the independent enquiry into the death of Ms. Laurence Vergne in January 2007. MDHC had stated that a top official of the legal system was protecting one of the suspects arrested by the police, a gang chief involved in organised crime. Ms. Afité was also subjected to police harassment, including being called before the military examining magistrate and questioned about the organisation's methods, its information sources and in particular its legitimate authority to carry out investigations, as well as its motivations in taking action that "destroys the image of Cameroon outside the country". In parallel, the authorities threatened to carry out a campaign to stigmatise NGOs in the national media and threatened her with legal proceedings.

Continued judicial harassment and intimidation of defenders

The threat of legal proceedings is used against defenders with the aim of dissuading them from carrying out their activities. It is used in particular against those who are considered as leaders, in order to intimidate other defenders. In September 2007, a demonstration against judicial insecurity was forbidden at the last minute by the Public Prosecutor of Maroua. The latter threatened to undertake proceedings against Mr. **Abdoulaye Math**, Chairman of the Movement for the Defence of Human Rights and Freedoms (*Mouvement de défense des droits de l'Homme et des libertés* - MDDHL), holding him responsible for not preventing some associations from demonstrating as they had not received information about the ban. Another instance is that of the trial before the Appeal Court of the Far North of one of the association's members, Mr. **Adama Mal-Sali**, for "defamation and slanderous denunciations" against a village chief (who had refused him permission

to gather witnesses' evidence of human rights violations), which has continued since 2006. In 2007, hearings were postponed on four occasions because of the non-appearance of the village chief or of witnesses. This practice illustrates the poor operation of the justice system and the obstacles to defenders' freedom of action, which is likely to discourage them from carrying out missions.

In addition, defenders, who are generally regarded as political opponents, regularly suffer abuse from State agents and come up against recurrent obstacles to obtaining information, especially in places of deprivation of liberty. Arrests have sometimes been used as a form of intimidation: Messrs. **Jean Marc Bikoko**, **Hervé Yao André Benang** and **Jules Patrick Mvondo Essiga**, and Ms. **Brigitte Tamo**, members of the Confederation of Civil Service Trade Unions (*Centrale syndicale du secteur public*) were arrested on November 28, 2007 after organising union action for the raising of civil servants' salaries. They were all freed several hours later. A sign of the suspicion in which human rights organisations are held is the infiltration by intelligence agents and informers of their premises and of activities organised by them (conferences, debates, forums, etc.).



/ CENTRAL AFRICAN REPUBLIC

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Political context

In 2007, the security situation in the capital Bangui was stabilised, thanks to the presence of the Multinational Force in the Central African Republic (*Force multinationale en Centrafrique* – FOMUC), of the Economic and Monetary Community of Central Africa, and to the French detachment “Boali”. However, the situation has deteriorated in the north-west of the country, where armed rebellion movements are confronting the Government forces of General François Bozizé, exposing the civilian population to multiple abuses. Already beyond the control of Government security forces and exposed to banditry and roadblocks, the region has experienced the arrival of members of the presidential guard of former President Patassé, disappointed with the exclusion of the latter from the electoral process, who joined the People's Army for the Restoration of the Republic and Democracy (*Armée populaire pour la restauration de la République et la démocratie* – APRD).

In the northeast, in the region known as “the three borders” (Chad, Sudan and the Central African Republic), Government security forces have continued to oppose the rebels of the Democratic Front of the Central African People (*Front démocratique du peuple centrafricain* – FDPC) and the Union of Democratic Forces for Unity (*Union des forces démocratiques pour le rassemblement* – UFDR). After taking control of the area in November 2006, the rebels were fought off by the Central African armed forces with support from the French army.

Under agreements between the Government and rebels signed in February 2007 in Sirte and April 2007 in Birao, the President appointed two rebel leaders – Mr. Zakaria Damane and Mr. Abdoulaye Miskine – as advisers to the Presidency, despite the fact that the latter has been accused of international crimes perpetrated in 2002 that may fall within

the jurisdiction of the International Criminal Court. Indeed, on May 22, 2007, the Prosecutor of the ICC announced the opening of an investigation into serious crimes committed in the Central African Republic (CAR) between 2002 and 2003, including sexual violence on a large scale.

In addition, as an indication of the tension among the authorities, in May 2007 the Minister of State in charge of Communication and National Reconciliation was replaced after the projection of a film on the assassination of Captain Thomas Sankara of Burkina Faso screened at the National Assembly in the framework of the International Human Rights Film Festival, under the pretext that the film could be damaging to the country's relations with Burkina Faso.

On September 25, 2007, the United Nations Security Council adopted Resolution 1778 authorising the establishment of the United Nations Mission in the Central African Republic and Chad as part of a multidimensional operation to restore security conditions necessary for the voluntary and sustainable return of refugees and those displaced by conflict in the region¹. The mission is complemented by a European Union force, EUFOR Chad/CAR, whose mission is to contribute to the protection of civilians in danger, especially refugees and displaced persons, to facilitate the delivery of humanitarian aid by improving safety in the area of operations, and to contribute to the protection of United Nations personnel and infrastructure. The deployment is expected to begin in February 2008.

Threats against defenders of victims of international crimes

Generally speaking, human rights defenders, because of their work of reporting violations, are subjected to pressure and harassment and intimidation by Government officials who consider them as political opponents in order to degrade them. More specifically, those who defend the right of victims of international crimes committed in the Central African Republic since 2002 and want to provide victims a place in the political dialogue have been exposed to serious threats that have also affected their families. Defenders are also accused of tarnish-

1./ This mission is the pendant of the UNAMID, African Union/United Nations Hybrid Operation in Darfur (Sudan).

ing the country's image abroad by disclosing information on human rights violations. The President of the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse - OCODEFAD*), Ms. **Bernadette Sayo**, was forced into exile after unknown persons in civilian clothes accosted her in the street and threatened to kill her on February 1, 2007, together with Mr. **Nganatouwa Goungaye Wanfiyo**, a lawyer and President of the Central African League of Human Rights (*Ligue centrafricaine des droits de l'Homme*). Similarly, Mr. **Matthias Morouba**, a lawyer who defends many human rights defenders as well as victims of human rights violations, suffered various forms of pressure throughout the year, including threatening phone calls asking him to withdraw from certain cases. Threats have also been made against members of his family. Mr. Morouba has been accused of defending his clients "against the authorities."

/ CHAD

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Political context

In 2007, owing to the extension of the conflict in Darfur, to the east of the country, there were about 235,000 Sudanese refugees in Chad, and about 170,000 Chadians forcibly displaced. The “Janjawid” militia committed serious crimes against the populations on both sides of the frontier: summary executions, acts of torture, sexual violence, looting, etc. And whilst the violence between communities was increasing, echoing the exactions in Darfur, the confrontation between various Chadian rebel groups based in Darfur and the army intensified. In addition, the Syrte Peace Agreement, signed on October 25, 2007 between the Government and the rebels – the United Front for Democratic Change (*Front uni pour le changement* - FUC), the Alliance of Resistant Democrats (*Alliance des démocrates résistants* - ADR), the Chadian Democratic Rally (*Rassemblement démocratique tchadien* - RDT) and the Union of the Chadian People for National Reconstruction (*Union du peuple tchadien pour la reconstruction nationale* - UPTRN) – did not last, and by November fighting had broken out again near the Sudanese refugee camps.

In an attempt to pacify the region, on September 25, 2007, the United Nations Security Council adopted Resolution 1778 authorising the constitution of a “multidimensional” force in eastern Chad and in the northeast of the Central African Republic (CAR). The United Nations Mission in CAR and in Chad (MINURCAT) will be responsible for the protection of the refugees, the internally displaced persons and the endangered civilian populations, and also for creating a favourable environment for human rights and the rule of law, while a European Union military operation, the European Force (EUFOR), will be responsible for the protection of the endangered civilian populations, for facilitat-

ing the delivery of humanitarian aid and for protecting United Nations and international NGOs personnel, such as Doctors Without Borders Spain (*Médecins sans frontières Espagne* - MSF), whose personnel was attacked in N'Djamena in December 2007¹.

Stigmatisation of defenders and impossibility of denouncing human rights violations, in particular those committed in eastern Chad

It is extremely difficult to denounce human rights violations in such conditions, especially as the Government rejects any criticism liable to question its authority. Defenders are systematically stigmatised and exposed to physical attacks, in particular when they denounce human rights violations, especially in eastern Chad, on the Sudanese border. At a press conference held in the middle of December 2007, for instance, the Minister for the Interior threatened to put an end to the activities of NGOs and independent journalists if they continued to criticise Government policies and action in the east of the country. Such remarks confirm the policy of harassment and intimidation of journalists who publish articles on violations of human rights and international humanitarian law in the area. Thus, Mr. **Bénoudjita Nadjikimo**, publisher of the *Notre Temps* newspaper, was arrested on December 14, 2007 without a warrant and charged with “incitement to tribal hatred”, on the grounds that he had published an article denouncing human rights violations in eastern Chad.

Furthermore, as in previous years, human rights defenders continued to be stigmatised and assimilated to political opponents or criminals. An example of this is provided by remarks made by the Minister for Culture and Artistic Development in his native village, Moundou, early January 2008, against defenders who had come to intervene in an inter-community conflict: “There is no territory for human rights organisations. Chad belongs to the Chadian authorities. I shall never tolerate human rights associations defying the State in western Logone”. Such declarations can only encourage acts of intimidation and attacks against defenders, which are committed with total impunity.

1./ See United Nations Press Release, “Attacks against aid workers impeding humanitarian relief in eastern Chad”, December 27, 2007.

Trade union leaders are also subjected to repression. In June 2007, repression against trade unions intensified following a public sector strike organised by the Interunion association (*Intersyndicale*) calling for a revaluation of the civil service index, a rise in the minimum wage, a very substantial increase in retirement pensions, and family allowances adapted to the cost of living. From the start, the workers involved in the strike were subjected to pressure, and on June 5, 2007, the headquarters of the Chadian Teachers' Union (*Syndicat des enseignants du Tchad*), a member of the Interunion association, were occupied by the police and the gendarmerie. In addition, on May 27, 2007, the passport of Mr. **Djibrine Assali**, Secretary General of the Chad Trade Union Federation (*Union des syndicats du Tchad - UST*), was confiscated as he was about to take a flight to Geneva (Switzerland), where he was to attend the International Labour Conference².

2./ See Press Release by the International Trade Union Confederation (ITUC), June 5, 2007.



/ CÔTE D'IVOIRE

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Political context

Signs of reprieve came in 2007 with the signature of the Ouagadougou Agreement in March 2007, which brought Mr. Guillaume Soro, Leader of the New Forces (*Forces nouvelles* - FN) and author of the attempted *coup d'état* in 1999, to the position of Prime Minister in the new transitional Government. In addition, presidential elections, which have been postponed several times since 2005, are due to take place in June 2008. The United Nations Security Council Resolution 1765, adopted on July 16, 2007, reiterated the importance placed by the international community on the holding of free elections.

Signs of progress came with the dismantling of the confidence zone (a buffer zone between the north and south) and the President's visit in the north of the country at the end of November 2007. At the end of December, delays in the disarmament programme however triggered protest movements by the former rebels. NGOs condemned the arrests and executions carried out on December 27, 2007 in FN administered zones, which could have damaged the peace process. The FN responded by accusing the NGOs of being manipulated by insurgent elements aiming to weaken them from within.

The NGOs also condemned the February 2007 agreement between the Government and Trafigura, the company involved in the toxic waste scandal^{1/}, which provides that the latter shall pay the State 150 million euros in return for legal proceedings being dropped. Apart from the denial of justice that this agreement represents for victims, the State

1./ On September 6, 2006, a boat had poured more than 400 tons of highly toxic waste into the port of Abidjan, resulting in sixteen deaths, according to Government sources. Several State representatives had been complicit in the affair, highlighting corruption problems and causing the Prime Minister of the time to resign, though he has since returned to his position. Human rights organisations intervened to demand that investigations be carried out so that the guilty parties might be punished.

indemnity process has been particularly criticised by NGOs and victims because of its many weaknesses: an ambiguous selectivity amongst the victims, minimal compensation and slow procedures have all discredited the process. In June 2007, a complaint was filed with the “Tribunal de Grande Instance” in Paris on behalf of 20 victims of the waste discharge against two French Directors of Trafigura who had been released by Ivorian authorities. At the end of 2007, the preliminary enquiry that was opened following filing of the complaint was still under way.

Attack against NGO premises

In May 2007, the headquarters of the Ivorian Human Rights League (*Ligue ivoirienne des droits de l’Homme - LIDHO*) in Abidjan was vandalised by a group of students and young patriots in response to an appeal by the Secretary General of the Student Federation of Côte d’Ivoire (*Fédération étudiante et scolaire de Côte d’Ivoire - FESCI*). The attackers even held a meeting in front of the League headquarters, insulting its members, calling them “traitors” and “enemies of the power”. LIDHO was blamed for having loaned its premises to striking teachers. This reason was visibly no more than a pretext, as LIDHO has frequently condemned the many acts of violence and harassment carried out by FESCI on the campus of Abidjan University over the past years. No arrests have been made, despite the presence of the police on the premises. The complaint filed by LIDHO with the Prosecutor of the Republic against the FESCI Secretary General has not been followed up and witnesses have never been called by the Prosecutor’s services, proving that these organisations can act again with impunity against defenders².

2./ The Special Rapporteur of the African Commission on Human and People’s Rights (ACHPR) on Human Rights Defenders in Africa, Ms. Reine Alapini-Gansou, expressed her “profound concern” following reports of an “attack against the *Ligue ivoirienne des droits de l’Homme* (LIDHO) and *Action pour la protection des droits de l’Homme* (APDH) on 21 May 2007 by members of the *Fédération étudiante et scolaire de Côte d’Ivoire* (FESCI)” (See Press Release dated June 6, 2007).



/ DEMOCRATIC REPUBLIC OF CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The period of political transition initiated by the 2002 Global and All-Inclusive Pretoria Agreement ended with the achievement of one of its goals: the holding of presidential elections. On December 6, 2006, the elected President Joseph Kabila took oath. On February 5, 2007, the new Government, led by Mr. Antoine Gizenga, was officially announced, and on February 24, 2007, his programme was adopted by the National Assembly. The elections were vigorously supported by the international community, in particular the European Union, at the expense of the other commitments specified in the Agreement that were necessary for the peace and security of the country, i.e. the reinforcement of the rule of law, measures to counter impunity for the most serious crimes, and the reunification of the armed groups within a national army. “Elections at all costs” thus marked the stop of a transition that ended up by being no more than a name.

Insecurity is still rampant in Kinshasa, and in the east of the country, in the Ituri district, South Kivu and North Katanga. And furthermore, since 2007, there is a violent conflict in North Kivu between General Laurent Nkunda’s dissident troops and the Democratic Republic of Congo (DRC) Armed Forces (*Forces armées de RDC - FARDC*). Interference of neighbouring countries and the fight for the control of natural resources also contribute to the war in the area.

The civilian populations are the first victims of such violence, as they are exposed to executions, enforced disappearances, acts of torture and

ill-treatment, arbitrary arrests, looting, etc¹. In addition, acts of rape and sexual violence, made commonplace by years of war, are committed massively and systematically, especially in the conflict zones. These violations are perpetrated with total impunity as much by Government personnel, mainly members of the FARDC and the Congolese national police, as by the militia and armed groups, in particular the Democratic Liberation Forces of Rwanda (*Forces démocratiques de libération du Rwanda*), the Mai-Mai and General Nkunda's troops².

Moreover, the judicial system suffers from a total absence of independence and impartiality. This is constantly denounced by local NGOs, which stress the need to rebuild the judicial system, to guarantee its independence, and to introduce legal reforms to ensure that perpetrators of crimes, particularly the most serious crimes, are effectively prosecuted and brought to trial. In that respect, it is worth noting that on October 19, 2007, following an enquiry, the International Criminal Court (ICC) issued a warrant for the arrest of Mr. Germain Katanga, head of the rebel troops, who committed serious human rights violations in Ituri in 2002 and 2003.

In such a context, the task of human rights defenders is particularly difficult. The Congolese authorities are extremely sensitive to activities that could adversely affect their credibility and image abroad, and denunciation of human rights violations is carried out in an environment that is exceedingly dangerous for defenders. This year again, they have paid a heavy toll: assassinations, clandestinity, exile and persecution. In 2007, the Special Rapporteur of the ACHPR on human rights defenders in Africa published four press releases on the situation of defenders in the DRC, out of a total of seven for 2007, which shows how precarious their situation is.

1./ The scope of acts of sexual violence was denounced by all the observers who went to DRC during the year, among them the United Nations Special Rapporteur on violence against women, its causes and consequences (See Report on a mission to the Democratic Republic of Congo, United Nations document A/HRC/7/6/Add.4, February 28, 2008). The Committee for the Elimination of Racial Discrimination also referred to the situation in its concluding observations (See United Nations document CERD/C/COD/CO/15, August 17, 2007).

2./ See the monthly reports of the United Nations Mission in DRC (*Mission de l'Organisation des Nations unies en RDC – MONUC*), www.monuc.org.

Assimilation of defenders to political opponents and accusations of tarnishing the image of the country

Human rights defenders who denounce violations of fundamental freedoms and international humanitarian law are often considered to be sympathisers of one of the existing forces, and are repeatedly subjected to threats, harassment and intimidation from the national authorities and members of armed groups. Such for instance was the case of Mr. **Dismas Kitenge Senga**, President of the Lotus Group (*Groupe Lotus*) based in Kitangi, who was attacked on October 18, 2007 by a group of students, after he had made statements to the media calling for peace talks between the Government and General Laurent Nkunda's rebels. The students, echoing the militaristic positions of the Chief of State, accused him of supporting General Nkunda and therefore of being a "traitor to the nation". In addition, on October 5, 2007 several members of Solidarity for Katanga (*Solidarité katangaise*), an organisation presided over by the Minister for Humanitarian affairs, gathered in front of the offices of the Katanga section of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme - ASADHO*), chanting hostile songs.

Moreover, defenders continue to be systematically questioned by Government agents, such as those belonging to the General Directorate for Migrations (*Direction générale des migrations - DGM*), following travels abroad for human rights activities, and accused of tarnishing the image of the national institutions. For instance, 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*), was detained on September 2, 2007 at his arrival at Kinshasa airport by six DGM agents, who questioned him on the human rights activities that he had recently engaged in during a stay in Europe. During the interrogation, Mr. Kabala Mushiya was accused of having deteriorated the national image abroad and of having criticised the DRC institutions. Likewise, the Minister for the Press and Information publicly called Journalists In Danger (*Journalistes en danger - JED*) "antipatriotic", after it had denounced, during a press conference, alterations to two bills restricting the freedom of the press.

Threats against defenders fighting impunity and the shortcomings of the judicial system

In 2007, as in the past, defenders taking part in ICC investigations, or more generally in the fight against the impunity enjoyed by warlords and heads of militia, were subjected to smear campaigns and threats. One of the leaders of Justice Plus, for instance, left the country, and the other members of the organisation continued to receive threats following their criticism of the conditions under which the Kisangani trial of the former warlords was conducted.

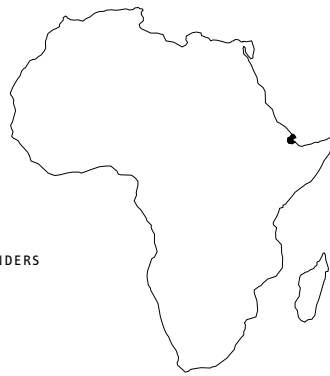
Also, several NGOs, including JED, received threats for having denounced the failings of military justice, and particularly the haste with which it operated, the contradictory statements of the suspected murderers, and the absence of material proof and of motive in connexion with the enquiry into the murder, on June 13, 2007, of Mr. Serge Maheshe, a radio journalist working for the *Radio Okapi*, sponsored by the UN. Members of JED also continued to be harassed following the publication, in 2006, of an enquiry on those presumed to be responsible for the assassination of the journalist Franck Ngyeke, in November 2005.

Harassment of defenders denouncing the bad management of natural resources

On several occasions the United Nations Independent Expert on the DRC called on the Government to accentuate the fight against trafficking in natural resources and their illegal exploitation³. The matter remains extremely sensitive and, as before, the defenders who denounced the bad management of natural resources by the Congolese authorities, and in particular the contracts signed with foreign mining companies, had problems with the authorities. For instance, Mr. **Willy Loyombo**, a member of the Lotus Group in Opala and President of the Organisation for the Settling, Literacy and Promotion of Pygmies (*Organisation pour la sédentarisation, l'alphabétisation et la promotion des Pygmées* - OSAPY), an NGO based in Kisangani, and also a member of the Civil Society Network in Charge of Monitoring and Managing Natural Resources (*Réseau de la société civile en charge de la surveillance et de la gestion des ressources naturelles*), is actively

3./ See Report by the Independent Expert on the human rights situation in the DRC, United Nations document A/HRC/4/7, February 21, 2007.

engaged in promoting the revision of the unfair contracts signed by local companies, which violate the rights of local communities and environmental rights. As a consequence he is constantly harassed and threatened by the local authorities, who accuse him of stirring up the population against the companies. Likewise, Mr. **Georges Ningo**, a member of the Coordination of Associations Promoting and Defending Human Rights in Isangi (*Coordination des associations de promotion et de défense des droits de l'Homme à Isangi*), was threatened on several occasions by the local authorities and the police. Late 2007, he was wanted by the Prosecutor's office of the Kisangani Court for "inciting the local population to rebellion", whereas he was defending the right of the communities to reap some benefit from the operations of the Imbolo-based timber company SAFBOIS.



Political context

With the prospect of parliamentary elections on February 8, 2008, the authorities further tightened their stranglehold on human rights defenders, especially trade union members, insofar as they are the last independent members of a civil society that is under control and publish evidence of the oppressive nature of the Djibouti regime. By demanding improvement of polling methods that permit the winner of the parliamentary elections to hold all the seats at the National Assembly¹, defenders have clearly demonstrated by which means the coalition of parties that forms the Government, the Union for the Presidential Majority (*Union de la majorité présidentielle* - UMP), remains in power.

2007 was also marked by the International Labour Conference (ILC) firm urging of the Djibouti authorities to comply with their international obligations on the rights to freedom of association, which were systematically violated, and to end repression of union members². Various committees of the 96th Session of the ILC also called for the revocation of several provisions of the Labour Code that came into effect in January 2006³, and which seems to have been drawn up to reinforce the methods of pressurising the unions, for the reinstatement of union members who had been dismissed and for respect for trade union freedom.

Systematic muzzling of the union movement

In 2007, union officials continued to be the target of multiple acts of harassment, primarily through judicial proceedings and wrongful

1./ The electoral list system in a single round of voting strongly favours the majority party. Thus, despite an official score of around 30% in the previous parliamentary elections, opposition parties were not represented in Parliament.

2./ See in particular the Report of the Committee on the Application of Standards and the Credentials Committee, 96th session of the International Labour Conference, June 2007.

3./ See Observatory Annual Report 2006.

dismissal. Thus, by the end of 2007, judicial proceedings based on accusations of “supplying information to a foreign power”, “secret contacts with a foreign power” and “outrage to the President” that were instituted in March 2006 against Mr. **Adan Mohamed Abdou**, Secretary General of the Djibouti Labour Union (*Union djiboutienne du travail* - UDT), Mr. **Hassan Cher Hared**, UDT International Relations Secretary, Mr. **Mohamed Ahmed Mohamed**, Head of Legal Affairs of the Port Workers’ Union (*Union des travailleurs du port* - UTP), and Mr. **Djibril Ismael Egueh**, Secretary General of the Maritime and Transit Service Union (*Syndicat personnel maritime et du service de transit* - SP-MTS), were still pending⁴. Since then, Mr. Hassan Cher Hared and Mr. Djibril Ismael Egueh, who suffered harassment in their work, have left the country. The International Labour Organisation (ILO) Committee on Freedom of Association considered in its latest report that the dismissal of Mr. Cher Hared in September 2006 was a serious case of violation and “urge[d] the Government to launch an inquiry without delay [...] and, if it is found that the dismissal was based on anti-union grounds, to reinstate [him] and pay him any wage arrears owed to him”⁵. At the end of 2007, the Djibouti Government has still not responded to this decision.

The authorities also resorted to other forms of action to prevent union officials from denouncing their abuses. Since they were charged in February 2006, the travel documents of Mr. Mohamed Ahmed Mohamed and Mr. Djibril Ismael Egueh have been held by the intelligence services. Telephone bugging and the interception of mail also remained common. For example, several UDT complaints addressed to the ILO were intercepted. However, during the ILC in June 2007, the Government agreed to receive a direct contact mission due to take place as from January 21, 2008. On May 3, 2007 the Government also refused entry visas to an international trade union solidarity mission⁶.

4./ These proceedings were subsequent to participation in a training course led by an Israeli union confederation and the filing of a complaint concerning the retirement and wrongful dismissal of union officials.

5./ See 348th Report of the Committee on Freedom of Association, paragraph 560 (b), November 2007.

6./ The Committee on Freedom of Association urged the Government to respond to allegations of barring a mission from entering, and arresting and interrogating the only member of the mission allowed to enter the country - an ILO official. (See 348th Report of the Committee on Freedom of Association, paragraph 560 (c), November 2007).

A further tactic used to weaken lawful unions was the creation, with the agreement of the Ministry of Employment and National Solidarity, of a fake union made up of members close to the authorities and secret service agents, with the intention of discrediting the allegations of union members during conferences and international meetings.

Arbitrary arrests of defenders in the run up to the elections

With the approach of the elections in February 2008, human rights defenders were increasingly the target of acts of intimidation. In December 2007, the President of the Djibouti League of Human Rights (*Ligue djiboutienne des droits humains* - LDDH), Mr. **Jean-Paul Noël Abdi**, was again arrested after the publication of a statement reporting the corruption of the ruling authorities and the risk of electoral fraud during the polls. His transfer to the Nagad detention centre, 40 kilometres from the city of Djibouti, which is officially used to hold persons due to be escorted back to the border, is an illustration of the methods used against human rights defenders, journalists or other persons the authorities consider as opponents. In the course of the year, Mr. Abdi had already been the object of proceedings for “defamation”, “divulging false news” and “slandering denunciation” following the publication of a press release questioning the role of the military authorities in cases of summary executions of civilians during fighting in January 1994, and condemning the rape of a young girl by an army corporal in 2007. Mr. Abdi was only released following the intervention of the Observatory, which appointed Mr. Michel Tubiana as his defence lawyer and who highlighted the unfair nature of the trial and of the judicial procedure⁷. These irregularities were also condemned by the Special Rapporteur of the African Commission on Human and People’s Rights (ACHPR) on Human Rights Defenders in Africa⁸. Finally, the authorities also confiscated his passport on March 11, 2007, the day of his release, to prevent him from attending a human rights conference.

7/ On April 11, 2007, the Djibouti Court of Appeal sentenced Mr. Jean-Paul Noël Abdi to one year in prison, including 11 months’ suspended sentence and a fine of 300,000 Djibouti francs. He appealed against the sentence on June 24, 2007.

8./ See Press Release on the harassment of Mr. Jean-Paul Noël Abdi by the Special Rapporteur of the ACHPR on Human Rights Defenders in Africa, March 16, 2007.



/ EQUATORIAL GUINEA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Despite the 1991 Constitution that legalised the multiparty system, the Democratic Party of Equatorial Guinea (*Partido Democrático de Guinea Ecuatorial*) maintained its hegemony over the country, whose economy is based on substantial oil resources. Symbolically, on December 31, 2007, in his end of year speech, President Obiang Nguema Mbasogo, while speaking about the parliamentary elections scheduled for March 2008, asked parties for “transparency, legality, nationalism, and consensus with the Government to prove their political maturity to international public opinion and to avoid absurd interventions by those who believe themselves the masters of democracy”. This intervention reveals the insincerity of public statements calling for the return of exiles with promises of tolerance and reintegration in the country.

In addition, the Concluding Observations of the United Nations Human Rights Committee, which had reviewed the situation in the country in the absence of a report in 2004 – no report has been submitted since 1988 despite State obligations –, remained on the agenda. The Committee expressed its concern over the systematic use of torture and ill-treatment by law enforcement officials, as well as arbitrary detentions, including those in quasi-illegal detention centres¹. The judiciary is also characterised by a complete lack of independence. If a law has since been passed in 2006 to prevent, prohibit and punish torture, it seems to be largely ignored².

1./ See the Concluding Observations on the situation of civil and political rights in Equatorial Guinea by the United Nations Committee on Human Rights, UN document CCPR/CO/79/GNQ, August 13, 2004.

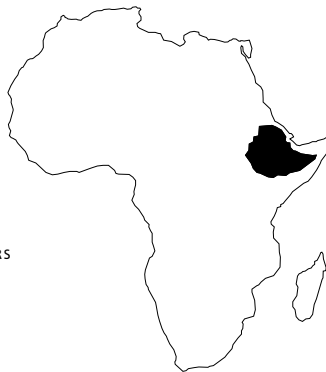
2./ See Law n° 6/2006, adopted on November 2, 2006.

A total lack of freedom for defenders, particularly trade unionists

Despite the ratification of ILO Conventions on freedom of association, the Government has not submitted a report since 1998, does not recognize independent unions and denies them registration. For example, the Trade Union of Workers of Equatorial Guinea (*Unión Sindical de Trabajadores de Guinea Ecuatorial*) is obliged to carry out its activities underground, and the Independent Union of services (*Sindicato Independiente de Servicios*) could not be regularised because the Government is opposed to the word “independent”. This situation renders any denunciation of working conditions impossible.

/ ETHIOPIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

Despite the Peace Agreement signed in 2000 and the establishment of a United Nations Mission to Ethiopia and Eritrea, the peace process remained in stalemate in 2007 due to constant arguments over demarcation of the border between the two countries. In December 2006, Ethiopia embarked on military intervention in Somalia on the pretext of supporting the federal transitional Government against the advances of the insurgent Union of Islamic Courts, who demanded the return to “Great Somalia”. Its army was still present in the country at the end of 2007. Its status as an ally in the war against terrorism meant that it was very little criticised for human rights violations in Somalia and in the fighting against the Ethiopian rebel movements, or for its policy of repression of human rights defenders.

Furthermore, in spite of constitutional guarantees of press freedom and freedom of information, the Ethiopian Government maintained strict control over Internet access and on-line media. The sole access provider is State-run. Access to political blogs and human rights information is blocked but information is often available on other sites and no sanctions have so far been taken against the authors, often Ethiopian, of articles posted on these sites¹.

Obstacles to freedom of association

In September 2006, the Minister of Justice had issued an official memorandum on NGO registration to a very restricted distribution list, stating that henceforth NGOs should present their programme of proposed activities to a committee made up of representatives from eight Ministries, and sign agreements with Government agencies to obtain or renew their licenses. It appeared that a bill on NGOs was about to be finalised without consulting civil society organisations.

1/ See the OpenNet Initiative country file on Ethiopia.

Sentencing of human rights defenders who contested the validity of the 2005 elections

In 2007, defenders continued to suffer the consequences of the wave of arrests and judicial proceedings following the violent repression by the security forces of demonstrators who contested the validity of the parliamentary elections held on May 15, 2005 and the victory of the ruling party, the Ethiopian People's Revolutionary Democratic Front. Several trials came to an end this year but the harassment of certain defenders, who refused to sign a declaration recognising the unconstitutional nature of the demonstrations, continued.

In December 2005, more than a hundred people, including Messrs. **Kassahun Kebede**, a member of the Ethiopian Teachers' Association (ETA), **Daniel Bekele**, Director of the Action Aid programme in Ethiopia, and **Netsanet Desmissie**, founder of the Organisation for Social Justice in Ethiopia (OSJE), were accused of "conspiracy", "inciting to armed rebellion", "outrage against the Constitutional order", "high treason" and even "genocide", for having dared to contest the validity of the outcome of the 2005 parliamentary election. On several occasions, the Observatory condemned the many irregularities of the judicial procedure against them as well as the Prosecutor's address, asking for application of the death penalty.

In April 2007, under the watch of the international community, the Ethiopian Federal High Court ordered the acquittal and release of many of the accused, including Mr. Kassahun Kebede. Several newspaper editors and journalists were also acquitted and released. On July 20, 2007, the President pardoned 38 of the 43 who had been sentenced, after they acknowledged in writing having resorted to unconstitutional methods to overthrow the Government. Messrs. Bekele and Desmissie, who had refused to sign this declaration, appealed to the Supreme Court. Their release on bail was consistently refused and, on December 26, 2007, following a trial that was postponed several times, they were finally found guilty of having provoked and prepared attacks on the Constitution. They were sentenced to two and a half years in prison.

Obstacles to humanitarian stakeholders operating in conflict zones

The Ethiopian regime is in conflict with the Ogaden National Liberation Front and the Oromo Liberation Front in the south, and

the Ethiopian People's Patriotic Front (EPPF) in the north. In these regions, the authorities do not tolerate any condemnation of violations of human rights and humanitarian law, including arbitrary arrests and disappearances of civilians. Thus, the International Committee of the Red Cross (ICRC) and Doctors Without Borders (*Médecins sans frontières* - MSF) were accused of supporting the Ogaden National Liberation Front and expelled in August 2007. Several defenders were also treated as members of the Ethiopian People's Patriotic Front and were even forced to confess under torture that they belonged to this group.

Obstacles to freedom of association for the Ethiopian Teachers' Association (ETA)

In 2007, the Government continued to interfere with ETA activities and to harass and repress its members. The ETA case dates back more than ten years and concerns the obstacles to the legal right of teachers to freely organise themselves without Government interference. At present, two unions exist, the old ETA and the new ETA, created by the authorities. Meetings of the old ETA have again been prevented this year, its equipment has been confiscated and several of its members arrested and tortured.

One of the practices of the Ethiopian authorities has been to allocate union contributions to the new ETA through a system of direct debit from salaries, despite the protests of teachers. Teachers who condemned the practice were penalised. Furthermore, in its last ruling on June 21, 2007, the Federal High Court confirmed that the legal status of the new ETA allowed it to hold the financial assets of the old ETA. With respect to this, in November 2007, the ILO Committee on Freedom of Association called on the Government "to fully observe the right of [the original] ETA to organise its internal administration free from interference by the public authorities and to provide a full and detailed reply in respect of the numerous and serious allegations [...] of repeated Government interference and harassment, arrest, detention and torture of ETA members for over a decade"².

2./ See 348th Report of the Committee on Freedom of Association, paragraph 695, November 2007.

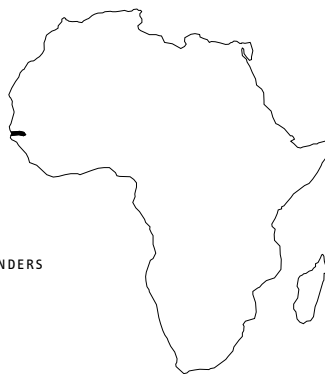
Furthermore, Mr. **Anteneh Getnet**, member of the ETA Addis Ababa Regional Council, Mr. **Meqcha Mengistu**, Chairperson of the ETA's branch in East Gojam and member of the ETA Committee responsible for the Implementation of an HIV/AIDS education programme, Mr. **Woldie Dana**, an ETA leader, Ms. **Wibit Legamo**, the wife of the latter, and Mr. **Berrhanu Aba-Debissa**, an ETA leader, were arrested in May, June and August 2007 and accused of being EPPF members. After being held at Kaliti prison in Addis Ababa, they were released on bail on December 20, 2007. Mr. Getnet and Mr. Mengistu were tortured in prison and forced to sign false confessions. The court dismissed the false confessions but did not order an investigation into the allegations of torture³.

Obstacles to defenders' access to information in zones of rebellion

In Ethiopia, the work of NGOs is constantly hindered by a number of factors, primarily the difficulty of obtaining information from public authorities. As an example, the Government is very suspicious of anyone who tries to collect information on human rights violations in zones of rebellion, thus creating an environment in which impunity persists. This task has become practically impossible in the Oromo region. For instance, on August 23, 2007, Mr. **Fekadu Negeri**, Mr. **Tefsa Burayu** and Mr. **Ibsa Wake**, members of the Executive Committee of the Ethiopian Human Rights Council (EHRCO) for the Nekmte region, were arrested and then released without being charged, illustrating the police practice of abusing preventive detention on the pretext of needing extra time for the investigation. Moreover, Mr. **Abdi Abate**, a member of EHRCO, was still in prison at the end of 2007, accused of belonging to the Liberation Front.

3/ "In view of the seriousness of the allegations concerning the torture of Messrs. Getnet and Mengistu during their detention to make them confess their membership in an illegal organisation, the long period of detention, the vague nature of the charges, their release on several occasions without any explanation as to the reasons for their detention only to be rearrested, the Committee urges the Government to initiate without delay an independent inquiry, to be led by a person that has the confidence of all the parties concerned, to fully clarify the circumstances surrounding their successive arrests and detentions, determine responsibility if it is found that they have been subjected to maltreatment and punish those responsible" (See 348th Report of the Committee on Freedom of Association, paragraph 695, November 2007).

/ GAMBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007**Political context**

The party of President Yaya Jammeh, the Alliance for Patriotic Reorientation and Construction, obtained a large majority in the legislative elections held in January 2007. Moreover, an amendment of the Local Government Act voted by Parliament on October 31, 2007 aims to extend once again the powers of the President by authorising him to dissolve municipal councils and to relieve councillors of their functions. It is in this context that, in December 2007, the two main opposition parties, the United Democratic Party (UDP) and the National Reconciliation Party (NRP), brought an action before the Supreme Court to ban the Independent Electoral Commission from organising the municipal and rural elections planned for January 2008.

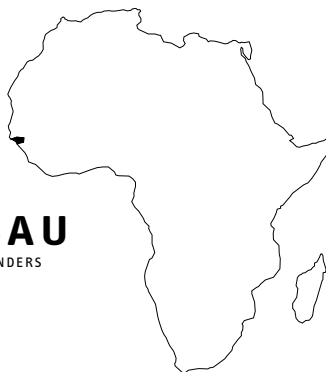
In addition, the Gambian Government is responsible for the considerable violations of fundamental freedoms that have increased since the attempted *coup d'état* on March 15, 2006. The Government, which hosts the African Commission on Human and Peoples' Rights (ACHPR), and which in 2002 had not deigned to send representatives to the examination of its country situation by the United Nations Human Rights Committee, continued to restrict the freedoms of expression and of the press, to intimidate and harass defenders and to hold political prisoners in detention. In view of the repeated, persistent violations of human rights in Gambia, several African and international NGOs have led a campaign for many years calling for ACHPR headquarters to be relocated to a country that has greater respect for human rights.

In addition, freedom of the press has been greatly restricted since the National Media Commission was set up in 2002, the revocation of the National Media Act on December 13, 2004 and the adoption, the following day, of the Criminal Code Amendment Bill. The Commission is appointed by the Government and has the power to grant licences and to force journalists to disclose their sources of information.

An extremely hostile context for defenders

In spite of the feeling of vulnerability of human rights defenders with regard to the political climate in the country, the latter continue their denunciation of, *inter alia*, arbitrary detentions which go beyond the 72 hours' delay provided for by the Constitution for detainees to be presented before a judge. As an example, on October 6, 2007, two members of the international secretariat of Amnesty International and the Gambian journalist **Yahya Dampha** were arrested and placed in detention during their visit to detention centres. They were released on bail two days later, their passports were confiscated and they were obliged to report to the police daily, before being unconditionally released on October 12. At no moment were they given an explanation regarding the reasons for their detention. This illustrates the extremely hostile context in which human rights defenders operate in Gambia.

It is also worth recalling that the murder, in December 2004, of Mr. **Deida Hydera**, the Gambia correspondent for *Agence France Presse* (AFP) and for Reporters Without Borders (*Reporters sans frontières* - RSF), and the co-owner of the newspaper *The Point*, still remains unpunished. Mr. Hydera was known in particular for his commitment to the freedom of the press and to human rights, and had notably, a few days prior to his death, published two articles in his paper criticising the adoption of two particularly restrictive laws of the press that were secretly signed in December 2004 by the President of the Republic.



/ GUINEA-BISSAU

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In Guinea-Bissau, the year 2007 was marked by increased social and political tensions and by economic decline. The United Nations Secretary-General expressed his concern regarding the heightening of political tensions following the murder, on January 4, 2007, of the former Naval Chief, Commodore Lamine Sanha, and the intervention of security forces during civil society demonstrations organised in protest against this killing¹. This intervention resulted in the death of a young man and in several participants also being injured.

On March 12, 2007, a National Stability Pact was concluded between the three main political parties – the African Party for the Independence of Guinea and Cape Verde (*Partido Africano da Independência da Guiné e Cabo Verde* - PAIGC), the Party for Social Renewal (*Partido da Renovação Social* - PRS) and the United Social Democratic Party (*Partido Unido Social Democrático* - PUSD). According to the terms of the Pact, the post of Prime Minister should revert to a PAIGC member and ministerial positions would be allocated on the following basis: 40% for PAIGC, 40% for PRS, 17% for PUSD and 3% for other parties and members of civil society. Legislative elections should be held in October or November 2008.

On July 10, 2007, the Security Council also expressed its concern at “the alarming increase in organised crime, drug trafficking and the proliferation of illicit small arms” in the country².

In addition, while collusion between the PRS and the military since the end of the civil war in 1998 has led to increasing interference

1./ See Statement of the United Nations Secretary-General, United Nations documents SG/SM/10877, AFR/1502, February 13, 2007.

2./ See Security Council Press Statement, <http://www.un.org/News/Press/docs//2007/sc9075.doc.htm>, July 10, 2007.

by the military corps in political and governmental affairs, especially since both groups are made up of Balanta figures³, the decision of the President, in October 2007, to relieve the Minister of the Interior of his duties and to appoint a member of the PRS reinforced the sense of military pressure and army interference in political matters. It has in fact been shown that the increase in tensions between the Chief of Armed Forces and the Minister of the Interior led to the dismissal of the latter and his replacement by a PRS candidate who was supported by the military.

In this context, civil society organisations operate in a hostile environment, a climate of mistrust, fear and insecurity. Judicial action is used to block the work of human rights defenders as well as acts of intimidation. Judicial proceedings are regularly brought against them, notably for defamation. Furthermore, peaceful gatherings are regularly banned, thus seriously threatening freedom of expression, press freedom and freedom of assembly.

Legal proceedings and other forms of harassment against human rights defenders involved in the fight against impunity

In December 2007, the Parliament approved a draft law providing for an amnesty for all crimes and offences committed from “politico-military” motivations in Guinea-Bissau and abroad prior to October 6, 2004. The massive approval given to this bill, which was opposed by civil society organisations, appeared to result from the general fear of reprisals by security agents, clearly showing the lack of political will to combat impunity, and further exposing defenders involved in this struggle⁴.

The case of Mr. **Mario Sá Gomes**, Chairperson of the Guinea Association of Solidarity with Victims of Miscarriage of Justice

3./ The Balantas are a tribe of Guinea Bissau. With the support of the military, the PRS took control of all strategic sectors of the country in 1998: the Ministry of Internal Administration, the border security troops, the police of public order, etc.

4./ With respect to this, the UN Secretary-General noted “concerns by civil society organisations regarding what they saw as pressures relating to freedom of the press and freedom of expression in connection with their reports on drug trafficking” (See Security Council Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, United Nations document S/2007/576, September 28, 2007).

(*Associação Guineense de Solidariedade para com as Vítimas de Erro Judicial - AGSVEJ*), is a perfect illustration of such pressure. During 2007, the latter received summons from State bodies on at least 14 occasions, especially from the office of the Prosecutor General, concerning his actions in condemning drug trafficking and politically motivated crimes. The Prosecutor General filed a complaint against Mr. Sá Gomes for “false accusations”, obliging him to present himself once a week to the judicial authorities. On July 11, 2007, the Prosecutor General issued a warrant for his arrest following a radio interview in which he condemned drug trafficking and called for a reform of the judiciary. The UN Peace-Building Office in Guinea-Bissau (UNOGBIS) sheltered him and intervened with the Government to obtain the latter’s assurance of concrete protection for him.

Restrictions on freedom of peaceful assembly and reprisals against human rights defenders who took part in demonstrations

In 2007, at least two legally organised demonstrations were disturbed by acts of repression carried out by State security forces using tear gas and attacking civilians and a journalist. This was the case with the demonstration organised in January by the Civil Society Movement (*Movimento da Sociedade Civil*), which brings together several NGOs such as the Guinean League of Human Rights (*Liga Guineense dos Direitos Humanos*) and other bodies, trades unions, the chamber of commerce, etc., to sound the alarm concerning the ever-increasing levels of crime and insecurity. This march had been called following a declaration that placed responsibility for this situation with the President of the Republic.

In addition, trade unions organised several public sector strikes, particularly strikes by teachers, protesting against the non-payment of wages, or military veterans protesting against the non-payment of their pensions. In retaliation, trade union officials continued to be exposed to acts of harassment because of their involvement in trade union activities. Some were brutalised during demonstrations, as was the case with a member of the Guinea-Bissau Transport Union who was seriously injured by the police rapid intervention forces during a peaceful gathering on November 1, 2007.



/ GUINEA CONAKRY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The beginning of 2007 in Guinea Conakry was marked by an indefinite general strike called by several trade unions on January 10, to protest against the high cost of living, corruption, impunity for financial crimes and more generally bad governance. After a repressive confrontation, the strike quickly turned into a movement of popular revolt against the regime of President Lansana Conté, who has been in power for 23 years, and the protesters' claims broadened to include the separation of powers, strengthened independence of the judiciary and real political change. The strike was initiated after the President himself freed in December 2006 Mr. Mamadou Sylla, a businessman accused of misappropriation of funds at the Central Bank, who had been imprisoned in the Conakry civil prison.

The demonstrations of January and February 2007 were violently repressed by the security services and the army, and resulted in the declaration of a state of emergency and a heavy human toll, with nearly 200 dead and more than 1,500 injured¹.

As a result of negotiations, an agreement was reached on January 27, 2007 on the formation of a new Government with a Prime Minister of consensus who has extensive executive powers for a transitional period of three years, during which legislative and presidential elections should be held. The agreement also creates an independent commission of inquiry charged with shedding light on the abuses committed during the period of repression of 2006 and 2007 (summary executions, arbitrary detention, rape, etc.). Tension further increased when President

1./ In its Resolution P6_TA(2007)0057, adopted on February 15, 2007, the European Parliament strongly condemned the "disproportionate and excessive use of force by the Guinean security forces during the recent demonstrations in various parts of the country, which resulted in the death of many civilians, the wounding of several demonstrators and the detention of trade union leaders and others".

Conté appointed one of his close friends, Mr. Eugène Camara, to the post of Prime Minister on February 9, 2007. This appointment, seen as a provocation, stirred popular riots. The general strike was finally suspended as a result of the appointment of Mr. Lansana Kouyate as Prime Minister on February 27.

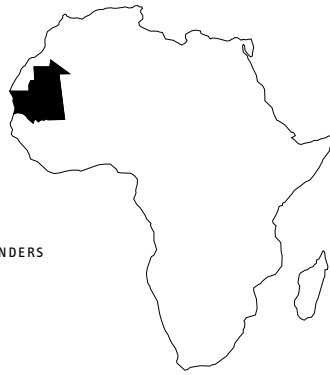
In late 2007, tension remained high because of non-compliance with the January 27, 2007 road map, the increase in the cost of living, and the postponement of the legislative elections, which were initially scheduled for December 2007 but postponed in 2008 because of delays in the establishment of the National Independent Electoral Commission (*Commission nationale électorale indépendante* - CENI) demanded by the opposition. Similarly, the persistence of impunity for perpetrators and those responsible for human rights violations remains a major obstacle to the restoration of social peace, trust and rule of law in Guinea Conakry.

Trade unionists in the line of fire from authorities

Trade unionists and trade union leaders have been one of the main targets of the authorities because of their role in the mobilisation and articulation of social and peaceful protests at the beginning of the year. The Red Berets (*Bérets rouges*), the guards of the President of the Republic that are led by his son, Mr. Ousmane Conté, were particularly active in the repression of defenders of economic and social rights, in particular by ransacking the offices and computers of some unions and beating up many trade unionists. Thus, a score of union leaders, including Dr. **Ibrahima Fofana**, Secretary General of the Workers' Union of Guinea (*Union syndicale des travailleurs de Guinée* - USTG), and Ms. **Hadja Rabiou Diallo**, Secretary General of the National Confederation of Guinean Workers (*Confédération nationale des travailleurs guinéens* - CNTG), have been repeatedly arrested and severely beaten.

To that extent, Ms. Reine Alapini Gansou, Special Rapporteur of the ACHPR on human rights defenders in Africa, expressed "deep concern following the information received regarding the harassment of human rights defenders during their union activities in Guinea"².

2./ See Press Release on the situation in Guinea by the Special Rapporteur of the ACHPR on human rights defenders in Africa (Unofficial translation).



Political context

The election of President Sidi Ould Cheikh Abdallahi on April 19, 2007, following the first election recognised as democratic since the independence of Mauritania in 1960, has resulted in many expectations from both the population and the international community engaged in a program of support for good governance and civil society, which was heavily repressed under the former regime.

The new President has pledged to eliminate the “humanitarian backlog”, a consequence of racial and ethnic crises that divided Mauritanian society in the 1980s and 1990s. In this regard, the adoption of new laws and national consultations are currently under way on the following issues: the right of return for black Mauritanians who were deported to Senegal and Mali in April 1989; the right to truth and justice for families of victims of summary executions and acts of torture committed under the “de-negrification” carried out within the administration and the army; the prohibition and criminalisation of slavery and all forms of exploitation. The participation of civil society in these debates is essential to demonstrate real political will and consolidate democracy.

Participants in the national days of consultations and mobilisation for the return of deportees and the settlement of the humanitarian backlog, which were held on November 20, 21 and 22, 2007 under the leadership of the Ministry of the Interior, recommended the creation of structure which could take the form of a truth and reconciliation commission to defend the rights of victims. In support of the fight against impunity – which the amnesty law weakened – this struc-

ture would contribute to the consolidation of the rule of law and help prevent abuses such as torture under cover of counter-terrorism¹.

In connection with the adoption of the law criminalising slavery, adopted on August 8, 2007 by Parliament², anti-slavery organisations and other associations have also asked the Government to implement measures and set up accompanying structures for the payment of reparations and for the rehabilitation of victims. In mid-October, for the first time in the country's history, a master was imprisoned for the crime of slavery on two young children in the Assaba region, a precedent which could pave the way for other cases. However, a significant drawback was raised by associations: under this law, the burden of proof lies with organisations that work with victims, and these organisations could be prosecuted for having filed slanderous complaints. The possibility of claiming damages is thus severely limited for the victims and is not yet open to organisations that support these victims.

The questioning of an initiative to ease the legal framework for NGOs

For defenders, the biggest challenge remains the definition of a legal framework governing their activities. Because this framework no longer corresponds to democratic developments, it has become urgent to adapt it. In early 2007, a consensus text was endorsed by civil society organisations³. The text aimed to abolish the system of prior authorisation, which had allowed discretionary interference by the authorities in the activities of associations, thus putting them into legal insecurity, and provided instead for the establishment of a declaratory system based on objective criteria and for the limitation of the role of the competent authority to the verification of the compliance of registration applications with the law. It also provided for control by a judge at every stage

1./ In the "Case of the Islamists", several of the 25 suspected terrorists arrested in 2005, 2006, and 2007 were tortured by law enforcement agents. On June 5, 2007, the Criminal Court of the Regional Court in Nouakchott acquitted 24 of the 25 accused, rejecting any confession obtained under torture.

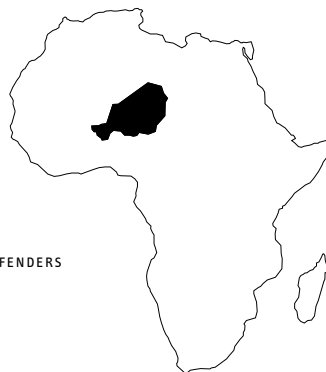
2./ Those who violate this law now face a sentence of five to ten years' imprisonment, plus a fine of between 500,000 and one million Ouguiyas (1,500 to 3,000 Euros).

3./ As part of the European programme to support civil society, a national validation workshop of the participatory study on the legal framework governing civil society organisations and mechanisms for dialogue between the State and civil society in Mauritania was held in Nouakchott on January 17 and 18, 2007.

of the existence of an NGO (constitution, functioning, dissolution), and allowed NGOs to act as civil parties in areas where they have expertise, as in the case of the law criminalising slavery.

Since then, the Government, through the Ministry Responsible for Relations with Parliament and Civil Society, has taken a step backwards. A new text was presented at a workshop on the legal framework and ethics of civil society, held on October 26 and 27 by the Ministry, with support from UNDP. The text tends towards the monitoring of the organisations. In one statement, 22 workshop participants recalled the participatory approach conducted in 2006 and the consensus text approved. They called for the respect of principles already adopted, as well as for a consultation with the Government regarding the preliminary bill, prior to its adoption and transmission to Parliament. The main points raised concerned the return to a system of prior authorisation, the centralisation of the registration of associations through a single window system, the requirements and conditions for reporting, the possibility of dissolving an organisation through administrative action (and no longer only judicial), and the impossibility of belonging to different networks. These administrative obstacles to the functioning of associations would tend to make them completely dependent on the whim of the Government, without acknowledging their role. The obligation to make the participation in this dialogue dependent on an inscription at the headquarters of the Support Fund to the Professionalisation of National Non-Governmental Organisations (*Fonds d'appui à la professionnalisation des organisations non gouvernementales nationales* - FAPONG) was also seen as a form of intrusion into the internal management of associations and another example of the liberty-killing nature of this text.

The bill, which was expected to be submitted to the parliamentary session at the end of the year, was still in the drawers of the Ministry of Relations with Parliament and Civil Society at the end of 2007.



/ NIGER

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, Niger witnessed an appeasement of its social situation, particularly following the signing in February 2007 of a comprehensive agreement putting an end to the severe food crisis of 2005, which had led to a surge in prices and a profound economic and social crisis, as a result of financial adjustment measures decided by the authorities¹. The agreement was signed by the Government of Niger and the Coalition Against the High Cost of Living (*Coalition contre la vie chère*), which gathers associations from civil society, under the direction of the National Commission for Social Dialogue (*Commission nationale de dialogue social* - CNDS). Several essential goods and services, such as water, electricity, health care, gas and fuel, experienced increases in price, sometimes up to 50% of the original cost.

However, February 2007 also saw the creation of an armed group, the Nigerian Movement for Justice (*Mouvement des Nigériens pour la justice* - MNJ), which calls for the respect of the 1995 agreements signed by the Government² and a better distribution of wealth, including income from uranium, as well as accompanying measures for families displaced because of the exploitation of the uranium deposits. The MNJ has carried out several attacks on Government targets in the north of the country, and clashes with security forces have resulted in numerous deaths. In addition, the Nigerian army has been reportedly responsible for numerous summary executions of civilians during reprisals to attacks by the MNJ.

1./ Accusations of State responsibility for the surge in prices in 2005 resulted in repression against protest leaders, notably through arbitrary detention and acts of harassment against some of them.

2./ The Peace Agreements of 1995 put an end to the revolt of the first rebellions of the 1990s in the north. They provided for the socio-economic reintegration of the Tuareg and the priority hiring of indigenous local mining companies as well as the redistribution of income from mining in the region.

The year 2007 was also marked by an upsurge in attacks on freedom of expression. The conflict zone in the Agadez region has been forbidden for journalists since August 2007, and several foreign and local journalists who have attempted to obtain and disseminate information on the rebellion have been arrested this year. For example, Mr. Moussa Kaka, a correspondent for *Radio France Internationale* and Director of the privately owned *Radio Saraouniy*, has been detained since September 20, 2007. He is accused of “complicity in plotting against the authority of the State” for having had regular contacts with the MNJ. Another journalist, Mr. Ibrahim Manzo Diallo, Editor of the bimonthly private publication *Air Info*, published in Agadez, was also indicted on October 29 for “criminal association” because of his alleged links with the rebellion. In late 2007, he was still detained in the Agadez civil prison.

Impossibility to denounce violations taking place in the northern conflict

In Niger, non-governmental organisations that denounce the serious human rights violations caused by the conflict and call for peace through negotiations instead of a military solution suffered threats and intimidation. Thus, throughout August 2007, the Niger Association for the Defence of Human Rights (*Association nigérienne pour la défense des droits de l'Homme - ANDDH*) and its leaders, as well as several other members of human rights organisations, such as Alternative Citizens' Spaces (*Alternative espaces citoyens*), the Collective of Organisations Defending Human Rights and Promoting Democracy (*Collectif des organisations de défense des droits de l'Homme et de promotion de la démocratie - CODDHD*), the Network of Development Agencies and Organisations of Defence of Human Rights and Democracy (*Réseau des organisations de développement et de défense des droits de l'Homme et de la démocratie - RODDAD*), the Collective of Organisations Defending the Right to Energy (*Collectif des organisations de défense du droit à l'énergie - CODAE*), the Coalition for Transparency in the Extractive Industries “Publish What You Pay,” (*Coalition pour la transparence dans les industries extractives “publiez ce que vous payez”*) and the Network of Organisations for Transparency and Fiscal Analysis (*Réseau des organisations pour la transparence et l'analyse budgétaire - ROTAB*), received threatening emails from unidentified authors.



REPUBLIC OF THE CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Parliamentary elections held in the summer of 2007 were boycotted by several opposition parties and marred by numerous irregularities during the poll. As a result, it was logical that the presidential party of Mr. Denis Sassou Nguesso, the Congolese Labour Party (*Parti congolais du travail*) again obtained a majority in Parliament. According to the conclusions of the election observation mission led by the Coordinating Electoral Support Group (*Coordination d'appui au processus électoral*), a platform bringing together members of Congolese civil society, the provisions of the Electoral Code were not respected. The independence of the National Election Organisation Commission (*Commission nationale d'organisation des élections* - CONEL), which was rather belatedly set up, was put into question and the President of CONEL himself recognised that there had been problems in Brazzaville and Pointe-Noire¹.

The country is still faced with serious problems of corruption. In June 2007, an Anti-Corruption Observatory (*Observatoire de lutte contre la corruption*) was created to monitor and assess the implementation of anti-corruption measures and reforms especially in the oil, mining and forestry sectors. This body was to include nine members from the Government, civil society and the private sector. However, defenders who report cases of corruption remain vulnerable to threats and reprisals by the authorities.

1/ See Report of the Congolese Human Rights Observatory (*Observatoire congolais des droits de l'Homme* - OCDH), *Contentieux électoral : Silence complice et prolongement de la mascarade par la cour constitutionnelle*, October 19, 2007.

Campaign to discredit NGOs linked to the case of the “Beach” disappearances

In 2007, the legal and political repercussions of the case of the “Beach”² disappearances and the work of the NGOs on behalf of victims’ families – primarily the Congolese Human Rights Observatory (*Observatoire congolais des droits de l’Homme* - OCDH) – have again made the latter targets of the authorities, which have instituted campaigns to discredit them. Indeed, for several years, the authorities and the media under their control have likened the actions of OCDH and the Collective of the Families of Missing Persons (*Collectif des familles de disparus*) in the case of the Beach disappearances to anti-patriotic actions of destabilisation. For example, at the time of the request for authorisation to commemorate the Beach victims in November 2007, the Minister of Communication described this initiative as “an attempt to resume civil war in the Congo”. Furthermore, on January 10, 2007, following the French Court of Appeal’s decision to reopen legal proceedings in France in the “Beach” missing persons case, President Sassou Nguesso, during an interview on national television, threatened the initiators of the procedure with reprisals. On January 16, 2007, the Citizens’ Force Association (*Association force citoyenne*), created by the Ministry of Communication, also protested in front of the French Embassy. A newspaper close to the Government further described Mr. **Marcel Touanga**, Chairman of the Association of the Parents’ of People Arrested at the Beach and Missing (*Association des parents des personnes arrêtées au Beach et portées disparues*), and parent of one of the Beach victims of enforced disappearance, who lives in exile in France, as “either a weeping father or a father greedy for money or power”.

2./ 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 Democratic Republic of the Congo (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 (HCR) 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, 1999 and over 200 on May 14, 1999. Investigations established that over 300 people disappeared in this case.

The Government also 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 during the 42nd Session of the African Commission on Human and Peoples' Rights (ACHPR) in Brazzaville in November 2007 and to cast doubt on the number of missing persons mentioned in the organisations' reports. In addition, the Ministry of Security and Public Order used the argument of the risk of disturbing public order to ban the commemoration of the missing people of Beach by NGOs and victims' families, which should have taken place on November 13, 2007 in marge of the ACHPR, though it had been authorised by the Prefect of Brazzaville.

Defenders threatened and accused of tarnishing the country's image

Defenders were attacked on several occasions by the authorities in 2007 because of their activities, the publication of reports and press releases referring to human rights violations in the country. As an example, following a press release on July 17, 2007 reporting discrimination against indigenous pygmy minorities, a State representative described OCDH members as "irresponsible people seeking the sensational". These accusations doubled in virulence when, according to the authorities, reports affected the country's image. Thus, at the beginning of the year, national police chief Colonel Ndengue gave instructions to forbid Mr. **Christian Mounzeo** and Mr. **Brice Makosso**, Coordinators of the "Publish What You Pay" Coalition (*Coalition "publiez ce que vous payez"*), which demands the transparent management of revenue from the extractive industries, from leaving the country. Similarly, on December 4, 2007, following the publication of articles on corruption in the forestry sector, the representative of the Forestry Economy Ministry attacked Congolese NGOs, accusing them of being "manipulated by international organisations to tarnish the country's image".

/ RWANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

In 2007, the 1994 genocide and grave human rights violations committed in the Great Lakes region continued to weigh on Rwanda's relations with the international community. Tensions have persisted between Rwanda and the Democratic Republic of Congo (DRC), and President Paul Kagame has been accused by the Congolese Government of supporting the rebel group of dissident General Laurent Nkunda in the east. The latter has in fact justified the fighting against the Congolese army in order to create a protected zone for Tutsis in the Kivus from attacks by the Interhamwe (Hutu militias present on Congolese territory since the end of genocide). During the second half of the year, tensions between the two countries eased to a certain extent, and Rwanda and the DRC even signed a joint statement on regional stability on November 9, 2007.

The situation in the country also remains marked by national reconciliation efforts and trials of those suspected of involvement in the 1994 genocide, particularly before Gacaca Courts¹. The task is immense and difficult since these courts, created in 2001 to accelerate the trial of more than 100,000 people detained since the genocide, issue a community-based form of justice that is often far from international standards, particularly with regard to respect for the rights of defence in localities where perpetrators of the genocide and survivors coexist. The security of survivors, witnesses and judges is not guaranteed and several of them have been attacked or killed, each time putting at risk the delicate balance between ethnic groups. In this regard, at the end of 2006, President Paul Kagame made a statement on the radio to warn those responsible for such attacks and called on the population to ensure the protection

1./ More than 250,000 persons acting as judges in nearly 10,000 courts in the country.

of witnesses and judges. In 2007, the warnings continued, but they have not prevented further killings, albeit fewer².

Acts of harassment of human rights defenders who denounced the malfunctions of the Gacaca Courts

Human rights defenders who followed trials before the Gacaca Courts and denounced their malfunctions were subjected to constant harassment. In general, questioning the authorities exposed the defenders to retaliation or to accusations of “genocidal ideology.”

A network of observers has been set up to examine Gacaca conditions for a fair trial, and has noted irregularities in several districts. Echoing those findings, NGOs have denounced the use of summary and hasty justice in order to meet the deadline originally set for December 31, 2007 and extended to March 2008; corruption and the abuse of power by basic authorities (villages and cells) in some districts, who use the courts to settle personal scores and intimidate witnesses; numerous procedural irregularities (lack of respect for the rights of the defence, lack of material evidence), and the undue delay in the execution of judgments. Their members have been threatened or interrogated by the authorities or the security services with impunity. The conviction of Mr. **Francis Xavier Byuma**, President of an NGO working on children’s rights, is emblematic. Mr. Byuma was sentenced on May 27, 2007 to 19 years’ imprisonment for complicity in genocide by a Gacaca Court, as the Chairman of this tribunal was the subject of an investigation carried out by his organisation. Despite this obvious conflict of interest, attempts to challenge the President of that court were denied. His only recourse now lies with the National Service for the Gacaca Courts.

Similarly, several members of NGOs were questioned by the authorities following publications on the conduct of the cases before the courts. Human rights facilitators who informed witnesses about their rights and encouraged them not to use false testimony were also beaten. In this regard, the Observatory would like to emphasise that, for the safety of defenders and their families, any specific information on their identity, their organisations or even the places where these events were held cannot

2./ See Press Release of the organisation Ibuka, www.ibuka.ch.

be disclosed, which demonstrates the intensity of the repression against them.

Threats against NGOs accused of jeopardising the process of national reconciliation

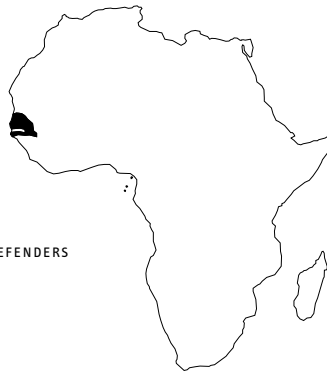
Several NGO employees were interrogated by the Directory of Military Intelligence on their publications and investigations into abuses by the ruling authorities. At least a dozen cases of defenders and journalists harassed and intimidated by the authorities were identified in 2007 but, again, for security of the defenders and their families, no details about them can be revealed. It should also be remembered that since 2004 many human rights defenders and their families have had to leave the country for fear of reprisals. In addition, while it has not made progress this year, a bill designed to strengthen supervision by the State regarding activities and publications of NGOs is still under discussion in Parliament and remains a threat to the freedom of expression of civil society organisations.

Bill governing the activities of international NGOs working in Rwanda

A bill setting out the procedures for registration, recruitment of personnel, and conduct of activities of international NGOs established in Rwanda was adopted by the Council of Ministers on July 26, 2006. It became applicable in accordance with a ministerial Decree on October 12, 2007 but has not been passed by Parliament or promulgated by the President.

The purpose of this bill is to require greater involvement from international NGOs in the development of national capacity. However, in order to achieve this objective, several provisions in the text affect the independence of NGOs. NGOs will, for example, have to comply with the development plans of districts or obtain prior authorisation from the ministry whenever they wish to expand their sphere of operation. This means that in case of an expansion of activity to cope with an emergency, they might find themselves at odds with the obligation to submit a report every three months, which is required in the event of changes in activity. In general, the bill leaves too much room for arbitrary decisions and imposes too many obligations on NGOs without consultation. For example, in the event of termination of activities, the international NGO will have to transfer, in the form of a gift, its

equipment and materials to Rwandan organisations involved in similar activities, with the consent of the ministry concerned, but without even the choice of the partner. The Government may also make the decision to halt the activities of international NGOs by giving three months' notice, and the employment of expatriate staff must be approved by the ministry, taking into account the expertise required in a given sector and the qualifications of the staff proposed.



/ SENEGAL

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The re-election of Mr. Abdoulaye Wade to the presidency of the Republic in the first run of the February election was the dominant event in the public life of Senegal in 2007. When he came to power in 2000, Mr. Wade enjoyed overwhelming popular support and a comfortable majority in the National Assembly, thanks to the victory of his party, the Democratic Senegalese Party (*Parti démocratique sénégalais* - PDS), and of his allies in the parliamentary elections in 2001; however the country's economic situation and the politico-institutional crisis¹ changed the political balance. The parliamentary elections held on June 3, 2007 were indeed won by the presidential party, allied to several small parties in the Sopi Coalition, but signs of division appeared in the presidential camp and the opposition, which had come together in a united front against what was judged to be autocratic power, boycotted the elections. A sign of growing tension was the fact that several presidential candidates received threats², and the President of the National Assembly, Mr. Maki Sall, was subjected to strong pressure to resign, following the Assembly's proposal to organise a hearing of the Chairman of the board of control of the National Agency for the Organisation of the Islamic Conference (*Agence nationale de l'organisation de la conférence islamique* - ANOCI), who is none other than the President's son.

The country has long been considered to be an example of democracy in Africa and of respect for the independence of the media. It would appear however that the threshold of tolerance of free forms

1./ The parliamentary elections were postponed twice; they were planned initially for May 2006, and then postponed in order to be linked to the presidential elections. Finally the two elections were held in February and June 2007.

2./ In particular Mr. Moustafa Niass, Mr. Amath Dansokho, Mr. Ousmane Tanor Dieng and Mr. Idirssa Seck, who were severely called into question by the President of the Republic.

of expression, particularly when those in power are challenged, has decreased in recent years, and that protection of fundamental rights has deteriorated.

The delay in implementing the mandate given by the African Union “to put Hissène Habré on trial, on behalf of Africa” also led to doubts about the real will of the Government to deal with the case and to fight impunity. The Senegalese Minister of Justice did indeed announce, in July 2007, that the former Chad dictator would be judged by the Criminal Court, but at the end of 2007 no date had been fixed³. The disproportionate budget advanced for covering the costs of the trial, supposed to be partly covered by the European Union, would appear to be a dilatory move designed to delay the trial. Since then two important judicial reforms have however been passed by the National Assembly: the integration into domestic law of the provisions of the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and a reform of the Criminal Court allowing for an effective right of appeal, two measures that had for a long time been called for by the legal profession and human rights defenders.

The economic situation also caused considerable tension. 2007 was marked by trade union or student demonstrations, which were put down, leading to fears that the freedom of peaceful assembly could be increasingly restricted. For instance, in November 2007, a demonstration protesting against the high cost of living, in particular against the increase of prices of staple commodities and against the prohibition of street vendors, was repressed, despite the fact that the trade union organisations had been authorised to organise the march.

3./ Former Chad President Hissène Habré is suspected of over 40,000 political assassinations and systematic acts of torture committed between 1982 and 1990. Living in Senegal, he was indicted pursuant to a complaint lodged by Chadian victims, on the basis of the universal jurisdiction of Senegalese courts for crimes of torture. The Supreme Court first ruled that the Senegalese courts did not have jurisdiction. Following the mandate given by the African Union, Senegal passed a law in February 2007 allowing Senegalese courts to judge the most serious crimes, in particular crimes of torture, on the basis of universal jurisdiction.

Intimidation of defenders and smear campaigns against them

In addition to interrogations by the Criminal Investigation Division (*Division des investigations criminelles* - DIC), which the authorities try to use in order to criminalise political and public action, NGOs are constantly faced with public statements by the authorities calling them into question, with the aim of discrediting their action. For instance, during a press conference in July 2007 on clandestine migration of Senegalese, the Minister of the Interior, Mr. Ousmane Ngom, declared that “the human rights organisations such as the African Engagement for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l’Homme* - RADDHO) have no longer any reason to exist”. The Secretary General of this organisation, Mr. **Alioune Tine**, was questioned several times by the police concerning arms found in the association’s premises by a plainclothes policeman. The arms, decommissioned and stored by the association, had in fact been allocated by the general staff of the army in the framework of sensitisation campaigns for destroying weapons organised by RADDHO since 2003, in order to contribute to the establishment of lasting peace in Casamance. In the past, RADDHO had already received serious threats. It seems that the affair was orchestrated in order to discredit the action of the association in the eyes of public opinion and hinder its activities.

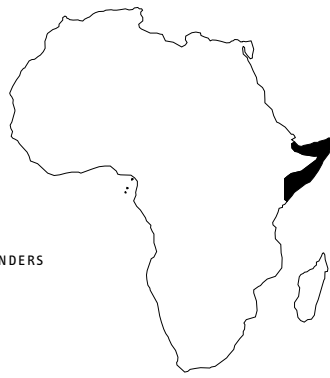
Censorship of any criticism of the authorities

For several years, Government officials have been practicing a form of censorship against a number of authors, journalists and intellectuals who criticise the regime, by blocking their works. When they are published abroad, they are stopped by the customs and sent back to the publisher. Publishers in Senegal refuse to print such works, for fear of reprisals, in particular tax harassment.

It would appear that a further step was taken in 2007. The Dakar Prosecutor General initiated legal proceedings against a journalist, Mr. **Abdoulatif Coulibaly**, in connexion with his last book, whereas the last three, which were banned, had not led to judicial proceedings. The author, the publishing house and the distributor were charged with “distribution of defamatory and insulting works” attacking the Director of the Senegalese national lottery. And yet the book, which is about the relations between the authorities and the lottery, was sent by the author to the National Commission Against Corruption, which in a

report published on November 12, 2007 called for the Director of the lottery to be tried for corruption.

Several journalists were also arrested following articles critical of the Head of State or the army, such as Mr. **Pape Amadou Gaye**, responsible for the *Courrier du jour*. The latter was arrested by the DIC on November 1, 2007 after his newspaper had published an article calling on the Government to assume the responsibility for finding solutions to the problems caused by the rise in prices, expressing the view that the army was the only authority capable of obliging the Government to do its duty. On November 6, 2007, he was charged with committing an “offence against the Head of State liable to endanger State security, and an act that could lead to the disobedience of the army”. He was placed in detention, and then released on November 8, 2007. The major role that seems to have been played by the President and the Government, first in initiating proceedings against the journalist and then in having the case dropped by the Prosecutor, leads to fears of increasing interference by the executive in judicial affairs, seriously jeopardising the independence of the Senegalese justice.



/ SOMALIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In January 2007, the troops of the Transitional Federal Government (TFG), backed by the Ethiopian army, regained control over the capital, Mogadishu, and over most of the central and southern parts of Somalia that had formerly been controlled by the Union of Islamic Courts (UIC). The change had no effect on the security of the population. On the contrary, violence and instability increased with the fighting between the insurgents and the TFG/Ethiopian forces. Both sides were guilty of serious violations of human rights and international humanitarian law: bomb blasts, blind firing of mortars, suicide attacks, firing on the crowd. It is estimated that street fighting caused the death of several hundred civilians. Admittedly, in March 2007, following the adoption of Resolution 1744 by the United Nations Security Council, 1,600 troops belonging to the African Union Mission to Somalia (AMISOM) arrived in the country, but their presence did not stop the violence.

Between October and November 2007, fighting further intensified, causing many deaths among the civilian population. Cases of rape, abductions and looting have been reported. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), at the end of the year, around a million and a half persons were in urgent need of assistance and protection.

At the end of 2007, no political solution had been found, and calls for dialogue with the insurgents continued to be thwarted by the demand for the prior withdrawal of the Ethiopian army.

Obstacles to humanitarian action

In such a context of war, the humanitarian organisations are facing considerable obstacles in carrying out their work, in particular in their efforts to protect the civil society: constant checks of their movements, ambushes and robbery of humanitarian convoys, high taxes levied on

humanitarian assistance, acts of harassment, arbitrary arrests, abductions. The abduction on December 26, 2007 of two members of Doctors Without Borders (*Médecins sans frontières* – MSF), Ms. **Mercedes Garcia**, a Spanish doctor, and Ms. **Pilar Bauza**, an Argentine nurse in Bossasso, the capital of the Puntland, in the north of the country, drew media attention to the situation of violence and anarchy that has existed in Somalia throughout the year. The two women were released on January 2, 2008¹.

The delivery of humanitarian aid by sea is also made difficult by the resumption of piracy off the coasts of Puntland and Southern Somalia, used as a means to finance the war effort. Military escorts have not prevented several vessels from being attacked, jeopardising for instance the activities of the World Food Programme.

Physical attacks and arbitrary arrests of defenders

Anyone attempting to mention publicly the serious violations of human rights and international humanitarian law committed in connexion with the conflict in Somalia runs the risk of being targeted by serious acts of reprisal. For instance, an eminent defender, Mr. **Isse Abdi Isse**, Director of the KISIMA Organisation for Peace and Development, was shot dead on March 14, 2007 while attending a conference held with the support of UNICEF on the socio-psychological support for children affected by the civil war, drought and floods².

The parties to the conflict are clearly bent on silencing human rights organisations. In such a situation, independent journalists try to fill the gap by denouncing human rights violations, becoming in turn the subjects of serious exactions. Consequently, most of those responsible for independent media have left the country. For instance, according to the Somalia Press Freedom Observer, eight journalists were killed in 2007, half of them in targeted assassinations carried out by contract

1./ See MSF Press Releases, December 27, 2007 and January 2, 2008.

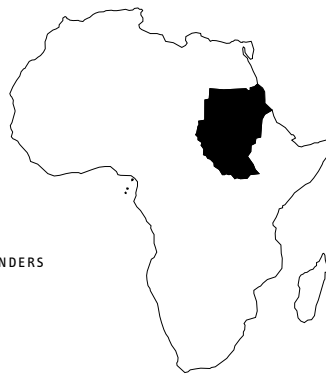
2./ See Press Release by the East and Horn of Africa Human Rights Defenders' Network (EHAHRD-Net), March 16, 2007.

killers³. Among them were important media personalities, including the Co-founder of *Radio Horn/Afrik* and the Director of the publishing conglomerate *Shabelle Media*. In addition, fifty-three journalists were arrested. And early in the year three journalists, Mr. **Ali Abdi Dini**, Mr. **Mohamed Omar Sheikh Ibrahim** and Mr. **Ibrahim Mohamed Rashid Farah**, were arrested in Somaliland and sentenced to two years' and five months' imprisonment in an unfair trial, after they had published in the *Haatuf* newspaper a series of articles accusing the President of Somaliland of nepotism and corruption. Mr. **Yusuf Abdi Gabobe**, editor of *Haatuf*, was sentenced to two years' imprisonment for "obstruction". The newspaper's publishing licence was withdrawn. And lastly, on December 16, 2007, a French cameraman, Mr. **Gwenlaouen Le Gouil**, was kidnapped by an armed group while making a film on clandestine emigration in Puntland. He was released on December 24.

3./ The eight journalists killed were: Mr. **Ali Mohammed Omar**, Mr. **Mohammed Abdullahi Khalif**, Mr. **Abshir Ali Gabre**, Mr. **Ahmed Hassan Mahad**, Mr. **Mahad Ahmed Elmi**, Mr. **Ali Iman Sharmarke**, Mr. **Abdulkadir Mahad Moallim Kaskey** and Mr. **Bashir Nur Gedi**.

In this regard, the Presidency of the European Union "strongly condemn[ed] the killing of two journalists in Somalia and reiterate[d] its support to all who work to promote freedom of expression and strive for impartial media and accurate information. Mahad Ahmed Elmi and Ali Iman Chamarke were prominent voices in Somalia whose work was essential to promote democracy and reconciliation" (See Press Release 12389/07 (Press 190), *Declaration by the Presidency on behalf of the European Union condemning the killings of two Somali journalists*, August 21, 2007).

Likewise, in its Resolution P6_TA(2007)0544, adopted on November 15, 2007, the European Parliament "condemn(ed) the TFG's systematic harassment of journalists, its closure of media outlets and its failure to investigate the killing of journalists, all of which have deeply damaged independent reporting in Somalia".



/ SUDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In Sudan, the political situation continued to be dominated in 2007 by the conflict in Darfur, and although the international community multiplied its initiatives throughout the year (arrest warrants issued by the International Criminal Court (ICC), follow up by the Expert Group of the United Nations Human Rights Council, authorisation to launch the hybrid United Nations – African Union peace keeping operation¹), in the absence of cooperation on the part of Omar El Bashir's Government and of adequate resources, human rights violations continued on a large scale.

The United Nations estimate that since the beginning of hostilities, in February 2003, between governmental forces allied to the “Janjawid” militia and the armed movements, the conflict has made over 200,000 victims, and that at least two million persons have been displaced inside the country or towards neighbouring countries (mainly Chad)². The internally displaced persons (IDPs) live in camps, where they are exposed to attacks by the militia, as are also the human rights or humanitarian organisations on the spot.

This year, these camps have been subjected to particularly violent and repressive controls. Sudanese Government forces have arrested numerous tribal representatives and leaders. Several incidents have occurred, for instance in the Kalma camp. For the ICC Prosecutor, the

1./ In July 2007, the United Nations Security Council authorised the deployment of the hybrid UN-AU operation in Darfur (UNAMID), which officially replaced the African Union Mission in Sudan (AMIS) on December 31, 2007. With 20,000 troops and over 6,000 police and civilian personnel, it should be the largest operation staged by the United Nations. At the end of 2007, however, it was blocked by the refusal of Sudan to allow entry to certain non-African elements due to join the mission, and by security issues.

2./ See Press Release by the United Nations Press Centre, *Deadly attacks in South Darfour spark UN call for independent inquiry*, May 18, 2007.

dismantling of the camps, the murder and the arbitrary arrest of local civilian leaders “suggests coordinated efforts to foster instability in the larger camps and reduce support for IDP camp leaders”³. In November 2007, the Human Rights Council Expert Group, chaired by the Special Rapporteur for the Sudan, also handed in its final report, referring to “insufficient disarming of the militia” and “numerous attacks against villages and camps”⁴.

In December 2007, in his enquiry on the crimes committed in Darfur, the ICC Prosecutor also denounced the total lack of cooperation on the part of Sudan⁵. On the contrary, out of the two arrest warrants issued by the ICC, one of the suspects was released and the other, Mr. Ahmed Harun, present Minister for Humanitarian affairs, was appointed Vice-Chairman of the Committee charged with examining complaints relating to human rights violations in Darfur; he was also given the responsibility of following the deployment of the peace-keeping forces.

Lastly, the Government has continued to hinder access to and circulation of information on the situation in Darfur. In addition to restrictive legislation on freedom of expression, the authorities strive to prevent any publication on the human rights situation in the country, and in particular on human rights violations in Darfur and on the need to fight against the impunity enjoyed by the authors of the most serious crimes. Several acts of censorship have thus been performed by the secret services against newspapers in Arabic, including *Ray al Shaab*, *Al Sudani*, *Al Sabafa*, *Al Ayaam* and *Al Meidan*.

3./ See Sixth Report by the ICC Prosecutor to the United Nations Security Council pursuant to Resolution 1593 (2005), which obliges the Sudanese Government to cooperate with the Court, December 5, 2007.

4./ See Final Report on the human rights situation in Darfur of the Group of experts, United Nations document A/HRC/6/19, November 27, 2007. The Group of experts was established by the Human Rights Council on March 30, 2007.

5./ See Statement and Sixth Report of the ICC Prosecutor to the United Nations Security Council on developments in his enquiry in Darfur, December 5, 2007.

Humanitarian workers attacked with impunity

Mid-November there were from 12,500 to 15,800 humanitarian workers in Darfur⁶, who were still working under conditions of extreme insecurity. Targeted attacks by the security forces or the militia occur daily, and take the form of vehicle holdups, looting of food convoys, attacks against offices, abductions, shot, and sexual aggressions. According to the figures published by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in 2007, 77 humanitarian convoys were attacked, NGO and AMIS premises were burgled or attacked 93 times, 147 humanitarian workers were kidnapped, 10 received threats and 13 were killed⁷. Furthermore, the Expert Group of the Human Rights Council denounced the expulsion of the Director of the CARE organisation in August 2007. In all, 11 humanitarian workers appear to have been expelled since the beginning of 2007, without any justification being given by the Government.

Despite the signature on March 28, 2007 of a joint press release by the UN and the Sudanese Government on the facilitation of humanitarian aid, the attitude of the authorities towards the humanitarian workers – and especially the refusal to grant visas, the expulsions without justification, or the banning of access to certain places – also sends a strong message of impunity to the authors of the attacks, and increases the dangers to which the workers are exposed.

Harassment of NGOs and obstacles to the freedom of association

In November 2007, the security forces launched what is no less than a harassment campaign against the personnel of the Khartoum Centre for Human Rights and Environmental Development (KCHRED) and against other defenders in the capital. This took the form of repeated visits by the National Security Service to KCHRED members working in the freedom of expression section, and to a member of the financial department. The questioning related to foreign financing, money transfers, etc. The regional offices of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture continue to receive repeated visits

6./ See Report by Expert Group mentioned above.

7/ These figures include the drivers recruited by the United Nations (see OCHA Geneva, Report on incidents in 2007 by the geographical coordination and monitoring section).

from the security forces. Such interference in the affairs of the NGOs raises serious issues of confidentiality and security of victims' files. In addition, in March 2007, pursuant application of the Organisation of Humanitarian and Voluntary Work Act, the executives of the Amel Centre were summoned and questioned by the Humanitarian Aid Commission. Following the interrogation, the Centre was temporarily closed for "administrative verification" reasons, before resuming its activities in May 2007⁸.

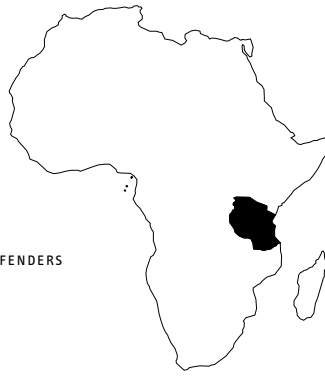
Acts of harassment against defenders fighting for the rights of populations affected by the building of two large hydroelectric dams

In 2007, the construction of two large hydroelectric dams at Meroe/Hamadab and Kajbar, in the northern valley of the Nile, was the origin of a series of violent confrontations between the local populations and the security forces, causing the death of several civilians. The defenders who intervened to defend the rights of the affected populations were severely put down. For instance, Messrs. **Alam Aldeen Abd Alghni**, **Emad Merghni Seed Ahmed** and **Abd Allah Abd Alghume**, lawyers who were participating in one of the demonstrations in the village of Farraig (Halfa municipality), in order to study the legal aspects of the question, and Mr. **Mugahid Mohamed Abdalla**, a journalist covering the demonstration, were arrested on June 13, 2007. They were released on August 19.

Likewise, during the same demonstration, the police and the security forces opened fire on demonstrators opposing the dam, killing four people and seriously wounding thirteen others. The internal intelligence services arbitrarily detained around forty leaders of the Nubian community and at least five journalists, two lawyers and a university professor. These persons were detained for two months, without having access to their family, nor to a lawyer. They were released on condition

8./ In that respect, the Expert Group and the United Nations Committee on Human Rights, which this year examined the Report of the Sudan, expressed concern that numerous organisations and defenders are not able to carry out their activities freely, and are often subjected to harassment, intimidation and arbitrary detention by Government agents. The Committee on Human Rights also denounced the consequences of the 2006 Organisation of Humanitarian and Voluntary Work Act (See Concluding Observations of the Committee on Human Rights, UN document CCPR/C/SDN/CO/3, August 29, 2007, and the Report of the Expert Group mentioned above).

they would not continue their mobilisation against the dam. Several members of the Committee Against the Building of the Kajbar Dam (CABKD) were also arrested and questioned on several occasions by the police. They have reportedly been subjected to ill-treatment.



/ TANZANIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007 the President, Mr. Jakaya Kikwete, was faced with a number of challenges, in particular the fight against corruption, economic development, and structural and institutional reforms. Thus, negotiations were launched between the ruling party, the Party of the Revolution (*Chama Cha Mapinduzi* – CCM), and the Civic United Front – CUF (opposition), with the aim of responding to the need for a legal and electoral reform in the semi-autonomous island of Zanzibar. The issue became acute with the political tension that emerged on the occasion of the general elections – parliamentary and presidential – held in Zanzibar in 2005. The victory of the CCM candidate was contested by the CUF, which called for new elections and the setting up of a transitional national union Government. There followed considerable disturbances and outbreaks of violence, and NGOs were prevented from reporting the acts of violence committed both by the opposition and the security forces. Since then, obstacles such as refusal to grant registration have hindered the NGOs in the archipelago, and associations based on the continent were refused authorisation to enter the territory¹.

Apart from the specific case of Zanzibar, human rights defenders are increasingly victims of violations of their rights, which most often take the form of selective judicial proceedings initiated against them with the aim of hindering their activities.

Fallacious legal proceedings designed to hinder defenders' activities

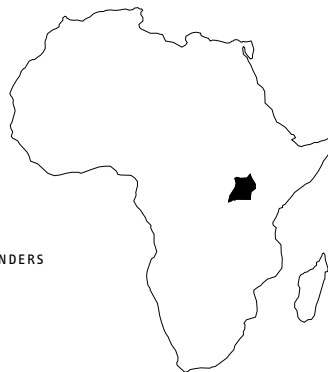
In Tanzania, defenders are often assimilated to political opponents, and are treated with the utmost suspicion by the authorities, which

1./ See country file on Tanzania of the East and Horn of Africa Human Rights Defenders' Project (EHAHRD-Net).

hinders their work of denouncing human rights violations. In most cases the legal proceedings are pure fabrication, aimed at obstructing their work and deterring them from persisting in their activities. The case of **Reverend Eliya**, a defender in the Morogoro region who in particular denounced female genital mutilation among the Massai tribes, is an illustration of the method used: in retaliation, the Massai asked the police to initiate an enquiry on the defender, going so far as to offer a financial contribution. In the end the charges had to be dropped, as there was no real evidence. This type of action serves to intimidate defenders, but it also has a deterrent effect on the victims. By harming the reputation and the credibility of the defenders, and therefore the trust of the population in them, the authorities sever the ties that are indispensable for gathering information.

Judicial harassment has also been used against defenders of the rights of populations exposed to forced eviction from their land, in particular the right to be consulted, to benefit from re-housing arrangements and to the compensation supposed to go with them. In February 2007, the police questioned the members of a mission of the Legal Human Rights Centre (LHRC) to the north of the country. The mission was acting pursuant to complaints filed by over 8,000 persons who had been evicted illegally. The grounds for the questioning were the organisation of illegal meetings and the fact that the authorities had not been informed of the activities the mission was planning to pursue. As it happens, the Commission for Human Rights and Good Governance, set up in 2001 by the Government, had already ruled that defenders are not obliged to inform local authorities of their arrival. These were therefore only pretexts for hindering their activities, for discrediting them and depicting them as “subversive” elements in the eyes of the population. Likewise, in January 2007, Mr. **Mashaka Said Fundi**, a human rights observer for LHRC in the Manyara region, Kiteto district, was arrested and accused of organising illegal meetings and encouraging the populations to resist. The legality of the arrest and the accusations were challenged before the court, and once again the proceedings were suspended for lack of evidence. The same method was used in the case of defenders who had mobilised in the defence of the rights of the Hadzabe population, threatened by the project of a foreign investor – Tanzania UAE Safari Ltd Company – to obtain a hunting concession. The NGOs referred the matter to the United Nations Independent Expert on minority issues and to the United Nations Special Rapporteur on the situation

of human rights and fundamental freedoms of indigenous peoples. Two activists, one of them being Mr. **Richard Baalow**, Spokesman for the Habdaze Minority Group, were arrested and then released in May, following the international mobilisation. This also led to the retreat of the Tanzania UAE Safari Ltd Company, which announced in November 2007 that it was dropping the project.



/ UGANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The country has remained highly militarised, partly because of the conflict raging in the north for over 20 years. However, two agreements were signed with the Lord's Resistance Army, on May 2 and June 29, 2007, which resulted in an improved security situation on the ground, especially in camps for displaced persons. These agreements have nonetheless been criticised by some civil society organisations for being vague with regard to the impunity of perpetrators of the most serious crimes, including doubts regarding the cooperation of Ugandan authorities with the International Criminal Court (ICC), which has issued four arrest warrants against suspected rebel leaders responsible for war crimes and crimes against humanity. The arrest warrants had not been executed in late 2007.

In recent years, more progressive laws were adopted on access to information (Access to Information Act, 2005), prisons (Prisons Act, 2006) and magistrates (Magistrate's Court - Amendment - Act, 2007). In contrast, and despite a recommendation by the United Nations Committee Against Torture, which considered the report of Uganda in 2005, no legislation criminalising torture has been adopted¹. Moreover, human rights NGOs and the Uganda Human Rights Commission (UHRC) continued to denounce cases of torture and ill-treatment perpetrated with impunity by security forces, including those by the military intelligence command and the repression of violent crimes unit.

Restrictions on freedom of association and assembly

Though it has not been used this year to hinder the work of NGOs, the NGO Registration – Amendment – Act², which was adopted in

1./ See Conclusions and Recommendations by the Committee Against Torture, United Nations document CAT/C/CR/34/UGA, June 21, 2005.

2./ For more details, see Annual Report 2006 of the Observatory.

2006, remains a threat to the autonomy and independence of civil society organisations that criticise State actions.

Moreover, the exercise of freedom of assembly was threatened due to the prohibition of any gathering in the central district of Kampala, following demonstrations organised by opposition parties that took place in the first half of 2007. Other areas of the country have been declared “forbidden zones” by the Minister of the Interior pursuant to the adoption on November 2, 2007 of Statutory Instrument No. 53. In these regions, it is unlawful for any person to hold meetings, and a number of events have been banned or repressed because of this. For example, in April 2007, the National Association of Professional Environmentalists (NAPE) organised a demonstration to call for the protection of the equatorial rainforest of Mabira that was likely to be sold to an investor. The demonstrators did not follow the agreed upon route, and punishment was harsh and disproportionate; police forced demonstrators to get back to the authorised route, which resulted in the death of three participants.

Attacks against defenders of LGBT rights

Again this year, NGOs and human rights defenders were confronted with violence and discrimination for defending the rights of sexual minorities. Indeed, the Criminal Code still considers homosexuality a crime under sections 140, 141 and 143 and, in July 2005, the legislature passed an amendment to the Constitution making marriage between people of the same sex a punishable act. Since then, defenders of gay rights have been increasingly repressed. Thus, in November 2007, Ugandan and Kenyan defenders for the rights of lesbians, gays, bisexuals and transgenders (LGBT), including representatives of the NGO Sexual Minorities in Uganda (SMUG), an NGO beacon in the field of gay rights in the country, were prevented by the police to speak at “Speakers Corner” of the Commonwealth Heads of Government Meeting (CHOGM) held in Kampala from November 23 to 25, 2007. “Amakula”, a general organisation based in Kampala, has also been the subject of discrimination due to the screening of a film addressing the issue of homosexuality during the CHOGM.

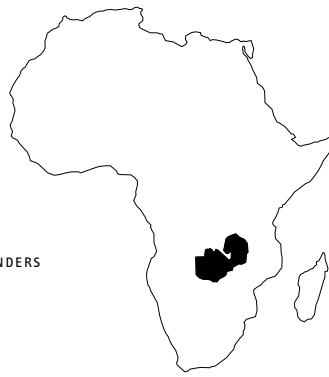
Muzzling freedoms of expression and of the press

In 2007, the media and journalists were especially targeted with repression. In addition to the legislative arsenal, which continues to

limit their freedom (including the Law on Electronic Media in 1996, and the Anti-Terrorist Act of 2002), a systematic determination by the Government to silence any critical coverage of the conflict in the north has emerged. For instance, on March 1, 2007, three journalists, Mr. **Sam Matekha**, from *Radio Simba*, Mr. **Wokulira Sebagala**, from *Radio Sapientia*, and Mr. **Charles Sekajja**, from *Ddembe FM*, were attacked by police while covering the trial of members of the Peoples' Redemption Army³ before the Supreme Court.

The Anti-Terrorist Act is also a threat in that it criminalises any attempt by a journalist to meet or speak with persons or groups regarded as terrorist; the penalty for those who violate the law is the death penalty. The law also prohibits the disclosure of any information which might prejudice an investigation on matters of terrorism. This particularly affects the ability to cover the conflict in northern Uganda as well as abuses committed by the security forces and thus constitutes a serious obstacle to any denunciation of human rights violations.

3./ Rebel group based in 2004 in eastern DRC that led armed operations in northern Uganda.



Political context

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.

Furthermore, as noted by the United Nations Human Rights Committee in its concluding remarks in July 2007, defamation of the President and publication of false information are still considered as crimes, and not as offences in the Criminal Code¹. Journalists continue to be arrested and prosecuted under such provisions for publishing articles denouncing human rights violations by the Government. The same application of repressive legislation could well befall human rights defenders.

Freedom of association threatened by a bill on NGOs

In 2007, defenders were heavily mobilised against a new bill submitted to Parliament on July 17, 2007 by the Minister for Justice, with the announced aim of making the organisations more transparent. Not having been consulted during the preparation of the bill, the civil society organisations denounced the new legislation as being a manoeuvre by the State to silence them, and to erode the role of civil society.

1/ See United Nations document CCPR/C/ZMB/CO/3/CRP.1, 19th session, July 23, 2007.

The latter is indeed regularly accused of engaging in political activities under cover of human rights. The introduction of the law might be linked to the National Constitution Conference, and designed to silence the NGOs which were reluctant to be involved in the process².

Several provisions of the bill reveal the intention to control NGOs. For instance, the text institutes “the registration and coordination of NGOs” (including international NGOs with offices in Zambia), and empowers the Minister of the Interior to set up a committee composed of 10 members of the Government and two representatives of the civil society, all appointed by the Government, to discuss a code of conduct for NGOs, and to harmonise their activities for the development of Zambia.

Up till now, NGOs registered with the Company Register. The Government had few powers for interfering with the affairs of NGOs, and suspension involved a lengthy judicial procedure, as in the case of the Southern African Centre for Constructive Resolution of Disputes (SACCORD)³. The new bill also imposes annual re-registration and the suspension of NGOs failing to present quarterly reports.

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, the discretionary powers given to the Minister for the Interior and the manner in which

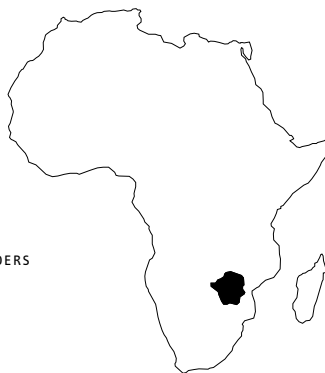
2./ In particular the “Oasis Forum”, comprising: the Law Association of Zambia (LAZ); the three main churches: the Zambia Episcopal Conference, the United Church of Zambia and the Zambia Evangelical Fellowship; the NGO Coordinating Committee and other civil society organisations.

3./ In 2006 the Government suspended SACCORD’s registration, but later the Supreme Court ordered its reintegration. The proceedings continue, as this year the Government has again suspended the registration, but this time the Court has allowed the NGO to continue its activities pending judgement.

members of the Committee were appointed⁴. The result of the mobilisation was that the Government postponed the presentation of the bill. In a report published on December 4, 2007, a coalition of national NGOs proposed amendments to the bill bearing on responsibility for relations with the NGOs, which should be given to the Ministry responsible for Community Development and Social Welfare, on the composition of the Committee responsible for NGOs (four members appointed by the Ministry, six by the NGO Congress, and a member of the Company Register). The obligation to submit a report should be annual, not quarterly⁵. Lastly, regarding foreign financing as grounds for suspension, the coalition called for the withdrawal of the provision, or for the drawing of a list of countries from which NGOs should not accept financial help. There have been no consultations in connexion with the report, and the NGOs have simply been informed that the bill was to be presented again during the January 2008 parliamentary session.

4./ See Observations and Concerns about the proposed NGO Bill 2007, Lusaka, July 31, 2007, submitted in particular by the following NGOs: Save the Children Norway, Diakonia, Harvest Help (UK), Christian, Children Fund Inc, National women's lobby group, Voluntary Services Overseas (V.S.O.), Dan Church Aid, Norwegian Church Aid, Society for Femininity, Habitat for Humanity, KEPA (Service Centre in Zambia for Development and Cooperation, Finland) and MS-Zambia (Danish Association for International Cooperation).

5./ See submission by the civil society on the proposed bill on NGOs, CPSR/NGOCC/ZCSD, 2007.

/ **ZIMBABWE**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007**Political context**

Despite the economic situation of the country, the regional and international criticism and the 27 years Robert Mugabe had been in power, on March 30, 2007 the central committee of the Zimbabwe African National Union - Patriotic Front (ZANU-PF) chose him as candidate for the 2008 presidential elections. It was also announced that parliamentary elections would be held in 2008.

In that respect, a campaign of intimidation, designed to destroy the structures of the opposition and the civil society and to make sure of the results of the parliamentary and presidential elections, is under way. This also implies increased repression against human rights defenders.

Furthermore, as recalled by the European Parliament, “the country’s political and economic situation has now been deteriorating for eight years and Zimbabweans continue to face serious food shortages, with the World Food Programme providing emergency food aid to 1.5 million Zimbabweans in the first three months of 2007 but calculating that over 4.5 million suffer from malnutrition”, with 80% of the population living below the poverty line¹.

Use of restrictive legislation to impede freedoms of association and peaceful assembly

In 2007, several restrictive laws, in the first place the Public Order and Security Act (POSA), denounced by Ms. Hila Jilani, Special Representative of the Secretary-General on the situation of human rights defenders², have continued to be used to violate the freedoms

1/ See Resolution P6_TA(2007)0172 of the European Parliament on Zimbabwe, April 26, 2007.

2./ See Report by the Special Representative of the Secretary-General on the situation of human rights defenders – Summary of cases submitted to governments and replies received, UN document A/HRC/4/37/Add.1, March 27, 2007.

of assembly, movement and association. This year the authorities have gone even further than POSA, banning public demonstrations in certain districts of Harare for three months, while POSA only authorises such restrictions for periods not exceeding one month. The ban led to massive demonstrations organised on March 11, 2007 by the Save Zimbabwe Campaign, calling on the Government to show more respect for human rights, which resulted in 49 arrests. The police also used force against leaders of the political opposition and of the civil society, seriously injuring several, among them Mr. **Lovemore Madhuku**, President of the National Constitutional Assembly (NCA)³. The same day Mr. **Gift Tandare**, a NCA activist, was killed by the police, which also opened fire during his funeral, seriously wounding two persons⁴.

In addition, there are a number of administrative obstacles to the setting up of an NGO. The system provides that funds allocated to an NGO can be expropriated, and this seriously disrupts its activity and threatens its independence. When an NGO deposits money in a bank, the financial police require that it be transferred to the Federal Bank of Zimbabwe. The NGO has to solicit the Federal Bank for any activity requiring funds. Considerable time can elapse before obtaining an answer, and it can happen that the activity cannot be carried out, thereby creating a situation in which the NGO fails to satisfy the requirements of the donor. Also, the funds are released at an exchange rate fixed by the Government, and not at market rates, the Government thereby appropriating part of the funds received by the NGOs.

3/ See Statement by the Zimbabwe Association of Doctors for Human Rights (ZADHR), March 14, 2007.

4/ This brutal crackdown was denounced by Ms. Reine Alapini-Gansou, Special Rapporteur of the ACHPR on human rights defenders in Africa, in a Press Release issued on March 28, 2007. Likewise, the Presidency of the European Union condemned "the violent break-up of a peaceful rally [...] of the Save Zimbabwe Campaign, during which one participant was killed, one was injured and many [...] were arrested and in some cases abused". The EU Presidency also condemned the violent and continued repression of the freedoms of opinion and assembly, and of fundamental freedoms (See Statement by the Presidency of the European Union, March 12, 2007).

Continued restrictions to the freedom of the press before the 2008 elections

While journalists were continuing to work in Zimbabwe in a very repressive legislative context⁵, in the run-up to the 2008 elections the control of the press was reinforced by a combination of legislative and intimidating measures targeting journalists. On August 3, 2007 President Mugabe signed the Interception of Communications Act, which authorises interception by the Government of telephone communications, e-mails and fax messages in order to protect national security, without prior authorisation by the courts. Journalists and human rights defenders are particularly vulnerable to such measures.

Also, in April 2007, the Government drew up a “black list” of 15 names of members of the opposition, journalists and human rights defenders, including Messrs. **Arnold Tsunga**, President of the Zimbabwe Human Rights Association (ZimRights), Executive Director of Zimbabwe Lawyers for Human Rights (ZLHR) and administrator of the radio station *Voice of the People* (VOP), Lovemore Madhuku and **Raymond Majongwe**, Secretary General of the Progressive Teachers’ Union of Zimbabwe (PTUZ), accused of “working hand in hand with forces hostile to Zimbabwe”, and reportedly kept under close surveillance. Three journalists on the list – Messrs. **Gift Phiri**, **Abel Mutsakani** and **Bill Saidi** – were attacked in 2007. In July, in South Africa, three armed men fired on Mr. Mutsakani, wounding him severely, and in February 2007 Mr. Saidi was sent a bullet in an envelope. Mr. Gift Phiri was put on trial for “publication of false information” and “practice of journalism without official accreditation”. The charges were dropped in July and August 2007.

Harassment of defenders denouncing forced evictions

In 2007 forced evictions and the consequences of the “Murambatsvina”⁶ operation remained a sensitive issue, and defenders who denounced

5./ In July 2006, the new Criminal Code (Codification and Reform) came into force, significantly increasing the already heavy sentences specified in POSA and the Access to Information and Protection of Privacy Act (AIPPA). For further information, see Annual Report 2006 of the Observatory.

6./ In May 2005 the Government of Zimbabwe launched an “urban cleansing” operation known as “Murambatsvina”. It was described as a programme to enforce the municipal edicts designed to put an end to all forms of “illegal activities, such as illegal sales and structures and illicit cultures”, *inter alia* in the cities.

abuses were placed under constant surveillance by the authorities. Mr. Arnold Tsunga, for instance, was arrested on his return from the World Social Forum held in Nairobi from January 20 to 25, 2007. He had taken part in a workshop entitled “Progress and obstacles in the struggle for the exigibility and justiciability of economic, social and cultural rights”, and had spoken on the theme: “Resisting violations of fundamental rights – the case of mass evictions in Zimbabwe”.

Arrests of defenders denouncing the economic situation

The protest movements against the deterioration of the country’s economic situation and the rise in the cost of living have continued to be put down with force, as in the case of the movements initiated by the Zimbabwe Congress of Trade Unions (ZCTU) and by the Women of Zimbabwe Arise (WOZA), for denouncing the rise in prices and the general deterioration of living conditions. 56 members of WOZA were arrested on April 23, 2007 and detained for two days⁷. Once again POSA was used against them, on the pretext that the intention to organise a public demonstration had not been notified to the regulation authority.

In that respect, Ms. Alapini-Gansou, the Special Rapporteur of the African Commission on Human and Peoples’ Rights (ACHPR) on Human Rights Defenders in Africa, expressed her concern at allegations she had received of acts of violence and harassment against members of WOZA during a peaceful and silent march the NGO had organised in Bulawayo on June 6 2007, for the launch of its campaign “Ten steps to a new Zimbabwe”⁸. Likewise, in the report she presented to the 62nd session of the United Nations General Assembly, dedicated to freedom of peaceful assembly, Ms. Hina Jilani recalled that since 2003 she had sent six urgent appeals reporting allegations of violations that occurred during protests organised by WOZA. Ms. Jilani stated that she “remain[ed] concerned about the situation of defenders in Zimbabwe, including women defenders, as the repeated communications and statements of both experts indicate a pattern of harassment

7/ In this respect the European Parliament declared itself “deeply concerned by the news that 56 women belonging to Zimbabwe’s NGO ‘Women of Zimbabwe Arise’ were arrested on 23 April 2007 and that ten of their babies were jailed with them” (See Resolution P6_TA(2007)0172 of the European Parliament on Zimbabwe, April 26, 2007).

8./ See Press Release by the Special Rapporteur, June 18 2007.

of human rights defenders that has persisted over the last few years. The shadow report on Zimbabwe to the African Commission alleges that WOZA members have been arrested on more than 20 occasions between 2003 and 2007 for engaging in peaceful demonstrations”⁹.

9./ See Report by the Special Representative of the United Nations Secretary-General on the situation of human rights defenders, UN document A/62/225, August 13, 2007.