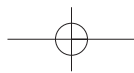
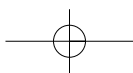
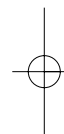
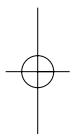
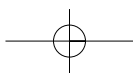
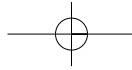


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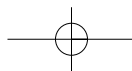
THE SITUATION OF HUMAN RIGHTS DEFENDERS

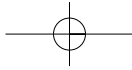
In 2003, the human rights situation still differed widely from one part of Africa to another.

Noteworthy efforts have been made to settle conflicts at the regional level and, although very fragile, peace processes and the transition to democracy are underway in the Democratic Republic of Congo (DRC), Burundi, Sudan and Côte d'Ivoire. Through NEPAD, the New Partnership for Africa's Development, the continent is trying to introduce a common economic and social development policy that would include respect for human rights. There are also some hopeful signs in the fight against impunity; for example, the new prosecutor of the International Criminal Court is taking account of the situation in the East of the DRC, while the African Court of Human and Peoples' Rights came into effect on 25th January 2004.

But there were also significant counter-trends involving gross violations of human rights: rejection of political rotation, rejection of a multi-party system and truncated elections in Togo, Mauritania, Rwanda and Guinea; arbitrary arrests and detentions as in Mauritania, Zimbabwe and Nigeria; torture in Cameroon; death sentences in Nigeria and Chad; forced expulsions of immigrants in Djibouti, and curtailed freedom of the press in Senegal, Chad and elsewhere.

African governments, in the main, are allergic to independent NGOs and human rights defenders. In some countries such as Equatorial Guinea and Somalia, it is almost impossible to carry out any activities connected with human rights. In other countries, although human rights associations may be able to function, they sail in very dangerous waters and are constantly harassed, e.g. Zimbabwe, Cameroon and Sudan. Other governments, e.g. in DRC, Congo-Brazzaville and Burundi, have adopted a more pernicious strategy, implying the possibility of dialogue and discussion, e.g. through «transitional institutions», while in most cases this is a matter of pure form





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with very little practical results, and impedes the activities of the NGOs.

Lastly, in 2003 a «focal point» for human rights defenders was adopted by the African Commission for Human and Peoples' Rights. This mechanism was created after several years of lobbying by the Observatory, together with other NGOs.

Many ways to look at the civil society

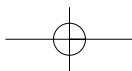
The activity and mobilisation of civil society in Africa, despite scanty resources, continue to restrain some of the most repressive states. Associations for the defence of civil and political rights, and also economic and social rights, are still growing at a rapid pace. Certain governments now consider NGOs as partners and contacts because of their impact on the regional and international scenes, e.g. the United Nations Commission on Human Rights and the African Commission for Human and Peoples' Rights.

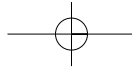
Current events in Africa also helped to make human rights defenders key contributors to the construction of constitutional governments, in particular through their participation in processes that are ushering in democracy. It is encouraging to see representatives of the civil society taking part in new institutions such as national human rights commissions, national electoral commissions, press freedom commissions and other such bodies, as provided for in peace agreements and their implementing complements.

Nonetheless, the hopes inspired by the creation of these transition institutions are often quashed in practice. In *Congo Brazzaville*, for instance, the authorities have already taken control over the activities of the national human rights commission that was created in 2003. Although the commission is an independent body by law, its status is already in doubt since the procedure for selecting the officers was entrusted to an adviser of the Head of State¹.

Similar control of the transitional institutions resulting from the peace agreement in *DRC* seems likely in the light of the draft incorpo-

¹ See Compilation of cases below.





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rating law currently being discussed by Parliament. For example, the participation of civil society in the independent electoral commission seems to be compromised by the draft law on the organisation, attributions and functioning of this body; Article 13 of the law introduces the idea of having eight «permanent members» (most of them coming from parties to the peace agreements) with deliberation rights and thirteen «non-permanent members» (mainly representing civil society) with consultative status, but the latter are to be selected by an *ad hoc* committee set up by the permanent members on the basis of subjective criteria. This provision means that despite initial promises, civil society will be confined to a minor role.

Relations between civil society and the authorities, when they exist at all, are strained and difficult. Governments vacillate between the need to pay attention to civil society on the one hand, and distrust and fear of its leaders and its mobilisation on the other.

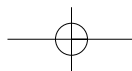
The following examples illustrate the distrust of some authorities to human rights defenders.

In a speech at the 59th session of the Human Rights Commission on 31st March 2003, the *Cameroonian* minister of State for Foreign Affairs said, «as regards civil society, my country would like to express its full appreciation for the quality and seriousness of the work being done by some non-governmental organisations. Yet I wish to emphasise, and deplore, that some NGOs prefer to set themselves up as champions of human rights, and their conduct could easily become merged with manoeuvres to destabilise sovereign states.» Via the media, the Cameroonian Minister of Communication, Prof. Jacques Fame Ndong, denigrated the work of NGOs whose aim is to «make tools of the Cameroonian people and misinform public opinion»².

In *Congo Brazzaville*, at a meeting with NGOs in November, the minister of Communication and government spokesman Mr. Akouala declared that «behind every journalist slumbers a politician» and that «a little censorship is better than a district aflame».

In a press release in Mauritania dated 26th May 2003, the Democratic and Social Republican Party (Parti républicain démocrate

² *Idem*.



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et social - PRDS), the President's party, unabashedly said that «the FIDH and the terrorists are fighting on the same side in *Mauritania*». This was after FIDH spoke out to condemn the arbitrary arrests and detentions of religious figures and members of political opposition parties accused of terrorist actions a few months before the presidential elections. The latter have all been released without trial.

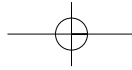
In this regard, while the fight against terrorism is legitimate and necessary under constitutional government, it is still a source of concern, especially in the Horn of Africa and East Africa. The African Union³ invited its member states to ratify the 1999 Algiers Convention on terrorism prevention and control, and at the Maputo conference of heads of state in July 2003 it considered drafting a code of conduct to harmonise security policies across Africa. The states are gradually ratifying the various international conventions on the fight against terrorism and most of them, e.g. Angola, Burkina Faso, Cameroon, Chad, Côte d'Ivoire and Djibouti, report to the United Nations Committee Against Terrorism. Some countries such as Kenya are preparing legislations on combating terrorism; human rights defenders are highly critical of these draft laws, which they see as attempts to muzzle all forms of opposition. This year, however, African states have not made much direct use of the fight against terrorism as a pretext for repression against human rights defenders. The old-time methods of criminalising defenders seem to suffice, i.e. putting them in the same category as «enemies of the state», «rabble-rousers manipulated by foreign powers» or «political opponents» and using an arsenal of legal instruments designed for national security purposes to restrict basic freedoms.

Defending Human rights in conflict situations

The wars and conflicts that are still rife in Africa hamper the activities of human rights defenders.

In some countries the level of prevailing violence prevents NGOs from continuing their work and puts their members in serious danger. This is the case of *Liberia* where the Liberia Watch for Human Rights

³ See esp. decisions and statements of the African Union conference in Mozambique (10th -12th July 2003).



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(LWHR) office was ransacked and its director had to take refuge abroad⁴ when the Liberians United for Reconciliation and Democracy (LURD) rebels reached the outskirts of Monrovia, the capital, in June 2003. In Bunia (Ituri), DRC, Justice Plus had to stop its work between May and August 2003 when violence was peaking between the Lendu and the Hema ethnic groups, making the whole city unsafe. The president of Justice Plus, Mr. Lukusa Shango, had to go underground after receiving threats from the Congolese Patriots' Union (Union des patriotes congolais - UPC) militia following denunciation of human rights violations in the region. Mr. Florent Bashika Nirangi, who was a member of Héritiers de la Justice (heirs of justice) was killed in his home by «individuals in uniform» who then took various items from the house.

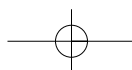
In conflict situations independent NGOs' access to the whole national territory is extremely limited. Activists in *Côte d'Ivoire*, for instance, cannot move around freely between government-controlled areas and those controlled by the rebels. The southern part of *Sudan* is out of bounds to NGOs. On 2nd June, 38 members of the Nuba Mountain Women's Association were arrested in Kalakla by officers of the National Security Agency (NSA) while they were on their way to Kawda to attend a conference on peace and development in Sudan. Some of them were forced to sign a paper promising not to leave Khartoum without permission. The NSA also closed the offices of the Ruayya Women's Organisation in Al-Awda, the starting point for delegates to the conference.

Lastly, in times of conflict anyone promoting peace and national reconciliation is targeted by defamation campaigns, e.g. this year in *Côte d'Ivoire*, *Burundi* and *DRC* (especially in the east of the country, before the transition institutions were established).

Freedom of assembly

Freedom of assembly, the cornerstone of the United Nations Declaration on Human Rights Defenders, is shunned by many African states, at least some of which are trying to fragment and isolate civil

⁴ See Compilation of cases below.



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society in an attempt to quell all protest. It seems impossible to establish any independent NGOs in *Somalia* or *Equatorial Guinea*. In several countries legal red-tape, reprisals against members and restrictions on their activities are deliberately used against NGOs.

In *Tanzania*, a law on NGOs which seriously restricts freedom of assembly is to be adopted in the near future, with laconic motives for refusal to register NGOs and the possibility for the authorities to interfere in their activities⁵.

In *Zimbabwe*, the government also intends to adopt a new, more restrictive law on voluntary bodies that clearly shows the government's intention to control them, and more importantly to ensure that they cannot obtain foreign fundings⁶. This situation is especially alarming in the broader context of criminalising human rights defenders, as a law on public order and security, the Public Order and Security Act (POSA) was adopted in 2002. A law on private associations (Private Voluntary Organisations Act), reactivated that same year, which requires NGOs to register with the Ministry of Public Service, Labour and Social Welfare or risk being closed down.

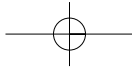
In *Mauritania*, the Mauritanian Association for Human Rights (Association mauritanienne des droits de l'Homme - AMDH) and the coalition of 13 NGOs, (Forum des organisations nationales des droits humains), to which it belongs, are still not legally registered. A group of lawyers created in the 1980s to defend prisoners of opinion and ensure that the right to a fair trial is respected, are subjected to endless pressures from the government.

In *Cameroon*, some of the judiciary seem to be helping the political authorities muzzle the human rights defenders. On 10th January 2003⁷, the government prosecutor in Maroua published a circular specifically instructing the criminal investigation police in the Maroua region to question any members of human rights associations who might be guilty of «fraud», and refer their cases to the prosecution. As a result, several members of the Movement for the Defence of Human Rights and Freedoms (Mouvement de défense des droits de l'Homme et des libertés - MDDHL) were taken in for questioning.

⁵ *Idem.*

⁶ *Idem.*

⁷ *Idem.*



Freedom of expression

In some African countries freedom of speech is still extremely fragile. Many defenders were arrested or arbitrarily detained and many members of associations were threatened, berated or assaulted for having expressed their opinions on human rights violations.

After the FIDH report on torture in *Cameroon* was published in October 2003, association members who provided the chargés de mission with relevant information were regularly harassed, threatened and hampered in their work⁸.

In *Niger*, in a Ministry of Justice press release dated 19th February 2003, the 2001-2002 annual report of the Niger Association for the Defence of Human Rights (Association nigérienne de défense des droits de l'Homme - ANDDH) is called a «pamphlet» and its accusations against the government «seditious», amounting to «a political position».

In *Burundi*, members of the Iteka League were threatened and intimidated by anonymous telephone calls, in particular when certain reports were published and decisions taken.

After the Christians' Action against Torture (Action des chrétiens contre la torture - ACAT) in Togo prepared a report for discussions on human rights in Togo scheduled by the European Parliament for 19th February, the NGO's President, Yannick Bigah, was summoned by the Minister of Justice, by the Minister of the Interior and then by President Eyadéma. The situation became so serious that Yannick Bigah decided not to attend the meeting and left the country.

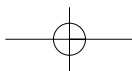
In *Zimbabwe*, human rights defenders can only meet during funerals since gatherings of even three or four people require prior authorisation.

Many other examples of violations of defenders' freedom of speech have been recorded in *DRC, Sudan, Guinea Bissau* and *Chad*⁹.

The governments of some African countries also use various means to try to control their country's independent media, hinder their work or even keep them from talking about human rights; censorship, arbitrary arrests of journalists, threats and various type of pressure have occurred in *DRC, Burundi, Côte d'Ivoire, Niger, Congo-Brazzaville, Chad*, and elsewhere.

⁸ *Idem.*

⁹ *Idem.*



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In *Sudan* and *Zimbabwe*, it is not unusual for independent newspapers to have publication suspended or be closed down.

This year, several journalists were arrested in Togo under amendments to the 2002 Press Code that imposes stricter rules on «propagation of false news» and severely penalises «slander and abuse». These were the legal grounds for arresting three journalists, Filip Evegno, Dzilan Dodji and Kpakpabia Jean de Dieu, on 14th and 15th June 2003 in a cyber café when they were scanning photos of people said to be wounded by the police during the elections. These journalists had intended to make a thorough investigation of the issue. They were detained for ten days by the police, which is against Togolese law, and then spent a month in prison. One of them had to pay a fine of 500,000 CFA francs.

In *Senegal*, Abdou Latif Coulibaly, a senior Senegalese reporter at the daily newspaper *Sud Quotidien* and general director of *Sud FM* radio station, and his lawyer, Mr. Ousmane Seye, Vice President of the National Organisation (Organisation nationale des droits de l'Homme - ONDH) received death threats after a book criticising President Mr. Abdoulaye Wade's method of government was published. Mrs. Sophie Malibeu, a journalist representing RFI (Radio France Internationale) in Dakar was expelled on the grounds that the information she reported on Casamance was not well balanced.

In *Côte d'Ivoire*, RFI correspondent Jean Hélène was executed by a policeman on 21st October 2003 in front of the national police bureau where he was headed to investigate procedures used in the questioning of eleven members of the political opposition.

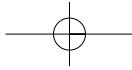
Defence of economic and social rights

The activities of trade unions that use their right to freedom of speech and stand up for economic and social rights are curtailed.

In *Sudan* for instance, on 21st December 2003, nine members of the General Trade Union Council were arrested by officers of the National Security Agency (NSA) in Shambat and questioned for three days.

Trade unions in *Zimbabwe*, especially the Zimbabwe Congress of Trade Unions (ZCTU), have been subjected to systematic repression¹⁰.

¹⁰ *Idem*.



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Many people have been arrested, and the national authorities have used pernicious means to stem their actions. The government tried to obtain shares in the major companies in order to control the trade unions and create «house» unions under heavy political control.

On 10th November 2003, *Guinean* teachers went on strike after the failure of wage negotiations to address increases in the cost of living. M'Bemba Soumah, a trade union leader was arrested and questioned by the police that day. The following day, six other trade union members were questioned at the police station and then released after spending the night there.

In *Djibouti*, some trade unions are not recognised and none of the conditions required for free elections within the unions exist.

Besides trade union members, other people who demonstrate in protest against violations of economic and social rights are subject to government repression, e.g. in *Togo*, *Sudan*, and *Burkina Faso*¹¹.

Major demonstrations were violently repressed in *Nigeria*. During President Bush's visit last July, some 30 people were arrested for speaking up in front of the U.S. Embassy in Abuja. During the same period, close to a dozen people were killed for demonstrating against the increase in gasoline prices in Lagos, Port Harcourt and Abuja.

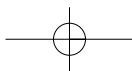
In *Zimbabwe*, during a national demonstration on 8th and 9th October 2003 to protest against high taxes, the high cost of living and violations of human rights, over 165 ZCTU members, including the general secretary and the deputy chairman, were arrested in various cities across the country. They were eventually released without charge¹².

International and regional mobilisation

Unfortunately, Mrs. Hina Jilani, the Special Representative of the Secretary-General on the situation of Human Rights Defenders, was not able to go to Africa in 2003. She requested invitations from the governments of Angola, Chad, DRC, Equatorial Guinea, Kenya, Mali, Mozambique, Nigeria, Senegal, Togo, Zambia and Zimbabwe. Up to now she has received positive replies from DRC, Mali, Senegal and Angola.

¹¹ *Idem.*

¹² *Idem.*



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At the 59th session of the United Nations **Commission on Human Rights** in Geneva in March/April 2003, the Observatory invited several NGO representatives and organised panel sessions to discuss the situation of human rights defenders in *Zimbabwe* and *DRC*.

In March 2003, the **European Parliament** adopted a resolution on the situation of Mr. Yannick Bigah, chairman of ACAT-Togo, who was forced into exile because of the continued threats he received after writing a report on human rights in his country. The Parliament denounced the harassment of ACAT-Togo members, including its president, and asked the Togolese government to guarantee their safety. The Parliament called upon the European Union to pay special attention to the problem of the safety of human rights defenders through its representatives in third countries.

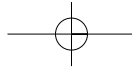
The high point for the year 2003 can be credited to the African **Commission for Human and Peoples' Rights** which, at its 34th session in November 2003 in Banjul (Gambia) adopted a focal point on human rights defenders, to be led by Mrs. Jainaba Johm, Commissioner.

The creation of this focal point is an important step, and one to which the Observatory has made a major contribution. Since 1997 the Observatory has relentlessly pleaded at Commission meetings to gain recognition of the role of human rights defenders and the need to create a mechanism to ensure their protection at a regional level.

The new mandate entrusted to Commissioner Johm and the terms and conditions for rendering this «focal point» operational and effective still need to be worked out. This will require close cooperation with the U.N. Special Representative for Human Rights Defenders, Mrs. Hina Jilani, and her team.

Another excellent news for the protection of human rights defenders in Africa is the fact that the Additional Protocol to the African Charter on Human and Peoples' Rights establishing the **African Court on Human and Peoples' Rights** came into force on 25th January 2004, after the Union of Comoros became the 15th state to ratify this instrument on 26th December 2003¹³.

13 As of the date of publication of this report, the other member states are Algeria, Rwanda, Togo, Burkina Faso, Burundi, Côte d'Ivoire, Gambia, Mali, Mauritius, Senegal, South Africa, Uganda, Libya and Lesotho.



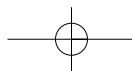
THE SITUATION OF HUMAN RIGHTS DEFENDERS

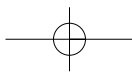
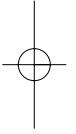
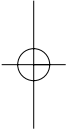
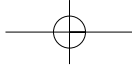
According to Article 3 of the Additional Protocol, the Court has jurisdiction over all cases and disputes concerning the interpretation and application of the African Human Rights and Peoples' Charter, (in particular concerning the right of association - Article 10, and assembly - Article 11), of the Protocol and of all other relevant instruments pertaining to human rights and ratified by the states concerned.

Under the Protocol, the Court may receive cases not only from the African Commission for Human and Peoples' Rights, signatory states and African intergovernmental organisations but also, on an elective basis, by individuals and non-governmental organisations with observer status before the Commission. Human rights defenders can petition the courts when all in-country channels of recourse have been exhausted if, and only if, the State in question has given due authorisation through a declaration under Article 34(6) of this Protocol. It is important for signatory states to make such a declaration so that this mechanism can become an effective instrument for victims of human rights violations, defenders especially, to fight impunity.

Lastly, the effective, independent functioning of the Court and the position of the victims will not only depend on the choice of judges, scheduled to be selected at the Conference of Heads of States of the African Union in July 2004, but also on the subsidiary texts to the Protocol, e.g. the Court's rules of procedure.

The establishment of the African Court of Human and Peoples' Rights brings hope to Africa. But that hope will be lost unless the court is composed of competent, independent judges and receives the financial and material resources needed to fulfill its mission.





HUMAN RIGHTS DEFENDERS HARASSED

BURKINA FASO

Pressure against MBDHP¹⁴

Mr. Antoine Sore, section chairman of the Burkina Movement for the Defence of Human and Peoples' Rights (Mouvement burkinabé pour la défense des droits de l'Homme et des peuples - MBDHP) in Boulgou and life sciences teacher, was subjected to pressure at his workplace.

Mr. Sore was assigned to the Tenkodogo municipal high school for the 2003-2004 school year. The schoolchildren's parents' association, with the support of the school's vice principal, refused his joining the staff and sent a letter of protest to the regional high commissioner for Secondary Education. Although Mr. Sore had never taught in this school before, the parents claimed that he was a poor teacher. Under such pressure, and because he was not even sent his teaching schedule, Mr. Sore was not able to start his job when school began on 6th October. On 17th October, the school principal refused to issue him the certificate confirming his assumption of duties.

Mr. Sore was finally appointed to an administrative position by order of the ministry of Secondary, Higher, and Scientific Education dated 9th December 2003.

¹⁴ See Annual Report 2002.

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Curtailement of freedom of demonstration¹⁵

On 13th December 2003, which marked the fifth anniversary of the death of the journalist Norbert Zongo, the Action group against impunity (Collectif contre l'impunité) composed of 70 associations headed by MBDHP, organised several commemorative events. A demonstration was held and a wreath laid without any incidents, but the information session scheduled by the group afterwards had to be cancelled because Mr. Simon Campaoré, the mayor of Ouagadougou, refused to give them a meeting place.

CAMEROON

National Committee for Human Rights and Freedoms (CNDHL)¹⁶

The National Committee for Human Rights and Freedoms (Comité national des droits de l'Homme et des libertés - CNDHL) was created by a presidential decree dated 8th November 1990.

While its creation brought hope, the way it is actually run is a real problem, especially as regards its independence and representativeness.

Reports, for instance, are sent to the head of State but not made public, on the pretence that publishing them would be too expensive. As a result, the Commission's activities are not widely known. Although a draft law is under preparation that would give Parliament, rather than Government, control over the CNDHL budget, the Commission remains politically tied because of the system for appointing members. In deed, the Committee is composed of 24 commissio-

¹⁵ See Annual Report 2001.

¹⁶ See FIDH investigation mission report on Cameroon: *La torture au Cameroun, une réalité banale, une impunité systématique*, October 2003, chap. 5, «A civil society under surveillance» in the framework of the Observatory's mandate.

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ners, but opposition representatives are not allowed. Its chairman, Mr. Chemuta Divine Banda, has publicly advocated the creation of a permanent member status, which would make the Commission even less representative.

Furthermore, current political pressure for the CNDHL to «coordinate civil society» has naturally raised a series of questions. This new brief would give the Committee a key role in defining criteria - where none existed previously - that would determine approval of NGOs. Mr. Banda told the Observatory's representatives conducting their mission in Cameroon that this "coordination role" would provide an opportunity to «sort out what are called NGOs, do a little cleaning up...».

New circular letter infringing on defenders' rights¹⁷

On 10th January 2003, the prosecutor for the Maroua courts (Diamaré district) addressed a specific circular letter to criminal investigation officers (order n° 0994) to take in all human rights activists in his jurisdiction and turn them over to the prosecutor's office for questioning. Informal instructions, apparently, were given so that this directive more specifically applies to members of the Movement for the Defence of Human Rights and Freedoms (Mouvement pour la défense des droits de l'Homme et des libertés - MDDHL). Public prosecutor Koué Kaokamla justified the order by referring to alleged activities by counterfeiters claiming to work for the defence of human rights.

In another circular letter (PPR/MRA/623), dated 3rd November 2003, Mr. Kaokamla stated that the «activities of human rights defence organisations shall not be impeded in any way when carried out within the framework of missions defined in their respective statutes». He nevertheless reasserted the measures set forth in order n° 0994, confirming that they remained «applicable to any person liable for fraudulent acts».

17 See Urgent Appeal CMR 001/0803/OBS 039.

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Continued harassment of MDDHL¹⁸*Arbitrary detention of Mr. Blaise Yacoubou and Mr. Aminou Mohamadou¹⁹*

On 10th August 2003, Mr. **Blaise Yacoubou** and Mr. **Aminou Mohamadou**, both MDDHL members, were summoned to the Maroua investigations unit, supposedly to retrieve their identity papers that had been confiscated on 30th April 2003, when they were on assignment in Ndoukoula. They had then been arrested by the head of the Ndoukoula district, in application of abovementioned order n° 0994.

However, when Mr. Yacoubou and Mr. Mohamadou appeared before the Maroua investigations unit on 11th August, they were immediately arrested and remanded in custody. They were notified that since they had been sought for several months, they were considered as fugitives. The Diamaré district prosecutor accused them of having entered the office of the Ndoukoula district head, during their mission in April, threatening him, and then fleeing away, leaving their identity papers and mission order behind.

Mr. Yacoubou and Mr. Mohamadou were released after the prosecutor visited them on 14th August 2003. Their health had by then become precarious due to the poor conditions under which they were detained. In particular, they had not been allowed to eat nor drink for two days. On 18th August 2003, the Maroua investigations unit called them in again. Mr. Kaokamla had personally promised the chairman of MDDHL, Mr. Abdoulaye Math, that their identity papers would be returned at that time.

Yet Mr. Yacoubou and Mr. Mohamadou were not able to recover their papers until 2nd September 2003, when released by the prosecutor's office. By the end of December 2003, their mission order had still not been returned.

¹⁸ See Annual Report 2002.

¹⁹ See Urgent Appeals CMR 001/0803/OBS 039 and CMR 001/0803/OBS 039.01.

Harassment of Mr. Abdoulaye Math²⁰

In January 2003, the MDDHL publicly denounced the situation of several minors in the Doualaré district of Maroua, who were held as slaves by a man called Mr. Malbakari. On 6th June, Maroua public prosecutor Kaokamla intimated that this accusation constituted «yet another frame-up hatched by Mr. Math, head of an NDO [*sic*], whose sole purpose is to sully the image of Cameroon in order to obtain funding from international human rights defence organisations». However, faced with evidence brought by MDDHL, the prosecutor finally admitted the truth of these facts in a letter sent to the minister of Justice on 24th July. An investigation was opened against Mr. Malbakari before the criminal Court. The next hearing is scheduled for January 2004.

In addition, on 17th June 2003, Mr. Abdoulaye Math was held for questioning during two days, as directed by the prosecutor, Mr. Kaokamla. Mr. Math was accused by the chancery to have allegedly extorted a sum of 800,000 CFA francs from Mr. Alhadji Yougouda. The MDDHL's president was not released until 19th June, after two days of detention during which he was not allowed to meet with his lawyer. Proceedings were brought against him. During a hearing, Mr. Yougouda himself denied the facts and claimed he did not know Mr. Math, further denying responsibility for the complaint and blaming a certain Mr. Hamal. The hearing was postponed until 21st January 2004. It is worth noting that Mr. Hamal was arrested on 19th November 2003 for aggravated theft and released several hours later on the prosecutor's order. He was arrested again on 22nd December as a result of pressure exerted by his victims.

Obstruction of legal actions taken by MDDHL

In December 2002, the association's phone lines were cut without any explanation²¹. The MDDHL lodged a formal complaint for abuse of commission against Mr. Ahmadou Ahidjo Jamot, representative of CAMTEL, the national telecom company. As Mr. Ahidjo Jamot never

²⁰ See abovementioned investigation mission report and Urgent Appeal CMR 002/1203/OBS 066.

²¹ See Open Letter dated 20th June 2003 to Cameroonian authorities.

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appeared in court, the hearing has been systematically postponed. The next hearing is scheduled for 21st January 2004.

MDDHL also filed two suits against Mr. Semdi Soulaye, a former member of the MDDHL executive board, and currently coordinator of the Network of Human Rights Organisations and Associations (Réseau des organisations et des associations de défense des droits de l'Homme - ROADH), an organisation linked to the government. The first suit, for forgery and use of false documents, as well as for confiscation of all MDDHL financial documents, is still pending. The second was brought against Mr. Soulaye and the managing director of the Crédit du Sahel bank on 5th December 2003, for forgery and use of false documents, and aggravated breach of trust. Specifically, Mr. Soulaye is suspected of having withdrawn, with the bank's support, the sum of 2,177,000 CFA francs from the MDDHL's bank account. The Maroua court of first instance postponed the summons set for 8th December to a later and as yet undetermined date.

MDDHL and its president are now forced to call on lawyers in Douala and Yaoundé, since those in Maroua have repeatedly been subjected to pressure by the public prosecutor. In one such instance, in December 2003, Mr. Michel Nkenko Yameni, Mr. Math's lawyer in the Crédit du Sahel case, received a call from the public prosecutor, Mr. Kaokamla, who threatened to open an investigation against him if he continued to handle the case. Mr. Nkenko relinquished the case following that call.

Persecution following the publication of an investigative report on torture in Cameroon

Smear campaign against NGOs²²

Since the FIDH report on «*Torture in Cameroon, an 'ordinary' reality, systematic impunity*» was published on 29th October 2003, the government of Cameroon launched a vast smear campaign against the NGOs and human rights defenders who had met with the mission.

For example, in a newspaper interview with *Le Messager* on 19th November 2003, the minister of Communication, Jacques Fame

²² See Urgent Appeal CMR 002/1203/OBS 066.

Ndongo, denigrated the work achieved by the FIDH and its «henchmen» who, according to him, were only interested in «instrumentalising the Cameroonian people and misinforming public opinion». These words confirmed the Cameroonian NGOs' fear to be further considered as «enemies of the people seeking to destroy the country's image abroad».

In addition, during the session of the United Nations Committee Against Torture held from 10th to 21st November 2003, the government systematically challenged civil society's denunciations of human rights violations in the country. Denying all acts of torture, the Cameroonian government accused civil society of giving the Committee «false and sensationalist» information and called several NGOs «troublemakers».

Lastly, on 10th December, International Human Rights Day, several local radio stations including *Radio Maroua*, which covers the north of the country, broadcast statements highly damaging to human rights activists, who were defined as «crooks sullyng the country's image».

ACAT-Littoral and its members targeted²³

Since the report was published, the offices of the Christians' Action for the Abolition of Torture in Douala (Association des chrétiens pour l'abolition de la torture - ACAT-Littoral) are being watched by suspicious-looking men. The manager, Mrs. **Madeleine Afité**, discovered the day after she returned from Geneva, where she had attended the session of the Committee Against Torture, that the locks on her office and home doors had been forced.

At about 9 p.m. on 28th November 2003, three men in military uniforms were seen scouting the neighbourhood around Mrs. Afité's parents' home. At the same time, she received anonymous phone calls from people trying to find out where she was.

For several years, ACAT-Littoral members have been under pressure and continuous surveillance. Their movements are monitored by police and army officers, who also keep the entrance to the organisation's offices under surveillance. The association's phone is tapped. ACAT-Littoral members are regularly taken in for questioning and intimidated, and constantly have to explain their activities; in particular, Mrs. Afité was brought in for questioning in January and March 2003,

²³ See Annual Report 2002 and Urgent Appeal CMR 002/1203/OBS 066.

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on her return from Geneva where she attended the 59th session of the United Nations Commission on Human Rights, held from 17th March to 25th April.

*Harassment of Mrs. Franka Nzounekang*²⁴

On 22nd November 2003, a man came to the office of the Human Rights Defence Group (HRGD) in Bamenda and asked the president, Mrs. **Franka Nzounekang**, to accompany her on a visit to a victim of abuse. Mrs. Nzounekang was worried and refused the invitation. Meanwhile, her brother saw three individuals with suspicious-looking equipment, including a gas cylinder and a pipe, in the man's vehicle.

On 24th November, a National Security Agent confirmed to the association's secretary that a special mission was under preparation against HRDG and that Franka Nzounekang's arrest had already been planned.

On the evening of 26th November, Mrs. Nzounekang's taxicab was followed by a car driven by two unidentified individuals.

Finally, on 27th November, an anonymous phone call warned Mrs. Nzounekang that a high-ranking official had ordered her assassination.

*Retaliation against MDDHL*²⁵

The recurring pressure exerted on MDDHL worsened after the publication of the FIDH investigation mission report.

In an article published in the weekly magazine *L'Œil du Sahel*, dated 20th to 27th November 2003, MDDHL chairman Abdoulaye Math was accused of embezzlement and fraud. Mr. Math lodged a complaint for libel against the magazine. Fearing the lack of independence on the part of the Maroua magistrates, the complaint was lodged with the Douala court of first instance. End of December 2003, Mr. Math was still awaiting the public prosecutor's summons.

In Kousseri, 275 kilometres away from Maroua, two other MDDHL members were harassed by the police as well. The home of one of

24 See Urgent Appeal CMR 002/1203/OBS 066.

25 See Urgent Appeal CMR 002/1203/OBS 066 and press release dated 12th December 2003.

them, Mr. **Alh Wakil Mahammat**, was searched without any legal grounds on 29th November. As for the other, two plain-clothes policemen came to Mr. **Bouba Birva's** home on the night of 28th November and told him «he was on the wanted list». The two men left after extorting 100,000 CFA francs from him. That money still has not been returned to him, despite the promises made by a police officer after the MDDHL chairman interceded.

Finally, on 10th December, a woman from Yaoundé, Mrs. Elise Monthé, broke into MDDHL premises in Maroua. After declaring that she was the wife of the association's chairman, Mr. Math, the woman spent more than 24 hours in the office. Amongst other acts, she threatened to accuse Mr. Math of rape if he tried to throw her out. On 11th December, she physically attacked Mr. Math and broke his arm. At that point, the police intervened, called in by MDDHL staff. Although wounded, Mr. Math remained in custody all night at the Maroua police headquarters «for the purpose of the investigation», as the superintendent put it. Mr. Math was not able to receive any medical treatment until the next morning, on 12th December, and was released in the afternoon only, whereas the woman who had attacked him was released in the morning. Mr. Math lodged a complaint for assault and battery, and destruction of property. His complaint for attempted murder having been dismissed, the case was brought into the Maroua magistrate's court on 24th December 2003. Mrs. Monthé likewise lodged a complaint and changed her grounds three times. After having declared that Mr. Abdoulaye Math was her husband and had swindled her, she claimed she used to own a restaurant in which Mr. Math had run up a bill of nearly two million CFA francs. According to the latest version held by Mr. Kaokamla, the public prosecutor, Mr. Math is said to have extorted large amounts of money from her, promising a visa she never got. The hearing was postponed until 28th January 2004.

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CHAD

Dismissal of Mr. Suleymane Guengueng²⁶

On 22nd January 2003, Mr. **Suleymane Guengueng**, founder of the Chadian Association of victims of Political Crimes and Repression (Association des Victimes de Crimes et de Répression Politique - AVCRP), received a letter informing him he was dismissed from his position of information officer at the Lake Chad Basin Commission (Commission du bassin du lac Tchad - CBLT).

Mr. Guengueng had already been suspended from his duties for thirty days in March 2002. His superiors had demanded that he ceases his AVCRP activities under threat of more severe disciplinary sanctions. They had in particular criticised his political commitments which they considered to be incompatible with his employment as an international civil servant. Mr. Guengueng had received the support of the international community to put an end to his suspension.

His dismissal had been decided on 14th November 2002 but he was only notified two months later, a few days after the World Bank had agreed to make a new contribution of 2.9 million US \$ to the CBLT.

Mr. Guengueng is heavily involved, together with other victims of Mr. Hissène Habré regime, in prosecution of the former dictator, who currently lives in exile in Senegal. Proceedings to rehabilitate him had not succeeded by the end of 2003.

Arrest of Mr. Luc Maokarem Beoudou²⁷

Mr. **Luc Maokarem Beoudou**, brother of Mr. Marc Mbaiguedem Beoudou, chairman of the Christians' Action Against Torture (Action des chrétiens contre la torture - ACAT-Chad), disappeared after his arrest on 21st January 2003 in Moundou, in the south of the country.

Mr. Luc Beoudou was accused of publishing an article in the Chadian newspaper *Le Temps*, accusing a soldier working for the current

²⁶ See Annual Report 2002.

²⁷ See Open Letter to the authorities dated 13th March 2003.

regime of the robbery and murder of a businessman. Mr. Marc Beoudou, president of ACAT-Chad, had been responsible for the enquiry and for drafting the article in the name of the association. Following publication of the article Mr. Marc Beoudou had been actively pursued by the authorities, who had signed a warrant for his execution; he was obliged to flee the country. Mr. Marc Beoudou, who is currently in exile in Burkina Faso, was in Cameroon at the time of his brother's arrest. The resemblance between the two brothers apparently was the cause of Mr. Luc Beoudou's arrest.

Mr. Luc Beoudou was only released on 2nd March without ever having been able to meet with a lawyer or to inform his family of his whereabouts. He had to be hospitalised as the result of the ill-treatments he was subjected to during his detention.

His relatives have had no news of Mr. Luc Beoudou since 25th March 2003.

An NGOs radio station closed down²⁸

The radio station *FM Liberté* (Freedom FM) was closed down on 21st October 2003 by decree of the ministry of Public Security and Immigration. Its closure followed a broadcast on 14th October that had included criticism of Mr. Idriss Deby, the President of the Republic of Chad.

However, this decree is not based on any communications law. It refers mainly to «the illegal operation of radio *FM Liberté*», whose programmes have been suspended on several occasions in recent months. In fact the ministry of Public Security and Immigration has no authority to take such a decision, which falls within the competence of the High council of communications. The latter was not consulted regarding this matter. If the decision to close down a radio station may be taken by the ministry when state security is under threat, the decree in fact only refers to its «illegal operation and deviant behaviour» and gives no evidence of a threat to public security.

FM Liberté was created by independent NGOs for the defence of human rights, for which it became the principal communications link in

²⁸ See Urgent Appeal TCD 001/1003/OBS 056.

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Chad. The radio station had an audience of nearly 2 million listeners throughout the country. On 17th December 2003, a decree of the minister of Public Security and Immigration, Mr. Abdramane Moussa., authorised the station to go back on air.

Impunity for the aggressors of Mrs. Jacqueline Moudeïna²⁹

On 11th November 2003 the N'Djamena tribunal correctionnel decided to release the three aggressors of Mrs. **Jacqueline Moudeïna**. Policemen Mr. Mahamat Wakaye, Mr. Mahamat Idriss and Mr. Taher Babouri were accused of illegal violence and grievous bodily harm.

On 11th June 2001, during a peaceful women's march protesting against electoral fraud observed during the presidential election, the security forces had thrown grenades at the demonstrators. Mrs. Moudeïna was then seriously wounded. Jacqueline Moudeïna is in charge of legal matters at the Chadian Association for the Defence and Promotion of Human Rights (Association tchadienne pour la défense et la promotion des droits de l'Homme - ATPDH), a lawyer for the victims in the Hissène Habré case in Chad and in Senegal, and she received the Martin Ennals Award for Human Rights Defenders in 2002. Mrs. Moudeïna and six other women filed complaints with the N'Djaména Court on 18th March 2002.

The tribunal correctionnel followed the argument of the state prosecutor who stated that there had been no illegal act since the accused had acted according to the orders of their superior officer. The prosecutor then added, with particular cynicism, that the highest authorities of the State should be referred to in order to rule this case.

Mrs. Jacqueline Moudeïna's lawyers have decided to appeal this decision.

²⁹ See Press Release dated 11th November 2003.

Continued pressure against OCDH³⁰

Through the State media, government authorities still constantly denigrate the statements and activities of both the Congolese Human Rights Observatory (Observatoire congolais des droits de l'Homme - OCDH) and FIDH. Mr. Alain Akouala, minister of Communication and government spokesman, held a press conference on 12th November 2003, the day after the president of FIDH declared on the *Voice of America* radio station that peace in Congo was «shaky». Mr. Akouala said this was a grave statement, unrelated to the work of human rights defenders and that such words were clearly subversive and destabilising. On that same day, the authorities demanded OCDH to hand in its drawn up list of missing persons in the «Brazzaville Beach» case³¹, and publicly announced that the «so-called missing» were living in Brazzaville and Kinshasa. These sorts of statements are regularly transmitted by NGOs close to the government, such as the ever-active Congolese Federation of Human Rights³² (Fédération congolaise des droits de l'Homme - FECODHO), which was created in August 2002.

Government still exerts a tight control over the media. For instance, Mr. Akouala told representatives of FIDH and OCDH on 4th November 2003 that «a little censorship is better than a district aflame». He further said that «behind each journalist slumbers a politician» and went on holding journalists for partly responsible for current and past Congolese problems. Since Mr. Akouala is the minister responsible for the adoption of enforcement orders, his statement that «certain newspapers may well disappear» goes along the same lines.

By establishing the National human rights commission (Commission nationale des droits de l'Homme) in summer 2003, the national autho-

³⁰ See Annual Report 2002.

³¹ Between 5th and 14th May 1999, close to 350 persons who had taken refuge in the Pool region during the 1998 civil war disappeared while returning to Brazzaville via DRC.

³² See Annual Report 2002.

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rities clearly tried to control representatives of civil society. Just like the legislative bodies, the government is trying to control the new transition institutions in order to block their actions. The procedure to select the members of the National human rights commission, for instance, was not respected. The Association for Human Rights and Prison Environments (Association pour les droits de l'Homme et l'univers carcéral - ADHUC) appealed to the Supreme Court to denounce these appointments but did not receive any response. Mr. Christian Mounzeo, who refused to join this Commission as representative of his organisation, OCDH, was then called a «representative of the opposition in exile» and had to put up with a huge smear campaign.

CÔTE D'IVOIRE

Pressure on LIDHO³³

Because the Ivorian Human Rights League (Ligue ivoirienne des droits de l'Homme - LIDHO) was in favour of peace and national reconciliation, its members, like all other like-thinking Ivorian human rights defenders, were subjected to various types of pressure. During the first quarter of 2003, as the Linas-Marcoussis agreements were being finalised, the young patriots' Alliance, a group close to President Mr. Laurent Gbagbo, held several demonstrations during which LIDHO members were accused of being «non-national rebels». Statements such as these were taken over in the «media of hate».

Continued harassment against MIDH³⁴

On 5th April 2003, the headquarters of the Ivorian Movement for Human Rights (Mouvement ivoirien pour les droits humains - MIDH)

³³ See intervention of LIDHO at 34th session of the African Human Rights Commission .

³⁴ See Annual Report 2002.

in Abidjan were attacked. Three armed men in civilian dress burst into the office and beat and threatened Mrs. Cissé, who was then on duty. They stole many documents, especially files containing statements made by victims of human rights violations. On the day of the attack, after having a bailiff come and make a report, MIDH lodged a complaint with the police station in Cocody Angré. By end of December 2003, the aggressors had still not been identified and no action had been taken about the complaint.

DEMOCRATIC REPUBLIC OF CONGO

Continued harassment against the *Voice of the Voiceless* - Kinshasa³⁵

Mr. **Floribert Chebeya Bahizire**, president of the *Voice of the Voiceless* (la Voix des Sans Voix - VSV) went into hiding at the end of 2002 after receiving several oral threats from senior members of the Military Order Court (Cour d'Ordre Militaire - COM). Fearing for the life and safety of its president, VSV has had to close its office.

VSV was finally able to resume its activities in February 2003, and Mr. Chebeya Bahizire returned home in April.

Two human rights defenders released - Kinshasa³⁶

Mr. **N'sii Luanda Shandwe** and Mr. **Willy Wenga Ilombe** were released on 26th January 2003 on a verbal order of the President of the Democratic Republic of Congo after respectively 9 and 11 months in detention at the Kinshasa Penitentiary and Re-education Centre (Centre pénitentiaire et de rééducation de Kinshasha - CPRK).

³⁵ See Annual Report 2002 and Open Letter to the authorities, dated 8th January 2003.

³⁶ See Annual Report 2002 and press release of 27th January 2003.

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Mr. N'sii Luanda Shandwe, chairman of the Human Rights Observers' Committee (Comité des observateurs des droits de l'Homme - CODHO) and Mr. Willy Wenga Ilombe, lawyer and member of the African Center for Peace, Democracy and Human Rights (Centre africain pour la paix, la démocratie et les droits de l'Homme - CAPD), had been imprisoned by the COM without charges and without a court hearing. They were accused of being in contact with people suspected of jeopardising national security, in particular in relation to the trial of the alleged murderers of former President Mr. Laurent-Désiré Kabila. Mr. Shandwe did not receive proper medical treatment during his incarceration and protested by going on hunger strike in the middle of January 2003.

Neither Mr. Shandwe nor Mr. Ilombe ever received a written order for their release and therefore could be detained again at any moment.

Release of Mr. Emile Omba - Lubumbashi³⁷

Mr. **Emile Omba** had been arrested on 23rd November 2002, after the 18th November publication of a letter he wrote denouncing the «illegal transport of uranium-rich copper from deposits in Lwishi and Tumbwe by the company Malta Forrest». He had been transferred to Lubumbashi on 27th November, officially accused of «propagating false information» by the court of first instance on 29th November and condemned to serve a prison sentence.

He was released in February 2003.

Continued harassment of ASADHO/Katanga - Lubumbashi³⁸

On 15th April 2003, 8 people were arrested by order of Colonel Mr. Charles Alamba Mungako, COM prosecutor. They were leaving a COM hearing and had a press release with them on the «unconstitutionality of the COM». The document had been signed that same day by the Katanga branch of the African Association for the Defence of Human Rights (Association africaine de défense des droits de

³⁷ See Annual Report 2002.

³⁸ See Press Release of 16th April 2003.

l'Homme - ASADHO/Katanga), as well as by the Centre for Human and Humanitarian Rights (Centre des droits de l'Homme et du droit humanitaire - CDH) and the Commission for Extension of Human Rights and Development (Commission de Vulgarisation des Droits de l'Homme et du Développement - CVDHO).

On 16th April 2003, Mr. **Prince Kumwamba Nsapu**, ASADHO-Katanga administrative and financial vice director, and Mr. **Grégoire Mulamba Tshisakamba**, CDH General Secretary, went to the COM to get information on the abovementioned arrests. At their arrival they were arrested and taken to Kassapa prison on the grounds of «instigating rebellion». Together with the eight other people arrested on 15th April, they were to be judged by the COM on 17th April in application of a procedure that violates law n° 23/2003 of 18th novembre 2002³⁹.

Thanks to pressure of the international community Mr. Kumwamba Nsapu and Mr. Mulamba Tshisakamba were provisionally released on 19th April and then acquitted on 22nd April at a COM hearing. The court deemed that the accusations against these two people were part of their rights to opinions and recommendations guaranteed by the Constitution; the court also referred to the decrees taken by the Head of State on 18th March 2003 that had entered into force on 25th March 2003.

Nine human rights defenders arrested - Lubumbashi⁴⁰

On 8th September 2003, a group of human rights NGOs, including ASADHO-Katanga and Christian associations such as the Evangelist

³⁹ As part of the reform of the military legal system, the President of the Republic, on 18th November 2002, promulgated Law n° 023/2002 on the Military Judicial Code. Article 379-2 of the Code rescinds Law no. 19 of 23rd August 1997, on the basis of which the Court of Military Order was created. Article 380 of the new law subordinates the law's entry in force to a date set out in a decree signed by the Head of State. On 18th March 2003, the Head of State signed Decree n° 032/2003 that sets the date for the entry into force of the aforementioned law. Article 1 stipulates that «Law n° 023/2002 of 18th November 2002 on the Military Judicial Code shall enter into force on 25th March 2003». Since that date, Law n° 023/2002 of 18th November 2002 on the Military Judicial Code is the only law that applies to the organisation and functioning of the military legal system in DRC, since the Court of Military Order and the Prosecution no longer exist.

⁴⁰ See Press Release of 16th April 2003.

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Group for Non-Violence (Groupe évangélique pour la non-violence - GANVE), as well as the Congolese Teachers' Association (Association des enseignants du Congo - AECO), held a peaceful demonstration in front of different high schools throughout the country to protest against the introduction of a special enrolment fee that parents had to pay.

During the demonstration, the mayor of Lubumbashi, Mr. Kaseba Makunko, ordered the arrest of the following members of the group: Mr. **Mbuya** and Mr. **Bakatunyingela** of ASADHO-Katanga, Mr. **Ntumba**, Mr. **Lumbala**, Mr. **Kasongo**, Mr. **Kashala**, Mr. **Manyonga** and Mr. **Tshibusu** of GANVE, and Mr. Kapembe of AECO. The police beat and arrested them. They were released two days later.

Members of the Friends of Nelson Mandela Association arrested - Buta⁴¹

Colonel Mr. Mongenzo, chief commander of the Movement for the Liberation of Congo (Mouvement pour la liberation du Congo - MLC), ordered the arrest of Mr. **Aliana**, a member of the Friends of Nelson Mandela Association in Buta on 8th January 2003. Col. Mongenzo had intercepted a report by Mr. Aliana on human rights violations in Buta. This report was to be sent to the United Nations Mission in Democratic Republic of Congo (MONUC).

After being accused of spreading false information, Mr. Aliana was kept in prison and subjected to inhuman and degrading treatment. He was released on February 2003 the MONUC intervened.

Continued harassment against the League of Electors - Kinshasa⁴²

Mr. Paul Nsapu subjected to threats and pressure

Between 9th and 11th January 2003, the president of the League of Electors (Ligue des Electeurs - LE), Mr. **Paul Nsapu**, received several anonymous phone calls ordering him to refrain from further public sta-

⁴¹ See Annual Report 2002.

⁴² *Idem.*

tements on «political problems» in DRC, and on the trial of the alleged murderers of Mr. Laurent-Désiré Kabila.

His friends and relatives were closely watched throughout the year. Since October 2003, the authorities have made several heavy-handed attempts to convince them to speak ill of the LE and its president to the local population and partners.

Harassment against Mr. Richard Kazadi

Mr. **Richard Kazadi**, a lawyer, legal adviser to the LE and member of the LE executive board, was tied up in his home on 17th August 2003 by a group of armed men in uniform who fled when Mr. Kazadi activated his alarm system. Furthermore, he has received anonymous threats by phone regularly.

In 2001, Mr. Kazadi was kidnapped by military men who stole his money and work documents and then locked him up in the boot of his car.

Harassment against Mrs. Lubwitu Mafolo

In 2002, Mrs. **Lubwitu Mafolo** took in Mrs. Lydia Lufwabantu and her husband, both sought by the police at that time. They were members of the LE and had to go into hiding because of the threats generated by their activities in the League. They now live in exile.

Since their departure, Mrs. Lubwitu, who stayed in contact with the League, has been subjected to all sorts of pressure. The police searched her house several times in 2003 and questioned her regularly on her connections with the LE. The League lost contact with her in September 2003.

Mr. François Butedi arrested

During the night of 13th November 2003, Mr. **François Butedi**, a LE member, was arrested in his home in Kinshasa and taken to the police station. After beating and sequestering him, the police seized various working documents on human rights violations and insecurity in Kinshasa and in the Lower Congo province. These documents had been vital in finalising a report that the LE presented to the 34th session of the African Human Rights Commission at Banjul (6th to 20th November 2003).

Mr. Butedi was released the next day. He had been arrested in 2002 after a sit-in organised by LE to push for successful completion of inter-Congolese peace negotiations in Pretoria.

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Harassment of Miss Ngandu Kabongo

Miss **Ngandu Kabongo**, an LE interviewer, was threatened and pressured by the authorities in 2003. During her investigation into rapes committed by the militia in the fighting zone, she was called in for questioning and interrogated three times between January and March 2003. The police, moreover, ordered her to stop her investigation and all other LE activities.

Miss Ngandu Kabongo was placed under arrest on 29th November 2003 for a few hours. Since the beginning of December, neither her family nor LE has had any news from her.

Detention, torture and harassment of members of the Lotus Group⁴³*Seven members of the Lotus Group detained and tortured - Opala⁴⁴*

At end of December 2002, Mr. **Jonas Yeni Asambi**, the enquiries officer at the Lotus Group in Opala and president of the Rural Radio NGO, was arrested by order of Commander Visuri, an officer in the RCD-Goma (Rassemblement Congolais pour la Démocratie) army based in Opala. He was accused of having encouraged «civil disobedience» among the Opala population by denouncing human rights violations in the region and reporting the inclusion of certain soldiers from Rwanda in the RCD-Goma army.

During an interrogation which included torture and inhuman and degrading treatment, Mr. Yeni Asambi gave the names of six of his colleagues and co-workers. All six were arrested on 28th December 2002. Their names are:

- Mr. **Christian Ofafele Loyombo**, member of the Lotus Group and headmaster of the medical technical institute of Opala;
- Mrs. **Eugénie Loyombo Issa**, member of the Lotus Group and principal of the Opala nursery school;

⁴³ See Annual Report 2002.

⁴⁴ See Urgent Appeal RDC 001/0203/OBS 007.

- Mr. **Mambele**, member of the Lotus Group and social services facilitator in Opala;
- Mr. **Paul Ayaka**, contributor to the Lotus Group and deacon of the Opala protestant community;
- Mr. **Fany Yeni Loola**, secretary-rapporteur of the Lotus Group and teacher at the Opala catholic secondary school;
- Mr. **Okinani**, contributor to the Lotus Group and catechist at the Opala catholic church.

Mr. Christian Ofafele Loyombo and Mrs. Eugénie Loyombo Isso were apparently arrested because of their activities and because they were relatives of Mr. **Willy Loyombo**, president of the Opala branch of the Lotus Group, who fled Kisangani after receiving threats at the end of 2002.

These seven people were locked up in the prison of the RCD-Goma army headquarters where they have been beaten every day. Commander Visuri levied a fine of seven goats per prisoner. Although the families settled the fine, the prisoners were transferred to Isangi and finally released on 8th February 2003.

Afterwards Mr. Yeni Asamba and Mr. Okinani took refuge in Kisangani. Mr. Willy Loyombo, who secretly returned to Opala in March 2003, also had to return to Kisangani, when threatened by the Security and Intelligence Department (Département de la sécurité et des renseignements - DSR)

Mr. Guillaume Ali Efufu arrested and tortured - Kisangani⁴⁵

On 31st January 2003, a group of soldiers summoned Mr. **Guillaume Ali Efufu**, interviewer for the Lotus Group in Kisangani, on his way to the Lotus office. He was then brought to the RCD-Goma military police office for an ID check. Finding out he was a Lotus member, the senior military officer then immediately ordered his arrest. He was taken to the police station on 11th Avenue in Tshopo commune, where he was whipped over and over again on the sole of his feet and then thrown in jail for 24 hours. He was released on 1st February 2003 and taken to the Saint-Joseph medical centre in Tshopo for treatment.

⁴⁵ *Idem.*

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*Preventing a conference in Kisangani*⁴⁶

At the last minute, the mayor Jean Sikoti tried to cancel and postpone a conference that the Lotus Group in Lubunga (Kisangani) had scheduled for 27th January 2003. The subject of the conference was the role of Congolese human rights defenders in the advent of peace and a law-based state in DRC. Armed soldiers and security services officers posted around the meeting hall spread panic among the participants, but the conference was held anyway.

Continued harassment of Mr. Kitenge Senga and Mr. Bosongo - Kisangani

On 29th January 2003, following a conference held two days earlier in Lubunga, Mr. **Dismas Kitenge Senga**, President of the Lotus Group, was summoned by the DSR to the Kisangani city hall. Mr. Kitenge had to turn over the conference papers and the list of participants. He was reproached especially for holding the conference without the permission of the municipal authorities.

Mr. Kitenge and Mr. **Jean-Baptiste Bosongo**, president of the Lufalanga human rights defence group, attended a seminar organised by FIDH in Kinshasa from 25th to 28th February 2003. They were arrested upon their return to Kisangani and taken for questioning to the DSR headquarters. Although both of them had completed all the formalities required to travel through MONUC flights, the DSR authorities blamed them for going to Kinshasa without prior authorisation. They were also asked about their contacts in Kinshasa and their connections with international human rights organisations. Last, the DSR demanded information about the activities of Mrs. Bibiche Bambale, a Lotus member who lives in exile in Europe.

Mr. Kitenge and Mr. Bosongo were released a few hours later, at the order of the Governor of the Province.

Mr. Patrice Botalimbo Lifofela arrested - Opala

On 30th November 2003, Mr. **Patrice Botalimbo Lifofela**, a member of the Opala branch of the Lotus Group was arrested in Yaisau, 20 kms

⁴⁶ *Idem.*

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away from Opala, while leading a training session on citizens' rights and duties. According to the deputy head of the regional security services, who ordered the arrest, Mr. Botalimbo was urging the population not to pay local taxes.

M. Botalimbo was released on 2nd December thanks to the reaction of the local population. During his detention he was often subjected to inhuman and degrading treatment, mainly beatings. Since then he has fled to Kisangani.

*Threats against members of the Justice and Peace Commission - Poko*⁴⁷

The Commander in Chief of the national RCD troops in the region accused Mr. **Michel Kaneru**, a priest in the Saint Augustine Order and Father **Ghislain Mokagoale**, both members of the Justice and Peace Commission, together with the potestant Minister, Mr. Mubibake, with stirring up rebellion. The three of them serve the Poko parish in the Haut-Uélé district. Mr Kaneru, Mr. Mokagoalé and Mr. Mubibale, who denounced violations of human rights committed by the local authorities and the widespread impunity reigning in the region, had to go into hiding after receiving death threats from the military command between 15th and 25th April 2003.

They were not able to return to Poko until end April when the military commander of the region had been transferred.

Harassment of ASADHO - Beni

On 16th December 2003, three RCD-Kisangani military men interrupted the course given by Mr. **Omar Kavota**, a teacher and head of the Mangina branch of ASADHO, 30 kms away from Beni. Mr. Kavota had been ordered to turn in a 16-year old student, Muhindo Kaghoma Opisi, (a may-may «veteran» who had been discharged nine years earlier), so that he could be sent to a training camp. Thanks to Mr. Kavota's protests, backed by the school supervisor, Mr. Kalihi Pen Munongo, the three soldiers were not able to take the youngster with them.

⁴⁷ See Annual Report 2002.

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On 19th December, Mr. Babaye, the commander in chief, ordered Mr. Kavota and Mr. Munongo to be arrested and taken to the military camp in Mangani. They were released the next day, after being tortured. They were beaten, whipped, rolled in the mud, undressed and forced to walk all around the town carrying heavy quantities of water. Although their health was not good, they were not given any treatment in Mangani and had to take refuge at ASADHO-Beni.

Mr. Kavota and Mr. Munongo lodged a complaint with the Beni military board.

ETHIOPIA

Legal proceedings against EHRCO⁴⁸

On 9th April 2001, Mr. **Mesfin Wolde-Mariam**, former chairman of the Ethiopian Human Rights Council (EHRCO), and Mr. **Birhanu Nega**, chairman of the Ethiopian Economic Association, took part in a meeting about human rights held at the University of Addis Ababa, where they called for academic freedom and respect of human rights. Following a students' demonstration on 17th and 18th April 2001 that the police had violently contained, Mr. Wolde-Mariam and Mr. Nega were arrested on 8th May. They were released on bail on 5th June 2001, after going on hunger strike to protest against their detention conditions.

Since that time, Mr. Wolde-Mariam and Mr. Nega have been charged on the basis of Articles 32-1 and 480 of the Criminal Code. They are accused of having encouraged students «to demand respect of their rights by rioting rather than through legal means». They are also accused, on the basis of Articles 32-1 and 250 of colluding with the Ethiopian Democratic League (EDL), an organisation considered as illegal at that time (but which in the meantime has been registered)

⁴⁸ See Annual Report 2002.

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because it allegedly sought to «create a clandestine party in order to change the constitution by illegal means».

The hearing has been postponed over and over again since June 2001. The next session is scheduled for 9th February 2004.

GAMBIA

Aggression against M. Ousman Sillah⁴⁹

On 26th December 2003, Mr. **Ousman Sillah**, chairman of the Lawyers' coalition for Human Rights, was attacked in front of his house in Bakan, 20 km away from Banjul, by two hooded, armed men who shot him point blank. He was seriously injured and evacuated to Dakar.

Mr. Sillah is in charge of Mr. Baba Jobe's file. Mr. Jobe is the majority leader of the parliamentary group of the ruling party, the Alliance for Patriotic Reorientation and Construction (APRC). Early in December, after intra-party feuding, he was accused of economic crime and tax evasion. Mr. Jobe was arrested on 27th December, the day after the attack. End of December 2003, he was still being detained.

GUINEA-BISSAU

Mr. Joao Vaz Mane arrested and threatened⁵⁰

On 29th January 2003, Mr. **Joao Vaz Mane**, vice chairman of the Guinean Human Rights League (Ligue guinéenne des droits de l'homme - LGDH) was served with a warrant from the State Security services, and then held in detention for over 20 days.

⁴⁹ The Observatory contacted the Gambian authorities about this case.

⁵⁰ See Urgent Appeals GNB 001/0203/OBS 006 and GNB 002 /0803/OBS 036.

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On 28th January, Bombolon, a private radio station invited Mr. Vaz Mane to participate in a programme called «palavering on peace». During the broadcast, Mr. Vaz Mane accused the President Kumba Yala of misappropriation, saying that the President had used funds intended for pilgrimages to Mecca for political and personal purposes. Mr. Vaz Mane was never charged. He was finally released on 19th February 2003, and claims that he was not allowed meeting with his lawyer or his family during that time.

Mr. Vaz Mane was further seriously threatened by Mr. Bitchofla Na Fafé, the chief police commissioner, for denouncing the criminal conduct of some police officers on a radio programme put on *Bombolom* on 9th July 2003. One of the examples he gave was that of an 18-year-old boy who was killed by a policeman for selling groundnuts without any authorisation from the Ministry of Trade. He had quoted the case of a woman who was arbitrarily arrested and sexually assaulted by policemen as they came to her home in search of her husband who was suspected of money laundering.

At a press conference held on 14th July 2003 at the central police station, Mr. Bitchofla Na Fafé publicly denigrated LGDH activities by saying that «Mr. Vaz Mane will not have any more opportunities to spread false information about my policemen and the ministry. That was Mr. Vaz Mane's last statement. He will have to face up to a real man». Mr. Bitchofla Na Fafé openly threatened the LGDH vice chairman to launch legal proceedings against him, although the threat was never turned into action.

LIBERIA

Detention of Mr. Aloysius Toe⁵¹

Mr. **Aloysius Toe**, director of the Movement for the Defence of Human Rights (MODHAR), was arrested on charges of «treason» on

⁵¹ See Annual Report 2002.

4th November 2002. He was suspected of collaborating with the Liberians United for Reconciliation and Democracy (LURD), a group of armed rebels. He was held in the central prison in Monrovia and finally escaped in August 2003 during the fighting. He now lives in exile.

Pillage of Liberia Watch for Human Rights⁵²

In June 2003 Mr. **Thompson Ade-Bayor**, director of Liberia Watch for Human Rights (LWHR), had to flee abroad for several months because he was informed that pro-governmental militia intended to assassinate him because of his activities.

While he was abroad, he was told that the LWHR offices had been completely ransacked during the fighting between LURD and governmental forces and that his son had been kidnapped during these events. The son reappeared several months later. Mr. Ade-Bayor was able to return to Liberia in November 2003.

MAURITANIA

Infringement of lawyers' independence⁵³

Mr **Mahfoudh Ould Bettah**, who is openly committed to human rights, has been leader of the bar for the last 12 years and was re-elected with an absolute majority on 27th June 2002. The government invalidated the elections, in violation of the criminal code, so that a second round could be held. Mr. Khalifa, a pro-government lawyer, was finally officially recognised as the new leader of the bar by the office of the public prosecutor. The second round was rife with irregularities, and Mr. Bettah's supporters reported that they had been pressured by the authorities.

⁵² *Idem.*

⁵³ See Urgent Appeal MAU 001/0703/OBS 033.

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Mr. Bettah was summoned on 24th April and on 12th May 2003 to appear before the Council of the bar, presided over by Mr. Khalifa, the grounds being that he was acting as if he still held his old position. Mr. Bettah felt that the summons was «insulting» and decided not to appear. He was finally suspended for three years, as of 7th July 2003.

NIGERIA

Armed attack against the offices of an NGO and death threats⁵⁴

On 24th October 2003, some 20 armed men burst into the offices of the Consulting Centre for Constitutional Rights and Justice (C3RJ) in Port-Harcourt. After vandalising the premises, they held up Mr. **Churchill Ibeneche**, the executive director of C3RJ, and staff members at gunpoint and threatened to kill them if they didn't clear out within 24 hours.

This happened in the presence of Mr. Bishal Khanal, the representative of the United Nations Voluntary Fund for Project Evaluations, with whom a meeting had been scheduled that day. Mr. Ibeneche and the C3RJ members decided to evacuate the premises. Mr. Khanal's visit may have instigated this attack.

The next day, at the end of the 24-hours deadline, the attackers came back to destroy and steal the remaining documents, computers, books, files, etc.

Still fearing for their life, by end 2003 the C3RJ members had not yet been able to return to their office. All their programmes, especially the support programme for victims of torture, were suspended.

The case was reported to the Nigerian police, but no suspects have been questioned as yet.

⁵⁴ See Urgent Appeal NGA 001/1103/OBS 062.

Reports confiscated⁵⁵

On 14th October 2002 in Lagos, the customs office impounded 2 000 copies of the report entitled *Hope Betrayed? A Report on Impunity and State – Sponsored Violence in Nigeria* published by the OMCT, and the Centre for Law Enforcement Education, Nigeria (CLEEN). State Security services agents harassed Mr. Idris Bawa, a researcher for the National Human Rights Commission, as well as Mrs. Isioma Ojugbana and Mrs. Ijeoma Nwachukwu, two members of the Civil Liberties Organisation (CLO), who worked on this report.

After the report was seized, CLEEN lodged a complaint against the customs services with the Federal high court in Lagos which heard the case in June 2003. On 10th November 2003, after several adjournments, the CLEEN lawyers at last were able to submit their arguments. But because of an overburdened schedule, the court interrupted the hearing and postponed it until 26th January 2004.

On that date, the defence, represented by Mr. S. T. Shodikare, a lawyer who had just taken over the case, asked for the court's leniency, and to postpone the hearing until he could get a certified copy of the legal action underway. The lawyer for the prosecution was not against this request but reminded the court that the hearing had been scheduled for that day, and hence asked that the plaintiffs be awarded 5 000 naira compensation. The judge accepted the hearing to be postponed for 24th March 2004 and 2 000 naira were awarded to the plaintiffs.

RWANDA**Campaign to slander LIPRODHOR⁵⁶**

In 2003, the League for the Promotion of Human Rights in Rwanda (Ligue pour la Promotion des Droits de l'Homme au Rwanda -

⁵⁵ See Annual Report 2002.

⁵⁶ See FIDH press release of 4th June 2003.

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LIPRODHOR), was accused of «divisionism», in other words, working with the Democratic Republican Movement (Mouvement démocratique républicain - MDR), which is a faction of the opposition party said to be «divisive».

These accusations were levied by the parliamentary Commission that was set up at the end of 2002 and tasked to investigate into MDR. When the Commission report was presented in April, LIPRODHOR was accused of receiving money to pay for activities connected to MDR. Although the written report does not explicitly refer to this connection and no legal proceedings have been launched, these accusations are part of a campaign to sully the reputation of LIPRODHOR.

In May, at a meeting organised by a group of women's organisations attended by members of the Parliamentary Commission and representatives of civil society, LIPRODHOR was again pointed at and was accused of «divisive activities».

Last June, the governmental weekly *Imvaho Nshya* published accusations by the prefect of Cyangugu (southwest Rwanda) in an article entitled «LIPRODHOR sows confusion in Cyangugu». According to this article, the prefect blamed the organisation for its «destructive policy» and for «being better known as a political front rather than as a human rights organisation, bringing ethnic differences to the fore day and night» as well as «propagating a divisive ideology».

AMI activities still suspended⁵⁷

The activities of the Modest and Innocent Association (Association modeste et Innocent - AMI) were suspended on 20th February 2002 by the Nyabisindu appeal court. The court banned all AMI publications, in particular its newspaper *Ubuntu*. Since it was suspected of being on good terms with the opposition party Democratic Party for Renewal (Parti Démocratique pour le Renouveau - PDR), AMI was not authorised to resume its activities in 2003.

The appeal court put the chairman of AMI, Mr. **Laurien Ntezimana**, under house arrest at Butare on 20th February 2002. He has to report to the town authorities every week. Although he has been given some lati-

⁵⁷ See Annual Report 2002.

tude since trips outside of Butare and outside the country have finally been authorised, no official legal decision was taken in 2003 to lift the decision of the court.

SENEGAL

Mr. Alioune Tine questioned and intimidated⁵⁸

In March 2003, Mr. **Alioune Tine**, General Secretary of the African Association for the Defence of Human Rights (Rencontre africaine pour la défense des droits de l'Homme - RADDHO) was summoned by the Criminal Investigations Division (Division des investigations criminelles - DIC), for questioning about his support for the National Coalition for Togolese Civil Society (Coalition Nationale de la Société Civile Togolaise) that wanted to organise a seminar in Senegal, with the support of the European Union. Senegal had refused to accommodate the meeting.

On 20th June 2003, Mr. Tine was called in again to the State security services which are under the Interior ministry. He was asked about his relations with Mr. Jemil Ould Mansour, a Mauritanian opposition activist who had fled to Senegal after the unsuccessful attempted coup d'État in Mauritania on 14th-16th June 2003. This interrogation was prompted by the public statements RADDHO had made during the political unrest in Mauritania. Although he condemned the attempted putsch, Mr. Tine also pointed to the serious risks faced by Mauritania refugees, were they to be extradited to their home country. Since there is no extradition agreement between the two countries, Senegal, he stressed, must accept the provisions of the international human rights instruments that guarantee the right to life.

During the interrogation, police inspector Mbaye Sady Diop insisted that «the Senegalese government would hold for responsible any

⁵⁸ See open letter to the Senegalese authorities dated 23rd June 2003.

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person who tried to help Mr. Jemil escaping the law or escaping abroad». The director of the Security services, Mr. Cheikhou Sakho, told Mr. Tine that hiding Mr. Jemil constituted a concealment of someone liable under ordinary law.

Mr. Tine said that he only knew Mr. Jemil through the press and through Mauritanian friends. He did mention, however, that Mr. Jemil risked a life-long prison sentence if he was extradited to his home country. He also mentioned the obligation of Senegal to «offer Mr. Jemil political asylum or enable him to find refuge in some other country».

SUDAN

Arrest and continued harassment of Mr. Gazi Suleiman⁵⁹

On 8th February 2003, Mr. **Gazi Suleiman**, a lawyer and president of the Sudan Human Rights Group (SHRG) was arrested by the National Security Agency (NSA), together with Mr. Al Haj Warrag, managing director of the daily newspaper Al Horia, and Mr. Gnodtke, the Ambassador of Germany to Sudan. The three men had met to prepare the annual commemoration of the death of Mahmoud Mohamed Taha, an intellectual murdered in 1985 during the Numeiri regime.

When the Ambassador was recognised, he was released immediately. Mr. Warrag and Mr. Suleiman were only released a few hours later after having been questioned about their activities.

Mr. Suleiman was arrested again on 2nd July 2003 by NSA agents who burst into his home and then took him to the NSA Department of political affairs, where he was questioned about a press conference that was supposed to be held in his office that same day, in honour of the signing of the Khartoum Declaration (E'laan El Khartoum). This declaration had been signed by 18 political parties, 14 civil society organisations and 78 eminent personalities, in support of the peace process in

⁵⁹ See Urgent Appeal SDN 001/0603/OBS 031.

Sudan and the Cairo Declaration, which called for respect for the diversity of the Sudanese population without discrimination as to ethnic group, sex, religion or political opinion.

After two hours of examination, Mr. Suleiman was told to go home, collect some personal effects and tell his family that he was going to be detained at the Kober prison. His family had no news from him until he was released on 15th July. When his family and close friends tried to visit him in the Kober prison or at the NSA headquarters, they were told that Mr. Suleiman was not being held there.

The NSA agents streamed into Mr. Suleiman's offices and prevented the press conference from taking place on 2nd July. The people there were detained in the offices for over an hour before being taken to the NSA headquarters. They were finally set free later that day.

During the last few years Mr. Suleiman has been arbitrarily arrested and detained several times⁶⁰ by the authorities. In May 2002 he was ordered to dissolve the SHRG⁶¹.

Continued harassment of Mr. Faisal el Bagir Mohamed and against the Amal Centre⁶²

Mr. **Faisal el Bagir**, who is an independent journalist, a correspondent for Reporters Without Borders (RSF), a member of the Sudan Organisation against Torture (SOAT) and of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), was arrested on 8th June 2003 when he returned from Athens where he had attended an international conference on the future of Iraqi information media.

The airport security services went through his luggage and confiscated his passport and various newspapers he had with. After waiting for two hours, he was taken to the NSA Department of political affairs and questioned at length about his activities as a journalist, his political opinions, the purpose of his trip to Athens, and his connections with SOAT, KCHRED and RSF. Several hours went by before he was released.

⁶⁰ See Annual Report 2002.

⁶¹ *Idem*.

⁶² *Idem*.

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Mr. el Bagir, whose activities have been kept under surveillance and checked regularly since 2001 was arrested again under similar circumstances on 26th July and 7th October 2003. He had already been arrested in October 2002 when returning from abroad.

Furthermore, on 6th August 2003 he was arrested when together with Dr. **Nageeb Nagmeldin el Toum**, a SOAT member and head of the Amal Centre for Rehabilitation of Victims of Physical and Mental Trauma. The two men were convened by NSA after SOAT had issued a press release expressing its satisfaction at the liberation of 32 political prisoners; the press release had been published in that day's issue of the *Al Rai Alam* newspaper. After answering questions on the activities of SOAT, Mr. el Bagir and Mr. el Toum also had to provide the papers and the participants' list for a conference that SOAT had held on 26th June at the Abd Al Karim Mirghani Centre in Omdurman to commemorate the U.N. International day in support of victims of torture. The two men had participated in this conference which was chaired by Mr. **Murtada Algali**, a SOAT member and activist of the KCHRED.

Mr. el Bagir and Mr. Algali were summoned again to the NSA media Department on 18th October 2003, after the publication of an article denouncing restrictions on freedom of the press in Sudan and the closing of certain newspapers. The NSA agents had them fill in a file giving details of their private life, their political affiliations and the names of their friends.

Freedom of press has not only been inhibited by constant harassment of independent journalists (in particular regular arrests, for very short periods of time), but also by many other restrictions in 2003. Despite a government decree in December 2002 that officially ended censorship, the authorities drew a sort of «red line» for the press. Any article mentioning subjects that are behind the «red line» such as abductions of women and children, the peace process, the situation of political opponents, the outlawed opposition party Popular National Congress (PNC) or conflicts in the Darfour region, is systematically seized and may not be published. Many independent newspapers were shut down in 2003, e.g. the Khartoum Monitor, the only English-language newspaper in the country. It was suspended four times because of articles criticising the government. Its manager, Mr. Nhial Bol, had to flee abroad in November.

Continued repression of students' movements⁶³

Students were confronted with an upsurge of violence against them in 2003. Many peaceful demonstrations were fiercely repressed by anti-riot squads, followed by arbitrary arrests in many universities across the country. During a peaceful march-past in front of the Bakt al Ridah University on 17th March 2003 organised to protest against the ban on creating a students' association, the police intervened and violently dispersed the demonstrators. Several people were wounded, and 45 students were arrested.

In addition, students suspected of belonging to students' associations or participating in political activities of any sort are systematically sanctioned by their universities, e.g. suspensions and expulsions. Reports indicate that many students are arrested and that some are even tortured during their detention. On 5th January 2004 for instance, the NSA arrested Mr. **Waiel Taha**, a member of the Khartoum University Student Union and a SOAT activist, during a meeting organised in protest at police violence against a group of female students on 3rd and 4th January. Mr. Taha was held in the NSA building, beaten and tortured. He was finally released on 7th January. The prosecutor responsible for «crimes against the state» accused him of «intimidation» (Article 144 of the Criminal Code) and «criminal action» (Article 182). By 10th January 2004, Mr. Taha had not yet been summoned by the court.

Arrest and detention of Mr. Ibrahim Adam Madawi⁶⁴

On 27th December 2003, Mr. **Ibrahim Adam Madawi**, president of the Sudan Social Development Organisation (SUDO), ran a seminar on human rights in Shendi. The next day he was arrested by the NSA at his home in Omdurman.

After searching and ransacking his house, the security agents seized an important amount of documents, in particular the ones concerning a water development project in southern Sudan. They took him to his office at Lamda Engineering, searched the premises and seized his computer.

⁶³ *Idem.*

⁶⁴ See Urgent Appeal 001/0104/OBS 001.

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Mr. Madawi was then detained in some unknown place. On 30th December his wife asked the authorities for permission to visit him. The next day Mr. Madawi was allowed to call home. On 3rd January 2004, his wife was told that he had been transferred to Kober Prison. In early January he was being held there although no charges had been brought against him. The authorities have not given any explanation for this arrest.

SUDO is a volunteer organisation working on sustainable development, especially in the Darfour region where it is researching human rights violations and providing assistance to internally displaced persons. Several SUDO members have been harassed because of their activities. Mr. **Hussein Ibrahim Gindeel**, for instance, SUDO executive director, was held incommunicado from 24th to 27th March, as he was supposed to lead a seminar on the role of the civil society in peace process in Damazin, from 24th to 27th March 2003. Authorities who initially had given permission for a seminar to be held, cancelled it on 24th March without giving any reasons.

TANZANIA

Restrictive law on NGO status⁶⁵

The law on NGOs of November 2002, severely restricting freedoms of association and expression, should have come into force before the end of October 2003 with its publication in the *Official Gazette*. This had still not taken place by December 2003.

The act, which was drafted by the Parliamentary Assembly of Tanzania without any consultation with national NGOs, was ratified by M. Mkapa, President of the Republic, in December 2002.

Obligation to register

Article 35(1) of the act provides for criminal sanctions against NGOs that do not register. In accordance with this article, any person who ope-

⁶⁵ See Open Letter to the Tanzanian authorities dated 8th October 2003.

rates an NGO without obtaining registration «shall on conviction be liable to a fine not exceeding five hundred thousands shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment».

Considering the criminal sanctions attached to the non registration, the situation is likely to become extremely dangerous for NGOs, all the more so as the cases in which the registration can be refused are not strictly defined. Indeed, the NGO Act provides that an «NGOs Coordination Board» (NGO Board) may refuse to approve application for registration of an NGO, particularly if its activities do not strive for public interest. However, the definition of «public interest» is extremely vague. Indeed, according to Article 2 of the Act, «public interest includes all forms of activities aimed at providing for and improving the standard of living or eradication of poverty of a given group of people or the public at large».

Moreover, the NGO Act provides that the director of the NGO Board is appointed directly by the President of the Republic and contains no other provision relating to the qualification of the members of this Board nor on their election process.

Interference in NGO activities

According to the NGO Act, the NGO Board provides «policy guidelines to NGOs for harmonizing their activities in the light of the national development plan». However, some of these national development plans are very controversial for NGOs, with some organizations in fact advocating against some of them, in particular regarding privatization or land acquisition.

Moreover, Article 7 of the NGO Act also provides the NGO Board with the right to «investigate and to inquire into any matter» in order to ensure that NGOs adhere with their own statutes.

Article 25 of the NGO Act establishes a National Council for NGOs (the Council), which is a collective forum of NGOs, whose purpose is the co-ordination and networking of NGOs operating in Tanzania. However, Article 25(4) prohibits any NGO to «perform or claim to perform anything which the Council is empowered or required to do under the act».

ÁFRICA

Pressure on LEAT⁶⁶

In November 2001 Mr. **Nshala Rugemeleza**, president of the Lawyers Environmental Action Team (LEAT), and Mr. **Tundu Lissu**, a LEAT lawyer, had publicly demanded an inquiry into the Bulyanhulu massacre in 1996⁶⁷. Following their declarations legal proceedings were brought against them in April 2002, for «publication with seditious intent».

The case, which had initially been handled by the Magistrate Court, was transferred to the Supreme Court in December 2002 at the request of Mr. Rugemeleza and Mr. Lissu, for examination of the constitutionality of articles 31 and 32 of the Newspaper Act. According to these two articles, any public criticism of government policy and action might be considered as an act of treason and be subjected to prosecution. Interestingly, in 1991 the president of the National Commission of Enquiry had declared that these provisions were incompatible with the freedom of expression guaranteed by the Tanzanian Constitution and had requested the government to amend them. Twelve years later nothing had been done yet.

Although the Supreme Court has been in charge of the case since December 2002, Mr. Rugemeleza and Mr. Lissu continue to be summoned by the Magistrate Court. The hearing was again postponed on 30th October 2003 with no date specified.

Furthermore, at the beginning of October 2003, Mr. Lissu was threatened by the president of the National bar association who had recently been promoted to Supreme Court judge and who had stated to Mr. Lissu that «his life was worth more than his work». At the same time Mr. Lissu had been placed under close police surveillance for several days. These threats have since ceased.

⁶⁶ See Annual Report 2002.

⁶⁷ In August 1996, during the expulsion of thousands of miners in the Bulyanhulu region, around fifty of them died as a result of being buried alive.

HUMAN RIGHTS DEFENDERS HARASSED

TOGO

Threats and harassment against ACAT-Togo⁶⁸

At the end of January 2003, the Christians' Action for the Abolition of Torture (Action des chrétiens contre la torture - ACAT) produced a very critical report on human rights in Togo in 2002. This report was presented to the European Parliament as part of a debate on the human rights situation in Togo to take place during the Parliamentary session of the Committee on Development and Cooperation on 19th February 2003.

On 13th February the chairman of ACAT-Togo, Mr. **Yannick Koffigan Bigah**, was summoned by the minister of Justice and the Interior minister and was required to explain this report. He was also summoned by the Head of State. Fearing for his own safety, Mr. Koffigan Bigah decided to leave the country.

The members of ACAT-Togo continue to be subjected to intimidation following the departure of their chairman (anonymous phone calls, shadowing, etc.) by individuals in civilian dress.

ZIMBABWE

The number of human rights violations has continued to rise since the 2002 presidential elections - a result of the increasingly restrictive policies of Mr. Robert Mugabe's regime. Repression aimed at human rights defenders, lawyers, journalists and trade unionists has also changed in nature, as noted by the August 2003 mission mandated by the Observatory⁶⁹. Legal frameworks are not just being ignored; they are

⁶⁸ See Urgent Appeal TGO 001/0203/OBS 009.

⁶⁹ See joint report by Observatory and ZimRights published in February 2003 and presented at the U.N. Commission on Human Rights, *Onslaught Against Human Rights Defenders*.

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being turned into instruments that the government uses for its own purposes. Freedoms of speech, association and assembly are being threatened by the adoption of new and particularly restrictive legislations. The new bill on NGOs, expected to be adopted in the next few months, clearly illustrates this point. The justice system's increasing lack of independence, the corruption of judges and systematic hearing delays are all weakening the position of defenders, who fear they will soon be deprived of all judicial recourses.

Adoption of restrictive legislation

The Public Order and Security Act - POSA

Since its adoption in January 2002, the law on public order and security has become one of the government's most effective means of repressing all forms of opposition and turning the legitimate exercise of basic freedoms into a crime.

Freedom of speech is the main target of this law, which in fact forbids any criticism of the President and his government. Article 16, for example, condemns any declaration that is «abusive, indecent, obscene or false (...), that may engender feelings of hostility towards, or causing hatred, contempt or ridicule» of the President. Article 15 also prohibits «publishing or communicating false statements prejudicial to the State», as well as declarations «adversely affecting the economic interests of Zimbabwe, or undermining public confidence in a law enforcement agency». Recourse to these dispositions-which in fact go against article 20 of the Zimbabwean Constitution-is facilitated by their particularly murky formulation. The POSA has been repeatedly invoked against journalists, trade unionists and human rights defenders.

This Act also constrains freedom of association and assembly. In addition to requiring the organisers of any public meeting to inform the local police of a meeting four days in advance (the police being allowed to cancel it altogether for the sake of «public order» - a provision systematically used against opposition parties and human rights defenders, though never on the ruling party meetings), article 19 also prohibits any act that «forcibly disturbs the peace, security or order of the public or any section of the public; or invades the rights of other people; [or intends] to cause such disturbance or invasion or realising that there is a risk or possibility that such disturbance or invasion may occur». The

combination of the requirement to inform public venues and the vagueness of the provision amounts to an arbitrary and selective limitation of freedom of assembly.

The Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA)

The Act, passed in March 2002, and amended in 2003, in effect allows for the authorities to exercise close political supervision on all media operating in Zimbabwe. Sections 38-42 of AIPPA provide for the establishment of a Media and Information Commission (MIC), whose board is appointed by the Information minister, currently Jonathan Moyo. The MIC is responsible for the now mandatory registration of all media and journalists operating in Zimbabwe (section 66). This also holds true for foreign journalists. Since the licence granted by the MIC must be renewed each year, many journalists prefer to censor themselves rather than risk having their licenses revoked. An editor interviewed by the Observatory's mission leaders admitted to watering down his journalists' articles on a regular basis, in order to avoid having the newspaper closed down. Furthermore, under section 65 of the Act, the MIC can take action against any journalist who publishes information deemed to «threatens the interests of defence, public safety, public order, the economic interests of the State, public morality or public health». The AIPPA, by combining a particularly pernicious means of registration and strict limitations vis-à-vis news reported, restricts freedom of speech both directly and indirectly. This act has not only been used many times against journalists; it has also been invoked against human rights activists gathering data, and as such further hinders the population's access to information.

The Broadcasting Services Act (BSA), adopted in 2001, allows for close governmental control on the whole broadcasting sector. According to sections 6, 7, 11 and 15 of BSA, all broadcasting media is required to be licensed, and agreement rests in the hands of the Broadcasting Authority of Zimbabwe (BAZ), whose members are appointed by the minister of Information. Furthermore, section 24 of the BSA allows the minister to have a say in the contents of the broadcast programmes, and gives him the right to ban any broadcaster deemed to be a threat to national security.

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*Private Voluntary Organisations Act - PVO Act*⁷⁰

The PVO Act, though enacted in 1967, had never been fully enforced. In a September 2002 notice, however, the government reasserted the provisions of the PVO Act, which, in its section 6, requires all private voluntary organisations (including NGOs) to register with the minister of Public Service, Labour and Social Welfare. In a speech to the Parliament in November 2002, the minister of Justice also declared that unregistered associations should immediately cease their activities, or face closings and arrests.

Of further concern for human rights defenders in Zimbabwe is the government's intention to adopt new legislation to replace the PVO Act with new legislation, to ensure Zimbabwean NGOs «are not infiltrated by foreign agents» according to a government official. The future law would give the government greater control over non-governmental organisations' activities by tightening conditions for their registration. The National Association of Non-Governmental Organisations (NANGO), a coalition of Zimbabwean NGOs, has already been consulted on the draft of the bill, but this consultation does not provide any governmental guarantee that the interests of NGOs will really be taken into account. There has also been concern within the NGO community that NANGO might not be as independent and representative as originally hoped.

Increasing attacks against human rights defenders

NGOs targeted

In July 2003, NGOs involved in food aid received new operational guidelines making it mandatory to go through state organs to distribute food. Amidst protests from the international community concerned about politicisation of food aid distribution, the government quickly retracted and officially declared that these new provisions should not be implemented. They have never been legally and officially annulled, however, and so could still be applied at any time. In 2003, many associations were in fact subjected to intense pressure to employ youth mili-

⁷⁰ See Annual Report 2002.

tias in their teams and to direct food aid to certain regions chosen by local authorities.

NGOs working to defend human rights, lawyers' associations and development organisations were also targeted in 2003:

In February 2003, Dr. **Makumbe**, an NGO activist, president of Transparency International- Zimbabwe and outspoken academic known for his criticism of the regime, was arrested along with Mr. **Brian Kagoro** and Mr. **Brian Raftopolous**, both members of the Crisis Coalition of Zimbabwe, at a peaceful demonstration organised by the church. The three men were charged under POSA for organising and attending an «illegal gathering». They were set the same day without charges.

On 14th February 2003, Mrs. **Sheba Dube-Phiri**, president of ZimRights and member of the Women of Zimbabwe Arise (WOZA), a NGO advocating recognition of women in Zimbabwe, was arrested along with 15 other women and 2 men following a demonstration organised by WOZA. All were released on 16th February without charges.

On 10th May 2003, 46 women -most of them WOZA members- were arrested after a demonstration organised to commemorate Mothers' Day in Bulawayo. They were first denied access to a lawyer during their detention and were released on 11th and 12th May, without having been informed of the reason for their arrest.

On 5th June 2003, Mrs. Dube-Phiri and Mrs. **Jennifer Williams**, also a WOZA member, went to the police station in Bulawayo to provide food for detainees who had not been given anything to eat for some days. They were escorted by their lawyers Mr. **Ncube** and Mr. **Ndebele**. The women and their lawyers were arrested upon arrival at the police station and the lawyers' licences were confiscated. The police insulted them, threatened to abduct and kill them and accused them of incitement to rebellion. Mrs. Williams and Mrs. Dube-Phiri, as well as Mr. Ncube and Mr. Ndebele, were released the same day without charges.

Mrs. Williams was arrested again on 24th July along with 47 other women following a peaceful demonstration organised in Bulawayo. She was also brought in for questioning on 18th November. In both cases the police freed her the same day without bringing any charges against her.

On 6th June 2003, in the Bindura region, members of President Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) abducted and tortured a group of employees of the Zimbabwe

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Civic Education Trust (ZIMCET). The ZANU-PF members then handed them over to the Bindura police station, where they were held until 9th June without being informed of the charges brought against them. However two ZIMCET members were accused of having organised a public meeting without prior authorisation on the basis of article 24 of the Public Order and Security Act.

The National Constitutional Assembly (NCA), a coalition of Zimbabwean NGOs created in 1996, has been under considerable pressure from authorities since it played an active role in the 2000 constitutional referendum that led to the rejection of President Robert Mugabe's proposal to revise the Constitution.

Early 2003, the president of the NCA, Mr. **Lovemore Madhuku**, was arrested along with several other association representatives. They were all accused of trying to overthrow the government and detained for 24 hours at the Harare police station where they were insulted, threatened and ill-treated. They were released without having had access to a lawyer, and without being informed of the charges against them. At the end of August 2003, the president of the Maronga section of the NCA was arrested under similar circumstances.

On 22nd October 2003, while peacefully demonstrating in Harare, 400 activists including NCA president Mr. Lovemore Madhuku⁷¹, were beaten and then arrested by the police⁷². The demonstrators were calling for a reform of the 1978 Constitution, which was drawn up before Zimbabwe's independence, and greater democracy. They were placed in detention and denied access to their lawyers, who were violently manhandled when they appeared at the police station. Most of the demonstrators were released the next day, after paying Z\$ 5 000 in bail. Dr. Madhuku, who refused to pay the deposit fine, was retained and accused of having infringed upon article 24 of the POSA («illegal assembly without prior authorisation from authorities»). He was released provisionally on 24th October after an immediate court appearance, and his case was re-examined the following week. The court refused to place him on further remand and in the end found him innocent of all charges.

71 See Urgent Appeal ZIM 001/1003/055.

72 *Idem*.

Last but not least, all meetings organised by the NCA that are not prohibited on the basis of the POSA are closely watched and disrupted. One example of such treatment was the meeting held in mid-August 2003 in Hwange in Matabeleland province. The NCA further reports frequent police raids in their main office in Harare (usually right before a meeting, or immediately following it), seizing many working documents.

Lawyers and magistrates

Many human rights defenders denounce the lack of independence of government-appointed judges, who invariably rule in keeping with government orders. Many cases of corruption have been reported - the ruling party, for instance, has granted land and farms to some of the Supreme Court judges.

Conversely, the government has also systematically transferred and/or demoted judges perceived to having issued rulings too favourable to the opposition or to civil society. Judge **Gorwe**, for example, was transferred after having refused to release several ZANU-PF supporters on bail. The pressure on magistrates has reached such heights that it forced the former Chief Justice Mr. **Gabbay** to retire, as the government publicly said it could no longer guarantee his protection and security. Between 2001 and 2002, 6 Supreme Court and High Court judges were pressed to resign under similar circumstances and were replaced by pro-governmental magistrates, thus paralysing the country's highest judicial bodies.

In addition, court sessions involving human rights defenders or land distribution are regularly disrupted by ruling party supporters and youth militias.

On 17th January 2003, Mr. **Gabriel Shumba**, a lawyer working for the Zimbabwe Human Rights Forum, and his client Mr. Job Sikhala, member of the Chitungwiza Parliament and member of the Movement for Democratic Change (MDC), were arrested along with other MDC members. They were denied access to a lawyer, and were severely tortured by state agents, whose ill-treatments included forcing them to drink urine. All were freed on 19th January in precarious health. Despite medical reports filed after their release, the police officers responsible for these acts of torture were not charged. Most of the victims required post-trauma medical treatment in South Africa. Mr. Shumba, who now lives in exile, continues to receive threats.

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On 17th February 2003, Mr. **Justice Benjamin Paradza**, a Harare High Court judge, was arrested at his office. He was detained at the Borrowdale police station and accused of «corruption» but no judicial basis for the charge was noted. His arrest came after a ruling of his in favour of the capital's mayor and MDC member Mr. Mudzuri. On 16th September 2003, the Supreme Court declared that Mr. Paradza's arrest, detention and custody were unconstitutional, and therefore rejected the charges brought against him.

On 8th April 2003, State prosecutor Mr. **Chikafu** was violently accosted by a group of independence war veterans, who criticised him for having provisionally released several MDC supporters who had been arrested a few weeks earlier.

On 2nd June 2003, Mr. **Chidawanyika** and Mr. **Kufaruwenga**, both lawyers and human rights activists, went to the central police station in Gweru, in the interior of the country, to defend clients. Police there insulted and ill-treated them, and prevented them from meeting with their clients. On 15th August 2003, in Victoria Falls in north western Zimbabwe, Mr. Dube, another lawyer, was attacked under similar circumstances by policemen based at the Victoria Falls army camp.

On 16th August 2003, Mr. **Walter Chikwanha**, magistrate of Chipinge court, and Mr. **Khumalo**, court president, were attacked by a group of independence war veterans in front of the court's premises, following a ruling against the government. Armed with sticks and brass knuckles, the assailants violently beat the two magistrates and four court employees. Police were present at that time but did not intervene.

The veterans, escorted by two armed policemen, then brought Mr. Chikwanha to the National Security offices next to court offices and forced him to sing ZANU-PF slogans in public before releasing him.

The ministry of Justice refused to officially condemn this attack and transferred Mr. Chikwanha to the Mutare court in August 2003.

The prominent human rights lawyer Mrs. **Béatrice Mtetwa** was the victim of another attack on 12th October 2003⁷³. When she saw a group of men in the street attempting to steal her car, Mrs. Mtetwa called the

73 See Annual Report 2002.

Borrowdale police station. But instead of chasing the thieves, the police attacked Mrs. Mtetwa, kicking and hitting her on her face and her body. Mrs. Mtetwa filed a complaint on 16th October.

Pressure on mass media and journalists

On 7th April 2003, Mr. **Frank Chikoklore**, a *SW Radio Africa* correspondent, who had filed several stories on the stay-aways, was arrested while on the bus; he was taken to Kutama police station, where he was accused of «wanting to overthrow the government». He got stripped, severely beaten for several hours. He was released the following day with no charges. He twice went to the police (in Norton first, then in Harare) to complain, but both times the police refused to file a case.

On 18th March 2003, Mrs. **Gugulethu Moyo**, legal adviser for the Associated Newspapers of Zimbabwe (ANZ), an organisation created under the direction of the *Daily News*, went to the Glen View police station to apply for the release of Mr. Philemon Bulawayo, photographer for the *Daily News*. Mr. Bulawayo had been arrested that same day while covering an opposition-organised demonstration called for by the MDC. Mrs. Moyo was mistreated and arrested upon arrival at the police station. Both were detained for two days and then released without charges.

On 30th June 2003, the ANZ chief executive officer Mr. **Sam Nkomo**, the *Daily News's* publishers, the paper's commercial director Mr. **Moreblessing Mpofu**, its editor Mr. **Nqobile Nyathi**, as well as Mrs. Gugulethu Moyo, were accused of infringing on the POSA. In May 2003 the *Daily News* had published MDC announcements calling for a massive protest movement at the beginning of June. When these adverts were published, Mr. Nkomo and Mr. Mpofu were charged under section 16 of POSA of «denigrating the government». They were made to sign warned and cautioned statements before being released. Also on the basis of article 16, Mr. Nyathi was accused of «offending the president» following the 26th June publication of another article.

Mrs. Moyo, who served as Mr. Nkomo's and Mr. Mpofu's lawyer in this case, was accused of «inciting people in the Glen View and Budiriro suburbs to rebel» on the basis of article 19. These accusations were made following her arrest in Glen View in March, when she was released without charges. The police first denied Mrs. Moyo access to a lawyer, pointing out that she could defend herself since she is a lawyer. She could in the end be represented by another ANZ lawyer, Ms. Kay

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Ncube. Mrs. Moyo was released after signing the statement.

On 12th September 2003, the Supreme Court ruled that *The Daily News* was operating illegally because it had not been registered with the MIC. Its offices were then hastily closed. *The Daily News* appealed this decision, and on 24th October, Judge Majuru ordered the MIC to register the paper and its parent company, the ANZ.

On 25th October *The Daily News* came out with a limited edition of the newspaper to announce the Court's decision. The editorial staff's premises were immediately closed down and four ANZ directors charged with «publication without prior authorisation» based on the AIPPA. The police claimed that the Court's decision did not constitute a legal authorisation to operate and as such did not lift the newspaper's suspension. The four men were provisionally released, and the next hearing is set for 6th February 2004.

The Media and Information Commission lodged an appeal to the Supreme Court's decision of 24th October. The verdict rendered by Mr. Nare on 19th December upheld Mr. Majuru's decision and ruled that *The Daily News* should be authorised to resume publishing. Mr. Nare's judgment also strongly suggested that the MIC abuses court process to buy time and frustrate ANZ's remedy as well as freedom of expression. Mr. Nare and his family were repeatedly threatened during the case and on the day the verdict was pronounced, Mr. Nare was subjected to a vast smear campaign relayed by pro-governmental media, in particular *The Herald*.

The police ignored the Court's ruling and kept the newspaper closed down.

The AIPPA was also used against foreign journalists. In early 2003, *The Guardian* correspondent Mr. **Andrew Meldrum**, was tried for «publishing a falsehood», a criminal charge carrying a jail term of two years. The court ruled in his favour, acquitting him of the charges and allowing him to stay in the country, but he was illegally abducted and expelled from the country in May. His wife, Dolores Cortez Meldrum, a permanent resident of Zimbabwe, was illegally deported on 23rd June.

Pressure on trade unionists

Authorities systematically cracked down on trade unions this year, in particular on the Zimbabwe Congress of Trade Unions (ZCTU). Given the increasing risk of arrest or injury to its members during large-scale actions, the ZCTU was forced to reduce its activities in 2003. Observers

on field noted many violations to the freedoms of association and assembly. Restrictions were reported in particular by the International Labour Organisation (ILO), which quoted the case of Zimbabwe in June 2003 in a declaration on the Organisation's Convention n° 98 concerning the right to organise and bargain collectively.

Along with the POSA, authorities also made use of the Labour Relations Amendment Act (LRAA) adopted in March 2003. The LRAA greatly restricts trade unions' freedom to organise demonstrations and strikes. The government also gained better internal control of the country's largest companies by purchasing large blocks of shares, and was thus able to set up new and closely-monitored in-house trade unions. This is the case, in particular, at Galiba caterpillars company and the Aroma clothing manufacturing plant.

In April 2003, 20 trade unionists were arrested and released on bail after paying Z\$ 7 million.

On 2nd June 2003, a local Masvingo ZCTU leader was called into the Masvingo central police station. He was arrested the next day, bullied and severely beaten before being released provisionally.

On 8th and 9th October 2003, more than 165 officials and members of the ZCTU were arrested in different cities of Zimbabwe, including general secretary **Wellington Chibebe**, president **Lovemore Matombo**, and the trade union's vice president **Lucia Matibenga**, while peacefully demonstrating to protest over high levels of taxation, high cost of living, shortage of cash and the gross violation of human and trade union rights. They were later released without charges.

On 18th November 2003, Mr. **Peter Munyuwi** and Mr. **David Shambare**, both ZCTU members, were arrested and severely beaten. Mr. Shambare had received threats after organising protests against the Zimbabwe rail company. Both men were released without any charges having been brought against them.

