



Republic of Chad

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO
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And

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we have members in more than 170 countries.
- 1.2** Réseau Des Défenseurs Droits Humains en Afrique Centrale (REDHAC) is a network of human rights defenders (HRDs) and CSOs in the Central Africa region. Created in 2007, REDHAC has members in eight countries in Central Africa including the Republic of Chad. Its primary focus is the protection of fundamental human rights in these countries.
- 1.3** In this submission, CIVICUS and REDHAC examine the Government of Chad's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Chad's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on HRDs since its previous examination during the 25th session of the UPR in July 2013. To this end, we assess Chad's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.4** During the 2nd UPR cycle, the Government of the Republic of Chad received a total of 298 recommendations. Of these recommendations, 214 were accepted and 84 were noted. However, an evaluation of a range of legal sources and human rights documentation set out in this submission demonstrates that the government has not fully implemented all recommendations relating to civil society space. Indeed, the government has not fully implemented any of the 214 recommendations it accepted.
- 1.5** CIVICUS and REDHAC are deeply concerned by ongoing attacks on and intimidation, harassment and judicial persecution of HRDs, leaders of citizen movements and CSO representatives. HRDs operate in a very restrictive environment. They are often arrested, held incommunicado and forced to sign letters admitting guilt or offering apologies to the state even when they have not committed any offence. We are appalled at the frequent arbitrary arrests, detention and judicial persecution of journalists, particularly those who write and publish information about government officials. Because of the wide range of restrictions on the freedom of expression and the media, many journalists have resorted to self-censorship and others had fled the country after being targeted. We express concern over the shutting down of the internet and placing of restrictions on social media during elections or when protests are planned.
- 1.6** We are further alarmed by restrictions on the freedoms of assembly and association in Chad. The authorities seldom approve requests to hold protests from members of the political opposition, civil society and unions while similar requests from supporters of the ruling party are often granted. The authorities often impose lengthy bans on public protests when they are planned and in cases where protests are eventually held, they are often violently repressed with protesters killed, injured and arrested. The absence of democratic reforms, high levels of corruption, blatant violations of human rights and socio-economic challenges for a majority of the population have

led to the formation of several citizens' movements that raise awareness about these challenges and call on the government to take action. The government has on several occasions specifically targeted some of these movements and other CSOs, accusing them of being 'mercenaries' and of trying to overthrow the government. The leaders of these movements are often targeted and subjected to arbitrary arrests and judicial persecution. Unions that protest against austerity measures or the reduction of salaries for workers are threatened with closure.

1.7 As a result of these restrictions, civic space in Chad is currently rated as 'repressed' by the CIVICUS Monitor, indicating serious restrictions in fundamental freedoms.¹

- Section 2 of this submission examines Chad's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs and civil society activists.
- Section 3 examines Chad's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and the persecution of journalists.
- Section 4 examines Chad's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 5 of this submission examines Chad's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 6 contains a number of recommendations to address the concerns raised under the 2nd cycle and to advance the implementation of its recommendations.
- An annex covering the implementation of 2nd cycle UPR recommendations related to civic space.

2. Harassment, intimidation and attacks against human rights defenders and civil society activists

2.1 Under the Republic of Chad's previous UPR examination, the government received six recommendations on the protection of HRDs and civil society representatives. The government committed to several relevant recommendations, including supporting human rights advocacy and creating a safe environment for all who promote human rights. The government also committed to ensuring that all crimes and violations against HRDs are investigated and those responsible brought to justice. The government noted all six recommendations. However, as examined in this section, the government has not fully implemented any.

2.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to HRDs. However, in spite of these protections, HRDs in Chad are routinely threatened, arbitrarily arrested and detained for condemning human rights violations, raising concerns over the excesses of government and condemning corrupt practices. The government has neither taken adequate measures to protect HRDs nor to bring perpetrators to justice.

¹ CIVICUS Monitor: Chad, accessed 5 March 2018, <https://monitor.civicus.org/country/chad>.

- 2.3** On 19 February 2018, HRD and spokesperson of the IYINA (we are tired) citizens' movement, Alain Didah Kamba, was arrested by the police and accused of attempting to burn a tyre on the street.² IYINA was formed in response to the socio-economic challenges facing Chadians and the absence of democratic reforms by President Idriss Déby after 25 years in office.³ The movement brings together mostly young people from CSOs, political parties, the media, students and women's organisations, and advocates for civil and political rights and reforms in Chad. Alain was not formally charged and during the initial stages of his detention was denied access to his lawyer as the police refused to confirm whether he was in their custody. He was physically assaulted while being interrogated by the police. During the interrogation the police asked him to disclose the identities of the funders of IYINA and accused him of attempting to destabilise Chad. He was asked to write a letter of apology as a condition for his release. He refused and insisted he had not committed any crime.⁴ Alain was initially released from detention on 23 February 2018 on health grounds as he had difficulties standing upright after torture. On 26 February 2018, a court in N'Djamena, the capital, ruled there was no evidence to justify the accusations against him and medical reports from a local hospital confirmed he had been tortured.⁵
- 2.4** On 5 May 2017, HRD Maoundoe Decladore Djikoldingam was arrested by members of the National Security Agency (ANS) in the city of Moundou and held incommunicado in an undisclosed location.⁶ It was later revealed that he had been held at the ANS premises when he was moved to a hospital in Moundou after his health deteriorated significantly while in detention. His arrest was related to the fact that he had spoken to the media about the security situation in Chad and had publicly expressed support for two HRDs, Nadjo Kaina Palmer and Bertrand Solloh (see 2.5), who were detained at the time. On 15 April 2017, he had called on Chadians to declare a national day of mourning and to condemn high levels of unemployment.⁷ Maoundoe is spokesperson for the citizens movement *ça doit changer* (it must change).
- 2.5** On 6 April 2017, HRD Nadjo Kaina Palmer was arrested by members of the ANS and held in an undisclosed location. He is the spokesperson for the IYINA movement and coordinates the Chadian branch of the *Tournons La Page* (Turn the Page), a pro-democracy movement with members across Africa that come together to demand democratic change on the African continent. He was arrested days before he was due to participate in protests against high levels

² 'Arrestation d'un militant de la société civil au Tchad', VOA, 20 February 2018, <https://www.voaafrrique.com/a/tchad-arrestation-d-un-militant-de-la-societe-civile/4261955.html>.

³ 'Tchad: Le mouvement Iyina forme le jeunes aux valeurs de la citoyenneté et de la démocratie', Alwindia, 29 September 2017, https://www.alwihdainfo.com/Tchad-Le-Mouvement-Iyina-forme-les-jeunes-aux-valeurs-de-la-citoyennete-et-de-la-democratie_a58116.html.

⁴ 'Iain Kamba et libre de se chaînes pas de ses peines', DW, 2 March 2018, <http://www.dw.com/fr/alain-kamba-didah-est-libre-de-ses-cha%C3%AEnes-pas-de-ses-peines/a-42795359>.

⁵ 'Tchad: abandon des poursuites contre un journaliste et un militant des droit de l'homme', Africa Time, 26 February 2018, <http://fr.africatime.com/tchad/articles/tchad-abandon-des-poursuites-contre-un-journaliste-et-un-militant-des-droits-de-lhomme>.

⁶ 'Tchad: le collectif ça doit changer exige le libération de son porte-parole arrêté', Alwindia, 6 May 2017, https://www.alwihdainfo.com/Tchad-Le-Collectif-Ca-doit-Changer-exige-la-liberation-de-son-porte-parole-arrete_a54066.html.

⁷ 'Tchad, un militant en liberté provisoire', Amnesty International press release, 7 June 2017.

of impunity and unresolved governance issues in Chad.⁸ Prior to his arrest, he held a press conference on 3 April 2017 during which he invited young people and the general population to observe the first anniversary of the 2016 elections on 10 April by wearing red in protest against impunity, corruption and the absence of democratic reforms.⁹ He has been targeted for his human rights activities on several occasions. On 10 April 2017 another member of the IYINA movement, Bertrand Solloh Ngandjei, was arrested by the ANS and detained at N'Djamena prison. Nadjo and Bertrand were both found guilty of instigating a public assembly by a court in N'Djamena and handed a six-month suspended sentence.¹⁰

2.6 On 30 September 2016, HRD and online activist Tadjadine Mahamat Babouri was arrested in Bololo in N'Djamena after he released images on social media that were critical of corrupt practices by government officials. He also expressed serious concerns over the socio-economic challenges facing Chadians.¹¹ In the video, he drew attention to the misuse of state funds by government officials. He was charged with undermining the constitutional order, threatening national security and collaborating with an insurrectionist movement. He was reportedly tortured in detention. In March 2017, his health deteriorated significantly but prison authorities ignored requests from two doctors to move him to a medical facility.¹²

2.7 On 21 March 2016, HRD Mahamat Nour Ibedou was arrested and detained after responding to a summons from the director of the judicial police.¹³ He is president of *Convention Tchadienne pour les droits de l'Homme*, (Chadian Convention for Human Rights) a human rights organisation, and a member of the Ca Suffit social movement. Prior to his arrest, the Ca Suffit movement had called for a protest on 29 March 2016. The arrest of Mahamat was linked to this call. His arrest was followed by the arbitrary detention of HRDs Nadjo Kaina Palmer (see 2.5) as well as Younous Mahadjir of the Union of Trade Unions in Chad. On 23 March 2016, Céline Narmadji, president of the *Association des femmes pour le développement et la culture de la paix au Tchad* (Women's Association for the Development of Culture and Peace in Chad) and spokesperson of the *Trop c'est Trop* (enough is enough) movement was arrested and detained.¹⁴ All four HRDs were initially held at the premises of the judicial police before they were moved to the Am Sinéné prison in

⁸ 'Au Tchad, le porte-parole du mouvement citoyen "IYINA" Nadjo Kaina Palmer serait enlevé par les services de renseignements du régime', 7 April 2017, <https://www.tchadpages.com/au-tchad-le-porte-parole-du-mouvement-citoyen-iyina-nadjo-kaina-palmer-serait-enleve-par-les-services-de-renseignements-du-regime>.

⁹ 'Arrestation de Nadjo Kaina Palmer: les jeunes menacent de descendre dans la rue à tout prix', Makaila, 7 April 2017, <http://www.makaila.fr/2017/04/arrestation-de-nadjo-kaina-palmer-les-jeunes-menacent-de-descendre-dans-la-rue-a-tout-prix.html>.

¹⁰ 'Tchad: condamnation avec sursis et libération de MM. Nadjo Kaina Palmer et Bertrand Solloh Ngandjei', World Movement for Human Rights, 7 May 2017, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tchad-condamnation-avec-sursis-et-liberation-de-mm-nadjo-kaina-palmer>.

¹¹ 'Tchad prisonnier politique Babouri', Le Tchadanthropus, <http://www.letchadanthropus-tribune.com/tchad-prisonniers-politiques-babouri>, accessed 1 March 2018.

¹² 'Tchad. Le journaliste et blogueur Mahadine dans un état de santé alarmante', Makaila, 5 July 2017, <http://www.makaila.fr/2017/07/tchad-le-journaliste-et-blogueur-mahadine-dans-un-etat-de-sante-alarmante.html>.

¹³ 'Chad: between ambition and fragility', International Crisis Group, 30 March 2016, <https://www.crisisgroup.org/africa/central-africa/chad/chad-between-ambition-and-fragility>.

¹⁴ 'Chad leader set for fifth term as he jails activists', The Times, 9 April 2016, <https://www.thetimes.co.uk/article/jschad-election-strongman-preview-sbbwr3z7c>.

N'Djamena. They were accused of inciting an illegal assembly and provoking the authorities. On 14 April 2016, they were handed a suspended four-month prison sentence and released.¹⁵

2.8 On 15 June 2015 Djeralar Miankeol, land rights activist and director of Ngaoubourandi, a CSO, was arrested after he expressed concerns over corruption in the justice system and discussed the issue of land grabbing during an interview with Radio FM Liberté, a local radio station. Ngaoubourandi advocates against land grabs and corruption in Chad.¹⁶ Djeralar was found guilty of “contempt of court” and “insulting a magistrate.”¹⁷ He was sentenced to two years in prison and fined 100,000 FCFA (approximately US\$200) by the High Court.¹⁸ Djeralar was transferred from prison to a hospital after his health deteriorated while in detention. He successfully appealed against the sentence at the Moundou Appeals Court on 28 July, when he was acquitted of the charges. Djeralar has been subjected to judicial persecution for several years because of his campaigns against the forceful exploitation of land, land grabbing and conflict between cattle breeders and farmers.

3. Freedom of expression, independence of the media and attacks on journalists

3.1 Under the 2nd UPR cycle, the government of the Republic of Chad received 12 recommendations relating to the freedom of expression, independence of the media and attacks on journalists. Among other recommendations, the government pledged to take measures to establish a new legislative framework to ensure the freedom of the press. Of the recommendations received, one was accepted and 11 were noted. However, as discussed below, none of these recommendations have been fully implemented.

3.2 Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Chad is a state party, guarantees the right to the freedom of expression and opinion. Article 27 of the Constitution of Chad guarantees the freedom of expression and of the press. It states that the freedoms of opinion, expression, communication and press are guaranteed to all. In reality, journalists are subjected to arbitrary arrests and prosecution when they publish views that are critical of government actions. The High Counsel of Communication (HCC) – the national regulatory media body – also has the authority to grant licenses to radio stations before they operate. The licence fees remain exceptionally high at 5 million FCFA (approximately US\$9,500) a year, which is a major impediment against the registration of private radio stations. The HCC censors content on radio, and has on occasion ordered the closure of radio stations and confiscated copies of newspapers. It often threatens private media outlets that publish or broadcast stories critical of the government with closure.

¹⁵ ‘Tchad: le quartre leaders de la société civile condamnés 04 mois d’emprisonnement avec sursis’, Tchad Infos, 14 April 2016, <http://tchadinfos.com/tchad/tchad-les-quatre-leaders-de-la-societe-civile-condamnes-a-04-mois-demprisonnement-avec-sursis>.

¹⁶ ‘Association Ngaoubourandi (ASANGA)’, Peace Direct, July 2015, <https://www.peaceinsight.org/conflicts/chad/peacebuilding-organisations/association-ngaoubourandi>.

¹⁷ ‘Tchad: Amnesty International appelle à libération de Djeralar Miankeol’, Journal du Tchad, 9 July 2015, <http://www.journaldutchad.com/article.php?aid=7611>.

¹⁸ ‘Human rights activist sentenced to two years in prison in Chad’, 14 July 2015, https://www.bicc.de/fileadmin/Dateien/pdf/press/2015/PE_int_djeralar_2015_07_14.pdf.

- 3.3** On 8 February 2018, Djimet Wiché, publisher of the Alwihda info news website, was held by members of the ANS and handed over to the police as he covered peaceful protests led by civil society groups. The police confiscated his camera and phone, detained him briefly and let him go only after he had been forced to promise that he would not publish photos of the protests. The police threatened to come after him if the photos were published.¹⁹ Previously, on 25 January 2018, Djimet was physically assaulted by police officers as he covered an anti-government protest in N’Djamena.²⁰ In response to these attacks and other forms of harassment experienced by journalists and private media outlets, the Union of Chad Journalists (UJT) organised a “day without the press” protest on 21 February 2018. On the day of the protests, several private radio stations did not broadcast and newspapers were withdrawn.
- 3.4** On 23 January 2018, Mahamat Abakar Issa, journalist and director of the Alchahed newspaper, was summoned by the judicial police and arrested over a story he published on 27 December 2017 about the relationship between the governments of Chad, Sudan and Turkey.²¹ In the article, titled ‘dialogue between Sudanese president Omar al-Bashir and his Turkish counterpart Erdogan’, he stated that during a conversation between the presidents of Sudan and Turkey, the Sudanese president advised the Turkish president not to invest in Chad because it did not have a conducive environment for foreign investment.²² Before his arrest he was summoned by the HCC following a complaint by the embassy of Sudan over the article. He was then referred to the police. After he was detained, the police confiscated a computer and several documents from the offices of Alchahed. Mahamat was released after a week without any charges.
- 3.5** On 17 October 2017, Juda Allahondoum, journalist and publisher of the Vissionnaire newspaper, was arrested and detained after he published an article about the transfer of weapons to Syria by private Chadian airline Inter 1. He was charged with usurping the title of a journalist and detained at Amsinene prison in N’djamena.²³ He was interrogated by the authorities who wanted him to disclose his sources. The authorities informed him he was not a proper journalist because he was not well trained. Prior to his arrest he received threatening messages.²⁴ Juda has been subjected to judicial persecution in the past and was convicted of criminal defamation in 2013 after he published an article in which he revealed details of an audit that implicated an adviser of President Déby in corrupt practices, receiving a suspended sixth-month sentence.
- 3.6** On 20 June 2017, journalist Sylver Beindé Bassandé of the community radio station Al Nada FM was handed a two-year prison sentence by the High Court in Moundou for broadcasting an

¹⁹ ‘Chadian website publisher threatened, attacked by the police’, Reporters Without Borders, 14 February 2018, <https://rsf.org/en/news/chadian-website-publisher-threatened-attacked-police>.

²⁰ ‘Au mois six arrestations lors de la marche interdit au Tchad, internet coupé’, Business Jeune Magazine, 26 January 2018, <http://www.businessjeunemagazine.com/2018/01/au-moins-six-arrestations-lors-de-la.html>.

²¹ ‘Chad arrests journalist over satire piece’, Committee to Protect Journalists, 31 January 2018, <https://cpj.org/2018/01/chad-arrests-local-journalist-over-satire-piece.php>.

²² ‘Mahamat Abakar Issa : La rédaction du journal condamne l’interpellation de son directeur de publication’, Alwihdainfo, 25 January 2018, https://www.alwihdainfo.com/Mahamat-Abakar-Issa-La-redaction-du-journal-condamne-l-interpellation-de-son-directeur-de-publication_a60899.html.

²³ ‘Affaire du journaliste Juda Allahondoum: la justice tchadienne est-elle sous influence politique?’, Reporters Without Borders, 24 October 2017, <https://rsf.org/fr/actualites/affaire-du-journaliste-juda-allahondoum-la-justice-tchadienne-est-elle-sous-influence-politique>.

²⁴ ‘Tchad: la FAJ demande la liberation du journaliste Juda Allahondoum’, Africa Time, 8 November 2017, <http://fr.africatime.com/articles/tchad-la-faj-demande-la-liberation-du-journaliste-juda-allahondoum>.

interview with a local councillor who had been convicted of an offence. Sylvester was charged with undermining the judiciary and in addition to the prison sentence was fined 100,000 FCFA (approximately US\$200).²⁵

- 3.7** On 26 February 2017, journalist Daniel Ngadjadum was arrested and detained after publishing an article in the Tribune Info newspaper. The article accused President Déby of reneging on promises he made in 2016 when he said he would not run for a fifth term in office.²⁶ The publisher of the newspaper, Eric Kokinague, went into hiding the day before after ANS agents launched a search for him in connection with the article. ANS went to his house in his absence and seized copies of older versions of the newspaper. Daniel Ngadjadum was pressured by the director of the ANS to write an apology and was released on 1 March 2017 without charge.²⁷ Before that, on 21 February 2017, Malachie Mbaigara, publisher of the Mutations newspaper, was detained at the newspaper's offices and interrogated for several hours over a promise published in previous editions of the paper to release the names of journalists who were paid by the ANS. Malachie went into hiding following the interrogation and the paper refrained from publishing the names of the journalists.
- 3.8** On 14 November 2016, Edmond Oueidigue Kandi, manager of Radio Bargadje, a community radio station, was arrested in Kelo in the south of N'Djamena and accused of inciting conflict.²⁸ His arrest was linked to the fact that Radio Bargadje broadcast information about violence between cattle herders and farmers. He was later released on 24 November 2016 following a court order. The station was re-opened six days after he was released. On 26 June 2015, Radio France Internationale reporter Laurent Correau was assaulted by Chadian police and deported. He had travelled to Chad on 18 June 2015 to prepare reports in advance of the trial of former Chadian president Hissene Habre and had interviewed victims of human rights violations committed by Habre.²⁹
- 3.9** On 10 July 2015, the HCC ordered the closure of the private newspaper Abba Garde after it published an article in its June - July 2015 edition in which it likened President Déby to the "the Hitler of modern times."³⁰ The HCC was ordered by the office of President Déby to close the newspaper. On 13 July, the last editions of the newspaper were withdrawn from newsstands. Following the closure of the newspaper, its publisher, Moussaye Avenir de la Tchire, fled Chad for neighbouring Cameroon after he had received threats and been summoned by the ANS. Moussaye has been targeted in the past and threatened, along with his family, after Abba Garde published

²⁵ 'Amnesty dénonce l'utilisation de lois répressive contre les défenseurs des droits l'homme au Tchad', Info Plus Gabon, 14 September 2017, <https://www.infosplusgabon.com/index.php/actualites/submenu-1/3413-amnesty-denonce-lutilisation-de-lois-repressives-contre-les-defenseurs-des-droits-de-lhomme-au-tchad>.

²⁶ 'Tchad: Daniel Ngadjadum, un journaliste opposant a Deby enlevé', Le Matin d'Algerie, 28 Feb 2017, <http://www.lematindz.net/news/23532-tchad-daniel-ngadjadum-un-journaliste-opposant-a-deby-enleve.html>.

²⁷ 'Tchad: Le journaliste Daniel Ngadjadum libéré', African News, 2 March 2017, <http://fr.africanews.com/2017/03/02/tchad-le-journaliste-daniel-ngadjadum-libere>.

²⁸ 'Chad police close radio station, detain manager', Wn.com, 19 December 2016, https://article.wn.com/view/2016/12/19/Chad_Police_Close_Radio_Station_Detain_Manager.

²⁹ 'Expulsion d'un journaliste de RFI, le message du Tchad a la France', Liberation, 24 June 2015, http://www.liberation.fr/planete/2015/06/24/expulsion-d-un-journaliste-de-rfi-le-message-du-tchad-a-la-france_1336018.

³⁰ 'Tchad: La justice ordonne la fermeture du journal Abba Garde', Tchad Info, 13 July 2015, <http://tchadinfos.com/politique/tchad-la-justice-ordonne-la-fermeture-du-journal-abba-garde>.

a series of articles that rated President Déby's government poorly on issues of state security and the economy. The newspaper, which publishes articles and features that are critical of the actions of the government and opposition parties, reopened its offices and resumed publication on 4 September 2015 after it placed a retraction for its article likening President Déby to Hitler.³¹

4. Freedom of peaceful assembly

- 4.1** During the Republic of Chad's examination under the 2nd UPR cycle, the government received two recommendations on the right to the freedom of peaceful assembly. Of the two recommendations received, the government accepted one and noted one, with the government committing to extend a standing invitation to all thematic procedures. However, as evidenced below, the government has not implemented any recommendations fully.
- 4.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, Article 27 of the Chadian Constitution guarantees the rights to the freedoms of assembly, movement, demonstration and procession. The law states that these rights may only be limited for the respect of the freedoms and rights of others and by the imperative to safeguard the public order and good morals.
- 4.3** Despite these provisions, the authorities pre-emptively impose bans on protests and apply policies to deny permission to individuals and groups that notify them of planned peaceful assemblies. Ordinance No. 45/62, for instance, is often used by the authorities to restrict public assemblies. It states that public assemblies can only be held if the authorities authorise them. In addition, Decree No. 193/620 notes that those planning to hold protests must notify the authorities and receive approval before protests are held.
- 4.4** Protests that began on 29 January 2018 were violently repressed by security forces. At least 110 people were arrested in N'Djamena. When protests started in January, security forces militarised several major cities in anticipation of further protests on 6 and 7 February 2018.
- 4.5** On 12 April 2017, Dingamnayal Nely Versins, president of the civil society group the *collectif Tchadien contre la vie chere*, (Chadian Collective against expensive life) was arrested and detained by ANS agents in N'Djamena after he called on traders from the local market to demonstrate against high prices.³² He was charged with falsification of his identity. He was released on 27 April 2017 due to a lack of evidence.
- 4.6** On 15 February 2016, women's and youth groups coordinated peaceful protests to condemn the rape of 16-year-old Zahara Mahamat Yosko by five men. Zahara was kidnapped and raped and the incident was recorded on video by her attackers, who threatened to release the images if she reported to the authorities.³³ Protests called on the government to arrest the perpetrators and bring them to justice. Protesters were violently dispersed by the authorities and a protester was

³¹ 'Tchad: le journal Abba Garde va reprendre du service', Tchad Infos, 4 September 2015, <http://tchadinfos.com/politique/tchad-le-journal-abba-garde-va-reprendre-du-service>.

³² 'Le Tchad doit cesser d'harcéler les activistes et militants des droits de l'homme', 8 May 2017, https://www.africactivistes.org/!/index.php?option=com_acymailing&ctrl=archive&task=view&listid=3&mailid=16-le-tchad-doit-cesser-d-harceler-les-activistes-et-militants-des-droits-de-l-homme&Itemid=680.

³³ 'Zouhouira, victime de viol collectif: Au Tchad, il n'y a pas de justice', 24 March 2016, <http://madame.lefigaro.fr/societe/au-tchad-le-viol-de-la-jeune-zouhouira-prend-une-tournure-politiqu-240316-113555>.

killed, while several others were injured. Subsequent protests to demand justice for Zahara and the protester killed on 15 February were also forcefully repressed by security forces.

4.7 On 2 February 2016, the Minister of Public Security and Immigration imposed a ban on protests planned by the *Collectifs des associations et mouvements de la Jeunesse du Tchad*, (Collective of Youth Associations and Movements in Chad) a youth civil society group. The protests were about a government decision to put on hold integration of students into the public service for three years. When the protests went ahead on 4 February 2016 security forces used violence to repress the protesters, injuring several in the process and arresting at least 17 protesters.

5. Freedom of association

5.1 During the Republic of Chad's examination under the 2nd UPR cycle, the government received two recommendations on the right to the freedom of association and creating an enabling environment for CSOs. The government committed to guarantee the freedom of association by allowing the inclusion of all opposition actors in the process of national dialogue and development. It also committed to extending a standing invitation to all thematic UN Special Procedure Mandate Holders. The government accepted the two recommendations relating to the freedom of association. However, as evidenced below, the government has not fully implemented either of the recommendations.

5.2 Article 22 of the ICCPR guarantees the right to the freedom of association, as does the Constitution of Chad. However, Ordinance No. 27/62 regulates association and social movements in Chad. It has restrictive provisions and stipulates unjust fines for people who are found guilty of violating any provision in the Ordinance. According to the Ordinance, individuals or groups who wish to register associations must apply to the Minister of Interior for authorisation. The waiting period to receive a response is three months, but the Ordinance states that associations should consider their applications rejected if they do not receive a response within three months. Those found guilty of running unregistered associations or movements are liable to a fine of 500,000 FCFA (approximately US\$1,000) and a prison sentence of up to a year.

5.3 On 6 January 2017, the Minister of Territorial Administration banned all public activities of the Mouvement d'Eveil Citoyen (MECI), a citizens' movement established in December 2016 bringing together representatives of civil society, political parties and trade unions.³⁴ In imposing the ban, the minister stated that MECI was an illegal movement that collaborated with 'mercenaries' with the aim of subverting the government. Following the pronouncement of the ban by the Minister, MECI spokesperson Assingar Dobian was summoned by the judicial police in N'Djamena and interrogated. On 27 May 2017, the ANS interrupted the general assembly of MECI, informing participants that the meeting was banned.

5.4 On 9 January 2017, ANS officials went to the offices of the Syndicat National des Enseignants et Chercheurs du Supérieur (SYNECS), the union of higher education teaching and research staff, and threatened to dissolve the union if it continued with strike action. The ANS asked SYNECS to suspend

³⁴ 'Au Tchad, Une nouvelle plateforme le mouvement pour l'Eveil citoyen derange le pouvoir', DW, 5 January 2017, <http://www.dw.com/fr/au-tchad-une-nouvelle-plateforme-le-mouvement-pour-leveil-citoyen-d%C3%A9range-le-pouvoir/a-37029851>.

its president Jérémie Guirayo. The threats from the ANS were preceded by similar threats made by the Minister for Higher Education after members of SYNECS embarked on a strike action against austerity measures adopted by the government and the non-payment of wages.³⁵ Before that, in December 2016, the authorities prevented representatives of unions in other countries from travelling to Chad to stand in solidarity with their Chadian counterparts involved in the strike action. Representatives from the Organisation of African Trade Union Unity, the International Trade Union Confederation and the *Confédération Générale du Travail* were denied visas for Chad and told they were not welcome.³⁶

6. Recommendations to the Government of Chad

CIVICUS and REDHAC call on the Government of Chad to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding the protection of HRDs and civil society activists

- Provide civil society members and HRDs with a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- Ensure that HRDs and civil society activists are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Stop the practice of using the ANS to harass HRDs and civil society activists without tangible proof of wrongdoing and stop forcing them to sign letters of confession and offer public apologies.
- Release any HRD or representative of a citizens' movement or CSO currently in detention for their human rights activities and drop all charges against them.
- Stop targeting online activists for publishing information about corrupt practices in the government and HRD who express views about the state of affairs in Chad in the media.

³⁵ 'Au Tchad, le syndicat des enseignants-chercheurs lance un appel a une greve illimitée a compter de Samedi 27 Janvier', TchadConvergence, 27 January 2018, <https://www.tchadpages.com/au-tchad-le-syndicat-des-enseignants-chercheurs-lance-un-appel-a-une-greve-illimitee-a-compter-de-samedi-27-janvier>.

³⁶ 'Survey of violations of trade union rights: freedom of association, collective bargaining, strike -Chad', International Trade Union Confederation, <https://survey.ituc-csi.org/Chad.html#tabs-3>, accessed 10 March 2018.

- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs and civil society members by adopting a specific law on the protection of human rights activists, in accordance with Human Rights Council resolution 27/31.

6.2 Regarding the freedom of expression, independence of the media, access to information and attacks on journalists

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Ensure that journalists and writers can work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Review the costs for obtaining operating licences for private radio stations and other media outlets so that costs are affordable to all who want to operate a private media outlet.
- Take step to stop the banning of newspapers and other media outlets.
- Review the principles guiding the HCC and its authority, to ensure that it functions independently without interference from the government.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, including by liberalising electronic media ownership rules, in order to ensure free access to electronic media, and allow online activists, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Enable unfettered access to online information resources by removing restrictions on access to national and international news websites, social media outlets and CSO websites.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.
- Organise inclusive consultations with journalists and the media in order to resolve disputes that exist concerning the new media law.

- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts.

6.4 Regarding the freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Review restrictive provisions in Ordinance No. 45/62 and Decree No. 193/620 and replace them with more enabling provisions to guarantee the rights of citizens to protest peacefully and participate in public assemblies without fear of intimidation and harassment.
- Immediately and unconditionally release all demonstrators who are still in detention for participating in peaceful protests against austerity measures or the excesses of the government.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests and demonstrations.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch a formal investigation into such instances and bring the perpetrators of abuses to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.3 Regarding the freedom of association

- Take measures to foster a safe, respectful, enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Review restrictive provisions in Ordinance No. 27/62 on associations and replace them with more enabling ones to promote the freedom of association for all.
- Allow unions and citizen movements to carry out their activities in support of their members and stop intimidating, harassing and subjecting their leaders to judicial persecution.

- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of HRDs, CSOs, journalists, activists and others.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government of Chad should extend official invitations to UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

Annex: Assessment of implementation of civic space recommendations under the 2nd cycle

<i>Freedom of assembly</i>			
110.90 Extend a standing invitation to all thematic Special Procedures (Montenegro) Source: A/HRC/25/14	Accepted	Freedom of assembly	Status: Not implemented: Source: Paragraph: 4
<i>Freedom of association</i>			
110.34 Accelerate the process of harmonising its national legislation with the human rights instruments to which it is a party (Zimbabwe) Source: A/HRC/25/14	Noted	Freedom of Association	Status: Not implemented: Source: Paragraph 5.2
<i>Right to freedom of expression and opinion</i>			
110.136 Ensure the freedom of expression and opinion are respected, including in its consideration of the draft media law currently before parliament (Australia) Source: A/HRC/25/14	Noted	Right to freedom of expression and opinion	Status: Not implemented: Source: Paragraph 3.3
110.137 Guarantee respect and promote freedom of opinion and expression for all (France) Source: A/HRC/25/14	Noted	Right to freedom of expression and opinion	Status: Partially implemented: Source: Paragraph 3.4
110.138 Ensure that the legislative framework guarantees the right to freedom of expression and opinion and put an end to the intimidation which journalists are victims of (Switzerland) Source: A/HRC/25/14	Noted	Right to freedom of expression and opinion	Status: Not implemented: Source: Paragraph 3.2
<i>Human Rights defenders and civil society activists</i>			
110.142. Facilitate the development in law and practice of a safe and enabling environment in which both civil society and human rights defenders can operate free from fear hindrance and insecurity (Ireland) Source: A/HRC/25/14	Noted	Protection of human rights defenders and civil society activists	Status: Not implemented: Source: Paragraph 2.3

<p>110.143 continue efforts to guarantee the safety of human rights defenders from arbitrary arrests and intimidation (Netherlands) Source: Source: A/HRC/25/14</p>	<p>Noted</p>	<p>Protection of human rights defenders and civil society activists</p>	<p>Status: Not implemented: Source: Paragraph 2.4</p>
<p>110.144 Take appropriate legislative measures for the proper defence and protection of human rights defenders and investigate all threats and attacks suffered by this group to bring to justice those responsible for such acts (Spain)</p>	<p>Noted</p>	<p>Protection of human rights defenders</p>	<p>Status: Not implemented: Source: Paragraph 2.6</p>