

# Reporters Without Borders

## Reporters sans frontières

UN Human Rights Council Universal Periodic Review for Chad  
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### Written submission by Reporters Without Borders on the state of freedom of information and media circulation in Chad

**Information taken from February 2009 UPR (4<sup>th</sup> session)’ summary of stakeholders:**

*Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life*

37. According to the Joint Submission, the solemn declaration made by the President of the Republic during his first address to the nation - “I will not bring you gold or silver, but freedom” at the time gave hope to the people and prompted the establishment of political movements, civil society organizations and institutions and structures enabling citizens to make their voices heard and enjoy their rights.<sup>68</sup> However, the Joint Submission notes that this hope was very quickly shattered, plunging the people back into despair and also encouraging the emergence of conflicts between State institutions and civil society organizations on the one hand and between citizens and leaders on the other. These conflicts resulted in the press being gagged through journalists’ arrests, the closure and sacking of newspaper offices and the repeated closure of private radio stations.

38. FIDH/LTDH/ATPDH note that, although the formal structures for freedom of expression and of information are in place, they are not contributing to any practical improvement and that the existence of the High Council for Communication has enabled the authorities to claim that freedom of the press is a reality in Chad. However, according to FIDH/LTDH/ATPDH, national legislation provides for prison sentences for press offences. The Government rejects any criticism that might call its authority into question and the Chadian authorities are pursuing a policy of harassment and intimidation against journalists who publish articles on violations of human rights and of international law in the region.

39. FIDH/LTDH/ATPDH report that these infringements of freedom of expression and in particular the freedom of the press were exacerbated by the events of February 2008 and that Decree No. 194/PR/2008, issued 10 days after the end of the fighting in the capital, plunged Chad into a state of emergency. The suppression of certain individual liberties, in particular the freedom of the press, and the introduction of State censorship encouraged a sense of impunity among those responsible for violations. FIDH/LTDH/ATPDH add that the adoption

of Ordinance No. 05 of 20 February 2008 on the press regime extended the emergency measures, thereby increasing the penalties provided for journalists for press offences. Similar information is provided by the Joint Submission.

41. FIDH/LTDH/ATPDH call upon the Chadian authorities to respect the United Nations Declaration on Human Rights Defenders; invite the Special Rapporteur on the situation of human rights defenders to visit the country as she has requested;<sup>76</sup> guarantee the physical and moral integrity of human rights defenders and journalists; and repeal Ordinance No. 05 of 20 February 2008, which violates the provisions of the Constitution and limits freedom of expression, dissemination and information, as guaranteed by the International Covenant on Civil and Political Rights.<sup>77</sup> Similar recommendations are made by the Joint Submission.<sup>8</sup>

42. The Joint Submission states that freedom of opinion and expression has also been flouted through elections that are not free and are characterized by irregularities in the voting procedure and the counting of the votes, including ballot box stuffing

**Recommendations listed below have been examined by Chad and have enjoyed the support of Chad during its review at the UPR in February 2009:**

59. Give high priority to the adoption of practical measures for the full implementation of texts governing the media in Chad so that journalists can fully exercise their profession (Canada)

60. Take measures to establish new legislative framework, ensuring freedom of the press (France)

### **Overview of the press freedom situation**

Chad is ranked 121 out of 179 countries listed in the 2013 worldwide index (a drop of 18 places in comparison with the previous year).

Chad's constitution guarantees media freedom but in practice the tight political control exercised by President Idriss Déby, government ministers and judicial officials limits the possibilities of expressing critical views. Déby is indeed very hostile towards opposition and independent media.

Since August 2010 the media law is more supple but no less repressive than the one before. It abolished prison sentences for defamation and insult but maintained exorbitant fines and allows newspapers to be suspended for up to three years. And "inciting tribal, racial or religious hatred" carries a possible sentence of one to two years in prison and a fine of 1 to 3 million CFA francs (1,500 to 4,500 euros). Jean-Claude Nékim, the editor of the opposition newspaper *N'Djamena Bi-Hebdo*, suffered at the hands of this law in September 2012, when he was given a one-year suspended jail sentence and his newspaper was suspended for three months over a brief about a petition referring to the social crisis in Chad and condemning misgovernance.

The fact that this former French colony has no journalists or netizens in prison is offset by the

constant intimidation of the media. Abduction, kidnap attempts, harassment and threats sustain a climate of danger and fear. The young reporter Adam Ali Adam had been kidnapped in december 2012 after being threatened a few times. Self-censorship is on the increase. And many journalists have had no choice but to go into exile after discovering that they are unwanted in their homeland.

A proposed revision of the media law has been in discussion since november 2012 and could mean the death of the independent press. For example, the section 9 of the draft states that every journalist is required to possess a master's diploma from a school of journalism, or a university degree plus vocational training at a state-approved school of journalism which is a covert attempt by the authorities to exclude key figures in several influential local newspapers such as *Ndjaména Bi-hebdo*, *Notre Temps* and *Le Potentiel*.

It provides for much harsher penalties and any thought of decriminalising press offences has been abandoned. On the contrary, the draft provides for prison sentences for journalists of between five months and 10 years, higher fines, the extension of temporary closures from three months to a year and the possible imposition by a court of an indefinite publication ban. If this bill is approved, it would set press freedom in Chad back 40 years. It would no longer be possible to report the news or to carry out journalism as it is practised in the country today.

### **Recommendations:**

Reporters Without Borders calls upon Chad's authorities and judiciary to:

- • Implement all recommendations accepted by Chad during its first UPR Review in 2009, and give some clear commitments on the ongoing/pending issues.
- • Reject the revision of the media law