

Joint submission to the United Nations Human Rights Council
Universal Periodic Review 2018 Cycle – Chad

About Internet Sans Frontières (Internet Without Borders)

1. Internet Sans Frontières (internetwithoutborders.org) is a non-governmental organization, and a network of organizations, with the non-profit status under French law. The organization promotes and defends rights and freedoms in the digital space, including freedom of expression and the right to privacy, and an open web accessible to all, without discrimination. Internet Sans Frontières' expertise on Internet and Human Rights in West and Central Africa is internationally recognized.

About Access Now

2. Access Now (www.accessnow.org) is an international organization that works to defend and extend digital rights of users globally. Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the internet has continued openness and the protection of fundamental rights. We engage with an action focused global community, and our Technology Arm operates a 24/7 digital security helpline that provides real time direct technical assistance to users around the world.

About Utopie Nord-Sud Association

3. The Utopie Nord-Sud Association has been working since 2009 to support communication and information on issues related to the promotion of peace in Chad. Utopie Nord-Sud supports, in all its actions, the promotion of human rights, including social, cultural and economic rights. It affirms that there can be no development without peace. It supports actions for the resolution of armed conflicts through dialogue. It reflects on issues of conflict resolution or in marginal urban areas with high levels of violence. It supports local actions that address the causes of violence (food security, exclusion, human rights defenders, promotion of the rights of disadvantaged groups). It privilege partners who combine local actions with civil initiatives for peace promotion, accompanies popular participation in human rights protests and provides support for conflict management within farmers' organizations by trying to contribute to decentralization.
4. The Utopie Nord-Sud Association believes that this civil dialogue action that makes existing solidarity links visible reinforces solidarity within communities and translates the demand for economic rights (fair producer price), political rights (participatory decision-making) and social rights (family rights) in citizen mobilization. Women's movements that have mobilized for this purpose in silence for years against the right of the family, the land code that places them at the bottom of the social scale find meaning to their claim. The Utopie Nord-Sud Association's goal is to support its partners in the field and promote a better North-South dialogue by producing tools for reflection and supporting local initiatives that go in the same direction.

ABOUT REDHAC

5. REDHAC was created in April 2007 in Rwanda in Kigali with the first headquarters in Bukavu, in the Democratic Republic of Congo and the first coordinator Baudoin Kipaka, a Congolese national. Since June 2010, the Permanent Secretariat has been transferred to Douala in Cameroon.
6. REDHAC is a regional NGO with more than 400 members and it covers 8 countries in Central Africa (Republic of Chad, Republic of Equatorial Guinea, Republic of Congo, Democratic Republic of Congo, Republic of Cameroon, Republic of Gabon, Central African Republic, Republic of Sao Tome & Principe).
7. REDHAC investigate human rights violations and publish reports, and encourage governments and other groups to respect human rights. We advocate for States to respect regional and international commitments in relation to human rights and human rights defenders, commitments that they have freely signed and ratified, by mobilizing our members and supporters as well as the African and UN human rights mechanisms. We defend activists on the ground and provide them and their relatives with a multifaceted protection and support.
8. REDHAC are independent of any political ideology, economic interest or religion.
9. In accordance with the principles of independence and impartiality, REDHAC in order to carry out its work draws inspiration from the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and the 1998 United Nations Declaration: "*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*", the Kigali Declaration (2003) and the Grand Bay Declaration (Mauritius) (1999).
10. REDHAC holds the observer status with the African Commission on Human Rights (ACHPR).
11. REDHAC collaborates with African and UN mechanisms on the following themes:
 - a. Protection of human rights, the consolidation of democratic institutions;
 - b. The promotion of the work of the defender and his protection as well as that of his relatives;
 - c. Documentation and reporting of human rights violations during electoral period, armed conflict or in the fight against terrorism.

Domestic and international human rights obligations

12. This is the third review for Chad, last reviewed in October 2013 where the Chadian government received 297 recommendations in the area of human rights during the review at the Universal Periodic Review mechanism (UPR) in Geneva.
13. Chad has signed onto various international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and International Covenant on Economic, Social and Cultural Rights (ICESCR).

14. The preamble of the Chadian Constitution explicitly commits the government to respect regional and international frameworks that support human rights, including the African Charter on Human and People's Rights, the Universal Declaration of Human Rights and the United Nations Charter.
15. The preamble also guarantees “freedom of communication, of expression, of the press, of assembly, [and] of association” (article 27) and the inviolable right to the privacy of all correspondence (article 45).
16. Various regional and international human rights bodies have spoken directly to the threat that internet shutdowns pose to freedom of expression and related rights. For example, the United Nations Human Rights Council, in Resolution A/HRC/RES/32/13, “*condemns unequivocally* measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures.” The African Commission on Human and Peoples’ Rights, in Resolution ACHPR/Res.362(LIX) 2016, expressed its concern over “the emerging practice of State Parties of interrupting or limiting access to telecommunication services such as the Internet, social media and messaging services, increasingly during elections”.¹

Developments of digital rights in Chad

17. The country has some of the world's lowest penetration rates for fixed-line, mobile and Internet services, 1.7%.² Competition exists only in the mobile sector. Despite impressive growth, one of the then two mobile networks in the country ceased operations in mid-2004 due to an unresolved dispute with the government³, but a third license was awarded in November of the same year with operations commencing in October 2005. Internet usage increased fourfold in 2004. Other expected developments moving into 2006 include the partial privatization of the national operator, Sotel Tchad. The recent discovery of oil is expected to attract the foreign investment. The country urgently needs to upgrade its telecom facilities and other infrastructure.⁴

Violations of freedom of expression and access to information

18. The Chadian government has not always protected the Chadians’ rights of freedom of expression. This is evident through the countless unjust arrests of activists, journalists and bloggers. In February 06, 2016, twenty activists

¹ African Commission on Human and Peoples’ Rights, *Resolution on the Right to Freedom of Information and Expression on the Internet in Africa*, 59th Ordinary Session, held Banjul, Islamic Republic of The Gambia, from 21 October to 04 November 2016, ACHPR/Res. 362(LIX) 2016.

² Internet World Stats - Usage and Population Statistics

(<https://www.internetworldstats.com/africa.htm>)

³ The Logistics Capacity Assessment: Chad Telecommunications

(<http://dlca.logcluster.org/display/public/DLCA/3.5+Chad+Telecommunications>)

⁴ The Logistics Capacity Assessment: Chad Telecommunications

(<http://dlca.logcluster.org/display/public/DLCA/3.5+Chad+Telecommunications>)

- were arrested during a demonstration gathering a hundred people in N'Djamena in favor of youth.⁵
19. On February 19, 2018, Alain Kemba Didah, an activist and spokesperson of the Chadian civil society organization "*Iyina*", was arrested in Ndjamen, the capital of Chad⁶. He is currently detained at the Police Headquarters without charge. Alain has reported that he was beaten on his legs and the soles of his feet during an interrogation and his lawyer says he can barely stand on his feet as a result.⁷
 20. On January 23, 2017, the heads of the private radio stations of Moundou, namely "Kar Uba", "Nada FM" and the "Radio Bonne Nouvelle" were summoned by the security officials to the office of the central commissioner of the said city and threatened to death during an hour, in violation of the law No. 019 on the powers and functioning of the High Council of Communication and the law No. 17 on the regime of the press in Chad.⁸
 21. On April 6, 2017, Nadjo Kaïna, spokesman of *Iyina*, and Sollo Bertrand Ngandjei of the same civil society organization were arrested, following the call by *Iyina* to dress in red on April 10, 2017, to protest against the contested re-election of the head of state, against injustice and bad governance.
 22. Dingamnayal Nely Versinis, coordinator of the civil society organization Chadian Collective Against the Cost of Living (*Le Collectif Tchadien Contre la Vie Chère*), was arrested on April 11, 2017, after he was summoned by the National Security Agency.⁹
 23. All these civil society leaders were held incommunicado. They are considered prisoners of conscience.¹⁰
 24. On July 12, 2017 Nestor Déli, editor of the bi-monthly *Éclairages*, who was being sued for defamation, was scheduled for trial on July 12, 2017. The journalist had published an article accusing Daoussa Déby Itno, the brother of President Idriss Déby, of participating in trafficking process to smuggle sugar into Chad.¹¹
 25. On Tuesday, October 17, 2017, in Djamena, the Journalist Judah Allahodum, Publication Director of the weekly "Le Visionnaire" and President of the Patronat de la Presse Tchadienne. Mr. Judah Allahodum had been summoned to the Criminal Affairs Sub-Directorate of the Judicial Police of Djamena on Tuesday, October 10, 2017. On the spot, the agents of the judicial police directly transferred him to the Coordination of the Judicial

⁵ According to the Chadian activist and blogueur Makaila Nguebla

(<http://www.makaila.fr/2016/02/tchad-voici-la-liste-des-militants-arretes-par-la-police.html>)

⁶ AFP. "Tchad: Un Militant De La Société Civile Arrêté." FIGARO, 19 Feb. 2018, www.lefigaro.fr/flash-actu/2018/02/19/97001-20180219FILWWW00314-tchad-un-militant-de-la-societe-civile-arrete.php.

⁷ According to Amnesty International (<https://www.amnesty.org/fr/documents/afr20/7933/2018/en/>)

⁸ ASSOCIATION POUR LA PROMOTION DES LIBERTES FONDAMENTALES AU TCHAD (APLFT) : Rapport synthétique sur les cas de violations des libertés et droits fondamentaux de l'année 2017

⁹ RFI, "Tchad: Les Militants Arrêtés Bientôt Présentés à Un Juge - RFI." RFI Afrique, Rfi, 25 Apr. 2017, www.rfi.fr/afrique/20170425-tchad-militants-arretes-bientot-presentes-juge.

¹⁰ According to Amnesty International (<https://www.amnesty.org/fr/documents/afr20/6077/2017/en/>)

¹¹ Reporter sans frontières : Information pays par pays pour le rapport 2015-2017

Police without having auditioned him. Detained since then, he was deprived of any visit.¹²

26. On December 6, 2016, the leader of a Chadian opposition party, Mahamat Adoum, was arrested in Moundou (South of the country) on the sidelines of a visit to the former presidential candidate Laokein Medard. He was released the following day.¹³
27. The arbitrary arrest and detention since March 21, 2016 of 2 leaders of civil society: Mr. Mahamat Nour Ibedou, leader of the Coalition "that's enough" and Mr Younous Mahadir, vice president of the Central Trade Union for "attempt to undermine public order and refusal to obey the orders of established institutions". There had been numerous threats from the part of the Chadian Intelligence Service against Mr. Mahamat Tahir Korom, human rights activist, leader of the UNDR youth party, who was forced to flee his Country.¹⁴
28. On September 30, 2016, Chadian blogger Tadjadine Mahamat Babouri (known as Mahadine) was arrested in N'Djamena for simply exercising his right to freedom of expression. Before his arrest, Mahadine posted videos on Facebook in which he criticized the management of public funds and the current economic crisis. Arrested by agents of the National Security Agency (ANS), he was, then, detained in unofficial detention centers, without being allowed to see his family or his lawyer¹⁵. The journalist and activist was tortured, deprived of water and food, and finally indicted for "undermining constitutional order, territorial integrity and national security, intelligence with an insurrectional movement".¹⁶
29. On Friday, March 22, 2013, Jean Laokolé, a blogger was arrested by members of the security forces in N'Djamena, the Chadian capital. He was arrested on the evening of March 22 by a group of men in civilian clothes while driving with his family in the Atrone neighborhood of N'Djamena.¹⁷
30. Makaila NGuebla, a blogger, journalist, and leading voice of the Chadian civil society, was expelled from Dakar, Senegal, where he was living since 2005, and had unsuccessfully sought the refugee status. He was arrested

¹² This accusation against Judah Allahondoum does not seem to be based on any tangible fact. Indeed, Judah Allahondoum has been a journalist for more than 10 years in Chad. Before founding Le Visionnaire two years ago, he was the editor of L'Union and he collaborated with several print and radio media. He holds a press card issued by the media regulatory body in Chad, the High Council for Communication. He is currently chairs the Patronat de la presse tchadienne (PPT).

¹³ VOA Afrique, "Un Chef De Parti D'opposition Tchadienne Libéré Et Un Militant Arrêté." VOA, VOA, 7 Aug. 2017, www.voafrique.com/a/un-chef-de-parti-d-opposition-tchadienne-libere-et-un-militant-arrete/3975759.html.

¹⁴ According to NGO Forum and 58th Session of the African Commission on Human and Peoples' Rights (April 3 to April 5, 2016) and according to the presentation of REDHAC on the Situation of Human Rights and Defenders in Central Africa (DRC, Congo Brazzaville, Cameroon, Chad, Central African Republic, Gabon)

¹⁵ INTERNET WITHOUT BORDERS AU TCHAD, DES VIDÉOS FACEBOOK VALENT LA PRISON ET LA TORTURE À UN ACTIVISTE - INTERNET SANS FRONTIÈRES (<https://internetwithoutborders.org/au-tchad-des-vidéos-facebook-valent-la-prison-et-la-torture-a-un-activiste/>)

¹⁶ According to the Chadian activist and blogger Makaila Nguebla (<http://www.makaila.fr/2017/07/tchad.le-journaliste-et-blogueur-mahadine-dans-un-etat-de-sante-alarmante.html>)

¹⁷ NGUEBLA, Makaila. "Tchad : Un Blogueur Arrêté Et Mis Au Secret." Le Tchadanthropus-Tribune, 9 Apr. 2013, www.letchadanthropus-tribune.com/tchad-un-blogueur-arrete-et-mis-au-secret/.

on May 7, 2013, before being presented to the Division of Senegalese Territorial Surveillance (DST), and then expelled from the country by plane late in the evening. Organizations worldwide, including Internet Without Borders, expressed concerns that the Senegalese government was pressured by N'djamena to expell Makaila Nguebla¹⁸.

31. There has been a growing trend of government ordered internet shutdowns on the continent. The government in Chad is no exception.
32. In February 2016, during demonstrations in support of Zouhoua, a young girl whose raped by sons of Chadian dignitaries shocked the nation¹⁹, The government blocked all social networks and messaging applications.
33. On April 10, 2016, the day of the presidential election, the government blocked access to the Internet and SMS / messaging services; they had been used to criticize the way in which the military vote had taken place and to organize protests against power. Although internet access was restored two days later, social networks like Facebook and SMS / email services remained blocked.
34. On April 21, 2016, the day the interim election results were announced, the authorities reinstated SMS / messaging services, but the connection to social networks was not fully restored until December 3rd. At the same time, the government blocked access to internationally roaming data services, including the BlackBerry service, citing security concerns that criminals and terrorists from Nigeria and Cameroon were using the Internet. roaming to communicate with each other while in Chad. The authorities also stated that the disturbances were related to technical problems, which was greeted with great skepticism.²⁰
35. From April 2016, the day of the presidential election, after which President Idriss Déby was re-elected in a disputed ballot, to December 2, 2016.²¹ Internet Without Borders and other civil society organizations denounced the blocking of social media platforms and messaging applications by creating and mobilizing the civil society through campaigns²² and petitions²³
36. Access Now, Internet Without Borders and the rest of the #KeepItOn coalition, which gathers more than 160 organizations mobilized against Internet shutdowns and disruptions worldwide, sent an open letter to the Prime Minister Albert Pahimi Padacke to express their concern and to call on the Chadian government to restore access to social networks and put a

¹⁸ According to France 24 : Makaila NGuebla, un blogueur dans la ligne de mire du Tchad (<http://observers.france24.com/fr/20130510-makaila-nguebla-blogueur-ligne-mire-tchad-arrestation-senegal-dakar>)

¹⁹ According to France 24 : Makaila NGuebla, un blogueur dans la ligne de mire du Tchad (<http://observers.france24.com/fr/20130510-makaila-nguebla-blogueur-ligne-mire-tchad-arrestation-senegal-dakar>)

²⁰ According to the US Embassy in Chad : RAPPORT 2016 SUR LES DROITS DE L'HOMME – TCHAD(<https://td.usembassy.gov/fr/rapport-2016-sur-les-droits-de-lhomme-tchad/>)

²¹ Barma, Aboubacar Yacouba. "Tchad : L'addition Salée Des 235 Jours De Restriction D'accès à Internet." La Tribune, La Tribune Nouvelle, 7 Dec. 2016, afrique.latribune.fr/afrique-centrale/2016-12-07/tchad-l-addition-salee-des-235-jours-de-restriction-d-acces-a-internet.html.

²² The website of the #STOPCENSURE Internet au Tchad campaign (<https://www.thunderclap.it/projects/44302-stopcensure-internet-au-tchad?locale=en>)

²³ The website of the petition: Gouvernement du Tchad : Rétablissez l'accès aux réseaux sociaux ! (<https://www.change.org/p/premier-ministre-du-tchad-gouvernement-du-tchad-r%C3%A9tablissez-l'acc%C3%A8s-aux-r%C3%A9seaux-sociaux>)

definitive end to practices that violate freedom of expression and communication.²⁴

37. According to InterUPR net Without Borders' estimate, this censorship cost more than 18 million euros to the Chadian economy. A shortfall that could have been invested in priority sectors at a time when the state coffers are empty.²⁵
38. On January 25, 2018, at midnight, following the call for a peaceful protest march, launched by several civil society organizations and trade unions, the Internet was shutdown, and was only restored on January 26, 2018.²⁶ Through a press release, Internet Without Borders strongly condemned this shutdown.²⁷
39. The cost of Internet access and the quality of service provided are also impeding Chadian's freedom of expression online. As a result, a dozen civil society organizations called on Chadians to march against mobile phone operators on February 22, 2018.²⁸
40. These organizations expressed frustrations of subscribers of the main telecommunications operators and called on them to protest the high costs of access to Internet, the poor quality of the network, and Internet shutdowns operated by telecommunications companies, in complicity with the government.²⁹

Violations of the right to privacy

41. According to multiple reports received by the organizations submitting this report, on February 4, 2018 subscribers of Airtel and Tigo, two main telecommunications operators, received an SMS informing them that all phone calls and messages were to be spied on. This echoes provisions of section 57 of the Law n°009/PR/2005 of December 15, 2014 relating to cybersecurity and cybercriminality, which obliges network operators and Internet Service Providers (ISPs) to install surveillance mechanisms on their respective networks.³⁰

²⁴ OPEN LETTER TO THE CHADIAN GOVERNMENT ON BLOCKED SOCIAL MEDIA - INTERNET SANS FRONTIÈRES (<https://internetwithoutborders.org/keepiton-open-letter-to-the-chadian-government-on-blocked-social-media/>)

²⁵ Press Release: LE GOUVERNEMENT DU TCHAD PRIVE SA POPULATION D'INTERNET - INTERNET SANS FRONTIÈRES (<https://internetwithoutborders.org/le-gouvernement-du-tchad-prive-sa-population-dinternet-2/>)

²⁶ Press Release by Agence Ecofin: Tchad: l'accès à Internet rétabli après une interruption de 24 h pour contrecarrer des marches de protestations (<https://www.agenceecofin.com/internet/2601-53839-tchad-l-acces-a-internet-retabli-apres-une-interruption-de-24-h-pour-contrecarrer-des-marches-de-protestations>)

²⁷ Press Release: LE GOUVERNEMENT DU TCHAD PRIVE SA POPULATION D'INTERNET - INTERNET SANS FRONTIÈRES (<https://internetwithoutborders.org/le-gouvernement-du-tchad-prive-sa-population-dinternet-2/>)

²⁸ Remadji, Victoria. "Tchad : Une Marche De Protestation Contre Les Opérateurs Téléphoniques Prévues Le 22 Février." Tchadinfos.com, 20 Feb. 2018, tchadinfos.com/tchad/tchad-une-marche-de-protestation-contre-les-operateurs-telephoniques-prevue-le-22-fevrier/.

²⁹ IBID

³⁰ Loi n°009/PR/2015 portant sur la cybersécurité et la lutte contre l'acybercriminalité <http://www.mpntic.gouv.td/wp-content/uploads/2016/01/LOI09.pdf>

Recommendations

Chad can improve its human rights record and treatment of digital rights in several areas. We accordingly recommend that the government of Chad:

1. Refrain from arresting, torturing, citizens and civil society leaders.
2. Respect freedom of assembly and association granted by the Constitution.
3. Refrain from intentionally slowing, blocking, or shutting down internet and telecommunications services, particularly during elections and public assemblies.
4. Adopt a comprehensive human rights-based approach in providing and in expanding access to the internet, with a goal to bridge the many forms of the digital divide.
5. Work with the private sector to reduce access to Internet costs, and improve the quality of service, for instance by tapping into resources available in the Universal Service Fund.
6. Adopt a law on access to information and public data that guarantees freedom of expression.
7. Amend Law n°009/PR/2009 relating to cybersecurity and cybercriminality to ensure adequate protection for the fundamental right to privacy and adherence with the ICCPR and other commitments.
8. Ensure that legislation is in place, and is judicially enforceable, that protects the right to access and impart information on the Internet.
9. Ensure that legislation is in place, and is judicially enforceable, that protects the rights to freedom of expression, assembly and association, and privacy, online and offline, in line with the ICCPR.

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