

**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](http://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](http://www.accessnow.org)) is an international organization that works to defend and extend digital rights of users globally. Through representation in 10 countries around the world, including engagement with stakeholders and policymakers in Cameroon, 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.
3. Access Now advocates an approach to digital security that promotes good security policies that protect user rights, including privacy and freedom of expression. Access Now has worked extensively to draw attention to digital rights in Cameroon, including commenting on the January 2017 internet shutdown.

**1. About Utopie Nord-Sud**

4. 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.

5. 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.

### **Domestic and international human rights obligations**

6. 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.
7. 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).
8. 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.
9. 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).
10. 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".<sup>1</sup>

### **Developments of digital rights in Chad**

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

11. The country has some of the world's lowest penetration rates for fixed-line, mobile and Internet services, 1.7%.<sup>2</sup> 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 government<sup>3</sup>, 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.<sup>4</sup>

#### Violations of freedom of expression and access to information

12. 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 were arrested during a demonstration gathering a hundred people in N'Djamena in favor of youth.<sup>6</sup>

13. 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 Chad<sup>7</sup>. 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.<sup>8</sup>

14. 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.

15. 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.<sup>9</sup>

16. All these civil society leaders were held incommunicado. They are considered prisoners of conscience.<sup>10</sup>

17. 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

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<sup>2</sup> Internet World Stats - Usage and Population Statistics (<https://www.internetworldstats.com/africa.htm>)

<sup>3</sup> The Logistics Capacity Assessment: Chad Telecommunications (<http://dlca.logcluster.org/display/public/DLCA/3.5+Chad+Telecommunications>)

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<sup>6</sup> According to the Chadian activist and blogger Makaila Nguebla (<http://www.makaila.fr/2016/02/tchad-voici-la-liste-des-militants-arretes-par-la-police.html>)

<sup>7</sup> 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](http://www.lefigaro.fr/flash-actu/2018/02/19/97001-20180219FILWWW00314-tchad-un-militant-de-la-societe-civile-arrete.php).

<sup>8</sup> According to Amnesty International (<https://www.amnesty.org/fr/documents/afr20/7933/2018/en/>)

<sup>9</sup> 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](http://www.rfi.fr/afrique/20170425-tchad-militants-arretes-bientot-presentes-juge).

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

presidential candidate Laokein Medard. He was released the following day.<sup>11</sup>

18. 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 lawyer<sup>12</sup>. 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”.<sup>13</sup>
19. 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.<sup>14</sup>
20. 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 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 Nguebla<sup>15</sup>.
21. There has been a growing trend of government ordered internet shutdowns on the continent. The government in Chad is no exception.
22. In February 2016, during demonstrations in support of Zouhoua, a young girl whose raped by sons of Chadian dignitaries shocked the nation<sup>17</sup>, The government blocked all social networks and messaging applications.

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<sup>11</sup> 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](http://www.voafrique.com/a/un-chef-de-parti-d-opposition-tchadienne-libere-et-un-militant-arrete/3975759.html).

<sup>12</sup> 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/>)

<sup>13</sup> According to the Chadian activist and bloggeur Makaila Nguebla (<http://www.makaila.fr/2017/07/tchad.le-journaliste-et-blogueur-mahadine-dans-un-etat-de-sante-alarmante.html>)

<sup>14</sup> 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/](http://www.letchadanthropus-tribune.com/tchad-un-blogueur-arrete-et-mis-au-secret/).

<sup>15</sup> 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>)

<sup>17</sup> 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>)

23. 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.<sup>18</sup> 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 campaigns<sup>19</sup> and petitions<sup>20</sup>
24. Access now, Internet Without Borders and the rest of the #keepiton coalition, which gathers more than 130 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 definitive end to practices that violate freedom of expression and communication.<sup>21</sup>
25. According to Internet 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.<sup>22</sup>
26. 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.<sup>23</sup> Through a press release, Internet Without Borders strongly condemned this shutdown.<sup>24</sup>
27. 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.<sup>25</sup>
28. These organizations expressed frustrations of subscribers of the main telecommunications operators and called on them to protest the high costs of access

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<sup>18</sup> 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](https://www.afrique.latribune.fr/afrique-centrale/2016-12-07/tchad-l-addition-salee-des-235-jours-de-restriction-d-acces-a-internet.html).

<sup>19</sup> The website of the #STOPCENSURE Internet au Tchad campaign (<https://www.thunderclap.it/projects/44302-stopcensure-internet-au-tchad?locale=en>)

<sup>20</sup> 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>)

<sup>21</sup> 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/>)

<sup>22</sup> 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/>)

<sup>23</sup> 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>)

<sup>24</sup> 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/>)

<sup>25</sup> Remadji, Victoria. "Tchad : Une Marche De Protestation Contre Les Opérateurs Téléphoniques Prévus Le 22 Février." Tchadinfos.com, 20 Feb. 2018, [tchadinfos.com/tchad/tchad-une-marche-de-protestation-contre-les-operateurs-telephoniques-prevue-le-22-fevrier/](https://tchadinfos.com/tchad/tchad-une-marche-de-protestation-contre-les-operateurs-telephoniques-prevue-le-22-fevrier/).

to Internet, the poor quality of the network, and Internet shutdowns operated by telecommunications companies, in complicity with the government.<sup>26</sup>

## **Violations of the right to privacy**

29. 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<sup>27</sup>.

## **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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<sup>26</sup> IBID

<sup>27</sup> Loi n°009/PR/2015 portant sur la cybersécurité et la lutte contre la cybercriminalité  
<http://www.mpntic.gouv.td/wp-content/uploads/2016/01/LOI09.pdf>

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