

3 AUGUST 1998

CHAD: FREEDOM OF EXPRESSION AGAIN UNDER ATTACK

Amnesty International today called for the immediate and unconditional release of Yorongar Ngarléjy le Moïban, a member of the National Assembly and member of the political opposition party, the *FAR - Parti Fédération*, Action Front for the Republic - Federation Party. The organization considers him to be a prisoner of conscience.

"It appears that the arrest and imprisonment of Yorongar Ngarléjy is politically motivated, and is a result of his peaceful opposition to the government as well as his public criticism of President Déby and the President of the National Assembly," the organization said.

In an interview with a Chadian newspaper, *L'Observateur*, published in July 1997, Ngarléjy Yorongar accused Wadal Abdelkader Kamougué - who ran as a presidential candidate - of accepting money from the oil company Elf to finance his election campaign. Earlier, in June 1997, in a letter to the Prime Minister, Yorongar Ngarléjy had accused President Idriss Déby of keeping the running of the oil industry in his family. Elf has a large operation in Chad and will soon begin the construction of a controversial 1,050km pipeline through Chad and Cameroon.

On 20 July, Yorongar Ngarléjy was convicted on charges of defamation of President Déby and of the President of the National Assembly, Wadal Abdelkader Kamougué. Madame Sy Koumbo Singa Gali and Polycarpe Togamissi, the two journalists from *L'Observateur*, were convicted of complicity in the defamation. The trial of the three people was unfair. Had Madame Sy Koumbo Singa Gali and Polycarpe Togamissi received prison sentences, Amnesty International would have considered them to be prisoners of conscience.

Amnesty International believes that criminal legislation should not be used in such a way as to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of public officials.

On 26 May, the Chadian National Assembly lifted the parliamentary immunity of Yorongar Ngarléjy, following a charge of defamation brought against him by Wadal Abdelkader Kamougué and by President Déby. Following the lifting of parliamentary immunity, Yorongar Ngarléjy's house was surrounded - apparently as a form of intimidation - by members of the *Agence nationale de sécurité* (ANS), National Security Agency and on 3 June, Yorongar Ngarléjy was arrested.

Amnesty International sent a trial observer to Chad to follow his trial and the trial of the two journalists from *L'Observateur*. His findings and other research by Amnesty International confirmed serious irregularities in the process and in the trial.

For example :

- The sentencing and the fines levied against defendants are unlawful. The three year prison sentence received by Ngarléjy Yorongar is one year longer than the maximum sentence required by law. Madame Sy Koumbo Singa Gali, a journalist and director of the newspaper *L'Observateur*, and Polycarpe Togamissi, a journalist from the paper who conducted the interview with Ngarléjy Yorongar, received two year suspended sentences and were ordered to pay a fine of 1,000,000 CFA each. The maximum fine allowed by

law for this charge is 500,000 CFA. The prosecution had called for the charges against them to be dropped.

- Lawyers for the defence were denied access to the case files until immediately before the hearing at the High Court, *Tribunal de première instance*. The hearing had already been postponed on 16 July to allow for lawyers to gain access to the files, but they were again prevented from doing so. In court, they were not allowed to speak and withdrew in protest.
- The judge who tried the case was previously a member of the prosecution which brought the charges. This clearly raises serious concerns about the impartiality of proceedings. Lawyers for the defence raised this irregularity but this was rejected by the Court of Appeal on 11 June.
- Furthermore, a streamlined procedure of arrest and investigation was followed after the prosecutor invoked the concept *flagrant délit*. Under Chadian law, this procedure cannot apply to this offence. There were a also number of procedural irregularities in the lifting of the parliamentary immunity and some independent observers expressed concern that some representatives may have been pressurized into voting for the immunity to be lifted. Lawyers for the defence have submitted an appeal which will be heard by N'Djaména Court of Appeal. The date of the hearing is not known.

Yorongar Ngarléjy is a prominent critic of both the government and the President of the Republic. As a result, he has been the victim of politically-motivated arrests on several previous occasions, including in March 1994 when he was arrested and detained for five days. In June 1996 he reportedly received threats in the run-up to the presidential elections in which he was a candidate, and in July 1996 he was arrested and detained without charge for 13 days.
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