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## GABON

**Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)**



© Justin Ndoundangoye

GAB-04 – Justin Ndoundangoye

### Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

### A. Summary of the case

Mr. Justin Ndoundangoye, a former Gabonese member of parliament, was arrested and held in detention at the Central Prison of Libreville on 9 January 2020. He was provisionally released and placed under house arrest on 20 October 2023. Initially accused of instigating misappropriation of public funds (*détournement de fonds publics*), bribery (*concussion*), money laundering and conspiracy offences, he was found guilty of bribe-taking (*corruption passive*) and sentenced at first instance on 10 December 2021 to a five-year prison term. He was also fined 10 million CFA francs and ordered to reimburse 145 million CFA francs to the State of Gabon by way of damages. On 4 March 2022, the Court of Appeal of Libreville upheld the ruling.

### Case GAB-04

**Gabon:** Parliament affiliated to the IPU

**Victim:** Member of the majority

**Qualified complainant(s):** Section I.(1)(a) of the Committee Procedure (Annex I)

**Submission of complaint:** May 2020

**Recent IPU decision:** October 2022

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing with the transitional parliamentary authorities at the 146th IPU Assembly (October 2023)

### Recent follow-up:

- Communication from the authorities: Letter from the Assistant Secretary General of the National Assembly (May 2022)
- Communication from the complainant: December 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2023)
- Communication to the complainant: January 2024

The complainant claims that Mr. Ndoundangoye was kept in police custody for a period of two weeks in violation of the provisions of article 56 of the Code of Criminal Procedure of Gabon, which provides for a maximum period of 48 hours, renewable once. During those two weeks, he was allegedly questioned by officials of the Directorate General for Counter-Interference and Military Security, who were not qualified as criminal investigation officers. He was reportedly unable to speak to his lawyers while in police custody. It is alleged that the lawyers did not have access to the case file, either to the procedural documents or to the evidence against him, and that the only document available to the defence at the start of the proceedings was the pretrial detention order.

The complainant also claims that, on the night of 25 to 26 January 2020, after ordering him to take off all his clothes, three hooded prison officers tied up Mr. Ndoundangoye with his hands behind his back. They allegedly asked him to lie flat on his stomach, legs apart. With an officer holding each leg, he was reportedly beaten on his testicles by the third officer, using a thick rope knotted at the end. He reportedly received sustained blows to his testicles for some time, and was then turned over, knees pressed against his temples, legs still apart, and subjected to blows by the knotted rope to his penis. He also reportedly at this time received several punches and kicks to his ribs and hips. The officers allegedly photographed him while he was naked. Before leaving him, they are said to have strongly advised him not to say a word to his lawyer, otherwise they would come back for "a killing". In taking these threats further, they allegedly threatened to rape his wife and kill his children if the matter was publicized.

A request for intervention in the form of protection was reportedly sent to the specialized investigating judge, with an official copy sent to the Public Prosecutor. In particular, the judge was reportedly asked to order that Mr. Ndoundangoye be admitted to hospital so he could undergo appropriate examinations following the alleged acts of torture. This request reportedly remained unanswered.

According to the complainant, Mr. Ndoundangoye was held in solitary confinement in inhumane and degrading conditions throughout his detention. In particular, he was reportedly held in a very small cell in the disciplinary wing of Libreville central prison without access to drinking water. He was allegedly only able to keep himself hydrated thanks to the cans of water brought to him by his family every week. He was also forbidden from taking part in the religious services held every Sunday in the prison's multi-purpose room.

On 26 August 2023, legislative elections were held in parallel with the presidential elections. On 30 August 2023, the National Electoral Commission announced the election of President Ali Bongo for a third term in office. On the same day, members of the military, joining forces in a "Committee for the Transition and Restoration of Institutions" (CTRI), seized power, claiming that the country was facing "a serious institutional, political, economic and social crisis". The CTRI announced the dissolution of all state institutions and annulled the results of the August 2023 elections. It also appointed General Brice Oligui Nguema, former head of the presidential guard, as its head. In September 2023, a Transitional Charter was published, and Mr. Oligui Nguema was sworn in as Transitional President. In October 2023 a bicameral transitional parliament held its first sitting.

At its hearing before the Committee on the Human Rights of Parliamentarians, the Gabonese delegation of the transitional parliament attending the 147th IPU Assembly expressed the transitional parliament's willingness to cooperate with the Committee in seeking a satisfactory resolution of the case. In December 2023, the complainant reported that two separate legal proceedings against Mr. Ndoundangoye were still pending before the courts, at least one of which would appear to relate to the same offences for which he had already been convicted at first and second instance and imprisoned for almost four years.

In January 2024, the IPU Secretary General went to Gabon and met with the transitional authorities and the deposed president, Mr. Ali Bongo. On this occasion, the transitional authorities reaffirmed their commitment to doing everything possible to successfully accomplish their mission, which was set out in the Transitional Charter.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Welcomes* the assurances given by the transitional authorities confirming their commitment to doing everything possible to successfully accomplish their mission; and *further welcomes* Mr. Ndoundangoye's provisional release;
2. *Reaffirms its concern*, however, about the allegations of threats, acts of torture and other cruel, inhumane or degrading treatment allegedly suffered by the said member of parliament throughout his detention, the perpetrators of which, according to the complainant, have not been prosecuted; *stresses* that the findings of the investigations reportedly carried out by several Gabonese institutions into these allegations should be made available; and *urges*, once again, in this regard, the competent national authorities to provide detailed information and copies of relevant documents concerning these investigations;
3. *Notes* that legal proceedings are still pending before the courts; *remains deeply concerned* at the reiterated allegations of violations of the right to a fair trial in the proceedings against the member of parliament; *hopes*, in this respect, that all future stages of the legal proceedings will be conducted in an independent and impartial manner and in strict compliance with the relevant national and international standards; and *reiterates its request* to receive official and detailed information on the facts justifying each of the charges against Mr. Ndoundangoye and copies of the relevant court decisions;
4. *Acknowledges* the current efforts of the transitional authorities and *urges* the said authorities to continue to lay solid foundations for a new future for Gabon, based on justice, fairness and respect for human rights; *invites* the transitional authorities, in this regard, to continue a constructive dialogue with the Committee and the IPU in order to achieve a satisfactory and definitive resolution of the present case; *confirms* that the IPU is ready to provide capacity-building assistance to the transitional parliament in order to remedy the underlying problems that have given rise to the case; and *wishes* to receive official information regarding the best way to provide such assistance;
5. *Requests* the Secretary General to convey this decision to the transitional parliament of Gabon, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.