



Inter-Parliamentary Union
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Gabon

*Decision adopted unanimously by the IPU Governing Council at its 206th session
(Extraordinary virtual session, 3 November 2020)*



© 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 Gabonese member of parliament, has reportedly been held in pretrial detention at the Central Prison of Libreville since 9 January 2020, accused of instigating misappropriation of public funds, bribery, and money laundering and conspiracy offences.

Mr. Ndoundangoye is the former Secretary General of the *Association des jeunes émergents volontaires* (Association of Young Emerging Volunteers – AJEV). According to the complainant, the proceedings against and detention of Mr. Ndoundangoye are said to be part of a political settling of scores connected to his views and links to the AJEV. He was reportedly detained during the so-called “*Opération Scorpion*” (Operation Scorpion), in which around 20 people, all members of the AJEV, were arrested, taken into custody, charged and placed on remand.

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(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from to the authorities: - - -
- Communication from the complainant: September 2020
- Communications addressed to the authorities: Letters addressed to the Speaker of the National Assembly (October 2020)
- Communication addressed to the complainant: September 2020

Among other irregularities, the complainant states that Mr. Ndoundangoye was reportedly kept in police custody for a period of two weeks in violation of the provisions of article 56 of the Criminal Procedure Code of Gabon, which provides for a maximum period of 48 hours, renewable once. During these two weeks, he was allegedly questioned by officials of the Directorate General for Counter-Interference and Military Security, who were not judicial police officers. He was reportedly unable to speak to his lawyers while in police custody. The lawyers did not have access to the file, either to the procedural documents or to the evidence against him. The only documents available to the defence was the remand order.

Mr. Ndoundangoye was reportedly unable to comment on the facts of the case as he had allegedly been charged at the start of the preliminary examination. Moreover, the indictment issued by the Public Prosecutor is said to be seriously flawed, for example not including the precise date when the offences were committed or any other concrete evidence establishing the alleged offences. The complainant claims that Mr. Ndoundangoye was detained without being questioned by an investigating judge, in violation of the relevant domestic legislation.

On 26 December, Mr. Ndoundangoye was reportedly arrested "*manu militari*" by armed officers before the Bureau of the National Assembly had endorsed the lifting of his parliamentary immunity and therefore before it had come into effect. Likewise, Mr. Ndoundangoye's bank assets were said to have been frozen from the beginning of December 2019 in the absence of any legal action and before his parliamentary immunity had been lifted.

The complainant claims that, on the night of 25 to 26 January 2020, after ordering him to take all his clothes off, 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. Held by each leg by an officer, he was reportedly beaten in the testicles, carried out by the third officer using a thick rope knotted at the end. He reportedly received sustained blows to the 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 remains unanswered.

On 7 February 2020, during a press conference, the Public Prosecutor reportedly stated that the acts of torture had not been proven and contested their existence on the basis of a report not communicated in the proceedings, without having heard the victim beforehand.

On 11 February 2020, Mr. Ndoundangoye reportedly attended a hearing with the investigating judge of the second chamber. During the hearing, he reportedly explicitly denounced the acts of torture of which he was allegedly a victim and the threats made against him, but his statements were not recorded and no follow-up action was taken. The member of parliament's lawyers then reportedly sent a letter of denunciation to the investigating judge of the second chamber.

The case has reportedly been referred to the Speaker of the National Assembly, the Minister of Justice, the Public Prosecutor and other bodies. No action has been taken to date.

Mr. Ndoundangoye has reportedly been in solitary confinement since the start of his detention.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning Mr. Ndoundangoye is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the initial allegations; and (iii) concerns allegations of torture, ill-treatment and other acts of violence, arbitrary arrest and detention, lack of due process at the investigation stage, and failure to respect parliamentary immunity, allegations that fall under the Committee's mandate;
2. *Is deeply concerned* about the member of parliament's continued detention, in view of the worrying allegations concerning his conditions of detention; *urges* the national authorities to take all necessary steps to ensure Mr. Ndoundangoye's full enjoyment of his rights, in particular his right to life, to physical integrity and to access to judicial guarantees, especially in the current context of the COVID-19 pandemic, which has meant that those detained in prison and other confined spaces are at increased risk of catching the disease;
3. *Wishes* to receive official and detailed information on the facts justifying each of the charges brought against Mr. Ndoundangoye, on the procedure followed by parliament to lift his parliamentary immunity, on the steps taken to investigate the alleged acts of torture and threats reported by the complainant, on progress made in the identification and punishment, if any, of those responsible, as well as on all the points mentioned in this decision;
4. *Sincerely believes* in the importance of ongoing and constructive dialogue with the national authorities, first and foremost with the parliament of the country concerned; *encourages*, in this regard, the Parliament of Gabon to enter into a dialogue with the Committee to ensure a satisfactory and rapid settlement of this case; *affirms* that the IPU stands ready to provide assistance aimed at building the capacities of parliament and other public institutions, upon request, in order to identify any underlying issues that may have given rise to the filing of the complaint and to rectify such issues, including with regard to the legislation and procedures implemented in the case; *requests* the competent authorities to provide further information on how the IPU could best provide such assistance;
5. *Requests* the Secretary General to convey this decision to the President of the Parliament of Gabon, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.