



CHAD: 'WE ARE ALL DYING HERE'

HUMAN RIGHTS VIOLATIONS
IN PRISONS

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Cover photo: Prisoners chained by the ankles in Abéché prison, Chad, March 2012. Inmates are chained when being transported to and from courts or hospitals, but may also be held day and night for months in this way, often for no apparent reason. © Amnesty International

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ADMINISTRATIVE MAP OF THE REPUBLIC OF CHAD



Map No. 5768 Rev. 7 United Nations
November 2007 (Colour)

Department of Field Support
Cartographic Section

I. CONTEXT

'We are all dying here like flies' ¹

The Chadian prison system is in deep crisis and needs urgent and fundamental reforms. Prison conditions in Chad are harsh and far below international standards. Most of the prisons, including the six prisons visited by Amnesty International delegates in 2011 and 2012, were very old, dilapidated and overcrowded. Prisoners' human rights including the right to security of persons and freedom from cruel, inhuman or degrading treatment or punishment were often violated. In some cases, the detention conditions themselves amounted to cruel, inhuman or degrading treatment or punishment. Other human rights, such as the right to access adequate health services, medical care, clean drinking water, food and sanitation as well as other basic facilities, were not respected. Men and women, children and adults, civilians and soldiers, suspected and already sentenced prisoners, were mixed indiscriminately together in the majority of the prisons.

Most people detained in Chadian prisons were poor and uneducated with no or very limited access to a lawyer. There were "forgotten detainees" as judicial authorities were not always aware that somebody was being detained. Many were held in lengthy pre-trial detention while others continued to be detained for months after a decision to release them was pronounced by a judge. The United Nations Human Rights Committee expressed serious concerns about the functioning of the judiciary in Chad. It stated that "the State Party's judicial institutions are dysfunctional owing to a shortage of judges and prosecutors and to unmet infrastructures needs".²

The Chadian prison system is poorly funded and prison personnel - where they exist - are underpaid. There is evidence that staff are susceptible to bribery and other forms of corruption. This was confirmed by Chadian human rights activists and even local prosecutors who told Amnesty International delegates that the practice was illegal but common in Chadian prisons and other detention centres. This situation has also been denounced by various bodies, including the US State Department. Its report for 2011, released in May 2012, stated that "prison guards were not regularly paid and sometimes "released" prisoners who offered compensation in return".³

Although prisoners are generally allowed access to family and friends, visitors are often obliged to pay prison personnel to bring food, medicines or other items to inmates. At Moundou prison for example, visitors told Amnesty International delegates in November 2011 that they were regularly asked to pay between CFA Francs 300-500 (approximately US\$0,6-1) to guards for each visit they made to a prisoner. Prisoners also told Amnesty International delegates that they often bribed the prison personnel for better access to facilities such as kitchens or water taps. Amnesty International delegates received information from various sources, including inmates and prison staff that prisoners who

conducted commercial activities within the prisons paid "taxes" to the prison staff in return for being allowed to continue with their activities.

Outside bodies such as the International Committee of the Red Cross (ICRC) have access to prisons. Chadian civil society organizations and religious groups were also allowed to visit prisons after obtaining authorizations from the local prosecutor and/or the prison director. Only the Association for the Promotion and Defence of Human Rights (*Association Tchadienne pour la Promotion et la Defence des droits de l' Homme, ATPDH*), a local human rights group, was granted permanent permission to visit prisons at any time without prior notice. Lawyers were generally granted permission to visit their detained clients.

Prisoners were permitted to observe their religious faith during their detention. Most prisons allocated prayer spaces for Muslims and Christians, and imams and chaplains were able to conduct prayers.

Although the rights of people deprived of their liberty, including prisoners' rights, are now incorporated in a large number of international standards and enshrined in Chad's Constitution and laws, their respect and protection remain a challenge. There is still a gap between the country's international obligations, the provisions of the law and their implementation. In addition, Chad's prisons are still mainly seen by the authorities, and to some extent the population, as a place of punishment and thus with little significant rehabilitation and reintegration programmes for inmates.

APPALLING DETENTION CONDITIONS

All the six prisons Amnesty International delegates visited in Chad were overcrowded. At the end of January 2012, 45 prisons were operational in Chad, housing a total of 4,831 prisoners.⁴ The maximum intended number was 2,080, meaning that the prison system overall was operating at least 130 per cent above capacity. Most of the prisons visited by Amnesty International were operating at four times their intended capacity, one held five times as many as it was designed for.

No effective mechanisms were in place to allow prisoners to complain about cruel, inhuman or degrading treatment or punishment by prison staff or other inmates, including members of prison gangs who enjoyed almost total impunity; or the general prison conditions.

Prisoners had very limited access to medical and health care, and lacked food and potable water as well as other basics such as bedding and clothes. Prevention and treatment of disease posed serious public health issues in Chadian prisons. In some of those visited by Amnesty International, there were rooms allocated as clinics, but these were mostly empty or used for other purposes such as staff offices or prisoners' cells. Sick prisoners did not receive adequate treatment in prisons. This included those suffering from transmissible conditions such as skin rashes, tuberculosis (TB), and sexually transmitted diseases, as well as those infected with HIV or those with AIDS. None of the prisons had a medical doctor on the staff, and there were no specific prison health or medical personnel within the entire prison system. The Chadian National Gendarmerie, in charge of prison management, allocated its own nurses to some prisons, but did not provide them with basic facilities or essential drugs. Non-smokers were held together with heavy smokers in overcrowded prisons.

In some other situations, prisoners who claimed to have some medical skills were requested by the staff to provide assistance and treatment to other inmates. Medicines were generally

bought by prisoners themselves or their relatives, often without any serious medical assessment. Prisoners with mental illness were generally ignored by prison officials and those whose behaviour could pose a risk to staff or other prisoners were chained day and night or put in confinement or isolation without receiving any treatment for their condition. In some instances, local churches and charities donated drugs, mosquito nets and basic medical supplies to the prisons.

The obligation upon the government to provide prisoners with adequate food was not respected. Amnesty International delegates observed that most of the prisoners they met were emaciated, weak, and looked underweight. Prisoners complained that they ate only once a day at irregular intervals and that the food was not sufficient and of poor quality. It usually consisted of *gombo*⁵ sauce and the local millet bread called *boule*⁶, cooked and distributed by the prisoners themselves. Prisoners were allowed to cook their own food received from family members or could buy food from outside or inside the prisons where open "markets"⁷ existed.

Hygiene, sanitation and scarcity of water were of serious concern in all the prisons visited by Amnesty International delegates. There was a lack of sufficient running water for drinking, bathing, cooking, or washing clothes and bedding. In some prisons, such as Moussoro prison opened in 2010, inmates were asked for money to buy drinking water from the guards.

Most of the prisons lacked hygiene and sanitation facilities. Toilets and sewage systems were very often blocked due to lack of regular maintenance. During the night, inmates had to use plastic buckets as toilets within their overcrowded cells, making conditions unhygienic. In most prisons, inmates slept on the floor, often using their own clothes as a mat. Blankets or sheets were not provided and prisoners without these were not covered even during cold periods. Some slept on makeshift beds or on mats provided by their family, friends or charities. Prisons were not well ventilated and cells and dormitories were extremely hot, especially during summer when the outside temperatures can easily rise to 45 degrees Celsius.

Stagnant water mixed with wastewater and human excrement in prison courtyards and even outside the prisons, posed health risks for the inmates, staff and visitors as well as for the population living around the prisons. This situation can contribute to the spread of disease in and around the prisons as some prisons such as Moundou, Abéché and N'Djamena were located in residential areas. In Moundou town for instance, raw sewage water from the prison was drained into the River Logone that provides drinking water to the town and surrounding areas.

PRISONERS WITH SPECIFIC NEEDS

Some categories of prisoners, notably women and children, have specific needs that were not often met in Chad's prisons.

There is no specific women's prison in Chad. In some prisons, women were held in cells or blocks separate from these of the men. But in some others, there were no separate cells and women and men were held together.⁸ In most of the prisons, men and women shared facilities such as toilets, bath facilities or kitchen. This situation put women at risk of rape or attack by male inmates, prison guards or staff. It also violated women prisoners' rights to safety and to privacy. In addition, the lack of female prison staff among the already limited number of guards, nurses or social workers, as well as the regular presence of male guards

and other prison staffs within women's cells and courtyards, increased the risk that women and girls might face rape and other types of violence.

There are no special child detention facilities or rehabilitation or reformatory facilities for children in Chad. Some children were held together with their detained mothers. Few prisons had separate cells for boys but this was not the case for many other prisons, such as Amsinene, Sahr or Doba, where Amnesty International delegates found that boys were held together with adults. At Abéché prison, the cells allocated to children were used by the so-called Very Important Prisoners (VIP), and the children were held together with the adults and slept in the men's cells.⁹ Girls were detained together with female adults. International law and standards as well as Chadian legislation prohibit the detention of children together with adults.

Detained children sentenced or waiting for trial as well as those who were staying with their detained mothers often do not receive any form of education or apprenticeship in prisons and are regularly exposed to behaviour such as taking drugs or smoking cannabis, locally known as *mbongo*, that are widely on sale in and around Chadian prisons. None of the children who Amnesty International delegates met during their various visits in prisons received any legal assistance with their cases.

The absence of recreational and rehabilitation facilities particularly affects children. When former child prisoners return to their communities after being released from prison, they might experience problems reintegrating into their communities and could be at risk of becoming recidivists because of the lack of rehabilitation and social reinsertion activities within and outside the prisons.

PRISONERS AFFECTED BY LACK OF COORDINATION BETWEEN VARIOUS PRISON SERVICES

Competition and regular tensions between the members of the National and Nomadic Guard of Chad (*Garde Nationale et Nomade du Tchad* or GNNT) and those of the National Gendarmerie, combined with the lack of coordination between these two bodies, had serious consequences on the life of inmates in Chadian prisons.

According to the Constitution, the security of prisons is assumed by the GNNT¹⁰, while some of the prison staff, including the prison directors, are members of the National Gendarmerie.¹¹ Both the GNNT and the National Gendarmerie are part of the Chadian security forces. Chadian authorities and members of the international community recognized that members of these two security services are not familiar with prison related issues and often lack adequate training on prison matters.

Information received by Amnesty International from various sources including prison staff and local judicial authorities indicated that tensions between the GNNT and the National Gendarmerie have contributed to revolts in prisons that have led to serious human rights violations. For example, a director of a prison told Amnesty International delegates during a prison visit in March 2012 that the lack of coordination between these two entities within the prisons was a contributing factor to regular escapes of prisoners and to instances in which prisoners were killed and others wounded in at least three prisons in 2011.

LAWS, PRACTICE AND POLITICAL AGENDA

Chad has been engaged in a legislative reform of the prison sector for many years, with little visible improvement to the detention conditions. On 4 October 2011, President Idriss Deby Itno signed two Ordinances: No 31/PR/2011 on the statute of the penitentiary and social reinsertion personnel¹² and No 32/PR/2011 on the prison system.¹³ These replaced Decree No 371/77/CSM/MJ of 20 October 1977 on the status of prisons in Chad, reorganized the prison system and provided provisions for the respect, protection and promotion of the rights of prisoners. However, their implementation will not be effective without serious political will from the Chadian authorities. It could be further hindered by the limited resources allocated to prisons in the national budget¹⁴, lack of infrastructure or the absence of qualified personnel. In addition, most of prison staff were apparently not aware of the existence of these two Ordinances as they often referred to the 1977 Decree during meetings with Amnesty International delegates in November 2011 and in March 2012.

Chad is also trying to reform its justice sector, including its prison system¹⁵, with the assistance of the international community. A crucial initiative is the five years *Programme d'Appui à la Justice au Tchad (PRAJUST)*, a joint initiative between the Chadian government and the European Union to reform the justice sector and improve the rule of law through various activities including construction of prisons, training of prison personnel and funding of correctional and rehabilitation projects.¹⁶ PRAJUST also allocated Euros 445.991 to a 20 months legal aid project known as *Lawyers for the Vulnerable (Avocats au service des vulnérables)* run by the Chadian Bar Association with an aim to provide lawyers to assist defendants and plaintiffs before and during trials.¹⁷ Both the scope and the number of beneficiaries of this project are limited. The project planned to provide assistance to a maximum of 400 people in the capital N'Djamena and in the town of Moundou.¹⁸

The political agendas of some Chadian authorities have affected prisoners' human rights. For instance, the decision to close and demolish N'Djamena prison without providing a proper alternative is one illustration of the lack of planning, coordination and political will. The prison was demolished in December 2011 and prisoners were transferred to Moussoro prison with no advance notice or preparation leading to overcrowding there. Moussoro prison is situated in the Bahr El Gazal region, at around 300 kilometers to the north-east of the capital N'Djamena. This situation led to further human rights violations by the police and security services. For instance, individuals were illegally detained within police and security services' detention facilities for more than 48 hours, due to lack of a prison to send them to, in contradiction of article 221 of the Chadian penal procedure code.¹⁹

The transfer of prisoners from N'Djamena to Moussoro also created new technical and legal challenges on courts' jurisdictions as well as serious logistical problems. For example, it is now difficult for the N'Djamena prosecutor to identify and visit former N'Djamena prisoners already sent to Moussoro or to other remote prisons from there. It is also not easy for lawyers defending prisoners to have access to their clients because of the distance. The Chadian Bar Association denounced this situation in several statements and prevented its members from participating in any hearings that were taking place in Moussoro concerning prisoners transferred from N'Djamena.

NEED FOR URGENT ACTION

Amnesty International is concerned about the appalling conditions of detention in Chadian prisons and calls on the authorities to take immediate steps to address this situation. As a matter of urgency, the authorities must ensure that both the physical and mental integrity of inmates are protected and that prisoners' security is not be jeopardized at any time. They must also ensure that food, medicine and potable water are available in all prisons and that the conditions of detention are in accordance with the international standards. With the assistance of the international community, including donor countries, the authorities should reform the prison sector along with the whole criminal justice system. The Chadian government should then allocate sufficient human, financial and technical resources to the justice sector in general and to the prisons system. Currently, only 2% of the annual budget of Chad is allocated to the justice sector and covers mostly staff salaries.²⁰

The Chadian authorities must ensure that prison staff and prisoners are informed of prisoner's rights and put in place an effective complaints mechanism that prisoners can use in cases of human rights violations and abuses. The authorities should launch impartial investigations into all human rights violations and abuses committed in prisons including these highlighted in this report.

II. ABOUT THIS REPORT AND METHODOLOGY

This report is about the conditions of detention and violations of human rights in Chadian prisons. It highlights the conditions in which prisoners are held and the dysfunctions of the Chadian prison system. It provides recommendations to the Chadian authorities and members of the international community including donors with respect to the protection of prisoners' human rights. The report is based on findings of Amnesty International research missions conducted in Chad in 2011 and 2012 and subsequent meetings and communications with various stakeholders and sources. Amnesty International is grateful to the Chadian authorities for allowing its delegates access to the country's prisons.

Amnesty International delegates were able to visit six prisons in Chad during the period of this research. Delegates chose to visit the three main prisons in the capital, N'Djamena, and in the towns of Abéché²¹ in the east and Moundou²² in the south covering the jurisdictions of the three Chad's Courts of Appeal. They also visited two prisons in the southern towns of Sahr and Doba²³ as well as the newly set up Amsinene prison in N'Djamena. Information gathered in N'Djamena prison before its demolition in December 2011 is considered in this report. The consequences of this demolition on the Chadian criminal justice system and on prisoners' rights, as well as the absence of an adequate alternative detention facility in N'Djamena, are among the concerns addressed in this report.

In May and June 2011, Amnesty International delegates conducted a two-week mission in N'Djamena, followed by a three-week mission in southern Chad in November 2011, which included visits to the prisons of Moundou, Sahr and Doba. In March 2012, they spent two weeks in the country and visited Amsinene and Abéché prisons. Before visiting each prison, the delegates presented the objectives of the visit to the local authorities, including the local prosecutor.

Interviews with inmates were held individually and took place without the presence of prison personnel. The locations for interviews with inmates were chosen inside the prisons taking into consideration the category and the status of the prisoners (women, children, sick prisoners, etc) as well as their security, confidentiality and privacy. The dignity of the prisoners was always considered. Interviews were conducted in French with any necessary translation provided by trusted members of local human rights organizations. The real names of the prisoners and the photographs where inmates' faces could be recognized are not used in this report for their protection, security and the respect of their privacy. Delegates also conducted interviews with recently released former prisoners at some of the places they visited. All the interviewees, including children, were informed of the purpose of the interviews and the use that Amnesty International will make of the information gathered. Authorizations were requested from the prison officials and the prisoners before photographs were taken.

In addition to the interviews with the inmates, Amnesty International delegates visited prison cells, offices and kitchens, as well as water and sanitation facilities including toilets, lavatories and sewages. The delegates also observed life in and around the prisoners' courtyards.

Amnesty International delegates discussed concerns raised in this report in their meetings with various authorities and members of the Chadian government, including Dr Abdoulaye Sabr Fadoul, Minister of Justice; Amina Kodjiyana, Minister of Human Rights; and the Secretary General (SG) of the Ministry of Foreign Affairs, the SG of the Ministry of Justice as well as the SG of the Ministry of Human Rights. The delegates also met with Mahamat El-Hadj Abba Nana, Director of the Penitentiary and Social Rehabilitation Services (*Directeur de l' Administration Pénitentiaire et de la Réinsertion sociale*) and his deputy, as well as with the N'Djamena general prosecutor.

Amnesty International delegates also met with prison directors and staff in all the prisons they visited and discussed with them the conditions of detention and the challenges they faced. The delegates had discussions with other national and local judiciary personnel, including prosecutors, judges and police officers as well as regional delegates of the Ministry of Human Rights. They also held meetings with parliamentarians, lawyers, human rights defenders and journalists, as well as with representatives of foreign embassies accredited to N'Djamena. Delegates also discussed some of their findings with United Nations officials and with staff of national and international NGOs based in Chad.

Amnesty International continued to engage with the Chadian authorities and prison officials when drafting this report. For example, on 14 December 2011, Amnesty International sent a letter to the Director of the Penitentiary and Social Rehabilitation Services requesting statistics including the number of the functioning prisons, total number of detainees and their categories, the numbers of deaths in custody in 2011, the numbers and gender of HIV infected prisoners and other health issues, the number of the prison staff including social, health, medical and security staff, the annual budget of the prisons, reports on security incidents in which detainees were killed that took place in at least three prisons in 2011, and information on the legal status of the current prison laws. Answers to some of the requests were provided by the Director of the Penitentiary and Social Rehabilitation Services in a letter to Amnesty International in March 2012. In May 2012, Amnesty International sent another letter to the Minister of justice requesting information about measures taken so far by the authorities to tackle the emergency needs in prisons. No answer to issues raised in this letter was received by Amnesty International at the end of July 2012.

Information gathered by Amnesty International researchers was reviewed and analyzed in accordance with international human rights law and standards as well as the provisions of the Chadian Constitution and relevant legislation.

III. CHADIAN PRISON SYSTEM

The framework of the Chadian prison system is set out in various legislation including the penal code²⁴ the code of penal procedure²⁵ as well as Ordinances No 31/PR/2011, October 2011 on the statute of the penitentiary and social reinsertion personnel and No 32/PR/2011, October 2011 on the prison system that replaced Decree No 371/77/CSM/MJ of 9 November 1977 that had so far organized the Chadian prison system.

A. PRISON STAFF

Ordinance No 31/PR/2011 specifies four categories of personnel in Chadian prisons under the authority of the Minister of Justice. These are penitentiary administrators (*administrateurs*), penitentiary controllers (*contrôleurs*), administrative staff (*agents administratifs*) and penitentiary supervisors (*surveillants*).²⁶ The overall management of all Chadian prisons is under the Director of the Penitentiary and Rehabilitation Services who reports to the Minister of Justice. Each prison has a *Chef d'établissement pénitentiaire* (prison director) who is responsible for the daily management of the prison. The four categories of prison staff were not yet deployed at the end of July 2012 and Chadian prisons were still run by the National Gendarmerie and generally guarded by members of the GNNT.

Although this ordinance states that the 1977 Decree is repealed, the Chadian authorities still maintain the same structure and personnel including the GNNT and the Gendarmerie to ensure the security of the prisons and to run the administrative and social tasks within prisons.²⁷ The ordinance also refers to further legislation to be implemented by the President and/or ministers on a wide range of issues, leaving serious gaps in important sectors such as the recruitment of the staff, salaries and benefits or disciplinary measures.

The precise number of prison personnel was not made available to Amnesty International, despite many requests and apparent efforts by various prison services to provide accurate information. The limited information provided to Amnesty International delegates during meetings with prisons authorities suggested the presence of sufficient personnel inside Chadian prisons including enough prison guards to ensure the security of the prison and adequate medical staff. But Amnesty International delegates did not find any active nurse in the six prisons they visited, apart from the Sahr prison where a nurse was assigned but was not working in the prison itself for lack of basic facilities. It was also not possible for the delegates to confirm the numbers of guards at each of the prisons as they were controlled by the GNNT local commanders - not prison authorities - in each location.

B. PRISON ORGANIZATION AND CATEGORIZATION

Ordinance No 032/PR/2011 establishes four categories of prisons in Chad. The first comprises high security prisons (*Maisons de Haute Sécurité*), the second consists of general prisons (*Maisons d'arrêt*), the third is made up of rehabilitation centres (*centre de rééducation*) and the last category is that of prison farms (*camps pénaux*).²⁸ According to the prison authorities, three high security prisons exist in Chad: Ati, Koro-Toro and Mbaibokoum.

According to this ordinance, the « *Maisons de Haute Sécurité* » accommodate people

sentenced to more than five years, as well as former detainees who previously escaped prisons and/or recidivists.²⁹ The “*Maisons arrêt*”, commonly called prisons, house those accused but not yet tried, those awaiting sentence and prisoners sentenced to five years’ imprisonment or less.³⁰ Juvenile offenders should be held in rehabilitation centres³¹ while prisoners sentenced to no more than one year are permitted by law to work in prison farms (*camps pénaux*)³². Although such categories exist in the law, there are in practice no rehabilitation centres or prison farms in the country.³³ The law also states that the “*Maisons de Haute Sécurité*” and the child rehabilitation centres can be accommodated within the “*Maisons d’arrêt*” while the prison farms should be located in rural areas where agricultural activities are possible. Despite these stipulations, separate categorization of detainees does not exist in practice.

IV. PRISON CONDITIONS AND HUMAN RIGHTS

Prison conditions in Chad are harsh and violate human rights of the prisoners. These conditions are in contradiction with Chad's binding international and national legal obligations. Detainees' rights, including the right not to be subjected to cruel, inhuman or degrading treatment or punishment, the right to adequate food, drinking water, clothing and accommodation, as well as the right to enjoy the highest attainable standard of physical and mental health, are not respected and are jeopardized by the often life-threatening living conditions. For instance, on 17 September 2011, nine men died of asphyxiation four hours after being detained at the National Gendarmerie detention facility in the town of Léré in the Mayo-Kebbi West region of southern Chad. Some of the men were subjected to ill-treatment during their arrest. After the deaths, the remaining detainees at the Gendarmerie were transferred to N'Djamena central prison where another man, Bouba Hamane, later died.³⁴

The special circumstances and needs of women, the poor, children, people with mental disability and foreigners are not met in Chadian prisons.

For the wealthy or those of a high social or political class, detention conditions are more comfortable. These prisoners are usually housed in better quality accommodation and have access to items such as radios, televisions and even their own mobile phones. They receive preferential treatment, are allowed more frequent family visits, and can organize commercial activities such as selling goods within the prison or even spend nights outside the prison. Poorer prisoners often carry out daily tasks for them, such as cooking, washing clothes or fetching water, in return for food or money.

International and local human rights organizations as well as the International Committee of the Red Cross (ICRC)³⁵ and the UN³⁶ have denounced the appalling conditions of detention conditions in Chadian prisons but little has been done thus far by the authorities to improve the situation.

Section 12 of Ordinance No 032/PR/2011, 4 October 2011 provides for a complaint mechanism that prisoners, subjected to human rights violations, can use. Article 67 of the ordinance states that prison staff must rapidly react to any complaint from a prisoner in recording the complaint and taking concrete measures to address the situation. It also adds that in case a prisoner is wounded, the victim must undergo a medical examination and should receive appropriate medical treatment. The law also states that unhappy prisoners can appeal to the Director of the Penitentiary and Social Rehabilitation Services or to other official organizations. The ordinance does not specify the procedures to follow nor does it clarify what is meant by "other official organizations". Examples of implementation of these provisions were not provided to Amnesty International by Chadian prison authorities. In addition, article 82 of Ordinance No 031/PR/2011, 4 October 2011 specifies that a disciplinary sanction regime for prison staff will be issued by Presidential Decree based on a proposition from the Minister of Justice. This specific implementing legislation was not yet issued at the end of July 2012.

A. IN A POOR STATE: DILAPIDATED AND OVERCROWDED PRISONS

1. DILAPIDATED PRISONS

Prison infrastructures in Chad are in a poor state. The buildings are very old, dilapidated, neglected and overcrowded. At most of the prisons visited by Amnesty International delegates, leaks were visible in the roofs. Walls were crumbling in several prisons, including Abéché, Sahr and Doba, posing serious safety risks for inmates, prison staff and visitors.

Most prisons were built during the French colonial period and most have not been repaired or refurbished for many years.³⁷ One prison official commented that prison rehabilitation is costly and that the budget allocated to prison services is not sufficient and does not include money for rehabilitation work.

Chadian prisons consist of large buildings with high security fences, some of which were surrounded by barbed wires. The prisons are often divided into cells with at least one central courtyard. Prisons walls are made of cement but other are brick buildings such as at Abéché prison. Amnesty International delegates were informed by prison authorities in November 2011 and March 2012 that some prisons were surrounded by adobe walls that facilitated prisoners to escape as they could easily dig a passage through the wall.

Chad has started a building and rehabilitation programme in some areas but their capacity remains very limited.³⁸ Recent efforts by the government, with the assistance of the international community, to build new and modern prisons are encouraging but these will remain vain if there is no political will to effectively reform the country's criminal justice system, including the prison sector.

2. OVERCROWDED PRISONS

The figures

Chadian official figures state that 4,831 prisoners were detained in 45 prisons at the end of January 2012. According to figures in an official report seen by Amnesty International, most of the inmates were held in pre-trial detention and only 1,765 were already sentenced.³⁹ A survey conducted by PRAJUST in 2010 suggested that there were 4,775 detainees in prisons designed for a maximum capacity of 2,080.⁴⁰ The number of prisoners remains above the total capacity, despite the regular releases of prisoners after being pardoned by the President, such as in the December 2011 Decree.⁴¹ At the end of June 2012, Amnesty International was informed by prison officials that the number of people in country's prisons was in the same range as the January 2012 figures. Chad has an estimated population of 11.5 million.

Moundou prison

Moundou prison was built for a maximum of 250 inmates but on the day of Amnesty International's visit on 9 November 2011, the prison registers showed that 462 people, including 20 women and 10 boys aged under 18, were detained in its 13 collective cells. The prisoners comprised eight cases of *contrainte par corps*; this refers to people who were

detained in prison because they were not able to pay fines or financial compensation to their victims following a judicial decision. At least 251 detainees were waiting for their case to be heard by a judge. Thirteen prisoners who were registered were not present, for which the staff were not able to give an explanation.

Doba prison

At Doba prison, 275 detainees were incarcerated in a prison rated for a maximum capacity of 50.⁴² The detainees included four women detained in a separate dilapidated cell outside the main prison building and one boy who was held together with the adult men. Only 138 prisoners were already sentenced including two on death row. The two individuals on death row were not in prison the day of Amnesty International's visit on 11 November 2011. Prison guards told Amnesty International delegates that the two men received permission to visit their relatives outside the prison. It was not possible for Amnesty International to verify this information as they were no written trace of the absence of the two individuals in the prison books.

Sahr prison

At Sahr prison, 265 people were held in accommodation built to house 200 inmates in its nine collective cells. They included three women detained in a separate cell, and a young boy of approximately 15 years old detained together with adult men. Three soldiers were among the detainees.⁴³

Abéché prison

In Abéché, more than 400 people were detained in November 2011 at the prison that was planned to accommodate a maximum of 100 people in its 10 cells. According to prison officials, more than 40 people were waiting for their release more than seven months after the decision to release them was pronounced by a judge.⁴⁴

When Amnesty International delegates visited the prison again on 13 March 2012, they were told by prison officials that 207 people, including 25 women and two children, were detained there. Delegates were informed by the prison director that some already sentenced prisoners were sent to other prisons including 50 prisoners who were transferred to Fada prison at the end of 2011. Prison officials stated that 41 prisoners, including five women, were already sentenced while 160 were waiting for their trial to take place and six prisoners, including four women, were held on *contrainte par corps*. It was not possible for the delegates to confirm the exact number of the children detained, but they later found during a tour of prison cells that at least 10 children were held in the prison and at least five other children, including a 10-year-old girl, were staying with their mothers in the prison. Due to overcrowding, the prison mosque was converted into a cell.

Amsinene prison in N'Djamena

The same overcrowded conditions existed at the newly set-up Amsinene prison in N'Djamena, where prisoners were transferred following the demolition of N'Djamena prison in December 2011.

Overcrowded Amsinene prison

Amsinene prison was opened on 26 December 2011 to primarily serve as a transit detention facility for prisoners awaiting transfer to other prisons such as Moussoro and Koro-Toro. Amnesty International visited this prison on 6 March 2012 and observed how it had very limited capacity and facilities including toilets and showers.

The day Amnesty International delegates visited Amsinene, 318 people including 25 women were held there. Three women were detained together with their three children aged three, two and one. Two children, a girl aged 14 and a boy aged 16, were also detained there. Although the justice and prisons authorities told Amnesty International that Amsinene was for prisoners awaiting trial, the delegates found that at least 30 already sentenced prisoners were held there in March 2012.

There was insufficient space to accommodate all the prisoners. At night, up to 50 were held in each of the seven cells measuring 5x 4 metres, while all the prisoners shared the tiny compound during the day. Women, men and children, including those held with their mothers, shared the compound and sanitation facilities with male guards and other prison officials. Prison officials told Amnesty International delegates that they were aware of the situation and that they were negotiating with the national gendarmerie to be allocated more cells.

On 9 July 2012, Amnesty International received information from the prison officials that seven additional cells were provided to the prison in April 2012 by the national gendarmerie and that 470 prisoners including 15 women and eight boys aged under 18 years were detained there. This information was confirmed by a former detainee who insisted that the additional cells did not improve the detention conditions in Amsinene as the number of detainees was increasing daily.

N'Djamena prison

At N'Djamena Central prison, with an intended maximum capacity of 300 prisoners for its 22 cells, more than 1,250 inmates including 35 women and an unknown number of children were held at the end of May 2011.⁴⁵

A former prisoner who spent three months in N'Djamena prison told Amnesty International that detention conditions were appalling. He described how he was affected by overcrowding:

"Prisons conditions were very difficult at N'Djamena prison. We were locked up in overcrowded cells from 17:30 until 07:30. Sometimes cells doors were not opened before 14:00 the following day. It was very hot inside and we started developing skin diseases due to the heat during that period of the year. At night we defecated in plastic buckets or bottles and on the floor when these containers were full. At least six people died because of the dire conditions of detention during my stay at that prison. Some of those who died were sick but didn't have adequate medical attention despite several requests especially during night times. The conditions were worse in the "Galaxy" cells, where most of the sick were held. Other inmates told me that the death toll is high in May because of the heat. No food was available and I had to cook myself the food brought

by my family members. I was lucky because I have my brothers in N'Djamena. One day, we were given rotten biscuits and all the prisoners who ate them vomited and got diarrhoea."⁴⁶

3. THE CAUSES

The high numbers held in Chadian prisons can be attributed to the slow functioning of the judiciary, lack of access to justice especially for the poor, an ineffective parole system and poor application of alternative measures to imprisonment, such as non-custodial measures for petty offences. A large proportion of prisoners have never been convicted due to serious shortcomings in the justice system and there is no separation between prisoners on pre-trial detention and those already sentenced.⁴⁷ This results in backlogs in the courts, exacerbated by the lack of coordination between the offices of the prosecutor, the police and prison administration. In many cases, those on remand can wait for more than three years with no contact with the office of the prosecutor or before their case is heard by a judge.

According to Chad's penal procedure code, "preventive detention is a measure designed to ensure appearance of an accused person before the courts or to prevent any activity of a nature to interfere with the establishment of the truth"⁴⁸ and "it is applicable only to persons being prosecuted for acts designated as crimes or as offences carrying a penalty of imprisonment"⁴⁹. The law adds that "Preventive detention must take place in a prison and in accommodation separate from that in which sentenced prisoners are held".⁵⁰ However, these legal provisions are not respected for most prisoners in Chad.

Cases are delayed in the Chadian court system for various reasons including lack of judges, lack of transport from the prison, or lack of security personnel to escort inmates violating the right of prisoners to be brought to trial within a reasonable time or released on bail. For instance, there was no hearing at the Sahr Tribunal on 15 November 2011 because no security personnel were available to ensure the transport of the prisoners to the court room. Most of the prison guards were attending a military parade in the town.

Some political decisions have had serious consequences on the conditions of detention in Chad and have led to overcrowding in some of the prisons, even when the situation could be avoided. This is the case of the demolition of N'Djamena prison that left the Chadian capital - with around 1 million residents - with no adequate prison. In addition, the transfer of prisoners to Moussoro displaced the problem and led to overcrowding at Moussoro prison.

FORGOTTEN PRISONERS

The issue of "forgotten prisoners" is a widespread phenomenon that has contributed to overcrowding in Chadian prisons. People can easily spend years in detention without the judicial authorities being informed of their presence. This was the case for 15-year-old boy who spent more than 18 months in Doba prison without the knowledge of the local prosecutor.⁵¹ During a meeting with Amnesty International delegates in March 2012, the Minister of Justice also recognized that this was a problem. In addition, an official report by the Ministry of Justice following the killing by prison guards of two inmates in Bongor prison states that the fact that prisoners who had already served their sentences "were forgotten" in the prison after the decision of their release was pronounced contributed to the attempted large scale escape that led to these killings.⁵²

Poor coordination between various judicial services especially the prisons and the courts as well as the high turnover rate of the local judges and prosecutors combined with the lack of sufficient and adequate personnel could also explain why a judicial decision to release somebody is not implemented until months later.

The lack of systematic individual records in prison registers is also among the reasons often observed as contributing to this phenomenon of "forgotten prisoners" in Chadian prisons. In many cases, prison registers don't clearly mention the reasons of detention and the identity of the signatory of the detention order. Amnesty International learnt that in some other cases detention orders were delivered to prison staff after the person was already illegally detained in the prison. Amnesty International was informed by prison staff that some detention orders they received were signed by persons who were not mandated to do so such as court clerks, secretaries or local administrative authorities.

4. THE CONSEQUENCES

Overcrowded prisons inhibit efforts to overcome violations of prisoners' human rights and they are the major cause of unrest and violence. All the six prisons visited by Amnesty International were so severely overcrowded that detainees said it was almost impossible for most of them to sleep. The poor ventilation and sweltering heat exacerbated the discomfort⁵³. At least four inmates at four different prisons visited told Amnesty International delegates that they had to arrange sleeping in shifts.⁵⁴ Although the prison authorities allowed inmates to bring their own mattress, bed sheets or pillows, most detainees slept on the floor or on old, small prayer mats provided by religious charities. Some inmates, especially newcomers, were forced to pay money to the cell masters (Mayors) and/or to prison workers in order to secure a place to sleep in the cell.⁵⁵ In some cells, narrow makeshift beds were shared by at least two inmates, one man's head beside another's feet. Prisoners who paid the security guards were allowed to sleep outside the cells within the prison compound where they could enjoy some fresh air and avoid the heat of the cells during the night.

One prisoner told Amnesty International: "We were sleeping like sardines in a can. The lucky ones were sleeping two on a small makeshift bed. But most detainees were sleeping on the floor on old blankets or small prayer mats. It was very hot in the rooms especially between March and May. The cells were very dark at night and the ventilation was poor. The odours were very strong as prisoners were defecating and urinating in plastic buckets or plastic bags inside the cells. These were inhuman condition in which we were detained in that prison"⁵⁶

Under international law and standards, prisoners should be provided with adequate accommodation, with adequate cubic content of air, floor space, lighting, heating and ventilation⁵⁷ and with a separate bed and clean bedding, with facilities for keeping bedding clean.⁵⁸ The provision of Chadian law states that the government must provide prisoners with adequate bedding and that the prisoners must be in a clean state and provided with dignified clothing.⁵⁹

THE DEMOLITION OF N'DJAMENA PRISON AND ITS CONSEQUENCES

The decision to demolish N'Djamena prison at the end of 2011 was followed by successive waves of transfers of prisoners to Moussoro⁶⁰ prison in the Bahr El Gazel region, more than 300kms northeast of the capital, in the desert. According to a report by the Ministry of Justice⁶¹, 235 prisoners were transferred on 5 December 2011, followed by a second transfer of 263 prisoners on 7 December, including 152 already sentenced and 110 on pre-trial detention. A third transfer of 472 prisoners, most of them on pre-trial detention (470), was made on 11 December. On 17 December, a further 245 prisoners, including 13 women, were transferred. The last transfer on 21 December comprised 119 people, including human rights defender Daniel Deuzoumbé Passalet.⁶² In total, at least 1,098 prisoners from N'Djamena prison were transferred to Moussoro at the end of 2011. In this report the Chadian authorities suggested that Moussoro prison has a maximum capacity of 955, but former prisoners and local human rights groups who visited the prison told Amnesty International that the number should be as low as 500⁶³ but it was not possible for Amnesty International to verify these figures.

According to Chadian officials, 1,550 prisoners, including 15 women and 18 children, were held in the 36 cells of the N'Djamena prison at the end of December 2011, although interviews conducted in March 2012 with former prisoners and human rights defenders suggested that the number may have been higher. Women were detained in a separate quarter but children were accommodated in the same compound as the adults but slept at night in a separate cell. The cells were so overcrowded that at any one time more than 75 inmates were sleeping in a 16 square metre cell.⁶⁴ Due to the high number of the prisoners transferred from N'Djamena to Moussoro prison, the spaces reserved for offices and the prison clinic were used as cells. Amnesty International was informed that the overcrowding of Moussoro prison led to the riots of 21 December 2011 that resulted in the killings of two prisoners by security forces. No official investigation was known to have been initiated by the end of July 2012, despite the Ministry of Justice's internal report dated 23 December 2011 that recommended the opening of an investigation into this incident. Officials informed Amnesty International in March 2012 that some of the Moussoro detainees were sent to Koro-Toro prison in the former northern region of Borkou-Ennedi-Tibesti (BET). The authorities proceeded with the demolition of N'Djamena prison during and after the transfer of the prisoners. The Minister of Justice quickly set up the Amsinene prison on the outskirts of the capital N'Djamena which was soon overcrowded by more than five times its intended capacity.

The Minister of Justice launched a series of court hearings in Moussoro concerning detainees transferred from N'Djamena but these efforts were heavily criticized by lawyers who said that the situation amounted to serious violations of various prisoners' rights including the right to defence and to a fair trial as their clients could no longer benefit from their assistance because of the distance and the logistical difficulties to access them. They also suggested that the hearings were unconstitutional and illegal and in violation of provisions of the Constitution and penal procedure code. As a consequence, they refused to assist or take part in the hearings, despite several requests and incentives from the Minister of Justice.⁶⁵

B. DETENTION CONDITIONS AMOUNTED TO CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Human rights organizations, including Amnesty International and UN bodies, have denounced cruel, inhuman or degrading treatment in Chad's detention facilities, including prisons. In its concluding observations on the report submitted by Chad to the UN Committee Against Torture (CAT), the Committee stated that it was "*deeply concerned about the deplorable living conditions in places of detention in Chad and received reports of "prisons*

*overcrowding, inmate self-government in places of detention, corruption, lack of hygiene and insufficient food, health risks, inadequate health care, and violation of inmates' right to visits*⁶⁶. The Committee urged the authorities to take immediate measures to bring detention condition in line with the UN Standard Minimum Rules for the Treatment of Prisoners.⁶⁷ The CAT insists that any victim of torture or any other ill-treatment has the right to complain and have his/her case heard by competent authorities in an independent and impartial manner.⁶⁸

Real or perceived "difficult" prisoners were placed in total solitary confinement in Chad's prisons. Prisoners could be chained day and night, some for months. International standards state explicitly that chains and irons shall not be used as restraints except in limited particular circumstances and instruments of restraint shall never be applied as a punishment.⁶⁹

CHAINED PRISONERS: A COMMON PRACTICE WITHIN CHADIAN PRISONS

Male prisoners often had bar chains on their legs but were not often attached to each other. Their movement was restricted to a maximum extension of around 40 centimetres. According to prison officials, prisoners were chained day and night to prevent escape attempts. Amnesty International delegates learnt that some prisoners were in this situation for more than three months. The delegates also noticed that prisoners were chained on their way to court, a journey often made on foot with heavily armed prison guards. The delegates observed this practice in Abéché, Sahr and Doba. They were also told by prison officials and local activists that this practice was common across all Chadian prisons. Some chained prisoners including in Abéché prison told Amnesty International delegates that the chains were heavy and the walking movements were very painful. When Amnesty International visited Abéché prison in March 2012, at least 15 prisoners were chained by their legs day and night. The prison director told Amnesty International that only "dangerous" prisoners were chained because, according to him, at least a dozen escapes occur each year and the number of security guards was not sufficient to ensure the security of the prison.⁷⁰

The Massakory prison incident

An official report by the Head of the Health services of the District of Massakory seen by Amnesty International mentioned that four prisoners were found dead in their cells in Massakory prison on 17 April 2011. They included Mahamat Hassaballah, Alhadji Mahamat Seid, Adoum Hissein and Mahamat Aoum Mahamat. Another prisoner, Abdraman Teguil died later the same day at around 4:00 pm at the local hospital where he was transferred with four other sick prisoners. The medical report mentioned that drool tainted with blood was coming from the mouth of each of the dead bodies in addition to a bloody viscous liquid that was flowing from their nostrils. It added that there were no signs of trauma or swelling on the bodies. The report concluded that the five prisoners could have died from severe dehydration due to a heatstroke and that the possibility of any food poisoning was low.⁷¹

In a report that followed a visit to Massakory prison in April 2011, the local NGO Association for the Promotion of Fundamental Liberties in Chad (*Association pour la Promotion des Libertés Fondamentales au Tchad, APLFT*) published information on the appalling situation of the prisoners there. The report mentioned the fact that three of the four prisoners who died in their cells were chained and that the day they visited the prison on 20 April 2011, 28 of the 65 prisoners were still chained, some attached to others. The report also denounced the fact that prisoners were asked for up to CFA 35,000 (around US\$70) by prison staff to have their chains removed.⁷²

Detained refugees were also affected by this situation.

Chained Sudanese refugee prisoners in Abéché prison

Amnesty International has on numerous occasions complained to the Chadian authorities about the situation of five refugees from Darfur - Mahamat Oumar Mahamat, Dhouma Nourradine Dadjoh, Issack Arbab Dadjoh, Khamis Adam Ramadane and Ahmat Abdallah Mahamat - who were chained day and night for at least two months from April 2011 in Abéché prison. When Amnesty International delegates visited the Abéché prison in May 2011, the five men were chained by the legs and could not easily move. When Amnesty International asked why they were in that situation, prison authorities said that it was because one of them had escaped a few weeks previously. The chains were removed from their legs a few weeks after Amnesty International's visit.

These men were arrested at the beginning of 2010 and later released following a decision by the judges on 15 June 2010. They were put back into the prison a few days after their release. The five men were detained in prison after they were accused of the murder more than 10 years previously of a Chadian national in Sudan. According to the authorities including the Minister of Justice, the men asked to be detained for their own security because of death threats they were receiving from family members of the deceased.⁷³ During an interview with Amnesty International delegates in the Abéché prison on 13 March 2012, the five refugees said that they would like to be released as soon as possible and reunited with their families. They were concerned that they were not receiving adequate assistance from the Chadian government and humanitarian organizations. Amnesty International and UN agencies expressed concerns that the illegal detention – after the decision of their release on 15 June 2010- and detention conditions of these refugees violated Article 7 of the ICCPR, various provisions of the CAT, Article 16 of the 1951 Refugee Convention as well as Article 21 of the Chadian Constitution.⁷⁴ The five men remained detained at the end of July 2012.

Prisoners were also chained during their transfer to or from court or hospital or between prisons. This latter situation is particularly painful as prisoners can spend more than five hours chained to other inmates in overcrowded military trucks on very bad roads.

Daniel Deuzoumbé Passalet

Human rights defender Daniel Deuzoumbé Passalet, who was transferred on 21 December 2011 from N'Djamena prison to Moussoro prison⁷⁵, told Amnesty International: "The journey between N'Djamena and Moussoro was long and painful. We spent almost the whole day travelling to cover the 300 kilometers. I was first handcuffed by the soldiers and attached to another prisoner, a former soldier, before being forced to climb into the military truck in which we travelled to Moussoro. There were a lot of prisoners already inside the truck and there was nowhere to sit. The road was long and in a very bad state and it was very hot in the vehicle. We finally reached Moussoro in the evening but we stayed in the truck because a group of prisoners who had just arrived before us revolted because of the detention conditions there. A few hours later, the soldiers who were escorting the truck asked us to jump from the vehicle and run into the prison. Because I was attached to another man, we had to jump at the same moment to minimize the pain. When we arrived in the prison courtyards, the guards told me that there were no keys for my handcuffs and that they were of Chinese make and not easy to open with a similar key. I spent that day and all night attached to the other prisoner until the afternoon of the next day when the soldiers came to unlock the handcuffs".

Reports of serious physical and psychological abuse within prisons have been made by former prisoners, journalists and human rights defenders. These comprised assaults by other

inmates or by members of the prison services including the GNNT. The lack of sleep due to overcrowded cells, lack of ventilation in the cells, limited food and drinking water, and exposure to extremely hot or cold temperatures affected prisoners especially those who were poor and who could not pay prison staff to obtain favours.

As a former N'Djamena prison detainee pointed out: "Those who have money slept in the court and benefited from the night fresh air while others will sleep like sardines in overcrowded cells. Detainees had to pay between CFA100, 000 (approximately US \$200) and CFA 200,000 (approximately US \$400) to prison staff to be allowed to sleep outside the cells. This practice was widespread in the prison. Because I was poor I was obliged to sleep in the cells and become regularly sick because of the unhygienic situation within our cell"⁷⁶.

Sexual assault and rape were reported but both inmates and prison officials were reluctant to comment. Some female prisoners who met with Amnesty International delegates talked about "attempted rape" by prison guards. The Minister of Justice told Amnesty International that reports of sexual abuse against women by prison guards in Moussoro was the reason why he ordered that all women detained there be transferred to Amsinene prison in N'Djamena in January 2012.⁷⁷

C. INADEQUATE FOOD

The lack of adequate food combined with the limited ability for most of the prisoners to acquire their own food negatively affects the life of those detained in Chad's prisons. In addition, some initiatives taken by charities and religious organizations to assist prisoners to grow their own food such as green leaves and vegetables around the prisons to supplement the food provided from time to time by the government and their families have failed due to some unfortunate decisions by prison officials. This was the case at Sahr prison where a Catholic priest initiated a garden project for prisoners but the project was cancelled by the local commander of the GNNT camp in which the prison is situated.⁷⁸

The provisions of the International Covenant on Economical Social and Cultural Rights (ICESCR), to which Chad is a party, states that the primary duty regarding the right to food lies with the State and that States must respect everyone's right to food, avoid any discrimination in policy or practice and protect the right to food.⁷⁹ These provisions also apply to prisoners, who should be provided with wholesome and adequate food at the usual hours and with drinking water available.⁸⁰

According to article 37 of the Ordinance 032/PR/2011, October 2011, prisoners shall be provided with food of good quality for their health and strength, and meals should be served at least twice a day at regular intervals. Every prisoner must have regular access to drinking water. The law insists that both the menu and the composition of inmates' food must be determined by the Minister of Justice following advice from the prison medical doctor or an expert nutritionist.⁸¹

1. POOR QUALITY, LESS QUANTITY

The quality and variety of food provided in prisons is inadequate and the quantity insufficient, contrary to the provisions of the Chadian laws. Amnesty International delegates noticed that in most prisons only the sauce known as *gombo* and *boule* were served to inmates. No clean drinking water was available and prisoners were drinking from dirty taps,

containers, or used plastic buckets and overused plastic bottles. Amnesty International was told by former inmates that in some prisons, such as Moussoro, drinking water was not available at all and prisoners had to buy water from the guards or outside the prison with the help of the guards. An ex-prisoner told Amnesty International that he paid CFA Francs 300 (approximately US\$ 0.6) for each 1, 5 litre of water during his detention there.

Amnesty International delegates noticed that in some prisons meat was displayed in the kitchens. This was the case in N'Djamena in May 2011, and in Amsinene (N'Djamena) and Abéché in March 2012. Prison authorities there told Amnesty International that prisoners regularly eat meat. When asked about this, prisoners said that while meat is provided, prison officials sell it to inmates and to those outside the prisons. According to many prisoners Amnesty International delegates spoke to, the cook prisoner is usually in charge of this and reports to prison officials after selling the meat. Delegates were told by inmates and former prisoners that prisoners have to bribe prison officials in order to be appointed cook, considered a privileged job.⁸² A former prisoner in N'Djamena prison told Amnesty International that a cook had to be forced to leave after his release in mid-2011 because he feared losing the advantages that came with the position.

2. LIMITED OR DENIED FOOD

Prison authorities in N'Djamena and directors of the visited prisons told Amnesty International that prisoners are offered meals twice a day comprising of varied and healthy food, including fish, meat and green leaves. The Minister of Justice said that the budget for food in all prisons was CFA 1 billion (approximately US\$2 million) for 2012; this represented an increase over 2011 figures of CFA 850 million (approximately US\$1.75 million).⁸³ The relevant government authorities, including the Minister of Justice, could not confirm if the whole amount allocated was used to buy food for the prisoners as there was a lack of control and transparency at all levels, including within the prisons and in the food supply chain.⁸⁴

Officials in the prisons visited later admitted that the budget allocated to them for food was very limited and that sometimes prisoners were denied food. At Moundou, Sahr and Doba prisons, they told Amnesty International delegates in November 2011 that suppliers had ceased to regularly provide the prisons two months earlier because of non-payment of bills. Other officials said that some suppliers were "forcing them to accept bribes" to allow them to supply expired or rotten food to prisoners.⁸⁵

3. INADEQUATE KITCHEN FACILITIES

Amnesty International delegates noticed that kitchen spaces and kitchen utensils were often not clean. Food was cooked by inmates themselves in very old and dirty saucepans and was served on collective plates from which prisoners were eating in groups of six to ten. The food was inadequate for the numbers of prisoners, which meant that some inmates, especially the weaker ones, often received nothing.

4. PRISONERS WITH SPECIAL DIETARY NEEDS

Prisoners with a special dietary need were not catered for. Nursing women, children or sick inmates such as those suffering from gastric problems or living with HIV/AIDS were not given an adjusted diet taking into account their condition. There is no dietician in any of the

prisons nor is any control of food hygiene done by the prison administration to ensure the quality of the food supplied.

It is important that the Chadian government takes decisive and immediate action to ensure that prisoners have access to adequate food that suits their needs. The Minister of Justice should ensure that prison dietary guidelines are put into place and that the food served to prisoners meets dietary recommendations, in accordance with the provisions of the section two of Ordinance No 32/PR/2011, October 2011.

D. HEALTH CARE AND MEDICAL SERVICES

Under international standards, all prisoners have the right to enjoy the highest attainable standard of physical and mental health.⁸⁶ They should be given a medical examination as soon as they have been admitted to a prison and all necessary medication should be provided free of charge.⁸⁷ Attention must be given to the needs of children⁸⁸ and of those with specific gender and health care needs.⁸⁹

Amnesty International research has established that there is no functioning medical care in most prisons in Chad. The visits by Amnesty International delegates show that there is a wide gap between provisions in the law and actual practice. Prisoners are not checked when they arrive at prisons, there are no medical services available, and nor was a medical doctor permanently attached to any prisons at the end of June 2012. In some cases, a nurse was appointed to a prison on a temporary basis. However, the work of the nurse is hindered by the lack of medicines and basic medical facilities.

The exact number of prisoners who died due to the lack of adequate medical care and/or treatment is unknown because of the absence of records and investigations in the cause of death in detention. An official report sent to Amnesty International in March 2012 states that only five inmates died in all Chadian prisons during the last two years.⁹⁰ But former prisoners and NGOs working in prisons said that the number should be much higher. For instance, a former prisoner told Amnesty International delegates that at least 15 prisoners died between March and August 2011 at N'Djamena prison. The prison authorities denied these figures. It was not possible for Amnesty International to establish the exact total number of those who died in prisons as a result of lack of medical treatment or for any other reason.

1. ABSENCE OF BASIC HEALTH FACILITIES

There was no space provided for a clinic in many prisons, such as Sahr and Amsinene prison in N'Djamena. Rooms allocated as on-site clinics in some prisons were often empty or used for other purposes. In other prisons, the clinic spaces were transformed into cells because of overcrowding. This was the case at the newly built Moussoro prison to which prisoners from N'Djamena were transferred in mid-December 2011.

A nurse at Sahr prison expressed his frustration and told Amnesty International: "I was appointed to this position in 2006 but was provided with nothing. I was sent here by the National Gendarmerie. There is not even a room for a clinic at the prison. At the beginning I was spending my time at the prison but there is not much I can do there. I pass by from time to time to check on the prisoners and to deliver medical prescriptions to the sick. There is nothing in the prison, so prisoners rely on their families to buy drugs. In the past, a Catholic priest was assisting us but he was transferred. Sometimes Catholic sisters also assist but their assistance is

limited. The situation is simply tragic and I was about to send my resignation letter to N'Djamena. This is why I choose to help at the general hospital because even there, there is a lack of qualified nurses. When I work in the prison I consult everybody including women but I transfer serious cases to the gynaecologist at Sahr general hospital. There are simple recommendations I can give here: ensure that the hospital is provided with essential drugs, provide the nurse with basic tools such as a laboratory kit and a place where sick prisoners can be examined and treated with respect to their privacy."⁹¹

2. LACK OF BASIC HEALTH STAFF

There are no dedicated medical prison personnel in the Chadian prison system and the prison law provisions are not clear on this issue. In some cases, the National Gendarmerie appoints its own members to serve as nurses or health personnel in a few prisons, decisions which are often made without consultation with the Ministry of Health and Ministry of Justice. The lack of basic facilities and essential drugs complicated the work of the appointed nurses or health personnel.

When Amnesty International delegates visited the newly set up Amsinene prison in March 2012, they were told that there were no health workers or clinic at the prison. Prisoners who were seriously ill were taken to N'Djamena general hospital, where family members have to buy medicine and pay the hospital bills.

In other cases, prisoners were asked by officials to provide medical assistance to sick inmates without verification or assessment of the inmate's medical training or skills.

This was the case at Abéché central prison when Amnesty International visited in May 2011. A Cameroonian detainee sentenced to two years' imprisonment for the illegal exercise of medicine was acting as a nurse and treating other detainees in the prison. When Amnesty International researchers asked him about the practice, he said that he was specialized in Chinese medicine and that the prison administration had asked him to help. On the day Amnesty International delegates visited, he was conducting consultations with sick prisoners including a woman. The prison officials told Amnesty International that there was no health professional at the prison which held 437 inmates at that time, including 19 women and two children, and that they had no choice other than to ask the Cameroonian prisoner for help.⁹² When Amnesty International delegates visited again in March 2012, no health worker was available because the Cameroonian prisoner had been released. Prison officials said that the prison had been without any health worker for many months and they were not sure if the situation could change soon.

Medical officers and health personnel have an important role and responsibility to ensure that health standards are met and that the health of all prisoners is protected. Medical officers and health workers should ensure that food; water hygiene, sanitation, heating, lightning, ventilation, clothing, bedding and opportunities for exercise are respected for all prisoners.⁹³

In its concluding observation on the report presented by Chad in 2009, the UN Committee Against Torture noted with concern that medical personnel working in detention facilities receive no specific training in how to detect signs of torture and other ill-treatment.⁹⁴

3. LACK OF TREATMENT

The law states that prisoners must undergo a medical examination when they are admitted in prison in order to assess their health or if they have a contagious disease.⁹⁵ The provisions of

the same law (articles 46, 47 and 50) state that all prisoners must have access to free health care and that information about prisoners' medical status must be treated with confidentiality by the health staff. The law also stipulates that there should be a clinic and a space to isolate those who suffer from transmissible diseases (article 48) and that a medical doctor is appointed to every prison.⁹⁶ These provisions were not implemented.

HIV/AIDS AND TB

According to a March 2012 official report by the Director of Chadian prison services seen by Amnesty International, 12 prisoners suffered from tuberculosis (TB) and HIV in all the 45 Chadian prisons.⁹⁷ However, Amnesty International found that the number was higher and the situation of those suffering from TB was dire. Information about the spread of HIV⁹⁸ within the prison population was not available despite numerous requests from Amnesty International. Delegates received information that unprotected same sex sexual relations were common in the prisons. But it was not possible for Amnesty International to ascertain if the same-sex sexual relations in prisons were consensual or driven by poverty and poor living conditions within the prisons that could induce inmates to engage in sexual activities in exchange for money, food or other services.

On 3 June 2011, officials at N'Djamena prison told Amnesty International that there were about 10 confirmed cases of TB among the detainees. The prison staff were not aware of people who could be HIV positive but often made a link between HIV status and TB during meetings with Amnesty International delegates. Inmates who tested positive for TB were not receiving treatment nor were they isolated from other prisoners. Amnesty International delegates met with inmates undergoing TB treatment who had been without medication for weeks, putting them at serious risk. An ex-prisoner told Amnesty International that at least 50 people from the cells called "Galaxy" in N'Djamena prison told him that they were suffering from TB; some were treated with cotrimoxazole.⁹⁹

According to officials at Moundou prison, four prisoners suffered from TB but were not treated or put in isolation. Officials said that at least 12 cases of HIV infection, including three women, were confirmed and that they were receiving antiretroviral treatments. Delegates were informed by a member of a local NGO working on prison issues in Moundou, that they had a non-permanent medical doctor who visits the prison. It was not possible to know to what extent he could visit, conduct medical consultations and treat the 462 prisoners detained at Moundou prison on a temporary basis.

A similar situation existed at Doba prison, where Amnesty international delegates found that there was no clinic or a nurse. Most of the prisoners were sick and suffering from skin diseases and rashes. No treatment was provided. Prisoners added that overcrowding facilitated the transmission of the skin disease as well as that of lice and other parasites. In November 2011, five detainees were confirmed with TB but were not treated and were still held together with the other 274 inmates.

When Amnesty International visited Sahr prison, most of the detainees appeared to be sick, with many suffering from the same skin disease as in Moundou and Doba. Prison officials told the delegates that two HIV positive prisoners were held in the prison and were receiving antiretroviral treatments. There were also cases of sexually transmitted infections, such as gonorrhoea and herpes. Some seriously sick prisoners without family members to assist them were transferred to the Sahr General Hospital's social services. According to hospital officials,

15 prisoners were transferred from the prison to the hospital between September and November 2011, while those infected by HIV or suffering from AIDS were sent to a specialized centre in the town of Maingara.¹⁰⁰

Delegates were informed by prison officials that a prisoner suffering from TB died at the hospital on 9 January 2012. Although it was not easy to put a direct link between the death and the prison conditions, prison officials suggested that the lack of timely adequate treatment in prison could be to blame. There were three known cases of active TB and three other cases of HIV among the prisoners.

During a visit to Amsinene prison on 7 March 2012, Amnesty International delegates met with two prisoners who were suffering from TB and who had been without medication for a week. One of the men expressed his situation and said: "I am really dying in this prison. I have suffered from TB for some months now and the medicine I got from the hospital finished a week ago. I am supposed to go back there to receive further treatment and other drugs. I have requested for permission for more than a week now but the prisons authorities refuse. I fear that this situation could create resistance to the treatment of antibiotics I was taking."

Another failing is the absence of information and statistics about the spread of HIV and AIDS among prisoners, and the lack of prevention and sensitization. It is important that the Chadian authorities take immediate measures to tackle this problem.

4. DENIED MEDICAL TREATMENT

Some prisoners, including those who were seriously ill, were denied access to medical treatment outside the prisons because it was feared that they could escape on their way to the hospital. Prison officials were not able to provide such example despite several requests from Amnesty International. Officials at Moundou, Abéché and Sahr prisons said that they do not allow prisoners to leave for medical treatment or court visits unless they have adequate security personnel to accompany them.¹⁰¹

A female prisoner told Amnesty International delegates that she nearly died at the end of 2011 because officers at N'Djamena prison repeatedly refused to allow her to have hospital treatment. She told said that she was asthmatic and urgently needed her medication but that prison officials refused to allow her to consult a specialist.¹⁰² The prison director finally allowed her to talk by phone to her doctor and her family brought her the prescribed medicine.

A former prisoner at N'Djamena prison told Amnesty International delegates that prisoners had to bribe prison authorities and guards to allow them to have access to medical treatment outside the prison. He said that even with the authorization from the prison director, prisoners were forced to pay the guards at least CFA 1,000 (around US\$2) each. This was confirmed by inmates Amnesty International delegates met in other prisons they visited.

5. PRISONERS WITH MENTAL ILLNESS

There is no special treatment for people with mental illness in Chadian prisons. Amnesty International was told by former prisoners that inmates with mental health problems were often chained, confined or isolated without receiving any treatment for their condition. According to the UN Standard Minimum Rules for the Treatment of Prisoners, services for

psychiatric diagnosis and treatment should be available at every prison and that "insane and mentally abnormal prisoners" shall be transferred as soon as possible to mental institutions.¹⁰³

Amnesty International delegates were told by various sources including former prisoners that illicit drugs were smuggled into prisons and openly used and traded among inmates. Prisoners often smoked cannabis, locally known as *Mbongo*, and regularly used a pain relief medication called *Tramol*¹⁰⁴ as a narcotic.

Tramol and Mbongo

In March 2012, an ex-prisoner gave the following testimony on the use of drugs within N'Djamena prison: "The security guards at the prison including the gendarmes and the GNNT were selling Tramol inside the prison. Tramol are small white drugs and during my stay in the prison, 2 doses were sold for CFA 100 (around US\$0.2). Apparently the prison guards were buying them illegally from street vendors called "Docteurs Chuku". Most of the prisoners told me that they used Tramol to forget their problems and misery. The consumption of cannabis called Mbongo was also widespread within the prison and guards were using prisoners to sell it to other inmates on their behalf. The consequences of these drugs were terrible and sometimes prisoners could sleep for more than two days or suffer bizarre reactions, behaving as if drunk or mentally ill people"¹⁰⁵

E. LIMITED ACCESS TO WATER, HYGIENE AND SANITATION FACILITIES

Chadian prison laws establish the rules for the conditions and treatment of prisoners including access to water, hygiene and sanitation. The laws state that inmates must be detained in clean conditions and that they must be provided with facilities to bathe at least once a day and to wash their clothes.¹⁰⁶ But in all prisons visited by Amnesty International delegates, prisoners and officials complained about overcrowded and unsanitary cells, insufficient water supply, poor hygiene and lack of sanitation within and around the prison premises.

1. LIMITED ACCESS TO WATER

The struggle to find water for drinking, cooking food, bathing and washing clothes and bedding or cleaning the premises is a daily challenge faced by prisoners in Chad. The lack of access to safe water contributes to the rate of waterborne disease including diarrhea and gastroenteritis. Skin diseases are common because of lack of clean water for bathing. There is also serious risk of contamination from waste water and malfunctioning sewage systems within and around the prisons.

Chad is a semi-desert country and access to water is problematic throughout. The capital N'Djamena and the desert areas to the east and north are especially affected. According to a report by the Ministry of Water in 2010, the proportion of the population with access to potable water is 47.3%.¹⁰⁷ The water production and distribution system in the prisons is generally poor, especially in desert areas or prisons where there are no wells, such as Abéché.¹⁰⁸

It is rare to find water available via taps in prisons. Some prisons have wells but the water

produced is far below the needs of the inmates. Other prisons such as Moussoro use a generator to pump water from the well. The shortage of fuel for the generator often affects the availability of water.

Prisoners often carry, collect and conserve water in dirty plastic containers. They are unable to boil water for drinking because of insufficient charcoal or firewood. The water containers are rarely washed because prisoners conserve their water for essential use. In some facilities such as the newly opened Moussoro prison, inmates were asked to pay bribes to guards for water. A 14-year-old boy detained in Abéché prison told Amnesty International that he had not bathed for a week because of lack of water and that he had not removed his clothes since his arrest 20 days before.¹⁰⁹

2. POOR HYGIENE

Toilets and bathrooms are not in good condition and are limited in number in most prisons. There was not enough water for prisoners to bathe or to wash their clothes and bedding. Further risks to health were caused by the fact that many inmates shared utensils such as cups and plates. Soap and other items for personal hygiene were not available unless supplied by prisoners' families or charities.

When Amnesty International delegates visited Abéché prison in May 2011 and March 2012, most of the toilets were not functioning and septic tanks situated inside the prison that had been previously repaired with funds from the local ICRC office were blocked. At other prisons such as Moundou, toilets were located inside the collective cells and their maintenance was poor. Human waste was visible in and around the toilet facilities. The situation was similar at Amsinene prison in N'Djamena, where 318 male and female detainees shared just four toilets in March 2012.

International standards state that each prisoner shall be provided with a separate bed and clean bedding, with facilities for keeping bedding clean. But in Chad some inmates sleep on the floor on their clothes or mats and most lacked blankets or sheets.

According to the Chadian law, it is mandatory for prisoners to wear prison uniforms at all times, except if they need to wear special clothes during prayers.¹¹⁰ However, no uniforms are provided by the authorities and inmates wear their own clothes.

During their visits, Amnesty International delegates noticed that most prisoners did not wash their hands before or after eating. Inmates later told the delegates that it was because there was insufficient water and time. As one prisoner pointed it out, "you have a choice to wash your hands or to eat what is there."¹¹¹

3. POOR SANITATION

Amnesty International delegates observed that sanitation was very poor in all the prisons they visited. Sewage systems were often not functioning and sometimes had been blocked for months or even years. Stagnant green water was visible in the courtyards and around the prisons.

At N'Djamena prison, for example, Amnesty International delegates noticed that a pond-like area with a mixture of human faeces, urine and wastewater was visible behind the cells near the security viewpoints. In Moundou, raw sewage and contaminated water from the prison drained into a small open canal running to the river Logone, polluting the water for the city

and beyond. In Doba, some prisoners told Amnesty International that they often defecated in bushes near the prison or even in the prison compound for lack of toilets. The corners of the Abéché prison compound were filled with rubbish and human waste.

F. CHADIAN PRISONS ARE NOT SAFE

Chadian prisons are not safe. The security situation is volatile inside the prisons and the authorities have failed to protect inmates against attacks from other prisoners or staff. In all the prisons visited, Amnesty International delegates observed that infrastructures were poorly protected and prisoners could easily escape. Most prisons do not have a security viewpoint; walls were not solid and were not high enough. The separation between men, women and children mostly existed only in theory.

Amnesty International delegates also noticed that most local prosecutors and officials were reluctant to enter the prisons, allegedly for security reasons. They also said that it was impossible for them to regularly visit the prisons due to lack of personnel in the prosecutors' offices. By law, the local investigation judge (*juge d'instruction*) and/or the prosecutor must visit each of the prisons under their jurisdiction at least once a month¹¹² but this was not the case in all the prisons visited by Amnesty International.

1. INSECURITY AFFECTS PRISONERS' RIGHTS

Prisons are supposed to be safe environments for people who live and work in them. However, in reality, the prevailing insecurity in Chadian prisons jeopardizes on a daily basis the lives of prisoners, staff and visitors. Overcrowding, lack of coordination within the criminal justice system, tension between members of the GNNT and those of the gendarmerie both working there as well as the lack of training on prison matters for both guards and administrative and social prison staff, contributed to the insecurity which led to regular escapes and further human rights violations, including killings.

The lack of prison registers in most Chadian prisons also put detainees' safety in danger. Exact numbers and identities of prisoners are often not available, increasing the risk of unlawful or arbitrary detention and enforced disappearance of inmates. In its consideration of the report submitted by Chad in 2008, the UN Committee against Torture noted:

"The detention facility in N'Djamena contains not only prisoners committed to it by the N'Djamena district prosecutor's office, but also prisoners transferred from the provinces to N'Djamena following the submission of appeals. Prisoners sent from the provinces are not systematically recorded on arrival in the different registers; this makes supervision difficult. One person can easily answer in place of another or others without the responsible officials realizing what is happening."¹¹³

This situation contradicts the provisions of the Chadian penal procedure code. Under Chadian law, it is mandatory for prison officials to maintain adequate prison registers and keep a file for each prisoner. The law states that no one should be put in detention without official documentation.¹¹⁴



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Top and right: Millet bread known as *boule* and sauce known as *gombo*, ready to be served to inmates in Abéché prison, March 2012.

Left: Food being served at Doba prison, November 2011.

The meals provided are generally insufficient and of poor quality, and prisoners rely on their families and friends to bring extra food to supplement what is provided. Malnutrition is common in all prisons due to the inadequate and monotonous diet.



Top left and right: Cells at Moundou prison, November 2011.

At night, prisoners have to use plastic buckets as toilets within their overcrowded cells, making conditions unhygienic.

Centre: Toilets in Abéché prison, March 2012. Lack of regular maintenance throughout the prison system means that they are regularly blocked and insanitary. In some prisons, there are no separate facilities for men and women, putting women at risk of attack by male prisoners and guards.

Right: A so-called “VIP” cell in Abéché prison, March 2012. Inmates who have the means to pay are given better accommodation with beds raised off the floor. Often these cells were intended for use by categories of inmates who need to be held separately, such as children.





Top left and right: Inmate with a skin condition, Moundou prison, southern Chad, November 2011. Lack of health care and overcrowding means that diseases can spread rapidly among prisoners.

Centre: Prisoners chained by the ankles in Abéché prison, March 2012. Inmates are chained when being transported to and from courts or hospitals, but may also be held day and night for months in this way, often for no apparent reason.

Left: A room used as a clinic in Abéché prison. These rooms are not equipped with basic facilities for examining prisoners, such as a bed and a door that locks, and lack essential drugs. Only a few prisons have medical staff. March 2012.



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Top left: A guard passing near the water tanks in Abéché prison, March 2012.

Top right: Entrance to Doba prison, November 2011.

Centre left: Inmate in Moundou prison making a ring, November 2011. Prisoners often use their skills to make items and sell them to fellow inmates.

Centre right: A stall in the market inside Abéché prison, March 2012. Prisoners who can afford it may buy extra food or basic medicines.

Right: This 14-year-old boy interviewed by Amnesty International said that he had not been able to bathe for a week because of lack of water. Daytime temperatures can reach 48°C. Abéché prison, March 2012.



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2. TENSIONS BETWEEN PRISON GUARDS AND OTHER STAFF

Although the October 2011 Ordinances refer to four categories of prison staff and state that their work should be organized by a subsequent Decree, they do not stipulate who is in charge of prison security.¹¹⁵ According to the Chadian Constitution (article 200), the GNNT which is under the Ministry of Internal Affairs, ensures the security of prisons. It is important to note that in some prisons, security was handled by the National Gendarmerie, which also managed the prison administrative work. A survey conducted by PRAJUST in 2010 stated that the National Gendarmerie ensured security in nine prisons.¹¹⁶ During a visit to Amsinene prison in March 2012, Amnesty International delegates noticed that security, in and around the prison, was under the national gendarmerie, not the GNNT. This was confirmed by prison officials.

Serious tensions often erupted between GNNT and gendarmerie personnel over prison management. Chad must urgently harmonize its legislation with international standards and set up a body under the Ministry of Justice in collaboration with other relevant ministries that will be in charge of all prison services including security.

In Abéché prison for instance, staff expressed profound frustration about the behaviour of some guards from the GNNT; most of whom they said were not familiar with the prison services and system. They told Amnesty International delegates that some guards released prisoners, or gave permission to them to go outside the prison without informing the prison director.

The Minister of Justice, as well as the Director of the Penitentiary and Social Rehabilitation Services, acknowledged that there was a problem between the gendarmes and the GNNT and that implementing legislation, following the October 2011 ordinances on prisons, will provide for just one body that will manage security at Chadian prisons. It was not clear what role the GNNT will play after this transitional period since the Constitution still states that security of prisons in Chad falls under GNNT responsibility. Chad should need to amend article 200 of its Constitution and some of its laws to ensure a smooth coordination of prison services.

3. LIMITED NUMBER OF PRISON GUARDS AND OTHER STAFF

In all prisons visited by Amnesty International delegates, the numbers of both prison guards from the GNNT and other staff including those from the National Gendarmerie were very limited. This situation combined with overcrowded prisons put more pressure on guards and prison officers to carry on their duties. The fact that members of the GNNT are controlled by their local commanders and that they are not paid by the Ministry of Justice but that of internal affairs complicates the already tense relations between them. In addition, the lack of sufficient prison personnel, in addition to the dilapidated infrastructure of the prisons combined with the rampant corruption within the prison system, results in many escapes and jeopardizes the safety of the detainees in Chadian prisons.

THE NUMBERS

The exact number of the security personnel attached to prisons in Chad is not known. In a report provided to Amnesty International, the director of the prison services stated that at N'Djamena prison there is a director and his deputy, three social assistants, two nurses and 24 security guards. A prison director and his deputy as well as three social assistants and 11 security guards were appointed at Abéché prison. In Moussoro prison there was a prison director, a deputy, a nurse and 40 security guards. In Koro-Toro, a prison director and 40

security guards were deployed. The report added that each of the other prisons has a director and five security guards. According to the PRAJUST, 121 members of the GNNT and 53 gendarmes were in charge of security in 44 prisons with a population of 4,775.¹¹⁷ Amnesty International delegates found that only six members of the GNNT were responsible for the security of more than 400 prisoners at Abéché prison at the end of May 2011. According to the Abéché prison director, the prison needed at least 32 armed GNNT at a time to provide security for prisoners and staff.¹¹⁸

Prison authorities told Amnesty International that troublesome prisoners are usually sent to prisons provided with tight security measures and sufficient security personnel. Real or perceived troublesome inmates were usually transferred to Ati, Koro-Toro, Moussoro or N'Djamena, with no attention given to distances from family members. Prison authorities were not able to explain what kind of "tight security measures" were organised by prison staff in these four prisons.

4. USE OF DEADLY FORCE BY PRISON GUARDS

The harsh detention conditions in Chadian prisons exacerbate security problems. The GNNT have on several occasions used deadly force to calm tensions or tackle riots within prisons. In 2011, security forces killed at least seven prisoners in three separate incidents. By the end of July 2012, Amnesty International was not aware of an investigation conducted into the killings by the authorities, despite the existence of official reports on these events.

Under international standards, "*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life*".¹¹⁹ Chadian law states that prison officials must use only legal means to maintain order within prisons and in cases of use of force, this must be proportionate¹²⁰, and that firearms should not be used inside prisons except in case of crisis and in very limited situations.¹²¹

Good prison practices call for routine reporting on every use of force by guards and other staff. In particular, whenever the authorities' use of force causes injury or death, they should report the incident promptly to their superiors. Prisons must ensure that an effective, independent review process is available. The review process must refer incidents to independent prosecutorial authorities in all cases in which the investigation finds reason to believe that a crime has been committed.¹²²

Prisoners shot dead by prison guards in 2011

Abéché prison

On 21 August 2011, at around 17:00, three prisoners - Merci Ngharomadji, Hassane Abakar Annour and Tahir Adam Abdelaziz - were killed by security guards at Abéché prison during a riot. Prisoners allegedly threw stones at the guards, who shot in retaliation. An official report by the prison authorities stated that the riot erupted because a group of five prisoners resisted to be transferred to the Koro-Toro prison.¹²³ According to

prison officials, Abéché prison contained at least four times the maximum number of inmates at that time. No investigation was known to have been opened into the killings by the end of July 2012.

Bongor prison

Two prisoners were killed and five wounded on 26 November 2011 when the prison security forces used firearms in Bongor prison. According to the official report seen by Amnesty International,¹²⁴ the prisoners refused to obey the orders of the prison authorities and threw stones at guards while threatening to escape. The official report acknowledged that the incident occurred because prisoners were ill-treated, the prison was overcrowded, food was scarce and funds allocated to the prison were misused by prison officials. The report recommended that the GNNT should be removed and replaced by members of the national gendarmerie. It also recommended that investigations into the killings be initiated as quickly as possible. At the end of July 2012, no action was known to have been taken by the Chadian authorities.

Moussoro prison

On 21 December 2011, two prisoners were killed and at least two seriously wounded after prison guards opened fire on prisoners following a riot in Moussoro prison. Amnesty International was informed by prison officials that overcrowding had sparked the unrest. No investigation was known to have been opened into this incident by the end of July 2012. An official incident report seen by Amnesty International¹²⁵ stated that seven members of the GNNT and three gendarmes were also wounded during the riot and that a number of detainees including those suspected to be the riot leaders (166 prisoners) were transferred to Koro-Toro prison. The report also indicated that the cause of the riot was a brawl between the deputy prison director and a prisoner, as well as tension between the GNNT and the gendarmes. The report recommended the removal of the prison's deputy director.¹²⁶

5. GANGS IN PRISONS

Amnesty International delegates were informed by various sources including prisoners and former prisoners that gangs operated in almost all the prisons visited. According to accounts from former prisoners, gang members controlled the commercial activities in prisons, including trading in *mbongo*, *tramol* and other drugs. They also sometimes take food and other belongings from weaker inmates¹²⁷ and operate with total impunity, often with the complicity of some prison guards.

Amnesty International delegates observed that gang members served as a link between prison officials and other prisoners. This was particularly noticeable in Moundou, Doba and Sahr prisons. The delegates were informed by prisoners and former prisoners that due to the limited numbers of security personnel, some prisoners - usually members of gangs and the so called mayors - took over the work of officials and participated in the daily management of prison security issues such as searches in cells or assisting security personnel to escort prisoners during transfers to courts or hospitals. This situation was also acknowledged by prison officials during various meetings with Amnesty International delegates.

6. LACK OF TRAINING

In its concluding observations on the consideration of the report submitted by Chad to the UN Committee Against Torture (CAT), the Committee was concerned that the information, education and training provided to military and law enforcement personnel and prison staff

was inadequate and did not cover the provisions of the Convention against Torture, in particular the non-derogable nature of the prohibition of torture and the prevention of cruel or inhuman or degrading treatment or punishment.¹²⁸

The situation denounced by the CAT in 2009 is still ongoing and affects other areas of prison life. Officials and security personnel lack minimum training¹²⁹, including in human rights in general and prisoners' rights. Some efforts towards training prison personnel have been made by the international community through the PRAJUST programme,¹³⁰ but these will have limited impact unless there is a serious reform of the prison and criminal justice systems, combined with a strong political will.

7. INDISCIPLINE OF HIGH RANKING MILITARY PRISONERS

No specific prisons exist for the military in Chad. Amnesty International delegates were informed that high ranking soldiers were among the most difficult prisoners to handle as they do not respect the gendarmes who run the prisons. The situation can be more complicated when the prisoner is a high ranking officer from the GNNT which is in charge of the security of the prison gates.

In most of the prisons visited by Amnesty International, high ranking military officers detained there moved freely. It was also reported that some military officers "worked away" from prisons without any judicial decision for their "release" or the prison authorities being informed. This was the case in October 2011 in Sahr prison where a Colonel from the Chadian national army in pre-trial detention decided to "work away" from the prison. He allegedly told the prison guards that a solution had been found to his situation.¹³¹ According to prison staff and local judicial officials, this example is not an isolated case; they said that another colonel on death row left the prison in similar circumstances at the beginning of 2011.

G. CHILDREN IN CHADIAN PRISONS

1. A COMPROMISED FUTURE

The appalling detention conditions in Chadian prisons violated a range of children's rights. The overcrowding in Chad's prisons violated the rights to dignity of the child, and the lack of food, health care, medical treatment, poor hygiene and sanitation and lack of education facilities in Chad's prisons were in violation of the human rights of detained children. It was reported by detained children. Amnesty International delegates met that they were often victims of ill-treatment from adult inmates, who forced them to wash clothes, cook food or clean the latrines or the plastic buckets used as toilets during the night.¹³²

The detention of children has a particular impact in Chad because of the lack of rehabilitation and resocialization programmes of former child prisoners within their families and communities. In addition, prison officials involved in dealing with children do not have specific training.

Under international law and standards, the detention of children should be a measure of last resort.

The Convention on the Rights of the Child (CRC) states that: "the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."¹³³ It further states that: "Every child deprived of liberty shall be treated with

humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."¹³⁴ The CRC insists on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment against children in prison and states: "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age."¹³⁵

Similarly, the UN Standard Minimum Rules for the Administration of Juvenile Justice note that "the placement of juveniles in institutions shall always be a disposition of last resort and for the minimum necessary period."¹³⁶ International standards stipulate that children in detention shall be treated with respect and dignity and that detention conditions must facilitate children's integration into society, taking into consideration their best interests.¹³⁷ Children in prison should benefit from all the human rights guarantees that are available to adults and should be protected by relevant human rights instruments.¹³⁸ Detained children should be held separately from adult prisoners and brought to trial as quickly as possible.¹³⁹ Those of compulsory school age have the right to education and to vocational training.¹⁴⁰ Children should not be subject to corporal punishment, capital punishment¹⁴¹ or life imprisonment without possibility of release.¹⁴²

At the regional level, article 17 of the African Charter on the Rights and Welfare of the child¹⁴³ provides a range of protection for children in detention in African prisons. It states:

1. Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.
2. States Parties to the present Charter shall in particular:
 - (a) ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
 - (b) ensure that children are separated from adults in their place of detention or imprisonment;
 - (c) ensure that every child accused in infringing the penal law:
 - (i) shall be presumed innocent until duly recognized guilty;
 - (ii) shall be informed promptly in a language that he understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
 - (iii) shall be afforded legal and other appropriate assistance in the preparation and presentation of his defence;
 - (iv) shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;

(d) prohibit the press and the public from trial.

3. The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.

4. There shall be a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

In addition to the rights guaranteed for all prisoners in Chad, ordinance No 32/PR/2011, October 2011 on prisons offers specific protection for child prisoners. For instance, the law states that children must be detained in separate cells within the prisons¹⁴⁴ and that the education of child prisoners is mandatory.¹⁴⁵

2. LACK OF SPECIALIZED FACILITIES, NO SEPARATION FROM ADULTS

There is no specialized detention centre for children in Chad and neither is there a separate justice system for children in conflict with the law. A specific law related to crimes committed by children aged between 13 and 18 organizes special chambers for children¹⁴⁶. According to the Chadian penal code, children should be sentenced to educational, assistance and protection measures by the judge unless there are particular circumstances.¹⁴⁷ The law states that children under the age of 13 should not be detained in prison in any case¹⁴⁸ and that where a child is sentenced by a court, this should be either a prison sentence or a fine.¹⁴⁹ In line with the CRC, the Chadian penal code states that those under the age of 18 are considered children.¹⁵⁰

Although the provisions of ordinance No 32/PR/2011 require prisoners to be separated by age (article 23) and gender (article 21), children are still detained together with adults. Amnesty International delegates found that in some prisons children were held in separate cells but were sharing the same courtyards and facilities with adult prisoners. Girls were detained together with female adults in all prisons visited.

Children cells occupied by the "VIPs" in Abéché prison

During their visit to Abéché prison in March 2012, Amnesty International delegates noticed that at least five children were detained together with the adults in three different cells because their cells were occupied by the so called VIP (Very Important Prisoners), two Colonels of the Chadian National Army. Amnesty International denounced this situation during meetings with various authorities, including the Minister of Justice, the director of prison services, the director of Abéché prison and the Abéché prosecutor. By the end of July 2012 it was not clear if the situation had improved.

3. INVISIBLE CHILDREN

Amnesty International delegates found that it was not easy for the prison officials to identify those prisoners below the age of 18. Delegates observed a tendency for the prison authorities to under-report or minimize the number of children in detention. This was the case at Abéché prison in March 2012, where officials said that only two children were detained there but delegates later discovered that at least eight children aged between seven months and ten years old were held together with adults. According to prison officials, 10

children were held in Moundou prison, one in Doba and one in Sahr in November 2011.¹⁵¹ The numbers of children in N'Djamena prison were unknown.¹⁵² In a previous survey conducted in 2010 by PRAJUST, at least 109 children were held in 17 prisons at the end of June 2010. But the report does not provide information about children sentenced or awaiting trial and young children living in prison with their parent. According to the same study, only children detained in Koumra, Abéché and N'Djamena prisons were held in separate cells at that time.¹⁵³

The absence of statistics and birth certificates for inmates makes it very difficult to gain precise information on the numbers and age of children detained in Chadian prisons.¹⁵⁴ The low rate of birth registration in Chad is due to various reasons including the lack of resources in the system and the fact that registration is free only for the first two months following the birth of the child.¹⁵⁵ Parents who fail to register their child within two months may obtain judgements from the civil registry office but a fee of FCA 1,500 (approximately US\$3) must be paid for each child.¹⁵⁶ This is a lot of money to a lot of people in Chad, especially in rural areas.

4. CHILDREN HELD WITH THEIR PARENTS

Two categories of children are found in Chadian prisons: the first, those sentenced or awaiting trial, and the second, babies, infants and/or young children living in prison with their mother who has been sentenced or is awaiting trial.

Chadian prison laws are not explicit but appear to accept that children may stay in prison with their mothers. Article 27 of Ordinance NO 032/PR/2011, October 2011 suggests that women can give birth in prison. This is in contradiction with the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which request States to pay adequate attention to “women with caretaking responsibilities of children and permit to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interest of the children.”¹⁵⁷ Where a child stays with a mother, “information relating to the child’s identity shall be kept confidential and the use of such information shall always comply with the requirement to take into account the best interest of the child”.¹⁵⁸ The Bangkok Rules state that “a decision to allow children to stay with their mothers in prison shall be based on the best interest of the children” and that children in prison with their mothers shall never be treated as prisoners.”¹⁵⁹

Prison officials were evasive on this issue but told Amnesty International delegates that sometimes children stayed with their mothers within the prison. At least six children were staying with their mothers in N'Djamena prison in June 2011, and two in Moundou prison in November 2011. When Amnesty International delegates visited Abéché prison in March 2012, they found that seven children, including a 10-year old girl, were staying with their mothers. In Amsinene prison, three children aged between one and three years were with their mothers.

5. LACK OF INFORMATION FOR THE PARENTS

Some children were held in prisons without their parents or guardians being informed of their situation, in contravention of international standards¹⁶⁰ and Chad’s own legislation. Parents must be notified of the admission, transfer, release, sickness, injury or death of a child.¹⁶¹

M.R, 15 years old

Fifteen-year-old M.R was detained in Doba prison for more than 18 months without his case being heard by the prosecutor. His parents were not informed of this situation. M.R, who is from Sahr where he was allegedly attending a local primary school, was arrested and imprisoned after being accused of theft. He told Amnesty International delegates in November 2011 that his parents, who live more than 350 kilometers from Doba, were not aware of his whereabouts. When asked about this case, the local prosecutor told Amnesty International delegates that he was not aware of the situation of the young boy but promised to "work on the case".

M.S, 14 years old

Another child was held at Abéché prison without his parents being informed of his whereabouts. M.S aged 14 told Amnesty International delegates that he was arrested on suspicion of theft when he was going to buy shoes for his grandmother three weeks previously. He was then detained for nine days at a local police station before being transferred to the prison. He said that he was still waiting to appear before the prosecutor and asked Amnesty International to help him find his parents. Amnesty International delegates found his relatives with the assistance of local NGOs and made a link with the local judicial authorities.

6. GIRLS IN CHADIAN PRISONS

It is difficult to know the exact number of girls in detention in Chad because of the lack of birth registration certificates and inadequate prison registers. Under international standards, extra protection is offered to young female offenders in prison, who should receive special attention regarding their personal needs¹⁶² and access to gender specific programme and services such as counselling for sexual abuse or violence.¹⁶³ The same protection should be extended to girls living in prisons with their mothers.

Amnesty International delegates noticed that most of the young children who were staying in prisons with their mothers were girls. Most of the mothers told Amnesty International that they feared for the safety of their daughters and were concerned about their future.

This was the situation with a woman staying with her 10-year-old daughter in Abéché prison. The woman told Amnesty International delegates that she was not happy because her daughter had not attended school since she was arrested more than three years previously, and that she had no family or friend able to look after her child. She said that she feared for the safety of her daughter because of the regular presence of men in the women's cells and compound. She had pleaded with the prison authorities to allow her to go home to look after her children because she was sentenced to two years and a fine of CFA Francs 80,000 (approximately US\$ 170). She had already spent more than three years in detention and paid the fine. She was held on *contrainte par corps* as she was not able to pay the compensation fees imposed by the judge.

7. LACK OF CHILD REHABILITATION PROGRAMMES

Skills-building and rehabilitation activities for children are not available in Chadian prisons. There are some activities initiated by local and international NGOs or religious groups but these are very limited.

Prison authorities said that some activities take place in a few prisons. According to them, these included a vegetable garden around Bongor prison, fashion training in Koumra prison,

carpentry in Sahr prison and metallic carpentry in N'Djamena prison before its demolition. Amnesty International delegates did not see any of these activities when they visited N'Djamena and Sahr prisons in May and November 2011 respectively.

H. VIOLATIONS OF THE RIGHTS OF DETAINED WOMEN AND GIRLS

1. PARTICULAR RISKS

The rights of women and girls detained in Chadian prisons are not respected or protected by the authorities. In addition to the human rights violated by the general detention conditions, detained women do not have access to health facilities that include gender specific health care and preventive services or personal hygiene. Their right to privacy and security are also not protected. Breastfeeding mothers are not given enough and adequate food to meet the minimum level of nutritional requirements for themselves and their babies. The absence of attention to the specific needs of women prisoners leads to further violations of human rights.

The lack of effective separation between women and men, and the presence of male security officers and prison staff in women prisoners' courtyards, jeopardized both the safety and security of women detainees. There were no separate cells for women in some prisons and women were held together with men.¹⁶⁴ During their visits, Amnesty International delegates noticed that even in prisons with separate accommodation for women, it was easy for men to move to and from women's courtyards and cells. In Doba prison for instance, women were held in a separate dilapidated one-room house outside the main prison with daily contact with male security guards members of the GNNT, who were sitting under a tree just outside the women's detention room. In other prisons, including N'Djamena and Abéché, Amnesty International also noticed a regular presence of GNNT members and other male prison staff in women's courtyards. Both international standards¹⁶⁵ and the Chadian Prison legislation of October 2011 state that women shall be detained separately from male prisoners.¹⁶⁶

Cases of gender-based violence and attacks on women were also reported by former prisoners and local human rights organizations. Some cases were confirmed by prison authorities.

Rape and attempted rape by guards in Moussoro prison

Amnesty International received information that some of the women who were transferred to Moussoro prison following the demolition of N'Djamena prison in December 2011 were victims of rape and attempted rape by members of the GNNT in charge of prison security there. According to various testimonies and information from Chadian prison officials, women were regularly sexually assaulted in Moussoro prison. For instance, on the night of 8 January 2012, three prison guards reportedly burst into a cell where 13 women were sleeping and tried to rape them. The women raised the alarm and contacted the prison director (an officer in the National Gendarmerie) who investigated the case. He requested the removal of the guards, all members of the GNNT. The Minister of Justice ordered that all women detained in Moussoro prison should be transferred to Amsinene prison in N'Djamena. This led to fears among the 27 women in Amsinene prison that the same could happen even there as they were sharing facilities with the men.

The lack of access to clean water and adequate sanitation facilities contributes to women's ill-health. This situation also exposes children, infants and babies living with their mothers in the prisons to infections which can be life-threatening. During a visit to Abéché prison at the end of May 2011 and in March 2012, Amnesty International delegates found that the

boreholes were not working and the women's toilets were blocked. Women prisoners told Amnesty International delegates that to protect their privacy they waited until after dark or in the early morning to shower or go to the toilet. They also added that they lacked adequate facilities when menstruating.

Places of detention must take care to protect women from any form of discrimination, in line with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁶⁷ and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). CEDAW also provides that women shall be protected from all forms of violence or exploitation.¹⁶⁸ The Bangkok Rules set forth special measures that should be taken to respect, protect, and fulfil the rights of women and girls in detention.¹⁶⁹ At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa states that women in detention must be treated with dignity,¹⁷⁰ prohibits any form of discrimination against women and protects women's rights to life, integrity and security.¹⁷¹

2. ABSENCE OF WOMEN STAFF

Amnesty International found that amongst the six prisons they visited only N'Djamena and Moundou prisons had a female staff in charge of social services. There were no female security staff attached at any Chadian prison at the end of March 2012. There were also no female medical staff in any of the prisons visited by Amnesty International. It is very difficult for women detainees to access and receive gynaecological services inside prisons or even when allowed to go to hospital.¹⁷²

The presence of male staff inside women's courtyards and cells creates risks for the safety and security of women and girls, as well as increasing the likelihood that their right to privacy will be impermissibly infringed. The UN Standard Minimum Rules for the Treatment of Prisoners states that "No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer."¹⁷³ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) states that "effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures."¹⁷⁴ In the same line, the Committee on the Elimination of Discrimination against Women calls for "women prisoners [to] be attended and supervised only by women officers."¹⁷⁵

3. PREGNANT AND NURSING WOMEN

Pregnant women and women with infants and babies are not provided with sufficient food and adequate facilities for their needs in all Chadian prisons. According to the Bangkok Rules, "Women should receive advice on their health and diet under a programme to be drawn and monitored by a qualified health practitioner and adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers."¹⁷⁶ At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa requests States to "ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the

right to be treated with dignity."¹⁷⁷ At least two women prisoners were pregnant at Moundou prison when Amnesty International visited in November 2011. Amnesty International was also informed by prison staff and prisoners that two women gave birth in Abéché prison in 2011 and at least one in N'Djamena prison at the end of 2011.

The women Amnesty International delegates discussed with in N'Djamena, Abéché, Amsinene, Doba and Moundou prisons said that no particular food was given to them or their children. They added that they were totally dependant on their families for food in general and for any supplements they needed. Those with no family members had to rely on the solidarity of other prisoners to share their food.

I. FOREIGNERS HELD IN CHADIAN PRISONS

The exact numbers of foreigners held in Chad's prisons are not known. Some of those Amnesty International delegates met had been charged; most were awaiting trial, accused mainly of theft, forgery, armed robbery, extortion¹⁷⁸ or illegal practice of medicine.¹⁷⁹ Most were nationals of Chad's neighbouring countries mainly from Cameroon, Central African Republic, Nigeria and Sudan. They told Amnesty International delegates that their countries' authorities were not aware of their situation and they were not allowed by the prison authorities to contact them for consular assistance.

Refugees were among those detained in Chad's prisons.¹⁸⁰ According to the UNHCR office in Chad, 52 refugees were detained in Chadian prisons at the end of June 2012. In addition, the case regarding the five Sudanese refugees who remained held in Abéché prison at the end of July 2012 despite a Court ruling to release them is of concern. Appeals by Amnesty International, the UNHCR and other local organizations have been ignored. The authorities told Amnesty International during various meetings in November 2011 and March 2012 that they could not guarantee the security of these men outside the prison.¹⁸¹

Under international law and standards, foreign nationals in prisons are permitted reasonable facilities to communicate with diplomatic representatives of their State.¹⁸² Those without diplomatic representation in the country, or refugees or stateless persons, shall be allowed reasonable facilities to communicate with their relevant diplomatic representative, or any national or international authority whose task is to protect such persons.¹⁸³ Chadian legislation also protects foreigners in detention. According to the Chadian law, detained foreigners have special protection and the country of their nationality must be informed by the prison administration of the reasons of their detention, the place where they are detained and the conditions of their detention.¹⁸⁴ Detained refugees and asylum seekers are subject to specific protection under international laws and standards, including Article 16 of the 1951 Refugee Convention, as well as under Article 21 of the Chadian Constitution.¹⁸⁵

V. LEGAL FRAMEWORK

Chad has ratified a range of international and regional human rights treaties that protect prisoners' rights. Both the Chadian Constitution and specific laws protect basic prisoners' rights. However, there remains a wide gap between Chad's international commitments and its own laws, and the implementation of their provisions. The Constitution recognizes the primacy of international law over its domestic laws¹⁸⁶ and international treaties ratified by Chad are binding to all state agents including prison officials.

A. INTERNATIONAL LAW AND STANDARDS

International human rights law protects prisoners' human rights and prohibits States and its agents to violate human rights of persons in detention facilities including in prisons. Special protection for some categories of prisoners such as women, children or foreigners is also provided.¹⁸⁷

Chad has ratified the International Covenant on Civil and Political Rights (ICCPR)¹⁸⁸, the Convention Against Torture (CAT)¹⁸⁹, the International Covenant on Economic, Social and Cultural rights (ICESCR)¹⁹⁰, the Convention on the Rights of the Child (CRC)¹⁹¹ and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁹² Chad has signed but not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.¹⁹³

At the regional level, Chad is party to important human rights treaties that guarantee the rights of people in detention in Africa. These include the African Charter on Human and Peoples' Rights (ACHPR)¹⁹⁴, the African Charter on the Rights and Welfare of the Child¹⁹⁵ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).¹⁹⁶

There is a range of other non-binding and important international and regional instruments specific to detention conditions in prisons. Among the international standards is the Universal Declaration of Human Rights¹⁹⁷, the UN Standard Minimum Rules for the Treatment of Prisoners¹⁹⁸, the UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)¹⁹⁹, Basic Principles for Treatment of Prisoners²⁰⁰, the UN Body of Principles for the Protection of All Person under Any Form of detention or imprisonment²⁰¹, the UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")²⁰², the Code of Conduct of Law enforcement Officials²⁰³, the Safeguards guaranteeing protection of the rights of those facing the death penalty²⁰⁴, the Principle of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman and Degrading treatment (Principles of Medical Ethics)²⁰⁵, the UN Rules for the Protection of Juveniles Deprived of their Liberty²⁰⁶, the UN Rules for the Treatment of Women prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),²⁰⁷ the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment²⁰⁸, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.²⁰⁹

At the regional level, the Guidelines and Measures for Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines)²¹⁰, the Kampala Declaration on Prison Conditions in Africa²¹¹, the Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reform in Africa²¹² and the Principles and Guidelines on the Rights to a Fair Trial and Legal Assistance in Africa²¹³ provide standards regarding prison conditions in Africa.

B. CHADIAN LAWS

The Chadian Constitution protects fundamental rights and liberties of all Chadian citizens. It states that all are equal before the law without any discrimination.²¹⁴ It also protects foreigners who are legal residents in Chad.²¹⁵ The right to life as well as physical and mental integrity is protected as the prohibition of torture and cruel, inhuman or degrading treatment or punishment is enshrined in the Chadian constitution.²¹⁶ The Constitution also prohibits illegal and arbitrary detentions.²¹⁷ It also states that anyone has right to live in a healthy and clean environment.²¹⁸ The October 2011 Ordinances refer to the prison system²¹⁹ in connection with the penal²²⁰ and penal procedure codes on aspects related to the criminal justice system. Law No 007/PR/99 governs procedures and conditions of imprisonment for children.²²¹ Articles 252 to 254 of the penal code govern attacks against individuals' physical and mental integrity.

VI. CONCLUSION

The human rights of prisoners in Chad will remain at risk if the authorities fail to take urgent measures to address the conditions of detention in the country's prisons. The authorities must ensure that the reform of the prison system is at the heart of the reform of Chad's criminal justice system. It is not possible to improve the conditions in prisons without ensuring that other parts of the criminal justice system are run adequately. As detailed in this report, the majority of those detained in Chadian prisons are poor and some await trial for years with limited or no access to a lawyer. As a consequence, most of the prisons were overcrowded. The number of prisoners in Chad was relatively low yet the conditions in which they were detained were appalling. At the end of July 2012, there were fewer than 5,000 prisoners in all the 45 prisons in Chad, a country whose population was estimated at 11.5 million.

This report has described how detention conditions in Chad's prisons were harsh and far below international standards and even the provisions of the country's own Constitution and laws. It has also pointed out how these living conditions affected prisoners' human rights. The report has highlighted the failure of the authorities to address human rights violations and abuses in prisons by staff and inmates, often committed with almost total impunity.

The Chadian authorities must safeguard prisoners' human rights and ensure that living conditions in prisons are compatible with human dignity. They must ensure that prisoners' security and safety are protected and that prisoners are not subjected to cruel or other forms of inhuman or degrading treatment or punishment from prison staff or fellow inmates. It is also important that conditions of detention in prisons respect human rights, including the right to access medical care and facilities, to be provided with adequate food, to have access to potable water and to be provided with adequate shelter.

Amnesty International is aware of the fact that Chad's human, financial and technical resources are limited. At the same time, some of the reforms proposed in this report do not necessarily call for the government to spend money. For example, government officials, the parliament and the judiciary can make significant improvements by taking timely decisions and initiatives, drawing up new policies and launching investigations into human rights violations that are taking place in the prisons. The government should request the assistance of its multilateral and bilateral donors where and when needed.

The lack of coordination between different services working inside Chadian prisons and the ongoing tensions between members of the GNNT and the National Gendarmerie will stifle efforts to reform the prison sector if the Chadian government does not act to improve the situation. It is important to bring all prison services together, under one umbrella, to mitigate tensions between rival bodies such as the National Gendarmerie and the GNNT. Relevant law and constitutional provisions should be amended accordingly.

Amnesty International calls on the Chadian authorities to take all necessary measures to tackle corruption within the prison sector. This constitutes one of the main sources of human rights violations within prisons and must be addressed without further delay. For example, there is a need for a proper and adequate monitoring of the funds allocated to the prisons, and regular investigations into prison budgets.

It is also crucial to put an end to the impunity that surrounds violations and abuses of

prisoners' human rights. The Minister of Justice should launch investigation into all human rights violations and abuses committed in Chadian prisons including these highlighted in this report. It is important that investigations into the killings of prisoners by security guards in three prisons in 2011, the cases of rape and other violence against women in prisons such as the alleged rape of detained women by prison guards in Moussoro prison in January 2012 as well as the widespread use of chains to restrain prisoners are conducted as quick as possible.

Amnesty International notes the efforts made by the government and its international partners and donors such as the European Union - through PRAJUST - to improve the conditions of detention in Chad by building some new prisons and providing training to prison staff. The organization also welcomes legislative developments made by the government, including the signing by the President on 4 October 2011 of the two Ordinances related to the organization and management of prisons in Chad. However, Amnesty International is concerned that all efforts will remain in vain if there is no clear and strong political will from the national and local authorities to effectively improve the lives of the prisoners in the country.

VII. RECOMMENDATIONS

A. TO THE CHADIAN GOVERNMENT

Ensure that Chadian legal provisions are in accordance with international standards

- Review the existing legislation governing prisons and take urgent measures to ensure that their provisions are in accordance with international law and standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- Ensure that the two ordinances passed on 4 October 2011 are effective and that implementing measures and policies are prompt;
- Clarify the apparent contradiction between some provisions of the October 2011 ordinances and articles 200 and 201 of the Chadian Constitution that attribute the security of prisons to the GNNT;
- Improve the coordination of various judicial and law enforcement entities especially between the police, the office of the prosecutor and prison services and ensure that there is an effective system for a regular review of the duration detainees spend on remand.

Address cruel, inhuman or degrading treatment or punishment within prisons

- Launch prompt and impartial investigations into deaths of prisoners, allegedly by security guards, during various incidents including in Abéché, Bongor and Moussoro prisons in August, November and December 2011 respectively. Suspend all accused persons from their duties pending the outcomes of the investigations;
- Take immediate steps to ensure that all allegations of ill-treatment in prisons are investigated in an impartial and prompt manner and that the perpetrators of such acts, including law enforcement officers and security guards, are brought to trial;
- Ensure that prisoners who are victims of cruel, inhuman or degrading treatment or punishment and other ill-treatment are offered medical and psychological rehabilitation and full reparation including a fair and adequate compensation and guarantees of non-repetition;
- Provide for strict controls governing the use of restraints by prison officials and ensure that restraints are never used as punishment and that they are employed to prevent injury to the person being restrained or to others. Restraints should be used only after other methods of control have failed, and then only for limited periods of time. In case restraints are used during transfer between places of detention and to and from court they must be removed immediately upon arrival and as long as the type, manner, and circumstances of restraint do not violate the prohibition on torture and other forms of cruel, inhuman and degrading treatment or punishment. In particular, detainees should not be chained to each other during transfer and should not be transported in overcrowded conditions.

Address overcrowding in prisons

- Encourage the use of alternatives to imprisonment, such as community service, especially for petty crimes; and ensure a smooth coordination between the office of the prosecutor, the police and prison services including the GNNT so as to minimize backlogs in the courts;
- Build an adequate prison in the capital, N'Djamena that respects international standards and organize the transfer of prisoners from the overcrowded Amsinene prison to this new facility;
- Put in place an effective legal aid system to ensure that all prisoners with no financial or other resources, including those in pre-trial detention, receive adequate legal assistance.

Strengthen the supervision of the conditions of detention

- Ensure that all prisons are regularly inspected by the judiciary and appointed government officials such as the prosecutor, the director of prison services, the Minister of Justice, the Minister of Human Rights and medical officers;
- Ensure that prison staff and prisoners in all Chadian prisons are aware of the existence of the complaint mechanisms provided by Chadian laws including section 12 of Ordinance No 32/PR/2004, October 2011 and that reports on detention conditions and other abuses and violations of human rights in prisons are recorded and investigated in an independent and timely manner;
- Authorize local NGOs, the National Human Rights Commission and delegates of the Ministry of Human Rights to carry out regular and unrestricted visits to any prison;
- Ensure that registers are available in each prison and that they record information on each prisoner, including identity, sex, nationality, photograph if possible, profession, matrimonial status, next of kin, reasons for the detention, date of arrival into the prison, and any other relevant information.

Ensure that quality food is available and accessible to all prisoners

- Ensure the availability of adequate food to prisoners, and improve the quality and the quantity of food in accordance with the provisions of Chadian laws as well as regional and international standards; and in each prison set up a committee that should include a nutritionist or a health worker to oversee the preparation and distribution of food;
- Investigate reports of corruption and misuse of food allocated to prisoners and ensure that food is distributed to all prisoners;
- Ensure that the distribution of the food takes into account specific needs of some categories of prisoners such as the sick, pregnant or nursing women and children.

Health care and medical services

- Put in place a plan to ensure at least one qualified medical doctor is available to conduct regular clinic work at each prison;
- Immediately ensure that each prison is provided with a clinic and equipped with basic drugs and medical emergency facilities such as gloves, basic laboratory kit etc;
- Issue clear orders to all prison directors and staff that sick prisoners be given access to medical facilities, including those with transmissible or chronic illness such as tuberculosis or HIV/AIDS;
- Offer voluntary and free HIV tests and counselling as well as tuberculosis screening to all prisoners and ensure that HIV prevention awareness is practised in prisons;
- Conduct an independent evaluation of the scale of mental health problems within prisons and provide psychosocial treatment to those in need. The evaluation should also examine the nature and extent of drug use among prisoners and identify strategies to address drug abuse;
- Ensure that ill prisoners or those who are undergoing hospital treatment are not transferred to other prisons; in particular, halt the indiscriminate transfer of prisoners to remote prisons such as Moussoro, Koro-Toro or Fada prisons where there are no adequate medical facilities.

Access to water, hygiene and sanitation

- Ensure that all prisoners are provided with sufficient water for their needs, including for drinking, cooking, bathing and washing clothes and utensils. Wells should be dug in prisons that lack adequate water distribution, such as Abéché and Amsinene;
- Ensure that there are enough facilities such as toilets and showers that take into consideration the number of prisoners as well as their gender-based needs;
- Install sewage systems and rubbish management facilities in all prisons and ensure that fumigation and insecticides are provided and that prison compounds are cleaned regularly;
- Ensure that prisoners are provided with beds and bedding as well as adequate clothes.

Security in prisons

- Issue clear orders to all prison directors and the GNNT to clarify the working relations between the GNNT and the gendarmerie in prisons;
- Ensure that all prison officials accused of involvement in drug trading in prisons are suspended pending investigations by an official body such as the office of the prosecutor or an independent commission of inquiry;
- Provide adequate staffing levels for all prisons;

- Ensure that the welfare, security and safety of prisoners is protected and monitored by prison staff.

Address the needs of detained children

- Ensure that children in detention are treated with respect and dignity and that the detention conditions facilitate children's reintegration into their community, taking into consideration their best interests;
- Implement article 3 of Ordinance No 32/PR/2011 of 4 October 2011 in ensuring that children's rehabilitation centres are created around the country, and as a transitional measure, ensure that specific cells for children, separated from those of adults, are provided within prisons;
- Ensure that the number of children in detention is known and the reasons for their detention made clear; a specific list showing children held should be available and regularly updated in every prison;
- Ensure that parents whose children are in prison are promptly informed by the prison and judicial authorities.

Address the specific needs for detained women and girls

- Ensure that the rights of women and girls in detention are respected and protected and that they have access to health facilities that include gender specific health care;
- Ensure that women's rights to privacy and security within the prisons are protected and promoted by all prison staff including the members of the GNNT;
- Ensure that breastfeeding mothers are given adequate food to meet the minimum level of nutritional requirements for them and their babies or infants;
- Ensure that there is strict separation between women and men in detention and that male security officers and other staff are not permitted in women prisoners' courtyards unless accompanied by a female security officer; implement the long-term aim of building sufficient facilities specifically for women;
- Appoint sufficient female staff, including medical officers, health staff, security guards and social assistants.

Foreigners detained in Chadian prisons

- Ensure that the number of foreigners, including refugees and asylum seekers, detained in prisons is known and that their embassies and/or the UNHCR are informed of their situation.

Training

- Ensure that prison staff, including those in charge of security, receive appropriate training in prison and human rights issues and that senior level prison officials also attend these sessions;
- Ensure that prison officials are provided with continuing training on prison matters and human rights issues.

B.TO DONORS AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY

- Continue to provide financial and technical support for the reform of the criminal justice system and the prison sector in building prisons and ensuring the training of prison staff with an emphasis on human rights and gender-based issues;
- Encourage and support the government in investigating human rights violations and abuses, including cases of rape, ill-treatment as well as into the killings of prisoners, allegedly by prison guards, in Abéché, Bongor and Moussoro in August , November and December 2011 respectively;
- Assist the government to ensure that there is smooth management of prisons and that investigation into cases of corruption and misuse of prison budgets take place as quickly as possible;
- Financially support rehabilitation and social activities of prisoners, especially for women and children.

C. TO CIVIL SOCIETY ORGANIZATIONS

- Regularly visit prisons, especially those in rural areas, and publicly report on the conditions of detention;
- Organize regular meetings and training sessions with prison officials, prosecutors, medical officers as well as with members of other institutions involved in the prison sector to ensure that Chad's national and international obligations on prison matters are respected, promoted and protected and explore coordinated responses and solutions to various challenges that face the country's prison sector.

APPENDIX

The table below from the Chadian Ministry of Justice shows the number of prisoners in each of the 45 prisons in Chad as of 25 January 2012.

REPUBLIQUE DU TCHAD

MINISTERE DE LA JUSTICE

SECRETARIAT GENERAL

Direction de l'Administration Pénitentiaire
Et de la Réinsertion Sociale

UNITE – TRAVAIL – PROGRES

Sous Direction d'Exécution de Peines

N° Djaména le

25 JAN 2012

N° 02 MJ/SG/DAPRS/2012

RECAPITULATION DU DEUXIEME SEMESTRE DES MAISONS D'ARRET DU
TCHAD

N°	Localités	Condamnes	Prévenus	Contraint par corps	Inculpe	Evadé	Décès	Effectif total de détenus
01	MOUNDOU	127	250	43	49	00	00	469
02	BONGOR	103	108	21	93	00	00	325
03	ABECHE	76	111	14	80	00	00	281
04	SARH	123	129	11	00	00	00	263
05	DOBA	105	152	00	00	00	00	257
06	KOUMRA	126	83	02	15	02	00	228
07	KELO	30	77	08	00	00	00	115
08	LAÏ	39	61	03	00	00	00	103
09	PALA	49	39	00	00	00	00	88
10	FADA	50	31	00	00	00	00	81
11	BOL/LAC	37	43	00	00	00	00	80
12	AMTIMAN	23	55	02	00	00	00	80
13	GOUNOU – GAYA	25	33	08	00	00	00	66
14	MASSAKORY	07	43	16	00	00	00	66
15	KYABE	23	21	16	00	00	00	60
16	BENOYE	16	40	00	00	00	00	56
17	MONGO	09	34	02	08	00	00	53
18	BILTINE	28	25	00	00	00	00	53
19	BEINAMAR	19	33	00	00	00	00	52
20	FIANGA	11	32	08	00	00	00	51
21	GORE	17	24	08	00	00	00	49
22	FAYA – LARGEAU	15	30	00	00	00	00	45
23	ATI	25	20	00	00	00	00	45
24	BEBEDJA	20	16	00	00	00	00	36
25	MARO	08	20	07	00	00	00	35
26	ABOUDEIA	15	20	00	00	00	00	35
27	BOKORO	14	20	00	00	00	00	34
28	ADRE	10	23	00	00	00	00	33

29	OUM- HADJER	12	20	00	00	00	00	32
30	MASSENYA	13	15	00	00	00	00	28
31	IRIBA	08	20	00	00	00	00	28
32	BITKINE	07	20	00	00	00	00	27
33	GOZ BEIDA	03	22	00	00	00	00	25
34	LERE	08	14	00	00	00	00	22
35	MOISSALA	07	16	00	00	00	00	23
36	MAO	10	08	00	00	00	00	18
37	BOUSSO	09	05	04	00	00	00	18
38	BAÏBOKOUM	13	00	00	00	00	00	13
39	MELFI	05	07	00	00	00	00	12
40	BERE	04	07	00	00	00	00	11
41	AM- DAM	05	04	00	00	00	00	09
42	MANGALME	02	00	00	00	00	00	02
43	N'DJAMENA	30	111	00	00	00	00	145
44	MOUSSORO	125	198	12	350	00	00	685
45	KOROTORO	350	221	00	23	00	00	594
TOTAL		1765	2261	185	618	02	00	4831

**Directeur de l'Administration Pénitentiaire et
de la Réinsertion Sociale**



MAHAMAT EL - HADJ ABBE NANA

ENDNOTES

- 1 Amnesty International delegates repeatedly heard this statement from prisoners in almost all the prisons they have visited and inmates implored them to ask the government to do something before it is too late.
- 2 Concluding Observations on Chad, UN doc. CCPR/C/TCD/CO/1, 11 August 2009, para. 26
- 3 US State department report for 2011, Chad, p.4. The report is available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>
- 4 See also République du Tchad, Ministère de la Justice, Récapitulation du deuxième semestre des maisons d'arrêt du Tchad, 25 janvier 2012
- 5 Gombo means okra. The sauce Gombo is a dish that uses okra pods for thickening. It is both vegetable and thickener. This sauce can be served over a starch as a vegetarian main dish. In Chad, the Gombo sauce is accompanied by a staple snack called boule, a fofou mainly made from millet or sorghum.
- 6 From French boule meaning a solid with the form of a ball.
- 7 Prisoners can buy and sell all sort of goods from food to soap and clothes and cigarettes in almost all the Chadian prisons. These commercial activities are tolerated by the prison administration. Amnesty International delegates learnt that sellers pay "taxes" to guards and the prison personnel.
- 8 This is the case for the following prisons: Bokoro, Bebedja, Benoye, Doba, Gore, Iriba, Maro and Melfi. The situation is similar in the newly set up prison of Amsinene in N'Djamena that opened following the demolition of the N'Djamena prison in December 2011.
- 9 During the visit to the Abéché prison in March 2012, Amnesty International delegates found that the space allocated to the children were used as rooms for detained high ranking soldiers while the children were mixed with other adult prisoners. The delegates have denounced this situation to the prison director- who acknowledges the situation-, to the director of the prison services as well as to the Minister of Justice.
- 10 See article 200 and 201 of the Constitution of the Republic of Chad, 1996 (amended in 2005). In some prisons, both the security and the administration are in the hands of the national Gendarmerie
- 11 The Chadian constitution does not provide for the fact that these functions fall under the mandate of the National Gendarmerie (see its articles 196 and 197).
- 12 Ordonnance No 31/PR/2011 du 4 octobre 2011 portant statut du corps des fonctionnaires de l'administration pénitentiaire et de réinsertion sociale
- 13 Ordonnance No 032/PR/2011 du 4 octobre 2011 portant régime pénitentiaire
- 14 In 2010, the government allocated CFA 1,053,485,000 (equivalent of around US\$ 2,106,000) to the penitentiary services covering all the salaries, material acquisitions, food and various other services.
- 15 See Decree 65/PR/PM/MJ/2005 on the programme of the reform of Chadian Justice System.
- 16 The Chadian government contributes with Euro 10 millions in this programme which started in 2009. For details on the work and the activities of PRAJUST, visit www.prajustchad.org
- 17 See http://eeas.europa.eu/delegations/tchad/press_corner/all_news/news/2012/20120517_02_fr.htm
- 18 <http://www.rfi.fr/emission/20120504-tchad-services-avocat-gratuit>
- 19 Article 221: « un officier de police ne peut retenir une personne à sa disposition pour les nécessités de l'enquête préliminaire pendant plus de 48 heures. Passé ce délai, la personne doit être ou relâchée ou conduite au Parquet ».
- 20 See for instance http://prajustchad.org/index.php?option=com_content&view=article&id=96&Itemid=108 accessed on 14 June 2012)
- 21 Abéché is the main town of eastern Chad and the capital of the Ouaddai region. The Court of Appeal that covers all eastern Chad seats in Abéché. It was created together with the Moundou Court of Appeal in 2004 by presidential Decree 426/PR/MJ/2004 of 21 September 2004.
- 22 Moundou is a major town of the southern part of Chad. It is also the capital of the Western Logone region. It also hosts the Court of Appeal that covers all the southern part of Chad.

- 23 Sahr is situated in the Middle-Chari region at the border with the Central African Republic and Doba is the main town of the eastern Logone region.
- 24 Chadian penal Code, Ordinance, NO 12-67-PR-MJ (2010 edition)
- 25 Code de procédure pénale du 25 avril 1996.
- 26 Article 4
- 27 Ordinances No 031/PR/2011 on the statute of the penitentiary and social reinsertion personnel , article 84
- 28 Ordinance No 032/PR/2011, 4 October 2011, article 3
- 29 Idem, article 9
- 30 Idem , article 10
- 31 Idem, article 11
- 32 Idem, articles 12 and 24
- 33 Letter No 43/MJ/SG/DAPRS/SDCEP/2011 of the Director of the Chadian Penitentiary and Social Rehabilitation Services
- 34 See Amnesty International, Chad: Human rights defender arrested in Chad on 19 December, Daniel Deuzoumbé Passalet, AI Index AFR/20/011/2011, 20 December 2011
- 35 ICRC, Annual report 2010, Chad, page 127
- 36 MINURCAT and OHCHR, Situation des droits de l'homme dans l'est du Tchad: progrès, défis et pistes d'avenir, novembre 2010, para. 32. This report is also available online at <http://www.ohchr.org/Documents/Countries/TD/Rapport10122010.pdf>
- 37 The N'Djamena central prison was built in 1947 according to the prison director. According to PRAJUST, the first modern Chadian prison was built in Biltine in 1910 (see PRAJUST, Etat des lieux du système carcéral et de l'administration pénitentiaire, novembre 2010, p.13)
- 38 Eight modest prisons were built in Chad since 1995 in Bere (1995), Mangalme (2000), Lai (2006), Fada (2008), Koumra (2010), Moussoro (2010), Kelo (2010) , Am Timan (2010) and Ati prison was rehabilitated by the government in 2003
- 39 Letter No 43/MJ/SG/DAPRS/SDCEP/2011 of the Director of the Chadian Penitentiary and Social Rehabilitation Services. But statistics on the whole penitentiary system are often inaccurate and should be taken with caution as there are no existing independent statistics
- 40 PRAJUST, Etat des lieux du système carcéral et de l'administration pénitentiaire, Novembre 2010, p.33
- 41 Décret No 1637/PR/MJ/2011 portant remise collective de peines, 30 Décembre 2011
- 42 Interview with prison officials, Doba, 11 November 2011
- 43 Sahr prison is situated inside the compound of the Chadian National and Nomad Guards on the outskirts of the town. Amnesty International delegates visited the prison in November 2011
- 44 Interview with prison officials, Abéché, May 2011
- 45 Interview with prison officials, N'Djamena, May 2011
- 46 Former prisoner at the N'Djamena central prison between June and September 2011
- 47 This is in contradiction with article 243 of the Chadian code of penal procedure that states that those on remand must be detained in separate cells. According to the information gathered by PRAJUST in its November 2010 report, only the newly built Koumra, Lai and Moussoro prisons respected this law and detain those on remand and sentenced prisoners in separate cells. But this was not the case at the Moussoro prison after the transfer of prisoners from N'Djamena there.
- 48 Chadian penal procedure code, article 241

49 *Ibidem*

50 *Idem*, article 243

51 Responding to a question posed by Amnesty International delegates about this case, the Doba prosecutor said that he was not aware of the case and that he will "have a look at the dossier"

52 Ministère de la justice, Inspection Générale des Services Judiciaires et Pénitentiaires, No MJ/IGSJP/2011, 29 novembre 2011, page 2

53 Chad is a semi-desert country and the temperature can easily reach 50 degree Celsius inside a room

54 Interview with prisoners, May, June and November 2011 and March 2012; Phone interview with former prisoners, January 2012.

55 Interviews with inmates in Chadian prisons May, June and November 2011

56 Interview with an inmate in one of the prisons in southern Chad, November 2011

57 Standard Minimum Rules for the Treatment of Prisoners, rule 10

58 *Idem*, rule 19

59 Ordinance No32/PR/2011, articles 40 and 41

60 Moussoro town also hosts one of Chad's major military garrisons

61 Report of the commission set up by the Minister of Justice to oversee the transfer of the prisoners from N'Djamena prison to Moussoro prison, 23 December 2011, in file with Amnesty International

62 Amnesty International, Chad: Further information: Daniel Deuzoumbé released, AI index AFR 20/002/2012, 17 January 2012

63 Ligue Tchadienne des droits de l'homme, Prison de Moussoro: quand l'Etat institutionnalise le bagne, février 2012, p1

64 Phone interview with an ex-prisoner, January 2012

65 According to some Chadian officials, the government proposed to pay lawyers fees to incite them to go to Moussoro and other prisons outside N'Djamena were their clients were transferred. Interview with three Chadian defence lawyers, December 2011 and January 2012

66 Committee Against Torture, Concluding Observations on Chad, 4 June 2009, CAT/C/TCD/CO/01, para. 25

67 *Idem*, para 25.p 9

68 *Idem*, article 12

69 Standard Minimum Rules for the Treatment of Prisoners, rule 33

70 Interview with Julien Klandoh, director of the Abéché prison, March 2012

71 District sanitaire de Massakory, Compte rendu du constat fait a la maison d'arrêt de Massakory, 17 avril 2011

72 Association pour la Promotion des Libertés Fondamentales au Tchad (APLFT), Rapport de mission de prospection et de reportage effectuée à Massakory le 20 avril 2011.

73 Letter of the Chadian Ministry of Justice to Amnesty International, 12 December 2011

74 Amnesty International, Conditions de détention de cinq réfugiés soudanais détenus à Abéché, lettre à Monsieur Kalzeube Payimi Deubet, Ministre de la Communication et Ministre intérimaire de la Justice et Garde de sceaux, TG AFR 20/2011.19, 14 juin 2011

75 Amnesty International, Chad: Further information: Daniel Deuzoumbé released, AI index AFR 20/002/2012, 17 January 2012

76 Interview with a former prisoner, March 2012

77 Meeting with Dr Abdoulaye Sabre Fadoul, Minister of Justice, N'Djamena, March 2012

78 Interviews with prison staff, Sahr, November 2011

79 ICESCR, article 11; The Committee on Economic, Social and Cultural Rights, the treaty body that monitors the implementation by States of the ICESCR, has developed a comprehensive approach towards the right to food in its various general comments. It insists on the fact that food should be available in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. The realization of the right to food must be done without any form of discrimination. The Committee states that discrimination is defined as any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the rights enshrined in the Covenant. There is a clear link between the rights to adequate food and other rights such as the right to life, right to health or the right to water

80 Standard Minimum Rules for the Treatment of Prisoners, rule 20

81 Article 38

82 Interviews with inmates in November 2011 and March 2012

83 Interview with the minister of Justice , N'Djamena, March 2012

84 Interviews conducted with various Chadian authorities including the Minister of Justice and the Director of the penitentiary services, N'Djamena, March 2012

85 Interviews with various prison officials in Chad, June and November 2011

86 UDHR, article 25; ICESCR, article 12

87 UN Body of principles for the Protection of All Person under Any Form of detention or imprisonment, Principle 24, Standard Minimum Rules for the Treatment of Prisoners, rule 24

88 UN Rules for the Protection of Juveniles Deprived of their Liberty, articles 49 to 58, Loi No 007/PR/99 portant procédure de poursuite et jugement des infractions commises par les mineurs de 13 a moins de 18 ans, adoptée par l'Assemblée Nationale le 2 novembre 1998 et promulguée par le président de la République

89 Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), article 50; Rules for the Treatment of Women prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 6 and rule 10 to 18

90 Ministère de la justice, sous direction chargée de l'exécution de peines, No 43 MJ/SG/DAPRS/SDCEP/2011, 16 mars 2012

91 Meeting with him at Sahr General Hospital, 14 November 2011

92 Visit of the Abéché prison and interview with prison officials on 29 May 2011

93 Principle of Medical Ethic Relevant to the Role of Health Personnel , particularly Physicians in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman and Degrading treatment (Principles of Medical Ethics), principle 1 to 6

94 Committee Against Torture, Concluding observation on Chad, CAT/C/TDC/CO/01, 4 June 2009, para. 35

95 Ordinance No 32/PR/2011 on the Chadian prison system signed on 4 October 2011, article 45

96 Idem, article 49

97 Letter No43MJ/SG/DAPRS/SDCEP/2011 of the Director of the Chadian Penitentiary and Social Rehabilitation Services, 16 March 2012

98 According to the United Nations, a recent reproductive health survey found a sexually transmitted infection (STI) rate of 19,3% and that only 9% of men and 1% of

- women are aware of HIV/AIDS in the country, UN OCHA, Chad 2012 Consolidated Appeal, p.66
- 99 Interviews conducted in November 2011 and in March 2012 with N.B. This antibiotic is sold in Chad under the brand name of Bactrim
- 100 Meeting with the responsible of the Sahr hospital social services, November 2011
- 101 Interview with prison officials in Moundou and Sahr, November 2011
- 102 Interview conducted within Amsinene prison, N'Djamena, March 2012
- 103 Rules 22 and 82
- 104 This medication, a synthetic alternative to codeine, is intended for pain control but is widely used for non-medical purposes in Chad and Cameroon. Its use is prohibited in Chad without medical prescription
- 105 Interview with a former inmate, N'Djamena, November 2011 and March 2012
- 106 See Ordinance No 32/PR/2011, article 43 and 44
- 107 UN OCHA, Chad consolidated Appeal 2012, p.91
- 108 When Amnesty International delegates visited the Abéché prison in March 2012, prison officials told them that the lack of water was the major issue in the prison because the main connect to the town distribution system was not regularly provided with water and that the prison lacked its own wells. The officials insisted that it was a matter of emergency to dig at least two wells within or near the prison
- 109 Interview with M.S in the Abéché prison, March 2012
- 110 Idem, article 39 to 42
- 111 Interview with a prisoner in southern Chad, November 2011
- 112 Chadian penal procedure code, articles 247 and 482
- 113 Committee Against Torture, Consideration of reports submitted by State parties under article 19 of the Convention, Initial report by State parties due in 1996, Chad, 22 September 2008, CAT/C/TDC/1, para.281, page 39, available on internet at <http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.TCD.Q.1.pdf> (accessed on 17 February 2012)
- 114 Chadian penal procedure code, articles 480 and 481
- 115 Articles 14 and 15
- 116 PRAJUST, op. cit.
- 117 PRAJUST, Etat des lieux du système carcéral et de l'administration pénitentiaire, Novembre 2010 page 33.
- 118 Interview conducted in Abéché prison, May 2011
- 119 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9
- 120 Ordinance No 032/PR/2011, 4 October 2011, op.cit, articles 86 and 87
- 121 Idem, article 89, 91 and 92
- 122 See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22
- 123 Compte rendu de la mutinerie du 21/08/2011, report No 030/MJ/SG/DAPRS/MAA/2011, 24 August 2011 in file with Amnesty International; Interview with Julien Klandoh, director of the Abéché prison, March 2012
- 124 Ministre de la Justice, Rapport de Mission, MJ/GSJP/2011, 29 November 2011, in file with Amnesty International

- 125 Rapport de mission à Moussoro, p6, in file with Amnesty International
- 126 Idem, p 8
- 127 Interviews conducted with various sources within and outside the prisons in Chad, May, June and November 2011 and phone interviews in January 2012 and interviews conducted in Abéché and N'Djamena in March 2012
- 128 Committee Against Torture, Concluding observation on Chad, CAT/C/TDC/CO/01, 4 June 2009, para. 35
- 129 MINURCAT and OHCHR, Situation des droits de l' homme dans l'est du Tchad: progrès, défis et pistes d'avenir, novembre 2010, para. 33. This report is available online at <http://www.ohchr.org/Documents/Countries/TD/Rapport10122010.pdf>
- 130 See http://prajustchad.org/index.php?option=com_content&view=article&id=91&Itemid=103
- 131 Interview with prison and judicial officials, Sahr, November 2011
- 132 Interviews with 2 child prisoners in March 2012
- 133 Convention on the Rights of the Child (CRC), article 37 b
- 134 Idem, article 37 c
- 135 Idem, article 37 a
- 136 Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), rule 19.1 available at <http://www2.ohchr.org/english/law/beijingrules.htm> (accessed on 25 June 2012)
- 137 CRC, article 3.1 and 37; Beijing Rules, rules 1 and 5
- 138 CRC, preamble; UDHR, article 1 and article 25 para. 2; ICCPR, preamble
- 139 CRC, article 37(c); Beijing Rules, rules 13.4 and 26.3; African Charter, article 17
- 140 ICESR, article 13; CRC, article 28
- 141 ICCPR, article 6, para5; CRC, article 37; Safeguards guaranteeing protection of the rights of those facing the death penalty (Death Penalty Safeguards), para.3
- 142 CRC, article 37 Rules for Juveniles, rules 64,66 and 67; Beijing Rules, rule 27
- 143 African Charter on the Rights and Welfare of the child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999
- 144 Article 23
- 145 Article 58
- 146 Loi NO 007/PR/99 Portant procédure de poursuites et jugement des infractions commises par les mineurs de treize(13) a dix-huit (18) ans (code pénal édition 2010)
- 147 Chadian penal Code, Ordinance, NO 12-67-PR-MJ (2010 édition), article 50
- 148 Idem, article 51
- 149 Idem, article 52
- 150 Idem, article 53. See CRC, article 1.
- 151 Visit of Amnesty international delegates and communication with prison officials in Moundou, Sahr and Doba, November 2011
- 152 Visit of Amnesty International delegates and communication with prison officials in Abéché and N'Djamena, May and June 2011

153 PRAJUST, op cit, p. 42 and 43

154 According to UNICEF, the birth registration rate was of 3% in rural areas and 36% in urban zones at the end of 2009, see for more details UNICEF's Chad page online at http://www.unicef.org/infobycountry/chad_statistics.html

155 The UN through its Consolidated Appeal Process (CAP) 2012 for Chad has planned to issue 30,000 birth certificates free of charge, conduct workshops and trainings and support 22 centres with birth certificates records and computers

156 According to the UN human development index, Chad is a poor country with a HDI of 0.328, which gives the country a rank of 183 out of 187 countries with comparable data. See <http://hdrstats.undp.org/en/countries/profiles/TCD.html> (consulted on 22 May 2012)

157 According to various sources, the parent has to pay the fee and bring along him 3 witnesses to testify to the date of birth of the child. There are no mechanisms to ensure that the 3 witnesses were there when the child was born.

158 Rule3.2

159 Rule 49 to 52

160 CRC, article 9,10 and 37

161 CRC, article 37 (c) and 40, para.2 (b) (ii), Beijing Rules, rules10.1 and 26.5

162 Beijing Rules, rule 26.4, Bangkok Rules, rules 36, 37

163 Bangkok Rules, rule 38

164 According to the PRAJUST report, this is the case for the following prisons: Bokoro, Bebedja, Benoye, Doba, Gore, Iriba, Maro and Melfi

165 Standard Minimum Rules for the Treatment of Prisoners, article 8 (a) available online at <http://www2.ohchr.org/english/law/index.htm#instruments> (accessed on 25 June 2012)

166 See Ordinance No 032 op.cit, article 21

167 CEDAW, article 2

168 CEDAW, articles 1 and 6

169 The Bangkok Rules, rule 65

170 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, article 24

171 Idem, article 2 and 4

172 Interviews with women prisoners in Moundou, November 2011, Interview with prison staff in Moundou, Sahr and Abéché, November 2011.

173 Rule 53. The rules are available at <http://www2.ohchr.org/english/law/treatmentprisoners.htm>

174 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), UN Doc A/RES/65/229, 16 March 2011, rule 19 : available at <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

175 See *Abramova v. Belarus*, Communication No. 23/2009, U.N. Doc. CEDAW/C/49/D/23/2009 (27 September 2011), para. 7.4

176 Rule 48.1

177 Article 24

178 These were charges retained against a group of 4 Nigerians delegates met in the N'Djamena prison in June 2011

179 A Cameroonian accused of illegal exercise of medicine who was detained in the Abéché prison in May 2011 was "assisting" other inmates and acted as the prison nurse there.

180 At the end of June 2012, Chad was hosting more than 288,000 refugees from Darfur, Sudan and around 75,000 refugees from the Central African Republic. Refugees are often arrested and detained in prisons in Chad, sometimes illegally

181 Meetings with the Chadian Minister of Justice, November 2011 and March 2012

182 Standard Minimum Rules for the Treatment of Prisoners (SMR), rule 38(1); Bangkok Rules, rule 53

183 SMR, rule 38 (2); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UNGA RES.43/173 , 9 December 1988, Principle16.2

184 Ordinance No 32/PR/2011, 4 October 2011, article 36

185 Constitution of the Republic of Chad, 1996 (amended in 2005)

186 Article 222

187 Standard Minimum Rules for the Treatment of Prisoners, Rule 38; CAT, article 6; The Bangkok Rules, rule 53

188 International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly on 16 December 1966 , entered into force on 23 March 1976, accessed by Chad on 9 June 1995; available online at <http://www2.ohchr.org/english/law/ccpr.htm>

189 Convention Against torture (CAT), adopted by the UN General Assembly on 10 October 1984, entered into force on 26 June 1987 and accessed by Chad on 9 June 1995; available online at <http://www2.ohchr.org/english/law/cat.htm>

190 International Covenant on Economic, Social and Cultural rights (ICESCR) adopted by the UN General Assembly on 16 December 1966 entered into force on 3 January 1976, ratified by Chad on 9 June 1995; available online at <http://www2.ohchr.org/english/law/cescr.htm>

191 Convention on the Rights of the Child (CRC), adopted by the UN General Assembly on 20 November 1989, entered into force on 2 September 1990, ratified by Chad on 2 October 1990; available online at <http://www2.ohchr.org/english/law/crc.htm>

192 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), by the UN General Assembly on 18 December 1979, entered into force on 3 September 1981, accessed to by Chad on 9 June 1995; available online at <http://www2.ohchr.org/english/law/cedaw.htm>

193 International Convention for the Protection of All Persons from Enforced Disappearance, signed by Chad on 6 February 2007; available online at <http://www2.ohchr.org/english/law/disappearance-convention.htm>

194 African Charter on Human and People's Rights, adopted on 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force on 21 October 1986, ratified by Chad on 9 October 1986 available online at : http://www.africa-union.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf

195 The African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999, ratified by Chad on 30 March 2000. The text of the charter is available online at http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/a.%20C.%20N%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf

196 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (The Maputo Protocol), signed by Chad on 6 December 2004; accessible online at http://www.achpr.org/english/_info/women_en.html

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CHAD: 'WE ARE ALL DYING HERE'

HUMAN RIGHTS VIOLATIONS IN PRISONS

Prison conditions in Chad are so deplorable that they amount to cruel, inhuman and degrading treatment or punishment. Cells are severely overcrowded, and food and drinking water are inadequate and sometimes not available. Prisoners are dependent on family and friends to supplement their diet and provide other necessities, which means that those with no such support, or held in a prison far from their home, go without. Children including young girls are detained together with adults. Most prisoners are held in pre-trial detention, some for years.

Health care and medical services do not exist in the majority of prisons in Chad. Amnesty International delegates found that in several prisons they visited, many prisoners required medical care and were suffering from skin diseases and rashes, for which no treatment was provided. Those suffering from serious transmissible diseases such as tuberculosis, or sexually transmitted infections and HIV, are particularly at risk. Riots due to the appalling conditions are common and have resulted in prisoners being shot dead by guards. Resources allocated to the prisons are limited and undermined by bribery and corruption.

This report is based on prison visits, interviews and other research carried out by Amnesty International in November 2011 and March 2012. It documents the conditions in Chad's prisons and exposes human rights violations committed inside them. The report calls on the government, with the assistance of the international community where necessary, to put in place urgent measures to reform the prison system.

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