

CHAD

**Time to narrow the gap
between rhetoric and
practices**

*Amnesty International
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**AMNESTY
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INTRODUCTION

In this submission, prepared for the Universal Periodic Review of Chad in October–November 2013, Amnesty International evaluates the implementation of a number of recommendations that Chad accepted during its previous UPR in 2009, noting that little or no action has been taken to implement these.

Amnesty International also raises concern regarding the transfer of judges without their consent, the draft media law which restricts freedom of expression, and the mandate of the National Human Rights Commission which falls short of the Paris Principles.

With regard to the human rights situation on the ground, Amnesty International expresses concerns with regard to enforced disappearances, violence against women and children, child soldiers, harsh prison conditions, deaths in custody, torture and ill-treatment, arbitrary arrest and detention, attacks against human rights defenders, treats against journalists and political opponents, and forced evictions.

FOLLOW UP TO THE PREVIOUS REVIEW

During its first Universal Periodic Review in May 2009, Chad accepted a number of important recommendations, including to ratify international human rights instruments,¹ to implement the recommendations of the National Commission of Enquiry regarding the events in N'Djamena in February 2008,² to ensure that those responsible for abuses, between 28 January and 8 February 2008, including the disappearance of Ibni Oumar Mahamat Saleh, be brought to justice,³ to improve detention conditions and ensure due process for detainees,⁴ to ensure freedom of the press and to repeal the new press law,⁵ and to enhance protections for women and girls living in conflict and refugee areas.⁶

However, Chad has failed to implement many of these recommendations. For example, Chad has not ratified a single one of the eight international human rights instruments that it agreed to ratify during its first review. Chad did sign some of them in late 2012, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, these are yet to be ratified.⁷

Chad has also failed to take the necessary steps to bring to justice those responsible for human rights abuses. No effective action has been taken by the authorities to resolve the fate of those who disappeared, or to bring to justice anyone suspected in connection with their disappearances. In particular, there has been no attempt to bring to justice those responsible for the disappearance of Ibni Oumar Mahamat Saleh, an opposition leader who disappeared after being arrested from his home by members of the security forces on 3 February 2008.

Furthermore, little has been done by the authorities to improve prison conditions or

to ensure due process for detainees, to guarantee freedom of the press, or to enhance protection of the rights of women and girls.

Amnesty International has expressed its serious concerns regarding all of these issues, as discussed in more detail below.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

In January 2013, Parliament passed a law that amended the Constitution. Under the new law the President may transfer Supreme Court judges without their prior consent. The President can now also cumulate (combine) his own position with other leadership functions thereby blurring the separation of powers.

A draft revision of the media law was discussed in Parliament at the end of 2012.⁸ If adopted, this will further restrict press freedom. In August 2010, Parliament had adopted a media law that introduced sentences of six to 12 months in prison, fines of 100,000 to 1 million CFA francs (around 200-2,000 US Dollars) and a publication ban of up to six months for “inciting racial or ethnic hatred” and “condoning violence”.

The mandate of the Chadian National Human Rights Commission is unclear in terms of its role and that of the Ministry of Human Rights, and it thus falls short of the Paris Principles.

HUMAN RIGHTS SITUATION ON THE GROUND

IMPUNITY FOR ENFORCED DISAPPEARANCES

Despite commitments made during the previous review to bring to justice those responsible for human rights abuses, including enforced disappearances, no effective action has been taken by the authorities to bring to justice those responsible, including for the disappearance of Ibni Oumar Mahamat Saleh.⁹ His fate remains unknown. The authorities have also failed to disclose the fate of at least 14 army officers arrested in N'Djamena in April 2006 on suspicion of involvement in a 2006 attack on N'Djamena and that of six members of the Tama ethnic group arrested in Guéréda (north-eastern Chad) in November 2007, despite commitments by Chad during the 2009 UPR.

VIOLENCE AGAINST WOMEN AND GIRLS

The authorities consistently fail to prevent and address sexual violence by both state and non-state agents. Rape and other violence against women and girls remain widespread. Internally displaced Chadians, refugees, as well as local women and children, are among the victims.¹⁰ Cases are underreported, including for fear of reprisals from the perpetrators who are often members of their communities, armed groups or the security forces. Other forms of violence against women and girls also continue, including female genital mutilation. Forced marriage is imposed on girls as young as 13, including in refugee and IDP camps. Women also suffer sexual violence in prisons.

CHILD SOLDIERS

There has been little progress in implementing the Action Plan on children

associated with armed forces and groups, signed on 15 June 2011 between Chad and the UN. Both the army and armed groups continued to recruit and use child soldiers.¹¹ At least 36 children were recruited to the National Army (*Armée Nationale du Tchad*, ANT) in 2012. According to the UN, there were between 7,000 and 10,000 children serving in armed groups and the army in 2009. By the end of February 2013, only a few children had been released from serving with these forces.

Rebel leader Abdel Kader Baba Laddé of the Popular Front for Redress was appointed Special Adviser to the Chadian Prime Minister in January 2013, despite accusations that he has been involved in the recruitment of child soldiers in both Chad and the Central African Republic.

PRISON CONDITIONS

Most prisons in Chad are overcrowded and prisoners often have no access to adequate health services and other basic facilities. An Amnesty International report, published in September 2012, concluded that prison conditions amount to cruel, inhuman or degrading treatment or punishment.¹² The prisoners were weak and emaciated. In some cases, due to the lack of security personnel, gang members participate in the management of security in the prison. Men, women and children often share facilities such as toilets, bath facilities, kitchen and courtyards, contrary to international standards and national laws.¹³

DEATHS IN CUSTODY

Some detainees have died in custody due, among other things, to the harsh prison conditions. Security forces have on several occasions used deadly force to calm tensions or to tackle riots within the prisons. In 2011 alone, prison guards killed at least seven prisoners in three separate incidents.¹⁴

On 17 September 2011, nine men died of asphyxiation four hours after being detained at the National Gendarmerie in the town of Léré. Some of them had been subjected to ill-treatment during their arrest. The remaining detainees at the Gendarmerie were transferred to N'Djamena central prison where another man, Bouba Hamane, later died. No investigation into these deaths was known to have been initiated by the end of 2012.

TORTURE AND OTHER ILL-TREATMENT

The police, the gendarmerie and members of the National Security Agency (*Agence Nationale de Sécurité*, ANS) regularly torture suspects, sometimes with the involvement of local administrative authorities. Allegations of torture and ill-treatment are rarely investigated, contributing to a climate of impunity.

ARBITRARY ARRESTS AND DETENTIONS

Some of the security services, including the ANS, often arbitrarily arrest and detain people. In some cases, detainees have been refused visits by family members, doctors or lawyers. Others have been detained by the police and gendarmerie for civil matters, contrary to provisions of the Constitution and national laws. Some have been held incommunicado for prolonged periods of time.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

Human rights defenders, including trade unionists and journalists, are often attacked or subjected to intimidation and harassment by government officials, including the police. In some instances, the judiciary has been used to silence them.

On 19 December 2011, Daniel Deuzoumbe Passalet, President of the Chadian organization Human Rights without Borders, was arrested in N'Djamena. In an interview with Radio France Internationale the previous day, he had expressed concern about impunity for the deaths of 10 men in the custody of the National Gendarmerie in Léré in September 2011. He was released on 30 December after the N'Djamena High Court sitting in Moussoro ruled that there was insufficient evidence to charge him.

FREEDOM OF EXPRESSION

The authorities regularly threaten and harass journalists. A previous media law, passed in August 2010, had introduced prison sentences of one to two years, fines and a ban on publication for up to three months for “inciting racial, ethnic or religious hatred and condoning violence”. There are also serious concerns with the revised media law currently before Parliament.

HARASSMENT OF POLITICAL OPPONENTS

Government officials continue to intervene in the work of the judiciary and to use the criminal justice system to harass political opponents.

In March 2012, opposition MP Gali Ngothé Gatta of the United Democratic Forces (*Union des Forces Démocratiques*) was arrested and sentenced to one year’s imprisonment for attempted corruption and poaching by the First Instance Tribunal in Sahr. He was tried and sentenced three days after his arrest, despite the fact that his parliamentary immunity had not been lifted. He was first held in Sahr prison and later transferred to Moundou prison following an appeal. On 24 April 2012, the Moundou Court of Appeal annulled the proceedings due to “grave flaws” and ordered his release. The Court of Appeal ruling was later confirmed by the Supreme Court.

FORCED EVICTIONS

Following a presidential decree in 2008, forced evictions continue to take place in N'Djamena, affecting thousands of people. The evictions are conducted without due process, adequate notice or consultation, and in some cases those who have lost their homes have not received alternative housing or other form of compensation despite court orders in some cases.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Chad:

Enforced disappearances

- To publicly disclose the whereabouts of individuals who disappeared in N'Djamena in April 2006, in Dar Tama in November 2007 and in N'Djamena in February 2008, including opposition leader Ibni Oumar Mahamat Saleh;
- To launch independent investigations into the cases of individuals who died or disappeared while in the custody of the security forces, to bring to justice those responsible in fair trials, and to provide fair compensation to victims.

Violence against women and girls

- To ensure that women and girls who have been victims of rape and other violence receive adequate medical and psychological assistance;
- To ensure that women and girls are effectively protected from all forms of violence, including female genital mutilation, early or forced marriage, domestic violence and sexual abuse.

Recruitment and use of child soldiers

- To send clear orders to all commanders to immediately stop the recruitment, re-recruitment and use of children under the age of 18, to release all children currently enlisted, and to fully cooperate with UNICEF and other actors involved in the demobilization and reintegration of child soldiers;
- To ensure full implementation of the Action Plan signed by the government and the UN in June 2011 and its accompanying roadmap, and to take action against commanders who fail to comply with this, in accordance with the provisions of Security Council Resolutions 1539 (2004) and 1612 (2005).

Prison conditions

- To take immediate steps to ensure that all allegations of cruel, inhuman or degrading treatment in prisons are fully and promptly investigated, and that the perpetrators of such acts, including law enforcement officers and security guards, are brought to justice;
- To ensure that all prisoners have access to basic rights, such as drinking water, basic health facilities and essential drugs, food, decent shelter and security of their person.

Deaths in custody

- To launch prompt and impartial investigations into all deaths in custody allegedly at the hands of security guards, including the deaths in custody of nine people in Léré in September 2011 and those shot dead by prison guards in Abéché, Bongor and Moussoro prisons in August, November and December 2011, respectively, and to suspend from duty all accused persons while investigations are ongoing.

Torture and other ill-treatment

- To conduct prompt, independent and impartial investigation into all allegations of torture and other ill-treatment of people detained in prisons, police and security service cells, and to ensure that those found responsible are brought to justice in accordance with international obligations and fair trial standards;
- To suspend from duty officials who order or condone such crimes regardless of their rank, pending an impartial and independent criminal investigation.

Arbitrary arrests and detentions

- To ensure that nobody is arbitrarily arrested or detained for exercising their right to freedom of expression or other rights, and that arrests are carried out by law enforcement officials in accordance with the law;
- To ensure that detainees are brought before a court to have their detention legalised by a judge within 48 hours, in accordance with the law, or released;

- To guarantee that those who criticize the political system, seek to hold peaceful anti-government protests, or create independent associations, are protected from any form of harassment or intimidation.

Attacks against human rights defenders

- To allow human rights defenders to work freely, to ensure that action is taken to investigate all threats or attacks against them, and to bring to justice those responsible for such acts in trials that meet international fair trial standards.

Freedom of expression

- To respect and uphold the right to freedom of expression and to protect journalists, human rights defenders and political opponents against harassment and intimidation for exercising their human rights;
- To refrain from using the judiciary to intimidate and harass journalists;
- To remove provisions of the new proposed media law that could violate freedom of expression and press freedom.

Forced evictions

- To cease the forced eviction of people in N'Djamena and to conduct a full, independent and impartial enquiry into the role of police and military in forced evictions;
- To hold accountable those responsible for human rights violations in the context of forced evictions;
- To pass and enforce a law prohibiting forced evictions as soon as possible.

Harassment of political opponents

- To stop using the judiciary as a tool to silence dissent by trade unionists, journalists and other political opponents;
- To guarantee that those who criticize the political system or the authorities are protected from any form of harassment or intimidation and can carry out their work without fear of persecution.

ENDNOTES

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Chad*, A/HRC/12/5, 5 October 2009. Chad agreed to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (recommendation 82.5, Mexico and Argentina); the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (recommendation 82.2, Czech Republic, and recommendation 82.3, United Kingdom and Argentina); the International Convention on the Protection of All Persons from Enforced Disappearance (recommendation 82.4, France, Argentina); and the Convention on the Prevention and Punishment of the Crime of Genocide (recommendation 82.1, Brazil). It also agreed to consider ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (recommendation 82.6, Argentina); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (recommendation 82.6, Argentina); and the Convention on the Rights of Persons with Disabilities and its Optional Protocol (recommendation 82.6, Argentina).

² A/HRC/12/5, recommendations 82.53 (France), 82.54 (Italy), and 82.55 (Ireland).

³ A/HRC/12/5, recommendations 82.54 (Italy), 82.55 (Ireland), and 82.56 (United States of America).

⁴ A/HRC/12/5, recommendations 82.24 (Czech Republic), 82.50 (Netherlands), 82.51 (Netherlands), and 82.52 (Ireland).

⁵ A/HRC/12/5, recommendations 82.59 (Canada), 82.60 (France), and 82.86 (United States of America).

⁶ A/HRC/12/5, recommendations 82.31 (Slovenia), 82.32 (Malaysia), and 82.69 (Slovenia).

⁷ On 26 September 2012 Chad signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

⁸ Law No 017/PR/2010.

⁹ Amnesty International, *Double misfortune, Deepening human rights crisis in Chad* (AI Index AFR 20/007/2008), December 2008.

¹⁰ Amnesty International, “*No place for us here*” *Violence against refugee women in eastern Chad* (AI Index AFR20/008/2009), September 2009.

¹¹ Amnesty International, *A compromised future. Children recruited by armed forces and groups in eastern Chad* (AI IndexAFR20/001/2011), February 2011.

¹² See Amnesty International, “*Chad: ‘We are all dying here’: Human Rights Violations in Prisons*” (AI Index: AFR 20/007/2012), 10 September 2012.

¹³ See Amnesty International, “*Chad: ‘We are all dying here’: Human Rights Violations in Prisons*” (AI Index: AFR 20/007/2012), 10 September 2012 p.46.

¹⁴ On 21 August 2011, three prisoners were shot dead by security forces at the Abéché prison. Two other prisoners were killed and five wounded when guards opened fire at them in Bongor prison on 26 November 2011. On 21 December 2011, two prisoners were killed and at least two others wounded after prison guards opened fire on prisoners at Moussoro prison.

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