



UPR Submission

Chad

November 2008

Background

The human rights climate in Chad can only be regarded as poor. Human rights abuses by government officials and agents have included: extrajudicial killings; politically motivated disappearances; arbitrary arrest and detention; abuses of detainees that include torture and denial of due process rights; the use and recruitment of child soldiers, including those under the age of 15; widespread official corruption; and gender and sexual-based violence, including rape.

The United Nations Security Council approved an EU/UN hybrid operation in September 2007 with a mandate to protect refugees and displaced persons in eastern Chad. Deployment of the UN humanitarian component of the hybrid force, the United Nations Mission in Central African Republic and Chad (MINURCAT), was subject to extensive delays, and its protection activities in refugee camps and displacement sites has been negligible as of this writing.

Deployment of the military component of the hybrid, the European Union Force (EUFOR Tchad/RCA), began in February, and EUFOR's 3,300 troops have been successful in fostering a sense of security in some areas of eastern Chad, particularly in large towns, refugee camps, and displaced persons sites. However, internally displaced persons and other conflict-affected civilians situated outside of large towns received little protection from EUFOR, and attacks against humanitarian actors in eastern Chad increased despite EUFOR's presence in the field.

In December the UN Security Council is expected to expand the operation by adding up to 3,000 personnel and substituting European Union soldiers with UN Peacekeeping troops.

The past year saw a dramatic escalation of the three-year-old proxy conflict between Chad and Sudan. A February coup attempt by Chadian rebels backed by Sudan

nearly toppled the government of Chadian President Idriss Deby Itno, and a raid in May by Sudanese rebels backed by Chad brought fighting to the streets of Omdurman, a suburb of Khartoum. Efforts by the African Union to mend relations between N'Djamena and Khartoum have proved fruitless, and the continuation of hostilities is widely anticipated.

Use and recruitment of child soldiers

The use and recruitment of child soldiers by government forces and allied paramilitary groups is ongoing. The recruitment of children into the Chadian National Army (ANT) is routine in internally displaced persons sites in the Goz Beida area of eastern Chad. Children in Sudanese refugee camps in eastern Chad are also subject to recruitment, primarily by the Justice and Equality Movement (JEM), a Sudanese rebel group that receives backing from the Chadian government.

It is also apparent that forced recruitment has taken place in displaced persons camps. On March 30, 2008, ANT soldiers reportedly recruited young men including two children from Habile camp against their will. Human Rights Watch also documented the forced recruitment of at least 20 children at Gassire camp in July 2007.

The Chadian government reached a formal agreement with UNICEF to demobilize all children from the ANT in May 2007, but more than 93% of the 512 children released from the government army to date were former members of rebel factions that joined the ANT under the auspices of peace accords. Hence, demobilization of child soldiers from the ANT itself has been negligible.

Arbitrary arrest and detention, disappearances, and abuses of detainees

Government security forces arrested three prominent opposition leaders in the immediate aftermath of an attempted *coup d'état* by Chadian rebel groups in February 2008. Two of the opposition figures were subsequently released, but Ibni Oumar Mahamat Saleh, the spokesman of a coalition of opposition parties, remains unaccounted for and is considered to have been "disappeared." Suspected rebel sympathizers were also subject to arbitrary arrest by government security forces, as were members of ethnic group associated with the rebel movements--which are organized largely along ethnic lines.

While in detention, many civilians were subjected to torture and most were denied due process rights.

In March the Chadian government convened a national Commission of Inquiry to investigate crimes committed in the wake of the February coup attempt. The Commission issued a report in September that implicated Chadian President Idriss Deby Itno's Presidential Guard in the disappearance of Ibni Oumar Mahamat Saleh and found that members of the Chadian security forces were responsible for crimes including arbitrary arrests, unlawful killings and torture and rape. Though the Commission's report did not identify any specific perpetrators of abuses, a follow-up body was established by Presidential decree in October.

Gender-based violence

Chadian government security forces and government-supported Sudanese rebel groups have been responsible for rapes, particularly in N'Djamena in the wake of a February 2008 attempted coup d'etat.

In displaced persons sites, tasks that are traditionally allocated to women and girls, such as collecting firewood and gathering materials used to make woven mats, puts women and girls at risk for rape. Human Rights Watch documented the rape of women collecting firewood outside of camps for displaced persons in eastern Chad. Rapes have also been documented in the camp environment.

Human Rights Watch has also documented rapes in the refugee camp environment, with several victims subsequently committing suicide due to social ostracization.

Human Rights Watch documented numerous instances of gender-based violence within camps for refugees and displaced persons, with women complaining of physical abuse by male residents of the camps, including male family members, often under the influence of alcohol.

Access to justice for women in camps for refugees and displaced persons is inadequate. The Chadian government has not taken adequate steps to ensure protection for women and girls, nor has it taken adequate steps to ensure accountability for sexual-based violence.

Other protection concerns that affect women and girls include forced and early marriage, female-genital mutilation and child trafficking.

Attacks against humanitarian workers

Between October 2005 and April 2008 there were 140 attacks on humanitarian workers in eastern Chad, including 84 vehicle hijackings. Violence and insecurity have only increased with time: in the first five months of 2008, five fatal attacks were carried out against humanitarian workers. Attacks against humanitarian workers have been met by impunity.

Fear of retaliation often discourages humanitarian workers from making public denunciations of attacks, which contributes to impunity. Local government officials have not done enough to ensure that attacks against humanitarian workers are investigated and the responsible parties prosecuted. In some instances government agents have emerged as the primary suspects behind many of the recent attacks against humanitarian workers.

Recommendations

Regarding the use and recruitment of child soldiers:

- Ratify the African Charter on the Rights and Welfare of the Child;
- Undertake an information campaign to ensure that field commanders within its armed forces are aware of the government's obligations under international law to prevent the use and recruitment of child soldiers;
- Take action to ensure the demobilization all child soldiers and end the recruitment of children under the age of 18 by all armed groups operating on Chadian territory;
- Investigate and prosecute those responsible for the use and recruitment of child soldiers; senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank;
- Develop a time-bound action plan to prevent illegal recruitment and demobilize child soldiers;
- Establish a national institution to coordinate the release and reintegration of children associated with armed forces and groups;
- Criminalize the unlawful use and recruitment of children under domestic laws; and

- Agree to designate demilitarized zones as sanctuaries in conflict areas and pre-position humanitarian relief in known places of refuge.

Regarding arbitrary arrest and detention, disappearances, and abuses of detainees

- Investigate and prosecute those responsible for war crimes, including members of the government and the armed forces;
- Promptly and impartially investigate all allegations of involvement on the part of government officials and members of government security forces in violence, torture, rape and other abuses, and bring those responsible to justice;
- Seek international assistance to investigate war crimes;
- Ensure fundamental due process guarantees to persons in detention, including the right to be charged with an offense before judicial authorities, to have access to legal counsel, family members, and medical care, and to receive a trial before an independent court meeting international fair trial standards; allow access to persons in detention by independent humanitarian organizations; and adopt measures to improve the criminal justice system, such as by creating sufficient federal and regional courts and providing appropriate training in human rights to judicial staff and police; and
- Ensure that records are maintained for all persons detained by security forces, including the reason for detention and the unit or agency responsible.

Regarding gender-based and sexual violence

- Establish a special judicial mechanism within the Chadian justice system to investigate serious violations of international humanitarian law, particularly allegations of sexual violence, by members of all armed groups including the Chadian army. Prosecute those officers who held command responsibility and were complicit in the crimes;
- Create a vetting mechanism to screen out candidates for official positions in the army, police or other security services who have a past record of human rights abuses, including rape;
- End financial or military assistance to armed groups in eastern Chad whose members have committed human rights abuses and crimes of sexual violence; and
- Provide victims of sexual violence with free and appropriate health services. These services should include appropriate counseling, voluntary testing, and treatment for those affected with HIV/AIDS.

Regarding attacks against humanitarian aid workers

- Make it a government priority to do everything possible to support and protect humanitarian aid workers, including the immediate replacement of abusive local government officials and the prosecution of those responsible for crimes against humanitarian aid workers.