



Executive summary

FIACAT and ACAT Chad report for the 3rd UPR of Chad

I. Right to life

A. The death penalty

On 4th September 2014, the government adopted a bill for a new Criminal Code (CC) which included the abolition of the death penalty. However, following the terrorist attacks on 15th June, 29 June and 11th July 2015, a new law on the repression of terrorism was adopted on 5th August 2015 that provides for the death penalty for some terrorism related offences. Moreover, 10 alleged members of Boko Haram were sentenced to death on the basis of the Criminal Code of 1967 and executed on 29th August 2015 despite the violation of the rights of the defence in this expeditious trial. The new Criminal Code was promulgated on 8th May 2017. It does not provide for the death penalty for ordinary crimes but keep the 2015 law in force. If there was no death sentence in 2016 and 2017, 4 people were sentenced to death on 26th September 2018 on the basis of the law of 2015.

Recommendation:

- Commute all death sentences to prison sentences;
- Abolish the death penalty for all crimes included terrorism related crimes and ratify the Second Optional Protocol to the International Covenant on civil and political rights.

B. Enforced disappearances

In Chad, under the Habré regime, enforced disappearances were common. Nowadays, they are becoming rarer but still occur against opposition members. Chad has still not ratified the International Convention for the Protection of all Persons from Enforced Disappearances.

Recommendation:

- Ensure that all allegations of enforced disappearances are independently investigated and that the authors of such acts are prosecuted and sentenced proportionally to the gravity of those acts and ratify the International Convention for the Protection of all Persons from Enforced Disappearances.

II. Torture

The new 2017 Criminal Code incriminates torture at articles 323 and 324. If the definition set out in this Code is in conformity with the Convention, the Code does not provide for the non-applicability of statutory limitations to acts of torture and those provisions have not been disseminated and popularized enough in police stations and gendarmerie brigades where torture keeps occurring.

Recommendation:

- Amend the new Criminal Code to provide for the non-applicability of statutory limitations to acts of torture and ensure in practice that the prohibition of torture is strictly applied in particular by ANS agents through, among other things, the dissemination of the Criminal Code's new provisions.

III. Right to liberty and security of person

A. Custody

In practice, time limits for custody (48h renewable once) are not respected and there is a derogatory regime for terrorism related offences (30 days renewable once or twice by the Public Prosecutor) and the procedure is not being respected. Thus, people in custody do not effectively have access to a lawyer. Moreover, abuses and acts of torture in custody have been documented.

Recommendation:

- Reduce the time limits for custody set out in the 2015 anti-terrorist law and ensure that all time limits and procedure of custody are respected in practice.

B. Pre-trial detention

The new 2017 Criminal Code sets out that pre-trial detention cannot exceed 6 months renewable once for ordinary offences and 1 year renewable twice for 6 months for serious offences. Despite this progress, pre-trial detainees still represent a large part of prison population (62% in 2016). Moreover, many abuses have been documented in relation to counter-terrorism.

Recommendation:

- Ensure that the provisions of the new Code of Criminal Procedure on time limits to pre-trial detention are strictly applied in practice and that pre-trial detainees held in detention over these time limits benefit from statutory release.

C. Detention

In Chad, arbitrary and abusive detentions have become a mean of pressure against members of the opposition and activists and incommunicado detention are frequent. Regarding living conditions of detainees, it should be noted that prison overcrowding is serious in Chad (7719 detainees in 2016), that prison establishments are not in conformity with international standards and that food is insufficient. Finally, there is no appropriate monitoring of Chadian prisons and the OPCAT has still not been ratified.

Recommendations:

- Put an end to arbitrary detentions and improve detention conditions in particular by incorporating the Nelson Mandela Rules and Bangkok Rules into domestic law;
- Ratify without delay the Optional Protocol to the Convention against torture and other cruel inhuman or degrading treatment or punishment and establish an effective monitoring of all places of deprivation of liberty.

IV. Administration of Justice

Chad continues its reform of the judiciary through PRAJUST 2. However, no real change has been noted and the judiciary is still affected by its dependence to the Executive, the lack of training of judges and clerks, corruption etc. Moreover, there are not enough judges (1 for 37 000 inhabitants).

Recommendation:

- Pursue and strengthen its efforts regarding the judiciary reform and ensure the establishment of an independent, impartial and efficient justice.

V. National Human Rights Institution

On 8 December 2017, the law n°026/PR/2017 on the reform of the National Human Rights Commission has been promulgated in conformity with the Paris Principles. However, this law has still not been implemented.

Recommendation:

- Implement the law on the reform of the National Human Rights Commission effectively and provide the Commission with sufficient technical and financial resources for its functioning.

VI. Freedom of expression and reunion

A. Repression of demonstrations

Demonstrations are subjected to an authorisation regime given by the Ministry in charge of Security, by virtue of decrees from 1962. However, this authorisation is never given to the political parties of the opposition and to civil society organisations (apart from some associations close to the government). Also, demonstrations have been strictly prohibited lately and several cases of repression and human rights violations have been documented (in particular between January and February 2018).

B. Violations of press freedom

Press freedom is not being respected in Chad even though texts protecting journalists have been adopted. Local administrative authorities keep interfering with the medias.

Recommendations:

- Ensure that the right to peaceful assembly is respected in practice and that peaceful demonstrations are not violently repressed.
- Protect journalists and human rights defenders, ensure that they can carry out their activities freely and without fear of reprisals and investigate on all allegations of threats and attacks against them and prosecute and condemn the authors of such acts.