



Fédération internationale de l'Action des chrétiens pour l'abolition de la Torture
International Federation of Action by Christians for the Abolition of Torture
Federación Internacional de la Acción de los Cristianos para la Abolición de la Tortura



United Nations Committee against Torture

**Report on Chad's initial review
29 and 30 April 2009**

Résumé

**Alternative FIACAT and ACAT Chad report
on implementation of the Convention against Torture
and other cruel, inhuman or degrading treatment or punishment**

CHAD

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Presentation of the NGO partners

➤ **Action by Christians for the Abolition of Torture in Chad - ACAT Chad**

The ACAT was set up in Chad on 15 March 1995, and is recognised by the Ministry of the Interior as a Human Rights organisation under folio n° 36. It is an ecumenical association. It has been affiliated to FIACAT since 19 December 2008.

It works to fight against torture and the death penalty by creating greater awareness among Christians and their churches of the intolerable nature of torture and the death penalty.

➤ **International Federation of Action by Christians for the Abolition of Torture (FIACAT)**

La **International Federation (FIACAT)** is an international human rights NGO whose mandate is to fight for the abolition of torture and the death penalty

FIACAT was created by 10 ACATs on 8 February 1987.

The FIACAT network today consists of around thirty ACATs around the world - 25 of them are affiliated.

FIACAT has two principal missions:

- International representation of the network

Its mission is to represent the ACAT network before the international and regional bodies where it has consultative status: the United Nations, the African Commission on Human and Peoples Rights, the Council of Europe and the International Francophone Organisation.

It is also an active member of several large international coalitions:

- Coalition of International NGOs against Torture (CINAT);
- World Coalition against the Death Penalty (WCADP);
- International Coalition for the International Criminal Court (CCPI) ;
- International Coalition against Enforced Disappearances (ICAED).

- Network Action

This helps keep the ACAT network alive by encouraging exchanges between different groups, suggesting actions and joint campaigns and regional and international joint projects.

Introductory note

On 9 June 1995, Chad ratified the Convention against Torture and other cruel, inhuman or degrading treatment or punishment. In accordance with article 19 of this text, it recognised the jurisdiction of the Committee against Torture (CAT).

On 4 September 2007, the government of Chad published its first review 11 years late; it had been due to be delivered to the Committee in July 1996.

FIACAT and ACAT Chad are honoured to be able to present to the United Nations Committee against Torture (CAT) their concerns set out below regarding the implementation by Chad of the United Nations Convention against Torture and other cruel, inhuman or degrading treatment or punishment.

This report is to be delivered during the 42nd session of the Committee against Torture that will be held in Geneva between 27 April and 15 May 2009 during which Chad's initial review will be examined. This review replaces the initial review and the second and third periodic reviews.

This alternative report is divided into three parts:

- The introduction outlines the general international and legal framework on human rights protection and the political situation in Chad.
- Part two analyses, article by article, implementation nationally by Chad of the Convention against Torture.
- The report concludes with a series of recommendations made by FIACAT and ACAT Chad to the Committee against Torture.

Two remarks can immediately be made:

- Chadian legislation is incomplete and sometimes flies in the face of the principles of the Convention making it possible to perpetrate acts of torture and other cruel, inhuman or degrading treatment or punishment;
- Despite positive moves forward by the Chad government in its first review, in practice actions can stray significantly from texts currently in force.

I. INTRODUCTION

Chad has ratified the main international Conventions on human rights:

- International Pact on Economic, Social and Cultural Rights on 9 June 1995;
- International Covenant on Civil and Political Rights on 9 June 1995;
- International Convention on the Elimination of all forms of Racial Discrimination on 17 August 1967;
- Convention on the Elimination of Discrimination against Women on 9 June 1995;
- Convention on the Rights of the Child on 2 October 1990;
- African Charter on Human and Peoples' Rights on 9 October 1986.

Chad ratified the Convention against Torture and other cruel, inhuman and degrading treatment and punishment (hereafter the Convention against Torture) on 9 June 1995. Chad's first review for the Committee against Torture was submitted 11 years late.

Chad set up a national Human Rights Commission (CNDH) in September 1994 and appointed a Minister for Human Rights in 2005. ACAT Chad has noted many weaknesses in the functioning of the CNDH such as insufficient funding and poorly trained personnel who cannot ensure the commission is properly run or that it achieves its goals. These shortcomings put the efficiency and the reliability of the institution in doubt.

III. FIACAT's and ACAT Chad's Recommendations

FIACAT and ACAT Chad recommend the following to the State of Chad:

1. Regarding the ban on torture and ill treatment within domestic legislation

FIACAT and ACAT Chad believe that it is necessary to define torture and cruel, inhuman and degrading treatment and punishment in order to implement the Convention properly nationwide. By transposing into domestic law the definition of Article 1 of the Convention, acts of torture and ill treatment can be sanctioned more effectively.

Chad cannot limit itself to banning torture without defining those actions that constitute it as set out in Article 1. Torture cannot be viewed as an aggravating feature of an offence; it must be considered a crime in itself.

Having transposed the definition into domestic law, those acts that constitute torture can be more easily identified by the Chadian authorities and properly sanctioned bearing in mind their specific nature and seriousness.

2. Regarding prevention of acts of torture in places of detention

To prevent properly acts of torture being perpetrated in places of detention, Chad must ensure detainees are given full rights as set out in the law.

FIACAT and ACAT Chad invite the Chad government to:

- Guarantee those held in custody access to a doctor and to legal advice, free of charge for those unable to pay;
- Adopt practices that satisfy minimum rules for the treatment of detainees by guaranteeing, in particular, that defendants are held separately from convicted prisoners and that defendants have access to basic medical care and are properly fed. Chad must urgently implement a far-reaching policy to improve the situation in its prisons and other detention centres;
- Ratify the optional Protocol to the United Nations Convention against Torture and swiftly put in place mechanisms to visit the detention centres as laid down in the Protocol's obligations. Access to detention centres must also be given to Non-Government Organisations working in the field of human rights;
- Ensure greater awareness among and systematically train all those who work with detained individuals. Training must be given to lawyers, to those responsible for law and order as well as to magistrates.

3. Regarding the fight against impunity

According to the reports of a number of different NGOs based on eye witness accounts, punishments are mainly perpetrated by those responsible for law and order (police, military police and military personnel). Chad recognises this fact in various parts of its review. To

date, very few officials have been taken to court following such actions. Chad must ensure that those responsible for human rights violations are tried and convicted.

FIACAT and ACAT Chad recommend that the Chad government:

- Set up proper procedures to ensure cases are brought to court. The victim must not be afraid of taking legal action;
- Make provision for proper sanctions;
- Guarantee protection to victims of acts of torture and to any witness when they take legal action against their torturers.