



UPR Briefing Note

TCHAD :

TORTURE & EXCESSIVE USE OF FORCE IN DEMONSTRATIONS

Definition of torture: Envisaged in Article 323 of the Chadian Penal Code, the definition and criminalization of torture are not entirely in line with Article 1 of the Convention against Torture.

Recommendation: Amend the Chadian Penal Code to align the definition of torture with the Convention against Torture. Ensure penalties commensurate with the severity of acts of torture and ill-treatment. Explicitly stipulate the non-prescription of the crime of torture. Introduce ineligibility for confessions obtained under torture.

Excessive use of force and freedom of assembly: The state consistently employs force disproportionately against peaceful demonstrators, human rights defenders, opposition political parties, and unions.

The laws regulating public demonstrations and public gatherings are outdated and seriously undermine the civic space, inevitably leading to confrontations between civilians and law enforcement.

The agents of the national police, the gendarmerie, the national nomadic guard, the armed forces, and intelligence services all participate in law enforcement operations and armed repression of protesters in the absence of a specific legal framework.

The National Security Agency (ANS) has powers of search and detention beyond judicial control, facilitating the practice of torture.

Recommendation: Amend the decree of June 15, 2016, concerning the Code of Ethics of the National Police, and introduce provisions prohibiting the use of lethal weapons by police officers during law enforcement operations to adhere to the principles of legality, necessity, proportionality, and caution.

Recommendation: Repeal ordinances No. 46 on gatherings and No. 45/62 on public meetings, as well as decree No. 193/620 on public demonstrations, and enact laws promoting the freedom of assembly based on a notification system rather than authorization to better ensure the right to demonstrate in safety and security.

Recommendation: Adopt a law on public order that establishes the conditions for requisitioning forces of various categories, oversight of operations by a civilian authority, strict regulation of any use of force, especially lethal force, and the obligation to open investigations in cases of the use of force.

Recommendation: Reform the National Security Agency (ANS) as well as all intelligence services by redefining their mandates and competencies to prevent their intrusion into the safeguarding of individual and collective freedoms.

Access to justice and accountability: Numerous perpetrators of human rights violations enjoy complete impunity and, in some cases, even receive hierarchical promotions, thereby reinforcing a repressive and oppressive apparatus.

Adopted on November 23, 2023, the general amnesty law for acts committed

Recommendation: Investigate and prosecute acts of torture and arbitrary executions committed by security forces with the aim of holding them fully accountable.

Investigate the complaints filed before national courts and prosecute the alleged perpetrators, particularly in relation to the events of October 20, 2022.

Repeal the amnesty law, especially for human rights violations, including torture and ill-treatment, committed during the massacres of October 20, 2022.

during the events of October 20, 2022, establishes impunity for the perpetrators of human rights violations.

Reparation and rehabilitation: Victims of torture, including those subjected to sexual violence during Hissène Habré's regime and the massacres of October 20, 2022, have yet to receive justice and reparations.

Recommendation: Establish an organization responsible for the reparation and rehabilitation of victims of torture, endowed with adequate funds and programs for the rehabilitation of victims, including those of sexual violence.

Right to liberty and security of the person in places of deprivation of liberty: Prisons, including Koro Toro Prison, are sites of systematic practices of torture and ill-treatment. The prisons are overcrowded and unsuitable for human habitation.

The bodies responsible for monitoring places of deprivation of liberty, including NGOs, have limited mandates and resources.

Recommendation: Investigate allegations of torture within Koro Toro Prison and restrict its use for common law prisoners from distant jurisdictions to allow all detainees to live close to their family members and benefit from visits.

Reduce prison overcrowding and facilitate NGO access in other prisons.

Provide the National Human Rights Commission with the financial, human, and material resources necessary to fulfill its functions independently, impartially, and effectively. Establish a National Mechanism for the Prevention of Torture to conduct unannounced visits to all places of deprivation of liberty.

Sexual and Gender-Based Violence: Gender-based violence is a fundamental and pervasive issue in Chadian communities. More than one in three women (38%) report having undergone female genital mutilation. It is estimated that around 23% of girls are married before the age of 15, and 65% before the age of 18. Additionally, one in three women reports being a victim of physical violence, and 12% of women experience sexual violence each year.

Recommendation: Immediately adopt the Family Code, incorporating provisions to ensure the protection of women and children against early marriage, domestic violence, and harmful traditional practices.

Sign and implement the decree for the enforcement of the 2002 law on female genital mutilation and take all measures to discourage this practice.

Increase efforts in awareness campaigns and legal actions against rape, female genital mutilation, and forced and early marriages.

State of ratification of international

human rights instruments: Since its last UPR, Chad has only ratified the Convention on the rights of persons with disabilities and the International convention on the rights of all migrant workers and members of their families.

Recommendation: Expedite the ratification process of 9 additional international human rights instruments and proceed with their harmonization with national legislation, with priority given to the Convention on Enforced Disappearances and the Optional Protocol to the Convention against Torture.

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