



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Second periodic report submitted by Chad under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2012*

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* The present document is being issued without formal editing.



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Introduction

1. Chad acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995. Its initial report was drafted, submitted and considered in 2009. The second periodic report was due for submission by 15 May 2013. However, for technical reasons and owing to the merging of the Ministry of Human Rights and Fundamental Freedoms with the Ministry of Justice, the report was not submitted before the established deadline.
2. In response to the initial report, the Committee against Torture sent the Government a list of issues, the replies to which constitute the second periodic report of Chad. In order to resume drafting the report, a training workshop for members of the Interministerial Follow-up Committee on International Human Rights Agreements was held in Bakara in October 2017.
3. Following the training workshop, an ad hoc committee comprising representatives of the Ministry of Justice, the Ministry of Health, the Ministry of Higher Education, the Public Prosecutor's Department and juvenile judges was established. The committee has received technical and financial support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) country office.
4. The Ministry of Justice and Human Rights, in partnership with the OHCHR country office, set up a select committee comprised of five experts from the Human Rights Directorate to update the second periodic report in preparation for submission to the competent bodies (to be reviewed after the break).
5. This report covers the period 2009–2019.

Reply to paragraphs 1, 2 and 3 of the list of issues

6. Chad adopted a new Criminal Code in 2017 in order to bring the definition of torture into line with domestic legislation. The seventh paragraph of article 323 of the Code provides that “any act by which severe pain or suffering, whether physical, mental or psychological, is intentionally inflicted on a person, by or at the instigation of or with the consent or acquiescence of a public official or traditional authority acting in an official capacity, for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed, or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.”
7. Regarding the provisions of the new Criminal Code and the new Code of Criminal Procedure that criminalize acts of torture and other forms of ill-treatment and provisions that make such acts punishable by criminal penalties that take account of their seriousness, article 323 of the Criminal Code states: “Any person who unintentionally causes the death of another through torture shall be liable to 20 to 30 years’ imprisonment. When the torture causes the victim to be permanently deprived of the use of all or part of a limb, organ or sense, the penalty shall be 10 to 20 years’ imprisonment. When the torture causes the victim to be ill or unfit for work for more than 30 days, the penalty shall be 5 to 10 years’ imprisonment and a fine of 300,000 to 1 million CFA francs (CFAF). When the torture causes the victim to be ill or unfit for work for 30 days or less, or to suffer pain or mental or psychological distress, the penalty shall be 2 to 5 years’ imprisonment and a fine of CFAF 500,000. The same penalties shall apply to public officials, traditional authorities or any other person acting in an official capacity who consent or acquiesce to, or who order or commit, other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in this article.”

Reply to paragraph 4 of the list of issues

8. This section refers to the concrete measures taken by the Chadian State to ensure that no exceptional circumstances, including a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture, as well as any measures intended to prevent military involvement in the arrest or detention of civilians.

9. Article 18 of the Constitution of 4 May 2018 states that “no person may be subjected to degrading or humiliating abuse or treatment, or to torture”. In accordance with article 19, “slavery, trafficking in persons, forced labour, psychological or physical torture, inhuman, cruel, degrading and humiliating treatment, female genital mutilation, early marriage and any other form of debasement of human beings are prohibited”. Article 323 of the new Criminal Code provides that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture.”

10. Article 324 of the Criminal Code provides that “where officials are found guilty of the offences set forth in article 323, the confiscation of assets and the publication of the judgment may be ordered”.

Reply to paragraph 5 of the list of issues

11. See article 323.

12. By way of example, a Chadian gendarme in the service of the National Judicial Research Section was prosecuted for torturing a lawyer. He cited an order from his superior as justification, but the judges rejected his argument and convicted him of an act of torture (criminal judgment, repository 056/TGI/NDJ/2017 of 11 April 2017). Two key events reinforced the fight against torture in 2016. The first concerns acts of violence against students, which led to the conviction of six police officers who served their sentence at Moussoro prison. The trial was followed very closely by civil society organizations because the case was about bringing to justice representatives of the State who were acting to maintain public order in the normal exercise of their duties. The officers managed to disperse the protesters and proceeded to make arrests. Unfortunately, some of the students were subjected to abuse, degrading treatment and torture at the camp of the Mobile Police Unit.

13. The second concerns the “padlocked testicles” case, where the four perpetrators, who were serving in the army, were sentenced to 8 years’ imprisonment. The sentence was increased to 10 years by the Court of Appeal of N’Djamena. The CA6 and Bol cases should be added.

14. In addition, the Chadian Government has entered into partnerships with the European Union and the United Nations system in order to modernize its judiciary. These include a memorandum of understanding with the European Commission on the Programme to Support Justice in Chad (PRAJUST 1 and PRAJUST 2) and a programme for strengthening the capacity of the judiciary, human rights and gender equality with the United Nations Development Programme (UNDP).

15. Measures aimed at providing adequate training for judges and increasing the human and material resources allocated to the administration of justice include:

(a) Act No. 032/PR/2009 of 28 December 2009 on the establishment of the National Judicial Training School. Statistics on the numbers of graduates from the school between 2012 and 2016 are given in the table below:

Title	Judges	Court clerks	Prison officers	Prison warders
Number	433	257	239	270

(b) The holding of regular meetings of the Supreme Council of Justice for the purpose of appointing judges throughout the country;

(c) Legislative, administrative and judicial measures taken to combat corruption among judges include:

(i) Ordinance No. 007/PR/2012 of 21 February 2012 establishing the regulations governing the judiciary;

(ii) Ordinance No. 003/PR/2012 rectifying Act No. 005/PR/98 on the organization and functioning of the Supreme Council of Justice;

(iii) Decree No. 574/PR/MJCDH on the organization chart of the Ministry of Justice and Human Rights and the establishment of the General Inspectorate of the Judicial Services;

(iv) A code of conduct for judges.

(d) In order to guarantee that judges are fully independent of the executive in accordance with the Basic Principles on the Independence of the Judiciary (General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985), article 146 of the Constitution provides that “the judiciary is independent of the executive and legislative branches”. Article 152 states that “the Supreme Council of Justice shall propose the appointment and promotion of judges”. Article 155 provides that “judges, in the exercise of their functions, shall be subject to the sole authority of the law. They shall be irremovable.”

16. Judges are appointed and dismissed by decree of the President of the Republic, after approval by the Supreme Council of Justice (see article 153 of the Constitution).

Reply to paragraph 6 (a) and (b) of the list of issues

17. The Ministry of Human Rights and Fundamental Freedoms held discussion meetings, with support from the United Nations system in Chad, with a view to bringing the National Human Rights Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). These meetings led to the drafting of a bill to bring the Commission into line with the Paris Principles.

18. In April 2015, a select committee was set up to review the bill. It held discussions with OHCHR on the Paris Principles and drew on the positive experiences of other African national human rights institutions for inspiration.

19. Act No. 028/PR/2018 of 22 November 2018 on the responsibilities, organization and functioning of the National Human Rights Commission was promulgated as a result.

20. The Commission is comprised of 11 members, including two independent figures and at least four women, who are recognized for their moral probity, integrity, heightened sense of responsibility, commitment and proven experience in the field of human rights and fundamental freedoms.

21. All of the members, with the exception of the two independent figures, come from the following civil society organizations, corporations and bodies:

- Human rights organizations (two members)
- Organizations for the defence and promotion of women’s rights (one member)
- Organizations of persons with disabilities (one member)
- Trade unions (one member)
- Professional media organizations (one member)
- Teaching staff from law faculties at public universities (one member)
- Chad Bar Association (one member)

- The judges' association (one member)

22. The two independent members of the Commission are appointed by an ad hoc committee after an open call for candidates.⁷

23. The Commission's main task is to protect and promote human rights and fundamental freedoms. It submits opinions, recommendations and proposals on human rights and fundamental freedoms on an advisory basis to the Government, National Assembly and any other body, either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral.

Reply to paragraph 7 of the list of issues

24. Act No. 028/PR/2018 of 22 November 2018 grants the Commission financial autonomy, thus allowing it to properly discharge its mandate.

25. Provided that they have obtained prior authorization from the General Directorate of Prison Administration, representatives of civil society organizations and international bodies are able to visit places of detention and speak with the prisoners and record their testimonies. For security reasons, the taking of photographs in places of detention is not permitted without the express permission of the competent authority.

Reply to paragraph 8 of the list of issues

26. Following the holding of a forum on justice, the Government undertook a series of reforms to modernize the judicial system and to incorporate international norms into national law. These include:

- Act No. 11/PR/2013 of 17 June 2013 on the Code of Judicial Organization
- Act No. 12/PR/2013 of 17 June 2013 on the organization and functioning of the administrative courts
- Act No. 19/PR/2018 on the status of prison officers
- Organic Act No. 15/PR/2018 on the organization, functioning, rules and procedure of the Supreme Court
- Organic Act No. 017/PR/2014 of 17 May 2014 on the organization, functioning, rules and procedure of the Court of Audit
- Act No. 029/PR/2015 of 21 July 2015 ratifying Ordinance No. 006/PR/2015 prohibiting child marriage
- Act No. 021/PR/2019 of 15 April 2019 regulating legal aid and judicial assistance
- Decree No. 1010/PR/PM/MDJH/2014 of 4 September 2014 on the establishment of the courts and their jurisdiction

Reply to paragraph 8 (d) of the list of issues

27. See the replies to paragraph 5.

Reply to paragraph 9 of the list of issues

28. In the light of the concluding observations of the Committee, the Code of Criminal Procedure was revised to include fundamental legal safeguards. Article 282 of the new Code of Criminal Procedure provides that "officers of the criminal investigation service conducting preliminary inquiries or expedited investigations or acting on judicial instructions may not detain a person for the purposes of the investigation for more than 48 hours. On expiry of this period, the person must be released or brought before the competent judge. The officers of the criminal investigation service must inform the judge

immediately of any placement of a person in police custody. The competent judge may authorize the extension of police custody for a further 48 hours for persons in respect of whom there is strong evidence of guilt. Authorization must be given in writing after the judge has satisfied him or herself (if necessary by direct contact with the detainee) that the detained person has not been subjected to any ill-treatment. However, in the case of expedited investigations, the extension may be granted in writing or by telephone, without presenting the person in police custody. Orders issued by telephone must be confirmed in writing within 12 hours.”

29. As regards the registration of individuals at the time they are taken into custody and the recording of all the detention centres to which they are transferred, in view of the shortcomings observed in the maintenance of detention registers, article 285 of the new Code of Criminal Procedure states that “a record shall be made of the police custody. It shall state the time at which custody commences and the time at which custody is extended, if applicable. In case of extension, the record shall state the name of the public prosecutor who authorized the extension. It shall also state the time at which the public prosecutor was informed of the placement in custody, the time of the request for instructions regarding the custody of the person and the content of the instructions from the prosecutor’s department. The record shall be signed by the detainee and a copy shall be given to him or her. The detainee may freely transmit them to his or her counsel.”

30. Article 50 establishes that detainees have the right to be assisted by a lawyer or any other person of their choosing during preliminary questioning by the police or public prosecutor. Detainees have the right to contact family members. Visiting permits are issued on request by the General Directorate of Prison Administration. However, some prison officers take advantage of the lack of awareness of detainees’ family members by demanding money in exchange for visits.

31. Detainees have the right to be examined by an independent physician and to undergo a medical examination at the time of arrest. They have access to health workers in prison.

32. Detainees must be given legal aid when they lack sufficient financial resources to pay for a lawyer or other type of counsel; a system of court-appointed lawyers has been established within the judicial system. A subdirectorate has been established within the Ministry of Justice and Human Rights to ensure access to law and the justice system.

33. No remedies are available to detainees whereby they can object to their pretrial detention. This does not, however, prevent them from lodging an appeal with a higher administrative authority. There are remedies open to detainees who believe that they are being detained unlawfully.

34. No alternative measures to pretrial detention have been introduced with a view to reducing the problem of overcrowding in prisons. However, Act No. 007/PR/1999 of 6 April 1999 on the prosecution and trial procedure for offences committed by minors between the ages of 13 and 18 years establishes alternatives to imprisonment, including returning the minor to his or her parents or relatives, or placing him or her with a person of good moral character, a charitable institution or a reception or observation centre.

Reply to paragraph 10 of the list of issues

35. Information about a supposed penal colony in Koro Toro was disseminated by non-governmental organizations (NGOs) and other “independent” newspapers.

36. The Chadian prison system is regulated by Act No. 19/PR/2017 of 28 July 2017 on the prison system. Under the Act, the prison administration is charged with three main responsibilities:

- To enforce sentences by taking charge of persons who have been convicted and deprived of their liberty
- To ensure a safe and healthy environment by monitoring detainees

- To promote tailored sentences and social reintegration to help convicted persons become law-abiding citizens and prevent reoffending

37. There are different types of penitentiary institution in Chad. These are:

- High-security detention facilities, such as Koro Toro prison
- Detention facilities
- Rehabilitation centres
- Penal camps

38. The Koro Toro detention facility ceased to be an illegal prison in 2010. The majority of its approximately 630 detainees are violent extremists, members of Boko Haram, who have been accused of acts of terrorism and convicts who are serving prison sentences handed down in accordance with article 9 of Act No. 19 mentioned above.

39. The judicial pool conducts regular appraisals visits to Koro Toro, during which accused persons are interviewed and confrontations organized. There are no longer any secret places of detention in Chad. The high-security detention facility in Koro Toro cannot be considered a secret prison because it is regulated by law and is open to visits by independent organizations, including the International Committee of the Red Cross (ICRC) and the human rights organizations that work in close collaboration with the Directorate of Prison Administration and Social Reintegration. The Head of State visited the Amsinéne pretrial detention centre in N'Djamena on 17 November 2017 with the intention of improving detention conditions for prisoners. During the visit, the President of the Republic condemned the prison conditions and expressed his sympathy for the women and children there. He immediately ordered the release of breastfeeding women and minors who were detained for non-criminal offences.

Placement under court supervision

40. Prisoners have a statute that sets out the rights and obligations governing their daily lives and allows disciplinary action to be taken for misbehaviour.

41. In accordance with article 16 of Act No. 19/PR/2017 of 28 July 2017 on the prison system, no one may be incarcerated without:

- An order of arrest or detention
- An application for committal issued following a definitive prison sentence
- An application for committal issued for civil imprisonment
- An interim arrest warrant for a person sought by foreign judicial authorities
- A warrant of committal
- An imprisonment order against a defendant who has lodged an application for judicial review and who wishes to surrender to custody pursuant to the law
- An interim custody order for minors

42. The daily life of a detainee varies according to the prison and the category of detainee.

43. The regime applicable to detention centres is generally more liberal: detainees at the centre are free to come and go throughout the day.

44. Every prison has separate wings for men and women and for convicted prisoners and pretrial detainees, which prevents them from coming into contact with each other. The same also applies to incarcerated juveniles, although female juveniles are housed in the women's wing.

45. Detainees are free to communicate with their lawyers and prison and rehabilitation staff. However, the investigating judge may prohibit communication temporarily or issue a solitary confinement order. Detainees are entitled to at least one visit. They are prohibited from holding any cash while in detention.

46. All prisons have internal rules of procedure setting out disciplinary offences (including refusal to return to one's cell, possession of prohibited items and acts of violence). Detainees who commit an offence are brought before a disciplinary committee, with the assistance of a lawyer where required. The committee can impose penalties that include solitary confinement or placement in a punishment wing for up to 45 days in the most serious cases.

Reply to paragraph 11 of the list of issues

47. The concept of a “reasonable” period has been clearly defined in order to prevent any abuse or arbitrary use of pretrial detention. Article 313 of the new Code of Criminal Procedure provides that “preventive detention is an exceptional measure designed to ensure the appearance of an accused person before the courts, to prevent any activity that might interfere with the establishment of the truth, or to put an end to the offence or prevent its repetition. Preventive detention may not exceed 6 months for correctional offences and 1 year for serious offences.” It should be noted that proceedings involving minors are expedited in accordance with Act No. 007/PR/1999 of 6 April 1999 on the prosecution and trial procedure for offences committed by minors between the ages of 13 and 18 years. The police custody period for minors is 10 hours.

48. Newly built detention facilities separate different categories of prisoner, including pretrial detainees, convicted prisoners, women and juveniles, in order to address the problem of prison violence and intergenerational conflict. In addition, the establishment of the Koro Toro high-security prison has allowed dangerous detainees, such as highway robbers and terrorists of all kinds, to be isolated.

Reply to paragraph 12 of the list of issues

49. The Chadian legislator has incorporated provisions of the Convention into the new Criminal Code to prevent enforced disappearances and extrajudicial killings by rebel groups or other armed groups. Article 292 of the Code states: “Any person who knowingly commits any of the following acts as part of a widespread or systematic attack directed against any civilian population shall be sentenced to life imprisonment: (...) (k) enforced disappearance of persons.”

50. Article 292, final paragraph, of the Criminal Code defines enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time”.

51. Articles 293 and 294 deal with the responsibility of hierarchical superiors and persons carrying out orders in such cases, which are “always deemed to be manifestly unlawful”.

52. Article 295 states that the prosecution of and the penalties imposed for the crimes set forth in article 292 are not subject to any statute of limitations. The Directorate for Judicial Statistics has begun work on creating a reliable database of statistics with the support of the European Union through the PRAJUST 2 project.

Reply to paragraph 13 of the list of issues

53. The following legislative, administrative and judicial measures have been taken to prevent sexual violence against women and children in prisons or any other places of detention, including gendarmeries and police stations, by agents of the State:

- The National Strategy for Juvenile Justice

- The separation of men, women and juvenile detainees in different wings in all prisons
- The establishment of aggravating factors to be considered by judges dealing with cases of officials who have committed acts of rape or sexual violence in places of detention, under article 341 of the new Criminal Code
- The creation of a brigade for the protection of minors in N'Djamena
- A key part of these reforms is Decree No. 413/PR/PM/MSPI/2016 of 15 June 2016 establishing the Code of Ethics of the National Police
- Act No. 19/PR/2017 of 28 July 2017 on the prison system
- Act No. 012/PR/2017 of 14 July 2017 on the Code of Criminal Procedure
- Act No. 007/PR/1999 of 6 April 1999 on the prosecution and trial procedure for offences committed by minors under 18 years of age

Reply to paragraph 14 of the list of issues

54. Under Chadian law, domestic violence and forced marriage are prohibited in accordance with Act No. 006/PR/02 of 15 April 2002 on the promotion of reproductive health, which also criminalizes female genital mutilation, domestic violence and sexual violence and early marriage. Act No. 029/PR/2015 prohibiting child marriage sets the marital age at 18 for all. The provisions of articles 323 et seq. of the new Chadian Criminal Code prohibit amicable settlements and make it impossible to invoke customary laws or practices as justification for violating the absolute ban on torture.

55. The draft family code, currently in the process of adoption, covers marital status.

56. Unfortunately, some degrading and cruel customary practices still exist in Chad. Courts have imposed sentences ranging from 5 to 10 years for such practices, in spite of strong national opposition to judicial involvement in what are deemed to be customary or religious matters.

Reply to paragraph 15 of the list of issues

57. Trafficking in human beings, and in women and children in particular, is prohibited under articles 359 to 364 of the new Criminal Code. Children are protected under the Code from all forms of sexual and economic exploitation, affronts to their dignity and well-being, attempts to undermine family unity, and threats to their life and physical and psychological integrity. The Code also fosters a legal environment that prohibits all forms of violence against women and girls. Chad adopted a law to combat trafficking in persons in 2018, and related provisions are contained in the draft children's code.

58. Moreover, the abduction of minors is punishable under articles 371 to 373 of the Criminal Code; the abduction and kidnapping of minors is punishable under articles 383 and 384.

59. This legal arsenal is reinforced by Presidential Directive No. 008/PR/EMP/2013 of 10 October 2013 on respect for the minimum age of recruitment into the Chadian National Army.

Reply to paragraph 16 of the list of issues

60. For a long time, female genital mutilation has been commonplace in certain parts of the country. Mindful of the suffering that such practices inflict on victims, Chad has adopted a series of legal instruments aimed at abolishing them. These include the establishment of a brigade for the protection of minors and morality, the introduction of a law prohibiting child marriage, the adoption of Act No. 006/PR/2002 of 15 April 2002 on

the promotion of reproductive health, and the incorporation into the Criminal Code of provisions banning genital mutilation and sexual offences, such as:

- Article 307: “Any individual who has wilfully beaten, injured or committed any other act of violence or assault against the person of another and has thereby unintentionally caused his or her death shall be sentenced to 5 to 10 years’ imprisonment and ordered to pay a fine of CFAF 50,000 to CFAF 500,000. If the offence was premeditated or was committed with malice afterthought, the sentence shall be 10 to 20 years’ imprisonment.”
- Article 318: “A sentence of 1 to 5 years’ imprisonment and a fine of CFAF 10,000 to CFAF 100,000 shall be imposed on anyone who harms a female person’s genital organ by:
 - Total or partial excision of the clitoris or labia minora
 - Total excision of the labia majora and labia minora followed by the total or partial suturing or narrowing of the vaginal opening, including the piercing, incision or stretching of the clitoris or labia, cauterization, or introduction of corrosive substances or herbs into the vagina for the purposes of narrowing it or causing bleeding
 - Any other procedure

Reply to paragraph 17 of the list of issues

61. Measures taken to criminalize and punish rape and other acts of sexual violence committed in and around refugee camps include:

- The Convention relating to the Status of Refugees
- The Protocol relating to the Status of Refugees
- The OAU Convention governing the Specific Aspects of Refugee Problems in Africa, to which Chad is a party
- Article 15 of the Constitution, which states: “Foreigners who have been admitted legally to the territory of the Republic of Chad benefit from the same rights and liberties as Chadian nationals, with the exception of political rights. They are required to comply with the Constitution and the laws and regulations of the Republic.”
- Articles 341, 349 to 354 and 359 to 364 of the Criminal Code, which criminalize rape and other sexual violence offences

Reply to paragraph 18 of the list of issues

62. In terms of legislative, administrative and judicial measures aimed at ensuring that no person may be extradited to a third State when there are serious grounds for believing that he or she will risk torture in that State, article 50 of the Constitution provides that “the right of asylum is granted to foreign nationals under conditions determined by law. The extradition of political refugees is prohibited”.

63. The option of having judges decide on the expulsion of foreigners in an irregular situation in Chad has not been considered; the measures taken to expel undesirable foreigners are often administrative. Fortunately, lawyers’ appeals to the competent courts have always proved successful. No statistics are available regarding cases of expulsion, refoulement and extradition. Two expulsion orders issued by the administrative authorities in the cases of Tchangiz Vatankan, an Iranian national, and the former bishop of Doba, Monsignor Michel Russo, an Italian national, were overturned by the judicial authorities.

64. No statistics are available on the number of asylum applications filed, approved and rejected, and of persons whose applications are based on their experience of torture in a third State or on the risk of being tortured if they are sent back.

Reply to paragraph 20 of the list of issues

65. In cases between private individuals where the State is a joined party, the extradition request is executed by the central bureaux of the International Criminal Police Organization (INTERPOL). There is no risk of torture in this regard. Extradition requests between francophone African countries are regulated by the General Convention on Judicial Cooperation signed in Antananarivo on 12 September 1961.

66. With other States, justice is done on the basis of judicial cooperation or the principle of reciprocity. Clearly, judicial extraditions are strictly regulated by law and cannot take place outside of the justice system.

Reply to paragraphs 22 and 24 of the list of issues

67. The Public Prosecutor attached to the Extraordinary African Chambers issued extradition requests for Hissène Habré's accomplices, who had been arrested and tried by the Special Criminal Court in 2014. The requests were denied on the grounds that the Chambers are governed by the subsidiarity principle.

68. Chad contributed CFAF 2 million to the Chambers, based in Dakar, for the trial of Hissène Habré. It also covered the travel expenses of witnesses and victims. Chad has contributed to the victim compensation process undertaken by the African Union.

69. In accordance with the provisions of the Convention, Chad has taken measures to establish and exercise its jurisdiction over acts of torture when the alleged author is in Chad, either to extradite or to prosecute the person. In the Habré case, for example, the accomplices of the former President were tried and convicted in Chad.

70. Chad requested the extradition of former President Hissène Habré, but Senegal denied the request owing to the absence of a legal agreement.

Reply to paragraphs 25 and 26 of the list of issues

71. International humanitarian law and human rights concepts are taught in some vocational training schools and institutions, including the National School for Administration, which trains officials for public office, and the National Judicial Training School, which trains judges, court clerks and other officers of the court. Issues of torture are only touched upon, meaning that some categories of officials, such as doctors, do not receive the training on torture that they should. However, these types of training should enable them to distinguish between wilful assault and acts of torture and to issue medical certificates accordingly.

72. Training on international humanitarian law has been incorporated into the programme for the military and security forces, which was made compulsory in training institutions by Order No. 85/MDN/ENP/05 of 19 May 2005.

73. Furthermore, the reforms undertaken since 2001 led to the publication of a document entitled "Instructor's manual for use with the armed forces and the security services". The manual was prepared with the participation of the national army, the group of inter-service military training colleges, the air force, the national gendarmerie, the National and Nomadic Guard and the national police. This manual is in fact a remodelled version of two volumes of the booklets published in cooperation with the Chadian Human Rights League. It has been adapted for current training needs and is printed in loose-leaf form. It covers all the problems which the Chadian armed forces frequently encounter during hostilities.

74. Chad has been reforming its security and defence forces since the beginning of the 1990s. From 2010 to 2019, it implemented the Programme to Support Internal Security in Chad with funding from the tenth and eleventh European Development Funds, as it appeared that the security forces were responsible for some acts of torture.

75. A key part of these reforms is Decree No. 413/PR/PM/MSPI/2016 of 15 June 2016 establishing the Code of Ethics of the National Police. Its operative provisions make

reference to all instruments for the protection and promotion of human rights, including the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the Convention against Torture. Article 2 of the Code sets out police officers' obligations vis-à-vis the institutions and the general population. Article 14 clearly states that individuals in police custody must not be subjected to any cruel, inhuman or degrading treatment.

76. Furthermore, the use of violence against individuals in police custody, including for the purpose of extracting confessions, is prohibited.

77. Human rights groups continue to organize training sessions on human rights for officers of the criminal investigation service. The Chadian Human Rights League and the Chadian Association for the Defence and Protection of Human Rights provide training programmes for the security forces.

78. The training workshops are attended by officials from ministerial departments directly concerned with human rights matters, including judges, police officers and members of civil society.

79. Training programmes will be developed for these officials to address any shortcomings. The manual on the effective investigation of torture will be used for these programmes.

Reply to paragraphs 27 and 28 of the list of issues

80. The National Security Agency was established under Decree No. 302/PR/93 of 12 April 1993 and later restructured by Decree No. 008/PR/2017 of 17 January 2017. According to article 2 of the Decree, the Agency is a special service whose task is to ensure the protection of individuals' freedoms and property, and the safety and security of the Republic's institutions.

81. The Agency functions in accordance with the laws of the Republic and ensures the fulfilment of the international commitments made by Chad that fall within its remit (art. 3). It is directly answerable to the Office of the President of the Republic and its responsibilities are:

- To research, collect and use information affecting the safety and security of the State
- To detect, forestall or prevent all activities of subversion and destabilization directed against the vital interests of the State and Nation, in coordination with the other services or bodies
- To carry out, as part of its powers and prerogatives, any mission with which the country's highest authorities may entrust it

82. Its tasks are different from, and cannot be interchanged or substituted with, those of other security services. The Agency's remit is limited only by respect for human and civil rights.

83. Although the Agency's mandate is clearly defined, some of its officials have created confusion around its goals. The Government has recently modified the managerial structure of the Agency in order to ensure that it is able to fulfil its mission.

84. In 2005, Chad adopted the Justice Reform Programme, which sets out five lines of action spanning a 10-year period. These include the reform and review of texts; strengthening of law courts' human resources; promotion and protection of human rights; information, education and communication; and infrastructure and equipment. These lines of action were supported by the European Union through the Programme to Support Justice in Chad (PRAJUST 1) from 2009 to 2014. PRAJUST 2 took over from PRAJUST 1 for the period 2016–2020, with the adoption of the Interim Strategy on Juvenile Justice in 2016, which covers the period 2017–2021, and the sectoral policy on justice for the period 2017–2027.

Prison population

85. Chad has 45 prisons spread throughout its territory, of which 43 are in operation. There were 3,380 prisoners as of early 2009, and in 2010 the number increased to 4,775. Unfortunately, the prison population had doubled by 2017. This was due to trends in crime, including violent extremism, developments in criminal policy following the creation of new offences and the use of preventive detention. It should be noted that one of every two people arrested is incarcerated.

86. In accordance with Act No. 19/PR/2017 of 28 July 2017 on the prison system and Decree No. 1848/PR/MJCDH/2018 of 11 December 2018 on the management of prison officers, namely prison administrators, prison inspectors, prison administration officials and prison warders, penitentiary institutions are now run by a prison warden instead of a governor.

87. On 1 October 2017, the prison administration had in its charge 8,308 detainees distributed among 40 penitentiary institutions as follows:

Table of the number of persons incarcerated in Chadian detention facilities

Prisoner category	Convicted prisoners	Pretrial detainees	Accused persons
Male	3 802	2 131	702
Female	36	60	39
Juvenile	0	60	195
Total	3 838	2 251	936

This gives a total of 7,003.

88. All of these efforts reflect the Government's desire to turn detention facilities into places of re-education and reintegration rather than places where discrimination is rife.

Reply to paragraph 29 of the list of issues

89. Articles 12 and 13, issues raised in paragraph 29: under article 6 of the new Criminal Code, criminal law applies to all acts constituting an offence. Article 1 of the Code of Criminal Procedure establishes that "proceedings are initiated and conducted by judges or officials empowered to do so by law. Such proceedings can also be initiated by the injured party". These provisions allow an investigation to be undertaken immediately and without the need for a complaint, since the victim is only a joined party to the proceedings.

Reply to paragraph 30 of the list of issues

90. All forms of torture, inhuman, cruel or degrading treatment, and similar practices are punishable under articles 323 et seq. of the Criminal Code.

91. Articles 5, 6 and 38 of the law reforming the National Human Rights Commission provide for the measures that have been taken to ensure that alleged victims are protected against any acts of intimidation or cruel, inhuman or degrading treatment. The Commission may take the place of victims in court either directly or indirectly through human rights associations, NGOs, or any other natural person or legal entity.

Reply to paragraphs 31 and 32 of the list of issues

92. We are unable to provide detailed statistical data, broken down by age, ethnic origin and sex, on complaints filed alleging acts of torture or other cruel, inhuman or degrading punishment or treatment by law enforcement or army personnel.

93. However, we can cite the case where students were tortured by officers of the mobile police unit, who were later tried and convicted, and the case where members of the defence and security forces tortured an alleged thief by padlocking his testicles. They were tried and sentenced to 8 years' imprisonment at first instance, and then to 10 years on appeal. There is also the case of the gang rape of Zouhoura by the sons of high-ranking officials, who were tried and convicted. The group commander of the Gendarmerie of Djouman Landou, in the south of Chad, who administered 55 lashes to two girls in his office during the night, has been arrested and brought to justice.

Reply to paragraphs 33 and 34 of the list of issues

94. We are unable to provide precise statistical data on the number of complaints, investigations and prosecutions. However, the Directorate for Judicial Statistics has been set up under the Ministry of Justice and Human Rights and will be equipped by PRAJUST 2. A law on statistics, which is in line with international standards in that area, was passed in 2016.

95. The Government opened a judicial investigation to identify the perpetrators of the kidnapping and disappearance of Ibni Oumar Mahamat Saleh. The case was brought before the investigating judge of the first chamber, where the proceedings were dismissed; an appeal was lodged. The indictments chamber hearing the appeal issued an order upholding the dismissal by the investigating judge. In the grounds for its order, the indictments chamber stated that the perpetrators of the kidnapping and disappearance of Mr. Ibni Oumar Mahamat Saleh remained unknown.

96. Information concerning the environmental protection brigade and the brigade responsible for searching for weapons has yet to be completed.

Reply to paragraphs 35, 36 and 37 of the list of issues

97. Following the events of 2008, compensatory measures for victims have been ordered by the State and the courts.

98. In 2014, the Chadian State set up a special criminal court to try agents of the Documentation and Security Directorate. On 25 March 2015, the court rendered its decision, sentencing 19 former agents of the Directorate to prison terms of 7 years to life imprisonment for murder and torture and terms of 7 to 20 years for the other offences, and awarding the victims CFAF 75 billion in compensation, of which half is to be paid by the State and half by the convicted agents.

99. In its decision, the court also ordered the creation of a committee under the authority of the Office of the Prime Minister to manage the fund. Its members will include officials from the Office of the Prime Minister, the Ministry of Justice and the Ministry for Social Action, as well as the victims and their counsel. The committee has yet to be established.

100. Specific mechanisms of reparation and rehabilitation ensuring medical, psychological and financial support for minors are provided for in Act No. 007/PR/99 of 4 April 1999 on the prosecution and trial procedure for offences committed by minors between the ages of 13 and 18 years, and in the draft children's code, which is currently before the National Assembly. The Government's technical and financial partners provide support to women through ICRC, Avocats sans frontières (Lawyers without Borders), the United Nations Population Fund (UNFPA) and the Chadian Association of Women Lawyers.

101. In Chad, HIV screening and antiretroviral drugs are available free of charge at hospitals and public and faith-based health-care centres. The State has set up organizations including the National AIDS Programme, the National Committee for the Fight against AIDS, the Chad Social Marketing Association and the Chadian Association for Family Welfare to raise awareness and conduct mass voluntary screenings of the population.

102. Similarly, on 8 May 2019, the Government signed a partnership agreement with the World Bank to combat HIV/AIDS and tuberculosis. It received a grant of CFAF 25 billion to provide antiretroviral treatment to more than 80,000 people living with HIV/AIDS and to detect and treat tuberculosis in almost 20,000 people for the period 2019–2021.

Reply to paragraph 38 of the list of issues

103. Articles 50 and 51 of the new Code of Criminal Procedure require officers of the criminal investigation service to notify the accused of his or her right to a lawyer from the start of questioning. The lawyer has the right to be present during questioning, confrontations and searches conducted as part of the investigation.

Reply to paragraph 39 of the list of issues

104. As it was aware that the Criminal Code did not cover all child rights violations, the Government embarked on a process of reform. A draft children's code that takes into account the rights of the child as contained in the Charter was therefore devised in 2015. It is pending adoption.

105. Furthermore, article 18 of the Constitution states that “no one may be subjected to abuse, degrading or humiliating treatment or torture” and, under articles 323 and 324 of the Criminal Code, torture is punishable by 20 to 30 years’ imprisonment. Public officials, traditional authorities and any other person acting in an official capacity are subject to the same penalties under these provisions.

106. In Chad, corporal punishment in schools is effectively prohibited in accordance with several laws in force.

107. Such punishment was banned by order of the Ministry of Education in 1997.

108. Article 167 of the draft children's code states that “corporal punishment for the purposes of correcting or disciplining children is prohibited”. Paragraph 2 establishes that “the child's parents, legal guardian or custodian shall ensure that discipline is administered in such a way that the child is treated with humanity and respect for their inherent dignity”.

109. Unfortunately, in practice, there continue to be cases where corporal punishment is used. Thanks to the coordination work of increasingly active organizations, such violence is being reported and combated.

110. There exist, however, customary practices whereby the correction of children in this way is seen as positive for the child's upbringing.

111. Eradicating the exploitation of child livestock-herders and *muhajirins* is a major concern of the Government. It has therefore adopted measures to prevent such practices, including providing training to those involved in combating these phenomena, managing and sharing information, promoting social mobilization through awareness-raising campaigns, and engaging in advocacy to enlist the support of decision-makers and opinion-formers in the fight against the worst forms of child labour and all forms of exploitation and trafficking in persons.

112. It should be stressed that the action taken by the administrative and religious authorities to combat the exploitation of child livestock-herders has helped reduce the phenomenon and has allowed children to be rescued and reunited with their families.

113. Perpetrators of sexual offences, including sexual violence, are always held accountable for their acts when they are apprehended. However, one problem is that many victims do not report the perpetrators of such acts because of sociocultural pressures.

Reply to paragraph 40 of the list of issues

114. Act No. 007/PR/1999 of 6 April 1999 on the prosecution and trial procedure for offences committed by minors between the ages of 13 and 18 years sets out a broad range

of measures to promote the well-being and best interests of the child. These legislative measures comply with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). They are also in line with article 40 (3) of the Convention on the Rights of the Child, which provides that “States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law”.

115. The age at which a minor may be held criminally responsible in Chad is 13 years. Expedited investigation procedures against minors are prohibited and hearings involving them are not public.

116. In cases involving minors under 13 years of age, guardianship, supervision and education measures are applied instead of criminal penalties.

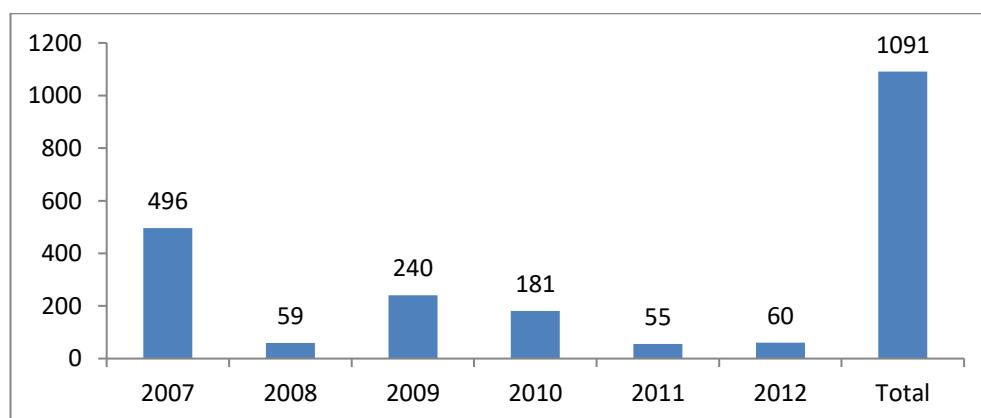
117. Detention and re-education measures can be imposed on minors over 13 years of age. Even where minors are convicted, the sentence may not exceed half of the minimum statutory penalty and they cannot be sentenced to death. They are separated from adults in detention centres.

118. When a minor is in conflict with the criminal law, the judicial authorities are required to favour alternatives to imprisonment.

Reply to paragraph 41 of the list of issues

119. As part of the implementation of Security Council resolution 1612 (2005) and the monitoring of the six grave violations against children in emergency situations, a plan of action for children associated with armed groups and forces was developed by the Chadian Government and the United Nations Task Force on Monitoring and Reporting and adopted on 14 June 2011. A road map for the implementation of the plan has been developed and launched, and focal points have been appointed. The Government and the United Nations Task Force carried out visits to all military academies to train the defence and security forces on how to verify the presence of minors within their ranks.

120. A national programme has been launched for the withdrawal, temporary care and family reintegration of children associated with armed forces and groups and to prevent the recruitment and use of children. From 2007 to September 2012, 767 children associated with armed forces and groups were withdrawn and reintegrated into families.



Source: UNICEF Chad, December 2012.

121. Boko Haram frequently uses children to commit crimes. When the regular armed forces rescue these children, they are taken into the care of the Ministry for Social Action, working in partnership with the United Nations Children’s Fund (UNICEF), in order to be reunited with their families.

122. Under this partnership, a transit and guidance centre was set up in Bol, Région du Lac, to accommodate children associated with Boko Haram.

123. In 2016, 94 such children, 13 of whom were girls, were reunited with their families. In 2017, 9 children, including 2 girls, were reunited.

Number of children rescued from Boko Haram who have been reunited

<i>Year</i>	<i>Gender</i>	<i>Number of reunited children</i>	<i>Total</i>
2016	Boys	81	94
	Girls	13	
2017	Boys	7	9
	Girls	2	
Total			103

124. The Chadian Government, mindful of the constant risk inherent in armed conflict, adheres to the principles of the optional protocol to the Convention on the Rights of the Child and the Paris Commitments.

125. On 10 October 2013, the Head of State issued Presidential Directive No. 008/PR/EMP/2013 on respect for the minimum age of recruitment into the Chadian National Army, which established measures ranging from warnings to removal.

126. The draft child protection code sets the minimum age for recruitment into the armed forces at 18 years and establishes penalties for those who recruit and use children.

127. These efforts led to the removal, in July 2014, of Chad from the list prepared by the United Nations Secretary-General relating to children affected by armed conflict.

Reply to paragraph 42 of the list of issues

128. Article 14 of the Constitution, concerning freedoms, fundamental rights and duties, reads: “The State ensures equality before the law for all without distinction of origin, race, sex, religion, political opinion or social position. It has a duty to ensure that all forms of discrimination against women are eliminated and that women’s rights are protected in all spheres of private and public life.”

129. Furthermore, article 27 of the Constitution stipulates that “customary and traditional rules relating to criminal and collective responsibility are prohibited”; they are applicable only where they are recognized. However, in practice, the application of the *dia* system to all communities violates this provision.

130. The social cast system that exists in certain parts of the country accounts for some of the sociocultural pressure that holds back equality of rights.

Other aspects

131. Since January 2015, Chad has faced high levels of insecurity as a result of attacks by the Islamist group Boko Haram, particularly in N’Djamena and the area around Lake Chad.

132. In response to the attacks of June and July 2015, which resulted in approximately 50 deaths in N’Djamena, Chad adopted, on 30 July 2015, Act No. 034/PR/2015 on the suppression of acts of terrorism.

133. The perpetrators of the attacks on the Central Police Station and the Police Academy that took place on 15 and 29 July 2015 were tried, sentenced to death and executed in accordance with this Act.

134. The trial began on 26 and 27 August 2015. They were charged with criminal association, murder, aiding and abetting murder, aiding and abetting the destruction of

property with the use of explosives, trafficking in and illegal possession of weapons of war, possession and consumption of psychotropic drugs, and aiding and abetting.

135. The mandate of the National Assembly expired in April 2015, but elections have not yet been called owing to the financial difficulties faced by the country. The Head of State has announced that parliamentary elections will be held by December 2019, on a date that remains to be determined.
