

DOUBLE MISFORTUNE

DEEPENING HUMAN
RIGHTS CRISIS IN CHAD

AMNESTY
INTERNATIONAL



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Cover photo: Tens of thousands of people were left homeless after the government ordered a campaign of house demolitions in N'Djamena

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'We have been hit with a double misfortune, "*double malheur*". First we had to flee because our city came under attack. Now we have nowhere to return to because the government has destroyed our homes. Will the misfortune ever end?'

Chadian refugee, Maltam refugee camp, Cameroon, May 2008

1 INTRODUCTION

Over the course of two days in early February 2008, armed opposition groups mounted an offensive on the Chadian capital of N'Djaména. The attack was carried out by a coalition of three armed opposition groups: the Union of Forces for Democracy and Development (Union des forces pour la démocratie et le développement, UFDD), the Union of Forces for Democracy and Development – Fundamental (Union des forces pour la démocratie et le développement - Fundamental, UFDD-Fundamental), and the Rally of Democratic Forces (Rassemblement des forces pour le changement, RFC). Some 2,000 fighters, travelling in around 300 vehicles, are reported to have been involved.¹

Intense fighting raged in various parts of the city on 2 and 3 February before government forces regained control and the armed opposition retreated to the east and over the border into Sudan. During those two days, hundreds of civilians were killed or injured. The precise number remains unknown.² Civilian property was extensively damaged or destroyed. Most of the population of N'Djaména remained in hiding during the fighting and then, when there was a lull, some 50,000 fled across the border into nearby Cameroon.³

Those 48 hours have become another chapter in the longstanding, deepening human rights crisis that has taken a heavy toll on the population of Chad over many decades.

In the days immediately following the fighting many people were killed, arbitrarily detained, tortured and forcibly disappeared. There was also a clampdown on independent media and human rights defenders, many of whom were forced to flee the country.

In February, in the middle of a 30-day state of emergency,⁴ President Idriss Déby issued a decree which authorized the government to destroy homes and businesses in two neighbourhoods. That unleashed a wave of demolition and forced evictions in neighbourhoods throughout the city that left tens of thousands⁵ of people homeless and without livelihoods and thousands of children unable to continue with their school studies. Many of those who lost their homes were people who had earlier fled to neighbouring Cameroon during the fighting and now have no home to which they can return.

The February attack against N'Djaména occurred in the context of mounting tension with neighbouring Sudan. Each government accuses the other of supporting and providing bases to armed opposition groups. The Chadian government accused the Sudanese government of supporting the February 2008 attack on N'Djaména and has made similar accusations in connection with previous attacks by armed opposition groups in Chad. The Sudanese government accused the Chadian government of supporting an armed offensive by the Justice and Equality Movement (JEM)⁶ forces against Omdurman, near the Sudanese capital of Khartoum, on 10 May 2008. Chad closed its border with Sudan on 13 May, in response to Sudan's decision to break diplomatic ties with Chad. That same day the Sudanese government recalled its Chargé d'Affaires to Khartoum. There were further accusations and increased tension between Chad and Sudan in mid-June 2008 following fighting between government and armed opposition forces in and around a number of towns in eastern Chad. While the two countries did again exchange ambassadors in early November 2008, the relationship between Chad and Sudan remains strained.

In recent months, courts in both Chad and Sudan have convicted and sentenced to death a number of individuals accused of supporting or directing the activities of armed opposition groups in the two countries. On 15 August 2008, after a three day trial, a court in N'Djaména sentenced to death 12 individuals, including former Chadian president Hissène Habré,⁷ Timane Erdimi, leader of the Rally of Forces for Change, and Mahamat Nouri, who heads the National Alliance coalition of armed opposition groups after a three-day trial. They were tried in their absence on charges related to the attack mounted by armed opposition groups in February.

Sudan's Anti-Terrorism Special Courts have sentenced at least 50 individuals to death for offences related to the 10 May attack near Khartoum. In late July 2008, 30 death sentences were handed down, followed by eight more on August 17 and a further 12 death sentences on 20 August. All were accused of being members of the JEM.⁸ Amnesty International has concerns about the fairness of the trials in both Chad and Sudan, in particular those trials held in the absence of the accused. Amnesty International is opposed to the death sentences in principle and calls on both Chad and Sudan not to carry out the death sentences imposed.

INTERNATIONAL COMMUNITY: PROVIDING SECURITY

In addition to the international human rights and humanitarian law concerns associated with the conflict between government and armed opposition forces, over the past three years Amnesty International has documented a widespread pattern of attacks against civilians in eastern Chad carried out by militia groups which have often included members of the notorious Janjawid militia from Sudan's Darfur region. Thousands of Chadians have been

killed in these attacks, 180,000 Chadians have become displaced and hundreds of villages have been destroyed.

On 25 September 2007, the UN Security Council passed Resolution 1778, authorizing a European Union-led protection force for eastern Chad as well as the northern reaches of neighbouring Central African Republic. The deployment of the European Union Force (EUFOR) to eastern Chad and northern Central African Republic is now complete. In all, 3,300 troops have been deployed, 3,100 of whom are in Chad. The original intended size of the force was 3,700 troops.⁹

Resolution 1778 also established a multi-dimensional UN Mission in Chad and the Central African Republic, MINURCAT, which includes significant police training and human rights monitoring components. However MINURCAT has faced a number of logistical and operational challenges, including serious difficulties in being able to find or construct adequate accommodation for personnel.

The MINURCAT complement includes 200 of an authorized 300 UN police officers, who are deployed in N'Djaména and Abéché in Chad, as well as Bangui in the Central African Republic. Deployment of UN police in eastern Chad was substantially set back due to lack of accommodation but has now started. However, there are serious concerns about the slow pace of establishing the new Integrated Security Detachment (Détachement intégré de sécurité, DIS), which is to be made up of 850 specially trained Chadian police and gendarmes who are to provide security for refugees and internally displaced Chadians. As of early September 2008 only 324 members of the DIS had been trained, and none had yet been deployed to eastern Chad.

Given the high levels of insecurity, humanitarian organizations working in eastern Chad have expressed grave concern that one year has passed since the UN Security Council resolution establishing the DIS, but it has not yet become operational.¹⁰ After many months delay a Memorandum of Understanding between the UN and the Chadian government with respect to the policing operation was signed on 14 August 2008.¹¹ UN Secretary-General Ban-ki Moon has stated that he expects that a presidential decree officially establishing the DIS will be issued shortly, after which their deployment to the east will start.¹²

In his most recent report to the UN Security Council, the UN Secretary-General recommended that MINURCAT should take over from EUFOR at the end of its mandate on 15 March 2009, with an enhanced mandate that would include a military force. The proposal calls for a UN military force of 6,000 troops in eastern Chad, along with an extra battalion on stand-by ready to deploy expeditiously if needed.¹³ The UN Security Council has agreed to the proposal in principle, but has deferred making any final decision about the size and scope of the force until mid-December 2008.¹⁴ Amnesty International urges members of the Security Council to ensure that there is a smooth and timely transition from EUFOR to the new UN force.

ABOUT THIS REPORT

This report is based on the findings of an Amnesty International research mission to N'Djaména and bordering areas in northern Cameroon¹⁵ in May 2008 and further research and interviews since that time. During the mission Amnesty International delegates met approximately 200 individuals who said that they had survived human rights violations. Delegates also met with parliamentarians, human rights defenders, journalists, representatives of international aid agencies, officials from both EUFOR and MINURCAT, as well as the President and Vice-President of the Commission of Inquiry into the events of 28 January to 8 February that was established by the government with international assistance. The mission also had high-level discussions with members of the diplomatic corps and with various Chadian government officials¹⁶ including Prime Minister Youssouf Saleh Abbas, Minister of Justice Jean-Bawoyeu Alingué, Minister of Communications Mahamat Hissein, the President of the National Assembly Nassour G. Ouaidou, and the Deputy-Mayor of N'Djaména Mbaïlemdana Fatimé Marie Thérèse.

This report focuses on violations of human rights and humanitarian law that took place in N'Djaména. Armed opposition groups were in the city during the two days of intense fighting on 2 and 3 February. The report highlights serious concerns about possible violations of international humanitarian law by both government and armed opposition forces at that time. Much of this report covers developments in N'Djaména following the fighting, at which point in time armed opposition groups had retreated and government forces were in complete control of the city. During that time period, therefore, it is government forces that bear responsibility for the human rights violations in N'Djaména that have been documented by Amnesty International. In some instances it has not been possible to determine the identity of the perpetrator of abuses.

As Amnesty International was finalizing this report, a report from a Commission of Inquiry, established by the government with support from the international community, was released. The Commission of Inquiry's report deals with some of the human rights concerns that are covered in this report. Amnesty International's report references many of the Commission of Inquiry's findings and includes, in section 11, an overview and analysis of the Commission's work.

TIME FOR ACTION

Amnesty International recognizes that the government of Chad has faced and continues to face serious security challenges, including when armed opposition groups attempted to seize the capital in February 2008. However, the organization is concerned that the government has not responded to these challenges in a manner that respects basic principles of international human rights and humanitarian law.

Chad is a party to a wide range of important international human rights treaties that

recognize and guarantee human rights such as the right to life, freedom of expression and association, the right to a fair trial and the right to housing. These treaties also protect individuals from discrimination, torture and other ill-treatment and arbitrary arrest and detention.¹⁷ Chad is also a party to all of the main international humanitarian law treaties that provide protection to civilians and non-combatants in times of armed conflict and which establish individual criminal responsibility for the perpetrators of war crimes.¹⁸ In 2006 Chad became a party to the Rome Statute of the International Criminal Court and in 2007 signed, but has not yet ratified, the International Convention for the Protection of all Persons from Enforced Disappearance.

As the human rights situation in Chad worsens, the implications for the people of Chad and for the region are extremely concerning. Already it is clear that human rights violations throughout Darfur, Chad and the Central African Republic are closely inter-connected. The recent crisis in N'Djaména has now had an impact on northern Cameroon as well.¹⁹ This continuing deterioration in the human rights situation and the spread of violations must cease. Amnesty International calls on both the Chadian government and armed opposition groups to comply with their obligations under international human rights and humanitarian law. The organization urges the Chadian government and the international community – particularly key actors such as the governments of France, the USA and Libya, along with the European Union and African Union – to take concerted steps to develop and implement concrete human rights action plans that will address the many serious concerns identified in this report.

2 THE BUILD-UP – AN EFFORT TO SILENCE INDEPENDENT VOICES

Grave human rights violations throughout Chad have been documented by Amnesty International for many years.²⁰ These violations notwithstanding, there exists in Chad, especially in N'Djaména, a vibrant human rights community. Local human rights organizations and journalists are active, educating and informing Chadians about human rights issues and documenting and reporting on human rights violations. In late 2007, individuals active with those organizations and media outlets experienced a sharp escalation in threats, attacks and imprisonment. From about December 2007, as government concerns mounted about the likelihood of an attack on N'Djaména by armed opposition groups, there were increased attacks on human rights defenders by the authorities.

In mid-December 2007, it is reported that Interior Minister Ahmat Mahamat Bachir publicly threatened journalists who criticized the government.

"Freedom of the press has been invaded by non-professionals, opportunists, loutish and low-life journalists... We do not prevent you from writing about our faults, because to err is human. But we do prevent you and forbid you to say or make any implications about what we have not done... I ask false journalists and non-professionals to return to their normal professions. If they are teachers, they should go and teach children. These pens had better stop writing or they will be broken!"²¹

Nadjikimo Benoudjita, editor of the weekly newspaper *Notre temps*, was arrested on 14 December 2007 and detained for three days. He was charged by the High Council on Communication with inciting tribal hatred, allegedly because of an article he published, in which he criticized the government's policies on eastern Chad. Nadjikimo Benoudjita has also been critical of the French government's involvement in a number of African countries, including Chad. He was convicted, but he appealed and the Court of Appeal overturned the charges, six months later.

A private radio station,²² FM Liberté, was forcibly shut down by the police on 16 January 2008 and was not allowed to reopen until 27 May 2008. The government accused the station of broadcasting "false news" after it had broadcast news about alleged corruption within the immigration department's policing service. At the time, authorities were also upset about a report the station carried alleging discrimination by the military in its operations in eastern Chad, namely that wounded soldiers from the president's own ethnic group were being evacuated to N'Djaména before soldiers from other ethnic groups. The reopening, upon the order of the Prime Minister, followed a court decision on 8 May in which a judge concluded that he lacked jurisdiction to rule on the closure of the station. Amnesty International was informed that a number of the station's staff were arbitrarily arrested and some were detained. The station manager, Djekourninga Kaoutar Lazar, was detained on 16 and released on 22 January 2008.

Deouzoumbe Daniel Passalet, president of Human Rights without Borders, was arrested on 9 January 2008 after his organization had issued a statement and he had been interviewed on Radio France International about the arrest and disappearance of Rosy Mamay, a high-ranking civil servant. Deouzoumbe Daniel Passalet said that he was released after several hours and was warned the following day by the General Director of the police to “shut his mouth from then on”, (*vous la fermez*). Deouzoumbe Daniel Passalet was threatened again after the fighting in early February and his house was visited by security officers. He fled to Cameroon and did not return to Chad for several months.



Deouzoumbe Daniel Passalet, president of Human Rights without Borders, who was arrested and threatened by the authorities © Amnesty International

In early January 2008, Marie Larlem, the General Coordinator of the Association for the Promotion of Fundamental Freedoms in Chad, and also the Vice-President of the national Collective of Human Rights Associations, said she was threatened during a meeting between the Collective and the Minister for Human Rights. The Minister, Fatime Issah Ramadan, apparently asked Marie Larlem to help the government ensure that human rights groups participated in a march that the government was organizing to protest “foreign aggression” against Chad. Marie Larlem indicated that rather than engage in a protest, human rights groups would welcome an opportunity to work with the government to launch a dialogue

process that would address the very serious human rights concerns associated with the conflict with Sudan as well as internal divisions within Chad. The Minister is said to have rejected the offer and to have threatened Marie Larlem with “consequences”.



Marie Larlem, General Coordinator of the Association for the Promotion of Fundamental Freedoms in Chad, who was publicly criticized by the government © Amnesty International

On 12 January 2008, during a youth rally, President Déby allegedly stated that the government knew “its enemies,” which were human rights groups that had “refused to be part of this demonstration” and that after they “finished with the rebels” the government would “start with their accomplices”.²³ Marie Larlem said that she was interviewed by FM Liberté following the President’s remarks. In the interview, she rejected his characterization of human rights groups as being enemies of Chad. Marie Larlem informed Amnesty International that after the interview with FM Liberte, she came under frequent criticism from government officials, including the Minister of Human Rights. After the attacks in early February she received further threats and fled to Cameroon. Security agents came to her home in N’Djaména looking for her after she had fled to Cameroon. She has since returned to Chad and resumed her human rights work.

The situation remained tense for human rights activists and journalists in the aftermath of the February attacks. Several remained outside Chad because of uncertainty about their

security if they return. Most have now returned and are again carrying out their work. All human rights defenders described to Amnesty International, however, that they carry out their human rights work with considerable caution.

On 31 July 2008 Clément Abaïfouta was arrested by the police. He informed Amnesty International that he was of the view that he had been arrested at the request of the Minister of Internal Affairs. Clément Abaïfouta is president of the Association of Victims of Political Repression and Crimes (Association des victimes de crimes et de la répression politique), an organization created in 1991 by individuals who suffered human rights violations during the rule of former Chadian president Hissène Habré. According to his lawyer, he was arrested for incitement to tribal hatred, as well as forgery and use of forged documents". He was released the following day after interventions by his lawyers and by international human rights organizations. His arrest followed numerous instances of harassment and violence against Clément Abaïfouta and his organization, including an incident in September 2007 in which the organization's office was ransacked and numerous files and membership cards were stolen.

When Amnesty International was in Chad in May 2008, many human rights defenders and journalists who had fled the country in the wake of the fighting in early February were still abroad. Some have since returned. Human rights defenders interviewed by Amnesty International stated that they hope that there will be a strong signal from the new government of Prime Minister Youssouf Saleh Abbas that effective measures will be put in place to address their security concerns. They expressed the hope that the government will ensure that they will not be threatened by state security agents. The situation is particularly difficult for human rights defenders that work in and for smaller organizations, which lack profile and international connections.

Under international law, human rights defenders and organizations have the right to operate without threat or intimidation and to carry out a wide range of activities – within the limits of the law - that aim to protect and promote human rights. Under international human rights law, it is entirely legitimate and lawful for human rights defenders to document human rights violations, to speak out about violations and to publicly criticize governments that perpetrate human rights violations.²⁴ Human rights defenders are also fully entitled to organize peaceful demonstrations to protest against human rights violations or to promote human rights issues more generally. Human rights defenders are guaranteed the human rights to freedom of expression, association and peaceful assembly recognized in international and regional human rights treaties such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to which Chad is a party. Subjecting human rights defenders and organizations to harassment, threats, attacks or arbitrary arrest or detention is a violation of these human rights and is contrary to UN standards for law enforcement officials.²⁵

3 CIVILIANS AT RISK DURING THE FIGHTING

'The helicopters were flying just over the minaret of the mosque. We could even see the white men who were the pilots. How could so much death come from a helicopter that passed so close to the mosque?'

Eyewitness account of helicopter attacks

At the end of January 2008, in an attempt to overthrow the government of Chadian President Idriss Déby, armed Chadian opposition groups attacked N'Djaména. The offensive began in eastern Chad and moved quickly across the country to N'Djaména.

The fighting which erupted in N'Djaména on 2 and 3 February when armed groups reached the capital was intense. Many of the battles took place in and around densely populated residential neighbourhoods, which led to the death and injury of hundreds of civilians. The Commission of Inquiry has concluded that 730 people were killed in N'Djaména between 28 January and 8 February.²⁶ At the peak of the fighting it was impossible for people to flee. Most had no choice other than to hide in their homes and wait for the fighting to end or for a chance to escape. In the aftermath of the fighting, 50,000 Chadians fled across the border to Cameroon and thousands more fled to other towns and villages in Chad. Reports by the Commission of Inquiry and Chadian human rights groups indicate that a significant number of inhabitants of N'Djaména were affected by the two-day conflict.²⁷

DEATHS, INJURIES AND DAMAGE ACROSS N'DJAMÉNA

Armed opposition groups entered N'Djaména from a number of different directions, travelling through and reportedly launching attacks from within civilian neighbourhoods, including Massaguet in the north, Moursal and Sabangali to the east, and Diguel and Abena to the south. The manner of the attack resulted in the Chadian army engaging the armed opposition groups' fighters in densely populated areas of N'Djaména, including numerous aerial attacks using military helicopters.

Amnesty International obtained a number of fragments from the weapons that were used in these attacks. Subsequent analysis has indicated that the fragments were from an air-launched S-5M 57mm HE fragmentation rocket. These rockets are typically fired from rocket launchers carrying between four and thirty-two rockets, mounted on military aircraft or attack helicopters. They are unguided, high explosive weapons. Amnesty International is of the view that they should not be used for attacks near civilian populations because of the difficulty of ensuring that such attacks would distinguish between military and civilian targets.²⁸

Amnesty International carried out research in two neighborhoods, Blabline and Abena, over the course of several days. Delegates interviewed residents of 15 households where civilians were killed and injured and where there was visible extensive damage to civilian property as a result of helicopter attacks.

There are two notable common characteristics in the accounts provided to Amnesty International. First, witnesses said that while there were no members of armed opposition groups in their compounds²⁹ or visible in the streets or area immediately surrounding their homes, at the time of the helicopter attacks, fighters from the armed opposition groups had either passed through or had fought nearby battles just before the army counter-attacked with airpower. Several stated that they had heard the armed groups firing on government forces from a distance, some time before their homes were hit. One witness estimated that the armed groups were firing on military helicopters from a location about 1km from her own home. These accounts give rise to serious concerns that armed opposition groups launched attacks from densely populated civilian areas. In doing so they placed civilians at serious risk as government counter-attacked.

The second observation consistent in eyewitness accounts was how low the government helicopters were flying during the attacks. Many witnesses referred to the height of the minaret of the *Roi Fayçal* Mosque near N'Djaména's central market to describe how low the helicopters flew. They indicated that they were able to see the pilots close-up because of the low altitude at which the helicopters were flying.³⁰ One man, interviewed by Amnesty International, stated:

"At one point I could see them – I looked right into their eyes – so they must have seen us and our homes. They could see we weren't the rebels. So why did this happen?"

Honguelé Cécile described an attack upon block 22/23 of the neighbourhood of Abena, in which her son and four other people were killed on 2 February 2008.

"There had been a battle between the government and the rebels out on the main road at around 4pm. Rebels had been firing on the helicopters out at the roundabout, about 1km from our home. Then there was calm. My son went over to a neighbour to see if he could get news on the radio. Then at around 4.30pm, suddenly helicopters came and dropped two bombs. My son was killed. So were four others. My son's name was Masra Serge. He was 22 years old and was in his third year of studying law at the University of N'Djaména. Two others from our neighbourhood were killed. They were Haroun Ahmat, 17 years old, and Djimmy Laddy, 13 years old. They were both students, at Lycée Abena and College Ngarfa. The two others who were killed were passers-by, not from our neighbourhood. I don't know their names. There was no reason for them to bomb us. There were no rebels hiding out with us. And the rebels who were fighting them were at a distance from where we lived. It was too dangerous for us to go and bury my son in the cemetery. So we had to bury him here in our compound. That way, every day we will carry the memory of what happened on that terrible day."

A range of concerns arise in considering the description of this attack. There are concerns, for instance, that armed opposition groups had reportedly come close to a heavily populated

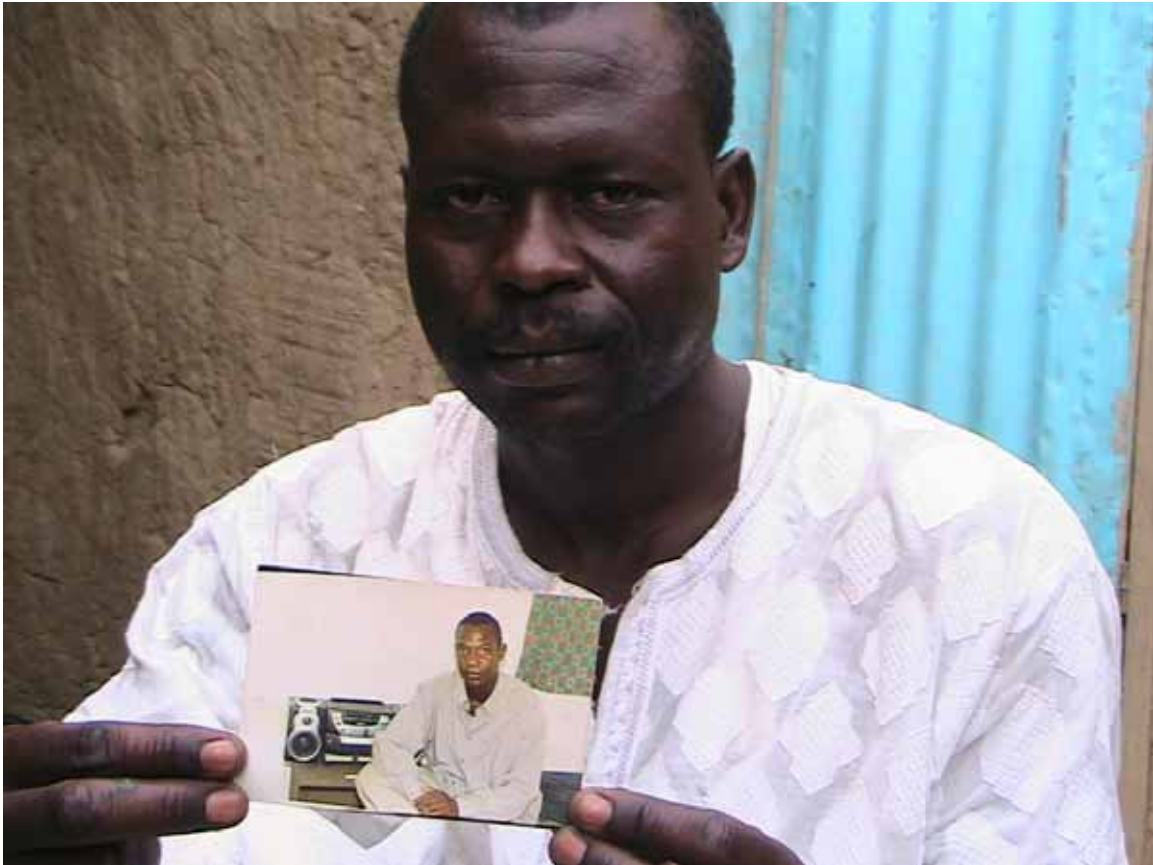
residential area and mounted attacks targets from that location. Indeed, the Commission of Inquiry criticized armed opposition groups for having put the "property and lives of the civilian population at risk".³¹

There are concerns as well about the nature of the military response, particularly the decision to use military helicopters for aerial attacks and the use of weaponry that was not precision guided in a residential area. Amnesty International has not been able to obtain clarification from the government as to why military helicopters were used in these circumstances and what operational orders or systems of accountability were in place. Nor is it clear what training Chad air force pilots received so as to ensure the protection of civilians in such areas or what operational rules they were given to prevent conduct that would violate fundamental principles of international humanitarian law. Government authorities did not provide any explanation or response to questions posed by Amnesty International about attacks of this nature and indicated that they would await the findings of the Commission of Inquiry. The Commission of Inquiry report concluded that the helicopter attacks constituted a "disproportionate and indiscriminate" use of force.³²

Amnesty International toured several blocks in the neighbourhood of Blabline near the N'Djaména central market and the Great Mosque.³³ In one compound after another, survivors provided the names and often photographs of family members who were killed or injured. While many residents have begun to repair the damage to their homes, in many compounds extensive damage was still evident. Many buildings are uninhabitable. Residents told Amnesty International that government officials from the De-mining High Council (Haut Conseil de Deminage) came to collect remnants of munitions from the attacks. Some of the residents informed Amnesty International that the officials from the Haut Conseil de Deminage said that 42 "bombs" had been fired from the helicopters, 37 of which had exploded.³⁴

Abada N'Gomtoudjian recounted to Amnesty International details of an attack on 3 February that killed three people in his compound in Blabline, including his younger brother Brahim Mahamat, and injured two others.

"The rebels had come into our neighbourhood at around 7am on 3 February. They came in vehicles and also on foot. Later a helicopter started attacking them. And then there was another helicopter. But there were no rebels near our compound and certainly none hiding out with us. The street in front of our compound was completely empty. The helicopters were flying low. It seemed to me that they were trying to hide over the houses to avoid going over the rebels. They kept circling around and attacking. And then suddenly one of their bombs fell on one of the buildings (chambres).³⁵ Everyone hiding there was killed or injured. My brother Brahim Mahamat was killed. He was 31 years old. Two sisters who were tenants with us were also killed. They were Safia Mustafa, 16 years old, and Mariam Amin, who was only eight years old and was disabled. Mariam Brahim, 61 years old, and Abu Talib, 35 years old, were both injured. The building and everything in it was destroyed."



Abada N'Gomtoudjian holding a photo of his brother, killed in a helicopter attack © Amnesty International

This description of what happened in Blabline highlights Amnesty International's concerns that armed opposition groups placed themselves in densely populated residential areas, and in doing so put civilians at great risk of death and injury. The description also raises concern about the nature of the government armed forces' military response. Both involved serious violations of international humanitarian law.

There were many more people killed and injured within just a few blocks of each other in just one area of Blabline, not far from the mosque. Others killed included Saleh Hussein, aged 30, Abdoulaye Saleh, aged 9 or 10, Mohamed Hissein, aged 10, Jean-Louis Zeneba, aged 27, Abdelkader Talba Mohamed, aged 42, Hawa Omar, aged 48, and Zara Bichara, aged 10.

Those injured include Hawa Comi, aged 20 and her six-year-old brother; Mariam Brahim, a 60-year-old shopkeeper; Abou Talib, a 35-year-old driver; Bintu Chari, aged 12; Ali Hadan, aged 24; Adam Mahamat Yusuf; Ali Al-Haj; Hawa Bichara, aged seven; Kaltouma Bicharam, aged 12; Hadje Hassan, aged 20; Abakar Issa, Hallamine Hassane, Hassame Ali Diop and Moussar Mahamat.



Hawa Comi and her six-year-old brother, both injured in a helicopter attack © Amnesty International

There was also extensive damage to civilian property in the neighbourhood of Blabline. Amnesty International visited eight compounds in which homes had been badly damaged and even completely destroyed. The damage extends to possessions within the compounds, including automobiles, furniture, clothing and personal belongings. In some cases residents have begun to make repairs since the fighting. In other instances, the extent of the damage from the conflict is so great that repairs are either not possible or are too costly. The government has not yet offered any financial assistance to help with repairs or compensate for losses.

Amnesty International received accounts of civilian deaths and injuries in other neighbourhoods as well. One eyewitness described how people were killed while trying to escape the fighting in the area of Ardep Djournal.

" The events of 2 and 3 February made life difficult in Chad, there were atrocities committed from the air. Many people live around the broadcasting centre. On 2 February, that building was set on fire by soldiers, who wanted to keep it out of the hands of the rebels. People who worked there and lived in the area were running to escape to the area behind the French Cultural Centre for safety. People were being fired on from helicopters; corpses were piled up on the asphalt. I was very upset at the sight of four corpses, it seemed as though these

people were trying to avoid something, they had their arms in the air and they had their bodies in the same position."

The same witness added that people who looted a warehouse were also killed by rocket fire from helicopters and that he did not see any fighters from armed opposition groups in the area at that time.

" Some people were looting a store in the area when they were fired on from the helicopters. The same thing happened to the people who were coming back from the store and crossing the racetrack. There were no rebels when they were crossing the racetrack. There were two or three helicopters. I know two youngsters who were hit, Blagué Antoine, 22 years old, a computer science student, and Denim Madji, a 13-year-old teenager."

On 3 February 2008, in the area of Diguel, several civilians were reportedly killed in the course of helicopter attacks. The father of one of the victims described the events of that day to Amnesty International and told how he learned of the death of his son, Ahamat Adoum, a 17-year-old student.

" At about 2.15pm there was a gathering in the streets, a rocket was fired and many people were killed including a 12-year-old girl. It was difficult for me to look at these shattered bodies whose arms and feet had been ripped off. Relatives came to take the bodies of their loved ones and went away again. Old people were also among those killed. The armed groups were about 100 metres from the place where the shells were fired."

" I was at home later when a person came to tell me that someone who looked like my son had been killed by a shell. He was wearing a djelaba [traditional, loose-fitting clothing] and black pants. I went out to see and it was him."

The civilians who were killed in this incident in Diguel were reportedly 100m away from a group of armed opposition fighters, according to this testimony. Again, Amnesty International is concerned about this the failure of armed opposition groups to carry out attacks away from the civilian population; as well as the military's decision to mount aerial attacks from helicopters in this situation with the likelihood that such attacks would put civilians at risk.

Amnesty International also toured the home of opposition leader Lol Choua and witnessed extensive damage to his property caused by rockets fired from government helicopters on 3 February. The Commission of Inquiry report indicates that the Commission was informed by France's Ambassador to Chad that he had been told by a senior Chadian military official, General Abdrahim Bahr Itno, that there had been an aerial attack against the N'Djaména home of one of the armed opposition leaders, Mahamat Nouri, and that they were aware that Lol Choua's home was right beside that target.³⁶

CIVILIANS IMPERILLED DURING CONFLICT

Amnesty International has not documented any attacks in which it is clear that Chadian forces deliberately and intentionally targeted civilians or civilian property. However, the organization is concerned that Chadian forces did not comply with fundamental tenets of international humanitarian law that prohibit attacks that would result in indiscriminate and disproportionate harm to civilians who are not taking part in the fighting. The organization is also concerned that armed opposition groups failed to carry out their operations in a manner that ensured that the risk to civilians from fighting was minimized.

Chad is a party to the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, which are the principal instruments of international humanitarian law. In relation to the conflict in Chad, at a minimum, all parties are bound to respect Common Article 3 of the Geneva Conventions³⁷ and customary international law applicable in situations of non-international armed conflict.

Under customary international humanitarian law, all parties to an armed conflict are obliged to ensure that civilians are not targeted and that any civilian casualties are kept to an absolute minimum. This places an obligation on all parties to a conflict to ensure that they do not place themselves near or inside residential civilian areas when fighting.

On the basis of the evidence collected by Amnesty International delegates, it is clear that armed opposition groups entered numerous residential neighbourhoods in N'Djaména and even mounted attacks from those locations. In doing so it would have been obvious that any effort by government forces to defend themselves or to attempt to dislodge the armed opposition groups, which government forces had the right to do, would put civilians in the area at risk.

Under international humanitarian law, parties to an armed conflict are also bound to refrain from attacks that are indiscriminate in that they fail to use means and methods of warfare that can properly distinguish between civilian and military targets. Indiscriminate attacks are those which strike military objectives and civilian objects without distinction or which are carried out with a weapon that due to its nature cannot properly distinguish between military and civilian targets. Parties to an armed conflict must also refrain from carrying out attacks that would cause civilian casualties that are disproportionate to the military objective being pursued. They must take steps to ensure that any harm to civilians which might be expected as a result of the attacks is proportionate to the military goal of the attack.

Evidence collected by Amnesty International delegates, including the pattern of attacks, eyewitness accounts and the extent of civilian casualties, gives rise to concerns that violations of international humanitarian law may have been committed by Chadian forces during the helicopter attacks. The accounts gathered by Amnesty International give rise to concerns that pilots of Chadian military helicopters did not take adequate precautions to minimize civilian casualties. Civilians were not given advance warning to either stay in their houses or to leave

the area.

Amnesty International is concerned that the use of aerial attacks from helicopters in densely populated residential areas contributed to government forces' failure to properly distinguish between military and civilian targets. Soldiers who fired rockets or high calibre ammunition from the helicopters used by the Chad armed forces were reportedly firing out of the back and the front doors, which may also have restricted their ability to properly distinguish between military and civilian targets.

Amnesty International raised concerns about the nature of these helicopter attacks in meetings with Chadian government officials. Officials did not refute or accept the allegations of indiscriminate and disproportionate attacks. They stated that they would await the findings of the Commission of Inquiry. The Commission of Inquiry concludes that the helicopter attacks were disproportionate and indiscriminate. In response the government has rejected the Commission's assessment and has asserted that the use of aerial helicopter attacks was legitimate self-defence.

4 REPRISALS – HUMAN RIGHTS VIOLATIONS IN THE AFTERMATH

ENFORCED DISAPPEARANCES AND ARBITRARY DETENTION

Late in the afternoon of 3 February 2008, when the Chadian army was regaining control of N'Djaména, members of the security forces forcibly entered the homes of several leaders of the unarmed opposition. They arrested three opposition leaders, the former Chadian President Lol Mahamat Choua, Member of Parliament Ngarlegy Yorongar and Ibni Oumar Mahamat Saleh, who was the leader of the Party for Freedom and Development and spokesperson for a coalition of opposition parties. All three were taken away to unknown destinations.

A fourth opposition leader, Saleh Kebzabo, leader of the National Union for Development and Renewal, was not at home when security forces came to arrest him at his home, also on 3 February. Security forces returned to his home on 20 February and 3 March 2008. On 3 March, security force officers seized one of Saleh Kazebo's guards and held him for about one hour, during which time he was badly beaten.³⁸

The government has stated that it carried out these arrests because it believed these opposition leaders supported the armed opposition groups. In an interview on Radio France Internationale on 4 February 2008, General Mahamat Ali Abdallah, the Chadian Minister of Mines and Energy, stated that:

*"It is obvious that if someone is arrested, this is not by chance, because there must be clear and objective evidence showing their complicity with the mercenaries."*³⁹

LOL MAHAMAT CHOUA

Chad's Minister of Foreign Affairs told Amnesty International during a meeting in Paris in February 2008 that Lol Mahamat Choua had been arrested because he was associated with armed groups. On 21 February, Chad's Minister of the Interior and Public Security stated that the government considered Lol Mahamat Choua to be a prisoner of war who had collaborated with the armed opposition. The current Minister of the Interior and Public Security, Ahmat Mahamat Bachir, told the Commission of Inquiry that Lol Choua was arrested by the military because he was a neighbour of [armed opposition leaders] Mahamat Nouri and Abakar Tolli and that they had information that when the "mercenaries controlled areas of the city ... Lol was among them."⁴⁰ In an interview with Amnesty International, Lol Choua denied categorically that he had any association with armed opposition groups. He has never been charged with any criminal offence.

Lol Choua was arrested on 3 February. He was placed in detention, first at a secret detention centre, and later at the Camp des Martyrs military base. He was released on 28 February 2008. In an interview with Amnesty International, Lol Mahamat Choua described his arrest.

"I was on the sofa when a group of soldiers wearing turbans entered my house and ordered me to follow them. One of the people in my house wanted to intervene but I asked him to remain calm, I asked permission to take my shoes and my cap but the leader of the soldiers refused. One of the soldiers kicked me in the face twice. They led me to a vehicle and took me to a place no more than two or three minutes from my home. I was kept blindfolded but I think this place is not far from the airport because of the noise of planes landing and taking off."

NGARLEGY YORONGAR

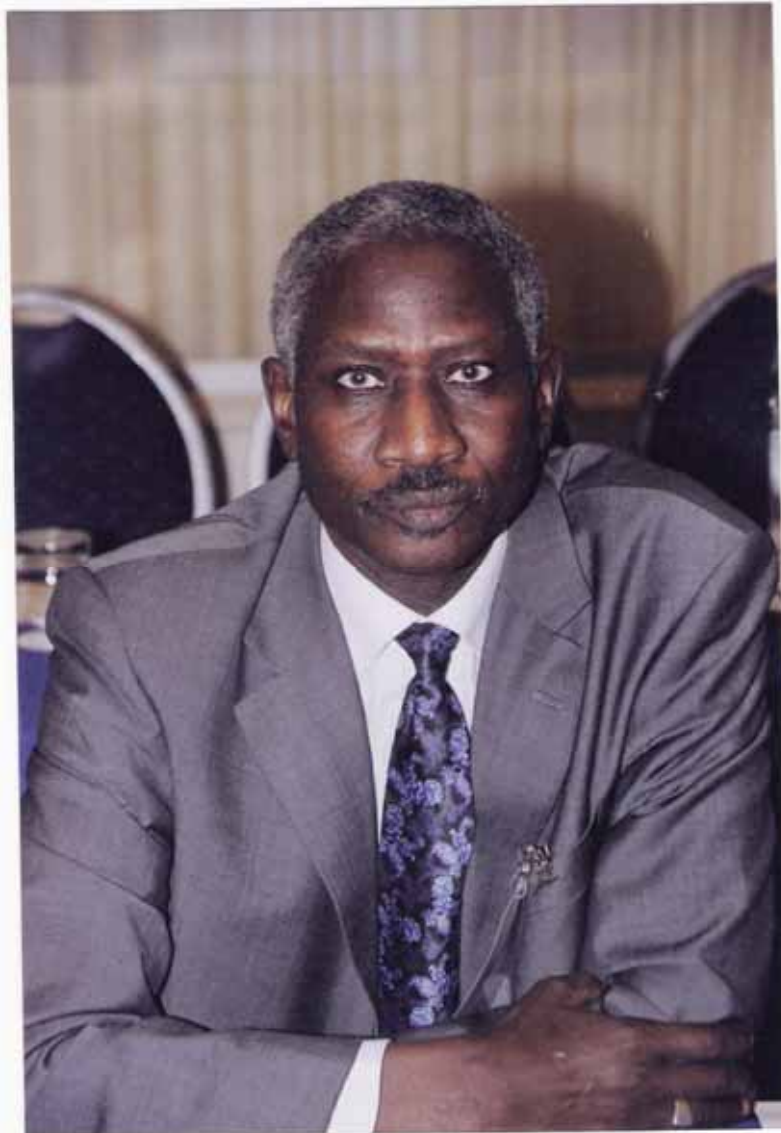
Ngarlegy Yorongar was detained incommunicado for 19 days, during which time the Chadian authorities did not admit that he was in detention. He has stated in a deposition to the Commission of Inquiry that he was detained in a secret prison, located behind the guest villas in Farcha, until his release on 21 February 2008.

"During the night of 21 February, two soldiers dressed in djelabas, with scarves (cheches)⁴¹ on their heads, bound my eyes with a red headband before telling me to get up, still with chains on my feet."

According to Ngarlegy Yorongar, he was dropped off in a cemetery in Ngonmba and the following day he fled to Cameroon. He then went into exile in France, where he remains at this time. He has informed Amnesty International that he wishes to return to Chad but is fearful for his safety if he were to do so.

IBNI OUMAR MAHAMAT SALEH

Lol Mahamat Choua and Ngarlegy Yorongar were freed, but as of 10 November 2008, there is still no news of Ibni Oumar, more than ten months after his disappearance.



Ibni Umar Mahamat Saleh

One eye-witness provided the following account of what happened at the home of Ibni Umar Mahamat Saleh when he was arrested on 3 February 2008.

"On 3 February around 7.30pm, a Toyota vehicle carrying eight soldiers, wearing turbans, stopped in front of the main entrance to the house of Ibni Umar in N'Djaména. Several hours earlier, the same vehicle had driven around the neighbourhood and the soldiers had asked local people for the exact address of Ibni's house. When they arrived that evening in front of Ibni Umar's residence, they asked us if he was at home and one of us said that he didn't know him. The soldiers kept us at bay with their weapons and four of them went and knocked on the door of the house. A little while later, Ibni Umar came out with the soldiers.

One of them fired in the direction of one of the people standing at the door accusing him of being a liar because he had said that he did not know Ibni Oumar."

Relatives and lawyers continue to inquire about his fate but have come up against obstruction, including denial of his arrest and a refusal to allow access to detention centres. Amnesty International has raised Ibni Oumar's case in meetings and correspondence with Chadian authorities. Officials consistently respond that they have no information about his fate or whereabouts.

Chadian President Idriss Déby, apparently using French authorities as an intermediary, asked to meet with Ibni Oumar's family.⁴² The family and lawyers refused to agree to this request because the authorities continued to refuse to provide any information as to where Ibni Oumar was being held. There continue to be unanswered questions about what information French officials have had about Ibni Oumar's fate. Amnesty International received information that French authorities apparently knew about the whereabouts of three senior Chadian opposition figures as early as 11 February 2008, although they publicly denied having any such information.⁴³ Notably, the Commission of Inquiry finds that French soldiers were present in the operations centre at the Chadian presidency throughout this period.⁴⁴

Despite exhaustive investigations and numerous interviews, the Commission of Inquiry was unable to ascertain what happened to Ibni Oumar. The Commission's report states that he was arrested by government security forces but the Commission was not able to determine where he was taken or how he was treated. Efforts were made by the Commission to see if any bodies discovered in the days and weeks following the fighting in early February were Ibni Oumar's, but there was no positive identification. To this day, there is still no news of him. The Commission of Inquiry highlights the very real possibility that he has died.⁴⁵

A LONGSTANDING PATTERN

During the last two decades, Amnesty International has documented a consistent pattern of disappearances of opposition figures and other individuals whom the state has no lawful reason to arrest.⁴⁶ Amnesty International has previously raised concerns about the disappearance of 14 military officers,⁴⁷ arrested on 13 April 2006 after a previous attack by armed opposition groups on N'Djaména. Despite frequent demands for information from their families and from Amnesty International and other human rights organizations, two and a half years later the authorities have failed to provide any information as to their fate.



Wives of some of the men who disappeared in April 2006 © Amnesty International

On 30 November 2007 the Sultan of the Department of Dar Tama, Haroun Mahamat Abdoulaye, was arrested along with seven other men⁴⁸ of the Tama ethnic group in the eastern town of Guéréda. They were later detained at Korotoro near Faya-Largeau, in eastern Chad. The Sultan was released on 3 May 2008 after being transferred to facilities belonging to the Chadian security services (Renseignements Généraux) in N'Djaména where he received family visits. Some of the seven men who were detained with him are accused of involvement in the former armed opposition group, the United Front for Democratic Change (Front Uni pour le Changement Démocratique, FUC). However, they have not been charged with any offence.

On 7 December 2007, during an interview with Radio France International, a Chadian government spokesperson confirmed that the men had been arrested, but did not say where they were held. Amnesty International has urged the authorities to reveal immediately what has happened to the men and the reasons for their arrest, and to give them access to their families and legal representatives.⁴⁹ The authorities have refused to provide any further information.

The International Covenant on Civil and Political Rights guarantees the right to liberty and security of person, the right to a fair trial and freedom from torture and other ill-treatment. When these rights are respected, individuals who are subject to arrest or detention are protected from enforced disappearance as their arrest or detention is subject to supervision and safeguards. Chad is a party to the International Covenant on Civil and Political Rights. Almost exactly a year before these events – on 6 February 2007 – Chad signed the International Convention for the Protection of all forms of Enforced Disappearance and in doing so it reinforced its commitment to protecting individuals from enforced disappearance.⁵⁰ Amnesty International is calling upon the government of Chad to immediately charge or release all those currently held in detention and to ensure that safeguards are put in place to protect all people in detention from disappearance, torture and other cruel, inhuman or degrading treatment and violations of the right to life. Amnesty International also calls upon the government of Chad to ensure that it conducts thorough and effective investigations into all cases of enforced disappearance.

EXTRAJUDICIAL EXECUTIONS AND DEATHS IN CUSTODY

" On 23 February, late in the night, soldiers came in a vehicle into the Farcha neighbourhood in N'Djaména. They arrested two shopkeepers, Adam Hassan and Bineye Mamat, whom they accused of having set up a reception committee for the rebels. These two individuals were beaten when they were arrested and were thrown into the soldiers' vehicle. The next morning, their corpses, still clothed, were found, with their hands tied behind their backs, beside the Chari River. A few days earlier, three bodies had been found on the banks of this same river in similar conditions."

Eyewitness account

Extrajudicial executions by security forces are a serious violation of international human rights law and yet have long been a problem in Chad. There were a number of such killings during and in the wake of the fighting in early February. Similar to the eyewitness account above, the Commission of Inquiry confirms that a number of bodies were recovered from the Chari River or found along its banks, including one which has been identified as that of Adam Bachir Abeldjelil.⁵¹

Doungous Ngar was arrested by security forces on 5 February 2008 and the next day his corpse was found in the morgue of the hospital in N'Djaména. A witness who was with Doungous Ngar at the time of his arrest provided Amnesty International with the following account.

" On 5 February, at about 8am, Doungous Ngar was at his boss's place when the soldiers came to arrest him. They accused him of having stolen a motorbike. He replied that he didn't have anything to do with it. They hit him with their fists and feet, with rifle butts and they also beat him with the buckles of their belts. They tied his hands and feet and put him in a Land Cruiser vehicle and left in the direction of the explosives depot in Farcha. The same day, friends working at the hospital alerted the family of Doungous Ngar to the fact that the body of their relative had been placed in the morgue. The body bore signs of injury."

The Commission of Inquiry was informed by police officials that 157 unidentified bodies were buried in a common grave and that there is strong reason to believe that most of their deaths are associated with the fighting in early February and its immediate aftermath.⁵²

The use of excessive force is contrary to international human rights and humanitarian law. If soldiers are carrying out law enforcement duties, they should comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which sets out a number of requirements to avoid the excessive use of force. Amnesty International is concerned that the Chadian government does not adequately train and hold accountable its security forces according to these Basic Principles and other relevant international standards.

5 REPRESSION DURING THE STATE OF EMERGENCY

Intense fighting between government and opposition forces continued in N'Djaména from 2 February through to late in the afternoon on 3 February. Residents told Amnesty International that by 5.30pm on 3 February, the armed opposition groups appeared to have given up their offensive and were retreating from the city.

The government imposed a curfew in the capital and elsewhere in Chad on 7 February.⁵³ Many people interviewed by Amnesty International indicated, however, that it came as a surprise when President Déby declared a state of emergency (État d'Urgence) on 14 February, 11 days after armed opposition groups had left the city.⁵⁴ The government of Chad, to Amnesty International's knowledge, failed to comply with its obligations under article 4 of the International Covenant on Civil and Political Rights, to which it is a state party, by not informing the UN that it was derogating from its obligations under the treaty. Under the Chadian Constitution, a state of emergency expires after 15 days. President Déby issued a second Decree on 29 February,⁵⁵ extending the state of emergency through to 15 March.⁵⁶

HARASSMENT OF JOURNALISTS

On 20 February, in the middle of the state of emergency, President Déby issued a decree, Ordonnance No 5, which severely limits press freedom in Chad. The decree is essentially a duplicate of a proposed new press law that the government had put before the National Assembly on two previous occasions, but which was rejected both times by the National Assembly.

Ordonnance No 5 increases considerably the penalties that can be imposed on journalists for a range of offences. The maximum penalty for publishing "false news" is increased to three years' imprisonment while the maximum penalty for the new offence of "insulting the president" is set at five years. It is not only impermissible to "insult" the president but also the head of the government, ministers and foreign diplomats.⁵⁷ Amnesty International is concerned that such offences constitute violations of freedom of expression in that they are overbroad.

It has also become far more difficult to launch a new newspaper as the publication now has to receive approval from the Minister of Commerce and Industry and a declaration must be made to the Prosecutor's Office and the High Council on Communication.⁵⁸

Ordonnance No 5 also overrides two provisions of the previous 1994 press law, which had allowed the sale and distribution of foreign newspapers and had permitted foreign media outlets to maintain national correspondents in Chad. Those developments will restrict the access Chadians have to foreign news media and may limit both the quantity and quality of

foreign media coverage of events in Chad. On 16 February, just four days before Ordonnance No 5 was decreed, French national Sonia Rolley, the correspondent for Radio France Internationale and France 24, was notified that her media accreditation had been suspended. On 18 March 2008 her press card was withdrawn and she was required to leave Chad. She was the only foreign correspondent permanently based in Chad.⁵⁹

Amnesty International is concerned that Ordonnance No 5 imposes undue restrictions on freedom of the press, in contravention of international human rights provisions protecting freedom of expression.⁶⁰ Ordonnance No 5 remains in force. The Commission of Inquiry has called on the government to repeal Ordonnance No 5.⁶¹

Ordonnance No 5 came amid a wave of arrests and harassment of journalists, some of which are discussed above. Djekourninga Kaoutar Lazar, director of the community radio station FM Liberté, informed Amnesty International that he was arrested on 16 January 2008. He was charged with having broadcast false news in relation to a report the station carried alleging corruption within the immigration department. On 22 January the state prosecutor dropped all charges against him. According to Djekourninga Kaoutar Lazar the prosecutor dropped the charges because he was unable to offer any witnesses or complainants.

Blaise Djimadoum Ngargoum, an FM Liberté reporter, fled the country for several days after the fighting in early February. He has now returned to Chad. An effort to challenge the closure of the station in court was dismissed on 8 May on the ground that the court lacked jurisdiction to decide the case. FM Liberté was allowed to resume broadcasting on 27 May after being closed for nearly five months.



Blaise Djimadoum Ngargoum at Radio FM Liberté ©Amnesty International

Laldjim Narcisse a journalist with *Le temps*, informed Amnesty International that on 6 February and again on 8 February, men in uniform visited his home asking about his whereabouts. He had already fled to Cameroon on 4 February, because of the insecurity in the country and the fact that he has been threatened in the past. When the young men who were guarding his home told the uniformed men that they did not know where Laldjim Narcisse had gone, they were asked about the whereabouts of another journalist. Laldjim Narcisse remained in Cameroon for 45 days and has since returned to N'Djaména.

Michael Didama, editor of *Le temps*, informed Amnesty International that on 6 February, the same day that the uniformed men first came to Laldjim Narcisse's house, neighbours told him that people in civilian dress wearing turbans and riding motorcycles without license plates had come to his home asking about his whereabouts. The same men came back again on February 8. As well, individuals of a similar description went to Michael Didama's office asking about him. They did not enter the premises but remained outside, circling the office. He was not present on any of those occasions. He went into hiding and then left Chad. He returned to N'Djaména in early May.

Zara Mahamat Yacoub, coordinator of the community radio station DJA FM and a winner of the 1995 Prix FESPACO,⁶² informed Amnesty International that on 7 March 2008, she was

threatened by a soldier. She was in her car with her brother at the time. The soldier, riding on a motorbike without any license plate, accused them of unlawfully taking photos around the city after he noted video equipment in her car. Zara Yacoub has been threatened in the past, particularly with respect to documentaries she has produced on female genital excision in Chad. In the past a *fatwa* has been issued against her by the Imam of the N'Djaména Mosque.

The criticism of Ordonnance N° 5 has been widespread, even unifying private and government controlled media enterprises. A number of newspapers published a joint critique in March 2008.⁶³

Amnesty International was assured by government officials, including the Minister of Communication, that these press restrictions would be lifted. At the time of writing, however, Ordonnance N° 5 remained in effect.

When President Déby took power in 1990 he had assured Chadians that while he "did not bring gold or silver he did bring democracy and liberty."⁶⁴ However, in December 2007, he made a speech in which he ominously stated that "too much liberty kills liberty".⁶⁵

6 BROKEN LIVES – HOUSE DESTRUCTION IN N'DJAMÉNA

"We are broken – just like our homes."

Chadian woman whose family's home was destroyed



A Chadian woman whose family's home was destroyed: "We are broken – just like our homes" © Amnesty International

BACKGROUND

The fighting in N'Djaména in early February left the population tremendously fearful and insecure. In more than 100 interviews, individuals told Amnesty International that they had never experienced anything similar in N'Djaména before. Afraid to remain in N'Djaména,

people fled across the border into Cameroon or back to their villages of origin in other parts of Chad. In some instances this was because they had been threatened by officials. More generally people fled because of the fighting and their fears that it would resume and perhaps worsen at any time.

After the government regained full control of N'Djaména, residents of the city began to try to return to their normal lives, but remained fearful. People came out of hiding and thousands of refugees returned from Cameroon or at least began to move frequently back and forth between Cameroon and N'Djaména. The atmosphere in the city was still full of uncertainty. There were reports of enforced disappearances and extrajudicial killings. Lawlessness and looting, along with abuses by government forces cracking down on looters, led to fear and nervousness throughout the city. And rumours continued to circulate about the possibility of another offensive by armed opposition groups against the city.

At such a time, government authorities should have focused on putting in place measures that would restore a sense of security to the residents of Chad. Instead, on 22 February 2008, a presidential decree authorized the destruction of what were said to be illegally constructed buildings and structures in two neighbourhoods in N'Djaména.⁶⁶ Over the course of the three weeks that followed, through to the middle of March, many neighbourhoods throughout the city were targeted, far beyond the two neighbourhoods of Gardolé and Walia Angosso specified in the decree.⁶⁷

The municipal council generally justified the destruction of homes and other properties in these other neighbourhoods by claiming that the property was illegally occupied or had been built without the necessary building permits.

Amnesty International estimates that at least three thousand extended families had their homes and possessions destroyed by demolition crews acting on government orders. Amnesty International was informed by residents that the demolition crews were usually accompanied by government security forces. Thousands of individuals who operated small businesses from their homes also lost their livelihoods. In the wake of the demolitions, many families returned to the ruins of their homes searching for whatever could be salvaged from the rubble. Many men, women and children have been left homeless and destitute. They must rely on relatives and friends for shelter and subsistence.

Official figures from the N'Djaména municipal government state that 1,798 compounds were destroyed in 11 different neighbourhoods.⁶⁸ It would appear however that there were evictions beyond those 11 neighborhoods. For example, Amnesty International documented extensive housing destruction in the neighbourhood of Farcha, which does not appear on the list of neighbourhoods provided to Amnesty International delegates by municipal officials. There is no official government figure available regarding the number of people who have lost their homes. Based on available government figures as to the number of compounds that have been destroyed, estimations of numbers of people living in those compounds and additional information gathered during interviews with residents of neighbourhoods that do not appear on the official government list, Amnesty International believes that tens of thousands of people have lost their homes.

The municipal government's figures are clearly inadequate. Beyond the incomplete figure of

1,798 compounds destroyed in 11 neighbourhoods, no official figures have been gathered. There are no figures indicating the number of buildings in each compound and no information as to how many people lived in each house and/or compound. There is no information about where people who lost their homes are now living. Nor is there information about the businesses that used to operate in the compounds. Municipal officials indicated to Amnesty International that they have no plans to gather further information or statistics. Amnesty International was informed by municipal officials that there are plans for demolition of more buildings that the government claims have been illegally constructed in other neighbourhoods of N'Djaména. Amnesty International was not furnished with more specific information relating to these planned destructions.⁶⁹

FORCED EVICTIONS AND THE LAW

Chad is obliged to refrain from and prevent forced evictions under a range of international human rights treaties including the International Covenant on Civil and Political Right (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and People's Rights (African Charter).

The Human Rights Committee, the expert body charged with overseeing the implementation of the ICCPR, has stated that forced evictions violate the ICCPR, in particular article 17 which provides, among other things, that "[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and that "[e]veryone has the right to the protection of the law against such interference or attacks."⁷⁰

The African Commission on Human and Peoples' Rights, which oversees the African Charter, has stated that several sections of the African Charter provide protection against forced evictions.⁷¹

The ICESCR guarantees the right to adequate housing as a component of the right to an adequate standard of living under article 11(1). The Committee on Economic, Social and Cultural Rights, which oversees the ICESCR, has described forced evictions as:

*" the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to appropriate forms of legal or other protections. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights."*⁷²

The Committee on Economic, Social and Cultural Rights considers that *" instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law"*⁷³

The Committee on Economic, Social and Cultural Rights has further stated that:

*" States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force" .*⁷⁴

Evictions are only lawful when certain procedural protections are applied. These include:

- an opportunity for genuine consultation with those affected
- adequate and reasonable notice for those affected before the eviction
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected
- the presence of government officials or their representative during an eviction
- proper identification of all people carrying out the eviction
- no evictions during particularly bad weather or at night unless the affected people consent
- provision of legal remedies provision, where possible, of legal aid to those who need it to seek redress from the courts.⁷⁵
- Evictions must not "render individuals homeless or vulnerable to the violation of other human rights" .⁷⁶

Other UN bodies have raised concerns about forced evictions. In a 1993 resolution on forced evictions, the Commission on Human Rights stated that "the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing." The Commission then urged governments to:

*" confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups."*⁷⁷

International refugee law also has relevant standards. The UNHCR's Executive Committee has concluded, for instance, that returning refugees should "have restored to them or be compensated for any housing ... of which they were deprived in an illegal, discriminatory, or arbitrary manner before or during exile".⁷⁸ The Executive Committee notes that particular attention should be paid to ensuring restitution for returning refugee women, who may often have difficulties in securing property rights. These restitution rights would apply to many or all of the hundreds or even thousands of Chadian refugees whose homes were destroyed and who have either returned to N'Djaména or still remain in Cameroon.

Amnesty International's research and analysis leads to the conclusion that the wave of housing demolitions in late February and March 2008 constituted a campaign of widespread forced evictions, in violation of international human rights standards.

The wave of forced evictions violates not only Chad's international and regional human rights obligations but also national legal provisions. The right to housing is not mentioned directly in the country's Constitution. However, article 41 of the Constitution clearly establishes rights associated with ownership of private property:

" Private property is inviolable and sacred. No one can be dispossessed except for a duly verified case of public interest and with fair and advance compensation."

Article 17 of the Chadian Constitution further refers to the right to "the protection of private life and property".

Chad's 1967 national property law specifies criteria and procedures to be used in cases of expropriation (when land is being taken from people with lawful title) and in cases of *déguerpissement*, when people without lawful title are required to abandon the property.⁷⁹ Those legal requirements do not appear to have been met. For instance, in cases of *déguerpissement*, the law requires that there should be a consultation process with people who are likely to lose their homes. The law also requires that people should be indemnified first and that the government should not take official possession of the property until 15 days later.

THE DESTRUCTION

The campaign of house demolitions and forced evictions that the government undertook failed to comply with international and national legal requirements. While the government asserts that their actions were legitimate because of the declaration of a state of emergency, the presidential decree which referred to the state of emergency in authorizing the housing destruction only applied to two of the many neighbourhoods that were targeted for demolitions. In the majority of neighbourhoods, inhabitants were taken by surprise. There was no prior consultation in most neighbourhoods, no details provided as to the basis for the forced evictions and little or no information beyond rumours as to any alternative purpose for which the land or housing would be used.

Amnesty International interviewed more than 200 people in N'Djaména and at Maltam refugee camp in Cameroon who had lost their homes. All described feeling completely unable to make any sort of official complaint at the time of the destruction because of the state of emergency. Some of those interviewed said that it was clear to them that they had no rights at the time and could not protest against the destruction of their homes and property.

One woman described to Amnesty International the destruction of homes in her neighbourhood and stressed the impact of the state of emergency.

" The first Saturday in March, officials from the town hall accompanied by police came to mark crosses on the houses with white paint. They told us that we had five days to get out and that the land was going to be taken over. None of us dared to ask any questions because it was a state of emergency."

In some instances residents were only given two days notice, by way of a white cross painted on the side of their houses by municipal officials, to evacuate their homes and salvage what they could. They were then forced to leave their homes when police and sometimes soldiers arrived, accompanying the bulldozers which carried out the demolitions. They were not told how they could access any process under which they could contest the orders for the destruction of the structures in which they lived and worked. In most cases there was no provision for adequate alternative housing and people who have been unable to make any alternative arrangements have been left homeless. Only a small number appear to have been offered even a minimum level of compensation.

The official government explanations differ considerably, depending on which neighbourhood is under discussion. Some neighbourhoods had been embroiled in longstanding disputes with the government about plans to expropriate lands. That was the case for instance in the neighbourhood of Gardolé, in central N'Djaména. N'Djaména municipal officials told Amnesty International that a process of expropriation began there as early as 1967. Some people were compensated for the loss of their land and property at that time.⁸⁰ Residents of Gardolé also informed Amnesty International that for several years it was rumoured that the site was to be used for a new shopping centre, but officials have now indicated that that a new maternity hospital is to be built there. Amnesty International was unable to verify these allegations.

In Walia Angosso, residents informed Amnesty International that they were told by municipal officials in June 2007, that land which they were occupying was going to be expropriated. The reason apparently given was that their properties, along with a secondary school, were too close to a new hospital that was about to be inaugurated by President Déby and officials did not want the President to have to pass among their homes on his way into the hospital. Residents that Amnesty International interviewed claimed to have checked with the new hospital's director, a Catholic priest, who apparently told them that he had no concerns about the location of their properties and had never asked that their homes be cleared. Reportedly no other explanation was provided by the government. Homes were destroyed and the school was given until the end of the school year to relocate. Amnesty International raised this case with municipal officials in late May. The delegates were told that residents had been given notice many months in advance. There was no response to the questions about the reason for the evictions.

Municipal officials told residents and Amnesty International that in other neighbourhoods, such as Atrone, Chagoua I and II, and Farcha, some inhabitants had unlawfully constructed houses and other structures on land reserved for the state. Senior officials with N'Djaména's municipal government told Amnesty International that residents of these neighbourhoods had long known that their homes were on lands belonging to the government. Amnesty International interviewed at least 20 individuals who disputed the government's claims. At least 10 showed documents to Amnesty International which appeared to suggest that the individuals had title to the land from which they had been evicted. All indicated that they

had no idea how to access any sort of fair process which would evaluate the validity of their title or to challenge the government's decision. All of these individuals told Amnesty International that they did not believe they had any avenue to launch a challenge because of the state of emergency.

Some of the families interviewed by Amnesty International claimed to have lived in their homes for decades. Hissein Adam told Amnesty International that 60 people had been living in his family's compound in the 6th block (*carré 6*) of the neighbourhood of Farcha. Hissein said he was born there in 1970, as was his father before him in 1937. He stated that the land had originally belonged to his grandfather, Djimtita Tibadomngar Jean who had purchased the plot of land in the 23rd block of the neighbourhood of Chagoua 2 in 1973.⁸¹

Amnesty International interviewed another man, who did not want to be publicly identified. He said he had been living in his home in Chagoua 2 since 1959. He stated that 52 people lived in his compound, 30 of whom were relatives, the others tenants. He told Amnesty International delegates:

"I bought this place more than 38 years ago. On 29 February, some policemen and the people from the mayor's office came and covered the walls in paint. They told us that we had six days to leave. When we asked them why, they said we did not have the right to ask questions because it was a state of emergency. We could not get together and talk about it among ourselves, it was forbidden. The residents took their personal belongings and left. Some of them who have money will not have any difficulty in renting another house, those without money will go to their village or to Cameroon."

In Walia Angosso, Japhet Doudou Beindjila showed Amnesty International the ruins of a property which he said; his father had purchased 44 years ago.



Japhet Doudou Beindjila, on the ruins of his property ©Amnesty International

Many residents told Amnesty International that the way in which their homes were destroyed was traumatizing. Residents of all neighbourhoods visited by Amnesty International told delegates that the block to be destroyed was encircled by a large number of police and sometimes soldiers, who forced people to leave their properties and barred any residents who had not been home at the time from returning. In a few cases, security forces involved in the forced evictions reportedly used violence. One eyewitness provided the following description of what happened when homes in her neighbourhood were destroyed:

"Soldiers came and surrounded our homes. A few people who remained inside their homes in protest were arrested. They were released about six hours later. Others were beaten with the butts of the soldiers' guns, belts and even handcuffs."

Caterpillar bulldozers were used to demolish the properties. A small number of churches and schools appear to have been spared. Otherwise, the areas were completely razed, destroying several hundred buildings at a time. People told Amnesty International how traumatized they were to watch their homes, businesses and neighbourhoods be so swiftly destroyed, particularly coming so soon after the fighting that had terrified residents of the city. One woman described the emotional distress felt by people who lost their homes:

" Around 19 February, city hall asked the ward councillor to go from door to door to inform the residents that the houses were going to be demolished. We said nothing because we don't have the power; it was a state of emergency. On 26 February, police and soldiers surrounded the site. The women and children were crying. It was very hard to see a whole life disappear in the space of a few seconds. It was very upsetting; our parents suffered before paying for the land, the building of the houses took time and money. The man there, he cannot cry, he moans to himself. After two hours, the bulldozers had flattened everything. Some people went wherever they could find a place; others went to villages or to Cameroon.



Destruction in Chagoua 2, block 23 © Amnesty International

In many cases, residents told Amnesty International that the first they had heard that their home would be destroyed was when municipal officials, accompanied by police, arrived and painted white crosses on the sides of buildings. They were told that the crosses signified that the buildings were going to be destroyed very soon. The time they were given to evacuate their homes appears to have ranged from two days to two weeks. However, in many instances, demolition crews arrived one or two days earlier than expected. The Deputy Mayor of N'Djaména categorically rejected the allegation that people were given insufficient notice before their homes were destroyed. However, government officials have not provided any documentary or other proof to back up the assertion that ample advance notice was provided.⁸²

To date the only people who have been given any prospect of compensation appear to be

those in the neighbourhoods of Gardolé and Walia Angosso, both of which are expressly covered by the 22 February decree. This was confirmed by government officials.⁸³ However, people evicted from Gardolé and Walia Angosso, who were interviewed by Amnesty International, were generally unhappy with the amount of money they received as compensation from the authorities for the loss of their houses.

Many people have found temporary shelter with friends or family, or have been able to rent another compound. However, Amnesty International interviewed three different groups, involving approximately 20 individuals, who had nowhere to go and were living in the ruins of their former compound, despite inclement weather.

STRAIN ON WOMEN AND FAMILIES

" We have lost our homes. We have nothing. We cannot support ourselves. Our children are lost. We have no future. We are living in the midst of a human drama."

Chadian woman whose family home was destroyed

The majority of the tens of thousands of people who have been forcibly evicted and made homeless by the destruction of their homes are women and children. All those whose homes have been destroyed have been affected, individually and as families, as they are forced to make adjustments and live in conditions which often place additional strains on their family relations. The destruction of their homes has impacted particularly heavily on women. Whether they work outside the house or not, Chadian women devote a significant amount of their time and energy in unremunerated and often overlooked work in the home, and are therefore particularly affected by forced eviction and the destruction of their homes. When families are made homeless by the demolition of their houses, women bear the brunt of rebuilding the home.

In most cases the families whose homes have been demolished cannot afford to pay for alternative accommodation and have therefore been forced to move in with relatives, who often do not have sufficient space to accommodate any additional family. Since women spend more time in the house it is they who are more affected by the discomfort of living in someone else's space.

In addition to the practical problems, the loss of privacy and space often puts strain on the relationships between family members. Women told Amnesty International delegates that they felt undermined in their role as mothers. They felt a loss of authority and were troubled at their inability to provide emotional and material support for their children.

The UN Committee on Economic, Social and Cultural Rights has noted that women are particularly disadvantaged by forced evictions:⁸⁴

" Women... suffer disproportionately from the practice of forced evictions. Women in all groups are especially vulnerable given the extent to which statutory and other forms of

discrimination often apply in relation to property rights (including home ownership) or rights of access to property or accommodation."

Women who have been made homeless as a result of the demolition of their homes often feel unable to complain and seek redress for their own losses. In the face of the loss of the family home their grievances are not seen as a priority. The additional practical and financial difficulties caused by the destruction of the family home also make it more difficult for them to find a solution to their individual problems. Amnesty International heard, for instance, of the destruction of many establishments where women, particularly older women and widows, made and sold the traditional drink, bili bili. These women have been deprived of their means of subsistence. All felt they had no one and nowhere to turn to for redress.

In Farcha, Amnesty International delegates met a 75-year-old woman whose home had been destroyed. She was unable to go with her husband to Cameroon after the loss of their home as she had to care for one of her daughters who suffered from mental illness. She had made a living by selling bili bili before the fighting in early February. With the loss of her home and livelihood the woman had become traumatized and was no longer able to speak. A neighbour, an army nurse whose home was also destroyed, described the older woman's plight:

"Mme. Dimié, 75 years old, has lived on these premises for more than 42 years. She had a little business selling traditional drinks, now she cannot work anymore. She was able to remove her personal belongings including her mattress which she sold, now she sleeps under this tree where we have sat down for our interview. After the house was demolished, her husband went to Cameroon as a refugee. She now thinks there is no one to help her."



Mme. Dimié, a 75-year-old woman whose home has been destroyed © Amnesty International

The housing destruction has also caused considerable disruption in schooling for children, violating their right to education. While it appears that few if any schools were destroyed, the destruction of homes and subsequent uprooting of families has displaced or disrupted thousands of students. For some, the trauma and crisis is such that continuing in school is simply not a priority. For others, the family has had to move far from their neighbourhood, making it impossible for them to continue in school. In the neighbourhood of Farcha, a schoolteacher whose home had been destroyed said that for some schools in that neighbourhood, school attendance seemed to be down by about 25 per cent.

LOSS OF LIVELIHOODS

The extensive demolition of thousands of houses will have serious economic repercussions for years to come. Even though people salvaged much of their personal property, Amnesty International heard from many individuals that they were not given the opportunity to save crucially important tools and materials essential to the small businesses they used to run. Additionally, because of the destruction of their premises, they no longer have a place to receive and serve customers. They have not been compensated for that loss.

Abakar Sakin, a motorcycle mechanic, and Ibrahim Abdulayhe Bulako, an auto mechanic, had operated their businesses in the 6th block in Farcha for 25 years and 23 years respectively. Abakar Sakin employed four others and Ibrahim Abdulayhe Bulako employed five. They had less than 48 hours notice that their homes, where they operated their businesses, would be destroyed. They lost everything associated with their trades and have received no compensation.



Abakar Sakin, who has lost his motorcycle business © Amnesty International

Thousands of people lost their livelihoods in the campaign of house destruction. The list of destroyed businesses is a long one, and includes furniture-makers, mechanics, hairdressers and tailors. Some of these businesses supported as many as a dozen people. The loss of some small businesses has taken away the livelihoods of particularly vulnerable individuals, such as, for example, the older women and widows who made and sold the traditional drink, bili-bili.

At a meeting with people who lost their homes in a section of the neighbourhood of Farcha, where 209 compounds were reportedly destroyed, Amnesty International delegates compiled a list of some of the people whose trades were affected. In an area covering four blocks, delegates recorded: 77 motorcycle and car repairmen, 10 welding workshops, 15 bars, 100 shops including hardware stores, 30 hairdressing salons, and 30 grilled meat outlets. The destruction of these small businesses leaves hundreds of people jobless.

In the neighbourhood of Diguel, where hundreds of shops had been built since 1989, shopkeepers had to abandon their businesses when they were evicted. A number of shopkeepers told Amnesty International delegates that in 2004, municipal officials required them to make modifications to their premises, only to see some 400 of those same premises destroyed in March 2008.

A woman who worked as a secretary at a private company told Amnesty International how her husband and people to whom she rented houses have become jobless as a result of the eviction.

"I acquired the property title legally and I had been living in this block since 1983. On 7 March, my house was daubed in paint and seven days afterwards, it was demolished. My husband had his sewing workshop in the same block. He cannot continue to work at his trade and now tries to get by as a labourer. I also owned four shops which I rented out to merchants, each of whom employed at least three people. The disco that my son owned was also destroyed."

HOUSING DESTRUCTION AND DISPLACEMENT

In the immediate aftermath of the fighting on 2 and 3 February, approximately 50,000 people fled across the border into nearby northern Cameroon. Soon afterwards, Cameroonian authorities and UNHCR (United Nations High Commissioner for Refugees) transferred the individuals from the border town of Kousseri to a refugee camp, some 35km away, in Maltam.

Conditions at Maltam were not conducive to supporting thousands of people for an extended period. The area is an exposed, desolate and very sandy expanse of land. There are virtually no trees or natural shelter. Harsh winds blow through. There are no nearby natural water sources. The site was also susceptible to heavy flooding during the rainy season.



Maltam refugee camp © Amnesty International

Maltam was also easy to reach for people travelling back and forth across the border, including Chadian officials. There were numerous reports of Chadian refugees in Kousseri and Maltam, including human rights defenders and journalists, being threatened or becoming aware that unknown individuals, believed to be Chadian security agents, were asking about their whereabouts.

International refugee protection standards require states to locate refugee camps a reasonable distance away from border areas, to minimize security concerns.⁸⁵ For reasons of safety as well as the difficult conditions prevailing at Maltam, Cameroonian and UNHCR officials decided to close the camp at Maltam. Refugees who did not wish to return to N'Djaména have been transferred to a new location at Langui, near the town of Garoua, some 400km inside Cameroon.

When Amnesty International visited Maltam in May, between 8,000 and 9,000 refugees remained there. Transfers to Langui had just begun. A first group of 472 had been transferred and a second group of a similar size was preparing to be transferred. Transfers are now complete. In all, 4,800 refugees were moved to Langui. The remainder chose to return to N'Djaména or made other arrangements.



Refugees register for transfer from Maltam to Langui refugee camp © Amnesty International

At Maltam, Amnesty International noted a considerable number of refugees who were unable to return to N'Djaména because their houses had been destroyed in the wave of home destructions launched by the government in March. Most of them have indicated they have no other choice than to move to the new refugee camp. Mahamat Timan Ahman, 76 years of age, told Amnesty International that in agreeing to the transfer he felt as if he was very likely "*saying good-bye to life in Chad*".



Mahamat Timan Ahman, who felt he had no option but to move to a new refugee camp, but that he was "saying good-bye to life in Chad". © Amnesty International

Another refugee at Maltam told Amnesty International that he had no choice but to agree to the transfer.

"On 3 February, I left N'Djaména on foot with seven members of my family, including my wife, to take refuge in Kousséri. One month later, they came to tell me that my house was going to be destroyed. I did not have the time to retrieve my personal belongings. They are now under the rubble. I am now obliged to follow the UNHCR."

7 'THE TRENCH'

Following the attacks on N'Djaména in early February, the Chadian government decided to dig a trench around the city in an effort to bolster defences. The trench is four metres wide and two metres deep. The construction of the trench has forced individuals to enter and leave N'Djaména through a limited number of designated entry and exit points.

The construction of this defensive trench has resulted in human rights violations.

First, Amnesty International was able to observe that a number of homes were destroyed expressly to make way for construction of the trench. Amnesty International takes no position on the validity of the government's decision to build the trench as part of its strategy for defending the city of N'Djaména from military attacks. As part of that initiative the government may be justified in expropriating civilian property. However, for such expropriation to be lawful, it must comply with fair procedures as outlined above, adequate notice and fair and adequate compensation in cases of forced eviction.

Amnesty International is also concerned about the impact that construction of the trench has had on civilians living in the neighbourhoods where it is located. In some instances the trench now divides neighbourhoods, including Gasi and Boudalbagar in the southern part of the city and Diguel in the north. Relatives and friends now find themselves living on opposite sides of the trench. Amnesty International has received numerous reports of individuals, particularly women, whose rights have been violated when attempting to cross the trench, for instance to visit family on the other side. These violations include being beaten, imprisoned for short periods of time and forced to pay bribes in order to gain their freedom. Amnesty International has recently received two reports of women who were allegedly raped when they attempted to cross the trench.



The trench being built around N'Djaména © Sonia Rolley

One woman, a mother of three young children in the neighbourhood of Gassi, described to Amnesty International what happened when she tried to cross the trench:

" I needed to go to the other side of the trench to find a young man who was supposed to do some work for my husband's boss. Suddenly four soldiers arrived on two motorcycles. I was with my female cousin. They made us stop. They asked us why we were crossing the trench. Hardly even waiting for our answer they began to beat us with sticks. At the same time a man who was about 40 years old was being beaten right by us. The soldiers forced him to pay them 25,000 CFA.⁸⁶ The soldiers told us that the President had invested 13 billion CFA to construct the trench and they were not going to put up with people like us crossing it. They held me for a while and then made me pay 6,000 CFA when they let me go. While I was being held a colonel came by and made fun of me. He told me I was getting what I deserved for my impudence."

Another man who had moved into the neighbourhood of Gassi in late December 2007 described his experience:

" I built a house for my family in Gassi. I kept going back to our village of Ambatta however, which is where I carried out business activities and was able to support my family. But the trench separated our house from the village and after that I did not dare go back and forth. Nonetheless I was still accused by soldiers on 23 May of being a supporter of the rebels. They said I had been avoiding paying the fee for crossing the trench. They made me lie down flat on the ground while they interrogated me. They took apart my sack, which contained all of my tools for work. Then they told me to run without stopping over a distance of about two kilometres. At that point I was able to run away. But they found me again five days later. This

time they beat me badly and then forced me pay 25,000 CFA. I told them that I simply did not have any money. Fortunately they gave up on me at that point. As they were leaving one of them said I wasn't worth their time because I was so poor."

8 COMMISSION OF INQUIRY

On 27 February 2008, the Chadian government, under considerable international pressure, announced the establishment of a Commission of Inquiry with a mandate to examine human rights violations associated with the February 2008 attacks. The initial mandate had a specific focus on “Sudanese aggression” between 28 January and 8 February.⁸⁷ The President of the National Assembly, Nassour G. Ouaidou, was appointed to be the head of the Commission of Inquiry. One foreign government and three international bodies were given full status as official members of the Commission: France, the European Union, the Organization of the Francophonie, and the African Union.

There was considerable criticism of the initial mandate and structure of the Commission. In particular, concerns were raised by local human rights organizations that the head of the Commission was perceived to be too closely aligned with the Chadian government and would therefore not be sufficiently independent.

On 2 April 2008, the government announced a number of changes. The Commission’s mandate shifted from the limited focus on Sudanese aggression to looking more broadly at concerns associated with the fighting between 28 January and 8 February 2008.⁸⁸ The international bodies which had been full members at the outset were still involved but instead now carried the status of “active observers”. Nassour G. Ouaidou, the President of the National Assembly, stepped down as head of the Commission. He was replaced by Allaissem Djaibe, a lawyer and President of the Chadian Bar Council, who had initially been the Vice-President. Hélène Lambatim, a legal academic with a strong background in human rights, was named Vice-President. Massalbaye Tenebaye, the president of the Chadian League for Human Rights (Ligue Tchadienne des Droits de l’Homme) and Vice-President of the Inter-African Union for Human Rights, was also made a member of the Commission. The Commission was supported by a number of technical committees to provide expertise in relevant areas, including one on human rights. The international observers provided personnel and resources to assist the technical committees.

During meetings with government officials and with the President of the Commission of Inquiry, Amnesty International welcomed the change in the focus of the Commission and the appointment of independent legal experts to serve on the Commission. However, the organization also highlighted concerns, including the limitation of the Commission’s mandate to the period between 28 January and 8 February 2008 and the tight timeline given to the Commission to complete its work.⁸⁹

While the period from 28 January to 8 February covers the most intense fighting and the immediate aftermath, it does not include the weeks leading up to the fighting, nor the weeks following. As this report demonstrates, there were serious human rights violations both before and after those dates. Amnesty International is concerned that there is no mechanism in place at the present time to ensure independent examination of those wider concerns and provide a remedy for human rights violations outside the period 28 January to 8 February.

The Commission submitted its report to the Chadian government on 5 August 2008. It was released publicly by the government on 3 September 2008, accompanied by a brief report providing the government's analysis and reaction.

REPORT FINDINGS

The Commission of Inquiry's report makes clear that the human and financial consequences of the attacks and resulting fighting have been immense.

The Commission documented 977 deaths (730 in N'Djaména) in the period 28 January to 8 February; 1,758 individuals injured; 32 cases of rape; and 380 individuals detained throughout the country. The Commission estimated the costs of damage to government and private property to have been just under 30 billion Central African francs, CFA, (approximately US\$75 million).⁹⁰

The report is critical of both the Chadian government and armed opposition groups. Armed opposition groups are criticized for having launched the attack on N'Djaména, in ways that clearly put civilians at risk, and also for having encouraged the population to loot and pillage as the armed groups retreated from the city.⁹¹

The Chadian military is criticized for having used indiscriminate and disproportionate force in its response to the attacks, particularly through its aerial attacks with military helicopters in civilian areas. The Commission also finds that government authorities were responsible for the arrests and enforced disappearance of a number of individuals, including political opposition leaders.⁹²

The Commission concludes that soldiers serving in the Chadian military were responsible for 24 cases of rape and attempted rape in two neighbourhoods of N'Djaména.⁹³ Amnesty International received a number of reports of rape during the course of its research in N'Djaména in May 2008. It was not, however, possible to corroborate those reports. The cases that the Commission of Inquiry has been able to document are consistent with the reports Amnesty International received.

The Commission of Inquiry report lays out a comprehensive set of recommendations, including action on outstanding individual cases of concern, compensation for survivors and families of victims of human rights violations, support for rape survivors, demobilization of child soldiers, training for military and other officials, law reform, closing of secret detention centres, ratification of international human rights treaties, reengagement with peace processes and reform of the country's justice system. The Commission calls on the government to establish a "follow-up committee", including representatives of the international community, to oversee implementation of its recommendations.⁹⁴

REACTIONS TO THE REPORT

Chadian President Idriss Déby sharply criticized the Commission of Inquiry report. In a written response President Déby decries the Commission for having gone beyond its mandate by including a discussion of Chad's political, social and economic context in the report.⁹⁵ The President's response accuses the Commission of being biased, having disproportionately focused on abuses by government forces and drawing conclusions on the basis of unsubstantiated information and insinuations. The response insists that the government's actions, including aerial attacks in civilian areas using military helicopters, were all legitimate self-defence in the face of the attack from the armed opposition.⁹⁶

On 20 September President Déby issued a presidential decree establishing a follow-up committee to propose measures which would respond to the Commission of Inquiry's recommendations. However the follow-up committee does not include international representatives, which had been called for by the Commission of Inquiry. Nor does the committee include any representatives from civil society organizations. Chadian human rights organizations have criticized the process and composition of the follow-up committee as lacking in transparency and independence.⁹⁷

In a joint statement, the Organization of the Francophonie and the European Union, both of which had official observer status during the Commission of Inquiry, welcomed the report and called for the recommendations to be implemented. They expressed regret that the Commission was not able to clarify what has happened to Ibni Oumar Mahamat Saleh, the prominent opposition leader who disappeared after being arrested by government security forces on 3 February 2008.⁹⁸ Ibni Oumar's family, the coalition of political parties which Ibni Oumar represented, and the armed opposition all issued similar statements regretting or criticizing the failure to clarify this case.⁹⁹

Amnesty International has had an opportunity to review the report. The organization welcomes the report and notes that many of the Commission's findings are consistent with Amnesty International's own findings. Amnesty International shares the disappointment, noted above, that it was not possible for the Commission to establish what has happened to Ibni Oumar. It is also regrettable that while the Commission had access to detention centres, the identity of a considerable number of detained individuals, the nature of the charges, if any, against them and their current status has not been disclosed. In particular, it is alarming that the Commission was unable to provide any further information regarding the fate of some 400 fighters from the armed opposition who are rumoured to have been taken prisoner by government forces. The report notes that it is possible that these constitute cases of enforced disappearance and calls on the government to provide details about their fate.¹⁰⁰

Amnesty International welcomes the considerable detail provided in the Commission's report on the cases of the arrests, attempted arrest and enforced disappearance of prominent opposition leaders. It is unfortunate that more detail has not been provided in the Commission's report with respect to international humanitarian law concerns. The report notes that both the government and the armed opposition have committed breaches of humanitarian law and highlights in particular the government's deployment of military

helicopters to launch aerial attacks in civilian neighbourhoods.¹⁰¹ However, there is very little background provided. Amnesty International has documented some of the civilian casualties, injury and property damage that resulted from these violations of humanitarian law by government and armed opposition forces.

Amnesty International also regrets that the Commission did not examine the issue of international military cooperation and arms transfers, including between Chad and France, and between Sudan and Chadian armed opposition groups. In section 11 of this report Amnesty International highlights instances of military cooperation and involvement in arms transfers by these and other countries. There is a pressing need for this issue to be more fully examined. Amnesty International is concerned that international military cooperation and the transfer of conventional weapons and munitions to those involved in the Chad conflict have not been adequately controlled according to strict human rights and international law criteria, and that such cooperation and arms flows have contributed to violations of international human rights and international humanitarian law.

Finally, the Commission did not have a mandate to identify individual wrongdoers and recommend criminal proceedings. Given the government's criticism of the Commission of Inquiry's work, Amnesty International is concerned that the government will not use the report as a basis for ensuring that individuals who are suspected of committing the violations of human rights and humanitarian law documented in the report are brought to justice. Where suspected war crimes, crimes against humanity and other serious human rights violations have been committed, the government of Chad has an obligation to ensure that any individual suspected of committing such crimes is brought to justice. The Organization of the Francophonie and the European Union have called on the government to "launch judicial procedures and internal investigations with an eye to identifying and bringing to justice those individuals accused of the most serious abuses."¹⁰² Amnesty International reiterates this call.

9 THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community has made a number of significant contributions to strengthening human rights protection in Chad. EUFOR and MINURCAT are playing an important role in assisting in the protection of civilians and the strengthening of human rights protection in eastern Chad. Foreign governments have launched capacity-building programmes with Chadian police, gendarmes and military, which include some training in human rights issues. A number of governments as well as the European Union, African Union and the Organization of the Francophonie provided crucial support to the Commission of Inquiry that examined human rights and humanitarian law concerns associated with the events that took place in Chad between 28 January and 8 February 2008. This support included serving as active observers and assisting in the work of the Commission's technical committees.

Amnesty International welcomes these positive contributions to addressing security and human rights concerns in Chad. The organization is, however, gravely concerned that some aspects of international military cooperation and assistance, particularly between the Chadian and French governments, have undermined the protection of human rights in the country.

INTERNATIONAL MILITARY COOPERATION

Amnesty International has previously highlighted concerns about the failure to ensure that military cooperation between Chad and France does not contribute to or cause human rights violations.¹⁰³ Chad gained independence from France in 1960. The French military has, however, remained actively engaged in Chad since that time. France's current military presence in the country, known as *Opération Epervier*, dates from 1986.

There were significant French military activities in the course of the fighting in early February. French forces evacuated foreign nationals from N'Djaména. French Mirage F1 jets conducted reconnaissance flights over areas where the armed opposition was advancing and are reported to have provided information to government forces.¹⁰⁴ French troops maintained control of the airport in N'Djaména throughout the fighting, which is adjacent to a French military base. Chadian military helicopters, including a number of Mi-17 general military helicopters and at least one Mi-24 military attack helicopter, which were responsible for numerous attacks that led to civilian deaths and casualties, left from and returned to the airport.

On 7 February 2008, a French newsmagazine reported that Libya had supplied Chad with ammunition for T-55 tanks and missiles for the Mi-24 attack helicopter. French military aircraft reportedly transported both items.¹⁰⁵ On 14 February 2008, the French Ministry of

Defence acknowledged that the French army had helped the Chadian government with the transportation of ammunition from Libya, but the Minister did not say if French aircraft were used.¹⁰⁶ He did reportedly say that Libyan aircraft could have delivered the ammunition, because various Libyan aircraft had landed at N'Djaména airport during the crisis. In February 2008, the French government also announced its readiness to sell ERYX missiles to the Chadian armed forces.¹⁰⁷

French forces were also accused of playing a role in supporting government forces against the armed opposition during an earlier attack on N'Djaména in April 2006, including by providing logistical support and intelligence to Chadian military forces and reportedly firing warning shots near a column of opposition fighters.¹⁰⁸

INTERNATIONAL ARMS TRANSFERS

Amnesty International delegates recovered an ammunition round and a cartridge casing allegedly fired by Chadian security officials during the arrest of Ngarlejy Yorongar on 3 February 2008. Ngarlejy Yorongar's driver, who was in the house at the time, was shot and injured during the arrest. Analysis has revealed it to be of Chinese origin, manufactured in 2006. Markings from another cartridge fired during the same incident suggest it is probably of French origin.¹⁰⁹

France has long been a commercial supplier of cartridges and firearms to Chad, but in 2006 the largest commercial supplier of cartridges to Chad was Serbia, which recorded delivery of 48,610 kilograms of cartridges worth nearly US\$900,000.¹¹⁰

Amnesty International also recovered fragments that were used in the helicopter attacks in the neighbourhood of Blabline. Analysis has demonstrated that almost certainly among the weapons used were air-launched S-5M 57mm HE fragmentation rockets. It was not possible to conclusively identify the source or the year of manufacture from the fragments recovered by Amnesty International. These weapons are known to be manufactured in Bulgaria, the Czech Republic, Poland and the Russian Federation. They are not, to Amnesty International's knowledge, manufactured within Chad.



Piece from S-5M 57 mm HE fragmentation rocket © Amnesty International

On 12 August 2008, during celebrations in N'Djaména marking the anniversary of Chad's independence, an extensive array of weapons, originating from a variety of countries, was displayed during a military parade. Amnesty International was told that many people, especially children, found the display distressing and that it brought back memories of the fighting in February.¹¹¹

Amnesty International has documented arms and weapons transfers to Chad involving a number of countries, including France, Switzerland, Israel, Belgium, Serbia, South Africa, China and Libya. The organization is concerned that arms and weapons from these and other countries have been used in human rights violations and in breaches of international humanitarian law, both in N'Djaména, as documented in this report, and in eastern Chad.

After the Chadian army fought with Chadian armed opposition groups near Abeché, in eastern Chad, in late November 2007, armed opposition group commanders took some journalists to see captured weapons and damaged Chadian army equipment, including an Israeli RAM-2000 vehicle produced by the Ramta division of Israel Aircraft Industries. This type of vehicle only started appearing in the market around 2004.¹¹²

In 2006 it was reported that President Déby had signed a contract on 5 September 2006 with a South African company for the delivery of 82 AML-90 armoured vehicles to be delivered, with ammunition, through Belgium.¹¹³ On 3 March 2007, there were reports that a first delivery of an order of 40 French manufactured armoured tanks, AML 90, delivered in Belgium by South Africa had arrived in Chad, "*intended for the town of Adre and its surroundings to prevent the progression of the Chadian rebellion.*"¹¹⁴

On 7 December 2007, an Israeli website for military photographs showed an AFP picture taken the previous day of "Chadian soldiers on armoured vehicles south of the Kapka mountain range in the east of the country near the border with Sudan's troubled Darfur region". The armoured vehicles were Eland (AML-90). A Belgian company known for supplying such armoured vehicles, approached by Amnesty International, declined to confirm or deny delivering them to Chad. Its website states that the company "buys military vehicles and surplus goods, and resells after reconditioning them in its workshops."¹¹⁵ The Belgian government has informed Amnesty International that there was no approval to ship armoured vehicles to Chad. Instead, authorization was given to sell armoured vehicles to France, without any restrictions as to further sales or transfers.¹¹⁶

There are also concerns that Sudanese armed opposition groups responsible for grave human rights violations in Darfur continue to receive small arms, light weapons and ammunition allegedly from or through Chad. A UN Panel of Experts' report in October 2007 notes a number of cases of arms deliveries to the JEM, through Chad, including assault rifles which the Israeli Ministry of Defence admits were sold by Israel to Chad.¹¹⁷ UN investigators have noted the repeated unloading of suspected military supplies in Abeché, eastern Chad from an Antonov 12 cargo aircraft that flew with a fake Kazakhstan registration number (thereby using the registration "UN") and under the name of a company that no longer exists.¹¹⁸

Chadian armed opposition groups based in Darfur, with tacit and active support of the Sudanese government, have also been using Chinese small arms and light weapons, as evidenced by the identity of arms captured from the Union of Forces of Democracy and Development in November 2007 and admissions by another Chadian opposition group, the Rally of Forces for Change, in 2007.¹¹⁹ In 2006, members of a third armed Chadian opposition group, the United Front for Democratic Change, were photographed carrying Chinese-made QLZ87 35mm automatic grenade launchers outside the town of El Geneina in western Darfur near the Chad border, and its commander had just claimed to have visited the People's Republic of China.¹²⁰ The use of Chinese small arms and light weapons corresponds to the findings of the UN Panel of Experts monitoring the UN arms embargo on Darfur and to the commercial trade data on arms imports to Sudan.

The lack of border controls between Chad and Sudan, combined with active support in Chad for Darfur rebel groups, led the UN Panel on Darfur to suggest in October 2007 that an arms embargo should be imposed by the UN Security Council on eastern Chad (the Wadi Fira and Ouaddai regions) to curtail illegal arms shipments to armed groups such as JEM in Darfur and help strengthen the UN arms embargo on all parties to the conflict in Darfur. Under this arrangement, the Chadian government could seek exemptions from the UN Security Council for arms transfers to garrisons in these two regions, with UN or European Union forces authorized to monitor and inspect all such transfers. A recent report from the International Crisis Group urges France, Libya and the European Union to halt all arms transfers to the

Chadian government and to work to cut off military support for the armed opposition.¹²¹

Amnesty International calls on all governments to ensure that there are no transfers of arms to Chad that can be reasonably expected to be used in the commission of human rights violations or breaches of international humanitarian law.

10 RECOMMENDATIONS

There is an urgent need for action by the Chadian government, armed opposition groups and the international community to address the deepening human rights crisis in Chad. Amnesty International has previously highlighted a series of measures that Chadian authorities and the international community must adopt in the face of widespread crimes against humanity in eastern Chad. The long awaited arrival of EUFOR is one important step towards restoring basic levels of security for civilians throughout that part of the country. However the situation in the east remains volatile. Delays in the deployment of MINURCAT and DIS mean that there has not yet been substantial progress with respect to more comprehensive steps needed to strengthen human rights protection in eastern Chad.

Recent violations of international human rights law and international humanitarian law in and around N'Djaména underscore how crucial it is that the Chadian government develops and implements a strong and effective action plan for improving human rights protection throughout the country. The international community should press the Chadian government to do so, as a matter of urgency, and should provide the necessary technical and financial support. Foreign governments should also ensure that they are in no way contributing to human rights violations in Chad, including through the transfer of arms and weapons when there are reasonable grounds to believe they would be used in the commission of human rights violations.

The Chadian Government should:

1. Take immediate action to ensure the safety of human rights defenders, journalists and members of the political opposition in Chad

- Refrain from harassing, threatening and attacking human rights defenders in Chad.
- Refrain from actions which infringe upon the freedom of expression of journalists.
- Work with a broad cross-section of human rights defenders and journalists, including those remaining in exile, to identify measures needed to protect them.
- Ensure that swift action is taken to investigate all threats or attacks against human rights defenders and journalists, with a view to bringing those responsible to justice in trials that meet international standards of fair trial.
- Invite the UN Special Rapporteur on the situation of human rights defenders to visit Chad.
- Repeal those provisions of Ordonnance N° 5 of 20 February 2008 which violate freedom

of expression.

- Put measures in place to help ensure the safety of members of the political opposition, including figures currently in exile.

2. Account for all individuals who have been subject to enforced disappearance in Chad or who are being held in undisclosed places of detention

- Publicly confirm that Chadian security forces arrested and detained Ibni Oumar Mahamat Saleh, on 3 February 2008; and disclose his fate and current whereabouts.
- Publicly confirm the detention, and disclose the whereabouts, of all military officers and other individuals who disappeared in N'Djaména in April 2006 and eastern Chad in November 2007.
- Provide full details of the numbers, identities and places of detention of all prisoners captured in the course of fighting in N'Djaména in early February 2008 and permit the office of the prosecutor to visit all detention centres.
- Ensure that all of these individuals are either released or immediately charged with a recognizable criminal offence, are allowed visits from family and legal counsel, and are brought to trial in proceedings that meet international fair trial standards.
- Launch independent investigations into cases of individuals who have died or disappeared while in custody;
- Initiate prosecutions and bring to justice in trials that meet international standards of fair trial, people who are suspected – on reasonable evidence – to be responsible for human rights violations and provide fair compensation to victims or their families.
- Extend invitations to the UN Working Group on Enforced or Involuntary Disappearances and the UN Working Group on Arbitrary Detention to visit Chad.
- Ratify the *International Convention for the Protection of All Persons from Enforced Disappearance*.

3. Ensure accountability and redress for human rights violations

- Adopt and implement the recommendations contained in the report from the *Commission of Inquiry into the events of 28 January to 8 February and their Consequences*.

- Change the composition of the follow-up committee, established to oversee the government's response to the Commission of Inquiry report, to include representatives of the international community and Chadian civil society.
- Take immediate steps to strengthen and improve the systems of training and operational accountability with respect to international humanitarian and international human rights law for all members of the armed forces and law enforcement agencies, including the application of UN standards for the use of force in law enforcement by police, soldiers and others.
- Ensure that the Commission of Inquiry's findings serve as a basis for holding people accountable for human rights violations and breaches of international humanitarian law. Where necessary institute criminal proceedings against those suspected of committing war crimes, rape, extrajudicial killings, torture, enforced disappearances and other serious violations.
- Launch independent investigations into alleged human rights violations and breaches of international humanitarian law that fall outside the Commission of Inquiry's mandate, including those associated with housing demolition and forced evictions.
- Establish an independent, fair and effective vetting process for members of the Chadian security forces to ensure that those individuals who are suspected, on reasonable grounds, of being responsible for committing serious human rights violations or breaches of international humanitarian law are removed from their duties pending independent and impartial investigations.
- Work with international donors and experts to establish a program of assistance and support for women who have been victims of rape and other sexual violence.

4. Provide effective remedies to victims of forced evictions in N'Djaména

- Immediately cease all forced evictions and legislate and enforce a clear prohibition on forced evictions.
- Establish the numbers and names of individuals who have lost their houses or businesses.
- Provide victims of forced evictions with necessary assistance to ensure emergency shelter, access to adequate clean water and sanitation and health services.
- Respect the rights of all victims of forced evictions to an effective remedy, including access to justice and the right to reparations, including restitution, rehabilitation, compensation and guarantees of non-repetition.
- Work with UNHCR to identify durable solutions for refugees who have lost their homes,

in compliance with international law and standards, including the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons.

- Conduct a full, independent and impartial inquiry into the role of police, military and other officials in carrying out forced evictions, and bring to justice all those suspected of having committed human rights violations.
- Ensure that any future evictions are in line with international human rights laws and standards, including Article 11 of the International Covenant on Economic, Social and Cultural Rights, and comply with the guidelines set out by the Committee on Economic, Social and Cultural Rights in its General Comment 7.
- Extend an invitation to the UN Special Rapporteur on adequate housing to visit Chad.

5. Address concerns associated with N'Djaména's defensive trench

- Work with people in affected neighbourhoods to address human rights concerns associated with the location of the trench.
- Appoint an independent authority to receive and investigate complaints of human rights violations associated with the construction of the trench or with passage across the trench.

Chadian armed opposition groups should:

- Comply with their obligations under international human rights and humanitarian law, in particular those relating to the protection of civilians.
- Refrain from mounting military attacks which place civilians at risk, and especially refrain from attacks made from within civilian neighbourhoods or in close proximity to other civilian objects when military responses to those attacks are likely to put civilians at risk.
- Remove from their ranks any individuals implicated in serious violations of international human rights law or breaches of humanitarian law.

Members of the international community, in particular France, the USA, Libya, the UN, the African Union and the European Union, should:

- Work closely with the Chadian government to ensure full and timely implementation of the above recommendations and those contained in the report of the Commission of Inquiry, including the establishment of a “follow-up committee” with international participation, to oversee implementation of the Commission of Inquiry’s recommendations.
- Ensure that all foreign embassies in Chad make a concerted effort to provide visible support to the work of human rights defenders and journalists in the country. Embassies of countries that are members of the European Union should do so in accordance with the EU Guidelines on Human Rights Defenders.
- Ensure that durable solutions are found for Chadian refugees in Cameroon, particularly those whose homes in N’Djaména have been destroyed.
- Adopt a clear and transparent policy to safeguard against military assistance or transfers to Chadian government or opposition forces – including equipment, weapons, ammunition, personnel or training – which are likely to be used in the commission of serious violations of international human rights law or international humanitarian law.
- Support the recommendation of the UN Panel on Darfur for an arms embargo to be imposed by the UN Security Council on eastern Chad (the Wadi Fira and Ouaddaï regions) to curtail illegal arms shipments to armed groups in Darfur and to help strengthen the UN arms embargo on the parties to the conflict in Darfur.
- The French government should launch an inquiry to examine the nature of military cooperation between Chad and France, including determining whether the transfer of arms or ammunition and the military assistance given by France to the Chadian armed forces have been used to commit serious violations of international human rights and humanitarian law.
- Ensure that MINURCAT is able to fully deploy without further delay, in keeping with provisions of UN Security Council Resolution 1778 of 25 September 2007.
- Support the recommendations of the UN Secretary-General with respect to the extension of MINURCAT’s mandate.

ENDNOTES

1 BBC, Rebels battle near Chad capital, 1 February 2008, <http://news.bbc.co.uk/2/hi/africa/7221632.stm>.

2 The Report of the Commission of Inquiry into the events that took place in the Republic of Chad between 28 January and 8 February 2008 and their consequences (Rapport de la Commission d'Enquête sur les événements survenus en République du Tchad du 28 janvier au 08 février 2008 et leurs conséquences), July 2008 (hereafter Commission of Inquiry report), documents 977 deaths in N' Djaména and other regions of Chad between 28 January and 8 February. 730 of those deaths occurred in N' Djaména. On 6 March 2008, Chadian President Idriss Déby estimated that 700 people were killed during the fighting, most of them civilians (Idriss Déby évoque "700 morts" et dément l'arrestation d'opposants, Le Monde, 7 March

2008). Just after the fighting Médecins Sans Frontières indicated that based on hospital counts 100 civilians had been killed and nearly 700 wounded (Chad clashes "killed 100" people, BBC News, 6 February 2008). On 5 February 2008 Chadian Red Cross officials spoke of "hundreds" of civilians killed in the fighting (Hundreds of Civilians Dead in Chad, ABC News, 5 February 2008).

3 Within two weeks of the exodus into Cameroon, thousands of refugees had begun to return to N' Djaména. By 22 February, when refugees were resettled to a new camp at Maltam, UN officials indicated that there were 37,000 Chadian refugees in northern Cameroon. WFP provides food to Chadian refugees in Cameroon as they are moved to new camp, World Food Programme press release, 22 February 2008. More recently, approximately 4,800 remaining refugees have been transferred from Maltam to Langui, 450km to the south.

4 Initially the government declared a 15-day state of emergency, which was extended for a further 15-day period.

5 The actual number of people left homeless has been impossible to verify, as government officials did not carry out a reliable census before or after the destruction, and many destroyed homes did not appear on the government's official list. Amnesty International estimates that 60,000 is a conservative figure. The estimate is based on projections from neighborhoods visited by Amnesty International. The organization received estimates as high as 150,000 from groups and individuals in N' Djaména.

6 One of the armed opposition groups involved in the fighting in Darfur.

7 Former Chadian president Hissène Habré fled to Senegal after his ousting in December 1990 and has resided there since. As documented in a number of Amnesty International reports, while he was in power he was responsible for crimes against humanity and other grave human rights violations (see, for example, Amnesty International, Chad: The Habré Legacy, Index: AFR 20/004/2001, 2001). After his government was overthrown, a Chadian truth commission found Hissène Habré responsible for the deaths of approximately 40,000 people. Senegal is preparing to bring him to trial, at the request of the African Union. On 16 September 2008 a group of 14 individuals filed a complaint of 142 pages and 183 annexes against Hissène Habré before the Court of Appeal in Dakar, Senegal.

8 Amnesty International, Sudan: Hundreds Unaccounted for and 109 to Face Sham Courts Over May Attacks, 20 August 2008.

9 Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, S/2008/601, 12 September 2008, para. 47.

10 Oxfam International, Mission incomplete: why civilians remain at risk in eastern Chad, 10 September 2008, p15.

11 Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, S/2008/601, 12 September 2008, paras. 23-26.

12 Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, S/2008/601, 12 September 2008, para. 24.

13 Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, S/2008/601, 12 September 2008, paras. 63, 70, 76.

14 UN Security Council Resolution 1834 (2008), SC/9454, 24 September 2008, para. 10.

15 In Cameroon the Amnesty International delegation visited the town of Kousséri and the nearby Mallam refugee camp.

16 Chadian President Idriss Déby appointed a new government on 15 April 2008. Youssouf Saleh Abbas was named Prime Minister, replacing Delwa Kasire Koumakoye who had been Prime Minister since February 2007 following the death of Pascal Yoadimnadj. Youssouf Saleh Abbas is originally from eastern Chad, as are many leaders of the armed opposition. His appointment is seen as an attempt to forge a unity government. On 23 April President Déby appointed four members of the Chadian opposition to the government: Defence Minister Wadel Abdelkader Kamougué, Justice Minister Jean-Bawoyeu Alingué, Urban Affairs and Habitat Minister Hamit Hahamat Dahalob and Agriculture Minister Naimbaye Lossimian. The latter three were members of the Coordination of Opposition Parties for the Defence of the Constitution, which is made up of approximately 20 political parties. The Coalition had suspended dialogue with the government after its spokesperson and Secretary-General of the Party for Freedom and Development, Ibni Omar Mahamat Saleh "disappeared" after being arrested at home by Chadian soldiers on 3 February 2008.

17 Chad is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination and the Convention relating to the Status of Refugees. Chad has also ratified the African Charter on Human and Peoples' Rights and the Convention Governing the Specific Aspects of Refugee Problems in Africa.

18 Chad is a party to the four 1949 Geneva Conventions and their two 1977 Additional Protocols.

19 As described in this report, some 50,000 refugees fled into Cameroon, 4,800 of whom remain. There have been numerous credible reports of Chadian security agents crossing into Cameroon and actively pursuing and threatening Chadians who had fled there.

20 See for example, Amnesty International, Chad: Never Again? Killings continue into the 1990s, Index: AFR 20/04/93, 1993; Amnesty International, Chad: The Habré Legacy, Index: AFR 20/004/2001, 2001.

21 N ' Djaména Hebdo, No. 1088, lundi 24-mercredi 25 décembre, 2007.

22 The term "private radio station" is used in this report to refer to a radio station which is not controlled by the government.

23 These descriptions of President Déby's comments during his speech at the youth rally in N'Djaména's Place de l'Indépendance were provided to Amnesty International by a number of individuals who were present at the time and were reportedly covered in a number of media reports.

24 The specific rights of human rights defenders are set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Although the UN Declaration is not in and of itself legally binding, the provisions of the Declaration are grounded in legally binding provisions of the International Covenant on Civil and Political Rights which sets out the right to freedom of expression (article 19), association (article 22) and assembly (article 21).

25 UN Code of Conduct for Law Enforcement Officials; and the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials.

26 Commission of Inquiry report, Executive Summary, p4.

27 Chadian human rights groups have issued reports detailing their findings as to the extent of civilian deaths, injury and damage to property during these attacks: Association pour la Promotion des Libertés Fondamentales au Tchad, Rapport Circonstancié sur les Événements des 2 & 3 Février 2008 et ses Conséquences à N ' Djaména, Ligue Tchadienne des Droits de l'Homme, Quand le pays sombre dans le chaos: Rapport sur les droits humains suite aux événements des 02 et 03 février 2008 à N ' Djaména et leurs conséquences.

28 Analysis and identification of the fragment was carried out for Amnesty International by the Omega Research Foundation. It was not possible to conclusively identify the manufacturer or the date of manufacture from the fragments recovered by Amnesty International.

29 A compound (concession) is an enclosure containing a collection of a number of small connected or stand-alone buildings (chambres), which is home to extended

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families. Some concessions are home to as many as 50 or 60 people.

30 All witnesses interviewed by Amnesty International who saw the pilots indicated that they were "blancs" (whites). This is consistent with reports that the Chadian military has made use of foreign mercenaries, often said to be from Ukraine and Mexico, as helicopter pilots. The use of foreign mercenaries as helicopter pilots by the Chadian military was acknowledged as a well-known practice by members of the diplomatic community in Chad in meetings with Amnesty International delegates.

31 Commission of Inquiry report, p159.

32 Commission of Inquiry report, p160.

33 Grand Mosque.

34 Despite a programme of work carried out by the Demining High Council in the aftermath of the fighting, civilians continue to be victims of unexploded ordnances (UXO). Seven people were killed and at least 17 wounded on 4 August 2008 in an explosion at N' Djaména's central market thought to be caused by an explosive left over from the February 2008 attack on N' Djaména (CHAD: Deaths from UXO "on the rise" says MSF, <http://www.irinnews.org/report.aspx?ReportID=79671>).

35 Refers to a small freestanding building within a compound, used for sleeping.

36 Commission of Inquiry report, pp27-28.

37 Common Article 3 to the four Geneva Conventions prohibits "at any time and in any place whatsoever" the use of specific acts on persons taking no active part in hostilities, including non-combatant civilians and members of armed forces who have laid down their arms, or who have become sick, wounded, or detained. The prohibited acts are violence to life and person, including murder, mutilation, cruel treatment, and torture, and outrages upon personal dignity, such as humiliating and degrading treatment.

38 Amnesty International delegates carried out an extensive interview with the guard and observed various scars on his body, consistent with his descriptions of being beaten.

39 Amnesty International Urgent Action, Index: AFR 20/001/2008.

40 Commission of Inquiry report, pp162-163.

41 Scarf wrapped around the head and neck.

42 Amnesty International has been informed by numerous members of Ibni Oumar's family and legal team that during a visit to the Chadian capital on 27 February 2008, the French President, Nicolas Sarkozy, told Ibni Oumar's lawyers that President Déby would like to see Ibni Oumar's wife and that the French Minister of Foreign Affairs, Bernard Kouchner, also sent representatives asking her to meet with President Déby.

43 Amnesty International Press Release, Chad: Amnesty International questions French claims as Sarkozy prepares to visit N' Djaména, 26 February 2008.

44 Commission of Inquiry report, pp23 and 79.

45 Commission of Inquiry report, p165.

46 See for example, Amnesty International, Chad: Never Again? Killings continue into the 1990s, Index: AFR 20/04/93, 1993; Amnesty International, Chad: The Habré Legacy, Index: AFR 20/004/2001, 2001.

47 Amnesty International, Chad: More than 14 army officers and civilians arrested in April 2006 still held incommunicado, Index: AFR 20/007/2007, 2007. Those arrested include Colonel Abakar Gawi, Commander of the Gendarmerie Legion of Batha; Colonel Khamis Doukoune, 3rd Deputy Army Chief of Staff; Battalion Commander Adil Ousman, Deputy Director of Administration and Finances for the Chadian Army; Colonel Ahmat Haroun, responsible for the B2 Office of the Chief of Army Staff; Colonel Abdoulaye Sarah, Director of Communications for the Gendarmerie; Colonel Adam Mahamat aka Guite, and Abdurahmane Youssouf Seid, Army Chief of Staff, Gendarmerie. Others arrested are Ramat Ahoula, Michelim Ahmat Oumar, Ahmat Mahamat, Ali Ousman, Guy Békam and Mahamat Saleh Idriss.

48 Abdelkarim Mahamat Toraye, Governor of the Department of Dar Tama, Brahim Idriss Ibrahim, army officer, Youssuf Abdekarim Abdoulaye, army officer, Yakoubaye Oumar Adam, army officer, Abdelaziz Moussa, army officer, and Ali Kaikit.

49 Amnesty International Urgent Action, Index: AFR 20/013/2007, 10 December 2007.

50 Chad has not as yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, having signed the Convention, Chad has expressed its consent to be bound by the Convention and is under an obligation not to defeat the object and purpose of the Convention.

51 Commission of Inquiry report, p38.

52 Commission of Inquiry report, p39.

53 Al Jazeera, Curfew imposed on Chad capital, 7 February 2008.

54 Décret No 129/PR/2008 portant institution de l'État d'urgence sur toute l'étendue du Territoire de la République du Tchad.

55 Nassour Guelendouksia, president of the National Assembly, announced to the media on 29 February that the assembly had decided that security remained seriously threatened and had voted to extend the state of emergency until 15 March.

56 Given that the state of emergency was declared 11 days after government forces had defeated the armed opposition and calm had returned to N' Djaména, it is unlikely that it meets the requirements of article 4 of the International Covenant on Civil and Political Rights, namely: "a public emergency which threatens the life of the nation and the existence of which is officially proclaimed".

57 Ordonnance No 5, articles 41 and 48.

58 Ordonnance No 5, article 15.

59 Interview with Sonia Rolley. See also: Sonia Rolley contrainte de quitter le Tchad, France 24, 21 March 2008, <http://www.france24.com/fr/20080321-sonia-rolley-correspondante-tchad-rfi-medias-suspension-autorisation-travail-journaliste-ndjamena>.

60 International Covenant on Civil and Political Rights, article 19.

61 Commission of Inquiry report, Recommendation 9, p170.

62 A prize awarded by the Panafrican Film and Television Festival in Ouagadougou, Burkina Faso.

63 ORDONNANCE 05: La mise à mort de la presse, Le journal des journaux, Édition spéciale de mars 2008.

64 Amnesty International, Chad: A country under the arbitrary rule of the security forces with the tacit consent of other countries, Index: AFR/20/04/96, 1996.

65 N' Djaména Hebdo, No. 1088, lundi 24 au mercredi 26 décembre, 2007. President Déby's full comments were: "Too much liberty kills liberty. Too much liberty leads to disorder. Too much democracy destroys society... My voice must be heard."

66 Décret No 277/PR/2008, Portant déguerpissement dans la ville de N' Djaména, 22 February 2008.

67 An N' Djaména city map provided to Amnesty International by municipal officials highlights areas which were slated for housing demolition, including two sites in the 1st Arrondissement (the neighbourhood of Farcha), five in the 2nd Arrondissement (four in the neighbourhood of Hamral-Goz and a large area in Gardole), eight sites in the 3rd Arrondissement (six in La Cornice, one in Sabangali and one in Ardep-Djournal), three sites in the 4th Arrondissement (one in Repos and another at Naga II), 10 in the 7th Arrondissement (two in Dembe and eight in Chagoua) and 11 sites in the 8th Arrondissement (seven in Ndmari and four in Diguel).

68 Fiche de Recensement de la Zone Déguerpie, Mairie de N' Djaména.

69 A detailed map of N' Djaména prepared by N' Djaména municipal officials and seen by Amnesty International delegates suggests that there may be plans to demolish homes in four areas in the city's second Arrondissement, two in the third, four in the fourth, two in the fifth, six in the sixth, 11 in the seventh and nine in the eighth.

70 See Concluding Observations on Kenya, Report of the Human Rights Committee, Volume 1, UN Doc. A/60/40 (Vol. I) (2004-5), para. 86(22).

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- 71 The African Commission on Human and Peoples' Rights held in Center for Economic and Social Rights and Social and Economic Rights Action Center (SERAC) v. Nigeria (155/96) that in carrying out forced evictions the Nigerian Government had violated the right to adequate housing under Articles 14, 16 and 18(1) of the African Charter. These three articles refer respectively to the rights to property, to the best attainable standard of health and to protection of the family. The African Commission also found that Nigeria, in carrying out repressive actions in Ogoniland, including forced evictions, had violated Article 4 of the African Charter which guarantees the right to life and integrity of the person.
- 72 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The Right to Adequate Housing: Forced Evictions, para. 3.
- 73 UN Committee on Economic, Social and Cultural Rights, General Comment 4, The Right to Adequate Housing, para. 18.
- 74 CESCR, General Comment 7, para. 13.
- 75 CESCR, General Comment 7, para. 15.
- 76 CESCR, General Comment 7 para. 16.
- 77 CHR Resolution 1993/77: Forced Evictions, paras 1 and 3.
- 78 UNHCR Executive Committee Conclusion No.101 (LV), Legal Safety Issues in the Context of Voluntary Repatriation of Refugees, paras (h)-(j), 2004.
- 79 Loi no 23 du 22 juillet 1967 portant statut des biens domaniaux.
- 80 Meeting with the first Deputy Mayor of N^o Djaména, Mbailemdana Fatime Farie Thérèse, and Saramadi Umar, Director of Technical Services for the City of N^o Djaména.
- 81 Amnesty International was not able to independently verify the dates of purchase provided by these and other residents, but did in many instances review documents that some residents still had in their possession.
- 82 Meeting with the first Deputy Mayor of N^o Djaména, Mbailemdana Fatime Farie Thérèse, and Saramadi Umar, Director of Technical Services for the City of N^o Djaména.
- 83 Meeting with the first Deputy Mayor of N^o Djaména, Mbailemdana Fatime Farie Thérèse, and Saramadi Umar, Director of Technical Services for the City of N^o Djaména.
- 84 CESCR General Comment 7, para. 3.
- 85 UNHCR Executive Committee Conclusions No. 48 (XXXVIII), Military or Armed Attacks on Refugee Camps and Settlements, para.4(c), 1987; No. 82 (XLVIII), Safeguarding Asylum, para.d(vii), 1997; No. 94 (LIII), Civilian and Humanitarian Character of Asylum, 2002, para.a.
- 86 Approximately US\$60.
- 87 Décret N°324/PR/2008 Portant création d'une Commission d'Enquête sur l'agression soudanaise du 28 janvier au 8 février 2008 et ses conséquences and DECRET N°325/PR/2008 portant création des membres de ladite commission.
- 88 Décret N°525/PR/2008 Sur les événements survenus entre le 28 janvier et le 8 février et leurs conséquences.
- 89 Established on 2 April 2008, the Commission was originally required to submit its report by 2 July 2008. That deadline was later extended and the Commission presented its report to the Chadian government on 5 August 2008.
- 90 Commission of Inquiry report, Executive Summary, pp5-6.
- 91 Commission of Inquiry report, p153.
- 92 Commission of Inquiry report, pp153-154.
- 93 Commission of Inquiry report, pp39-41, documenting acts of rape and attempted rape in the neighbourhoods of Chagoua and Pont Belilé.
- 94 Commission of Inquiry report, pp.160-164.

95 The discussion is found in the opening nine pages of the Commission of Inquiry report.

96 Presidency of the Republic of Chad, Analysis of the Report of the Commission of Inquiry into the events that took place in the Republic of Chad between 28 January and 8 February, 2008 (Analyse du Rapport de la Commission d'Enquête sur les événements survenus en République du Tchad du 28 janvier au 08 février 2008 et leurs conséquences), http://www.presidencetchad.org/analyse_rapport_03_09_08.htm, 3 September 2008.

97 Le gouvernement tchadien en quête d'impunité? La Fédération internationale des ligues des droits de l'Homme, 27 October 2008.

98 Tchad/rapport Ibni: l'OIF et l'UE regrettent le manque de vérité, AFP, 3 September 2008. Ibni Omar's case is discussed further below.

99 Tchad/disparition Ibni "Déby est le commanditaire" (fils d'Ibni), AFP, 3 September 2008. Chad opposition calls for truth on political kidnappings, implicates France, AFP, 4 September 2008. Tchad/ disparition Ibni le rapport est une "mascarade" (rebellion), AFP, 5 September 2008.

100 Commission of Inquiry report, pp148-149.

101 Commission of Inquiry report, p153.

102 Tchad/rapport Ibni: l'OIF et l'UE regrettent le manque de vérité, AFP, 3 September 2008.

103 Amnesty International, Chad: A country under the arbitrary rule of the security forces with the tacit consent of other countries, Index: AFR/20/04/96, 1996.

104 French officials have previously admitted that they provided military intelligence to Chadian authorities, in April 2006 and again in 2007.

105 La France a permis à Idriss Déby de sauver son régime, La Croix, 7 February 2008. Munitions libyennes pour le Tchad via l'armée française, Le Point, 07/02/2008.

106 "Tchad : la France reconnaît avoir acheminé des munitions libyennes", Agence France Presse, 14 February 2008.

107 French officials have confirmed to Amnesty International that French forces did provide assistance in weapons transfers but have not provided any details. See also: International Crisis Group, Tchad: Un nouveau cadre de résolution du conflit, Rapport Afrique No 144, 24 September 2008, p20: Week-end noir à N' Djaména, Assaut, April 2008; Munitions libyennes pour le Tchad via l'armée française, Le Point, 07/02/2008; "Tchad : la France reconnaît avoir acheminé des munitions libyennes", AFP, 14 February 2008.

108 International Crisis Group, Tchad: Un nouveau cadre de résolution du conflit, Rapport Afrique No 144, 24 September 2008, pp.19-20; Rebels are repelled in capital of Chad, New York Times, 13 April 2006.

109 Amnesty International, Blood at the Crossroads: Making the case for a global Arms Trade Treaty, Index: ACT 30/011/2008, 17 September 2008, p95.

110 Amnesty International, Blood at the Crossroads: Making the case for a global Arms Trade Treaty, Index: ACT 30/011/2008, 17 September 2008, p95.

111 Telephone interview with Chadian human rights activist, 11 August 2008. Amnesty International has reviewed photographs from the parade.

112 Amnesty International, Blood at the Crossroads: Making the case for a global Arms Trade Treaty, Index: ACT 30/011/2008, 17 September 2008, pp98-99.

113 "Les frères Erdimi à l'offensive...", La Lettre du Continent, 29 September 2006.

114 http://www.ramadji.com/chadiannews_Delivery.Of.Weapons.from.Belgium.02/03/2007.html

115 <http://www.army-technology.com/contractors/armoured/sabiex/>. The company is particularly well known for supplying tracked armoured vehicles (AMX-13s, M109s and M113s), armoured wheeled vehicles (AML 60s / 90s) and riot control vehicles (BDXs). Sabiex currently stocks Eland 60s / 90s (the South African version of the AML).

116 Letter to Amnesty International Belgium from Rudy Demotte, Ministre-President, Gouvernement Wallon, Royaume de Belgique, 30 September 2008.

117 Final report of the Panel of Experts as requested by the Security Council in paragraph 2 of Resolution 1713 (2006), 3 October 2007, S/2007/584.

118 Final report of the Panel of Experts as requested by the Security Council in paragraph 2 of Resolution 1713 (2006), 3 October 2007, S/2007/584.

71 Double Misfortune
Deepening Human Rights Crisis in Chad

119 Photographic records of UFDD equipment displayed by Chadian government 27 November 2007 and interviews with RFC during 2007.

120 Eyewitness accounts and photographs provided to Amnesty International of arms held by the United Front for Democracy and Change, see <http://www.motherjones.com/news/outfront/2008/03/darfur-china-chad-guns.html>.

121 International Crisis Group, Tchad: Un nouveau cadre de résolution du conflit, Synthèse et Recommandations, Rapport Afrique N°144, September 24, 2008, Recommendations 10, 15, 16.
24 septembre 2008.



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DOUBLE MISFORTUNE

DEEPENING HUMAN RIGHTS CRISIS IN CHAD

In early February 2008, armed groups mounted an offensive on the Chadian capital, N'Djamena. For two days, intense fighting racked the city. Hundreds of civilians were killed or injured, many homes damaged or destroyed. Most of the population went into hiding and some 50,000 fled across the border into Cameroon.

After government forces regained control, cases of enforced disappearances, arbitrary detention, extrajudicial executions and torture were reported. The authorities also clamped down on journalists and human rights defenders, many of whom were forced to flee the country.

In March the government embarked on a campaign of forced evictions, demolishing houses and small businesses throughout the city. Tens of thousands of people were left homeless and without livelihoods and thousands of children are unable to continue their schooling.

This report describes serious violations of international human rights and humanitarian law. Amnesty International calls on both the Chadian government and armed groups to comply with their obligations to protect civilians. The Chadian government and the international community – particularly the governments of France, the USA and Libya, the European Union and African Union – should implement human rights action plans so that the people of Chad are protected from further abuse.

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

www.amnesty.org

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