

CHAD: “WE TOO DESERVE PROTECTION”

HUMAN RIGHTS
CHALLENGES AS UN
MISSION WITHDRAWS

AMNESTY
INTERNATIONAL



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I. SUMMARY

“It is a very good thing when someone comes to protect you. But it is so hard to understand why they leave when you still need to be protected. Does that mean they had not really wanted to come in the first place?”

Former Darfuri child soldier, Kounoungou refugee Camp, eastern Chad, June 2010

On 15 January 2010 the Chadian government informed the United Nations that they wanted the UN Mission in the Central African Republic and in Chad (MINURCAT) to pull out of eastern Chad.¹ MINURCAT’s mandate was set to expire on 15 March 2010 but had been readily expected to be renewed for another year. MINURCAT had been established in September 2007,² troops had initially been deployed in March 2008, and the UN had only been responsible for the military component of the mission since March 2009.³ Benchmarks, agreed to by the UN Secretary General and the Security Council, to measure MINURCAT’s success, had not yet been achieved by early 2010.⁴ The Chadian government’s message, which took many observers by surprise, unleashed a round of negotiations among the Chadian government, senior UN officials and members of the UN Security Council.

Amnesty International was concerned that if the UN Security Council accepted the Chadian government’s request civilians, including refugees and internally displaced persons (IDPs), could be exposed to increased violence and human rights violations and abuses at the hands of a variety of actors, including Chadian and Sudanese armed opposition groups, criminal elements and members of the Chadian security forces. The organization highlighted that MINURCAT’s withdrawal would almost certainly jeopardize the relative security that more than 250,000 refugees from Sudan (Darfur), some 170,000 Chadian IDPs and the local population have enjoyed with the presence of the UN mission in the area. Amnesty International repeatedly called on the international community, including key members of the UN Security Council, to reject Chad’s request unless and until Chadian authorities were able to demonstrate that they were both willing and able to effectively protect the rights of civilians in eastern Chad, particularly refugees, IDPs and vulnerable segments of the local population.⁵

However, on 25 May 2010 the Security Council passed a resolution conceding to Chad's demand, setting out a timetable for a UN withdrawal that will be complete by the end of 2010.⁶ The Security Council's decision was based largely on assurances by the Chadian government that it was ready to assume "full responsibility for the security and the protection of the civilian population in eastern Chad."⁷ Amnesty International considers the UN Security Council's decision to withdraw peacekeepers from eastern Chad to be premature and a dangerous precedent.

The Security Council decision comes at a time when many feel that MINURCAT's presence and operations were starting to make a difference on the ground in eastern Chad, resulting in improved security conditions in some areas since the beginning of 2010. There is, therefore, considerable unease about the early withdrawal of the mission, especially before Chadian authorities have released a plan or otherwise indicated how they will live up to the promise they have made to the Security Council.

An Amnesty International delegation spent three weeks in Chad in May and June 2010. In eastern Chad, the delegation visited Abeché, Guereda, Goz Beida and their respective surrounding areas. It is clear that the security situation there remains unstable and uncertain and human rights violations continue to occur. It is, for example, still not possible for the majority of internally displaced Chadians who are currently living in IDP sites to return to their villages of origin because of ongoing security concerns. Amnesty International received several reports of unlawful killings and attacks against returnees and theft of their livestock and other property, particularly in areas close to the border with Sudan. Violence against refugee women and displaced Chadian women, while improving, is also still of serious concern.⁸ Considerable challenges also remain with respect to child soldiers. Amnesty International has received reports of recent recruitment of children in eastern Chad and has documented the tenuous situation which many former child soldiers, from both Darfur and Chad, are currently facing.

On 15 January 2010 the governments of Chad and Sudan signed an agreement to normalize their relations and in February Chadian President Idriss Deby Itno travelled to Khartoum, Sudan and met with Sudanese President Omar Al Bashir. Several weeks after this meeting the two governments began the deployment along their shared border of a military force of 3,000 soldiers, under the joint command of the two countries.

At the same time, fighting continues to erupt between the Chadian National Army and armed opposition groups. On 22 April 2010 there was, for instance, fighting between Chadian government forces and the Popular Front for a National Renaissance (Front Populaire pour la Renaissance National, FPRN) in the area of Tissi and For Djahaname, in southeastern Chad, where the borders of Chad, Sudan and the Central African Republic converge.

Meanwhile, the situation across the border in Darfur remains volatile, leading to the arrival of

more than 1,000 new refugees in Chad in May 2010. The UN's Under-Secretary-General for Humanitarian Affairs, John Holmes, visited both eastern Chad and Darfur in late May 2010 and noted that "the situation in the war-ravaged Sudanese region remains serious, as recent clashes between the Government and rebels have uprooted tens of thousands of people from their homes."⁹

Amnesty International recognizes that the Chadian government has the duty and the right to protect people living on its territory. The organization has also, however, documented the fact that for many years Chadian authorities have not demonstrated either capacity or willingness to protect civilians in eastern Chad. In such circumstances, the international community, through the UN Security Council, had to step in to ensure that refugees, IDPs and other vulnerable civilians in eastern Chad are effectively protected.

Amnesty International is concerned that in the unsettled conditions still prevailing in eastern Chad the transition from MINURCAT - bearing primary responsibility for assuring the security of refugees, displaced Chadians and humanitarian workers - to the Chadian government now assuming full responsibility may lead to increased human rights violations and insecurity in areas which were previously patrolled by MINURCAT. The Chadian government has not demonstrated that it is prepared to replace the security that was provided by MINURCAT forces. Additionally, there is an added risk that in the short term MINURCAT's civilian and military components will not be able to provide the same levels of security, as some troop-contributing countries have already begun withdrawing their troops from eastern Chad.

Amnesty International is therefore calling on:

- the government of Chad to ensure that it protects all persons within its territory, including refugees from Darfur, from violations of international human rights and humanitarian law;
- the government of Chad to take steps to ensure that its own police and military do not commit human rights and humanitarian law violations. In addition, the government must exercise due diligence and protect all persons from violence carried out by any individual or group operating in the territory of Chad;
- the government of Chad to immediately formulate, disseminate and implement a detailed and transparent plan of action for civilian protection in eastern Chad;
- the UN Security Council to maintain a high level of engagement in eastern Chad, so as to ensure that the security situation does not deteriorate during this transition and after the full withdrawal of MINURCAT.

II. A LONGSTANDING HUMAN RIGHTS CRISIS IN EASTERN CHAD: THE NEED FOR PROTECTION

For many years now, the population of eastern Chad has suffered the consequences of armed conflict in Darfur; fighting between the Chadian army and Chadian armed opposition groups; inter-communal violence and banditry. Between 2005 and 2007, hundreds of attacks in the country's troubled border region with Sudan resulted in widespread killings, rape, destruction of villages, theft of livestock, and massive displacement. An estimated 250,000 refugees had fled to the area from Darfur, but continued to face insecurity. Close to 200,000 Chadians were soon also forced from their homes. And countless other local Chadians remained vulnerable, fearing they might be the next victims of violence and displacement.

A great deal of the violence in the early stages of the ongoing conflict was orchestrated by the Janjawid militia from Darfur. That was followed by violent conflict between various communities and ethnic groups within Chad. Insecurity increased whenever armed opposition groups launched campaigns against Chadian military forces. And gangs of "bandits" took advantage of this instability to carry out violent criminal attacks throughout the east, ranging from car-jacking vehicles belonging to UN and humanitarian agencies to committing acts of rape and other forms of violence against Darfuri refugee and displaced Chadian women and girls when they left refugee camps and displacement sites to search for firewood, water and hay.¹⁰

When the violence and human rights violations erupted in eastern Chad in 2005 it quickly became clear that there was no protection for people living in the area. Chadian authorities showed neither the willingness nor the ability to take action to protect human rights in the region, long a neglected and marginalized area of the country. And there was no international military or police presence on the ground at that time to fill that void. An Imam from Koloy, near the border with Darfur, expressed it powerfully to an Amnesty International delegation that visited the region in late 2006:

"Every time there was an attack we begged and pleaded for the military to come and help us. They were only 2km away. They never came. Other times they had fancy words for us and would tell us: 'We are with you. We will protect you'. But words are not enough. When the attacks came they were never there for us. And then the worst came and we were attacked on 15 November [2006]. We tried one more time, but the Janjawid went on slaughtering us in the village, and the military stayed away. We don't matter in this country. We are not

*considered citizens of this country. They want us to die.'*¹¹

Beginning in 2006, Amnesty International pressed the UN Security Council to agree to put an international protective presence in place in eastern Chad that could protect civilians. The organization welcomed the Security Council's decision, in September 2007, to establish a UN mission in the region, covering both eastern Chad and the northwestern reaches of the Central African Republic.¹² MINURCAT began to deploy in March 2008. For the first year the military contingent was provided by a force under the command of the European Union. In March 2009, the military command was transferred to the UN and troops from the European Union were gradually replaced by troops from Ghana, Nepal, Mongolia, Togo and other countries.

In addition to military troops, MINURCAT included an important policing component, made up both of UN police and an innovative initiative to establish the Integrated Security Detachment, *Détachement intégré de sécurité* (DIS), a new national police body with a mandate expressly focused on civilian protection. MINURCAT's other activities include human rights monitoring, justice and prison sector reform, gender equality, child protection, HIV/AIDS awareness, demining activities and support for local inter-community dialogue and conflict resolution.

Not unexpectedly, MINURCAT faced numerous challenges. Deployment of troops and police officers and recruitment of DIS agents were delayed while agreements were finalized with the Chadian government and necessary national decrees were passed. The UN faced considerable difficulties in securing commitments from troop-contributing countries, meaning that deployment never reached the intended levels set by the Security Council and for quite some time the mission lacked enough military helicopters to carry out patrols. Military troops reached 66% of their intended level of deployment by 22 April 2010 and were expected to have reached 93% of authorized strength by mid-May if the negotiations about MINURCAT's withdrawal had not occurred.¹³

There were also considerable problems in putting infrastructure in place to house new DIS recruits and ensure that UN bases and offices could be set up throughout the area. With the combination of infrastructural problems and the slow rate of troop deployment, there are areas of eastern Chad that have benefited very little, if at all, from MINURCAT's presence. That is the case, for instance, with the area around Dogdoré, east of Goz Beida and very close to the border with Sudan. A large number of displaced Chadians are from these areas.¹⁴

The effort to set up the DIS was by no means smooth and straightforward. Especially in early days there were a number of reports of DIS agents committing acts of violence themselves, including against civilians. Darfuri refugee women reported to Amnesty International that they found it difficult to obtain assistance and protection from DIS officers when they left refugee camps to search for firewood, hay and water. There was also considerable concern about the skills and professionalism of DIS officers. For instance there were reports of them easily being overtaken by well-armed criminals who attacked humanitarian convoys under DIS

protection. And an alarming number of DIS vehicles were badly and often irreparably damaged in accidents.

However, in recent months there appeared to have been considerable progress in meeting many of these challenges. The operations and patrols of DIS officers have become more reliable and professional. MINURCAT patrols as well had become more regular and visible in some, but not all, areas of eastern Chad. As a result, instances of insecurity – at least as measured by the number of attacks against humanitarian workers – seem to have dropped considerably in eastern Chad. It is all the more worrying therefore that just as MINURCAT was beginning to make progress in improving security, its mandate will be abruptly and prematurely ended at the end of 2010. Amnesty International delegates heard this concern directly from a large number of people while they were in eastern Chad and the Chadian capital N'Djamena in May and June 2010.

Amnesty International did, however, hear mixed reviews about the role that MINURCAT has played and differing opinions about the likely consequences of MINURCAT's withdrawal. For example, given that MINURCAT and the DIS have still not yet extended patrols and other security measures to many areas, displaced Chadians and humanitarian agencies living or working in those regions were either sharply critical of or indifferent to MINURCAT and did not feel that the withdrawal will effect them in any appreciable way. For instance, Chadians who have been displaced from the area around Moudeina, near the border with Sudan, stressed that there had been virtually no MINURCAT operations in their area of origin, meaning that insecurity had not been reduced and they were still unable to return home. They were clear in stating that for them, MINURCAT's withdrawal "means nothing."

Staff with several humanitarian agencies also expressed concern that the preoccupation that MINURCAT and the DIS have had with operating convoys for vehicles from UN agencies and some humanitarian organizations have offered a very limited sense of security in restricted areas at specific times and has failed to address security concerns more widely. Most of them agreed that providing escorts takes up an enormous amount of time and resources of both MINURCAT and DIS forces.

What is clear is that insecurity and human rights violations continue to be a reality in eastern Chad. MINURCAT's presence has helped to reduce insecurity and human rights violations in some areas. Because its deployment was not complete it is not possible to assess the full extent of what MINURCAT would have been able to accomplish if allowed more time.

III. A FLAWED DECISION: NO BENCHMARKS, NO CONSULTATIONS, NO PLAN

Amnesty International is concerned that the Security Council and the Chadian government have agreed to MINURCAT's withdrawal in a manner that fails to adequately safeguard human rights. In particular, the decision was flawed because it was not based on agreed benchmarks, did not include consultations with the communities whose rights would be affected, and did not incorporate a credible strategy and plan of action for the transition to Chadian government responsibility for assuring security in eastern Chad.

In particular, Amnesty International does not consider that at this time the DIS have sufficient human, logistical, administrative and financial resources and support, nor adequate levels of training and expertise, which will allow them to assume the civilian protection role previously assigned to MINURCAT.

(I) BENCHMARKS DISREGARDED

In December 2008 the UN Secretary-General presented six overarching benchmarks¹⁵ to the Security Council that had been "developed towards the exit strategy of MINURCAT." The Secretary-General reported that the benchmarks will "form the basis of the Mission's implementation plan."¹⁶ The Security Council endorsed the benchmarks and summarized them as follows:

- (a) Voluntary return and resettlement in secure and sustainable conditions of a critical mass of internally displaced persons;
- (b) Demilitarization of refugee and internally displaced person camps as evidenced by a decrease in arms, violence and human rights abuses;
- (c) Improvement in the capacity of Chadian authorities in eastern Chad, including national law enforcement agencies, the judiciary and the prison system, to provide the necessary security for refugees, internally displaced persons, civilians and humanitarian workers with respect for international human rights standards.¹⁷

The Security Council further called on the Secretary-General to develop a strategic work plan

with timelines, "with a view to meeting [the benchmarks] by 15 March 2011."¹⁸ In his July 2009 report on MINURCAT, the Secretary-General presented that work plan and added another benchmark to the original benchmarks from his December 2008 report, focused on "improvement of overall peace and security in the sub region." The detailed work plan is laid out over six pages and sets out goals along a timeline that was to be measured in July 2009, January and July 2010, and January and March 2011.¹⁹

Many of the benchmarks were clearly grounded in international human rights standards. The transparency was offered to interested and concerned groups and individuals as a means of measuring progress. It may or may not have been possible to meet the benchmarks in the time envisaged. Success would not, by any means, be entirely in the hands of the mission. As the Secretary-General notes in his reports, there were many other factors that would bear directly on achieving the benchmarks, including the need for countries to contribute more troops, sustained financial support, progress in complying with various peace agreements and political accords, improved relations between Chad and Sudan, and cooperation from the Chadian government on a number of fronts.

Unfortunately, progress in achieving the benchmarks was given no consideration in the decision taken by the UN Security Council to end MINURCAT's mandate at the end of 2010. In fact it is clear that most of the benchmarks have not yet been achieved. For instance, the means for measuring the crucial benchmark of fostering returns of a critical mass of internally displaced Chadians is for there to be "improvement of security in the places of origin of internally displaced persons, and improvement of security along major road axes for returns" by March 2011. That had most certainly not been fulfilled by June 2010.

Somewhere in the range of 10% of Chadians who have been displaced over the past four years have been able to return, mostly in an area around the village of Kerfi.²⁰ Approximately 165,000 remain displaced and there is still considerable insecurity, ongoing human rights abuses and a lack of essential infrastructure such as health centers, schools and reliable access to safe water in their areas of origin, particularly those who fled villages near the border with Sudan.

Some IDP site leaders and village chiefs reported to Amnesty International that Chadian security forces, including the gendarmerie and police forces, often refuse to assist them when they are attacked by armed bandits and members of other ethnically-based armed groups. Most displaced people interviewed by Amnesty International fear returning to their villages of origin because they are aware of other individuals who did attempt to return but were attacked and even killed by criminals or unknown elements. The number of soldiers provided to ensure security in these areas is so low that they themselves have been victims of attacks by armed bandits. Amnesty International received information, for instance, that two soldiers and 3 civilians were killed by unknown armed men at the beginning of May 2010 in the village of Wadi Kadja near Adé, close to the border with Darfur. The Chadian soldiers had tried to arrest bandits who had stolen goods belonging to a returnee.²¹

"We often send our children to go to look at our fields or to see how the situation is improving in our villages of origin. But our people are attacked and even when the gendarmes are informed they do nothing to protect us. In fact they ask for at least CFA 25,000 (equivalent of US \$ 50) to start any investigation and we don't have money to give to them."²²

This contrasts with the sense of safety and protection civilians have often felt when MINURCAT forces are involved. During an attack by an armed opposition group near Goz-Beida in May 2009, for example, Amnesty International was told that MINURCAT soldiers took positions around Koubeigou IDP site and protected IDPs. Residents of the same site reported that:

"In 2009, when a group of Arabs riding horses and camels came to attack us accusing us of killing one of them, MINURCAT intervened and protected us from their anger."

Civilians have even come to look upon UN forces as a source of protection from the abuses or excesses of Chadian forces. One displaced Chadian, interviewed at Koloma IDP site, told Amnesty International delegates that:

"The mission of MINURCAT was to protect us and to intervene in case the Chadian gendarmes arbitrarily arrest someone."

As well, some humanitarian workers highlighted the assistance they receive from MINURCAT forces when emergency medical evacuations are necessary.²³

Setting out transparent and detailed benchmarks, with the backing of both the UN Secretary-General and the Security Council, for measuring the progress of a UN mission was a positive and constructive initiative. It is, therefore, all the more disappointing and worrying that the benchmarks were not respected in making the decision to end MINURCAT's mandate. While the mission is to draw to a close before meeting the benchmarks, the Chadian government has committed to work actively towards achieving the three benchmarks laid out by the Security Council in Resolution 1861 (2009), as noted above. A joint "Government of Chad/United Nations high-level Working Group" (hereafter High-level Working Group) is to meet on a monthly basis to, *inter alia*, chart progress towards achieving the benchmarks.²⁴

(II) FAILURE TO CONSULT

"Our voices were not heard then, when our lives were on the line, so why would they be heard now, when our lives are again on the line."

A displaced Chadian interviewed by Amnesty International in eastern Chad in November 2006 and again in June 2010²⁵

Not only were benchmarks disregarded in the debate about MINURCAT's future, so too were the views of those individuals whose rights are most directly affected by this decision, namely refugees from Darfur, displaced Chadians, and other Chadians living in the region who remain vulnerable to insecurity and human rights abuses. In numerous interviews conducted

in refugee camps and IDP sites in eastern Chad, with the local population, local human rights activists and staff of humanitarian agencies, both in the lead up to and following the 25 May 2010 Security Council Resolution to end MINURCAT's mandate at the end of 2010, Amnesty International asked individuals if they were aware of the debate and had been provided any opportunity to offer their views.

In refugee camps, IDP sites and among the local population almost all individuals Amnesty International met indicated that they had little awareness, if any, about the debate before the decision was taken on 25 May. Individuals working with humanitarian agencies or local human rights groups were, for the most part, aware of the debate but only in a very general way. All told Amnesty International that their views and opinions had not been sought, either by Chadian or UN officials. This despite the fact that the debate played out over a four month period, between mid-January and mid-May 2010, during which time there would have been ample opportunity for consultations.

The failure to consult has increased a sense of cynicism and disempowerment among refugees and displaced Chadians. At Kounoungou refugee camp near Guereda, one young man - who arrived recently at the camp after six years as a child soldier with armed groups in Darfur - said that it left him with a feeling of "despair" to realize that people making the decision did not think that people like him and his family had a right to be involved. He said it made him feel like they probably did not care if they "lived or died."

At the Gassiré site for displaced Chadians, near Goz-Beida, community leaders said they would not have expected it to be otherwise, pointing out that "no one has ever thought that their opinions about their own safety matter." They referred back to the period in 2006 when they made repeated pleas to Chadian authorities to intervene in the face of a wave of attacks against their villages. One of the leaders told Amnesty International, "our voices were not heard then, when our lives were on the line, so why would they be heard now, when our lives are again on the line."

Refugee leaders at the Gaga Refugee Camp issued a statement on 30 May 2010 expressing their concerns about the withdrawal of MINURCAT and asking the UN Security Council to reconsider its decision. They added that MINURCAT's peacekeepers were protecting them from attacks by armed men and that they provided security and stability in the camp.²⁶

Amnesty International urges the Chadian government and UN officials to ensure that the views of people in eastern Chad, including Darfuri refugees and displaced Chadians, are actively sought as further plans are developed with respect to measures for improving their security and protection of their human rights. In particular, the High-level Working Group that is to be established pursuant to Resolution 1923 (2010) should ensure that there are effective channels for providing direct input from the affected civilian population in eastern Chad, including by having representatives participate in the Working Group. Specific attention should be given to ensure women in eastern Chad are actively involved in such a

consultation process. The Security Council and the Chadian government should ensure that the High-level Working Group works in a transparent manner and is allocated sufficient resources.

(III) WHERE IS THE PLAN?

I won't believe that the Chadian government really wants us to be able to go home unless they station the DIS or somebody else in our village and start chasing after the people who are trying to keep us away.

Chadian village chief, interviewed at the Gassiré IDP site, Goz Beida, June 2010

The possibility of a MINURCAT withdrawal from eastern Chad has been a live issue for more than four months. There were extensive negotiations between and among Chadian government officials, UN officials and members of the Security Council, in particular between 15 March and 15 May 2010.²⁷ The resulting decision, Resolution 1923 (2010), is quite detailed with respect to the steps that are to be taken and by when, as MINURCAT forces are reduced over the remainder of 2010. It is also very specific about the particular security-related and other functions that MINURCAT troops and other personnel can and cannot perform over the coming months.

What is missing, however, is an equally specific and concrete indication as to the steps that will be taken by Chadian officials to boost security and bolster human rights protection in the region. Given the longstanding failure of the Chadian government to do so, notably during 2006 and 2007 when insecurity and human rights abuses were rampant in the area and there was not yet a UN force present, the lack of a concrete plan of action has left most people in eastern Chad doubtful that authorities are adequately prepared to step in as the UN leaves. Amnesty International heard this concern from senior UN officials,²⁸ staff with international humanitarian agencies, local human rights activists and from many refugees and displaced Chadians.

The Chadian government did lay out some very general details as to the approach it will take to security in a letter sent to the Security Council on 21 May 2010. However, given the enormity of the challenges, the uncertainty surrounding the transition, the abrupt nature of the decision and the Chadian government's poor track record with respect to security and human rights protection in the region, more is needed.²⁹

The Chadian government has made a commitment to report to the Security Council by 31 July 2010 with a plan for ensuring the ongoing operations of the DIS police force after MINURCAT has withdrawn.³⁰ That should be one important component in an overall plan for security and human rights protection in eastern Chad.

On 2 June, General Oki Mahamat Yaya Dagache, the special representative of Chadian President Idriss Déby, met with members of the humanitarian community to discuss the

Chadian government's position with respect to MINURCAT's withdrawal. He indicated that the government has put in place a three-level security strategy, creating what he called a "security belt" in eastern Chad. He stated that the first level of responsibility will rest with Chadian National Army elements based in towns near the border with Sudan, from Bahai to Tissi, as well as the joint Sudanese-Chadian border force. The second level is to be made up of members of the national Gendarmerie and the national Nomad Guards. Finally, the DIS will be deployed around refugee camps, and in towns as a third level of security in the area.³¹

General Dagache also indicated that the Chadian Government has set up an Office of Security and Movement (*Bureau de Sécurisation et des Mouvements*) that will monitor security in the area. He stated that the office will meet on a weekly basis to evaluate the security situation in the region and will be composed of representatives of the Chadian government, the DIS, UN Police (UNPOL), the UN Office for the Coordination of Humanitarian Affairs (OCHA) and one focal point for NGOs.

It is not clear what the relationship of this new initiative is to the Joint Chad/UN High-level Working Group or the forum for dialogue to be set up under the terms of Resolution 1923 (2010). This needs urgently to be clarified.

The establishment of the joint Sudanese/Chadian military force to patrol their volatile border may help to address concerns about insecurity in eastern Chad, making it more difficult for criminal elements to move freely back and forth across the frontier. The establishment of the new force is noted and welcomed by the Security Council in Resolution 1923(2010). The force is made up of 3,000 soldiers drawn from the militaries of both countries and will be responsible for patrolling the very lengthy border the two countries share. It is not yet clear how effective the force will be and there are concerns, given the human rights records of both the Chadian and Sudanese army, that members of the force may themselves commit human rights violations. Both Chadian and Sudanese governments should put in place a clear and effective mechanism to monitor the activities of this joint force, ensure that its members are not involved in committing human rights violations and that allegations of human rights violations are promptly and impartially investigated. Those responsible for human rights violations should be brought to justice in proceedings that meet international fair trial standards.

The full withdrawal of MINURCAT by the end of 2010 will have considerable impact on activities related to the promotion and protection of human rights in eastern Chad. MINURCAT's human rights component is active in monitoring and reporting on the human rights situation in the area as well as in strengthening the capacity of Chadian human rights organizations and governmental human rights entities. MINURCAT's human rights officers monitor, amongst a range of concerns, the situation of children, sexual and gender based violence, conditions of detention and impunity for human rights violations. They also provide human rights training to civil society organizations and assistance to the Ministry of Human Rights and Protection of Liberties. Both the Chadian authorities and the United Nations should ensure that the efforts and achievements of this component of MINURCAT continue even after the withdrawal of the UN mission.

IV. THE ISSUE OF MILITARY ESCORTS AND ONGOING ATTACKS ON HUMANITARIAN WORKERS

An emerging concern for many organizations is the possibility that some branches of the Chadian military, gendarmerie or police services may officially or unofficially require UN agencies and humanitarian organizations to pay for security services such as escorts when travelling outside towns and villages. There are already reports of this becoming a common practice in some parts of eastern Chad, including in the Salamat region. It would leave many agencies in an impossible position, as they refuse to make such payments as a matter of principle. It is a practice that inevitably encourages corruption and abuse of power. The Chadian government must immediately take steps to demonstrate that it will not tolerate any such practice and will ensure the protection of humanitarian agencies without any "fee" in return.

Many humanitarian organizations, primarily international NGOs, operating in eastern Chad choose not to travel in armed convoys. However, they feel increasing pressure from local Chadian authorities who are pressing them to agree to travel within armed military escorts. If this situation is not addressed it risks leading to the withdrawal of some international NGOs from eastern Chad. These organizations are providing crucial emergency humanitarian assistance to refugees, IDPs and the local population.

There are ongoing incidents of banditry and armed attacks against humanitarian workers. For instance, an international staff member of the International Committee of the Red Cross (ICRC) was abducted in eastern Chad on 9 November 2009. He was released in February 2010 after 89 days in the custody of unknown armed men.

Two vehicles belonging to Intersos, an international nongovernmental organization (NGO) operating in eastern Chad, were attacked by armed bandits between the village of Koukou Angarana and the Goz-Amer refugee camp on 22 May 2010. Four officers from the DIS who responded to that attack were reportedly injured, one of them so seriously that he had to be evacuated by air so as to receive medical treatment.

Two humanitarian staff and a driver employed by Oxfam Great Britain were kidnapped while leaving a restaurant in Abeché – the main city in eastern Chad and base of MINURCAT and most humanitarian agencies operating in eastern Chad – on 6 June 2010. The driver and one of the humanitarian workers were released later the same day, approximately 70 kilometres from Abeché. Chadian authorities announced the release of the remaining hostage on 15 June 2010. According to Chadian authorities, he was freed by the joint Chadian/Sudanese military force at Sarne, 45 kilometres from the village of Birak in eastern Chad, near the border with Sudan. Authorities stated that his abductors were arrested and will be brought to justice.

On 27 June 2010 at around 1:00 a.m., a group of 6 or 7 armed men attacked Oxfam Intermon's base in the village of Koukou Angarana and kidnapped the head of office, a woman of French nationality. The unknown armed men threatened the guards with their weapons before entering the organization's compound. They took money, mobile phones, two satellite phones and fuel. They drove off in two vehicles belonging to Oxfam Intermon. DIS officers pursued the 'bandits' after being alerted by Oxfam Intermon's neighbours. They recovered the two vehicles and the kidnapped woman at around 6:00 a.m. at Fatagar, between Koukou Angarana and Tiero.

V. IMPLICATIONS FOR THE CENTRAL AFRICAN REPUBLIC

The Security Council's decision to accept the withdrawal of MINURCAT has serious implications for the situation in the northern region of the Central African Republic (CAR). The CAR authorities did not seek or agree to the withdrawal of the MINURCAT. However, since the smaller mission in CAR is reliant on the larger main body of the mission in Chad, the decision to withdraw from Chad means that the mission in CAR has to withdraw as well.

However, the security situation is still volatile in the northern part of the CAR and the population regularly experiences serious human rights abuses and violations at the hands of various actors, including members of armed opposition groups and members of the CAR security forces. Other violations are committed during fighting between the CAR national army and armed opposition groups, as well as during ethnic clashes. Attacks by Uganda's armed group, the Lord's Resistance Army (LRA), are also reported in the area. The presence of Ugandan security forces in northern CAR – pursuing the LRA – give rise to further human rights and humanitarian concerns. The insecurity and human rights violations in the northern part of the CAR³² have led to the displacement of the population within the country, as well as across the border into southern Chad and Cameroon.³³

CONCLUSION

Amnesty International had previously called on the Chadian government and the UN Security Council to extend the mandate of MINURCAT at least until 15 March 2011, which had been the earliest anticipated date that the mission might draw to a close.³⁴

The Chadian government has a dismal record when it comes to ensuring security and protecting human rights in eastern Chad. They have made a commitment to the Security Council to do so now, a commitment that has been enshrined in Resolution 1923(2010). But words are not enough. Action will be key and it must come quickly as the UN pull out has begun. As a first step it is vital that the Chadian government move immediately to develop a detailed plan of action for security and human rights protection in eastern Chad and do so in consultation with the civilian population, including refugees from Darfur and displaced Chadians and with a particular focus on ensuring that the human rights and security needs of women and children are met.

The international community, through the UN Security Council and in particular key, influential members of the Council, must not abandon civilians living in eastern Chad who remain vulnerable to insecurity and human rights violations. They should continue to support efforts of the Chadian government to protect civilians in eastern Chad during this transitional period and after the withdrawal of MINURCAT is complete. The international community and the UN Security Council have a responsibility to ensure that civilians are effectively protected in eastern Chad.

Now that the decision has been taken to immediately start withdrawing MINURCAT forces it is vital that the withdrawal and accompanying transition to the Chadian government assuming full responsibility for assuring security in eastern Chad does not lead to increased human rights abuses and violations. In view of the envisaged complete withdrawal of the mission by 31 December 2010, Amnesty International urges that the following steps be taken without delay.

RECOMMENDATIONS

1. To the Chadian government

- Live up to its promise to protect the people of Chad by respecting its obligations under international human rights and humanitarian law. The government must ensure that the rights of all persons, including refugees, are protected without any form of discrimination;
- Urgently formulate, publicly disseminate and implement a Plan of Action for security and human rights protection in eastern Chad which contains benchmarks and timelines. The government should also regularly make public any progress towards achieving the benchmarks and timelines;
- Take immediate steps to address widespread impunity for human rights abuses in eastern Chad by promptly investigating reports of human rights abuses and ensuring that those responsible are brought to justice in proceedings that meet international fair trial standards;
- Ensure that members of the Chadian security forces involved in the protection of civilians in eastern Chad are properly trained including in the protection of human rights and that a vetting process is put in place to ensure that individuals involved in human rights violations are not part of these forces;
- Suspend from duty anyone in the security forces suspected of involvement in human rights violations pending an investigation; and
- Effectively facilitate the work of humanitarian organizations and aid agencies operating in eastern Chad by respecting freedom of movement and other human rights. The government should respect the impartial and neutral nature of humanitarian assistance and facilitate access for humanitarian agencies to refugees, IDPs and persons in need without discrimination.

2. To the UN Security Council

- Regularly monitor the security, humanitarian and human rights situations in Chad and in the Central African Republic. The Security Council must regularly review the security situation in both countries;

- Urge the Chadian government to develop, implement and disseminate publicly a detailed and credible action plan for security and human rights protection in eastern Chad, including plans for sustaining the operations of the DIS; and take steps to support the implementation of such a plan;

- Be prepared to take appropriate measures including to reverse the decision to withdraw MINURCAT, if security and human rights concerns mount or if the Chadian Government fails to present a concrete plan to provide security for civilians in eastern Chad within reasonable time; and

- Ensure a proper hand-over between MINURCAT's military and civilian components, Chadian authorities and other UN agencies and other relevant bodies with a view to facilitating a smooth and effective transition.

3. To the Chadian government and the UN Secretary-General

- Ensure that the Joint Government of Chad/United Nations High-Level Working Group that is established pursuant to UN Security Council Resolution 1923(2010) includes individuals with demonstrated human rights expertise;

- Ensure that there is a meaningful opportunity for participation by and input from representatives of affected communities, including refugees and internally displaced Chadians in the High-Level Working Group;

- Ensure that the protection of the rights of women and children is given priority attention by the High-Level Working Group;

- Clarify the role of the newly created Office of Security and Movement (*Bureau de Sécurisation et des Mouvements*) and its relationship to the Joint Chad/UN High-level Working Group and the forum for dialogue, to be set up under the terms of Resolution

1923(2010); and

- Work together to promote respect for human rights and in particular to continue with efforts to strengthen the justice system in eastern Chad, including through the technical assistance of the UN Office of the High Commissioner for Human Rights.

ENDNOTES

1 The 15 January 2010 note verbale from the Chadian government requested that the UN commence negotiations to determine the modalities for a withdrawal of MINURCAT upon the expiring of its mandate on 15 March 2010. Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad (MINURCAT), UN Doc. S/2010/217, 29 April 2010, para. 12.

2 The United Nations Security Council adopted resolution 1778 (2007) on 25 September 2007 authorizing the deployment a UN civilian and police operation and a European Union military force (EUFOR) to inter alia contribute to the protection of civilians, promote human rights and the rule of law in eastern Chad and northeastern central African Republic. EUFOR began its deployment in March 2008.

3 Between March 2008 and March 2009 MINURCAT was supported by EUFOR, under European Union command.

4 The benchmarks focus on six major themes: (1) the return home of internally displaced Chadians; (2) demilitarization of refugee camps and IDP sites; (3) the capacity of local authorities to provide security for refugees, IDPs, and UN and humanitarian workers; (4) the ability of local law enforcement agencies to maintain law and order; (5) an independent and effective judiciary; and (6) a strengthened prison system. The benchmarks were developed by the UN Secretary-General in December 2008 and endorsed by the Security Council in January 2009. In his July 2009 report to the Security Council the Secretary-General presented a detailed implementation plan for achieving the benchmarks, complete with a timeline that continued through to the expected end of MINURCAT's mandate in March 2011. Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad (MINURCAT), UN Doc. S/2009/359, 14 July 2009, Annex I.

5 Amnesty International, Chad: UN Security Council must work to ensure further extension of UN mission mandate, (Index: AFR/20/004/2010); Amnesty International, UN move to withdraw from Chad puts thousands at risk, 24 May 2010.

6 UN Security Council, Resolution 1923 (2010), UN Doc. S/RES/1923(2010), 25 May 2010.

7 Resolution 1923 (2010), para. 2. The Chadian government's commitment highlights the security needs of “refugees, internally displaced persons, returnees and host communities, with a particular focus on women and children, United Nations and humanitarian personnel and assets” and underscores that security shall be provided “in accordance with [Chad's] obligations under international humanitarian, human rights and refugee law.”

8 Amnesty International, ‘No place for us here’: Violence against refugee women in Eastern Chad, AI Index: AFR 20/008/2009, September 2009; Report of the Secretary-General, 29 April 2010, para.30.

9 UN relief chief sounds alarm on Darfur's dire humanitarian situation, UN News Centre, 29 May 2010.

10 Amnesty International, ‘No place for us here’: Violence against refugee women in Eastern Chad, AI Index: AFR 20/008/2009, September 2009.

11 Amnesty International, Chad – Are we Citizens of this Country? Civilians in Chad Unprotected from Janjawid Attacks, AI Index: 20/001/2007, 29 January 2007, pg. 18.

12 UN Security Council, Resolution 1778 (2007), UN Doc. S/RES/1778 (2007), 25 September 2007.

13 Report of the UN Secretary-General, 29 April 2010, para. 13.

14 Around 60,000 IDPs currently living in the sites of Gassire, Ganachour, Sanour, Koubigou, Gouroukoun and Koloma are from that region.

15 See endnote 4.

16 Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad, UN Doc. S/2008/760, 4 December 2008, paras. 70-71.

17 UN Security Council, Resolution 1861 (2009), UN Doc. S/RES/1861 (2009), 14 January 2009, para. 25.

18 Resolution 1861 (2009), para. 29.

19 Report of the Secretary-General, 14 July 2009, Annex I.

20 According to the UN refugee agency (UNHCR), as of January 2010; 20,771 IDPs had returned to their villages of origin (<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c226>).

21 Interview with a witness in Gouroukoun IDP site, June 2010.

22 Interview with a village chief in an IDP site in eastern Chad, June 2010.

23 According to information provided, MINURCAT relocated humanitarian workers from Koukou Angarana to Goz Beida during the fighting between the Chadian National Army and a coalition of armed groups in May 2009 and facilitated the relocation of DIS troops from Koukou Angarana to Goz-Beida during the same period.

24 Resolution 1923 (2010), paras. 3 and 4.

25 Amnesty International delegates met Y [not his real name] in November 2006 at a displacement site outside the village of Adé. He had recently fled there from the village of Koloy, which had been attacked and destroyed less than two weeks before Amnesty International had arrived in the area. Y's wife was killed during the attack. An Amnesty International delegate who had been part of the November 2006 mission again encountered Y in June 2010 at the Koloma IDP site near Goz-Beida.

26 <http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASHU-85YS7C?OpenDocument>; <http://www.radiodabanga.com/node/1146>

27 The government of Chad and the UN conducted at least 3 rounds of consultations on the future of MINURCAT between 15 January and 23 April 2010, leading to an aide-memoire that laid the ground for the 25 May 2010 UNSC Resolution.

28 Meetings with senior UN officials in London in May 2010 and in Abeché in June 2010. Officials said that it was "extremely doubtful" that the Chadian security forces would be able to provide security to the population in eastern Chad. They added that there had been long and difficult negotiations with Chadian Government representatives leading up to adoption of Resolution 1923 (2010).

29 Letter of the Permanent Representative of Chad, UN Doc. S/2010/250, 21 May 2010.

30 Resolution 1923 (2010), para. 5.

31 The "security belt" in eastern Chad to which General Dagache referred was already included in the Annex to the 21 May 2010 letter the Permanent Representative of Chad to the United Nations sent to the President of the UN Security Council (Security Council, S/2010/250, 21 May 2010). It is not clear why IDP sites are not mentioned in this "security belt". Amnesty International is concerned that the Chadian government's plan for security in eastern Chad must give priority attention to IDP sites.

32 During a visit to CAR on 18 February 2010, the UN High Commissioner for Human Rights Navi Pillay "urged the government to address the continuing impunity for human rights violations, especially among law enforcement agents and members of the armed forces". She also expressed deep concern "about the widespread sexual violence facing women in CAR—allegedly at the hands of both state and non-state actors, including the LRA."
(http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.6068445/k.2E9F/June_2010brCentral_African_Republic.htm; <http://www.update.un.org/apps/news/story.asp?NewsID=33821&Cr=central+african+republic&Cr1=>)

33 57,000 refugees from the Central African Republic (CAR) live in southern Chad (<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c226>) and 62,900 Central Africans are living in the Adamaoua and East regions of Cameroon (<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=4a03e1926>)

34 Amnesty International, Chad: UN Security Council must work to ensure further extension of UN mission mandate, (Index: AFR/20/004/2010); Amnesty International, UN move to withdraw from Chad puts thousands at risk, 24 May 2010.

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