



REPUBLIC OF CHAD

Joint Submission to the UN Universal Periodic Review

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**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC**

**And**

**The Réseau des Défenseurs des Droits Humains en Afrique Centrale (REDHAC)**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 Réseau Des Défenseurs Droits Humains en Afrique Centrale (REDHAC) is a network of human rights defenders (HRDs) and CSOs in the Central Africa region. Established in 2007, REDHAC has members in eight countries in the region. Its primary focus is the protection of fundamental human rights in these countries.
- 1.3 In this submission, CIVICUS and REDHAC examine the Government of the Republic of Chad's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Chad's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in March 2019. To this end, we assess Chad's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3<sup>rd</sup> UPR cycle, the Government of Chad received 32 recommendations relating to the space for civil society (civic space). It accepted 31 recommendations and noted one. However, an evaluation of a range of legal sources and human rights documentation presented in this submission demonstrates that the government has not implemented any of the recommendations relating to civic space. It has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, with acute implementation gaps found with regard to the right to freedom of expression and access to information, along with issues relating to freedom of association.
- 1.5 Civic space restrictions intensified in Chad as members of the political opposition and civil society raised concerns about then President Idriss Déby Itno's decision to stand for a sixth term in office. Ahead of the elections on 11 April 2021, police violently

dispersed protests calling for ‘a year of change’.<sup>1</sup> The authorities imposed blanket bans on protests, arrested protesters and regularly raided offices and homes of members of the political opposition and civil society.<sup>2</sup>

- 1.6 On 20 April 2021, shortly after he was declared winner of the elections, President Déby was killed as he led his troops against an incursion by the rebel group Front pour l’Alternance et la Concorde au Tchad. Following this, Déby’s son Mahamat Idriss Déby, at the time a commander of the Presidential Guard, ignored constitutional provisions that mandated that the speaker of the National Assembly should replace the president on an interim basis in the event that the incumbent could not perform their functions. Mahamat Idriss Déby proceeded to suspend the 2018 Constitution and the National Assembly and set up the Transitional Council (Conseil Militaire de Transition, CMT) to govern Chad until elections are organised. A Transitional Charter temporarily replaced the constitution. Since April 2021, a group of CSOs, unions and political parties formed the Wakit Tama (time has come) movement that has led protests against human rights violations and the actions of the CMT. Security forces have often responded with violence, intimidation, arbitrary arrests and detention of protesters, the political opposition and civil society.
- 1.7 We are deeply concerned about the use of lethal force to target protesters, the blanket ban on protests and ongoing restrictions on freedom of assembly.
- 1.8 We are further alarmed by the targeting of HRDs, the killing of journalists for their human rights activities, ongoing restrictions on freedom of association and the high levels of impunity enjoyed by perpetrators of human rights violations.
- 1.9 As a result of these issues, civic space in Chad is currently rated as ‘repressed’ by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.<sup>3</sup>
  - Section 2 of this submission examines Chad’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs.

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<sup>1</sup> ‘Chad elections: President Déby seeks a six term in a region for old men’, African Arguments, 7 April 2021, <https://africanarguments.org/2021/04/chad-elections-president-deby-seeks-a-sixth-term-in-a-region-for-old-men>.

<sup>2</sup> ‘People Power Under Attack: Africa’, CIVICUS Monitor, March 2023, <https://monitor.civicus.org/globalfindings/africa>.

<sup>3</sup> CIVICUS Monitor: Chad, <https://monitor.civicus.org/country/chad>.

- Section 3 examines Chad's implementation of UPR recommendations and compliance with international human rights standards related to freedom of expression, opinion and the treatment of journalists.
- Section 4 examines Chad's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 5 examines Chad's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> cycle.
- Section 7 is an annex on the implementation of 3<sup>rd</sup> cycle UPR recommendations related to civic space.

## **2. Harassment, intimidation and attacks against human rights defenders and civil society activists.**

**2.1** Under Chad's previous UPR, the government received nine recommendations on the protection of HRDs, activists and civil society representatives. The government accepted all nine recommendations. Among these, the government committed to adopt laws to recognise the work of HRDs and protect them from restrictions including arbitrary arrests and intimidation and to support their work in line with the UN Declaration on Human Rights Defenders. However, as examined in this section, the government has failed to implement any of the recommendations.

**2.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. Article 12 of the constitution recognises and guarantees fundamental rights within the conditions provided by the law. Article 11 of the Transitional Charter promotes the rights of HRDs and guarantees their right to speak freely without fear of reprisals. It states that arbitrary detention, for example, is prohibited by the law. However, in spite of these protections violations of these rights continued to occur during the reporting period.

**2.3** There are no specific laws for the protection of HRDs in Chad. HRDs and civil society activists operate within severely confined boundaries and are subjected to numerous threats and obstacles. For instance, on 6 June 2022, four HRDs – Gounoung Vaima Ganfare, Youssouf Korom, Max Loalngar and Kounde Mbainaissem – were fined 10 million FCFA (approx. US\$16,626) and given a suspended

12-month prison sentence.<sup>4</sup> They were arrested during protests denouncing human rights violations and the lack of consultations with and inclusion of HRDs and civil society in the political transition. At the time of their arrest, they were accused of disturbing public order and attacking the ‘physical integrity of people’.<sup>5</sup> They embarked on a hunger strike on 20 May to protest against their transfer from Klessom prison in N’Djamena to Mossoro prison, more than 300 km away.<sup>6</sup> Gounoung Ganfare is the Secretary General of the Union des Syndicats du Tchad, Youssouf Korom is the Secretary General of the Syndicat des Commerçants Fournisseurs and Koude Mbainassem is the President of the Association for Freedom of Expression. A year before, the police arrested Max Loalngar and another HRD, Mahamat Nour, as they expressed concerns about the potential sixth term in office of President Déby.

- 2.4** On 11 April 2022, Baldal Oyamta, an HRD and the National Coordinator for the Ligue Tchadienne des Droits de l’Homme, was a victim of a failed assassination attempt after he was violently attacked at his home in the town of Koundoul, south of N’Djamena, in the early hours of the morning.<sup>7</sup> He was shot at close range by an unidentified individual and was taken to a local clinic for treatment.<sup>8</sup> Baldal had complained about death threats prior to the attack.<sup>9</sup> In November 2020, he reported that he received a dozen messages threatening him over his human rights activities and for speaking out against land grabbing in Chad.
- 2.5** On 6 March 2022, HRD Jacques Saham Ngarassal was threatened through a series of phone calls from anonymous sources after being interviewed on radio station Radio FM Liberte, where he spoke about the state of human rights in Chad and shared details of a report his organisation published about the military transition, titled ‘Chad: A Hereditary Repression’.<sup>10</sup> The report is critical about the use

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<sup>4</sup> ‘Six responsables de l’opposition condamnés à un an de prison avec sursis’, 7 June 2022, El Watan-dz, <https://elwatan-dz.com/tchad-six-responsables-de-lopposition-condamnes-a-un-an-de-prison-avec-sursis>.

<sup>5</sup> ‘Chad arrests opposition leader over anti-France protests’, 17 May 2022, Africa News, <https://www.africanews.com/2022/05/17/chad-arrests-opposition-leaders-over-anti-france-protest>.

<sup>6</sup> Chad – targeting and arbitrary detention of human rights defenders’, ProtectDefenders.EU, 31 May 2022, <https://protectdefenders.eu/chad-targeting-and-arbitrary-detention-of-human-rights-defenders>.

<sup>7</sup> ‘Baldal Oyamta – Ligue Tchadienne des Droits de l’Homme (LTDH) (Chadian League for Human Rights)’, Business and Human Rights Resource Centre, 11 April 2022, <https://www.business-humanrights.org/en/latest-news/baldal-oyamta-ligue-tchadienne-des-droits-de-lhomme-ltdh-chadian-league-for-human-rights-2>.

<sup>8</sup> ‘Tentative d’assassinat de Bal dal: La LTDH exige la protection des défenseurs de droit de l’homme’, N’Djamena Actu, 17 April 2022, <https://www.ndjamenaactu.com/tentative-dassassinat-de-baldal-la-ltdh-exige-la-protection-des-defenseurs-de-droit-de-ihomme>.

<sup>9</sup> ‘La FIDH et L’OMCT dénoncent une tentative d’assassinat perpétrée à l’encontre de Baldal Oyamta au Tchad’, Tchad Convergence, 5 May 2022, <https://www.tchadpages.com/la-fidh-et-lomct-denoncent-une-tentative-dassassinat-perpetree-a-lencontre-de-baldal-oyamta-au-tchad>.

<sup>10</sup> ‘Six members and supporters of Wakit Tama arrested, charged following protest’, CIVICUS Monitor, 6 June 2022, <https://monitor.civicus.org/explore/Six-members-and-supporters-arrested-charged-following-protest>.

of lethal force to quell protests and the manner in which the constitution was flouted to replace President Déby with his son. Ngarassal is the Coordinator of the Chadian branch of the Tournons La Page movement and has for several years advocated against corruption and bad governance and for political and human rights.

- 2.6** On 2 February 2022, HRD and anti-corruption activist Ahmat Haroun Larry was arrested and accused of defamation after the Mayor of N'Djamena, Ali Haroun, reported him to the authorities.<sup>11</sup> He was reported after he published a message on Facebook accusing Haroun of mismanagement and double standards related to evictions he coordinated in the city.<sup>12</sup> Larry is the coordinator of Collectif des Associations et Mouvement des Jeunes du Tchad (CAMOJET), a civil society group, and was detained at the Klessoum remand centre. He was released after CAMOJET organised a press conference and campaigned for him to be free.<sup>13</sup>
- 2.7** On 27 November 2020, security forces arrested Kemba Didah Alain, an HRD and the Coordinator of the civil society movement Citoyen le Temps (MCT), at the premises of Radio FM Liberte and charged him with 'rebellion and disturbance of public order'.<sup>14</sup> He was arrested with two colleagues, Bessane Eloge and Saleh Mahamadou, who were accused of planning a 'citizens forum' that had been banned by the authorities. Bessane and Saleh were accused of printing banners for the forum.<sup>15</sup> The MCT organises campaigns and public debates as a means of advocating for democracy, human rights, inclusive participation of citizens and the right to freedom of assembly. They were acquitted by the Court of First Instance in N'Djamena on 11 December 2020 and released from detention.
- 2.8** On 24 January 2020, members of the Chadian Directorate of the National Security Agency arrested HRD and President of the Tchadienne des Droits Humains, Baradine Berdei Targuio. His arrest was linked to a message he posted on Facebook about the ill health of President Déby and a letter to the president expressing concerns over the state of human rights in the Tibesti region.<sup>16</sup> He

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<sup>11</sup> 'Instability in Chad', The Organization for World Peace, [https://theowp.org/crisis\\_index/instability-in-chad](https://theowp.org/crisis_index/instability-in-chad).

<sup>12</sup> 'Tchad: Ahmat Haroun Larry Libéré', Al Wihda, 16 November 2022, [https://www.alwihdainfo.com/Tchad-Ahmat-Haroun-Larry-libere\\_a119066.html](https://www.alwihdainfo.com/Tchad-Ahmat-Haroun-Larry-libere_a119066.html).

<sup>13</sup> 'Tchad: Le CAMOJET exige la libération de Ahmat Haroun Larry', Al Wihda, 3 November 2022, [https://www.alwihdainfo.com/Tchad-le-CAMOJET-exige-la-liberation-de-Ahmat-Haroun-Larry\\_a111020.html](https://www.alwihdainfo.com/Tchad-le-CAMOJET-exige-la-liberation-de-Ahmat-Haroun-Larry_a111020.html).

<sup>14</sup> 'Increasing civic space restrictions, months ahead of presidential poll', CIVICUS Monitor, 1 March 2021, <https://monitor.civicus.org/explore/Increasing-civic-space-restrictions-months-ahead-presidential-poll>.

<sup>15</sup> 'Freedom of assembly at risk: arbitrary arrest of three human rights defenders Kemba Didah Alain, Bessane Praises and Saleh Mahamadou on FM Liberty Radio Channel', African Defenders, 7 December 2020, <https://africandefenders.org/freedom-of-expression-and-assembly-at-risk-arbitrary-arrest-and-detention-of-three-human-rights-defenders-m-kemba-didah-alain-former-spokes-person-of-the-lynia-movement-and-current-coordinator-o>.

<sup>16</sup> 'HRD arrested, three year prison sentence for journalist overturned on appeal', CIVICUS Monitor, 1 June 2020, <https://monitor.civicus.org/explore/HRD-arrested-three-years-prison-sentence-journalist-overturned-appeal>.

was held incommunicado for seven months before he was charged with ‘assault’, ‘illegal possession of firearms’ and breaching national security. At the time of his arrest, the Minister of Justice noted that he was detained in connection with an investigation into cybercrimes.<sup>17</sup> He was denied access to his family and lawyers and sentenced to three years in prison on 18 September for ‘breaching the constitutional order’, and fined 250,000 FCFA (approx. US\$500).<sup>18</sup> He was provisionally released on 10 June 2021 with restrictions on his movements and later granted amnesty on 30 December 2021.

### **3. Freedom of expression, media freedom and access to information**

- 3.1** Under the 3<sup>rd</sup> UPR cycle, the government received nine recommendations relating to freedom of expression, media freedom and access to information. It accepted all the recommendations. For example, the government pledged to amend the Press Law to promote freedom of expression and respect the rights of all to express their opinion in line with the ICCPR so that journalists, HRDs and others can do their work without fear of intimidation, arrests or reprisals. However, the government has not implemented any of the recommendations.
- 3.2** Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 28 of the constitution guarantees the right to freedoms of expression, opinion, communication and the press. The Transitional Charter guarantees the right to freedom of the press and publications.
- 3.3** Although Chad has a vibrant media, restrictions on freedom of expression and online freedoms are common. Journalists have been killed in recent years and others have been regularly subjected to arbitrary arrests and detention.
- 3.4** The media is regulated by the Haute Autorité des Médias et de l’Audiovisuel (HAMA), a body that has suspended newspapers and other media outlets and sanctioned journalists. For example, on 7 September 2020, HAMA suspended 12 newspapers (five French and seven

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<sup>17</sup> ‘Amnesty accuse le Tchad de détenir au secret un militant des droits humains’, Le Figaro, 14 February 2020, <https://www.lefigaro.fr/international/amnesty-accuse-le-tchad-de-detener-au-secret-un-militant-des-droits-humains-20200214>.

<sup>18</sup> ‘Chad: Arbitrary arrest and incommunicado detention of Mr. Baradine Berdei Targuio, human rights defender and President of the Chadian Organization for Human Rights (OTDH) and suspension of Mr. Mahamat Nour Ibedou, Secretary General of the Chadian Convention for the Defence of Human Rights (CTDDH) from his duties by an order of the President of the High Court of N’Djamena Mr. Hamad Moustapha Nour’, REDHAC, 18 August 2020, [http://www.redhac.info/documents/Chad\\_Arbitrary\\_arrest\\_and\\_incommunicado\\_detention\\_of\\_Mr\\_Baradine\\_Berdei\\_TARGUIO\\_President\\_of\\_OTDH\\_and\\_the\\_suspension\\_of\\_Mr\\_Mahamat\\_Nour\\_Ibedou\\_Secretary\\_General\\_of\\_CTDDH.pdf](http://www.redhac.info/documents/Chad_Arbitrary_arrest_and_incommunicado_detention_of_Mr_Baradine_Berdei_TARGUIO_President_of_OTDH_and_the_suspension_of_Mr_Mahamat_Nour_Ibedou_Secretary_General_of_CTDDH.pdf).

Arabic language) including Alnada, Barometre, Haut Parleur and Tchad Al Yam for three months.<sup>19</sup> The authorities accused the editors of the papers of failing to adhere to a 2018 Press Law that requires editors in chief and publishers to have gone through training in journalism and have a minimum of three years of higher education.<sup>20</sup> In October 2020 three newspapers – L'Éclairage, N'Djamena Hebdo and La Voix – received letters from HAMA threatening them with suspension if they failed to comply with the same provisions.

- 3.5** On 20 October 2022, Chadian journalist Narcisse Oredje of the private radio station Radio CEFOD was shot and killed outside his home in the Chagoua district of N'Djamena during protests calling for an end to the reign of Mahamat Deby.<sup>21</sup> He was killed by individuals wearing military uniforms and no investigations have been conducted to identify the perpetrators.<sup>22</sup> Lotiko Radio journalist Evariste Djailoramdji was shot and killed in the village of Sandana in similar circumstances.<sup>23</sup> He was killed while he covered community clashes between herders and farmers. Some reports indicate that he was targeted because he transmitted information about the clashes to Lotiko Radio.
- 3.6** On 20 October 2022, journalist Service Ngardjelai of public television channel Toumai TV was arrested at his home in N'Djamena by security forces along with 15 other people as the authorities responded violently to protests. Security forces broke into his home, physically assaulted him and detained him at police headquarters in N'Djamena.<sup>24</sup> He was later transferred to Koro Toro prison in the north of Chad, where the authorities detain many people suspected of participating in protests. He was sentenced to two years in prison and regularly subjected to physical and psychological assault. He was also charged with participating in an unauthorised assembly, arson and disturbing public order.<sup>25</sup> On 7 May 2023, he was cleared of all charges and released.

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<sup>19</sup> 'Chad added to CIVICUS Monitor Watchlist: overview of recent restrictions to civic freedoms', CIVICUS Monitor, July 2021, <https://civicus.contentfiles.net/media/assets/file/Chad.EN.ResearchBrief.pdf>.

<sup>20</sup> 'Chad suspends 12 newspapers over lack of training', Arab News, 8 September 2020, <https://www.arabnews.com/node/1731416/media>.

<sup>21</sup> 'Chad: Journalist killed amid anti-regime protests', International Press Institute, 27 October 2022, <https://ipi.media/chad-journalist-killed-amid-anti-regime-protests>.

<sup>22</sup> 'Chad: journalist killed at protest', National Union of Journalists, 28 October 2022, <https://www.nuj.org.uk/resource/chad-journalist-killed-at-protest.html>.

<sup>23</sup> 'Black Thursday: at least 50 killed in protests against extension of military transitional period', CIVICUS Monitor, 1 November 2022, <https://monitor.civicus.org/explore/chad-black-thursday-at-least-50-killed-in-protests-against-extension-military-transitional-period-qhf1>.

<sup>24</sup> 'La prison au Tchad, c'est presque l'enfer', DW, 18 May 2023, <https://www.dw.com/fr/service-ngardjelai-liberation-prison-koro-toro-conditions/a-65664628>.

<sup>25</sup> 'Le journaliste Service Ngardjelai arrete depuis Octobre est libre ce Dimanche', Les Pays, 14 May 2023, <http://www.lepaystchad.com/29726>.



- 3.7** On 3 September 2022, journalist Aristide Djimalde was physically assaulted and her press card and phone confiscated as she covered protests by political parties in N’Djamena. She was covering a story for the privately owned Alwihda Info website when she was attacked by police officers as she filmed them attacking protesters.<sup>26</sup> The officers deleted all content from her phone, including contact numbers, and attempted to force her into their car, but she resisted.<sup>27</sup> Djimalde was attacked even though she confirmed she was a journalist. She had to take time off work following the attack to recover.
- 3.8** On 10 August 2022, Anner Sabartang, journalist and editor of Radio Gaya, was arrested and detained on the orders of Germain Beramgoto, a local government officer in the Kabbia region.<sup>28</sup> He was arrested after broadcasting information about a conflict over the appointment of Beramgoto, with community members having raised concerns that he was not representative of the community in Kabbia. A few days before Sabartang’s arrest, he was contacted by Germain by phone and accused of being behind the concerns raised over the appointment.<sup>29</sup> Sabartang was initially detained at Germain’s home following his arrest and then transferred to the local gendarmerie, where his phone was confiscated and he was questioned about the broadcast. He was later released without any charges.
- 3.9** On 8 August 2022, journalist Janvier Mouatanger was arrested and detained by the commander of the gendarmerie in the city of Doba and accused of defaming the commander after he broadcast a report about concerns raised by farmers in the village of Ndoroman. In the report, Mouatanger mentioned farmers’ concerns over the grazing of land by herders, who indicated that the land in question was owned by the commander of the gendarmerie, who had granted them permission to graze. Mouatanger is a correspondent for La Voix du Paysan radio station.

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<sup>26</sup> ‘Chad: Aristide Djimalde physically assaulted by police during demonstrations’, Coalition for Women in Journalism, 17 September 2022, <https://www.womeninjournalism.org/threats-all/chad-aristide-djimalde-physically-assaulted-by-police-during-demonstrations>.

<sup>27</sup> ‘La police Tchadienne brutalise la journaliste Aristide Djimalde alors qu’elle couvrait une manifestation’, Committee to Protect Journalists, 19 September 2022, <https://cpj.org/fr/2022/09/la-police-tchadienne-brutalise-la-journaliste-aristide-djimalde-alors-quelle-couvrait-une-manifestation>.

<sup>28</sup> ‘Threats to reporters covering deadly conflicts between herders and farmers in Chad’, Reporters Without Borders, 31 August 2022, <https://rsf.org/en/threats-reporters-covering-deadly-conflicts-between-herders-and-farmers-chad>.

<sup>29</sup> ‘L’union des journalistes Tchadiennes indignée par les arrestation de deux journalistes’, Tchad Infos, 16 August 2022, <https://tchadinfos.com/lunion-des-journalistes-tchadiens-indignee-par-les-arrestations-de-deux-journalistes>.

- 3.10** On 20 April 2022, Radio Oxygène journalist Olivier Memnguide was arrested by the gendarmerie as he covered clashes in the city of Donia in the southwest of the Logone Occidental region. His phone was confiscated and he was taken to the gendarmerie office and accused of rebellion. He was subsequently presented to the prosecutor before being released later that day.
- 3.11** On 27 November 2020, security forces raided the premises of Radio FM Liberte during a media training session for journalists and arrested 70 people, including 30 journalists. Journalist Moussa Nguedmbaye was physically threatened.<sup>30</sup> The journalists were detained for several hours before being released. To protest against the raids and the treatment of journalists, the Union of Private Journalists in Chad organised a ‘day without radio’, in which radio stations shut down and did not broadcast.

#### **4. Freedom of Peaceful Assembly**

- 4.1** During Chad’s examination under the 3rd UPR cycle, the government received seven recommendations on the right to freedom of peaceful assembly. The government accepted all seven, including an agreement to amend Ordinance No 193/62 on public events to guarantee that it is in line with international laws and standards. However, as evidenced below, the government has not implemented any of the recommendations.
- 4.2** The right to freedom of peaceful assembly is guaranteed by article 21 of the ICCPR. Article 28 of the constitution guarantees the right to freedoms of assembly, movement and demonstration. In addition, Article 33 of the Transitional Charter guarantees the right to freedom of assembly and prohibits arbitrary arrests and detention. However, as seen below, the Chadian authorities have persistently used deadly force to disperse protests.
- 4.3** On 20 October 2022, the authorities used violence to disperse protests against the extension of the transitional period by two years. Security forces used live ammunition against thousands of protesters in N’Djamena and Doba, Moundou and Sarh as people called for civilian rule.<sup>31</sup> On the day known as ‘Black Thursday’, more than 50 people were killed, at least 300 were injured and hundreds more

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<sup>30</sup> CIVICUS Monitor, March 2023, op. cit.

<sup>31</sup> ‘Tchad: la répression systématique des manifestation contre la prolongation de la période de transition doit immédiatement cesser’, World Organisation Against Torture, 21 October, 2022, <https://www.omct.org/fr/ressources/declarations/tchad-la-r%C3%A9pression-syst%C3%A9matique-des-manifestations-contre-la-prolongation-de-la-p%C3%A9riode-de-transition-doit-imm%C3%A9diatement-cesser>.

were detained.<sup>32</sup> Those arrested were subjected to unfair trials and many were restricted from having access to family members and lawyers. Several protesters were accused of disturbing public order and destroying property. The authorities conducted mass trials, principally in the Correctional Chamber in Koro Toro, sentenced 261 people and acquitted 59.<sup>33</sup> In the aftermath of the protests, the authorities continued to intimidate, harass and arrest activists and others suspected of participating in the protests, creating a climate of fear. Several HRDs and members of the political opposition, including Max Loalngar of Wakit Tama and Succes Masra from the Les Transformateurs opposition party, were forced to go into hiding to avoid reprisals.<sup>34</sup>

**4.4** Security forces also used teargas canisters and violently arrested protesters who demonstrated against the National Dialogue, which started on 20 August 2022 to define a timeframe and modalities for elections. Protesters argued that the dialogue was not inclusive enough and that the outcomes would not reflect the will of a majority of Chadians. Protests were held and violently repressed throughout September 2022, with security forces arresting more than 80 protesters, most of whom were members of Les Transformateurs. By the end September, more than 220 people had been arrested in relation to the protests and several journalists, including Aristide Djimalde of the Alwihda Info media platform, had been arrested for reporting on the protests.

**4.5** More than 13 people were killed and 80 others were injured when the army used live ammunition against thousands of protesters in Abeche, Ouaddai province, on 24 and 25 January 2022.<sup>35</sup> The protesters were demonstrating against a decision to appoint a traditional ruler from the Bani Halba community in Abeche. Protesters argued that their community already had a traditional ruler and did not need another one.<sup>36</sup> Over the two days more than 202 protesters were arrested and physically assaulted. The authorities also imposed restrictions on internet and phone services between 24 and 28 January and denied using live ammunition against protesters.

**4.6** Security forces used lethal force to disperse protests organised by Wakit Tama from 27 April to 19 May 2021. Forces identified as members of the police force and gendarmerie opened fire on protesters in N'Djamena and the southern city of Moundou, killing 16

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<sup>32</sup> '261 protesters sentenced to prison for 'Black Thursday' protests of 20 October 2022', CIVICUS Monitor, 9 January 2023, <https://monitor.civicus.org/explore/261-people-sentenced-prison-black-thursday-protests-20th-october-2022>.

<sup>33</sup> Ibid.

<sup>34</sup> CIVICUS Monitor, 1 November 2022, op. cit.

<sup>35</sup> 'Chad: violent protests in Abeche Ouaddai region', Crisis24, 25 January 2022, <https://crisis24.garda.com/alerts/2022/01/chad-violent-protests-in-abech-ouaddai-region-jan-25-update-1>.

<sup>36</sup> '14 protesters killed in east Chad amid ethnic tensions', Dhaka Tribune, 28 January 2022, <https://www.dhakatribune.com/africa/2022/01/28/14-protesters-killed-in-east-chad-amid-ethnic-tensions>.

people and arresting 700 others.<sup>37</sup> The authorities had imposed a ban on all protests citing concerns over public order. Local authorities in N'Djamena argued that they imposed a ban on protests because the leaders of the demonstrations refused to disclose the itinerary of protests ahead of time.<sup>38</sup> Conversely, the Ministry of Public Security and Immigration authorised protests by the Nouvelle Vision platform in N'Djamena in May 2021.<sup>39</sup> More than 200 protesters demonstrated peacefully in support of the CMT. Their protests were supervised by security forces, who allowed them to protest.<sup>40</sup>

**4.7** Protests called by Wakit Tama after the CMT took over in April 2021 following the death of President Déby were violently repressed by security forces. The protests condemned what they termed an 'institutional coup', and a continuation of the Déby dynasty. More than nine people were killed in Moudou and N'Djamena.

**4.8** Ahead of the presidential elections in April 2021, the authorities used violence against peaceful protests and rallies by members of the political opposition and civil society.<sup>41</sup> The authorities imposed blanket bans on protests, citing concerns over public disorder, and by 4 February 2021, more than 30 people had been arrested and sentenced to prison terms ranging from two to three months, accused of preparing to coordinate protests at a time when a ban was in place. Protesters called for free and fair elections, expressed concerns over social and economic injustice and urged President Déby not to stand for a sixth term. Between 15 March and 30 March 2021, more than 112 people were arrested and physically assaulted by security forces.

## 5. Freedom of Association

**5.1** During Chad's examination under the 3rd UPR cycle, the government received eight recommendations on the right to freedom of association. The government accepted all eight recommendations. For example, the government agreed to respect the full exercise of

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<sup>37</sup> 'At least 16 killed, hundreds arrested in protests to demand a return to civilian rule, CIVICUS Monitor, 10 June 2021, <https://monitor.civicus.org/explore/at-least-16-killed-hundreds-arrested-in-protests-to-demand-return-to-civilian-rule>.

<sup>38</sup> 'Un an après la mort d'Idriss Deby, Ou en est le Tchad', Anadolu Agency, 20 April 2022, <https://www.aa.com.tr/fr/afrique/un-an-apr%C3%A8s-la-mort-didriss-d%C3%A9by-o%C3%B9-en-est-le-tchad-analyse/2568514>.

<sup>39</sup> 'Quelle est cette plateforme nouvelle vision?', IALTCHAD Press, 12 May 2021, <https://www.ialtchad.com/index.php/details/item/683-quelle-est-cette-plateforme-nouvelle-vision>.

<sup>40</sup> 'Marche de soutien au Conseil militaire de transition à Ndjamená', Le Journal Africa, 13 May 2021, [https://lejournal.africa/rfi\\_1620856813333](https://lejournal.africa/rfi_1620856813333).

<sup>41</sup> 'Long time opposition leaders claims "Chadians did not elect Deby"', Africa News, 14 April 2021, <https://www.africanews.com/2021/04/14/longtime-opposition-leader-claims-chadians-did-not-elect-deby>.

the right to freedom of association, expression and assembly by improving the environment for NGOs, journalists and HRDs to work without fear of intimidation, arrest or persecution. However, the government has not implemented any of the recommendations.

**5.2** ICCPR article 22 guarantees the right to freedom of association. Article 33 of the Transitional Charter guarantees the right to freedom of association. Despite these guarantees, the Chadian authorities, including the CMT, have occasionally imposed restrictions on associational life in Chad.

**5.3** After the promulgation of the new constitution in 2018, the authorities amended several laws, including Ordinance No. 023/PR/2018 of 27 June 2018, which regulates associations. The Ordinance prohibits ‘regional or community-based associations’ and imposes a ban on associations that join national and international confederations.<sup>42</sup> It empowers the authorities to cancel the registration of an association if, for example, it is deemed to undermine territorial integrity or national unity. The Ordinance requires prior authorisation from the Ministry of Territorial Administration before associations can start operating.

**5.4** While the Ordinance requires the authorities to respond to an application to register an association as a legal entity within three months of receiving the application, article 8 of the Ordinance states that the founding of an association may not in any circumstances be interpreted to mean the authorisation can start operating.<sup>43</sup> It further prohibits the involvement of human rights organisations, religious associations and student associations from engaging in what it terms ‘political’ activities but does not define what ‘political’ activities entail.

**5.5** In October 2022, the Ministry of Territorial Administration issued an order suspending the activities of seven political parties for three months, accusing them of undermining national security, compromising the proper functioning of the state and disturbing public order.<sup>44</sup> The parties affected by the ban were l’Al Takhadoum, Front Populaire pour la Fédération, Parti des Démocrates pour le Renouveau, Parti Socialiste sans Frontière, Les Patriotes, Rassemblement pour la Justice et l’Égalité des Tchadiens and Les Transformateurs.<sup>45</sup> The parties were banned after they joined with CSOs in calling for protests against the extension of the CMT for a

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<sup>42</sup> ‘The freedom of thought report: Chad’, Humanists International, 15 September 2021, <https://fot.humanists.international/countries/africa-middle-africa/chad>.

<sup>43</sup> ‘CSOs condemn restrictive legislation on freedom of association’, 24 January 2019, CIVICUS Monitor, <https://monitor.civicus.org/explore/CSOs-condemn-restrictive-legislation-associations>.

<sup>44</sup> CIVICUS Monitor, 9 January 2023, op. cit.

<sup>45</sup> ‘Tchad: Le gouvernement annonce la levée de la suspension de partis d’opposition’, IALTCHAD Press, 21 January 2023, <https://www.ialtchad.com/index.php/details/item/2463-levée-de-suspension-des-partis-politiques-la-lutte-continue-selon-les-concernes>.

further two years.<sup>46</sup> The authorities raided the offices of some of the parties, including Les Transformateurs, and noted that the headquarters of the affected parties should be closed for the duration of the ban. The affected political parties expressed concerns over the suspension, questioning the legitimacy of the CMT that has also extended the transition period. On 20 January 2021, exactly three months after the suspension was imposed, the Ministry of Territorial Administration announced that the suspension had been lifted.<sup>47</sup>

**5.6** In November 2020, the Ministry of Public Security and Immigration issued an alert with instructions to ban a ‘citizens forum’ that was planned from 27 to 29 November 2020 at the Al Mouna Centre in N’Djamena.<sup>48</sup> The forum was banned in the context of a sustained crackdown on fundamental freedoms ahead of elections planned for April 2021. The planned forum was coordinated by members of political opposition parties, CSOs, unions and artists as a citizens’ alternative to a National Forum organised by the government. Organisers of the forum argued that they needed an alternative event where they could reflect on the future of democracy in Chad as they had been excluded from other decision-making processes. A day before the forum, on 26 November 2020, security forces were deployed in key areas in N’Djamena. Security forces also raided the premises of Radio FM Liberte and arrested more than 70 journalists, HRDs and others to prevent the broadcast of an interview about the forum.<sup>49</sup>

## **6. Recommendations to the Government of Chad**

CIVICUS and REDHAC call on the Government of Chad to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

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<sup>46</sup> ‘Tchad: Sept partis politiques suspendus d’activité pour trois mois’, Anadolu Agency, 21 October 2022, <https://www.aa.com.tr/fr/afrique/tchad-sept-partis-politiques-suspendus-d-activit%C3%A9-pour-trois-mois-/2716994>.

<sup>47</sup> ‘Levée de suspension partis politique, “la lutte continue” selon les concernés’, IALTCHAD Press, 21 January 2023, <https://www.ialtchad.com/index.php/details/item/2463-levee-de-suspension-des-partis-politiques-la-lutte-continue-selon-les-concernes>.

<sup>48</sup> ‘Tchad: présence sécuritaire renforcée a N’Djamena, la forum citoyen interdit’, Al Wihda, 27 November 2020, [https://www.alwihdainfo.com/Tchad-presence-securitaire-renforcee-a-N-Djamena-le-Forum-citoyen-interdit\\_a97277.html](https://www.alwihdainfo.com/Tchad-presence-securitaire-renforcee-a-N-Djamena-le-Forum-citoyen-interdit_a97277.html).

<sup>49</sup> ‘Liberte d’expression et de reunion en peril: arrestation et detention’, African Defenders, 7 December 2020, <https://africandefenders.org/fr/liberte-d-expression-et-de-reunion-en-peril-arrestation-et-detention>.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made.

### **6.1 Human rights defenders and civil society activists**

- Stop targeting HRDs, activists and members of the political opposition who express concerns over the actions of the CMT and call for elections to facilitate a political transition to civilian rule.
- Carry out independent investigations into attempts to assassinate HRDs and bring the perpetrators to justice to deter others.
- Provide civil society members and HRDs with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Immediately and unconditionally release all HRDs detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs.

### **6.2 Freedom of expression, media freedom and access to information**

- Carry out independent investigations into the assassinations of journalists and bring perpetrators to justice to deter others.
- Ensure that the composition of HAMA is inclusive and that the organisation desists from imposing arbitrary restrictions on the press.

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Enable unfettered access to online information resources and stop imposing restrictions on the internet and communications facilities, including during politically sensitive periods.
- Implement legislative measures to enable access to information and establish mechanisms to facilitate public access, in line with international best practices.
- Adopt a law on access to information in order to promote the full exercise of the rights to freedoms of expression and opinion.

### **6.3 Freedom of peaceful assembly**

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Carry out independent investigations into violence used to target protesters in October 2022 and bring all perpetrators to justice.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all other instances of extrajudicial killing and excessive force committed by security forces in the context of protests.



- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.

#### **6.4 Freedom of Association**

- Repeal Ordinance No. 023/PR/2018 of 27 June 2018 on associations and consult with civil society to replace the Ordinance with laws and policies that promote and enhance freedom of association, in line with Chad's regional and international human rights obligations.
- Stop imposing bans and restrictions on the activities of CSOs and political formations and stop raids on the premises and homes of civil society groups and political parties.
- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.

#### **6.5 Access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; 4) Special Rapporteur on the independence of judges and lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the right to privacy; and 7) Working Group on Arbitrary Detention.

#### **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

## 7. Annex: Assessment of implementation of civic space recommendations under the 3<sup>rd</sup> cycle

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>114.85 Develop and adopt a law to recognize human rights defenders, to protect them from arbitrary arrests and intimidation, and to support their work in accordance with the United Nations Declaration on Human Rights Defenders (Netherlands);</p> <p><b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>A41 Constitutional and legislative framework</p> <p>D33 Arbitrary arrest and detention</p> <p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- human rights defenders</p>	<p>Not implemented</p> <p>Source: 2.1, 2.2</p>
<p>114.90 Amend Ordinance No. 45/62 on public gatherings and Decree No. 193/62 on public events in order to bring them into line with international law and standards concerning freedom of expression, association and peaceful assembly (Canada);</p> <p><b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>A41 Constitutional and legislative framework</p> <p>D43 Freedom of opinion and expression</p> <p>D44 Right to peaceful assembly</p> <p>D45 Freedom of association</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Not implemented</p> <p>Source: 4.1, 4.2</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>114.87 Respect freedom of the press and the right to freedom of opinion and expression in accordance with domestic law, the International Covenant on Civil and Political Rights and other international standards, to ensure that journalists, media workers and human rights defenders are able to freely exercise their rights to freedom of expression, without fear of reprisals, arrest, detention, intimidation, threat or harassment (Sweden);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D26 Conditions of detention  D43 Freedom of opinion and expression  H1 Human rights defenders  <b>Affected persons:</b>  - media</p>	<p>Not Implemented  Source: 3.1, 3.2, 3.3</p>
<b><i>Theme: D43 Freedom of opinion and expression</i></b>			
<p>114.93 Strengthen freedom of opinion and expression (Iraq);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D43 Freedom of opinion and expression  <b>Affected persons:</b>  - general</p>	<p>Not Implemented  Source: 3.2,3.3</p>
<p>114.96 Implement the right to protest (France);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D43 Freedom of opinion and expression  <b>Affected persons:</b>  - general</p>	<p>Not Implemented  Source: 4.3, 4.4</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>114.88 Respect the right to freedom of opinion, expression, association and peaceful assembly (Switzerland);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D43 Freedom of opinion and expression  D44 Right to peaceful assembly  D45 Freedom of association  <b>Affected persons:</b>  - general</p>	<p>Not Implemented  Source: 3.3, 3.5</p>
<p>114.94 Guarantee full exercise of the rights to freedom of expression, association and peaceful assembly, also improving the environment for journalists, human rights defenders and non-governmental organizations to freely carry out their activities (Italy);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D43 Freedom of opinion and expression  D44 Right to peaceful assembly  D45 Freedom of association  H1 Human rights defenders  <b>Affected persons:</b>  - general  - media  - human rights defenders</p>	<p>Not Implemented  Source: 3.6, 3.7, 4.4, 4.5, 5.3,5.4</p>
<b>Theme: D45 Freedom of association</b>			
<p>114.91 Defend freedom of association and freedom of the media (France);  <b>Source of position:</b> A/HRC/40/15 - Para. 114</p>	Supported	<p>D45 Freedom of association  H1 Human rights defenders  <b>Affected persons:</b>  - general</p>	<p>Not Implemented  Source: 3.7, 3.8, 5.4, 5.5</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: H1 Human rights defenders</b>			
114.191 Take the necessary steps to protect human rights defenders facing threats and intimidation (Spain); <b>Source of position:</b> A/HRC/40/15 - Para. 114	Supported	H1 Human rights defenders <b>Affected persons:</b> - human rights defenders	Not Implemented  Source: 2,2, 2.3, 2.5
114.192 Take the necessary measures to guarantee the protection of human rights defenders as well as journalists, and investigate and punish all acts of intimidation and violence against them (Argentina); <b>Source of position:</b> A/HRC/40/15 - Para. 114	Supported	H1 Human rights defenders <b>Affected persons:</b> - media - human rights defenders	Not Implemented  Source: 2.5, 2.6