

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2008/03/20/chad-charge-or-release-political-detainees>

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(Paris)- The Chadian government should charge or release persons arrested following a February coup attempt, Human Rights Watch said today. At least eight individuals, and possibly many more, remain in custody following the lifting of the state of emergency on March 15.

State security forces arrested at least 15 persons and held them without charge since Chadian rebels attempted a coup on February 2-3, but the actual number is likely to be higher. A Human Rights Watch investigation in Chad and Cameroon received numerous reports of arbitrary arrest from credible sources, but many reports could not be verified, often because former detainees, family members and eyewitnesses declined to be interviewed for fear of government persecution.

The Chadian government is using the recent coup attempt as a pretext to arbitrarily arrest people who have no apparent connection to the insurgency, said Georgette Gagnon, Africa director at Human Rights Watch. Detainees should be released immediately or charged with a crime and accorded all their rights, including immediate access to a lawyer and a hearing before an impartial judge to determine the lawfulness of their detention.

Eleven of the 15 cases of apparent arbitrary detention documented by Human Rights Watch since the coup attempt are members of the Goran ethnic group, raising concerns that the government is targeting people for arrest at least in part on account of their ethnicity. The Goran predominate in the Chadian rebel group that led the coup attempt, the Union des Forces pour la Dmocratie et le Dveloppement (Union of Forces for Democracy and Development, UFDD). Chad has previously been the scene of violations against civilians of particular ethnicities in the context of conflict between the government and rebel insurgents: Human Rights Watch research in the ethnic Tama homeland of Gurda in 2007 confirmed that Tama civilians in Chad were subject to arbitrary arrest and detention by government security forces in the wake of an April 2006 takeover attempt by a predominantly Tama rebel group.

One of the 11 ethnic Goran held without charge is Mahamoud Adoum Aguid, who is from the same Anakaza Goran sub-clan as the leader of the UFDD rebels, Mahamat Nouri. Aguid, a 59-year-old retiree who was formerly Chads top customs official, was taken by state security forces on February 19 and has not been seen since. Eyewitnesses told Human Rights Watch that four unarmed men wearing civilian clothes arrived at Aguids home in NDjamena, Chads capital, at 6 a.m. The men identified themselves as members of the Renseignements Generaux, a branch of the national police that reports directly to Chadian president Idriss Dby Itno. According to an eyewitness:

They said, Come with us; you have been summoned. He [Aguid] said, Who sent you? They said, We cant tell you who sent us. I insisted. I said, Where are you taking him? How can you take him without telling us where youre going? One of them said, Were from R.G. [Renseignements Generaux]. He [Aguid] got in the car and they left.

A member of Aguids family followed the vehicle, a white, non-military Toyota Hilux with no license plates, to the police station in Marjandafak in NDjamenas 2nd District. A family member who was present at the police station said that Aguid was interrogated and then transferred to the headquarters of Renseignements Generaux at 3 p.m.

I dont know if hes alive or dead, a family member said of Aguid. Since he was arrested I have heard nothing.

Human Rights Watch previously documented the arbitrary arrest of three opposition politicians by government security forces. Two of the politicians, Ngarlejoy Yorongar and Lol Mahamat Choua, have been released from government custody, while a third, [Ibni Oumar Mahamat Saleh](#), is still unaccounted for and is considered to have been disappeared. A state commits an enforced disappearance when it takes a person into custody and denies holding them or fails to disclose their whereabouts. Human Rights Watch takes the view that the Chadian authorities are fully accountable for the fate of Mr. Ibni Saleh.

Soldiers have tortured and otherwise ill-treated those they have taken into custody, Human Rights Watch said. In one such case

documented by Human Rights Watch, soldiers wearing uniforms that are consistent with those worn by the Chadian National Army (Arme Nationale Tchadienne, ANT) arrested a 23-year-old Goran merchant on February 4 at 6 p.m. at his NDjamena home. One of the soldiers was identified by eyewitnesses as Abakar Barh, who is Chadian President Dbys nephew and the younger brother of the army deputy chief of staff. The soldiers took the detainee to a home in NDjamenas Klemat neighborhood that had been abandoned and looted during the fighting in the capital two days earlier. The owner of the house was identified as Abdurahman Bideye Dby, the half-brother of President Dby. There, the soldiers beat the detainee with electrical cables that left open wounds, which were examined by Human Rights Watch. Before being released later that night, the detainee told Human Rights Watch he was taken to the police station in Marjandafak in NDjamenas 2nd District, where he was held with nine other detainees, two of whom appeared to have been abused while in detention: one was bleeding profusely from a head wound, while another showed signs of having been severely beaten, with his face badly swollen and his ear nearly severed.

We are concerned that detainees may face ill-treatment and torture while in detention, said Gagnon. The president and top officials should send a clear signal to the security forces that abuses will not be tolerated.

The government declared a state of emergency on February 14 and extended it for two weeks on February 29. Under the state of emergency, which expired on March 15, security forces assumed sweeping powers to arrest and detain people without charge. Under international law, however, the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, and freedom of thought, conscience, and religion may in no circumstances be circumscribed, even under a state of emergency.

The government used the state of emergency as a flimsy justification to trample on the rights of its citizens, said Gagnon. Now it must charge those in custody or release them.

Eyewitnesses told Human Rights Watch that state security forces committed abuses while conducting house-to-house searches for rebels and goods that were looted during the February coup attempt. Soldiers searched homes without warrants and stole and extorted money and other valuables during these searches. Human Rights Watch has documented the rape of two women by soldiers conducting house-to-house searches in the last month.

The rule of law in Chad, already precarious, has seriously deteriorated in the past month, said Gagnon. Meanwhile, the [international community](#) has remained largely silent. Chads partners need to condemn abuses against civilians and call on the Chadian government to act to prevent further abuses.

Human Rights Watch called on the Chadian government to take immediate measures to end the practice of arbitrary detention and enforced disappearance, such as ensuring that all persons detained by security forces are held at recognized places of detention and that records are maintained regarding every detainee, including the reason for detention and the unit or agency responsible. Any persons detained by the security forces must be allowed contact with family and unhindered access to legal counsel.

Human Rights Watch further called on the government to promptly and impartially investigate all allegations of police involvement in violence, torture, rape and other abuses, and bring those responsible to justice.

Human Rights Watch also called on Chads international partners France, the United States, China, and the European Union to press the Chadian government to release or charge all of those subjected to arbitrary detention.

An international commission of inquiry (including seven Chadians and one member each from the European Union, the African Union, France and the International Organization of La Francophonie) established by the Chadian government on February 27 with a mandate that covers the Sudanese aggression of January 28 - February 8 could theoretically address some of the recent abuses documented by Human Rights Watch. However, Human Rights Watch said the commission is not in line with international standards for commissions of inquiry and lacks independence and credibility because it is headed by the president of the Chadian National Assembly, a close ally of President Dby.

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