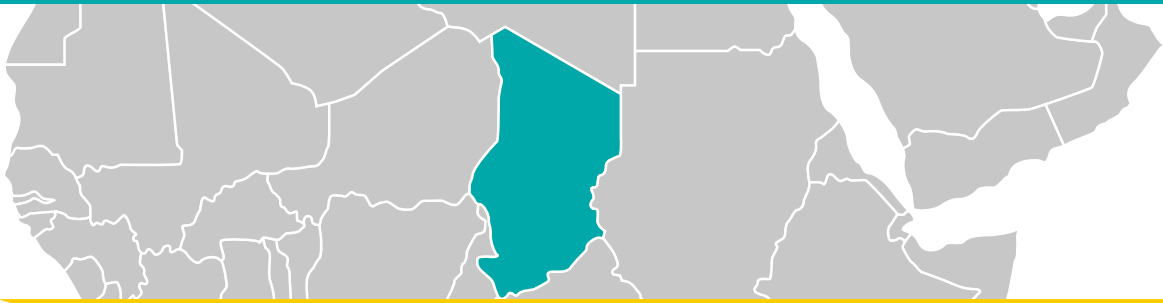


REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING: CHAD

Official Register of Survivors of conflict-related sexual violence (CRSV): None.

Commonly cited number of CRSV Survivors: Approximately 100 survivors among civil parties to cases against former President Hissène Habré and allies in Senegal and in Chad. [Extraordinary African Chambers](#) (EAC) judgment assumed that all women held in detention were subject to CRSV.

Estimated Real Number of CRSV Survivors: Tens of thousands.

Domestic Legal Framework for Administrative Reparations Programme: No.

Mechanism to implement Administrative Reparations Framework: N/A

Domestic Avenues for Reparations through Courts: Yes, including direct reparations orders issued by domestic and ad hoc criminal courts, but no political will to implement the judgments

Approximate Number of Survivors having received any formal Reparations for CRSV: 0

Survivor Perception regarding state of Implementation of Reparations: Survivors are frustrated by the failure of the Chadian government and the African Union to fulfil their right to reparations.

Ongoing CRSV: No



Nature and Scope of CRSV

Hissène Habré came to power in 1982 and was deposed in 1990. His rule was characterised by a policy of repression and systematic elimination of 'enemies' of the regime. Through the Documentation and Security Directorate (DDS), a political police force, widespread human rights violations became common place as the government set up secret detention facilities, targeted political opponents and certain ethnic groups and perpetrated large scale acts of murder, kidnapping and torture. Sexual and gender-based violence perpetrated under the Habré regime, specifically within detention facilities and military camps, was so systemic that the Extraordinary African Chambers legally [qualified](#) it as a crime against humanity.

Survivors have provided accounts of forced abortions, rape of underage girls, sexual torture, sexual slavery and instances of death as a result of repeated sexual violence. Detainees were deprived of basic necessities and access to food and medicine was often dependent on the performance of sexual acts. Rape was so systemic within detention facilities and military camps that a lawyer for the victims stated that it can be presumed that "all women who were among the victims had been raped". Female survivors have reported daily rape that was often committed alongside other acts of torture. There are clear indicators of the systematic and premediated nature of the sexual violence as women were forced to take contraceptive pills to prevent pregnancy.

Although accounts are not as commonly reported, sexual violence against men also occurred in detention facilities. There are reports of sexual torture perpetrated upon male detainees, often resulting in genital mutilation.

Sexual violence was also a common aspect of the violence perpetrated by Habré's forces outside of detention facilities and military camps. Under the pretext of fighting the opposition, Habré's forces attacked, looted, killed, and burned villages which were suspected of sympathising with guerrilla groups. Sexual and gender-based violence was committed as part of this climate of terror, particularly in the form of rape.

FACTS AND FIGURES

There are no reliable statistics on the prevalence of CRSV and numbers of survivors in Chad.

Profile of victims: Women (and men) held in detention. Most women held in military camps were Muslim, spoke Arabic and had an alleged or perceived connection to Libya. In DDS facilities Saras, Arab Chadians, the Hadjarais and Zaghawas were targeted.

Profile of perpetrators: DDS agents and members of the National Armed Forces (FANT) under Habré's command.



Harm caused to Survivors, Families and Communities

Survivors of CRSV have suffered long-term physical consequences. Many have been unable to have children or have required treatment to regain their reproductive health. Many women have suffered miscarriages, premature deliveries and still births. Chronic pain, genital deformities and severe burns have also resulted from sexual torture. Non-reproductive medical issues are also common amongst survivors with many noting long-term conditions that impact their daily lives, such as difficulties with their sight and hearing, typically resulting from head injuries.

The trauma that CRSV survivors live with has an enormous impact on their mental wellbeing. It manifests in sleep and memory disorders, anxiety, lack of concentration and depression. The lack of available aftercare has exacerbated the mental and physical health issues arising from survivors' traumatic experiences.

In Chad, being a survivor of sexual violence has a considerable impact on one's standing and place in the community. CRSV survivors are highly stigmatised and considered to be a shame to the community. In many cases, the community no longer deems the survivor to belong to the group. Families are often torn apart as a consequence. Many survivors withdraw from the community as a result, and their belief and trust in their communities and in state institutions is often destroyed.

The material harm survivors have endured has also had a long-term social impact. Their detention has deprived them of access to education and employment, affecting potential earnings and their ability to reintegrate society. The property of those arrested and detained was often confiscated and survivors have described how they were unable to locate their belongings when they were released.



Survivors' Perspectives

Needs and Expectations

It should be noted that this section is based on stakeholder interviews and documentation from the Habré trial. The survivor engagement part of the project is only now beginning in Chad.

The vast majority of CRSV survivors live in extreme poverty (as does much of the general population). As such, survival is the primary motivation for survivors' desire for financial compensation.

Stakeholders have also expressed a need for access to psychological care, as well as support to reintegrate society at social, economic, and communal levels.

Some survivors further express intergenerational needs, and the importance of ensuring that their children, who have suffered indirectly as a consequence of their parents' trauma, have opportunities for their future. Memorialisation is also voiced as an important need by some survivors who do not wish their experiences to be forgotten. Following consultation with victims, [collective reparations](#) were also sought at the EAC by civil parties, in addition to the request for monetary compensation. Examples of collective reparations requested (but denied) included: development of income-generating community projects, erection of memorial monuments, education in schools about this period in Chadian history, commemoration of the day of the EAC's ruling as a symbol of victory over impunity and construction of multi-purpose socio-professional training centres for the children of victims.



Survivors' Initiatives

A [transnational advocacy network](#) has been key to setting up the EAC. This network is a testament to survivors' perseverance with the support of effective lobbying and resources from international NGOs. Within this advocacy network, several victims and human rights associations formed after Habré's fall have been active within Chad, including for example the Chadian [Association of Victims of Crimes and Repression of Hissène Habré](#) (AVCRHH), the [Ligue Tchadienne des Droits de l'Homme](#) (LTDH) and the [Association for the Promotion and Defence of Human Rights](#) (ATPDH).

Given the failure to implement reparations in practice, survivors took their case to the [African Commission on Human and Peoples' Rights](#) (ACHPR) in 2017. The case was submitted by civil party lawyers active in both the Chadian case against former DDS agents and the case against Habré before the EAC in Dakar. Survivors were assisted by ATPDH, REDRESS, Human Rights Watch, and were represented by Freshfields Bruckhaus Deringer LLP. The case argued that Chad's failure to comply with the 2015 N'Djamena [judgment](#) against DDS agents (described below) violates the victims' right to a fair trial, the right to redress and the right to property. To date, the ACHPR has not yet considered the admissibility of the case.

In Chad, survivors have led domestic advocacy efforts for reparations through victims' associations such as the AVCRHH. These efforts are designed to put pressure on the government to provide the reparations promised. The most recent initiative, a multiday march organised in N'Djamena in June 2021, called upon the newly established Military Transitional Council to fulfil government obligations stemming from the above-mentioned national [judgment](#) to establish a Commission to administer the court-ordered reparations. The survivors have carried out such initiatives since the judgments in N'Djamena and Dakar, and have consistently encountered police resistance.



Demonstration of victims of Hissène Habré's regime in the streets of N'Djamena, June 2021.
Credits : Clément Abaïfouta



Reparations

IN THEORY

Domestic judicial remedies:

In 2015, a domestic Chadian court [awarded](#) 75.000.000.000 CFA (approx. 126 million USD at the time) in reparations to over 7000 victims of the Habré regime to be paid by 20 defendants and the Chadian state. The complaint filed by civil parties as well as the prosecutor's indictment had not included charges of rape or other forms of sexual violence because, at the time, the Chadian Criminal Code did not include these crimes. However, amongst the more than 7000 civil parties that were awarded reparations, approximately 100 were victims of sexual slavery and others forms of CRSV and some of them testified during the trial. This means that a considerable number of CRSV survivors hold the legal right to reparations owed to them by the Chadian state. The judgment also ordered some memorialisation measures.

International judicial remedies:

The EAC in Senegal dealt specifically with sexual violence. In 2016, this [Court found](#) that Habré was guilty of war crimes and crimes against humanity, including sexual violence in the form of sexual slavery and sexual torture, amongst others. In its reparation award, the EAC underlined that victims of rape and sexual slavery are subject to lasting physical, material, moral and psychological effects. The EAC awarded CRSV victims 20 million francs CFA (approx. 34,480 USD) each to be paid by an African Union Trust Fund. The collective reparations requested by the civil parties were denied by the EAC.

Need for national reforms

In 2018 the UN Working Group on the Issue of Discrimination against Women in Law and in Practice (WGDWLP) issued several [recommendations](#) regarding necessary domestic legal reforms as guarantees for non-repetition.

IN PRACTICE

Lack of Implementation

- There has been a complete [failure](#) to implement both the reparations ordered by the EAC and by the Chadian court.
- Failure to implement reparation has partially erased the great success that the Habré trial represented in terms of accountability and justice.
- At national level, the Chadian government has [failed to implement](#) both material and symbolic measures to repair the harm caused to civil parties, including survivors of CRSV. The Court ordered for the government to set up a commission to implement the ordered reparations, which has not happened.
- At regional level, the African Union has similarly [not operationalised](#) the Trust Fund it was ordered to establish by the EAC.

Need for national reforms

The WGDWLP [recommendations](#) have yet to be implemented. They include, amongst others, adopting a comprehensive law preventing and combating violence against women; ensuring effective implementation of existing legislation on the protection of women's rights and gender equality; establishing specialised courts/chambers to rule on matters involving violence against women; ensuring access to medical, psychological, rehabilitation and legal services in response to instances of sexual and gender-based violence (SGBV).



Opportunities

Asset tracing may be an opportunity for ensuring that survivors receive the reparations ordered. The EAC did not focus on tracing or freezing Habré's assets. However, asset recovery has been one of the proposed ways of financing the Trust Fund ordered in the EAC decision. Habré's house and bank accounts in Senegal have been seized, and it appears he may have more assets in the form of shares and accounts held in other people's names (possibly in Chad or France). His house and two small bank accounts in Senegal were worth around 1 million USD and were [seized](#). However, these assets have not been liquidated. Developments on this front could have a large impact on implementation of the reparation orders.

It remains to be seen whether the recent political changes ([death of the late president Idriss Déby](#) and takeover of power by his son) in Chad represent a setback, a continuation of the status quo or potentially an opportunity for the long-overdue implementation of the court-ordered reparations measures. While the transitional government is largely composed of members of the late president's party, some notable opposition figures were also integrated. The new Minister of Justice, Mahamat Ahmat Alhabo, has publicly [promised](#) to investigate the deaths and violent arrests that occurred during recent anti-military protests and, according to some, he may turn out to be an ally or at least an independent defender of the rule of law. Depending on how the new political climate develops, there may even be an opportunity to get the reparations order of the 2015 national judgment enforced, although several stakeholders interviewed for this research are pessimistic about the independence of the national judicial system.



Key Challenges

- Lack of implementation of the reparation orders issued by the EAC and the Chadian court. Over [300 survivors have died](#) while they were waiting for reparations.
- Lack of reparations programmes or other non-judicial remedies available at the domestic level to provide victims of CRSV with reparations.
- National laws are not sufficiently survivor-centric or effective. Moreover, there is no trust in the national rule of law and the proper application of existing laws, meaning that Chadian lawyers and human rights defenders do not see using the national legal system to obtain further reparations awards as an option, especially given the lack of implementation of the reparations order in the above-mentioned Chadian case.
- Difficulty to locate and verify the identity of survivors should the regional and national reparations legally owed finally materialise. Moreover, the AU Trust Fund statute clearly states that reparations should also go to survivors who were not civil parties in the Habré case. Thus, an outreach, identification and registration process needs to be put in place.
- Stigma surrounding CRSV is a major challenge for survivors. It is the main reason for underreporting of CRSV in Chad. It makes identifying survivors difficult and prevents many survivors from coming forward to receive reparations.
- Victim fatigue is a considerable obstacle for programme work and advocacy on behalf of CRSV survivors. Most survivors are greatly frustrated by the fact that they never received the reparations awarded to them by the EAC and the Chadian court. Consequently, many survivors have lost trust and hope, and are no longer interested in engaging on the topic of reparations.
- Political upheaval is an immediate challenge in Chad. On 20 April 2021, Chadian president Idriss Déby was killed while visiting forces fighting against rebels from the Front for Change and Concord in Chad (FACT) close to Chad's northern border. He was succeeded by his son, who became the head of the transitional military council after the army dissolved the government and the National Assembly.
- On 24 August 2021, it was reported that Hissène Habré had died of Covid-19 in Senegal. This has no impact on the obligation of the African Union and Chadian government to implement reparations orders, but does potentially complicate the asset recovery process, which has become all the more urgent.



Preliminary Recommendations

- The Chadian transitional government needs to demonstrate its commitment to human rights and the rule of law and immediately fulfil its legal obligations to establish the court-ordered Commission to implement the court-ordered reparations awarded to 7000 civil parties, including survivors of CRSV. This Commission must be gender-sensitive and survivor-centric, and must award reparations in a way that takes into account the stigma faced by CRSV survivors and the gender-dynamics in families that can affect who can access and use money. The memorialisation measures ordered by the national criminal court, namely the construction of a memorial and the transformation of the former DDS detention centre into a museum, must equally highlight the different experiences of the different victim groups, including CRSV survivors.
- The [transitional government](#) and its successor - the government that will be elected at the end of the transitional period - should also consider making it mandatory for the Commission to organise victims' consultations prior to and throughout the implementation process. Other measures to enable survivors to participate effectively and meaningfully in every phase of the process also need to be developed.
- The new Chadian Government should implement the [2018 recommendations](#) issued by the UN Working Group on the Issue of Discrimination against Women in Law and in Practice (WGDWLP) regarding domestic reforms, including when drafting and adopting the new Constitution, to promote gender equality and eradicate sexual and gender-based violence (SGBV), thereby ensuring non-repetition.
- The new Minister of Justice should implement domestic reforms to improve access to judicial remedies by victims of sexual violence, including CRSV, and to ensure the impartiality and effectiveness of the judicial system. Further areas of focus should include awareness campaigns regarding sexual violence and a commitment to the prosecution of perpetrators. Additionally, the Minister of Justice must ensure adequate gender representation in the police and judicial institutions.
- The new Chadian government should cooperate fully with the African Union in establishing the Trust Fund in N'Djamena and should consider all measures that might be available to ensure availability of resources for the Fund.



Next Steps

Urgent action by the international community, Chadian civil society organisations, and State authorities is needed to assist, support and sustain survivors' efforts to obtain the implementation of the above recommendations and achieve recognition and effective reparation. These include:

- The international community must support the African Union and the government of Chad in establishing reparations measures by way of funds and/or technical assistance as may be required and appropriate. In particular, the international community should support the African Union when it eventually calls the international donor conference to discuss the funding of the Trust Fund and to make any contributions dependent on progress and actual implementation of reparations to victims, including survivors of CRSV. The African Union has repeatedly stated that such a conference will be organised.
- The international community should support the Trust Fund by providing technical assistance and resources to find and seize any additional assets that Habré and other perpetrators might have outside of Chad.
- The [UN Office of the High Commissioner for Human Rights](#) (OHCHR) can play an important role in mandating its office in Chad to be a strong supporter of CRSV victims to obtain reparations; this does not currently seem to be a priority for the office. Additionally, the OHCHR could play a stronger role in promoting and providing technical assistance on the implementation of non-repetition measures to prevent SGBV in Chad.
- The international community and donors should support victims networks and organisations working with victims of the Habré regime, including CRSV survivors, to ensure they can continue their important work, including the updating and maintenance of victims' databases.