



**International covenant  
on civil and  
political rights**

Distr.  
GENERAL

CCPR/C/SR.2635  
23 July 2009

Original: ENGLISH

---

HUMAN RIGHTS COMMITTEE

Ninety-sixth session

SUMMARY RECORD OF THE 2635th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 17 July 2009, at 10 a.m.

Chairperson: Mr. IWASAWA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (continued)

Initial report of Chad (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.09-43624 (E) 220709 230709

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (continued)

Initial report of Chad (continued) (CCPR/C/TCD/1; CCPR/C/TCD/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Chad took places at the Committee table.
2. Mr. ARABI (Chad) said that the International Covenant on Civil and Political Rights had been ratified by the Decree of 9 June 1995, which had been published in the country's Journal Officiel. While in principle citizens and lawyers were free to exercise the rights set forth in the Covenant, public awareness of those rights was sketchy. His Government therefore needed to work with civil society on the issue.
3. One of the greatest difficulties currently facing Chad was harmonizing its legislation with its international obligations. The Criminal Code, the Code of Criminal Procedure and the Nationality Code, among others, dated from the country's colonial past and had not been updated. As a result of the general review of the justice system in 2005, a justice reform programme had been set up; one of its aims would be to harmonize all legislation with the international instruments ratified by Chad. Given the disparities in the country's customary law, the draft family code would be the only way to unite Chadian society and take into account specific aspects of such difficult issues as religion. With the forthcoming adoption of the family code, the role of traditional chiefs in resolving conflicts would be curtailed, and the Statute on Traditional and Customary Authorities would set forth the new functions of those chiefs.
4. His Government had welcomed all human rights initiatives taken by the international community and was endeavouring to put into effect the recommendations made by the Representative of the Secretary-General on internally displaced persons (IDPs) after his recent visit to Chad. The Government had, for example, tightened security in refugee camps. While the security situations in Darfur and eastern Chad meant that it was not yet possible to repatriate the refugees, many IDPs had returned to their villages despite the devastation caused by the Janjaweed's "scorched earth" policy.
5. Perpetrators of acts of violence, including sexual violence, were punished, largely thanks to the work of the country's women's organizations: 70 per cent of cases of violence against women brought to the attention of a judge were subsequently prosecuted.
6. Under article 87 of the Constitution, if the country's institutions, independence or territorial integrity or the execution of its international obligations were under serious and immediate threat, or governance by the public authorities was interrupted, the President of the Republic, after consultation with the Presidents of the National Assembly and the Constitutional Council, could take exceptional measures appropriate to the circumstances for a period not exceeding 15 days. Those measures did not, however, justify violation of life, physical or moral integrity or citizens' legal rights. As a result of the violence in 2006 and 2008, states of emergency had been declared and restrictions placed on the freedoms of association and movement of members of the press.

7. The death penalty had not yet been abolished in Chad. The 12-year moratorium on the death penalty that had existed from 1991-2003 had ended with the executions carried out in 2003. The executions had been a strong signal from the Government in response to the general insecurity in the country, at a time when it had been impossible to keep the most serious offenders in prison.

8. In response to a question from Ms. Wedgwood on the events in Koukou in June 2008, he said that religious fanatics led by a Mr. Marabou had sought to start a holy war against the local population and had attacked the security forces, which had simply defended themselves. Two members of those forces had been killed and 6 injured, while some 20 fanatics had been killed. Their leader and some of his lieutenants had been detained in N'Djamena by order of the investigating judge.

9. The Adouma Ali Ahmat case was not a purely legal one, but also had political and economic connotations. Following the assassination of Sudanese businessman Cheikh Ibn Oumar Idriss Youssouf, about 10 individuals, including his associate Adouma, had been arrested and charged with the crime. The defendants had been sentenced to death at a public trial in the criminal courts, during which they had had access to legal assistance. The Head of State had refused their request for pardon and, as no further remedies had been available and to prevent their escape, they had been executed within a few days.

10. In view of the many problems before and during the events of January 2008, the Government had established a commission to investigate the events and apportion responsibility. The cases referred to in the report of the Chadian League of Human Rights might be true and could eventually be looked at by the investigating commission.

11. Access to public office in Chad was restricted to citizens or naturalized persons who had lived in the country for at least five years; that provision was not discriminatory and similar provisions existed in many countries that were obliged to prevent access to public office from being monopolized by foreign nationals.

12. With regard to the draft family code, a meeting with all those involved in its preparation had been convened over three days in June 2009. The obstacles preventing its adoption had been removed and the relevant bill would be brought before the National Assembly for adoption in the near future.

13. The issue of establishing a national human rights institution would be at the top of the agenda of the National Human Rights Forum to be held in November 2009, following which the establishment of a dynamic institution in accordance with the Paris Principles was expected.

14. In response to Ms. Motoc's question, he noted that the death penalty could be executed only when all other remedies had been exhausted, i.e. once the request for pardon had been rejected. The country's prisons were unfortunately easy to escape from; for example, in 2006 and 2008 there had been a mass escape, including by prisoners sentenced to death, many of whom had subsequently perpetrated further human rights violations.

15. The flood of refugees from Sudan and central Africa had not gone unnoticed by the international community, and UNHCR, ICRC, UNICEF, Médecins sans frontières and several other NGOs were assisting his Government in looking after them, providing food, tents, drinking water, medical care and education, inter alia.

16. A justice system for minors was in place: each court, including the court of appeal, had a special judge and division for cases involving minors.

17. In order to bridge the gap that had opened up over many years and had seriously limited the school enrolment rate of girls in Chad, the Government had made girls' education free of charge.

18. Assassination, murder, infanticide, patricide, poisoning, treason and espionage were the seven offences punishable by death.

19. Mr. DJASNABAILLE (Chad) said that, while the death penalty was still under discussion in Chad, his Government officially opposed it. Nevertheless, it was bound to consider the various options and public opinion: with daily reports of killings and rape in Chad, not everyone agreed that the death penalty should be abolished. It was, however, considering a further moratorium on the death penalty.

20. Violence against women was being debated nationally, with the involvement of tribal and religious leaders. The fact that approximately half of the Chadian population was Christian and half Muslim made progress on the issue difficult, but the support of customary leaders was crucial in ensuring that the cultural causes of domestic violence were resolved.

21. The Government was slowly incorporating traditional chiefs into the democratic system, and the leaders in rural areas would eventually be elected. The powers of traditional chiefs would be gradually reduced, while the best elements of national identity would be preserved.

22. While more women needed to be educated in order to be able to campaign for their own political participation, the discussions on the draft family code would help women assume their rightful place. Furthermore, women could complain to the courts if they faced discrimination; legislation would prevail over customary law.

23. Kounu was an area with links to Al-Qaida, and the Government had been bound to react when public order there had been threatened. He disagreed with the report of the Chadian Human Rights League which claimed that the law enforcement officials' actions had been disproportionate; the secular character of the country had been at risk and homes had been ransacked and food burned. The region was now quiet and its inhabitants were rebuilding their lives with the help of the Government.

24. Mr. AMOR, Country Rapporteur, asked for clarification whether the Covenant had been published, as contradictory information had been given to the Committee. Since domestic legislation had not yet been harmonized with the Covenant, he asked whether programmes and guidelines had been established for the harmonization process. Lastly, he noted that not all customary law had to be codified, as some was already included under various laws, such as the Criminal Code.

25. Sir Nigel RODLEY observed that the candidness of the delegation of Chad had been very disarming; for example, the initial report of Chad (CCPR/C/TCD/1) contained many statements that other States would not have made as openly. While frankness was to be encouraged, Chad had freely entered into its international commitments and should perhaps not have undertaken commitments that it could not yet fulfil.

26. In the light of paragraph 150 of the initial report, which noted that torture did sometimes occur in custody, and paragraph 177, which stated that the time limit on police custody was often not observed, he asked whether detention after the time limit had expired was unlawful and therefore an offence. If such instances were detected by the Public Prosecutor during inspections, could they not then be considered as having been committed in flagrante delicto? Were any such cases ever prosecuted?

27. Reports from NGOs had suggested that the death penalties executed in 2003 had been ordered as the result of confessions based on the use of torture, so the Committee needed more information to assess those executions. The issue at hand was not the abolition of the death penalty but that punishment, to be compatible with the Covenant, must ensure that such provisions as the right to a fair trial and the right of appeal were observed. He asked how long the persons executed had been held before being given access to lawyers, and requested details of access. He also asked what actual safeguards had been in place to prevent confessions being obtained under torture. He enquired whether the convicted persons had been accorded a full right of appeal or just a limited right of cassation. Was it true that an appeal in cassation before the Supreme Court had been pending when the accused had been executed?

28. Ms. WEDGWOOD observed that all the reports used by the Committee were widely available, including on the Internet; any national human rights institution should work closely with NGOs and keep abreast of such reports. She urged the delegation to respond to questions raised by the Committee on specific cases.

29. Ms. MAJODINA referred to the questions she had asked at the previous meeting concerning domestic violence and to the explanation given in paragraph 99 of the initial report that the culture of violence in Chad was a legacy of a long history of instability. She acknowledged the delegation's reply that 78 per cent of perpetrators brought to court were punished for domestic-violence offences, but wanted to learn more about the legal framework in Chad and the measures it was taking to address and eliminate domestic violence.

30. In connection with paragraph 107 of the report, she sought further information on what action would be taken, and what penalties imposed, in a situation in which a minor was abducted and subsequently married the abductor.

31. Mr. BOUZID asked whether the claims in some reports that food in prisons was not provided by the authorities but by the families of prisoners were correct.

32. Mr. FATHALLA pointed out that the draft family code referred to in the country's written replies, and which the delegation had indicated would provide a solution to many of the issues raised, had first been drafted in the year 2000; he wished to know when it would be enacted.

33. Mr. AYAT said he did not believe that the war in Chad had been the sole cause of the difficulties the country had experienced in promoting and protecting human rights. He appreciated that the war, or partial war, continued to be a destabilizing factor, but Chad was a large and sparsely populated country and it should be possible for the Government, if it had the political will, to apply human rights in the areas which enjoyed relative security, including the capital.
34. The efforts made to disseminate international humanitarian law represented progress and deserved praise; the next step would be to encourage people to respect and apply it. While it was encouraging that Chad had ratified the Covenant, it had yet to bring its domestic laws into line with the Covenant and, in particular, to prohibit and punish the use of torture in accordance with article 7.
35. Mr. DJASNABAILLE (Chad), referring to the questions from Mr. Amor, said that the Covenant had been ratified by the National Assembly and harmonization of domestic legislation with its provisions had been scheduled for the coming months; budget proposals, preparations for a general election in 2010 and continuing insecurity had delayed the process.
36. The draft family code covered matters as diverse as women's issues and the traditional role of tribal chiefs; initially proposed in 2000, it had been thoroughly examined and the text agreed upon by the National Assembly prior to its scheduled adoption at the forthcoming parliamentary session. Its subsequent implementation could therefore be relied upon. Careful consideration was being given to codification of customary laws. His Government was truly committed to improving legislation.
37. With regard to the questions raised by Sir Nigel Rodley, he said that Chad was a signatory to the Convention against Torture. The cases of torture which had taken place under the former President, Hissène Habré, would not go unpunished; that would serve as a lesson to any would-be perpetrators. All those who had been complicit in torture and were still present in Chad would be convicted by its courts.
38. Turning to the issue of detention, he acknowledged that the police frequently breached the requirement not to detain a person for preliminary inquiries for more than 48 hours. Many police officers lacked the correct training and were often recruited directly from the army. Efforts were being made, with the assistance of development partners, to improve police training. He had worked with representatives of civil society, ensuring that inspection of detention cells was publicized in the media and that minors were released from police custody. Breaches of the requirements relating to detention stemmed from ignorance or from practices adopted as a result of the war; the legislation in place was adequate but needed to be further publicized by the Government. There were considerable challenges in ensuring that the law was correctly implemented in a country as large as Chad.
39. As to the death penalty and ensuring the right to a fair trial, all citizens had the right to appeal a judicial decision in a higher court. No person would be executed before the appeal process had been exhausted. All prisoners had an automatic right to be defended by a lawyer from the time of their first appearance in court and all had the right to apply for a pardon if sentenced to death. Since being appointed Minister for Human Rights eight months previously, he had sought, successfully thus far, to prevent executions from taking place.

40. Concerning the points raised by Ms. Wedgwood, he had not maintained that he had no knowledge of the reports issued by NGOs but had stated that if human rights organizations based in Chad had concerns then, as the Minister responsible for human rights, he would have wished them to make his Ministry aware of them. Each time he had been informed of a problem, he had taken all possible measures to set matters to rights; having recently visited a journalist in prison, he had helped to secure his release. The Ministry could not respond to problems if it was not informed about them. It was his role to protect human rights associations and he would do his utmost to cooperate with them and facilitate their work.

41. Concerning the matter of the disappearances, as he had said at the previous meeting, Mr. Yorongar, a member of Parliament, was not dead but had gone to Brussels to seek medical treatment. He had known and respected Ibni Oumar Mahamat Saleh (also disappeared) since his student days and had worked with him to remove dictatorship and promote democracy in Chad; his disappearance was a source of great sadness. The Government had set up a commission of inquiry to look into the disappearances, and its conclusions had been referred to the police and the independent judiciary; all those summoned to give evidence, however highly placed, including the Minister of the Interior and the Minister of Defence, had given evidence. If certain persons chose to publicize information outside the commission rather than give evidence to it, there was nothing the Government could do. The Government had not been responsible for the disappearances, which had taken place at a time when N'Djamena had been in a state of war, most of the city had been in rebel hands and a state of confusion had reigned. His Government was determined that human rights should be protected and the disappearances thoroughly investigated.

42. In response to questions asked by Ms. Majodina, he said the offence of domestic violence was prosecuted under the Criminal Code. Some aspects would also be addressed in the new family code. While it was crucial to harmonize domestic legislation with the relevant provisions of the Covenant, strengthen legislation and prosecute acts of gender-based violence, awareness-raising campaigns were possibly even more important. The public must be made aware that violence against women was unacceptable.

43. The draft and family code would be debated in the National Assembly in October 2009 and was expected to enter into force in 2010.

44. Paragraph 107 of the report provided details on legal provisions and punishments for child abduction. His delegation was aware that the sanctions provided were insufficient and that legislation needed to be strengthened in order to enhance its deterrent effect. Measures also needed to be taken to ensure due enforcement, which was not always guaranteed. The practice of child abduction for the purpose of marriage was deeply rooted in tradition. In addition to prosecution, therefore, large-scale awareness-raising campaigns were indispensable for its eradication. In order to illustrate the fact that awareness had already increased to some extent, he described his experiences during a recent visit with the Special Representative of the Secretary-General in Chad to refugee camps in the eastern part of the country, where local women had expressed their opposition to child marriage and their wish for their daughters to receive an education. He had been pleased to learn that even in those parts of the country that remained steeped in tradition, progress was being made in that regard.

45. As to his delegation's frankness in addressing the issues raised, he said that the human rights situation in his country could only improve if problems were discussed openly and remedial action was taken, with the technical and financial support of the international community. His Government was keen to cooperate with the Committee and Chadian human rights associations in that regard, and he encouraged the United Nations High Commissioner for Human Rights to visit Chad and, if possible, travel to the eastern parts of the country in order to gain a first-hand insight into the situation there.

46. The Ministry of Human Rights was competent to investigate allegations of human rights violations and did its utmost to fulfil that function. However, relevant complaints were not always brought to its attention, and efforts to hold perpetrators of human rights violations accountable frequently met with resistance from the courts, which sought to maintain their independence. Moreover, widespread poverty provided a fertile breeding ground for corruption and in the north of the country, in particular, threats and attacks on prosecutors were frequent, judicial corruption was rife, and victims of human rights violations rarely lodged complaints for fear of retaliation.

47. Sir Nigel RODLEY requested precise data on the cases of prisoners sentenced to death on 25 September 2003, namely: the date of detention; the time elapsed before the accused had had access to a lawyer; the duration of the trial; and the dates of appeal hearings. Was it true that the executions had taken place while cassation proceedings had still been pending before the Supreme Court?

48. Mr. AMOR, referring to question 10 of the list of issues, asked whether female genital mutilation was widespread. He would welcome relevant statistics or estimates of the number of women subjected to that treatment, and wished to know whether the practice was prohibited by law.

49. It appeared that polygamy was common in the State party and he reminded the delegation of the Committee's general comment No. 28, which stated that polygamy violated the dignity of women.

50. Turning to question 13, he said that the use of child cowherds and domestic workers amounted to a modern form of slavery within the meaning of the Covenant. He wished to know how the delegation assessed the prospects for eradicating such practices.

51. As an example of the appalling consequences of forced marriage of minor girls, he referred to the case of Khadidja Oumane Mahamat, who had poisoned her 70-year-old husband, to whom she had been forcibly married at the age of 13. The girl had been imprisoned without a trial since 2004, and had fallen pregnant and given birth after being raped by one of the prison officers. A representative of the Office of the Public Prosecutor had reported that the girl was continually subjected to sexual abuse and that the risk of another pregnancy could not be excluded. He asked whether anything had been done about that situation and whether the rapists had been punished.

52. With regard to the practice of child abduction and subsequent adoption, he recalled the case of the French charity Zoé's Ark, which had been charged with attempting to kidnap minors or aiding their kidnapping in Chad. While those involved had been brought to justice, the victims had received no compensation. Reports confirmed that the kidnapping and subsequent adoption



of children were not unusual, although the legal basis for those adoptions was questionable indeed. He would welcome additional information on the State party's legal provisions for adoption. While it was understandable that destitute families sometimes could not act in the best interest of their children, the State had a clear responsibility to protect children under its jurisdiction.

53. In connection with question 18, he requested more precise information on human rights violations by the Chadian security forces. The delegation should provide information on disciplinary procedures and examples of cases where abuses committed by members of the security forces had been prosecuted. He asked what measures had been taken to curb the quasi-systematic and excessive recourse to armed violence. In that connection, he recalled the case of Ms. Jacqueline Moudeïna, who had been severely injured by security forces during a peaceful demonstration. He asked whether those causing the injuries had been punished and whether Ms. Moudeïna had received any compensation.

54. Turning to the issue of unlawful arrest, he asked whether the sanctions laid down by law were imposed in practice. He invited the delegation to comment on reports of secret detention centres and asked what progress had been made in the case of the disappearance of Ibni Oumar Mahamat Saleh.

55. Ms. WEDGWOOD, while commending the delegation for its sincerity, said that she was disappointed to learn of the Government's obvious helplessness in the face of the many problems afflicting the country. It was difficult to believe that the federal Government had so little influence on what happened at the regional and local levels. The President was an able leader and could use his charisma to provide leadership in the field of human rights. The spread of modern means of communication could be placed at the service of such efforts. She asked whether the State party planned to use any innovative means of promoting and protecting human rights, such as presidential addresses or well-publicized exemplary prosecutions and punishments.

56. With regard to question 11 of the list of issues, she asked what steps had been taken to establish torture as a punishable crime in State party legislation, as required under the Convention against Torture. She further wished to know whether the State party planned to introduce a centralized procedure for prison visits, and whether individuals could sue for damages for torture.

57. With regard to question 12, she appreciated that budgetary constraints might prevent the construction of separate places of detention, but it should still be possible to separate juveniles from adult offenders in existing facilities that had more than one cell. In order to prevent abuse of inmates, she suggested that the local judge could carry out daily visits in places of detention. She had been surprised to learn that the frequent failure to observe the time limit on police custody was due to a lack of proper equipment; the only tool required should be a ledger book to keep track of the date and time of admission and scheduled release.

58. Turning to question 13, she said that marriage under the age of consent amounted to a modern form of slavery. She asked whether the delegation considered the eradication of child marriages feasible.

59. Without wishing to belittle the many challenges the State party was facing, it was unhelpful to continuously invoke the complexity of the situation as an explanation for non-compliance with the Covenant. If tribal leaders posed a problem, it might be useful to have some of them on the delegation to facilitate direct dialogue between significant local leaders and the international community; the same was true for women.

60. Ms. CHANET said that the Committee was aware of the Chadian Government's monumental task in rebuilding the country and establishing the rule of law after years of conflict. The State party had provided an in-depth analysis of the many obstacles to the proper implementation of the Covenant, but had remained rather vague about action taken to remedy the situation. She would welcome more precise information on the ways in which the State party intended to address problems in practice.

61. With regard to question 14 of the list of issues, she asked whether the State party continued to impose banning orders on minors and, if so, what measures were taken to prevent those minors from becoming victims of forced labour, prostitution, forcible recruitment as child soldiers or illegal adoption. Who was responsible for the children once they had been removed from the place where the offence had taken place?

62. The delegation had indicated that the statutory period of police custody was often exceeded. She asked what was being done to remedy that situation. Did the prosecutor conduct regular visits to places of detention to ensure that the time limits were respected? Were records kept of suspects held in police custody? The Government should use the legislative and judicial means at its disposal to address those shortcomings. Prosecuting and punishing those responsible for prolonged police custody could act as a deterrent.

63. Referring to article 14 of the Covenant, she asked what were the grounds for the frequent discrimination in procedural matters and why it occurred. She wished to know what practical measures were being taken to ensure that interpreters were available and appointed in judicial proceedings whenever necessary and that defendants were always provided with legal counsel, and to speed up trials. She requested additional information on the functioning of the court of appeal in Abéché, particularly an update on security there. She wished to know how judges were appointed, how they became members of the Superior Council of the Magistrature, what guaranteed their independence from political power, whether they could be sanctioned and, if so, under what circumstances. It would be useful to learn whether judges could be forced to resign and what procedure was followed in that case.

64. Ms. MAJODINA said that it was difficult to understand why the State party did not take a more proactive approach to preventing cross-border recruitment of child soldiers. She asked whether a political solution could be found to that problem, or whether the deployment of children by Sudanese groups and the Chadian Government was somehow beneficial. She wished to know whether a memorandum issued by the Minister of Defence prohibiting the recruitment of minors into the Chadian army as of the end of 2006 was being complied with. It would also be interesting to learn whether, following the Minister's visits to several parts of the country, additional monitoring visits to military training centres were taking place in order to prevent further recruitment of children. She asked whether steps were being taken to raise awareness

among military commanders about children's rights and child protection, since the recruitment of children, whether for cultural or economic reasons, was wholly unacceptable and violated the Covenant and other international instruments.

65. She asked whether the reports that the authorities were reluctant to register births in the eastern parts of the country were accurate. She urged the Government to take all possible measures to encourage the entire population, including IDPs, to register their children. Mobile registration units were often effective in that respect.

66. The Committee would welcome updated statistics on the number of girls enrolled in school.

67. Mr. SALVIOLI endorsed the concerns raised by Mr. Amor, and particularly urged the State party to take action in the case of Khadidja Oumane Mahamat. That case required political will, not financial resources. Given the State party's position on the abduction of girls for the purpose of forced marriage, that tragic case was an excellent opportunity for the Government to send an unequivocal message to the public that the practice was inadmissible under any circumstances.

68. Given the level of discrimination and violence against women, he asked when the legislative amendments prohibiting discrimination against women would come into force.

69. The State party had a duty under the Covenant to provide detention facilities where those it deprived of their liberty could maintain their human dignity. Reports on conditions in Chadian prisons, however, referred to terrible overcrowding and disease. He asked exactly what measures the State party was taking to improve conditions and when the improvements would take place. In addition, he asked what steps were being taken to do away with the practice of shackling detainees who allegedly posed an escape threat.

70. Mr. PÉREZ SÁNCHEZ-CERRO asked what reforms were planned to restore the public's confidence in the State party's legal institutions. That was particularly urgent given that the criminal investigations announced in late 2000 into the activities of the former President Habré and his accomplices had yielded no results and that the presumed perpetrators of human rights abuses continued to work for the security services. The Committee had received reports that the lack of independence of the judiciary, frequent interference by the administrative and military authorities, the lack of resources and consequent case backlog favoured impunity in even the most serious cases. He would welcome the delegation's comments on that situation. He also wished to know what measures the State party planned to adopt in order to comply with article 11 of the Covenant in view of its frank admission that people were given prison sentences for debt or failure to comply with contractual obligations.

71. Ms. KELLER asked whether the inability of local prisons to separate pretrial detainees from convicted prisoners, and minors from adults, also meant that women were not held separately. It would be useful to know how many female detainees there were currently in the State party, and what measures were taken to protect them.

72. Sir Nigel RODLEY noted that the only element of the State party's written reply to question 11 of the list of issues relating to prosecution was the reference to the case initiated against the former President Habré and members of his regime. That information was clearly not pertinent to the question raised. It was an important question, particularly because the security forces had been implicated in the torture and killings of February 2008, to which question 11 referred. In that context, he asked whether the information the delegation had provided on the lack of training and discipline in the army was equally relevant to the situation in the presidential guard. In either case, it would be useful to know what measures were being taken to address the situation.

73. Mr. DJASNABAILLE (Chad) said that while traditional chiefs could form part of future delegations, their responses might not prove useful as they often resisted changes his Government was trying to implement. He suggested that Ms. Wedgwood and other members of the Committee could visit his country in order to speak with traditional chiefs and women and thus try to obtain a better understanding of the cultural context. The difficulties faced by the Government concerned not the legislation as such, but rather the implementation of legislation, which encountered significant resistance among many elements of Chadian society.

74. The Government was not using the current conflict as a pretext, but rather was trying to explain the difficult context in which it was attempting to effect change. It was attempting to establish peace and to prepare the ground for implementing measures to ensure respect for human rights once the conflict was resolved. The Ministry for Human Rights would prepare its forthcoming priorities on the basis of a careful analysis of the Committee's recommendations. He called on the international community to shoulder its responsibilities concerning the situation in Darfur, particularly as his Government's resources and those of the judiciary were currently being drained by the conflict.

75. Many members of the judiciary lacked experience, and corruption was rife. It was, however, difficult to sanction judges. The independence of the judiciary could also be compromised by the security forces. Given that the presidential guard was recruited from the ranks of the army, its members were no better trained than those of the army.

The meeting rose at 1 p.m.