



Ensuring Civilian Protection in Chad: The Proposed UN Mission

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Summary

An increased international presence in eastern Chad is urgently needed to protect civilians threatened by worsening insecurity and brutal militia violence. Civilians in eastern Chad have long suffered the consequences of living across the border from Sudan's troubled western region of Darfur, but violence in Chad has recently taken on its own momentum. Amid continuing militia attacks against civilians, the Chadian state is not fulfilling its obligation to provide protection. Moreover, actions taken by the government of Chad in response to the threat posed by Chadian rebels based in Darfur, including military redeployments and reduced policing, have contributed to a rapidly deteriorating security situation and left civilians increasingly vulnerable to militia attacks and cross-border raids.

In recognition of the deteriorating human rights situation, the United Nations Security Council has sent two technical assessment missions to Chad and Central African Republic to evaluate the feasibility of dispatching a UN protection mission to the region. The Security Council is soon expected to make a decision on the mandate and deployment of this mission. While it will be deeply challenging for the UN to provide protection outside the framework of a comprehensive peace process between the Chadian government and Chadian rebels, the scale and scope of the threats to civilians in eastern Chad are so great that the Security Council should authorize a robust international protection force for the region with all possible urgency.

Human Rights Watch urges member states of the Security Council to take quick and decisive action to ensure that civilians are protected in eastern Chad, including 230,000 Sudanese refugees living in camps along the Chad-Sudan border. The Security Council must live up to its responsibility to protect civilians and immediately deploy a UN protection force to eastern Chad equipped with a mandate and sufficient resources to protect civilians, secure humanitarian access, patrol the Chad-Sudan border, monitor the movement of weapons and armed groups and support efforts to ensure accountability for human rights violations.

UN military personnel would play a crucial role in deterring violence in eastern Chad, particularly cross-border raids, as well as in responding to ongoing attacks and observing the movement of arms and armed groups. However, military personnel alone would not be enough. A well-resourced civilian component to the proposed mission, in particular a strong human rights unit and a civilian police force, would also play a key role in protecting civilians by building judicial and policing capacity and helping bring human rights violators to justice, thereby deterring communal violence and inhibiting the activities of local and community-based militias.

The deployment of a UN mission in Chad would require sustained political support, commitment and sufficient resources. Member states of the Security Council will be instrumental in shaping the mandate and makeup of the proposed UN mission, but engagement and support from regional organizations such as the European Union, the African Union and the Arab League are also essential.

In the short term, an international protection mission would not be sufficient to end all attacks against civilians in eastern Chad, particularly those attacks that are related to the Darfur conflict, which have a destabilizing influence on the wider region. Accordingly, the Security Council should at a minimum impose targeted sanctions on senior Sudanese government officials for their failure to end attacks on civilians and other violations of international humanitarian law, and their persistent refusal to accept the full deployment of the proposed African Union-United Nations hybrid international force and to reverse their abusive policies in Darfur.

Context

In 2006 and early 2007 hundreds of civilians were killed and more than 100,000 Chadians were displaced by militia violence in eastern Chad, where 230,000 Sudanese refugees live in an increasingly precarious security environment.¹ Three sometimes-overlapping patterns of violence figure prominently in Chad's crisis: internal armed conflict between the Chadian government and Chadian armed opposition groups; cross-border militia attacks against civilians; and communal violence.

Attacks against civilians have been concentrated in the Dar Sila department in the southeast of the Chad-Sudan border zone and the Dar Tama department in the northeast. Most of the violent attacks against civilians are taking place in Dar Sila, where Arab militias based in both Chad and Darfur, sometimes working in concert, carry out raids against mostly non-Arab villages, killing, raping and mutilating civilians, burning homes and stealing cattle.

The root causes driving the violence in eastern Chad include the destabilizing impact of the broader political tensions in Chad; the influence of the numerous armed groups in the region, many linked to the Darfur conflict; the manner in which the Chadian government has responded to the insecurity; and, at the community level, conflict over land and natural resources.

The governments of Sudan and Chad are both supporting armed groups in opposition to each other. The Chadian government has committed substantial financial and military resources to quashing Chadian rebel movements, but largely at the expense of protecting civilians in rural areas in the east of the country where militia attacks have become commonplace. The relative absence of Chadian security forces in the border zone has contributed to the escalation of a violent proxy war between Sudan and Chad, with political forces from both countries attacking

¹ See Human Rights Watch, *"Darfur Bleeds: Recent Cross-Border Violence in Chad,"* no. 2., February 2006, <http://www.hrw.org/backgrounder/africa/chado206/chado206.pdf>; Human Rights Watch, *"Violence Across Borders: The Human Rights Crisis in Eastern Chad,"* no. 4, June 2006, <http://www.hrw.org/backgrounder/africa/chado606/index.htm>; and Human Rights Watch *"They Came Here to Kill Us: Militia Attacks and Ethnic Targeting Against Civilians in Eastern Chad,"* vol. 19, no. 1(a), January 2007, <http://hrw.org/reports/2007/chado107/>.

supposed supporters of their enemies. In addition, the Sudanese government has refused to disarm or to restrain government-backed “Janjaweed” militias in Darfur, some of which have carried out attacks against civilians in eastern Chad, and refuses to consent to the full deployment of a proposed AU-UN hybrid force that could bring stability to the region. Policy decisions made by the governments of both Chad and Sudan are thus reflected in the chronic instability and rampant violence in eastern Chad.

Communities in eastern Chad have become militarized as arms and ammunition flow into the region, and underlying tensions related to land and natural resources, particularly water, have been exacerbated. The activities of armed groups in the region, many linked to the Darfur conflict, have disrupted communal dynamics, and some of these armed groups have drawn community-based self-defense militias into the dynamics of their struggles. As alliances—and violence—have taken on sectarian aspects, ethnic groups have become polarized at the community level.

Though many of the perpetrators of abuses against civilians are based in Chad, Chad’s judicial apparatus has done little to ensure accountability, as official investigations of violent attacks and prosecutions are rarely undertaken and traditional systems of dispute resolution have been disrupted and rendered ineffective.

The government of Chad is not fulfilling its obligation to provide protection. With communal relations increasingly polarized and most of the actors in eastern Chad, including in some instances the government of Chad, either directly or indirectly contributing to the climate of insecurity, the deployment of an impartial, international force to eastern Chad is needed to effectively protect civilians.

The UN’s Department of Peacekeeping Operations (DPKO) has been asked to consider conducting operations in a peacekeeping environment that is untraditional. However, the security vacuum in eastern Chad and the pressing civilian protection needs demand that the proposed UN mission find ways to deploy nonetheless, with the overriding responsibility of protecting civilians from attack by armed groups of any kind.

Requirements for the Proposed UN Mission in Chad

Given the scale and gravity of the abuses that have taken place and continue to occur in the eastern part of the country, any UN operation in Chad must have a clear mandate to protect civilians proactively. Lessons learned from UN operations in other countries have repeatedly demonstrated the importance of providing international forces with unambiguous guidance on this task.

Furthermore, effective civilian protection calls for the proposed UN mission to carefully complement military personnel with civilian personnel, and to ensure a high degree of communication and collaboration between the two. Though military force is a necessary deterrent, “blue helmets” cannot and should not be in all places at all times. Protecting civilians also depends to a great extent on the activities of civilian personnel, particularly human rights specialists and civilian police, especially in supporting local-level accountability mechanisms.

The proposed UN mission must provide the same degree of protection to civilians living in rural areas in eastern Chad where violent attacks occur most frequently as it would to refugees and displaced persons.

The Mandate

The United Nations Security Council must craft a mandate for the proposed mission that permits the mission to (a) proactively protect and deter attacks against civilians; (b) monitor the ethnic and political dynamics that contribute to communal violence; (c) monitor movement of arms and armed groups in the Chad-Sudan border zone; and, (d) provide UN decision makers with essential information on human rights abuses and breaches of international humanitarian law in all parts of the country where civilians are vulnerable.

- The UN mission should be authorized with a sufficient mandate to use “all necessary means to protect civilians, including humanitarian personnel.” This formulation would allow UN forces to use deadly force to protect civilians under attack or threat of violence and would provide UN forces with flexibility to use a range of approaches to deter attacks. For instance, forces must have

the mandate to quickly deploy to volatile areas to prevent attacks against civilians. The use of force to protect civilians must be clearly articulated within the rules of engagement.

- The UN mission should have a robust rapid reaction capacity to deter and respond to incidents of violence against civilians.
- The UN mandate should include the promotion and protection of human rights and public reporting on human rights violations and breaches of international humanitarian law in all parts of the country where civilians are vulnerable. Human rights expertise and knowledge should inform military operations as a matter of intelligence and evidence upon which to base decisions.
- The UN mandate in Chad should include monitoring the arms embargo imposed by the UN Security Council on Darfur under Resolution 1556 and elaborated upon under Resolution 1591, and the mission should actively collaborate with the UN Mission in Sudan (UNMIS), the African Union Mission in Sudan (AMIS) and the UN Panel of Experts, which has documented violations of the arms embargo by Chad, Sudan and other regional governments.²

The Military and Protection

UN military forces should be mandated, equipped and deployed to ensure that they are able to deter attacks on vulnerable civilian communities, are positioned to rapidly respond to human rights abuses, impending threats or attacks in progress and are able to monitor the movement of arms and armed groups in the border zone.

In all cases, UN military forces must operate under clear rules of engagement and must have the necessary information to protect civilians, correctly identify threats to

² United Nations Security Council, "Report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan," S/2006/65, January 30, 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/No5/632/74/PDF/No563274.pdf?OpenElement>.

civilians, and respond promptly and effectively to situations that may imperil civilians. UN military personnel must be mandated and be ready and able to proactively intervene and use deadly force if necessary, in compliance with international human rights law. UN military observers, human rights monitors and civil affairs officers would be crucial in providing accurate and timely intelligence as well as analysis and recommendations to military planners and the commanders of rapid reaction forces.

A speedy, phased deployment of a small number of well-resourced troops could help protect civilians, secure humanitarian access and monitor the movement of weapons and armed groups. The UN should place emphasis on recruiting qualified, experienced troops. Troop contributing countries must be judged not solely on their willingness to volunteer for UN duty, but also for the qualifications and level of experience of the members of their armed forces.

The Civilian Component: Human Rights and Civilian Policing

While the military component of the proposed UN mission would have a critical deterrence and response role to play in the face of attacks on civilians, a strong civilian component is essential for effective protection. In-depth monitoring, investigation, analysis and capacity building are best carried out by unarmed UN staff such as military observers, human rights monitors and civil affairs officers.

Establishing a strong human rights monitoring and public reporting component within the proposed UN mission would be essential to increasing understanding and addressing the complex dynamics of the violence in eastern Chad, and would greatly contribute to civilian protection.

A prevailing climate of impunity in eastern Chad has contributed to attacks against civilians; traditional systems of dispute resolution have broken down and criminal prosecutions on the part of the Chadian government are rare. Strengthening accountability and supporting local-level communal peace processes would together act as an important deterrent to further abuses.

Towards this end, a human rights unit, working in collaboration with local and national authorities, including the Ministry of Justice, would be crucial to the success of the mission. This unit should be tasked with monitoring and reporting in a timely fashion on human rights incidents and threats to respect for human rights. It should provide judicial support and other forms of capacity building to traditional tribal courts and other judicial institutions in eastern Chad, where traditional practices and customary law are applied in addition to French-based legal code. By investigating and reporting on human rights abuses and acting as a liaison between local and national police, and judicial and correctional institutions, UN human rights monitors would help reestablish rule of law and would help ensure that those responsible for violations of human rights and international humanitarian law are brought to justice.

The proposed UN mission's human rights unit should publicly report on abuses and, in addition to its reporting obligations to the Head of Mission should have a direct reporting channel to the Office of the High Commissioner for Human Rights (OHCHR), which in turn should provide regular reports to the Security Council. Experience in other conflicts has shown that providing human rights information and analysis to the Security Council and the public more broadly is essential to understanding and addressing the human rights elements of a conflict. The human rights component of the proposed UN mission should include experts in child protection and gender-based violence to properly respond to the growing number of reports of child recruitment and rape and sexual violence in eastern Chad.

Human rights expertise should be integrated into all aspects of the proposed UN mission's activities, as this would significantly contribute to timely intervention to protect civilians under imminent threat of violence. The operating methodologies of human rights officers, which include investigation of incidents, sustained contacts with local communities and the establishment of relations with a wide variety of interlocutors, make them well-placed to contribute to a mission's ability to protect civilians, including by advising military personnel responding to threats against civilians.

In the interest of ensuring accountability more broadly and towards improving respect for the rule of law and human rights, the proposed UN mission should

conduct professional and human rights training with civil and traditional leaders responsible for law enforcement, gendarmes and officials from the Ministry of Justice. The UN mission should also be qualified and able to address national and institutional issues related to justice and promotion of the rule of law.

As a necessary element of civilian protection, civilian police should provide improved police visibility and protection around camps for internally displaced persons and refugees and in vulnerable villages, and should also strengthen the capacity of the Chadian police to mount effective investigations and bring to justice perpetrators of human rights violations and other serious crimes.

Regional Dimensions

The crises in Chad and Darfur are independent problems that have become interconnected in a volatile region with porous borders by the actions of non-state actors and governments such as Chad, Sudan and Libya. Ultimately, resolving these problems will require regional analysis and regional solutions.

The UN should take leadership in this regard, and at a minimum, UN political work in Chad should be coordinated with parallel efforts in Darfur and ideally would also focus on the broader goal of peace facilitation in the region. This is also an area where regional organizations such as the European Union, the African Union and the Arab League must engage and support efforts to provide international political leadership and peace facilitation with a regional focus.

Adequate Capacity and Resources

In addition to a clear and robust mandate to protect civilians, the proposed UN mission must have adequate resources to implement its mandate. Securing main roads for civilian and humanitarian traffic and proactively patrolling rural areas is an important task for the UN mission, and one which would require significant human, logistical and technical capacity, including a high degree of mobility and the ability to rapidly react to ambushes and reports of impending attacks.

UN Security Council members and regional institutions must prioritize the protection of civilians and fully support the urgent deployment of a robust, adequately equipped UN mission to protect civilians in eastern Chad. The UN Security Council should call on member states to immediately provide funds for and be prepared to provide technical and logistical support, personnel and troops, and rapid response capabilities to the proposed UN mission in Chad.