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PEACE AND SECURITY COUNCIL  
1121<sup>TH</sup> MEETING

11 NOVEMBER 2022  
ADDIS ABABA, ETHIOPIA

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION  
ON THE SITUATION IN CHAD**

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION**  
**ON THE SITUATION IN CHAD**

1. This Report is submitted to the Peace and Security Council (PSC), pursuant to Communiqué of its 1106<sup>th</sup> meeting, held on 19 September 2022, at which Council “*decided to convene a Special session in due course to specifically consider the political Transition in Chad.*” The Report covers: i) a recall of the main phases of the support to the Situation in Chad given by the African Union ii) it presents the recent events that mark the political development of the Chadian Transition iii) It presents, further, in a succinct manner, the major challenges faced by the Transition in Chad and iv) finally it makes some brief recommendations latest political, security and humanitarian developments, that have taken place in the country. Furthermore, it analyses the prospects of the political Transition by highlighting the main challenges. It evaluates the way the authorities dealt with the PSC decisions and its key recommendations Finally, it makes some Recommendations.

**I. Main Phases of the Support to Chad given by the African Union**

2. Following the assassination of President Idriss Deby Itno, the Peace and Security Council (PSC) held a meeting on 22 April 2021 and dispatched an Information, Evaluation and Fact-finding Mission to Chad, from 29 April to 5 May 2021.

3. The Report of the said PSC Mission was considered at its 996<sup>th</sup> meeting, held on 14 May 2021. Council adopted a Communiqué, in line, in substance, with its relevant legal instruments and its constant doctrine relating to Unconstitutional changes of Government. Taking in account the tragic circumstances of the death of the President, the Communiqué did not pronounce direct sanctions against the new authorities. However, Council drew the same typical conclusions specified in its decision, emanating from Unconstitutional changes. It is the non-compliance with the Constitutional rule of actingship in case of definitive incapacity of the President of the Republic, the suspension of the Constitution, the dissolution of the National Assembly, the dissolution of the Government and seizure of State power by a Military Council.

4. Consequently, Council focused on the following points:

- a. The imperative need for a Civilian-led inclusive and consensual Transition process in Chad;
- b. A clear separation of the roles and functions between the Transitional Government and the Transitional Military Council (TMC);
- c. A clear request to the Transitional Government to revisit the Transitional Charter so as to reflect the common aspirations and interests of all Chadians for a Civilian-led true democratic governance process, which will serve the sole purpose of the Transition;



- d. The need for the Transition to be completed, within a clear period of 18-months, recalling that this timeframe was formally announced by the Military Council itself. This timeframe was to begin from 20 April 2021, the date on which the TMC was established;
- e. The clear request that the Transition authorities establish a National Transitional Council to serve as the Interim Legislative organ, with a specific mandate to, among others, draft a new Constitution, which opens the political space to all Chadians and takes their fundamental freedoms and rights into account;
- f. the express request to the Chairman and members of the TMC to honour the commitment they made not to stand as candidates and therefore, not to take part in the National elections to be organised at the end of the Transition in order to establish a democratic regime and, in this regard, ensure that the military are held fully accountable.

It must be noted that all these provisions are in strict conformity with the African Charter on Democracy, Elections and Governance which Chad had fully ratified.

- g. the request to the Transitional Government to organise an inclusive National Dialogue and National Reconciliation process in a sincere, transparent and credible spirit in order to ensure the restoration of trust and enhance harmony and cohesion among all the components and stakeholders in the hope of moving the country in peace and stability towards the drafting of a new Constitution and credible elections.

5. Pursuant to the decisions of the 996<sup>th</sup> meeting of Council, the Chairperson of the Commission appointed a new High Representative for Chad. The Commission further mobilised Three (3) million US Dollars from the European Union (EU), under the Early Response Mechanism (ERM) to finance the activities of the AU Support Mechanism (AUSM) for the Transition in Chad. The funds were placed under the responsibility of the AU High Representative. This arrangement has enabled the AU to directly support the Transition in Chad to date.

6. In its evaluation of the Transition and the AU support at its 1016<sup>th</sup> meeting, held on 3 August 2021, the PSC further stressed that it was through a genuine and inclusive National Dialogue that Chadian stakeholders could reach an amicable, consensual and lasting solution to their political differences. Council also reiterated its call for the Transitional Government to comply with the 18-month timeframe for the completion of the Transition and reaffirmed that the members of the Transitional Military Council could not stand as candidates in the elections at the end of the Transition, in conformity with the relevant instruments of the African Union governing the matter. Council further encouraged the Commission of Inquiry to expedite investigations into the brutal assassination of former President Idriss Deby Itno, in order to bring the perpetrators to justice.

7. The 1076<sup>th</sup> and 1106<sup>th</sup> meetings of the PSC, held on 14 April and 19 September 2022, dedicated to the various on-going political Transitions on the Continent, enabled Council to carry out a fresh assessment of the evolution of the Transition in Chad and urge the Transition authorities to comply with the duration of the Transition, the ineligibility of the military and the other various commitments made previously and recalled on several occasions.

8. In the course of his working visit to Ndjamena, from 14 to 17 August 2022 and just before the opening of the Inclusive National Dialogue, on 20 August 2022, the Commissioner for Political Affairs, Peace and Security was able to consider, on the ground, the deep-seated disagreements among the various political and social stakeholders in Chad and the risk of violence linked to the organisation of the National Dialogue.

9. At the Opening of the Dialogue, the Chairperson of the AU Commission, recalled, among others, the need to respect the principles and decisions of the AU to which the Chadian people contributed to their emergence and to which they are deeply committed. What objective assessment of the implementation of all these principles and decisions can we make today?

10. It is unfortunately regrettable to note that the exigencies and decisions of the PSC have been totally ignored and not complied with by the Transitional authorities. This situation raises, today, a serious question and requires clear decision for compliance with the principles of the Organisation and its previous decisions. It is also a demand for coherence with the constant position of the African Union regarding the other four cases of Unconstitutional changes of Government underway in Africa namely: The Sudan, Mali, Guinea and Burkina Faso and previous others that were in this situation.

11. This consistency with the principles of the Continental Organisation is crucial to deter any temptation of Unconstitutional changes of Government and prevent their spread, under any pretext, to other Member States.

12. It should be said clearly that It is also a necessary condition, to safeguard a minimum of credibility of the Organisation and its main organ in charge of peace and security on the Continent.

## **II. RECENT DEVELOPMENTS IN THE SITUATION IN CHAD**

13. Three major events marked the Situation in Chad over recent months and have had varied influence on the evolution of the Transition in this country.

- First, there was the Pre-Dialogue with the political and military movements that the State of Qatar hosted and facilitated.

14. This Pre-Dialogue, which lasted many months, ended with an Agreement that was welcomed by the AU. However, it was boycotted by important rebel movements. The Chairperson of the AU Commission solemnly called upon those who did not sign the said Agreement to reconsider their position and reminded those who signed it to courageously open up to their non-signatory compatriots so that the Agreement produce the desired effects for the greatest benefit of the Chadian nation. This appeal remains very relevant in the present situation. The non-signatory political and military movements are actors which must seriously be sought to be involved in the Transition. It is the stability in the country and the effectiveness of the political system of the Transition which is at stake.

- The Second event was the organisation of an Inclusive National Dialogue.

15. The Inclusive National Dialogue, which began on 20 August 2022 and ended on 8 October 2022, was a major step towards the attainment of the key aspects of the political Transition. It gave rise to great hope as regards the implementation of the Roadmap of the Transition for a period of 18 months, in line with the Conclusions of the 996<sup>th</sup> meeting of the PSC, held on 14 May 2021, recalled earlier. Unfortunately, the Dialogue was held without the participation of some key stakeholders including a number of political parties such as the *Transformers Party*, *Waki-Tamma*, the coalition of the Civil society platform, and some active political and military Movements, including the *Front for Change and Concord in Chad (FACT)*. The Catholic Church and other participants of professional groups (Magistrates, Lawyers) suspended their participation in the course of the Dialogue.

16. If the first four (4) Commissions, which convened during the Dialogue: a) Peace, Social Cohesion and National Reconciliation; b)- Sectoral Public Policy, c)- Rights and Fundamental Freedoms and d) Societal Issues) came up with many Conclusions, they did not make it possible to clarify some sensitive issues like the form of the State, Institutional reforms, the Electoral process and the Constitution.

17. Two decisions, particularly regarding the ineligibility of the members of the Military Council and the duration of the Transition were totally contrary to the reiterated decisions of the Peace and Security Council and the relevant legal instruments of the AU. Those supporting it invoked, in support of their argument, the principle of National sovereignty and the freedom of Chadians to decide on their future without any impediment and from any source. The eligibility of the members of the Military Council was confirmed. The extension to two years of the Transition was decided. A new Prime minister, Mohamed Saleh Kebzabo was appointed and a new Government was formed.

18. At the end of the timeframe of 18 months proclaimed by the Military Council and decided by the PSC, several political groups and Civil Society Organisations condemned such decisions. They considered them as totally contrary to the decisions of the PSC and the relevant legal instruments of the AU, which the State of Chad had duly and fully ratified and integrated into its National law.

19. They called for protest demonstrations in the Capital and other cities of the country.

- The Third element which, therefore, marked the Transition was unfortunately the tragic events of 20 October 2022.

20. Several opposition political parties and Civil Society Organisations called for demonstrations on 20 October 2022 in several cities of the country in spite of the ban imposed by the Transitional Government. The ensuing crackdown by the different security forces (Military, Police, Gendarmerie, Intelligence service) left dozens dead and many injured and a bigger number arrested in Ndjamena, Moundou, Doba, and Koumra in particular. The information from corroborative sources mention several hundreds sent to the Koro Toro prisons. I wish here to pay a deserved tribute to this friendly country for its generosity and its commendable efforts in favour of peace in Chad. The headquarters of the political parties of the former Prime Minister, Albert Pahimi Padacke and the new Prime Minister, Mr. Saleh Kebzabo, were partly burnt and ransacked. Local and international Human rights Organisations reported cases of torture, extra judiciary executions and abduction of civilians. The whereabouts of some arrested and abducted civilians remains unknown.

21. Curfew was imposed and political parties and coalitions of Civil society were suspended.

22. With regard to the humanitarian situation, it is important to state that the floods and rising waters of the Chari and Logone rivers have caused substantial havoc, leaving thousands of people homeless and thousands of hectares of farmlands completely submerged and destroyed. As of 20 September 2022, combined Government, local authority and humanitarian community sources had indicated that about 103, 907 households or 622,550 people had been affected by those floods.

23. In the lack of an Emergency Plan and adequate resources, the situation of flood victims remains extremely deplorable because they are exposed to many diseases (Malaria and Cholera), a decline in agricultural yield and to livestock diseases.

### **III. CHALLENGES OF THE POLITICAL TRANSITION**

24. The Transition in Chad is currently facing many challenges:

- i) The need to comply with the principles and decisions of the Continental Organisation is crucial. It is imperative to know that compliance with the principles and decisions of the appropriate AU organs constitutes the necessary political and legal basis for the success of the Transition. The non-compliance, defiance and negation of the Organisation can only compound problems for the Transition in the country. Wisdom demands that the authorities of the country stand in the legality of the Continental Organisation whose principles and decisions must be upheld indisputably. The peoples of Africa are deeply committed to them. Those who taunt and violate them cannot evade the

sanctions that such principles enact. It behoves Council, in its wisdom, to take the measures it deems most appropriate. But it cannot avoid its obligations, its doctrine and the foundations that justify the very essence of its existence.

- ii) The current crisis shows the need to engage a genuine political negotiation between all actors in an inclusive way, which will enable the country to move in peace and reconciliation towards the speedy restoration of Constitutional order. Any other way is destructive for the country, its national unity and the cohesion of its social components.
- iii) Addressing the economic, social, humanitarian and security challenges is urgent. An Emergency Plan for the people affected by the floods, food shortage and health care needs is an imperative need.
- iv) The protection of human rights, the fight against impunity, bringing to justice those who committed crimes of murder and destruction of properties, whatever be the level of responsibility, is at the core of a fair and peaceful Transition. In this spirit, it is urgent to proceed with the immediate release of all political detainees and the establishment of a Mechanism to repair the damage suffered by all those who were the innocent victims of the violent repression of the demonstrations of 20 October 2022.
- v) The implementation of the other stages of the Transition, particularly the drafting and consensual adoption of a new Constitution and other necessary legal texts to frame the democratic Transition is firmly among the urgent actions of the Transition.
- vi) The active preparation, through a consensual approach, the democratic and free and fair elections to restore, as soon as possible, the civilian and democratic Constitutional order should be carried out without delay.

#### **IV. RECOMMENDATIONS TO COUNCIL**

- i) Reiterate its previous Decisions on the Situation in Chad, in particular Communiqué [PSC/BR/COMM.(CMXCVI)], adopted at 996<sup>th</sup> PSC Meeting, on 14 May 2022, in which among others, totally rejected any Unconstitutional change of Government on the Continent, in conformity with the provisions of Article 4 (p) of the AU Constitutive Act, the African Charter on Democracy, Elections and Governance and the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted by the 36<sup>th</sup> Ordinary Session of the OAU Assembly of Heads of State and Government, held in Lomé, Togo, in July 2000 (the Lomé Declaration).
- ii) Express its great disappointment at and deep regret of the refusal of the Transitional Authorities to comply with the agreed 18-month Transition period, as announced by the TMC itself as well as the refusal, by the



present authorities, to respect the ban on the authors of Unconstitutional changes to stand as candidates for the elections at the end of the Transition.

- iii) Recall that the measures to be taken will be against the authorities of the Transition for not honouring their commitment and the decision of the PSC of 14 May 2022, in which the PSC warned that the military would be held fully responsible for not honouring their commitment.
- iv) Take note of the refusal to consider the decisions of the PSC and decide on the appropriate measures accordingly in order to impose the respect for the principles of the Organisation and affirm loudly and clearly the fierce opposition to the Unconstitutional changes of Government as stipulated eloquently by all the legal instruments of the AU.
- v) Appoint an AU Facilitator (a sitting Head of State) to initiate a political process leading to a consensual political solution with a view to protecting the country against the continued deterioration of the political and security situation and assisting the stakeholders to find a path that avoids resorting to violence and instability of the country.
- vi) Request the AU Facilitator and the AU Commission, through the High Representative for Chad, to continue engaging the Chadian Authorities in order to present a technical timeframe with milestones and the necessary support for speedy and smooth restoration of Constitutional order.
- vii) Request the AU Commission to dispatch a High level Mission to Chad to engage with the Authorities and other key actors concerned, with a view to finding consensus to address the challenges facing the country and provide regular updates to Council.
- viii) Strongly condemn the murder, torture, arrest and arbitrary imprisonment of hundreds of civilians during the demonstrations of 20 October 2022, in Ndjamena and in other cities of the country.
- ix) Stress the urgent need for a serious and credible investigation to establish the list of those who are responsible for such crimes and bring them to justice.
- x) Call upon the Chadian people to refrain from acting in a manner that may light the fire of hatred, discord, violence and civil war.
- xi) Encourage the Chadian stakeholders, including the Civil society, human rights, faith-based organisations and the media, to contribute positively towards ensuring the success of the Transition and to refrain from any



actions or statements likely to incite hatred, discord and violence in all its form.

- xii) Take note with concern the dire humanitarian situation in Chad and appeal to the AU Member States and the international community, including the United Nations, to swiftly scale up humanitarian support for the people in need, particularly the Internally Displaced Persons and refugees.
- xiii) Stress again the agreed norms and principles and shared values of promoting democracy and good governance on the Continent, as well as the commitment to silence the guns by 2030, thus reminding the Transitional authorities of Chad of the Continental obligations enshrined in the Constitutive Act, the African Charter on Democracy, Elections and Governance, the Protocol Establishing the Peace and Security Council and the Lomé Declaration on Unconstitutional Changes of Government, the Accra Declaration confirmed by the Malabo Declaration of May 2022.
- xiv) Request the AU Commission to coordinate its efforts with ECCAS to support the Transition in Chad in compliance with the principles of the AU, the decisions of the PSC and the relevant provisions of the Protocol on the Relations between the AUC and the RECs. This coordination of efforts should aim at the implementation of an adapted programme of the Transition and a speedy restoration of Constitutional order in the country.



2022-11-11

1121st Meeting of the Peace and Security Council, to be Held on 11 November 2022 on (I) Consideration of the Request Submitted by the Federal Government of Somalia to Extend Phase 1 of the ATMIS CONOPS and Delaying the Drawdown of 2000 Troops from December 2022 to June 2023 (II) Consideration of the Report of the Chairperson of the Commission on the Situation in Chad.

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