



Inter-Parliamentary Union

For democracy. For everyone.

Chad

CHD/01 - Ngarleji Yorongar

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 146th session (Geneva, 24-27 January 2015)

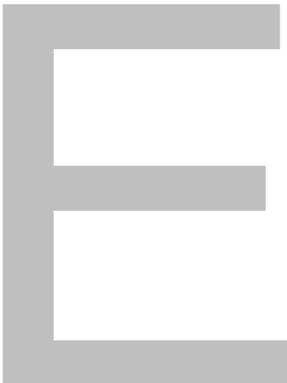
The Committee,

Referring to the case of Mr. Ngarleji Yorongar, a member of the National Assembly of Chad, and to the resolution adopted by the Governing Council at its 192nd session (March 2013),

Referring to the letter from the Speaker of the National Assembly of 13 March 2014 and to the information provided by the authorities, the complainant and other sources met by the President of the Committee on the Human Rights of Parliamentarians during his visit to Chad from 28 February to 2 March 2013,

Recalling the following information on file:

- Mr. Yorongar and other members of the political opposition were abducted during a rebel attack on the capital city of Chad between 28 January and 8 February 2008;
- The National Commission of Inquiry established by the authorities to investigate those events established in its report, published in early September 2008, that Mr. Yorongar “was arrested at his home on Sunday, 3 February 2008, at about 5.45 p.m. by eight to 10 elements of the defence and security forces carrying weapons some of which were reminiscent of those of the presidential guard, led by a tall (1m 80) robust man travelling in a khaki Toyota pick-up, new and with no number plate”;
- The Commission concluded that “abductions and arrests, together with acts of intimidation against opposition politicians, had occurred after the rebel withdrawal from N’Djamena; [which] clearly involves the responsibility of the defence and security forces”, and specified that, insofar as “from 3 February 2008 onwards, public security was mainly provided by elements of the presidential guard, it can also be inferred that the Chadian State was responsible”;
- The Commission recommended that the Government “pursue the police and judicial investigations with a view to determining the place of detention and the re-appearance of Mr. Yorongar in Cameroon [...], that it compensate the victims or their families in an equitable and not merely symbolic manner [...]” and that it set up a specialized committee entrusted with monitoring the effective implementation of its recommendations;
- That committee was established in late September 2008 and chaired by the Prime Minister; initially made up of a dozen ministers, it was expanded in January 2011 to include two international experts from the European Union and the Organisation internationale de la Francophonie; a technical subcommittee in charge of the follow-up,



committee secretariat and a legal pool comprising State prosecutors, magistrates, judges and bailiffs and tasked with the management of ongoing judicial proceedings, were set up under the coordination of the Prosecutor General;

- The conclusions of the Commission of Inquiry were laid before the Prosecutor General, who opened judicial cases; owing to the 12-month deadline for the preliminary enquiry, the first trials were to start in 2010; to date, however, none of the judicial proceedings relating to the hundreds of cases of enforced disappearance that occurred during the attacks of February 2008, in particular that of Mr. Yorongar, has resulted in an indictment; only about thirty women victims of rape have received humanitarian compensation from the Government pending the judicial conclusions concerning the perpetrators of those crimes;
- In a communication dated 9 October 2012, the Minister of Justice stated that it would be premature to draw conclusions on the perpetrators at that point in time, that the only reason for the slowness of the investigation, which concerned thousands of cases, was its complexity, which was related to the context in which the offences were perpetrated, and that Chad remained firmly committed to enabling the judicial system to investigate in full transparency and independence and to make available to it all the means it needed to establish the truth on the crimes and offences committed during the events of 2008,

Recalling the following: the ill-treatment inflicted on Mr. Yorongar during his arrest in February 2008 reportedly affected his health, which has since deteriorated; Mr. Yorongar remains under medical treatment and regularly undergoes medical treatment abroad; he has filed a number of financial claims concerning the reimbursement of medical expenses and the payment of parliamentary stipends that he claims are owed to him by the National Assembly; *bearing in mind* that the Speaker of the National Assembly has since carried out investigations and has repeated on several occasions that all of Mr. Yorongar's financial claims had been settled at National Assembly level,

Recalling also that the Committee President visited Chad in late February 2013 in order to meet all the competent authorities in the case, Mr. Yorongar and several representatives of the international community, that he also met with the Speaker of the National Assembly, the Minister of Justice, the Prosecutor General and the Chairman of the Technical Subcommittee, and that he learned the following:

- The National Assembly was able to obtain information on progress made in the judicial proceedings, in the discharge of its role of government oversight and in strict compliance with the principles of separation of powers and the independence of the judiciary;
- Given the absence of progress in the investigations, a new examining magistrate was appointed at the end of 2011; a single examining magistrate was then assigned to the legal pool in charge of examining the 1,050 cases relating to the events of February 2008, including that of Mr. Yorongar; the legal pool was experiencing numerous logistical and financial difficulties that were hampering its effectiveness; the investigations had made no progress and had yet to identify any suspects;
- The Technical Subcommittee, for its part, was focusing on implementation of the Commission of Inquiry's recommendations regarding the legislative and regulatory framework, in particular with a view to empowering the judicial authorities to oversee all places of detention;
- As concerns Mr. Yorongar's case, the Minister of Justice and the Prosecutor General had said that the judicial proceedings were stalled because Mr. Yorongar refused to be heard by the examining magistrate and had said that he opposed any judicial use of his statement to the Commission of Inquiry, which was apparently the only item in his file available to the examining magistrate; the Minister of Justice had guaranteed that the investigations would start if Mr. Yorongar agreed to appear before the examining magistrate or gave written consent for the investigation to be continued on the basis of his statement to the Commission of Inquiry;
- Mr. Yorongar had confirmed that he had refused to cooperate with the judicial authorities; he had said that the Chadian judicial system was well known for its lack of independence and impartiality and that he no longer trusted it and preferred compensation to criminal proceedings; he had been a long-standing member of the political opposition, and as such his fundamental rights had been violated on multiple occasions in the past and the numerous complaints he had filed before the courts had never been to any avail, the

perpetrators going unpunished; consequently, and in view of the time that had elapsed since the events and the absence of any progress whatsoever in the investigation of the cases relating to the events of 2008, he did not believe that criminal proceedings would lead anywhere and did not wish to lend credibility to the process by participating in them,

Considering that, in his letter of 13 March 2014, the Speaker of the National Assembly said that the examining magistrate had concluded that it was impossible to identify the guilty parties and had ordered that the case be dismissed on 22 July 2013; the magistrate had nevertheless considered that the State could be held liable for compensation for the damages suffered by the various victims and that Mr. Yorongar could therefore file suit in a civil court to obtain compensation,

Considering that the complainant has never responded to the requests for information made to him since May 2013, even though he has been repeatedly asked to do so; that he has never provided his comments on the latest developments in the proceedings, or on whether he intends to file a claim for compensation,

Considering Article 25 (a) and (b) of its procedure for reviewing and handling complaints relating to the closing of cases,

1. *Thanks* the Speaker of the National Assembly for the information provided;
2. *Notes with interest* that, following the decision handed down in July 2013 by the examining magistrate, the possibility of filing a claim for compensation – for which Mr. Yorongar had expressed a preference – is now open to him should he wish to pursue that route in the future;
3. *Notes with regret* that the complainant has never responded to the communications sent to him over the past few years, despite repeated requests and even though he was in a position to do so; *also regrets* that Mr. Yorongar refused to cooperate with the judicial authorities on the criminal proceedings and *considers* that this attitude is not conducive to establishing the truth;
4. *Considers*, therefore, that it cannot effectively continue its examination of the case, and for this reason *decides* to close it, while deploring that, seven years after the serious human rights violations committed during the rebel attack on the Chadian capital, the perpetrators of the offences committed, in particular against Mr. Yorongar, remain unpunished, despite the significant leads uncovered by the National Commission of Inquiry pointing to the involvement of the defence and security forces, and in particular the presidential guard;
5. *Requests* the Secretary General to forward this decision to the Speaker of the National Assembly and to the complainant.