



Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to such restrictions as shall only be such as are provided for

CIVIL SOCIETY REPORT

on the implementation of

Chapter II (Prevention) & Chapter V (Asset Recovery) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION

IN CHAD

by Organisation Tchadienne Anti-Corruption

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of 5 February 2024.

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L'Organisation Tchadienne Anti-Corruption (O.T.A.C) is an independent organization, whose mission is to fight corruption in all its forms in Chad. It is independent of any political and sectarian influence and works for a democratic Chad, respectful of human rights and the rule of law, and looking towards a better future. It was officially recognized by the Government of the Republic of Chad on April 22, 2013 under folio 3990.

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Abbreviations

While the abbreviations are provided in both French and English in the following table, they are used in their original French version throughout the report for institutions and laws and in their English version for names of international institutions or initiatives.

Abbrv.	French	English
ADETIC	Agence de Développement des Technologies de l'Information et de la Communication	Agency for the Development of Information and Communication Technologies
AEPF	Action pour l'Éducation et de la Promotion des Femmes	Action for the Education and Promotion of Women
AFDCPT	Association des Femmes pour le Développement et la Culture de la Paix au Tchad	Association of Women for the Development and Culture of Peace in Chad
ANIF	Agence Investigation Financière	Financial Investigation Agency
APAD	Action de Partenaires pour l'Appui au Développement	Action by Partners in Support of Development
ARMP	Autorité de Régulation des Marchés Publics	Public Procurement Regulatory Authority
CEMAC	Communauté Économique et Monétaire de l'Afrique Centrale	Economic and Monetary Community of Central Africa
CMT	Conseil Militaire de Transition	Transitional Military Council
CNUCC/UNCAC	Convention des Nations Unies contre la Corruption	United Nations Convention against Corruption
COBAC	Commission Bancaire de l'Afrique Centrale	Central African Banking Commission
CSAPR	Comité de Suivi de l'Appel à la Paix et à la Réconciliation	Follow-up Committee to the Appeal for Peace and Reconciliation
CSM	Conseil Supérieur de la Magistrature	High Council of the Judiciary
DGCMP	Direction Générale du Contrôle des Marchés Publics	Directorate General for Public Procurement
DNIS	Dialogue Nationale Indépendant Souverain	National Independent Sovereign Dialogue
GAFI	Groupe d'Action Financière	Financial Action Task Force
GRAC-T	Groupe de Réflexion sur l'Avenir et la Construction du Tchad	Reflection Group on the Future and Construction of Chad
IGE	Inspection Générale d'État	Inspectorate General of State
NTIC	Nouvelles Technologies de l'Information et de la Communication	New Information and Communication Technologies

ONRTV	Office National de Radio et Télévision du Tchad	Chad National Radio and Television Office
ONUDD/UNODC	Office des Nations Unies contre la drogue et le crime	United Nations Office on Drugs and Crime
OSC	Organisation de la Société Civile	Civil Society Organisation
OTAC	Organisation Tchadienne Anti-Corruption	Chadian Anti-Corruption Organization
OTFiP	Observatoire Tchadien des Finance Publiques	Chadian Observatory of Public Finance
PILC	Public Interest Law Center	Public Interest Law Center
PMT	Premier ministre de Transition	Prime Minister of the Transition
SHT	Société des Hydrocarbures du Tchad	Chad Hydrocarbons Company
SIPPT	Service Interne pour la Prévention et la Protection au Travail	Internal Service for Prevention and Protection at Work
SONACIM	Société Nationale de Ciment	National Cement Company

List of Persons Consulted

Name	Job Title	Affiliation	Date of Interview
Yousseuf TOM	President of the Court of Commerce	UNODC Chad focal point	23/10/2022
NODJIADOUM ORTHOM	1st Deputy Public Prosecutor	Magistrate	16/11/2022
Delphine K DJIRAIBE	Lawyer	PILC	17/11/2022
Hortense NGAMA	State Inspector	Governmental Expert	19/11/2022
Gabdibé GABHINGONNE	Coordinator AEPF	Governmental Expert	20/11/2022
Abderamane Ali GOSSOUMIAN	Coordinator	Sociologist	22/11/2022
Céline NARMADJI	President	Association of Women for the Development and Culture of Peace in Chad (AFDCPT)	02/12/2022
Lazard DJEKOURNINGA KAOUTAR	Director	Radio FM Liberté	04/12/2022

I. Introduction

The Republic of Chad signed the United Nations Convention against Corruption (UNCAC) on March 30, 2018 and ratified it on June 26, 2018.

This parallel report reviews Chad's implementation of selected articles of Chapter II (Preventive measures) and Chapter V (Asset recovery) of the UNCAC. The report is intended as a contribution to the UNCAC implementation review process currently underway covering these chapters. Chad was selected by the UNCAC Implementation Review Group by a drawing of lots for review in the fifth year of the second cycle.

1.1 Scope

The UNCAC articles and topics that receive particular attention in this report are those that cover preventive anti-corruption policies and practices (Article 5), preventive anti-corruption bodies (Article 6), public sector employment (Article 7.1), political financing (Article 7.3), codes of conduct, conflicts of interest and asset declarations (Articles 7, 8 and 12), reporting mechanisms and whistleblower protection (Articles 8.4 and 13.2), public procurement (Article 9.1), the management of public finances (Article 9), access to information and participation of civil society (Articles 10 and 13.1), judiciary and prosecution service (Article 11), private sector transparency (Article 12) and measures to prevent money laundering (Article 14) under Chapter II. Under Chapter V, the UNCAC articles and topics that receive particular attention in this report are those covering anti-money laundering (Articles 52 and 58), measures for the direct recovery of property (Article 53), confiscation tools (Article 54), international cooperation for the purpose of confiscation (Article 51, 54, 55, 56 and 59) and the return and disposal of confiscated property (Article 57).

1.2 Structure

The report begins with an executive summary, including the condensed findings, conclusions and recommendations about the review process, the availability of information, as well as the implementation and enforcement of selected UNCAC articles. The following section covers the findings of the review process in the Republic of Chad as well as access to information issues in more detail. Secondly, the implementation of the Convention is reviewed and examples of good practices and deficiencies are provided. Then, recent developments are discussed and lastly, recommendations for priority actions to improve the implementation of the UNCAC are given.

1.3 Methodology

The report was prepared by l'Organisation Tchadienne Anti-Corruption with technical and financial support from the UNCAC Coalition. The organization made efforts to obtain information for the reports from government offices and to engage in dialogue with government officials.

The report was prepared using guidelines and a reporting template developed by the UNCAC Coalition and Transparency International for use by civil society organizations (CSOs). These tools reflected but simplified the United Nations Office on Drugs and Crime (UNODC) checklist and called for relatively short assessments as compared to the detailed official self-assessment checklist. The report template included a set of questions about the review process and, in the section on implementation, asked for

examples of good practices and areas in need of improvement in articles of UNCAC Chapter II on prevention and Chapter V on asset recovery.

II. Executive Summary

This report focuses on Chapter II on Preventive Measures and Chapter V on Asset Recovery of the United Nations Convention against Corruption (UNCAC).

Preventive measures should include both the public and private sectors in their provisions, and the main challenge lies in effective implementation, as such measures are designed to significantly limit acts of corruption. Concerning asset recovery in the Chadian context, recovering and repatriating assets resulting from corruption helps discourage potential embezzlers of public and private funds.

Can this interest be satisfied in the absence of the political will to combat corruption? In both cases, the adoption of a legal arsenal at the national level, interactions between civil society organizations (CSOs) and the government, and cooperation between States, can make it possible to curb corruption.

2.1 Description of the Official Review Process

With regard to the description of the formal review process, it is important to note several points as follows. The difficulty of accessing information is linked to the mistrust of government actors on issues relating to corruption. The focal point referred the questions submitted to officials of the institutions concerned, who say they will provide the information, but once on site there was resistance, preventing the possibility of gathering information.

OTAC participated in all the different stages of the official review of the country as well as in the self-assessment through the personal involvement of the focal point, who is working hard to ensure that the various actors involved are involved in the development of these documents, which are important for Chad's performance. Even the authorities of the Ministry of Justice concerned with this issue left everything to rest on the focal point.

2.2 Availability of information

To collect the information necessary for the preparation of this report, we used a tool composed of questionnaire grids that we provided to our interlocutors, who were members of various previously targeted structures (see the appendix). This tool, which takes into account articles under Chapters II and V of interest to our report, included checkboxes and fields to fill in and comment on.

The information gathered shows that corruption is on the rise in the Republic of Chad and affects all sectors. This growth is not surprising, as no effort is being made to stem it. The information was collected from the Audit Chamber of the Supreme Court, the General State Inspectorate and the Ministry of Finance, Budget and Public Accounts and the Ministry of Public Service.

The requests were not obtained under access to information legislation. We produced and sent to our interlocutors the terms of reference as an appendix to our questionnaire grid. These terms of reference made it easier for us to access the information.

2.3 Implementation in law and practice

Table 1: Implementation and enforcement summary

UNCAC articles	Status of implementation in law	Status of implementation and enforcement in practice
Art. 5 – Preventive anti-corruption policies and practices	Not implemented	poor
Art. 6 – Preventive anti-corruption body or bodies	Partially implemented	moderate
Art. 7.1 – Public sector employment	Not implemented	poor
Art. 7.3 – Political financing	Not implemented	moderate
Art. 7, 8 and 12 – Codes of conduct, conflicts of interest and asset declarations	Not implemented	moderate
Art. 8.4 and 13.2 – Reporting mechanism and whistleblower protection	Not implemented	poor
Art. 9.1 – Public procurement	Partially implemented	poor
Art. 9.2 – Management of public finances	Not implemented	poor
Art. 10 and 13.1 – Access to information and the participation of society	Not implemented	poor
Art. 11 – Judiciary and prosecution services	Not implemented	poor
Art. 12 – Private sector transparency	Partially implemented	moderate
Art. 14 – Measures to prevent money-laundering	Partially implemented	moderate
Art. 52 and 58 – Anti-money laundering	Partially implemented	moderate
Art. 53 and 56 – Measures for direct recovery of property	Not implemented	poor
Art. 54 – Confiscation tools	Not implemented	poor
Art. 51, 54, 55, 56 and 59 – International cooperation for the purpose of confiscation	Not implemented	poor
Art. 57 – The return and disposal of confiscated property	Not implemented	poor

Art. 5 – Preventive anti-corruption policies and practices: The Chadian State has included in its penal code relevant provisions for the prevention of corruption. Corrupt practices continue without the perpetrators being prosecuted. Non-compliance with the texts and laws of the Republic constitute a real obstacle to the implementation of policies relating to prevention and the fight against corruption. This is reinforced by the interference of politics in judicial affairs, undermining its independence.

Art. 6 - Preventive anti-corruption body or bodies: The Chadian State has a General State Inspectorate and a Court of Auditors within the Supreme Court. There is also an authority responsible for awarding and monitoring public contracts. These bodies are only interested in cases of misappropriation of public property committed by persons who are not part of the high sphere of power. Many contracts are also awarded by mutual agreement without taking into account the rules that govern them. These bodies certainly exist, but there is a serious problem of objectivity in their *modus operandi*. They seem to target one category of offenders, but turn a blind eye to another category of "untouchable" people. This constitutes a serious breach of the mission assigned to them.

Art. 7.1 – Public sector employment: The Ministry of the Civil Service is responsible for the recruitment of civil servants. The other ministries and institutions are responsible for the career management of State employees. The National Pension Fund of Chad is set up and operational. Access to the civil service is subject to the payment of large sums of money to the agents of the Ministry of the Civil Service. Career management, appointments to positions of responsibility, etc. are subject either to the payment of money, or to the peddling of influences and social background.

Art. 7.3 – Political financing: An annual subsidy of 5 million CFA francs is legislated for political parties (cf. Article 31 of Law No. 032/PR/2019, on the Charter of Political Parties in the Republic of Chad) and a reimbursement of election expenses for candidates who obtained more than 10% in the presidential election. This funding is often only paid when the state wants to use political parties for political support. Their payment to radical opposition parties is often subject to conditions. The payment of campaign expenses is often a problem. For example, two opposition parties that won more than 10% in the 2016 presidential election were not reimbursed until the 2021 presidential election.

Art. 7, 8, 12 - Codes of conduct, conflicts of interest and asset declarations: The Chadian State has, in its legal order, integrated provisions such as Law 17 on the general status of the civil service, etc. Civil servants promoted to high positions of the Republic (president, ministers, etc.) are also required to declare their assets at the beginning and end of their functions. The various texts on codes of conduct are very poorly applied. Senior civil servants' own businesses, companies and other entities are sometimes opened in the names of their relatives and which profit from public contracts. The declarations of interests of senior civil servants are not made public.

Art. 8.4, 13.2 - Reporting mechanism and whistleblower protection: This mechanism is non-existent in Chad, and instead, intimidation and influence peddling have generated an almost permanent mistrust rendering state agents silent in the exercise of their duties.

Art. 9.1 – Public Procurement: Decree No. 2417 /PR/PM/2015 on the Public Procurement Code is signed to this effect. Retrocommissions (commonly known as 10%) are paid at each decision-making scale. Several contracts worth several hundred million, or even billions of CFA francs, are awarded by mutual agreement.

Art. 9.2 – Management of public finances: Several measures have been taken by the government to promote transparency in public financial management. This is the case of the measures instituted by Law No. 018/PR/2016 of November 24, 2016 on the Code of Transparency and Good Governance in Public Finance Management, Decree No. 2417/PR/PM/2020 of October 15, 2020 on the Public Procurement Code, Order No. 6081/PR/PM/2016 on the publication of the standard tender file for public supply and service contracts, as well as many other texts. However, these measures are never followed up on, because in practice public finances are managed informally and *de facto* in a very opaque way.

Art. 10, 13.1 - Access to information and participation of civil society: In Chad, the state services that are supposed to produce information and make it accessible refuse to do so, claiming that this information is sensitive and therefore cannot be published. Despite these reluctances, the activities of Chadian civil society have had some impact in the fight against corruption. This is particularly the case for denunciation, advocacy and awareness-raising activities in partnership with local media, which are more or less successful in influencing bad practices.

Art. 11. - Judiciary and prosecution services: The issue of the independence of the judiciary is acute, insofar as the judges concerned by corruption prosecutions are strongly subservient to politics, distorting their ability to act.

Art. 12 – Private sector transparency: The private sector is already the most important in the economic chain and should therefore be involved in the fight against corruption. However, in reality, it is not sufficiently involved.

Art. 14, 52, 58 - Measures to prevent money-laundering: This regime emphasizes the requirements for the identification of customers and, where applicable, beneficial owners, the recording of transactions and the reporting of suspicious transactions. There is such a mechanism that makes it possible to control financial transactions in their diversity in the area of the Central African Economic and Monetary Community (CEMAC) and *de facto* in Chad. This is the National Agency for Financial Investigation which regulates and monitors banking operations and transactions. Until 2022, the General State Inspectorate (IGE) was in charge of auditing and inspecting state bodies and the recovery of misappropriated or misspent assets. This institution was dissolved in 2022 but a draft law is currently underway for the creation of a new independent authority for the prevention and fight against corruption, which will also have investigative powers.

Art. 53 and 56 - Measures for the direct recovery of property: Chad had set up the General State Inspectorate (IGE) which was responsible for conducting investigations into economic and financial offense and for recovering misappropriated assets. However, the recovery was carried out on an amicable basis and the IGE did not have the authority to recover when the case was brought before the courts. This institution has not had the time to work freely and independently in the exercise of these functions, and these activities are marred by the interference of politicians in its

functioning. Chadians as a whole find that this body cannot fight corruption; it has been seen as an effective weapon that is used by the Head of State against any dissenting voice. With regard to the representation of the State before the courts, a State Judicial Agency is being created. It will be responsible for representing the interests of the Chadian State before the courts, initiating proceedings and making requests for the recovery of funds on behalf of the State.

Articles 51, 54, 55, 56 and 59 - International cooperation for the purpose of confiscation: Chad has set up a number of specialized bodies for investigations with an economic and financial dimension. There is a unit specialized in the fight against terrorism as well as a unit specialized in economic and financial crimes. Chad has also created the National Agency for Financial Investigations (ANIF). Chad is also home to a branch of the INTERPOL organization, which brings together 17 French-speaking African countries and gathers all information on the fight against terrorism and the fight against corruption. Finally, there is a specialized unit against terrorism and corruption within the ministry called the SIPPT.

Art. 57 - Return and disposal of confiscated property: Chad is in the process of creating an agency dedicated to the management of seized and recovered assets. In the Code of Criminal Procedure, there is a provision on the management of seals, but there is no provision on asset recovery. Before its dissolution, the IGE was unable to recover assets despite the sending of payment order notifications. Once a court decision has been pronounced, there is no agency dedicated to the enforcement of court decisions. It is planned that the State Judicial Agency will be in charge of this once it is created. However, Chad has already recovered assets under INTERPOL. Assets have been recovered in Cameroon, Gabon, Nigeria and the Central African Republic.

Table 2: Performance of selected key institutions

Name of Institution	Performance in relation to responsibilities covered by the report	Brief comment on performance
Inspectorat General of State (IGE)	Moderate	Lack of real independence and expertise in the exercise of its duties.
Financial Investigation Agency (ANIF)	Moderate	Problems of expertise, complacency and exaggeration
The Court of Auditors	Poor	Political control over the institution: the court is influenced by party politics, which prevents it from carrying out its activities normally.
Parliament	Poor	No independence

Directorate General of Public Procurement (DGCMP)	Poor	Non objective
Public Procurement Regulatory Authority (ARMP)	Poor	Non objective

2.4 Recommendations for priority actions

1. Strengthen interaction and exchanges between the government and CSOs on issues related to anti-corruption, anti-money laundering and anti-organized crime policy, through regular consultations and frequent exchange of information, including on the implementation of Law No. 018 on the Code of transparency and good governance and community legislation.
2. Adopt a code of conduct and ethics for the civil service that provides a set of clear principles and minimum standards of conduct to minimize the risk of corruption and prevent conflicts of interest.
3. Promote the establishment of focal points in state structures to verify all their operations.
4. Create an information unit for partners on the management of subsidies granted to the State.
5. To apply without restriction the provisions of the Penal Code relating to corruption, bribery and influence peddling in all areas.
6. Ensure greater justice and equity in access to public services.
7. Fight corruption in the public and private sectors through the establishment of a priori control and a monitoring-evaluation exercise.
8. Interact efficiently with all stakeholders: authorities, the private sector, organizations, technical and financial partners (UN organizations, the European Union, the African Union), religious leaders, traditional leaders, youth, women and state officials.
9. Improve public governance to enable the population to benefit from the positive effects of public policies.
10. Strengthen the capacity of the Court of Auditors.

III. Assessment of Review Process for the Republic of Chad

As part of this review the UNODC focal point consulted the various stakeholders for their involvement in the country's assessment process. It should be noted that several ministries were represented by government experts, thus representing each department. Civil society has been well involved in Chad's formal review and self-assessment.

3.1 Report on the Review Process

Table 3: Transparency of the government and CSO participation in the UNCAC review process

Did the government disclose information about the country focal point?	Yes	Information about the focal point has been released by the Ministry of Justice.
Was the review schedule published somewhere/publicly known?	No	This has not been published by the authorities, and is therefore unknown to the public.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	☒ Anti-corruption and access to information CSOs ☒ CSOs working on other issues ☒ Academia ☒ Trade unions These organisations have often been invited, but not all of them feel it is important to be part of such a framework, which brings nothing in terms of financial motivation.
Was the self-assessment checklist published online or provided to civil society?	No	This list has never been published, as civil society was consulted informally.
Did the government agree to a country visit?	Yes	UNODC experts visited Chad as part of the first and second rounds of self-assessment.
Was a country visit undertaken?	Yes	6 to 9 March 2022.
Was civil society invited to provide input to the official reviewers?	Yes	☒ Anti-corruption and access to information CSOs ☒ CSOs working on other issues Civil society is involved in all aspects of the Chad review process.
Was the private sector invited to provide input to the official reviewers?	Yes	The private sector was invited but did not attend.
Has the government committed to publishing the full country report?	No	There has been no such action.

3.2 Access to Information

In terms of legislation, there is a law on access to information, but the challenge is in its application. It should be noted that a certain number of public officials deliberately refuse to open up to people, and the public, in search of this information. The major obstacle to access to government information on the subject is the refusal of disclosure by the agents of the departments concerned, either for fear of reprisals or for the protection of the hierarchy.

We used a technique based on trust and the accuracy of our report. To do this, we contacted the General State Inspectorate, the Chamber of Accounts and two Ministries, namely the one in charge of finance and the one in charge of the civil service. The government entities in charge of the fight against corruption are the General State Inspectorate and the Audit Chamber of the Supreme Court. Created in 2018, these two entities have the general objective of ensuring good governance while fighting corruption and embezzlement of public funds. However, they have not achieved the objectives assigned to them because of their lack of institutional and financial independence.

There are a few documents online on anti-corruption prevention, but most of the important information is not posted online. On the other hand, some successful Internet users who are at the heart of the information and are overwhelmed by the reality of the situation post it online.

The latest cases of corruption that have made the headlines in 2022 are those related to the embezzlement at the Chad Hydrocarbons Company (SHT)¹ and the briefcase of money found in the hands of the Director General of the National Cement Company (SONACIM) which were revealed by the investigative media and state intelligence services. The sources of information are diverse and varied. They come from the public (ONRTV) and private media (FM Liberté, Dja FM, Radio Oxygène, Radio Arc-en-ciel, Radio du CEFOD, Vision FM), newspapers (L'observateur, le Pays, N'Djamena Bi-hebdo) and especially online media have played a major role in the publication of information during this case of misappropriation of resources.²

¹ https://www.alwihdainfo.com/Tchad-l-affaire-de-detournement-a-la-SHT-ne-fait-que-creuser-uneplaie-existante_a114783.html, accessed September 8, 2023.

² Tchadinfos, a website for information on Chadian news, <https://tchadinfos.com/>; Alwida, <https://www.alwihdainfo.com/> and Tchad one, <https://tchadone.com/>, accessed September 8, 2023.

IV. Assessment of Implementation of Chapter II and Chapter V Provisions

This chapter analyses the implementation of the provisions of UNCAC Chapter II on preventive measures and Chapter V on asset recovery in the Republic of Chad through the application of laws, regulations and practices, and highlights good practices and areas for improvement.

4.1 Chapter II

4.1.1 Art. 5 – Preventive Anti-Corruption Policies and Practices

Chad makes the fight against corruption a principle of constitutional value, since it affirms in the preamble "our total opposition to any regime whose policy is based on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, clanism, tribalism, confessionalism and the confiscation of power". Article 55 of the abovementioned Constitution also stipulates that "the public authorities are required to promote, respect and ensure respect for good governance in the management of public affairs and to punish embezzlement, corruption and similar offences".³

At the legislative level, Law No. 011/PR/2012 on the Regime for the Prevention and Repression of Corruption and Related or Related Offences, enacted on 15 June 2012,⁴ was adopted in order to punish the perpetrators of corruption in the Republic of Chad. The President of the Republic also enacted Law No. 01/PR/2017 of 8 May 2017, on a new Penal Code⁵ which takes into account the offences in question. Articles 192 to 194 of this law punish passive and active corruption with the same penalties (article 193): imprisonment for one to ten years and confiscation of certain property (provided for in article 28 of the same code). This review responds to the need for a periodic evaluation of the relevant legal instruments and administrative measures.

The Government of Chad has also put in place a number of policies and practices that, if properly implemented and coordinated, would improve the effectiveness of the fight against corruption. The banking of revenues from taxes, customs and other administrative revenues imposed since March 2018 aims to reduce the embezzlement of public funds and corruption in transactions involving the three main financial agencies (taxes, customs, treasury).

Setting up toll-free numbers to report corruption is also a potentially effective practice because they are easy to remember, free and open 24/7. This is the case of the 700-telephone number, set up in January 2018 by the Ministry of Finance to allow economic operators and any individual with information to denounce unscrupulous public officials and the "116" telephone number created by the Transitional Military Council in November 2021 to denounce cases of corruption, scams and gender-based violence. However, there is no guarantee that calls will be absolutely anonymous and potential whistleblowers are exposed to a high risk of retaliation.

³ The Constitution of the Republic of Chad, promulgated on 04 May 2018, http://www.laltdh.org/pdf/constitution_tchad.pdf consulted on 19/10/2023.

⁴ Law No. 011/PR/2012 on the Regime for the Prevention and Punishment of Corruption and Related or Related Offences, promulgated on 15 June 2012.

⁵ Law No. 01/PR/2017 of 8 May 2017 on the new Penal Code, <https://www.droitafrique.com/uploads/Tchad-Code-penal-2017.pdf>, accessed 19/10/2023.

One of the effective measures to combat corruption is the outright removal of the factors and practices that give rise to corruption. Thus, the removal of the anarchic barriers installed on all internal roads and which constitutes a cash cow for the agents of the security forces, has put an end to the corrupt practices that undermined road transport.⁶

Articles 192 to 194 of the 2017 Penal Code contain corruption offences and allow them to be punished. However, the culture of impunity competes with that of corruption, thus encouraging the exponential spread of corruption in all key sectors of public life and the national economy. Today, corruption has become a phenomenon as general as it is commonplace: offering money for one's integration into the function, to release goods quickly and cheaply detained by the customs services, or simply for the police to let the parts of a vehicle pass without checking, has become an almost normal phenomenon.⁷ Indeed, everything is in place to allow this phenomenon that plagues the country to prosper: excessive bureaucracy, administrative burden, a justice system that follows orders, etc. Many prosecutions of those presumed guilty have been dropped or dismissed due to "interventions from above."⁸

The mechanisms put in place do not work for obvious reasons, particularly with regard to the mechanisms and practices mentioned above. As a mechanism for implementing a national anti-corruption strategy, we can note the creation of the Ministry of Moralization and Good Governance, which showed its limits and was abolished shortly after, as well as the General State Inspectorate, which was recently dissolved after the Sovereign Inclusive National Dialogue. It should be noted that these mechanisms have hardly been supported by the policies that have been influenced, thus causing them to disappear before they have had a real impact.

Good practices

- The removal of anarchic barriers installed on all internal roads;
- The establishment of toll-free numbers to denounce corruption as a potentially effective practice;
- The banking of revenues from taxes, customs and other administrative revenues.

Deficiencies

⁶ Tchad Infos, Moussa Nguedmbaye, "Chad: effective lifting of road barriers on the instructions of President Deby", 28 May 2018, <https://tchadinfos.com/tchad-levee-effective-des-barrieres-sur-lesroutes-sur-instruction-du-president-deby/>, accessed on 20/09/2023. ⁷ Tchad News, "Chad: Corruption in the public service!", December 20, 2022, <https://www.tchadnews.net/2022/12/30/tchad-corruption-a-la-fonction-publique/> and Deutsche Welle, Blaise Dariustone, "Chad: thousands of young people deprived of public office", 15 July 2021, <https://www.dw.com/fr/tchad-ch%C3%B4mage-jeune-fonction-publique/a-58271509>, accessed on 20/09/2023.

⁷ Tchad News, « Tchad : Corruption a la fonction publique ! », December 20, 2022, <https://www.tchadnews.net/2022/12/30/tchad-corruption-a-la-fonction-publique/> and Deutsche Welle, Blaise Dariustone, « Tchad : des milliers de jeunes privés de fonction publique », 15 July 2021, <https://www.dw.com/fr/tchad-ch%C3%B4mage-jeune-fonction-publique/a-58271509>, accessed on 20/09/2023.

⁸ Jan Pascal, "Justice and Political Power: Between Independence and Influences", *Après-demain*, 2017/1 (No 41, NF), p. 20-22. DOI: 10.3917/apdem.041.0020. URL: <https://www.cairn.info/revueapres-demain-2017-1-page-20.htm>, accessed on 20/09/2023.

- The toll-free numbers do not work because there is no guarantee that the calls will be absolutely anonymous and potential whistleblowers are exposed to a high risk of reprisals.
- Many sectors remain undermined and the Government needs the determination to tackle the phenomenon in all sectors.
- The dissolution of the Ministry of Moralization and Good Governance and the General State Inspectorate, before having had a real impact.

4.1.2 Art. 6 – Preventive Anti-Corruption Body or Bodies

The General State Inspectorate (IGE) is the main body in charge of the fight against corruption and other financial and economic crimes. On October 1, 2015, the President of the Republic, Idriss Deby Itno, enacted a decree creating the said structure.⁹ Attached to the Presidency of the Republic, the IGE was responsible for tracking down unscrupulous executives of the public and semi-public administration involved in acts of corruption and embezzlement of public funds. In reality, it has a more preventive and deterrent purpose than repressive. In October 2021, the president of the Transitional Military Council Mahamat Idriss Deby, who succeeded his father in April 2021 following the latter's death, reorganized the IGE by making significant appointments¹⁰ to enable it to effectively fulfill its mission.

As part of its mission, the IGE has, among other techniques, installed mailboxes in several public places and in ministries to anonymously receive reports of cases of corruption and other irregularities detrimental to the interests of the State. It also carries out control and investigation missions in various ministries and other public and semi-public structures.

As far as the objectives of the IGE are concerned, the results are mixed. While the monitoring and investigation missions have shed light on cases of corruption and embezzlement of public funds, the tangible results are meagre compared to the scale of the economic crimes targeted. Repayment orders are generally only observed up to half of the amounts claimed; the people checked undertake to pay the rest. Given the IGE's lack of independence and the widespread impunity enjoyed by their perpetrators, the IGE's work has, in reality, only served to track down small amounts. As far as criminal sanctions that are supposed to be deterrent measures are concerned, they are not observed in most cases because there are a lot of high level interventions. The accused persons are released after repaying all or part of the amount claimed.

Several years after its creation, not only has the IGE failed to curb corruption, but it is powerlessly watching the rise of the scourge it is supposed to fight. It is unable to get these reports published to the public annually. Transitional President Mahamat Idriss Déby acknowledged its failure on July 9, 2022 in these terms: "Unfortunately, the news is more eloquent than ever in our country, on the large-scale corruption and massive embezzlement of public funds that plague the management of public resources. The Transitional Military Council that I lead will not tolerate this practice. It will be intractable

⁹ Decree No. 260/PR/2015 establishing the General State Inspectorate.
<https://www.facebook.com/sqgtchad/posts/3385532191484468>.

¹⁰ Decree No. 120/PCMT/IGE/2021 Appointment to the General State Inspectorate, Presidency of the Republic of Chad, <https://presidence.td/documents/decret-n120-pcmt-ige-2021-portant-nomination-alinspection-generale-detat/>, accessed on 12/05/2023.

in the face of established corruption and proven embezzlement," says the PCMT.¹¹ The same observation was made at the meetings of the Inclusive and Sovereign National Dialogue (DNIS) held in N'Djamena from August 20 to October 8, 2022.

The DNIS has proposed a number of actions that, if carried out in good faith, could curb corruption and related offences in some way.¹² These include, inter alia, the application of the relevant provisions of the Penal Code in force in Chad relating to the suppression of corruption, bribery, influence peddling and similar offences; the abolition of the General State Inspectorate (IGE) and the creation in its place of an independent National Authority for the Prevention and Fight against Corruption; the establishment of a mechanism for evaluating the performance of public services and an index of perceptions of corruption; severely punish the illicit enrichment of public officials; to work to bring back to the country the public funds stolen and hidden in tax havens; and to fight against the patrimonialization of public property.¹³

On October 20, 2022, the Transitional President promulgated Decree No. 0014/PT/2022 of October 20, 2022, dissolving the General State Inspectorate (IGE)¹³ to dissolve the IGE and indicated that it was up to the General Inspectorate of the Ministry of Finance, the Court of Auditors and the Inspectorates of the Ministries to fully assume their responsibilities and effectively play their role in this matter. During the presentation of his political program on November 3, 2022 to the National Transitional Council (the provisional parliament), the new Transitional Prime Minister (PMT) Saleh Kebzabo promised in a statement on the radio, the creation by the Government of a national agency for the prevention and fight against corruption.

The creation of an Independent Anti-Corruption Authority (AIRC) by Ordinance No. 007/PT/2023 dated August 1, 2023 is an initiative to be welcomed. This entity, which exercises its powers in Chad and in diplomatic and consular representations, is responsible for ensuring "in complete independence and impartiality, a mission to prevent and fight corruption and related offences, with a view to promoting the rules of good governance in the management of public affairs" (Article 4). On November 16, the National Counselors adopted the bill ratifying Ordinance No. 007 on the creation of an Independent Anti-Corruption Authority at the Palace of Democracy.

The creation of a new independent authority marks a significant step forward in the fight against corruption. This institution, whose mission is to prevent and repress corruption while making the public sphere more ethical, is the result of a draft law

¹¹ The Chad-country, "The Transitional Military Council that I lead will not tolerate this practice. He will be intractable in the face of established corruption and proven embezzlement, according to the PCMT" July 9, 2022, <https://www.lepaystchad.com/23535/>, consulted on 21/01/2023.

¹² Al Wihda Info, "Chad: the synthesis of the resolutions and recommendations of the National Dialogue", 9 October 2022, https://www.alwihdainfo.com/Tchad-la-synthese-des-resolutions-et-recommandations-du-Dialogue-national_a117945.html, accessed on 20/09/2023. ¹³ Documentations of the Inclusive and Sovereign National Dialogue (DNIS), <https://dni.td/documentations/>, consulted on 12/05/2023.

¹³ Decree No. 0014/PR/2022, on the dissolution of the General State Inspectorate. https://presidence.td/wp-content/uploads/2022/10/311574421_482772193876641_7449470147731539474_n.jpeg, accessed November 2, 2023.

drawn up in response to the recommendations of the Inclusive and Sovereign National Dialogue (DNIS).

The fundamental principle of this initiative is that the repression of acts of corruption must be preceded by preventive measures, ranging from awareness-raising to strengthening the skills of public expenditure officials. This approach aims to establish good governance, requiring the popularization of legal texts, administrative procedures, codes of ethics and deontology, moral values, as well as the application of appropriate sanctions to corruption offences.

Good practices

- The IGE has installed mailboxes in public places to be able to anonymously file reports of corruption.
- The repayment orders addressed to the persons inspected made it possible to recover a considerable sum.
- The new Transitional Prime Minister (PMT) Saleh Kebzabo promised in a statement on the radio, the creation by the Government of a national agency for the prevention and fight against corruption, which was set up in August 2023.

Deficiencies

- Repayment orders are generally only complied with up to half of the amounts claimed.
- Criminal sanctions that are supposed to be deterrent measures are not observed in most cases because there are many high-level interventions.
- The IGE is unable to get annual reports published to the public.

4.1.3 Art. 7.1 - Public Sector Employment

The Transitional Charter of 8 October 2022¹⁴ reaffirms the principle of equal employment opportunities enshrined in successive Constitutions since 1996 in these terms. According to article 23: "Every Chadian has the right to work and to fair remuneration. No one may be prejudiced in his employment because of his origin, sex or opinions" and according to article 24: "Every citizen has the right of access to public employment under the conditions laid down by law". Thus, article 5 of Act No. 017/PR/2001 of 31 December 2001 on the general status of the civil service provides that: "Access to public employment is open to all Chadians fulfilling the conditions set out in Title IV of this Act on an equal basis of rights, without distinction as to gender, religion, origin, race, public opinion or social position subject to the conditions of physical and mental fitness or constraints specific to certain jobs determined by the special statutes."¹⁵ It adds in its article 41 that: "Recruitment is carried out by means of a competitive examination."¹⁶

There is, unfortunately, an implementation far from the Labour Code to the daily reality. Idriss Deby Itno had announced in 2019 the recruitment of 20,000 young people to the

¹⁴ Transitional Charter of the Republic of Chad of 20 April 2021, <https://presidence.td/wp-content/uploads/2023/01/CHARTRE-DE-TRANSITION-DE-LA-RÉPUBLIQUE-DU-TCHAD-DU-08OCTOBRE-2022.pdf>, accessed on 20 October 2023.

¹⁵ Act No. 017/PR/2001 of 31 December 2001 on the General Regulations of the Civil Service. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/66902/118036/F-670026889/TCD-66902.pdf>, accessed October 20, 2023.

¹⁶ Op.cit.

civil service.¹⁷ In reality, recruitment, appointments and promotions in the Civil Service are essentially based on corruption, clientelism and nepotism. Although the principle of competitive examinations was introduced by the above-mentioned 2001 law, no recruitment to the civil service has complied with this procedure to date. Recruitment is not made after a fair and open competition of candidates and on the basis of merit; it does not respect the principle of equity between the different communities in the country and between genders. Candidates who do not have the financial resources to monetize their recruitment to the civil service or relatives to count on in the circles of power or the ruling community have very little chance of obtaining a job in the civil service.

As far as appointments are concerned, they do not obey any objective criteria. The former Transitional Prime Minister Pahimi Padacké Albert issued a circular note on September 8, 2021,¹⁸ in which he noted that the appointment to positions of responsibility in the administration was made without consideration of the criteria of competence and experience, giving way to clientelistic practices by members of the government. He drew the attention of the members of the government to the scrupulous respect of the rules and principles of competence, fairness and transparency in appointments, with a view to promoting excellence and efficiency in the distribution of good administration.

Regarding recruitment to the civil service, the director of the civil cabinet of the presidency Abdoulaye Sabre Fadoul, in a note addressed to the Prime Minister on March 21, 2022, relayed the instructions of the Transitional President asking the government to accelerate the process of recruitment of young people to the public service through competitive examinations and under conditions that are supposed to be irreproachable. However, graduates of vocational schools, particularly those in the education and health sectors, have refused to be recruited by competitive examination, preferring that recruitment be based on seniority criteria. Indeed, many young people who have left vocational schools have been waiting for their integration for more than 10 years, while others who have just graduated from the same schools are integrated. It would be fairer to integrate the oldest and then the new ones, gradually.¹⁹

The digital plan to modernize Chad's public administration is not in place due to a lack of political will to effect real change. A former director of the Agency for the Development of Information and Communication Technologies (ADETIC)²⁰ believes that it is the instability at the head of the said agency that prevents the implementation of a plan worthy of the name.²² On the other hand, appointments at the head of this structure are made not on the basis of skills but on the basis of clientelism.

¹⁷ Tchad Infos, Beramgoto Jr, "Employment: Recruitment of 20,000 graduates to the civil service, is the promise achievable?", <https://tchadinfos.com/emploi-recrutement-de-20-000-diplomes-a-la-fonction-publique-la-promise-est-elle-realizable/>, accessed on 12/05/2023.

¹⁸ Tchad Infos, "Chad: Prime Minister calls members of the government to order over appointments to positions of responsibility", <https://tchadinfos.com/tchad-le-premier-ministre-rappelle-les-membres-dugouvernement-a-lordre-a-propos-des-nominations-a-des-postes-de-responsabilite/>, accessed on 20/10/2023.

¹⁹ Tchad Infos, "Chad: access to the civil service by means of competitive examinations is controversial", <https://tchadinfos.com/tchad-lacces-a-la-fonction-publique-par-voie-de-concours-faitpolemique/>, consulted on 20/10/2023.

²⁰ ADETIC is the body in charge of the implementation of the Operational Action Plan.

²² OTAC interview, N'Djamena, 10/11/2023.

The reliability of the Ministry of Public Service's data management and control systems is reflected in the existence of many "ghost" workers in the public sector. For the past decade, the Government has been conducting censuses of workers in the State budget almost every year, each time detecting the presence of fictitious civil servants. Suspended or removed from the workforce, they always return thanks to corruption networks involving senior civil and military administration officials.

Chadian legislation provides for mechanisms and procedures for appealing against human resources decisions, particularly with regard to recruitment processes or decisions. Civil servants and public sector employees have two types of appeal at their disposal: on the one hand, there is the administrative appeal, which includes the noncontentious appeal (to the author of the decision) and the hierarchical appeal (addressed to the hierarchical superior of the author of the decision) and, on the other hand, the contentious appeal before the administrative judge. State contract workers and employees in the private sector can appeal to the judicial judge and are governed by the Civil Code and the Code of Civil, Commercial and Social Procedure.

Good practices

- A legal framework exists to govern recruitment to the civil service on the basis of objective criteria, such as Law 017/PR/2018 of 17 August 2018 on the general status of the civil service.
- In 2017, the Government undertook a four-year digital plan to modernize the public administration.

Deficiencies

- Recruitment, appointments and promotions in public service are essentially based on corruption, clientelism and nepotism.
- Chadian legislation does not contain any specific requirements for the recruitment or selection of persons to fill certain categories of positions considered vulnerable to corruption.
- The lack of reliability of the Ministry of Public Service's data management and control systems is reflected in the existence of many "ghost" workers in the public sector. For the past decade, the Government has been conducting censuses of workers in the State budget almost every year, each time detecting the presence of fictitious civil servants. Suspended or removed from the workforce, they always return thanks to corruption networks involving senior civil and military administration officials.
- The digital plan to modernize Chad's public administration is not in place due to a lack of political will to effect real change.
- Graduates of vocational schools prefer to opt for recruitment on the basis of seniority and not on merit.

4.1.4 Art. 7.3 - Political Financing

Since the establishment of democracy in the early 1990s, the issue of public subsidies has been included in the texts to political parties (Decree No. 1263/PR/91 of 16 December 1991, the Charters of Political Parties of 1994 and 2009,²¹ the Agreement of 13 August 2007). Article 27 of the Charter of Political Parties in force, Law No.

²¹ Law No. 019/PR/2009 of August 4, 2009, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98937/117895/F1570653326/TCD-98937.pdf>, accessed October 20, 2023.

032/PR/2019,²² cites two types of sources of funding for the activities of political parties, namely own resources and external resources. Own sources include membership fees, members' subscriptions, voluntary contributions, proceeds from the sale of property, and revenues from party activities.

External resources are made up of subsidies and any aid from the State; gifts and legacies made by authentic deed and loans subscribed. Article 31 of the 2019 Charter of Political Parties provides that an annual state subsidy is granted to political parties to finance their activities, while setting criteria for benefiting from it as well as distribution keys based on the electoral weight of each party. According to article 32 (1), political parties are obliged to respond to requests made by the Supreme Court for justification of the origin of their financial resources and their use. Article 33 states that the Supreme Court shall draw up an annual report on the audit of the accounts of political parties. This report shall be published in the Official Journal of the Republic. According to article 35, every political party is required to have an account opened with a banking institution established in Chad. The State subsidy is paid directly into this account. The same provision prohibits political parties from having bank accounts abroad. This whole panoply of measures aims to ensure that the financing of political parties is done in a transparent manner.

In fact, things are not happening as provided for in the Charter. The Supreme Court does not exercise effective control, whether it is a question of the effective presence of political parties on the ground, the regular holding of their statutory meetings, the keeping of rigorous accounts or their sources of funding. Most of the 200 or so political parties that exist in Chad do not have a real existence on the ground; their founders use them as a means to pursue other objectives (access to positions of responsibility, financial benefits, integration of relatives into the civil service, etc.). In addition, the ruling party, its allies and the opposition parties represented in the Government or the National Assembly are using all the means of the State for their own benefit.²³

Annual subsidies to enable political parties to carry out their mission of animating political life have not been granted. Apart from a subsidy of 5 million CFA francs (approximately USD 8,111.30) that the political parties of the majority and those of the opposition received in 2007 following the signing of the Agreements of 13 August 2007,²⁴ the Government has not paid them anything.

The lack of own resources places political parties in a particular situation of vulnerability to corruption, which those in power exploit to great effect. In July 2022, while the opposition parties and the most representative civil society organizations were advocating a boycott of the inclusive national dialogue for, among other things, a lack of inclusiveness, the president of the Transition organized a meeting with some of the leaders of political parties for a communication on the participation of all in the

²² https://www.laltdh.org/pdf/charte_partis_politiques.pdf, accessed October 23, 2023.

²³ Follow-up Committee of the Call for Peace and National Reconciliation (CSAPR), *Chadian Political Parties: Which Democracy for Which Peace?*, N'Djamena, 201, pp. 28-34, https://ccfdterresolidaire.org/wp-content/uploads/2016/01/rapport_partis_politiques_tchad.pdf, accessed on 03/11/2023.

²⁴ CSAPR, *ibid.*, p. 31 & Al Wihda Info, "Chad: the government asked to regularize the arrears of political party subsidies," July 27, 2018, https://www.alwihdainfo.com/Tchad-le-gouvernement-prie-deregulariser-les-arrieres-des-subsventions-des-partis-politiques_a65544.html, accessed on 12/05/2023. ²⁷ Al Wihda Info, "Chad: the 3 million CFA franc subsidy also concerns new political parties", 28 July 2018, https://www.alwihdainfo.com/Tchad-la-subsvention-de-3-millions-Fcfa-concerne-egalement-lesnouveaux-partis-politiques_a115558.html, accessed 12/05/2023.

said dialogue. At the end of this meeting, a sum of 3 million CFA francs (approximately USD \$4,866.79) was given to each party in order to better prepare for the dialogue.²⁷

The Charter of Political Parties determines the rules of penalties (articles 62 to 44) applicable in the event of violation of the prohibitions and restrictions contained therein (articles 53 to 61). But it does not provide for control mechanisms available to non-state actors such as civil society and the media.

Good practices

- Political parties are prohibited from having bank accounts abroad.

Deficiencies

- The country's political parties in positions of power are illegally using state resources for their own benefit.
- Parties have not received state subsidies since 2007 and must find their own sources of funding. The lack of own resources places political parties in a particular situation of vulnerability to corruption, which those in power exploit to great effect.
- The lack of effective control by the Supreme Court or over the real existence of political parties on the ground is remarkable.
- The Charter does not provide for oversight mechanisms available to non-state actors such as civil society and the media.

4.1.5 Art. 7, 8 and 12 - Codes of conduct, conflicts of interest and asset declarations

There are provisions in Chadian legislation aimed at establishing standards of transparency, accountability and efficiency for the sound management of public affairs. Thus, the Constitution establishes a regime of incompatibility between the highest offices of the State (President of the Republic, members of the Government, deputies, etc.) and the exercise of certain professional activities, or the creation of companies or the ownership of property likely to give rise to a conflict of interest. This is the case with Article 76 of the Constitution of May 2018 with regard to the President of the Republic and Article 110 with regard to members of the Government. With regard to deputies, Chapter II of Organic Law 046/PR/2019 of 31 December 2019,²⁵ on the composition of the National Assembly, the regime of ineligibility, incompatibilities, and parliamentary immunities (Articles 9 to 22) and some provisions of the Rules of Procedure deal with incompatibilities. On the other hand, the deputies adopted a "law that now authorizes them to elect in other positions."²⁶

In addition to the regime of incompatibilities, Chadian legislation requires a category of public figures to declare their assets at the beginning and end of their functions (article 55 of the Constitution). Law No. 18/PR/2016 of 24 November 2016 on the Code

²⁵ Organic Law 046/PR/2019 of 31 December 2019. http://www.laltdh.org/pdf/ma_voix_compte/loi_organique_composition_a_n.pdf, accessed October 21, 2023.

²⁶ Tchad Infos, Mamadou Djimtebaye, "Chad: MPs can exercise other elective functions", 02 February 2013, <https://tchadinfos.com/tchad-dputs-peuvent-exercer-dautres-fonctions-lectives/>, accessed 21 October 2023.

of Transparency and Good Governance in Public Financial Management,²⁷ stipulates that the holders of any public authority, elected officials, members of the Government or senior civil servants, make a declaration of their assets at the beginning and end of their mandate or function. A specific law specifies the conditions and the scope of application of this principle and defines the offences and penalties for any illicit enrichment.

The General Civil Service Regulations contain provisions that aim to impose on public servants standards of conduct to be observed in the performance of their duties.

Conflicts of interest are recurrent and the declaration of assets is not done systematically. Although Chadian legislation establishes a system of incompatibilities, it does not establish an obligation with regard to the declaration of interests and activities. Ministers, deputies, governors and general officers are notoriously known to be owners of companies that deal with the state. The IGE was able to shed light on corruption and embezzlement of public funds or funding obtained from donors under the administration of former President Idriss Deby Itno. The repayment orders addressed to the persons inspected have made it possible to recover a sum of up to 20 billion CFA francs (about USD 32,445,260) each year, at least half of which has actually been paid to the Public Treasury. There have been prosecutions and arrests, including high-ranking figures such as the former Secretary General of the Presidency Kalzeubé Pahimi Deubet and the former Minister of Oil Djerassém Le Bemadjiel.²⁸ Unfortunately, we note that his persons are not found guilty or prosecuted, and the case is closed without further action. And cases like this are in full swing before the courts of Chad, some of the prosecutions are much more political than judicial.

The obligation to declare assets is limited to the President of the Republic and the members of the Government, but this is done in the most total opacity. Submitted to the President of the Supreme Court in the form of a list of property held, these declarations are not published for greater transparency in public affairs.

Given that recruitment to the civil service is not made on the basis of merit, in the context of a fair public competition in accordance with the 2001 Law on the General Statute of the Civil Service,²⁹ the functioning of public services is not based, as it should be, on the principles of transparency and efficiency. Mediocrity and clientelism are established as rules, which gives rise to all kinds of professional excesses and deviances in the Chadian public administration, including corruption and embezzlement. Today, as long as a user does not put his hand in his pocket to provide a "hagal goro", i.e., the "value of the kola nut" to an employee for a public service, his file runs the risk of not being processed. It is therefore a system of corruption known and practiced by unscrupulous agents who thus enrich themselves at the expense of the users of public services.

²⁷ Law No. 18/PR/2016 of 24 November 2016 on the Code of Transparency and Good Governance in Public Financial Management, <https://www.observatoire.td/viewer.php?id=34>, accessed on 30 October 2023.

²⁸ Jeune Afrique, "Chad: the secretary general of the presidency imprisoned for alleged acts of corruption", 4 December 2019, <https://www.jeuneafrique.com/865670/politique/tchad-le-secretaire-general-de-la-presidence-incarcere-pour-des-faits-presumes-de-corruption/> and Jeune Afrique, "Chad: how former oil minister Djerassém Le Bemadjiel defends himself", 1 October 2020, <https://www.jeuneafrique.com/1052230/societe/tchad-comment-lancien-ministre-du-petroledjerassém-le-bemadjiel-se-defend/>, accessed October 20, 2023.

²⁹ Op.cit. Loi no 017.

The legislative framework for the fight against corruption does not provide sufficient safeguards to prevent corruption at the level of public administration. Thus, public officials, even those in high positions in areas that are particularly vulnerable to corruption, are not required to declare their assets and income. Thus, executives and employees of the public administration hold, in Chad and abroad, large fortunes that their salaries and other legal benefits cannot justify. For example, in 2016, the Panama Papers scandal revealed that US\$10.76 billion from President Idriss Déby's relatives were housed in tax havens.³⁰ In 2017, an investigation in Canada revealed that members of the Chadian president's in-laws, including former Paymaster General Azène Hissein Bourma and former director of the army's administrative and financial services Ibrahim Hissein Bourma (younger brother of the former), had invested about \$8.6 million in real estate in Montreal.³¹ Also in 2017, the NGO SWISSAID published a report in which it highlighted the opaque management of millions of dollars from the exploitation of Chadian oil.³² In 2021, the Pandora Papers named Idriss Déby's son Zakaria Idriss Déby Itno as a shareholder in a company established in 2008 and based in Seychelles.³⁶

Beyond the rhetoric, the Chadian authorities have not implemented truly effective means to repress and prevent opaque public financial management practices. Following the investigation in Canada into the acquisition of real estate by relatives of the ruling clan, Justice Minister Ahmat Mahamat Hassan announced the opening of a judicial investigation to shed light on the case and to prosecute those responsible.³³ A few months later, the former paymaster-general Azene Hissein Bourma as well as other senior finance executives and businessmen were arrested in connection with a public procurement case.³⁴ These "farces", like so many others well known to Chadians, have not given rise to any prosecution. The Chadian-born lawyer and former president of the Mayotte Bar Association, Ahmed Idriss, commented on his Facebook page on November 6, 2016 that: "I refuse to comment on the umpteenth farce of Idriss Déby and his cronies in the government. Theatrical arrests whose aim is to absolve the corrupt no longer surprise us."

Good practices

- There is a legal framework governing conflicts of interest in the various institutions of the Government.

³⁰ Libération, "Alexandre Benalla, pour tout l'or du Tchad", https://www.liberation.fr/debats/2019/01/21/alexandre-benalla-pour-tout-l-or-du-tchad_1704358/, accessed 05/11/2023.

³¹ Journal de Montréal, "Chadian investigation of Montreal condos," <https://www.journaldemontreal.com/2017/06/20/enquete-tchadienne-sur-des-condos-montrealais>, accessed 05/11/2023.

³² Afrique La Tribune, "Tchad S.A.", Swissaid's damning report on the Deby clan", <https://afrique.latribune.fr/finances/commodities/2017-06-15/tchad-s-a-le-rapport-accablant-deswissaid-sur-le-clan-deby-739474.html>, accessed on 05/11/2023. ³⁶ TV5 Monde, "Pandora Papers: the main African personalities pinned", <https://information.tv5monde.com/afrique/pandora-papers-les-principales-personnalites-africainespingles-34313>, accessed on 05/11/2023.

³³ Mediapart, "Chadian justice opens an investigation into suspicious investments in Canada", <https://blogs.mediapart.fr/florent-kirbil/blog/260617/la-justice-tchadienne-ouvre-une-enquete-sur-desinvestissements-suspects-au-canada>, accessed 05/11/2023.

³⁴ Tchadinfos, "Chad: the former TPG in custody", https://tchadinfos.com/tchad-lancien-tpg-en-gardea-vue/?fbclid=IwAR2UGJLaVZyar4SEBsCfYVv5gDN7LXy6vNAVhYyrlA5Qltnupjq_goomTlc, accessed on 05/11/2023.

- The law stipulates that the holders of any public authority, elected officials, members of the Government or senior civil servants, make a declaration of their assets at the beginning and end of their mandate or function.
- There have been prosecutions and arrests, including of high-ranking figures such as the former Secretary General of the Presidency and a former Minister.

Deficiencies

- Conflicts of interest are recurrent and the declaration of assets is not done systematically. Ministers, deputies, governors and general officers are notoriously known to be owners of companies that deal with the state.
- The obligation to declare assets is limited to the President of the Republic and the members of the Government. Public officials, even those in senior positions in areas that are particularly vulnerable to corruption, are not required to declare their assets and income.
- Asset declarations are not published.

4.1.6 Art. 8.4 and 13.2 - Reporting Mechanisms and Whistleblower Protection

There is no formal written policy on the reporting of corruption and similar offences, and the protection of whistleblowers, but the Government and the IGE have used mechanisms that provide guarantees of anonymity to allow citizens to report any misconduct observed in the performance of public service missions. This was the case, for example, when the Ministry of Finance launched a toll-free number in January 2018, the 700, to allow economic operators and other individuals with information to report any unscrupulous agent who would seek to be bribed in the context of the issuance of an administrative document or the payment of a tax.

Similarly, in November 2021, the Transitional Military Council (TMC) created another toll-free number, 116, to report possible inappropriate or unethical behaviour so that appropriate measures can be taken. Free, short, therefore easy to remember, and open 24/7, these numbers are intended to effectively fight corruption. As part of this mission, the IGE has, among other techniques, installed mailboxes in several public places and in ministries to receive information or denunciations anonymously from citizens.

Whistleblowers are not only exposed to all kinds of threats from those denounced, but are also prosecuted before courts whose independence is far from being a given. The mechanisms for anonymous reporting have not been successful for two reasons: the lack of serious guarantees for the anonymity and protection of whistleblowers, and the impunity enjoyed by the perpetrators of such offences. By way of illustration, we can cite the case of the activist Ahmat Haroun Larry, imprisoned for his denunciations.³⁵ Activist and whistleblower, Haroun Larry has regularly denounced the mismanagement of the N'Djamena city hall and was, for this reason, the victim of intimidation, harassment and aggression from the mayor's relatives in August 2022. Five months earlier, Ahmat Haroun Larry had spent a few weeks in prison before being found not guilty and released of defamation charges against the mayor of N'Djamena, whom he had accused of embezzling public money.

³⁵ Change.org, "Justice for Ahmat Larry and Brahim Yve," August 30, 2023, <https://www.change.org/p/justice-pour-ahmat-larry-et-brahim-yve>, accessed October 30, 2023.

Good practices

- The Government and the IGE have used mechanisms, such as toll-free numbers and mailboxes, that provide guarantees of anonymity to allow citizens to report any breaches.

Deficiencies

- There is no formal written whistleblower protection policy.
- The mechanisms of anonymous denunciation have not delivered real results. Whistleblowers are not only exposed to all kinds of threats from those who are denounced, but are also subject to prosecution in court.

4.1.7 Art. 9.1 - Public Procurement

In Chad, there is a set of regulations governing public procurement. Decree 02130/PR/2020 of 15 October 2020 on the Public Procurement Code,³⁶ is the basic legal instrument in which the rules relating to the preparation, award and execution of public contracts are set. In addition to the Public Procurement Code, there is Decree 2499/PR/2020 of December 21, 2020,³⁷ which sets the thresholds for the award, control and approval of public contracts, and Decree 2500/PR/2020 of December 21, 2020,³⁸ on the Simplified Procedure for Public Procurement. These laws govern the procurement procedure in all sectors when public funds are used. Public contracts are awarded by open, restricted or private tendering procedures according to the thresholds and other criteria set by the texts governing public procurement.

More recently, several measures have been taken to improve the system for combating corruption and embezzlement of public funds. Thus, the Ministry of Finance has taken an important step in the process of digitizing financial systems and dematerializing administrative procedures. After the implementation of the modules for the electronic declaration and payment of taxes and duties, the official launch of a platform intended to electronically register and list public contracts in order to control the number of them and better monitor them is a step forward. For the Ministry, the electronic registration of public contracts makes it possible to monitor contracts from their approval to their execution.³⁹

Two main bodies are set up to ensure strict compliance with the rules governing public procurement. There is the Public Procurement Regulatory Authority (ARMP), whose organization and functioning are governed by Decree No. 2418/PR/PM/2015 of December 17, 2015,⁴⁰ and the General Directorate for the Control of Public

³⁶ Decree 02130/PR/2020 of 15 October 2020 on the Public Procurement Code. <https://observatoire.td/viewer.php?id=166>, accessed October 30, 2023.

³⁷ Decree 2499/PR/2020 of 21 December 2020. <https://observatoire.td/viewer.php?id=167>, accessed October 30, 2023.

³⁸ Ditto.

³⁹ Alwihda Info, (Aristide Djimaldé), "Chad: the government launches a system to computerize the registration of public contracts and contracts," https://www.alwihdainfo.com/Tchad-le-gouvernement-lance-un-systeme-pour-informatiser-l-enregistrement-des-marches-et-contrats-publics_a121915.html, accessed November 5, 2023.

⁴⁰ Decree No. 2418/PR/PM/2015 of 17 December 2015, on the Organisation and Functioning of the Public Procurement Regulatory Authority, <https://tchadinfos.com/emploi-lautorite-de-regulation-desmarches-publics-se-cherche-un-directeur/?fbclid=IwAR1KjyLux4AooqgluJAZ09CYyn3mrOxz896y1wdAWdwekjTXdHBFmGXb88>, accessed on 5 November 2023.

Procurement (DGCMP), governed by Decree No. 2419/PR/PR/2015 of December 17, 2015.⁴¹ The establishment of these bodies aims to ensure the greatest possible transparency in the procedure by establishing mechanisms for a priori and a posteriori control of the criteria for the selection and award of contracts.

The DGCMP exercises a priori control: the missions of the DGCMP generally consist of checking the regularity of the preparation and award of public contracts and issuing a prior opinion at the key stages of this process and the monitoring of the terms and conditions of execution of public contracts and public service delegations by the Project Owners or Delegated Project Owners (Article 3 para. 1 of Decree No. 2419/PR/PR/2015).

The ARMP's mission is a posteriori, i.e. it comes after all the procedures for awarding contracts have been initiated. If the companies that have submitted tenders consider themselves wronged on a certain number of criteria, they are given the possibility of appealing to the ARMP. Article 62 of the Public Procurement Code provides that the Public Procurement Regulatory Authority may initiate or have carried out, at any time, external audits or investigations relating to the transparency and conditions of regularity with regard to national, sub-regional and international laws and regulations, the procedures for drawing up and awarding contracts, as well as the conditions for the performance of public contracts or public service delegations. This is information that is made available to the public through the press or online media. Contrary to the texts, the awarding of public contracts is most often done according to the procedure by mutual agreement, without compliance with the standards and criteria established by the Public Procurement Code. Public calls for tenders are exceptions and are simply formalities to validate contracts that have already been awarded.

The existence of control and monitoring bodies and mechanisms is not a guarantee of transparency, as appointments to important positions in the supervisory bodies are not based on objective criteria. Most often, contracts are not executed to the end and the work is not accepted.

It should also be noted that Decree No. 2418/PR/PM/2015 of 17 December 2015 on the Organization and Functioning of the MRA and Decree No. 2419/PR/PR/2015 of 17 December 2015 on the Organization and Functioning of the DGCMP have not been harmonized with the new Public Procurement Code of October 15, 2020.

Corruption in public procurement is a commonplace and daily occurrence that is poorly documented from independent sources. On the one hand, the lack of access to government sources of information and government decisions prevents civil society and the independent press from reporting on corruption in public procurement. On the other hand, the IGE, which has carried out investigations that have led to reports on allegations of corruption, is under the direct authority of the President of the Republic, and therefore without independence. In addition, the opacity surrounding the work of the IGE has given rise to many criticisms. First, the lack of publication of its reports makes the efforts and results of the IGE invisible. Secondly, the IGE is perceived as an instrument in the hands and under the control of the President of the Republic to exert political pressure and settle personal scores. Finally, the prosecutions initiated

⁴¹ Decree No. 2419/PR/PM/2015 of 17 December 2015 on the Organization and Functioning of the General Directorate of Public Procurement Control, https://observatoire.td/upload/files/dt_61597252564.pdf, accessed on 30 October 2023.

on the basis of the IGE reports have almost all resulted in dismissals, dismissals or acquittals. This is the case, for example, with the cases of former Prime Minister Kalzeubé Pahimi Deubet⁴² and former Minister of Calm Djerasse Le Bemadjiel.⁴³

Good practices

- There are two bodies that oversee public procurement procedures operating a priori and a posteriori, the ARMP and the DGCMP.
- If the companies that have submitted tenders consider themselves wronged on a certain number of criteria, they are given the possibility of appealing to the ARMP.

Deficiencies

- Contrary to the texts, the awarding of public contracts is most often done according to the procedure by mutual agreement, without compliance with the standards and criteria established by the Public Procurement Code.
- Important positions in the supervisory bodies are not based on objective criteria.
- The new legislation on the DGCMP is not aligned with the previous one.
- The lack of publication of its reports makes the efforts and results of the IGE invisible.

4.1.8 Art. 9.2 – Management of Public Finances

Chadian legislation contains a panoply of laws and regulations aimed at streamlining public financial management and providing greater transparency to taxpayers and partners. The basic principles concerning the adoption of the national budget, including the conditions and deadlines for tabling and voting on the finance bill in parliament, are set by the Constitution by Article 136 of the Constitution of 4 May 2018.

As part of the implementation of Directive 06/11-UEAC-190-CM-22 of 19 December 2011 of the Central African Economic and Monetary Community (CEMAC),⁴⁴ Chad developed and adopted a Code of Transparency and Good Governance in Public Financial Management, promulgated on 24 November 2016 (Law No. 018/PR/2016).⁴⁵ The provisions of the Code cover all aspects relating to transparency and accountability in the management of public finances, including those relating to the preparation of the budget, the conditions for its implementation, management and control mechanisms and the management of potential disputes.

As part of the implementation of the Code of Transparency and Good Governance in Public Finance Management, a body called the Chadian Observatory of Public Finances (OTFiP) was created in November 2017. Housed within the Ministry of Finance and Budget, OTFiP aims to implement projects relating to transparency and

⁴² Figaro (03/12/2019), "Chad: the secretary general of the presidency imprisoned for alleged corruption", <https://www.lefigaro.fr/flash-actu/tchad-le-secretaire-general-de-la-presidence-ecroue-pour-corruption-presumee-20191203>, consulted on 05/11/2023.

⁴³ RFI, "Chad: the former oil minister in custody", <https://www.rfi.fr/fr/afrique/20200903-tchad-ancien-ministre-petrole-en-garde-a-vue>, accessed on 05/11/2023.

⁴⁴ Directive 06/11-UEAC-190-CM-22 of 19 December 2011 of the Central African Economic and Monetary Community, on the code of transparency and good governance in the management of public finances. <https://observatoire.td/viewer.php?id=128>, accessed October 30, 2023.

⁴⁵ Law No. 18 on the Code of Transparency and Good Governance in Public Financial Management. https://observatoire.td/upload/files/dt_61596547576.pdf, accessed October 30, 2023.

good governance in public financial management. The Observatory has a website⁴⁶ that provides the public with up-to-date information on public finances, such as quarterly budget implementation reports and a note on the oil sector in the first quarter of 2022. The website also publishes all relevant laws and regulations on public finances in Chad.

With regard to bookkeeping and audits, Chad has also adopted related regulatory texts: Decree No. 320/PR/PM/MFB/2016 of 26 April 2016 on the Table of State Financial Operations,⁵¹ Decree No. 321/PR/PM/MFB/2016 of 26 April 2016 on the State Accounting Plan,⁵² and Decree No. 817/PR/PM/MFB/2015 of 1 April 2015 on the General Regulations of Public Accounting.⁴⁷

However, the battery of legal instruments and measures implemented has not made it possible to consolidate public finances. Many challenges remain to be met to ensure the control of budgetary and accounting risks, and to achieve the desired objectives of efficiency, service performance, and transparency. Today, we are witnessing the patrimonialization of public wealth; the finances of the State are managed as personal funds.

Good practices

- The provisions of the Code cover all aspects relating to transparency and accountability in the management of public finances, including those relating to the preparation of the budget, the conditions for its implementation, management and control mechanisms and the management of potential disputes.
- The OTFiP has a website that provides the public with up-to-date information on public finances, such as quarterly budget implementation reports.

Deficiencies

- The Laws exist are not implemented.
- The finances of the State are managed as personal funds by politicians.
- While the use of banking services makes it possible to avoid to a certain extent the misappropriation of State resources, it is jeopardized by corruption, which obstructs any serious and reliable control of the consistency of accounting entries, and therefore of the identification of any anomalies or inconsistencies.

4.1.9 Art. 10 and 13.1 - Access to information and participation of civil society

Although still relatively weak and highly selective, collaboration between the Government and civil society organizations (CSOs) in the fight against corruption is increasingly becoming a reality. Indeed, the Government involves certain CSOs in its anti-corruption activities such as workshops and other information and awareness raising sessions for state officials and citizens on corruption. It also involves them in other activities related to the fight against corruption. This is when OTAC and other organizations were invited to take part in the self-assessment process of the United

⁴⁶ Portail de la République du Tchad, OTFiP, <http://www.observatoire.td/publications.php>. ⁵¹

Decree No. 320/PR/PM/MFB/2016 of 26 April 2016 on the Table of State Financial Operations. https://observatoire.td/upload/files/dt_61596548086.pdf, accessed October 30, 2023. ⁵²

Decree No. 321/PR/PM/MFB/2016 of 26 April 2016 on the State Accounting Plan. https://observatoire.td/upload/files/dt_71601126867.pdf, accessed October 30, 2023.

⁴⁷ Decree No. 817/PR/PM/MFB/2015 of 1 April 2015 on the General Regulation of Public Accounting, <https://observatoire.td/viewer.php?id=108>, consulted on 30 October 2023.

Nations Convention against Corruption by Chad from 7 to 10 March 2022. Similarly, the Ministry of Justice has appointed two representatives of civil society as government experts in the fight against corruption.

Civil society involves the government in its anti-corruption activities. This was the case, for example, when representatives of the public administration participated in a day of reflection on the fight against corruption organized in January 2022 by the NGO Reflection Group on the Future and Construction of Chad (GRAC-T).⁴⁸ Such collaboration is necessary and essential not only for awareness-raising and awareness-raising, where CSOs have a certain added value to contribute, but also for the mobilization of resources for this fight.

The latest cases of corruption cases that made the headlines in 2022 are those related to the embezzlement at the Chad Hydrocarbons Company (SHT)⁴⁹ and the briefcase of money found in the hands of the Director General of the National Cement Company (SONACIM), which were revealed by the investigative media and state intelligence services.

In June 2022, a case of embezzlement of a large sum of money at the SHT fuelled the debate. The government puts the figure at 13 billion, while some allegations go as high as 40 billion in the so-called SHTgate. After verification, Tchadinfos, a local media outlet, was able to confirm that there had been no embezzlement. It is true that the CEO of SHT has been suspended. However, this measure is not linked to any misappropriation, but rather to insubordination, influence peddling and substandard appointments.

Access to information remains a major challenge, both for civil society and the general public, and even for the press. There is no text providing for direct access to information sources for civil society and the public; and public officials are under no obligation to provide information in their possession. Even for journalists, for whom Law No. 31/PR/2018 of 3 December 2018⁵⁰ provides for free access to all sources of information and the right to freely investigate all facts that affect public life (Article 49), access to information remains very selective and depends on the sensitivity of the issue and, above all, on the editorial line of the media outlet in question. The government is generally very hostile to revelations of corruption made by independent media outlets that have a critical editorial line. In February 2021,⁵¹ the authorities suspended interactive political broadcasts. Access to public media, over which the

⁴⁸ GRAC-Chad calls for the mobilization of all against corruption, https://www.alwihdainfo.com/LeGRAC-Tchad-appelle-a-la-mobilisation-de-tous-contre-la-corruption_a110302.html and <https://tchadinfos.com/on-a-verifie-pour-vous-y-a-t-il-eu-un-nouveau-detournement-a-la-sht/>, consulted on October 30, 2023.

⁴⁹ https://www.alwihdainfo.com/Tchad-l-affaire-de-detournement-a-la-SHT-ne-fait-que-creuser-uneplaie-existante_a114783.html.

⁵⁰ Law No. 31/PR/2018 of December 3, 2018 ratifying Ordinance 025/PR/2018 on the regime of the written press and electronic media, <https://hamatchad.org/wp-content/uploads/2020/04/3-Loi-31.pdf>, consulted on October 30, 2023.

⁵¹ Journaldutachad.com, "Chad: all politically active broadcasts suspended during the electoral campaign," February 23, 2021, <https://journaldutachad.com/tchad-toutes-les-emissions-interactives-acaractere-politique-suspendues-pendant-la-campagne-electorale/>, accessed October 30, 2023. ⁵⁸ League Chadian Human Rights Association (LTDH); Union of Trade Unions of Chad (UST) – Teachers' Union of Chad, *Analysis of the draft anti-terrorism law in Chad*: https://www.laltdh.org/pdf/rapport_dh_2015.pdf, accessed October 30, 2023. ⁵⁹ Amnesty International, "Chad: A Growing Crackdown on Freedom of Expression," <https://www.amnesty.be/infos/actualites/tchad-repressions>, 05/11/2023.

authorities have full control, is made easier by the fact that the content of the information can be modified or even distorted.

Similarly, while the collaboration between the government and CSOs in the fight against corruption is to be welcomed, these organizations have limited capacity and resources and their work is hampered by various obstacles, including obstacles posed by the government itself. It must be said that many organizations are already hit by the laws passed in 2018 and 2019 that regulate how NGOs and associations are registered and funded, how they recruit and where they operate. These measures include heavy penalties for organisations when the authorities consider that they deviate from their approved sector of activity. In addition, many civil society leaders say they fear that the strict anti-terrorism laws passed in the wake of Boko Haram attacks in the capital in 2015 will be used to curtail civil and political freedoms.⁵⁸

In recent years, the deterioration of human rights has created a widespread climate of fear and insecurity in the country.⁵⁹ This situation, in which the media and civil society organizations are the main targets, prevents them from working calmly and freely criticizing the Government's policies without fear of repression, imprisonment or threats. In November 2020, Amnesty International noted with great concern an increase in violations of freedom of expression and association, as well as a severe crackdown on independent media, civil society leaders and political opponents.⁵² On the eve of the April 2021 presidential election, the security forces carried out an unprecedented crackdown on civil society activists and opponents. At least 112 people were arbitrarily detained, including some who were severely beaten and otherwise ill-treated.⁵³ To justify these abuses, the Ministry of Public Security, in a statement dated April 8, 2021, said that it had dismantled a terrorist network when several protest leaders had just been arrested.⁵⁴

Good practices

- The Government involves some CSOs in its anti-corruption activities, such as workshops and other information and awareness-raising sessions for state officials and citizens on corruption.

Deficiencies

- There is no text providing for direct access to information sources for civil society and the public; and public officials are under no obligation to provide information in their possession.
- Civil society organizations have limited capacity and resources to interact with the Government and their work is hampered by various obstacles.
- The government is generally very hostile to revelations of corruption made by independent media outlets that have a critical editorial line.
- Strict anti-terrorism laws in the wake of Boko Haram attacks in the capital in 2015 only serve to restrict civil and political freedoms.

⁵² Amnesty International, "Chad. Attacks on fundamental freedoms are multiplying in the run-up to the presidential election", <https://www.amnesty.org/fr/latest/news/2020/12/tchad-les-atteintes-aux-libertesfondamentales-se-multiplient-2/>, accessed on 05/11/2023.

⁵³ Human Rights Watch, "Chad: Pre-election repression against opponents," <https://www.hrw.org/fr/news/2021/04/08/tchad-repression-preelectorale-contre-les-opposants>, accessed 05/11/2023.

⁵⁴ RFI, "Chad: arrest of several party leaders and activists," <https://www.rfi.fr/fr/afrique/20210409tchad-arrestation-plusieurs-chefs-partis-et-militants-presidentielle-dinamou-daram-succes-masra>, accessed 05/11/2023.

4.1.10 Art. 11 – Judiciary and Prosecution Services

The principle of the independence of the judiciary is guaranteed by the Constitution and the Statute of the Judiciary. Article 85 of the Constitution states that the judiciary is independent of the executive and legislative branches. The irremovability of judges, guaranteed by the Constitution and the Statute of the Judiciary, is the strongest feature of this independence.

The Statute of the Judiciary⁵⁵ also provides for measures or advantages designed to motivate judges and ensure that they carry out their duties with integrity and probity while demonstrating optimal efficiency. Thus, article 104 of the Statute provides that judges who, in the exercise of their functions, are particularly distinguished by their dedication, probity and contribution to the increase of the service, may receive rewards such as letters of congratulations and encouragement or emeritus. Moreover, any failure by a judge to comply with the duties of his office, honour, delicacy or dignity constitutes a disciplinary offence (Article 39 of the Statute) and may give rise to prosecution and possible sanctions.

Several factors explain the lack of independence of the judiciary in Chad. The Constitution itself subordinates the judiciary to the executive by placing the Supreme Council of the Judiciary (CSM) under the authority of the President of the Republic. The President of the Republic and the Minister of Justice are respectively president and vice-president of the CSM, the body in charge of the discipline and responsibility of magistrates as well as their appointment and promotion. The irremovability of judges exists only in name; in reality, things are happening according to the goodwill of the Minister of Justice.

Magistrates are often exposed to threats, or even attacks, from individuals close to the government whom Chadians call "untouchables". Finally, the treatment of magistrates exposes them to the attempts at corruption that are commonplace in the judicial environment. Exposed to the temptations of corruption like any underpaid civil servant,⁵⁶ many magistrates have succumbed and amassed fortunes without being bothered due to the lack of effective rules put in place to control the origin of fortunes often acquired in a few years or even months. For example, judges and prosecutors are not required to declare their assets and interests. Similarly, there is no programme to promote integrity and the fight against corruption in the judiciary.

In recent years, magistrates have presented and demanded the revaluation of their salaries and allowances as a means of combating corruption in the judiciary. In 2022, they went on strike twice to demand better working and safety conditions and an increase in their salaries and allowances.⁵⁷ But beyond salaries, the government must think of other effective strategies to promote integrity and moral probity in the judicial environment. The decoration and elevation, on September 8, 2023, by the Prime

⁵⁵ Ordinance No. 007/PR/2012 of 21 February 2012 on the Status of the Judiciary in Chad, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97845/116260/F-1507994756/TCD-97845.pdf>, accessed on 30 October 2023.

⁵⁶ Tchad Infos, "Justice: Would Prosecutor Youssouf Tom have refused 1 billion CFA francs in the drug case?", <https://tchadinfos.com/justice-le-procureur-youssouf-tom-aurait-il-refuse-1-milliards-fcfadans-laffaire-de-droque/?fbclid=IwAR3-vElq9VTTWKCUucc-se8wL08x2yQoGutByL76ahDnxirCryvncBiku4>, accessed on 05/11/2023.

⁵⁷ Radio France Internationale, "Chad: Magistrates suspend their strike movement," November 8, 2022, <https://www.rfi.fr/fr/afrique/20221108-tchad-les-magistrats-suspendent-leur-mouvement-degreve>, accessed October 30, 2023.

Minister of Wambel Ngueli Assoucia, Public Prosecutor at the High Court of Sarh, to the rank of Knight in the National Order of Chad for his moral probity and bravery is illustrative in this respect. Indeed, the magistrate had declined a tempting offer weeks earlier in exchange for the release of prisoners held for alleged murder.⁵⁸

Good practices

- The principle of the independence of the judiciary is guaranteed by the Constitution and the Statute of the Judiciary.
- Prosecution and punishment are provided for members of the judiciary who fail in their duty.

Deficiencies

- The Constitution itself subordinates the judiciary to the executive by placing the Supreme Council of the Judiciary (CSM) under the authority of the President of the Republic.
- There is no programme to promote integrity and the fight against corruption in the judiciary.
- Magistrates are often exposed to threats and even attacks.

4.1.11 Art. 12 – Private Sector Transparency

The Chadian system for the prevention of corruption does not provide for a support plan for companies. It does not impose an obligation on private sector companies to adopt codes of conduct or, more generally, to put in place policies or mechanisms to prevent corruption. However, some companies are equipping themselves with such instruments to prevent and fight corruption. This is the case, for example, of the bank Societe Generale Chad, which has set up an anti-corruption code of conduct that imposes commitments on all employees, permanent or temporary, to be respected.⁵⁹

Good practices

- Chadian legislation provides for legal proceedings as well as civil and criminal penalties against anyone guilty of active or passive corruption.

Deficiencies

- The Chadian system for the prevention of corruption does not provide for a support plan for companies.

4.1.12 Art. 14 - Measures to Prevent Money Laundering

In Chad, the fight against money laundering and the financing of terrorism is based on a body of national and international texts with which bank and non-bank financial institutions are required to comply. Internally, we can mention, among others, Law No. 29/PR/2018 of 22 November 2018 on the fight against money laundering, the financing

⁵⁸ <https://tchadinfos.com/affaire-sandana-un-homme-qui-a-tente-de-corrompre-le-procureur-de-sarha-ete-arrete/>, accessed February 03, 2024.

⁵⁹ Societe Generale Chad, *Anti-Corruption Code of Conduct*: https://particuliers.societegenerale.td/fileadmin/user_upload/tchad/PDF/CODE_DE_CONDUITE_ANTI-CORRUPTION-2-1.pdf, accessed on 05 November 2023.

of terrorism and proliferation;⁶⁰ Decree No. 278/PR/PM/MFB/2018 of 16 February 2018 on the organization and functioning of the National Agency for Financial Investigation (ANIF);⁶¹ Order No. 208/PR/MFB/ANIF/2018 of 1 August 2018 laying down administrative sanctions in the context of the fight against money laundering, terrorist financing and proliferation;⁶² and Order No. 209/PR/MFB/ANIF/2018 setting the conditions for reporting suspicious transactions to ANIF.⁶³ At the international level, Chad is a party to international conventions or agreements, including the International Convention for the Suppression of the Financing of Terrorism,⁶⁴ Regulation No. 01 CEMAC/UMAC/CM on the prevention and suppression of money-laundering and the financing of terrorism and proliferation in Africa,⁶⁵ and the Recommendations of the Financial Action Task Force (FATF).⁷⁴ an intergovernmental body created in 1989 by the G7 to tackle money laundering.

The National Agency for Financial Investigation (ANIF) is the main body in charge of the fight against money laundering, the financing of terrorism and the financing of the proliferation of arms in Chad. Created in 2007 and attached to the Ministry of Finance and Budget, its specific mission is to process and transmit financial information with a view to combating money laundering, the financing of terrorism and the proliferation of weapons of mass destruction.

ANIF carries out its activities through constant and close cooperation with other organizations. At the national level, it coordinates its activities with various public bodies involved in the tracking of financial offenders, such as the National Agency for Computer Security and Electronic Certification (ANSICE), the National Security Agency (ANS), the Directorate of Financial and Monetary Affairs (DAFM), the General Directorate of the National Police (DGPN), the General Directorate of the National Gendarmerie (DGGN), the Directorate of NGOs and Humanitarian Affairs (DONGAH), Interpol and the General Intelligence. At the regional level (Central Africa), ANIF cooperates with other actors within community structures for the fight against money laundering, namely the Central African Banking Commission (COBAC), the Action Group against Money Laundering in Central Africa (GABAC) and the CEMAC Conference of ANIF (CAC). At the international level, Chad, through ANIF, cooperates closely with the Egmont Group, the Financial Action Task Force on Money Laundering (FATF) and the United Nations Office on Drugs and Crime (UNODC).

⁶⁰ Law No. 29/PR/2018 of 22 November 2018 on combating money laundering, terrorist financing and proliferation. https://anif-tchad.td/images/pdf/Loi_29.pdf, accessed October 30, 2023.

⁶¹ Decree No. 278/PR/PM/MFB/2018 of 16 February 2018 on the organisation and functioning of the National Agency for Financial Investigation, https://anif-tchad.td/images/pdf/Decret_N278.pdf consulted on 30 October 2023.

⁶² Order No. 208/PR/MFB/ANIF/2018 of 1 August 2018 setting the administrative sanctions in the context of the fight against money laundering, terrorist financing and proliferation. https://anif-tchad.td/images/pdf/Arrete_208.pdf, accessed October 30, 2023.

⁶³ Order No. 209/PR/MFB/ANIF/2018 setting the conditions for reporting suspicious transactions to the National Agency for Financial Investigation https://anif-tchad.td/images/pdf/Arrete_209.pdf, Accessed October 30, 2023.

⁶⁴ International Convention for the Suppression of the Financing of Terrorism, https://anif-tchad.td/images/pdf/Conv_int.pdf, accessed November 05, 2023.

⁶⁵ Regulation No. 01 CEMAC/UMAC/CM of 11 April 2016 on the prevention and suppression of money laundering and terrorist financing and proliferation in Africa, https://anif-tchad.td/images/pdf/Reglement_N01_Blanchiment_financement.pdf, accessed on 05/11/2023. ⁷⁴ FATF Recommendations, https://anif-tchad.td/images/pdf/Recommandations_GAFI.pdf, accessed November 05, 2023.

In Chad, there is a non-formal framework for coordination and collaboration between ANIF and other bodies involved in the fight against money laundering and terrorism. Despite the regular coordination meetings, the results of this collaboration remain mixed. Actors are putting more emphasis on the fight against terrorism to the detriment of issues related to its financing, which are only discussed incidentally during the weekly coordination meetings.⁶⁶ In addition, the level of collaboration between ANIF and some key players remains low. Thus, the July 2023 Mutual Evaluation Report produced by GABAC notes that "almost all [requests for suspicious transactions] come from credit institutions, particularly international banks whose employees are subject to continuous training" and underlines "the urgency of awareness-raising and training seminars for all actors involved in the chain" of the fight.⁶⁷

The state of collaboration between ANIF and the supervisory bodies is no better. The above-mentioned GABAC report noted, for example, that ANIF maintains very limited exchanges with the Central African Banking Commission (COBAC), whose mission is to ensure compliance with banking regulations by credit institutions in Central Africa. ANIF considers that COBAC does not sufficiently carry out this mission with regard to the credit institutions under its supervision, while COBAC maintains that the controls are dependent on the risks that ANIF would identify in the country and submit to its attention. Similarly, ANIF's collaboration with COSUMAF and CIMA, two other supervisory bodies, is almost non-existent.⁶⁸

At the international level, Chad through ANIF works closely with partner organizations. Thus, in order to coordinate an appropriate response to the complex phenomena of money laundering, terrorist financing and arms proliferation, ANIF collaborates within the Egmont Group, which brings together more than 159 financial intelligence units, and with the FATF and, since 2001, on the financing of terrorism. The exchange of information at the international level makes it possible to advocate on the dysfunction and lack of implementation of the national and international texts that the country ratifies.

The existence of a legal framework and mechanisms to combat money-laundering and the financing of terrorism has not prevented the proliferation of financial crime in Chad. Corruption at the highest level of the state, insufficient regulation and control over the circulation of cash facilitate the transaction of money derived from criminal activities. For example, financial transactions linked to alleged criminal activities have enabled individuals close to President Idriss Déby to acquire large real estate properties in Montreal.⁶⁹ this is attested, for example, by Swissaid's damning report on the Deby clan in 2017.⁷⁰ In 2022, a case involving an alleged embezzlement of some 13.9 billion

⁶⁶ GABAC, *Measures to Combat Money Laundering and the Financing of Terrorism Republic of Chad. Mutual evaluation report. July 2023*, <https://www.fatf-gafi.org/content/dam/fatf-gafi/fsrb-mer/GABACMER-Tchad-2023-French.pdf.coredownload.pdf>, p. 52, accessed November 15, 2023.

⁶⁷ Ibid., p. 59.

⁶⁸ Ibid., p. 64.

⁶⁹ Le Journal de Montréal, "Chadian investigation into Montreal condos. The African justice system is interested in our investigation," <https://www.journaldemontreal.com/2017/06/20/enquete-tchadiennesur-des-condos-montrealais>, accessed November 15, 2023.

⁷⁰ La Tribune Afrique, "Tchad S.A, Swissaid's damning report on the Deby clan", <https://afrique.latribune.fr/finances/commodities/2017-06-15/tchad-s-a-le-rapport-accablant-deswissaid-sur-le-clan-deby-739474.html>, <https://www.beac.int/wp-content/uploads/2019/07/REGLEMENT-N-04-18-CEMAC-UMAC-COBAC-du-21-d%C3%A9cembre2018.pdf> and <https://www.beac.int/supervision-bancaire/la-commission-bancaire/>, consulted November 15, 2023.

CFA francs (about \$22 million) and involving the private secretary of the head of state made the headlines without giving rise to any real prosecution.

Good practices

- The domestic regulatory regime includes laws and regulations on banking transactions with which both bank and non-bank financial institutions are required to comply.
- The prevention of money-laundering in Chad is also based, at the domestic level, on a solid system of cooperation between the various public bodies concerned.

Deficiencies

- The existence of a legal mechanism has not prevented the proliferation of financial crime in Chad.
- Corruption at the highest levels of the state and insufficient regulation and control over the flow of cash facilitate the transaction of money derived from criminal activities.

4.2 Chapter V

4.2.1 Art. 51 and 58 - Anti-Money Laundering

On 16 October 1990, the Central African States of Cameroon, Congo, Gabon, Equatorial Guinea, the Central African Republic, and Chad, signed the Convention on the Establishment of a Central African Banking Commission (COBAC) responsible for: "ensuring compliance by credit institutions with the legislative and regulatory provisions enacted by the Authorities, by the Central Bank or by itself and which are applicable to them and to sanction the breaches observed".

Aware that the coherence of the banking regulations of their States is a condition for the proper functioning of COBAC and the full achievement of the objectives that led to its establishment, the same States signed the Convention on the Harmonization of Banking Regulations in the Central African States on 17 January 1992.

Chad has set up several bodies specialising in investigations with an economic and financial dimension. There is a unit specialized in the fight against terrorism as well as a unit specialized in economic and financial crimes. Chad has also created the National Agency for Financial Investigations (ANIF). It is also home to a branch of the INTERPOL organization, which brings together 17 French-speaking African countries and brings together all information on the fight against terrorism and the fight against corruption.

Although the business relationship exists between the parties, these due diligence rules cover other aspects that contribute to the fight against money laundering.

Good practices

- At the legislative level, Law No. 29/PR/2018 on combating money laundering, terrorist financing and proliferation contains provisions relating to international cooperation, namely extradition and mutual legal assistance.

- The fight against money laundering is effective in some private financial institutions, particularly commercial banks. This fight is taking place through the Central African Banking Commission (COBAC).
- These monitoring mechanisms are very popularized and known to the public in the area of the Central African Economic and Monetary Community.

Deficiencies

- The monitoring and reporting mechanism in some CEMAC countries, particularly Chad.

4.2.2 Art. 53 and 56 - Measures for the direct recovery of property

Previously, Chad did not have an institution in charge of asset recovery, but now there is a state judicial agency which was created on July 28, 2023 by Decree 2155/PT/PM/MFCP/2023. Its mission is to recover assets, and it has a sub-directorate for prosecution and recovery (art 19).

There are people who have been prosecuted for cases of embezzlement of public funds, except that the decisions have not been implemented or for political reasons the perpetrators have been amnestied.

When politicians do not resolve to prosecute, nothing can be done at this level. Unless in countries where these assets are hidden, these countries decide to carry out investigations to lead to the restitution of the property resulting from corruption.

Good practices

- Existence of texts at the national level for the applicability of this through the Code of Criminal Procedure articles 7 and 9.

Deficiencies

- Direct internal asset recovery measures are deficient. These measures are plagued by nepotism, which prevents any direct or indirect recovery of assets.

4.2.3 Art. 54 – Confiscation Tools

Recoveries always involves a judicial procedure, and assets can be seized in a country before any legal proceedings, and Chad, when informed, can take measures to recover these assets or Chad itself can initiate proceedings, order the seizure of assets transferred abroad and then confiscate them. In the latter case, it initiates judicial cooperation.

Good practices

- All these measures were provided for in Law No. 001/PR/2017 of 8 May 2017 on the Penal Code, Chapter 11, on money laundering.

Deficiencies

- In practice, the confiscation tools are not activated.

4.2.4 Art. 51, 54, 55, 56 and 59 - International Cooperation for the Purpose of Confiscation

The Government of Chad has the power to dispose of confiscated property (Article 200 of the Penal Code) in the national territory at the request of the foreign authorities, unless an agreement concluded with the Government of the requesting State provides otherwise. Where extradition is required, all objects that may be used as evidence or derived from the offences of money laundering, terrorist financing or proliferation and found in the possession of the requested person, at the time of his arrest or subsequently, shall be seized and surrendered to the competent authority of the requesting State, at his request. This surrender may be effected even if extradition cannot be effected as a result of the escape or death of the individual sought. However, the rights which third parties have acquired in respect of such objects are reserved, and shall, if such rights exist, be returned as soon as possible and free of charge to the requested State at the end of the proceedings in the requesting State. The competent authority may temporarily detain the seized objects if it considers it necessary in the context of criminal proceedings.

Chad has ratified the UNCAC, which allows it to lead the fight against corruption in the same way as the States parties. In order to comply with the Action Group against Money Laundering in Central Africa (GABAC), Chad has created a financial investigation unit that is now a member of the FATF, which allows it to cooperate internationally in terms of investigation.

The Chadian state has taken steps to ratify all international legal instruments for consumption outside the country, but there remains a willingness on the part of its decision-makers to enforce these instruments. It would be important to depoliticize the Chadian administration, which is subservient to meddling and interference.

Good practices

- The Chadian State has taken all the necessary measures to ratify the international legal instruments.

Deficiencies

- The application of these instruments remains a challenge.
- Lack of awareness of national and international legal instruments by the general public.

4.2.5 Art. 57 - Return and Disposal of Confiscated Property

The Chadian government is very aware of this issue and has created bodies that can help it in this task, among which is ANIF which works with banking institutions to identify suspicious financial transactions and transmit information to the right people for legal proceedings.

The challenges are the lack of knowledge of some of these texts by those who are supposed to apply them, and this lack of knowledge results in the weak repression of money laundering and other related offences. It is up to the state to popularize these texts to make their application easy.

Embezzled assets are not returned and generally prosecutions are not completed. In most cases, embezzlers have a great deal of influence on decision-makers. They are even offered public office following a visit to the detention centers in N'Djamena.

In most cases, community influence works against asset recovery procedures. The heads of the communities more often interfere in administrative and judicial affairs by defending one of their own in a community manner if they have committed serious faults that deserve to be ruled in his regard. This community interference undermines judicial actions, most often the political authorities make a phone call to a judge to drop such a case involving a person and the matter is dismissed. This shows that the judiciary is not independent enough to be able to decide freely.

Good practices

- Chad is in compliance with this provision of the Convention.
- The measures were taken in the Chadian Penal Code, Law 029/2018 on the fight against money laundering, the financing of terrorism and proliferation and Regulation 01 CEMAC.

Deficiencies

- It is up to the state to popularize the related texts in order to make their application easy.
- Embezzled assets are not returned and generally the prosecution is incomplete. In most cases, embezzlers have a great deal of influence on decision-makers.
- In most cases, community influence works against asset recovery procedures. The heads of the communities often interfere in administrative and judicial affairs by defending one of their own in a community manner if he has committed serious faults that deserve to be ruled in his regard.

4.3 Statistics

Brief analysis

The institutions of the Republic that are supposed to make information on stolen property available to the public do not have enough competence in this area. Most of the people who are appointed to these institutions do not have a great knowledge of the subject and it is therefore not easy to have accurate data in terms of embezzlement of public assets and money laundering in Chad. The political authorities have no will to lead a real fight in terms of asset recovery, the fight against corruption and money laundering. Most of them are not outstanding examples in this area, because they are a prime illustration of the misuse of public resources.

V. Recent Developments

The Republic of Chad is in a phase of political transition. According to the summary of the final resolutions and recommendations⁷¹ made by the delegates to the Inclusive and Sovereign National Dialogue (DNIS), the texts (legislative and regulatory) relating to corruption must be cleaned up in order to strengthen them.

In addition, the participants demanded the application of the provisions of the penal code relating to the prevention against corruption, bribery, influence peddling and similar offences. With this in mind, the participants called for the abolition of the General State Inspectorate (IGE), which is a management control body, and its replacement by Ordinance No. 007/PT/2023 of August 01, 2023, an Independent Anti-Corruption Authority is created, taking over from the General State Inspectorate to fight corruption in Chad.

This new authority aims to fill the gaps of the former General State Inspectorate, which was criticized for its lack of prevention before being dissolved in October 2023. However, despite this initiative, public opinion remains skeptical, especially due to the recent embezzlement scandal at the Chad Hydrocarbons Company (SHT) that rocked the transition period last year.

On July 9, 2022, transitional President Mahamat Deby promised to be firm in the fight against corruption, while acknowledging that the fight would be difficult, during his Eid al-Adha speech at the Toumaï Palace. He issued a challenge to the "thieves," invoking both the Bible and the Koran.

During the inclusive and sovereign national dialogue, participants strongly recommended concrete and vigorous actions to fight corruption. The establishment of the Independent Anti-Corruption Authority is an important step, but much remains to be done to eradicate this scourge that hinders the country's development.

According to Transparency International's 2023 barometer on the Global Corruption Perceptions Index published on January 31, 2024, Chad, with a score of 20 out of 100, ranks 162nd out of 180 countries assessed.⁸¹ So in terms of the fight against corruption, the situation remains worrying in Chad, the authorities show no willingness to work in this direction, and corruption is taking on a worrying scale in all sectors of public life in Chad.

⁷¹ Al Wihda Info, "Chad: the synthesis of the resolutions and recommendations of the National Dialogue," October 9, 2022, https://www.alwihdainfo.com/Tchad-la-synthese-des-resolutions-et-recommandations-du-Dialogue-national_a117945.html, accessed October 30, 2023. <http://www.droit-afrique.com/uploads/Tchad-Code-penal-2017.pdf> ⁸¹ Transparency International, Corruption Perceptions Index 2023, <https://www.transparency.org/en/cpi/2023/index/tcd>, accessed 19 February 2024.

VI. Recommendations

1. Promote a law to prevent corruption in Chad.
2. Establish an independent body for asset recovery.
3. Establish a focal point in each financial agency responsible for denouncing acts of corruption.
4. Ratify international conventions on judicial cooperation that allow the prosecution of perpetrators of acts of embezzlement who live outside the national territory.
5. Adopt legislation allowing civil society to have access to information in the management of public assets.
6. Establish an independent anti-corruption body (The High Authority for the Fight against Corruption in Chad).
7. Advocate for the consideration of anti-corruption issues at the top of the State.
8. Create interactive programs through public and private media on corruption in Chad.
9. Involve traditional and religious authorities in the fight against corruption in all its forms.
10. Involve young people, women and people with disabilities in the fight against corruption in all its forms.
11. Advocacy for the popularization of anti-corruption texts and laws that exist in Chad;
12. Establish a Committee of Experts, supported by UNODC, to assess the legal and institutional framework at the national level as well as the restructuring of institutions involved in the fight against corruption, including authorities involved in the fight against corruption, civil society actors, the liberal professions and the private sector;
 - a. Determine the precise terms of reference and selection criteria for the members of the Expert Committee, in the interest of integrity;
 - b. Support the establishment by the Committee of a standardized evaluation procedure, defining, inter alia, the timing, precise content and periodicity of evaluation cycles;
 - c. To provide the Ad Hoc Committee with the financial, material and human resources necessary for the proper conduct of its mission;
 - d. Carry out an inventory of existing institutions conducted by the Committee: strengths/weaknesses/opportunities/threats;
13. Produce reports and formulate recommendations, aimed at ensuring that the institutions involved in the fight against corruption take greater ownership of their powers and responsibilities;
14. Establish a protocol/practical guide for the transparent conduct of the various assessments, leading to the drafting of sectoral reports;
15. Conduct extensive studies of the population in order to benefit from empirical experiences on corruption risks and related offences;
16. To develop legislative and regulatory texts aimed at strengthening the prerogatives of the institutions in charge of anti-corruption investigations, whose investigators have the power of Judicial Police Officers;
17. Strengthen the financial and operational independence of anti-corruption authorities and initiate a reflection on measures that could best guarantee this effective independence, including through the mobilization of funds to conduct financial investigations and compliance with the term of office of the heads of anti-corruption authorities;

18. Effectively establish specialized institutions to investigate and prosecute corruption and other economic and financial crimes, including related financial crimes, and effectively establish and/or strengthen asset recovery agencies;
19. Develop internal training and capacity-building programmes, both initial and ongoing, within key national institutions, covering the use of material available to investigators and other relevant authorities;
20. Adapt survey techniques and methods to the specific environment and contexts, including the often essential role of the informal sector;
21. Create a virtual platform for exchange and training, inspired by the International Anti-Corruption Academy (IACA), mainly with a view to sharing experiences, good practices, methods, online courses and standard documents that can be used during the initial and continuing training of actors involved in financial and economic investigations;
22. Integrate the gender dimension both in terms of staff and the training of actors;
23. Develop national anti-corruption strategies, policies, and action plans, including a gender policy or strategy in the context of the fight against corruption and evaluate them periodically;
24. Train investigators on new threats related to cybercrime, cryptocurrencies and *mobile banking*, adapt procedures to the highly sophisticated techniques used by criminals;
25. To make available substantial material, technological and financial resources to the investigating agents;
26. Open up the investigators' access to the databases of the various tax and customs administrations, in particular the Trade and Personal Property Credit Register (RCCM), etc.;
27. Support and finance the digitalization and digitization of tax, customs, real estate and judicial administrations, etc.;
28. Raise awareness among the actors concerned, in particular designated nonfinancial companies and professions, of the creation and maintenance of up-to date archives with a view to their efficient use during economic and financial investigations;
29. Consider benefiting from the assistance provided by the Joint UNODC/World Bank Initiative for the Recovery of Stolen Assets (StAR Initiative), in particular to facilitate international cooperation, as appropriate;
30. Create formal channels of coordination and active promotion of information sharing, including through inter-institutional protocols;
31. Promote the judicialization of investigation files through the exchange of personnel, and in particular by the provision of specialized magistrates;
32. Effectively implement existing legal mechanisms for international cooperation;
33. To use international cooperation in complex cases, both for investigators and for magistrates; promote and strengthen mutual legal assistance, including at the national and regional levels;
34. Establish the procedures to be followed and set reasonable deadlines to be respected when processing requests for international cooperation, in order to make mutual legal assistance and prosecution more efficient and effective;
35. Conduct awareness-raising campaigns among the public and policymakers on the concept and impact of asset recovery in the fight against corruption and increasing resources;
36. Take steps to actively involve civil society organizations, the private sector, the media and academia in such awareness-raising campaigns, as appropriate;
37. Take steps to implement the legal and regulatory framework for asset recovery more effectively;

38. Develop and implement appropriate national strategies/action plans for asset recovery;
39. Establish specialized institutions for asset recovery and management of seized and confiscated assets;
40. Adopt a gender-responsive approach in establishing the institutional framework for asset recovery;
41. Use the UNCAC and other relevant international instruments as a legal basis for international cooperation, including in the context of asset recovery, in the absence of bilateral treaties;
42. Join the Global Operational Network of Law Enforcement Authorities against Corruption (GlobE Network) established by UNODC;
43. Develop guides and online awareness modules (such as Massive Open Online Courses - MOOCs) to popularize who can report, what can be reported and how to report as well as the existing protection measures;
44. Organize communication campaigns for the public on the importance of whistleblowers and how to protect them, including in partnership with media outlets (e.g. billboards, corporate films, TV and radio spots, flyers, social networks);
45. Build and carry out field actions jointly with civil society organizations (e.g. integrity clubs, one-off workshops, awareness campaigns);
46. Develop awareness-raising modules on the importance of reporting and protecting whistleblowers for elementary, primary, secondary and higher education programmes;
47. Conduct research on the impact of gender in corruption and analyse its impact on whistleblowers' reporting and retaliation.

VII. Annex

7.1 Data collection questionnaire for the report on preventive measures and asset recovery

The fight against corruption is a major challenge for many countries, including Chad. Here are some common measures put in place to combat this scourge, according to the data collected using the questionnaire:

1. Strengthening anti-corruption legislation: Adopting stricter and more precise laws to clearly define acts of corruption and punish them appropriately in Chad.
2. Establishment of specialized institutions: establishment of independent bodies to fight corruption, such as anti-corruption authorities or ethics commissions.
3. Transparency and access to information: promoting transparency in public and private affairs, including by making information on public procurement, political financing, etc. available to the public.
4. Strengthening of control mechanisms: establishment of more rigorous control systems, such as internal audits, regular inspections, reporting mechanisms, etc.
5. Awareness and training: raising awareness among citizens, civil servants and businesses on the importance of fighting corruption, as well as training public officials on the risks and consequences of corruption.
6. International cooperation: strengthening cooperation between countries to fight corruption globally, including through information sharing, extradition of wanted persons, etc.
7. Whistleblower protection: Putting in place safeguards for those who report corruption, to encourage them to testify safely.

It should be noted that the effectiveness of these measures will depend on the political will to implement them in a coherent manner and to ensure their implementation in all sectors of society.

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