
CENTRAL AFRICAN REPUBLIC

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In 2009, efforts made towards settling the conflict in northern Uganda between the Central African Armed Forces (*Forces armées centrafricaines* – FACA) and rebel groups were not accompanied by an enhanced respect for human rights. While the Central African Republic authorities launched a disarmament, demobilisation and reintegration programme in early 2009, by the year's end the process had not advanced due to resistance by the rebels of the Convention of the Patriots for Justice and Peace (*Convention des patriotes pour la justice et la paix* – CPJP)¹ and the Union of Democratic Forces for Unity (*Union des forces démocratiques pour le rassemblement* – UFDR). New massacres took place, with those responsible for past violations never having been prosecuted and a climate of general insecurity prevailing in the north-west. Summary executions of civilians, recruitment of child soldiers, sexual violence, torture and looting also caused the forced displacement of over 100,000 people². In its report published in May 2009, the United Nations Special Rapporteur on Summary Executions noted that the most urgent issues to resolve remained protecting the population against crime, abolition of the state of general lawlessness, the fight against impunity and reform of the security forces, which are to a large extent absent of accountability³. The Lord's Resistance Army (LRA) also stepped up attacks in south-eastern regions of the Central African Republic following the bombardment of their camps in the Democratic Republic of Congo (DRC) during joint military operation conducted in December 2008 by Uganda, Sudan and the DRC.

1/ The CPJP is headed by Mr. Charles Massi, who was several times minister under President Ange-Felix Patassé, overthrown in 2003, and the current President Francois Bozizé. On December 18, 2009, Mr. Massi was caught at the border with Chad and exchanged between Chadian President Idriss Deby and President Francois Bozizé on December 31, 2009.

2/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review- Central African Republic*, United Nations Document A/HRC/12/2, June 4, 2009.

3/ See Human Rights Council, *Report of the Special Rapporteur on summary or arbitrary executions, Addendum - Mission to the Central African Republic*, United Nations Document A/HRC/11/2/Add. 3, May 27, 2009.

After the appointment in January 2009 of a consensus government, a Monitoring Committee of the Recommendations from the Inclusive Political Dialogue (*Comité de suivi des recommandations du dialogue politique inclusif* – CSDPI) was established on February 5, 2009 in preparations for the 2010 general elections. This committee, consisting of twenty-five members, included representatives of political parties, international, regional and sub-regional institutions and only two representatives of civil society. Preparations ahead of the 2010 elections occurred under tension, as evidenced by the promulgation of the Electoral Code on August 3, despite the fact that some parts were declared unconstitutional by the Constitutional Court, as well as the difficulties met during the nominations of members of a national independent electoral commission. The election date was also marked by the return of former President Ange-Felix Patassé, in exile in Togo since 2003, who reported his intention to run.

It is within this context that the Trial Chamber ordered on August 14, 2009 the provisional release of Mr. Jean-Pierre Bemba, former Vice-President of the Transitional Government in the DRC accused by the International Criminal Court (ICC) of being responsible for war crimes and crimes against humanity committed by the Congolese Liberation Movement (*Mouvement de libération du Congo* – MLC) in 2002 and 2003, when Mr. Patassé was presiding over the Central African Republic, causing fear on the part of victims and witnesses. On December 2, the ICC ordered on appeal the detention of the accused until the trial⁴.

Moreover, the media continued to be unable to report freely, especially on the armed conflict. For instance, on January 10, 2009, the newspaper *Le Citoyen* was denied publication for one month by a decision of the High Council of Communication (*Haut conseil de la communication* – HCC) for “insulting the authorities”, after categorising the Parliamentarians as “kpondas” (“insignificants” in Sango), arguing that the Parliament’s decisions only obeyed presidential will. The daily *L’Hirondelle* was also suspended by the HCC for a period of fifteen days from April 20, 2009 following its publication, on April 2, 2009, of an article alleged to have called for “the sedition of the armed forces”⁵. Although the daily published on April 3, 2009 the two rights of reply of the Ministry of Defence, the

4/ See ICC Press Release, December 2, 2009.

5/ The article quoted a statement by the Collective of the Free Officers (*Collectif des officiers libres* - CORLC) led by former Army Captain Mr. Joaquim Kokaté, published on March 29, 2009 and which said President Bozizé was responsible for the lack of security in the country, accusing him *inter alia* of being “unpatriotic”. This statement further called for disobedience by the youth and refusal to go on a mission, considering the war as a ploy by the Government to hide the problems of governance.

HCC still felt that the newspaper had violated Article 29 of the Disclosure Act, which forbids any journalist to “put sovereignty in danger”⁶.

Harassment and intimidation of defenders fighting against impunity

Human rights defenders fighting against impunity for international crimes committed in the Central African Republic, including those working for the ICC, continued in 2009 to be subject to threats and intimidation, as any attempt to denounce human rights violations was perceived as an attack on peace efforts, or support for rebels operating in the north and south-east. The presidential address on November 30, 2009 went to that effect, Mr. Francois Bozizé having issued the following hints on the eve of National Day on December 1: “Human rights, human rights ... the population from rebel areas also has rights, unfortunately human rights activists never talk about them ... If [it’s about] the presidential guard, then they speak”. Since the opening before the ICC in 2007 of the case “Prosecutor v. Jean-Pierre Bemba”, the lawyers, witnesses and families of the victims have been regularly subjected to threats, harassment and intimidation. For example, in the night of July 14-15, 2009, Mr. **Adolphe Ngouyombo**, President of the Movement for Human Rights and Humanitarian Action (*Mouvement pour les droits de l’Homme et d’action humanitaire* – MDDH), was shot by a bullet from an assault rifle in his living room. Mr. Ngouyombo works with victims of rape and sexual violence to ensure their right to justice⁷. In late 2009, no information had been obtained regarding the possible opening of an investigation. Similarly, the night after the women’s march held in Bangui on November 4, 2009 to protest the application for provisional release of Mr. Jean-Pierre Bemba and require the prosecution of his accomplices, Mr. **Erick Kpakpo**, Coordinator of the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* – OCODEFAD), received anonymous death threats by telephone, the caller telling him to “go to the cemetery”⁸. In late 2009, no information had been obtained regarding the possible opening of an investigation into those threats. Furthermore, on November 17, Mr. **Mathias Morouba**, Vice-President of the Central African Observatory of Human Rights (*Observatoire centrafricain des droits de l’Homme* – OCDH), lawyer and assistant to the legal representative of victims in the “Prosecutor v. Jean-Pierre Bemba” case, received threats from a man identified as a supporter of Mr. Patassé. On November 18, 2009, a client of Mr. Morouba was also warned in his office and before witnesses that he

6/ See Journalists In Danger Press Release, April 22, 2009.

7/ See Organisation for Compassion and Development of Families in Distress (OCODEFAD).

8/ *Idem*.

was “disturbing” the “President” Patassé and that there was talk of him in meetings between supporters of the former President. The following week, Mr. Morouba complained to the Prosecutor, who referred the case to the police for an investigation to be opened⁹. Moreover, the Central African civil society remained deeply affected by the death, on December 27, 2008, of Mr. **Nganatouwa Goungaye Wanfiyo**, Chairman of the Central African League for Human Rights (*Ligue centrafricaine des droits de l’Homme* – LCDH) and lawyer who played a central role in denouncing human rights violations in the country, in unclear circumstances and which remained unresolved at the end of 2009.

Arbitrary detention and judicial harassment against defenders of the rights of refugees and the displaced

In 2009, defenders who defended the rights of people displaced by armed conflict were also subject to harassment. For instance, on December 18, 2009, Mr. **Alexis Mbolinani**, Coordinator of the NGO “Youth United for Environmental Protection and Community Development” (*Jeunesse unie pour la protection de l’environnement et le développement communautaire* – JUPÉDEC), which defends the rights of refugees and displaced persons in the Upper-Mbomou after LRA incursions, was arrested in his home by policemen of the Research and Investigation Division (*section recherche et investigation* – SRI), while JUPÉDEC was due to receive funding from institutional donors in the days to come. The police also searched his home and confiscated his computer, his camera and his record collection. Mr. Mbolinani was arrested on a trumped up case against him, accusing him of collaborating with the LRA leader in Kenya, of being the focal point of the LRA in the Central African Republic, and of hiding weapons of war at home. Based on these false charges, Mr. Mbolinani was accused of “undermining the internal security of the State” and, on December 31, 2009, he was detained at the SRI, pending his trial¹⁰.

Urgent Intervention issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Mathias Morouba	Harassment / Intimidation	Urgent Appeal CAF 001/1109/OBS 174	November 27, 2009

9/ On March 16, 2010, Mr. Morouba was contacted by the police to this effect.

10/ In April 2010, Mr. Mbolinani was finally released, with no explanation from the authorities.

See OCODEFAD.