

Report

International Fact-finding Mission

Central African Republic

Forgotten, stigmatised: the double suffering of victims of international crimes

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NOTES

Area: 622,980 km²
Population: 3,865 million inhabitants
Demographic growth: 1.58%
Population under 15 years: 43.1%
Population density: 6.1 inhabitants/km²
Urban population: 42.2%
Life expectancy: 42 years
Infant mortality: 11.5%
Literacy: 48.6%
Schooling: 31%
Human development index (2003) value: 0.361, Position: 169 (out of 175 countries)
Languages in common use: French (official), Sango, Zandé, etc.
Ethnic groups: Baya, Banda, Yakoma, Sango, etc.
Religions: Catholic, Protestant, Muslim.



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|---------------------|---------------|-----------------|----------------|-----------------|-----------------|
| PRÉFECTURES | ③ BASSE-KOTTO | ⑥ KÉMO | ⑨ MBOMOU | ⑫ OMBELLA-MPOKO | ⑮ OUHAM-PENDÉ |
| ① BAMINGUI-BANGORAN | ④ HAUT-MBOMOU | ⑦ LOBAYE | ⑩ NANA-GRÉBIZI | ⑬ OUKA | ⑯ SANGHA-MBAÉRÉ |
| ② BANGUI | ⑤ HAUTE-KOTTO | ⑧ MAMBÉRÉ-KADÉI | ⑪ NANA-MAMBÉRÉ | ⑭ OUHAM | ⑰ YAKAGA |

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INTERNATIONAL AGREEMENTS CONCERNING THE PROTECTION OF HUMAN RIGHTS RATIFIED BY CAR

CAR has ratified the following international instruments concerning the observance of human rights and international humanitarian law:

- International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 16 March 1971
- International Covenant on Civil and Political Rights, 8 May 1981
- the Optional Protocol to the International Covenant on Civil and Political Rights, 8 May 1981
- International Covenant on Economic, Social and Cultural Rights, 8 May 1981
- Convention on the Elimination of All Forms of Discrimination Against Women, 21 June 1991
- Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment, 3 July 2002
- Convention on the Rights of the Child, 23 May 1992
- Convention on the Status of Refugees, 4 September 1962
- African Charter on Human and People's Rights, 26 April 1986
- the four Geneva Conventions of 1949 (1966) and their Optional Protocols I and II, 1986
- Rome Statute of the International Criminal Court, 3 October 2001

ABBREVIATIONS AND ACRONYMS

APRD -	Popular Army for the Restoration of the Republic and Democracy (Armée populaire pour la restauration de la République et la démocratie)
BONUCA -	UN Peace-building Support Office in the Central African Republic (Bureau des Nations unies pour la consolidation de la paix en République centrafricaine)
CAR -	Central African Republic
CEMAC -	Central African Economic and Monetary Community (Communauté économique et monétaire de l'Afrique centrale)
CEMI -	Mixed and Independent Electoral Commission (Commission électorale mixte et indépendante)
CNT -	National Transition Council (Conseil national de transition)
FACA -	Central African Armed Forces (Forces armées centrafricaines)
FDPC -	Democratic Forces for the Central African People (Forces démocratiques pour le peuple centrafricain)
FIDH -	International Federation for Human Rights (Fédération internationale des ligues des droits de l'Homme)
FUC -	United Front for Change (Front Uni pour le Changement)
HCR -	UN High Commissioner for Refugees
ICC -	International Criminal Court
LCDH -	Central African Human Rights Organisation (Ligue centrafricaine des droits de l'Homme)
OCRB -	Central African Office for the Repression of Banditry (Office centrafricaine de répression du banditisme)
OCODEFAD -	Organisation for Compassion and Development of Families in Distress (Organisation pour la compassion et le développement des familles en détresse)
UNDP -	United Nations Development Programme
SERD -	Survey, Research and Documentation Section (Section d'enquête de recherche et de documentation)
UFR -	Union of Republican Forces (Union des forces républicaines)
UNICEF -	United Nations Children's Fund
USP -	Presidential Security Unit (Unité de sécurité présidentielle)
WHO -	World Health Organisation

Introduction: Recurring violence met with general indifference

Since the attempted coup by General Bozizé against the President, Ange-Felix Patassé, in October 2002, FIDH has visited the Central African Republic (CAR) five times.

The first FIDH international fact-finding mission visited Bangui in November 2002. In its report, *"War crimes in the Central African Republic"*¹, FIDH produced testimonies and evidence of serious violations of the Geneva Conventions perpetrated during the fighting in the capital, from 25 to 30 October 2002, between the rebels of General Bozizé and the loyalist troops. FIDH also showed that crimes had been committed systematically on a massive scale against the civilian population during the counter-offensive led by the loyalist troops, in particular by the "Banyamulengue" mercenaries of the Congolese Jean-Pierre Bemba and the units led by Abdoulaye Miskine. FIDH believed that these crimes came within the jurisdiction of the International Criminal Court (ICC).

FIDH returned to CAR in November 2003, a few months after the military victory of General Bozizé, the self-proclaimed President of the Republic. The mission delegates were able to gather more complete testimonies about the crimes committed against the civilian population during the armed conflict from October 2002 till March 2003, including the crimes perpetrated by Bozizé's men, the so-called "liberators". FIDH was also able to find out about the lawsuits initiated in the Central African courts against some of the perpetrators of international crimes and came to the conclusion that these were biased in favour of the perpetrators. For the first time it asked the question in its report published in February 2004: *"What justice is there for victims of war crimes?"*².

A third FIDH mission visited Bangui in November 2004, a few months before the presidential elections marking the end of the democratic transition regime imposed by General Bozizé. The fact-finding report published in February 2005, entitled, *"The political transition closes against a backdrop of impunity"*³, showed some irregularities in the implementation of the electoral process and revealed the serious acts of violence committed by the former "liberators" in Bangui. FIDH also analysed the criminal lawsuits initiated against former President Ange-Felix Patassé, Jean-Pierre Bemba, Abdoulaye Miskine, Paul Barril and others, according to which the Court of Appeal in Bangui had requested that the case be referred to the ICC insofar as it concerned blood crimes.

A fourth mission came to CAR in September 2005. Its main aim was to raise the awareness of the newly elected government, the security forces and the civilian population about the mechanism of the ICC. In fact, in December 2004, the government had referred the crimes committed in CAR since 1 July 2002 and which came within the Court's jurisdiction to the ICC Prosecutor. A public workshop was organised in Bangui on the topic: *"The situation in the Central African Republic and the International Criminal Court"*.

Lastly, alarmed by the activity of rebel groups in the north of the country and the perpetration of further international crimes against the civilian population by these armed units and also by the retaliating Central African forces, a fifth mission visited Bangui from 10 to 17 June 2006. The FIDH mission was headed by its President, Sidiki Kaba, who was joined by Mme Odette-Luce Bouvier, Auxiliary Judge of the French *Cour de Cassation*, Karine Bonneau, head of the International Justice Programme of the International Secretariat of FIDH, and Marceau Sivieude, head of the African Programme of the International Secretariat of FIDH. Its mandate was to assess the human rights situation in CAR in the light of this new wave of violence and to inquire about possible lawsuits before national courts against the perpetrators of the most serious crimes. The FIDH mission also aimed to support to the Central African Human Rights Organisation and the Organisation for Compassion and Development of Families in Distress (OCODEFAD), whose members had suffered numerous threats and much pressure because of their activities.

This document is both a reproduction of the observations and conclusions of the last FIDH fact-finding mission, and an amended summary of the previous reports. FIDH would thus like to point out the recurring cycles of the conflict in CAR and their common denominator and trigger: the impunity of the perpetrators of the most serious crimes committed against the civilian population.

The first part of this report thus goes back to the complete impunity for international crimes perpetrated against the civilian population during the conflict between General Bozizé's rebels and the loyalist troops from October 2002 till March 2003. Even the CAR Cour de Cassation confirmed, in April 2006, that the Central African courts were *"incapable"* of trying the perpetrators.

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The second part presents the current fighting in northern CAR pitting several rebel groups against Bozizé, and how this sub-regional conflict relates to the tensions between Chad and Sudan. FIDH gives an account of the rebel attacks, retaliation by the government forces, and the international crimes committed by the warring parties against the civilian population. Through the testimonies of witnesses, the accounts of the various FIDH meetings with the Central African authorities and the UN agencies, and also through the prism of the first criminal lawsuits initiated by the Prosecutor of the Republic, FIDH reports on the new rebellions based in northern CAR, brings to light the weak political and military will and uncovers the official version of their alleged external supporters, sponsors and accomplices. This part demonstrates implicitly that the majority of those allegedly responsible for crimes committed in 2002/2003 are behind the new fighting; a convincing demonstration of the devastating effects of impunity.

The third part of this report deals in particular with the double suffering endured by the very many victims of the fighting in CAR. Attacked both physically and mentally due to the practice of rape, sexual slavery, loss of children or parents, amputations or other irreversible physical traumas, the victims suffer both from their stigmatisation by Central African society and from the general indifference towards their extreme physical, social and economic distress. Abandoned by the Central African justice system, the victims have nonetheless had the courage to organise themselves and, despite gibes and threats, cling to the hope that independent and impartial international justice will shatter this destructive indifference and restore their dignity. This report is also an urgent appeal to the Prosecutor of the International Criminal Court to open, at last, an investigation into the situation in CAR and help, at least, curb the recurrent fighting in this country which should not be seen as inevitable.

The FIDH mission which visited Bangui between 10 and 17 June 2006 was able to meet the following persons:

- François Bozizé, President of the Republic
- Paul Oto, Minister of Justice
- Henri Maidou, Minister of State, Presidential Adviser on Human Rights and Good Governance

- Firmin Feindiro, Prosecutor of the Republic
- Jacques Schwartz, First Advisor of the French Embassy in the Central African Republic (CAR)
- S.E. Mahamat Abdel Karim, Ambassador of Chad in CAR
- General Lamine Cissé, Representative of the UN Secretary General to the UN Peace-building Support Office in CAR (BONUCA) and all his team, in particular Angèle Kinouani, Director of the Human Rights Section
- Jean-Charles Dei, Representative of the UN World Food Programme in CAR (WFP)
- Dr Léodégal Bazira, Representative of the World Health Organisation in CAR (WHO)
- Dr Louis Ponzio, Coordinator of the UN Joint Programme on HIV/AIDS (UNAIDS)
- Mme Clothilde Gamo, Chief Police Commissioner of the 5th district of Bangui
- Mme Lydie-Florence Ndouba, Secretary General of the Women's Section of the Movement for the Liberation of the Central African People (Mouvement de libération du peuple centrafricain - MLPC)
- Maître Goungaye Wanifyo Nganatouwa, President of the Central African Human Rights Organisation (Ligue centrafricaine des droits de l'Homme - LCDH)
- Mme Bernadette Sayo Nzale, President of the Organisation for Compassion and Development of Families in Distress (Organisation pour la compassion et le développement des familles en détresse - OCODEFAD), several members of her team and many members
- Maître Mathias Morouba, Lawyer for victims from OCODEFAD
- Maître Nicolas Tiangaye, Lawyer.

1. See FIDH Report No. 355, http://www.fidh.org/rubrique.php3?id_rubrique=60
2. See FIDH Report No. 382, http://www.fidh.org/rubrique.php3?id_rubrique=60
3. See FIDH Report No. 410, http://www.fidh.org/rubrique.php3?id_rubrique=60

PART I - TOTAL IMPUNITY FOR SERIOUS CRIMES PERPETRATED AGAINST THE CIVILIAN POPULATION BETWEEN OCTOBER 2002 AND MARCH 2003

I - Coup d'Etat by General Bozizé (October 2002 - March 2003)

1. The François Bozizé affair

The former General of the Central African Armed Forces (FACA), François Bozizé, was dismissed on 26 October 2001 by presidential decree for his participation in an attempted coup d'état by former President Kolingba against the government of Ange-Felix Patassé in May 2001⁴. His humiliation was bitter. He refused to comply with the warrant summoning him before the court which was served on him on 3 November 2001 and put up an armed resistance for several days after retreating to PK (point kilométrique) 11. Taking advantage of the mediation of General Lamine Cissé, the representative of the Secretary General for the UN Office in CAR (BONUCA), the loyalist forces, supported by Libyan troops, launched an offensive against Bozizé and his troops. Bozizé then retreated with about a hundred of his men to set up camp in the in the city of Sarh, in the south of Chad.

2. Tensions between Chad and Central African Republic

The efforts by Libya and Gabon to obtain from President Patassé an amnesty for the "putschists of May 2001" as a prerequisite to a lasting peace in CAR, were in vain. The summits at Khartoum (2-3 December 2001) and Libreville (4-5 December 2001) had no effect on the stand taken by the Head of State. A request for the arrest and extradition of General Bozizé and his men was rejected by Chad which granted them political asylum. Tension could be felt in the relations between the two States, each of which accused the other of supporting troop movements on their respective borders.

Finally, using the privileged contacts it had with Chad, Libya gave assurances to CAR that it would maintain its military presence in Bangui to give a feeling of security to the regime. A hundred or so heavily armed men were stationed around the presidential residence. This helped ease the stand taken by President Patassé who, in the end, agreed to the concessions proposed to him: the lawsuits against General Bozizé were in fact declared "*untimely*" by the Prosecutor General for the Court of Appeal in Bangui. Moreover, those arrested during the confrontations in November 2001, were released. But the government, while welcoming the return of General Bozizé, reserved the right to prosecute him again "if

he happened to commit a further misdeed". This discretionary right naturally worried the general who only consented to return to the country on the condition that the Libyan troops left. Patassé was against that.

3. August 2002. Border confrontations

During the night of 5 - 6 August 2002, armed confrontations took place on the border between Chad and CAR. An attack orchestrated by Abdoulaye Miskine's men, back-up troops from the Central African army specially instructed by President Patassé to "secure" the border with Chad, was carried out on Chadian soil, at Sido, resulting in much loss of life. In retaliation, the regular Chadian army made a breakthrough on CAR soil over an area of about 15 km. General Bozizé and his men took advantage of this breach by occupying this territory after the soldiers of the Chadian President, Idriss Deby, had retreated. It was from this strategic position that the troops of Bozizé prepared their takeover of the Bangui regime in October 2002.

On 2 September 2002 in Libreville, a plan was proposed at the summit of Central African Heads of State aimed at resolving the crisis between Bangui and N'Djamena⁵. This agreement required the unconditional departure of General Bozizé from Chad to Paris - which happened - whilst the departure of Abdoulaye Miskine to Togo - which was not however unconditional - was only envisaged by the Bangui regime when "*the practical provisions are settled*": this difference in treatment was received badly by Bozizé's men.

4. 25 October 2002. Bozizé's rebels attack Bangui

On 25 October 2002, rebel troops attacked the northern suburbs of the capital, Bangui. According to some witness accounts gathered by FIDH, on the night before, they captured the towns of Kabo, Batangafo and Bogangolo. In the hope of seizing power by force, the rebels besieged the districts of Boy-Rabe, Fou, Combattant, Galabadja 1,2,3, Miskine, Malimaka, Gobongo, and l'Avenue des Martyrs between PK 4 and PK 125, at the expense of many lives. The attackers reached the main road leading to the residences of the President and the Prime Minister as well as the headquarters of the government party, the Central African People's Liberation Movement (MLPC). Sustained gunfire was heard in the capital for six days.

After leaving Paris in the evening of Saturday 26 October 2002 for N'djamena with the "intention of making contact with his supporters", François Bozizé announced, on Sunday 27 October 2002, on Radio France Internationale (RFI), that he was behind this attempted coup d'état: *"It has been planned for a long time... I was forced to take charge of the operations (...) President Patassé must agree to speak with all the opposition parties. If not, he shall simply be asked to leave so that a consensual transition can be set up"*.

5. November 2002 to March 2003. The encirclement strategy

After six days of fighting between 25 and 30 October 2002, when they met considerable resistance from loyalist troops, the rebels began retreating north. The Central African armed forces (FACA), backed by a contingent from Libya, Miskine's men and the Congolese mercenaries of Jean-Pierre Bemba, launched a counter-offensive. But the victory of the loyalist troops was only partial. The front formed by the rebels was still threatening the capital, 70 kilometres away on the North road at Damara. At the end of November, Bozizé's troops were stationed along an east-west front line between Bossembele-Damara-Sibut-Bambari-Bangassou. Their intention was to encircle Bangui to cut off food supplies to the capital: the "encirclement" strategy was made possible due to the mobility Bozizé's men who had stolen a large number of cars from civilians during the fighting. The main roads to Chad and Sudan were cut off. The road from Bouar to Cameroon then became the theatre for fighting between the rebels and loyalist forces who were mainly Congolese mercenaries. At the start of December 2002, the town of Bossembele was taken by the troops of Patassé, but fighting continued in the north of the country. The encirclement strategy had paid off: prices in Bangui rose from 20 to 30%. The World Food Programme (WFP) organised the delivery of 800 tonnes of supplies to avoid serious food shortages. The lack of fuel supplies began to weaken the loyalist troops. It was only due to the Democratic Republic of Congo, in particular Zongo airport, that Bangui avoided being completely cut off. Between December 2002 and March 2003, various rebel attacks and loyalist counter-offensives were to follow.

6. 15 March 2003. Bangui falls into the hands of rebel troops

Fighting was reported on 10 March 2003 by lorry drivers on the strategic road linking Bangui to Cameroon about 300 km north of the capital. The Central African Minister for the Interior, Jacquesson Mazette, in a national radio broadcast on

14 March 2003, assured the people of Bangui that their security was guaranteed and that they could "sleep soundly" despite the rumours. The following day, about midday, light and heavy gunfire reverberated around Bangui at the north entrance to the city. Hundreds of inhabitants of Bangui then fled the northern suburbs to take refuge in the south and west of the capital. President Patassé's plane, which was to return to Bangui from Niamey where he was taking part in a summit of African Heads of State, came under fire. As it was unable to land in the Central African capital, it was rerouted to Yaoundé. In the evening, several hundreds of Bangui inhabitants looted the abandoned residences of the regime dignitaries, including the President's home. A number of homes, shops and companies were also ransacked. On 16 March 2003, while the looting continued in Bangui, Radio Central Africa broadcast appropriate traditional military music. The rebels now controlled strategic parts of the capital: the Presidential palace, the airport, the radio, television and main avenues. In the morning, the spokesman for General Bozizé, Parfait Mbaye, announced that the government take-over was a "fait accompli".

7. International crimes⁶ perpetrated during the conflict between October 2002 and March 2003

The fighting leading up to the attempted coup of 25 October 2002 and the subsequent confrontations between loyalist troops and the rebels until the forcible takeover in March 2003 took on the character of a true armed conflict, according to the definition given in international law. The many military offensives and counter-offensives carried out by the warring parties for almost 6 months were continuous, well organised and went far beyond a simple uprising or internal tension. There were confrontations between the government armed forces, assisted by foreign mercenaries, and an organised armed group of dissidents under the control of General Bozizé who had control over enough of the territory to conduct continuous, planned and concerted operations.

So, the two parties in question had an international duty to conform to the Geneva Conventions of 1949 and their Protocol II of 1977. However, from 25 to 30 October 2002, the violent fighting which raged in the capital between the rebel troops and loyalist forces, was carried out in flagrant violation of international humanitarian law (see below). In their counter-offensive, the loyalist troops perpetrated serious international crimes against the civilian population, a true target of war, accused of complicity with the rebels (see below). FIDH has reported summary executions, murder and rape perpetrated on a huge scale (see below). In the area

under their control (bordering with Chad), the rebels of General Bozizé were also guilty of international crimes against the civilian population (see below).

Between November 2002 and March 2003, the rebels and loyalist troops engaged in fighting along a fluctuating line according to victories and setbacks, attracting their share of international crimes. In March 2003, while Bozizé's men were making a new offensive on the capital, the Congolese mercenaries of Jean-Pierre Bemba, in retreat, committed other serious acts of violence against the civilian population (see below), while seeking in particular to loot the maximum amount they could carry off to the Democratic Republic of Congo as the ultimate spoils of war.

II - International crimes perpetrated against the civilian population during fighting between the rebels and loyalist troops. Responsibilities brought to light

1. The people of Bangui are victims of the fighting carried out in October 2002 in violation of international humanitarian law

1.1. 25-30 October 2002, six days of violent fighting in the capital

The six days of fighting in the capital, from 25 to 30 October 2002, were particularly bloody. During a brutal counter-offensive which started on 27 October, the loyalists troops, made up of about 1,500 men of Central African armed forces (FACA), attempted to dislodge the attackers, about 600 combatants, from the northern districts of the capital. In order to do this, they had the threefold support of about 100 Libyan soldiers, about 500 of Miskine's mercenaries and about 1,000 of Jean-Pierre Bemba's Congolese mercenaries who came following President Patassé's call for reinforcements. The rebel positions came under intense shelling from the heavy artillery of the Libyans posted at the Presidential residence. Two Libyan planes flew over the city dropping bombs indiscriminately from a high altitude over the Gobongo, Boyrabe, Combattants and Cité Jean 23 districts, all situated to the north of the Friendship Hospital (*hôpital de l'amitié*).

Following a 24 hour cease-fire, the fighting started again on Wednesday 30 October 2002. The arrival of a further 500 of Bemba's mercenaries, who had crossed the Oubangui river, and the artillery fire from the Libyans finally made the attackers retreat. Miskine's men, the USP units led by

Bombayaké and Bemba's Congolese men now held the northern districts of Bangui and General Bozizé's rebels had to retreat.

1.2. The civilian population is hard hit by the fighting in Bangui

A/ The first lists drawn up by the hospitals

In the midst of the fighting, it proved particularly difficult to take care of civilians and the Central African Red Cross was unable to obtain any safety corridor. The Bangui authorities were unable to define precisely the combat zone and claimed that there was no one in the opposing camp with whom to negotiate protection for the rescue services.

There were four public institutions which could provide care in Bangui: the Community Hospital whose trauma unit was particularly busy, the Friendship Hospital, the Paediatric Complex and the Castor Health Centre which had an operating theatre. One month after the fighting, the Friendship Hospital had registered 56 wounded admissions from 25 October 2002, 11 of whom underwent major surgery (removal of bullets, amputations), while the others received limited care. Two people died shortly after their admission and twelve bodies were taken direct to the hospital morgue. The hospital director noted that after 30 October 2002, the wounded came in particular from PK 13. These were victims of Jean-Pierre Bemba's mercenaries who occupied this area after the retreat of Bozizé's rebels. According to Small Arms Survey, the figure for the wounded underestimated the gravity of the situation. These figures "*have limited use for analysing the violence and the deaths from gunfire insofar as many people bury their dead without first taking the body to hospital or reporting the death. Moreover, the cost of medical care is too expensive for many Central Africans*"⁷.

The military administration of the Community Hospital drew up a list of 98 wounded. The first admissions since 25 October were mainly civilians. Only 10 soldiers (5 "Congolese", 1 from the Presidential Security Unit and 4 from the FACA) were entered on the list. The wounded were most often brought in by rickshaw. The Central African Red Cross, although ready to help according to its officials, could not do so since its only ambulance had been stolen during the attempted coup in May 2001.

Of the 98 people registered by the Community Hospital, 5 died as a result of their wounds (6 were not admitted for care as they were dead on arrival at the hospital). These were

mainly men aged over 16 years, but there were also 23 women and 9 minors aged from 3 to 14 years:

- 14 years. Sango district. Traumatic bullet wound to the thigh
- 11 years. Cité Jean 23. Traumatic bullet wound to the left emithorax
- 13 years. Gbakondja district. Bullet wound to the abdomen and evisceration
- 3 years (female). Ngou-Ciment district. Traumatic bullet wound to the left knee
- 14 years. Miskine district. Traumatic shrapnel wound to the pubis and thigh
- 11 years. Gasatala district. Large deep bullet wound to the left side
- 3 years. Walingba district. Traumatic shrapnel wound to left thigh
- 9 years (female). Fou district. Small traumatic bullet wound to left leg
- 8 years. Fou district. Small traumatic shrapnel wound to left buttock.

B/ The first to be cared for by the NGOs

The NGOs on site and operating after 30 October 2002, were able in turn to take care of several hundreds of wounded, the nature of whose wounds was indicative of the intensity of the fighting, the weapons used or the groups of combatants involved.

One of these NGOs established that, out of 400 people taken into care one month after the event, 40% had bullet wounds, 13% had shrapnel wounds, 7% had knife wounds particularly from bayonets, and others were wounded from other forms of violence, e.g. beatings, etc. 30% of these patients were wounded before the retreat from Bangui by Bozizé's troops, whilst 70% were wounded after this, i.e. when the city of Bangui and neighbouring districts were surrounded by the so-called "Congolese" mercenaries led by Jean-Pierre Bemba (see above).

C/ Testimonies of victims of the fighting gathered by FIDH

Several of the wounded in care in the trauma unit of the Community Hospital were interviewed by FIDH on 26 and 28 November 2002. They gave evidence of the violence of which the inhabitants of Bangui were victim during the attempted coup of October 2002.

A, a 23 year old student of management accounting living in Boyrabe, who said he was Muslim when asked his ethnic origin, was at home with his family on the morning of 28

October in the Miskine district. At 11 am, when he was leaving his house and about to close the door, he felt a stab of pain in his right leg. Lying on his hospital bed, he pulled from a rucksack the remains of the shell, about 30 cm long by 10 cm in diameter with sharp edges, which he found lying by his mangled foot and which he has carefully preserved. He lost his foot. He explained: *"I think the shell had been fired from the presidential sector but I don't know who fired it. On 28 October they tried to evacuate me to the Friendship [Hospital], but we were prevented by the aerial bombardments. It wasn't until 3 pm that I was taken by rickshaw to this hospital where they amputated my foot. Because of complications, I am still here and they've had to amputate again just above my knee. I'm told that the shell was fired by Libyans but I don't have any proof"*.

GD, 22, belongs to the Zandé ethnic group and is a resident of Bangui. *"On 29 October about 2 pm, I was hungry. I went to my parents' house in Yaci Mendi for lunch with them. When I arrived lunch was not yet ready and I told them I'd be back about 6 pm. Outside, firing could be heard. People were fleeing. I was having a pee outside when suddenly I saw blood flowing from my right calf and I felt a pain in my back. My friends brought me back to my place in a rickshaw. I didn't have any money to pay for medical care. So I did not go out for a fortnight and then I learned that there were humanitarian groups who would treat you for nothing. I then decided to go to the Castor Centre where I was given an x-ray. Four pieces of shrapnel were found in my calf which is why I was transferred here for an operation. All I know about who fired on me is that on 29 October there were Banyamulengues in my neighbourhood"*.

AGS is an 11-year-old schoolboy. He lives in Boyrabe. *"On 25 October, I was returning home when I was wounded"*. A nursing attendant props him up and shows us his back: he explains that a bullet lodged in his thorax next to his lung. The bullet had not been removed. This very delicate operation could not be performed in CAR. The wound meant that he lost the power of his legs. Having gone without care for a month and a day, the young victim was hoping, at the time of the FIDH mission, to be sent to a hospital in France or South Africa.

JG is only 3. His brother, SM, who was at his side, explained to us that on 26 October they were at home with their family in Walingba when a shell exploded, killing outright his 2-year-old brother, W, as well as his aunt who was hit in the arm by the explosion. X-rays revealed small pieces of shrapnel had penetrated JG's left tibia and femur as well as his abdomen.

BM is 5. On 26 October, she was hit in the foot by a bullet which also fractured her femur.

MB, 40, lives in Gbakoundja. Late morning on 26 October, he was sitting outside his house. A shell which came from the offices of the Central African Economic and Monetary Community (CEMAC), fell about 5 metres away from him. His left leg was severed and his other leg was also hit by the blast.

His younger brother, K, 37, was lying in a bed in the same ward. The shell had also hit him, fracturing his left leg. He explained that his cousin, SZ, 27, had also been wounded, as well as a young girl who received head wounds. She died in hospital. *"I don't know whether the shell came from a plane or from the ground. However, there were no combatants in my neighbourhood"*.

D/ Displacement of the population

Apart from the high number of dead and wounded civilians, during and after Bangui was attacked by Bozizé's troops, the attempted coup caused displacement of population. The inhabitants of Bangui fled into the countryside to the north. The UN High Commissioner for Refugees (HCR) estimated they numbered about 20,000 at the time of the FIDH visit in November 2002.

E/ Shared responsibilities

Given the testimonies of the victims, the type of wounds seen in the hospitals, the amount of activity in the morgues, the scars of the fighting still visible after a month, the presence of burial pits on private property and the destruction of properties, it is reasonable to conclude that the fighting that raged in the capital was waged in violation of international humanitarian law. Some serious violations of the Geneva Conventions amounting to war crimes, such as attacks on the life and physical integrity of persons who were not directly participating in the hostilities, can also be noted. Other serious violations of the laws and customs applicable to armed conflicts not of an international character, in the context established by international law, were seen in particular in the systematic looting.

It is difficult to attribute responsibility for these criminal acts to one or other of the warring parties. Whilst the damage caused by the often indiscriminate aerial bombardments can be blamed directly on the loyalist troops who alone had this type of military arsenal, all of the warring parties share responsibility for the serious breaches of international

humanitarian law committed in Bangui and its suburbs during the attempted coup in October 2002.

2. The civilian population is victim of rape, murder and looting blamed on the Congolese mercenaries of Jean-Pierre Bemba

2.1. Jean-Pierre Bemba's "Banyamulengues"

At the time of the events in question, Jean-Pierre Bemba was head of the Congo Liberation Movement (MLC), the Congolese rebel group that was a party to the Lusaka Agreements. For several years he has been associated with the military upheavals in CAR. Jean-Pierre Bemba also had a conflicting role in the attempted coup of May 2001. Although his men supported President Patassé against the rebels, he also helped the principal instigator of this coup, the former Central African President, André Kolingba, to flee.

Links between Jean-Pierre Bemba and Ange-Félix Patassé could be expected: the territory of Central Africa was economically strategic to the strong man of Equateur (a western province of DRC). Bangui was an outlet for the Congo's natural resources: diamonds, wood, leather etc. For his part, Patassé was keen also to maintain the good relations he had with Bemba, not only to ensure a security zone to the south of CAR, an area where military hostilities could be fatal for him, but also to encourage the free circulation of people and goods in this zone controlled by the MLC.

The day following the attempted coup by Bozizé, President Patassé, mistrustful of the regular troops of the FACA, as Bozizé had been one of their generals, concluded an agreement with Jean-Pierre Bemba which provided that Bemba would give military support with his "Banyamulengue" troops⁸ (child-soldiers, women, men of Congolese origin and possibly also from Rwanda and Uganda). These were the mercenaries of President Patassé. The deal involved 5 billion CFA francs paid possibly in diamonds.

Identified by the civilian population by their footwear (trainers or plastic boots), their language (Lingala), dressed in combat uniform and armed with Kalashnikovs, the Banyamulengues came onto the scene on 28 October when they crossed the Oubangui river. They are mainly to blame for the many murders, rapes and looting.

These troops, -according to certain sources- along with units of the USP and those of Abdoulaye Miskine, made their presence felt in the capital by acts of humiliation against state

dignitaries and their families (including the Deputy Minister for Education and Higher Learning and his wife, the son of the Defence Minister, etc) and also against the FACA, the regular forces of the Central African army. Some, for example some of the victims, assert that these humiliations were perpetrated at the request of President Patassé, mainly because the Presidency had suspected the FACA of treason since the coup of May 2001.

Taking advantage firstly of the confusion in the capital following the attempted coup and then of the control of the territories retaken from the rebels, the Banyamulengues, organised in small groups, murdered a number of civilians, used rape as a weapon of war and began systematically looting and racketeering, spreading terror in their wake with gunfire and threats.

An FIDH mission noted that the "Banyamulengues" were still present in the capital on 26 November 2002 and held a check point at PK 12, with the help of a certain Colonel Mustaph, which marked the access to the conflict zone. They took part in fighting against Bozizé's troops in the north of the country, where they continued to commit violent acts against the civilian population. So, when Prime Minister Martin Zinguélé came to Bossembele in November 2002 to declare the recent victory of the loyalist troops, the civilians emerged from the bush where they had been hiding during the fighting, to beg him to station units of the Central African armed forces in the village to protect them from the Banyamulengue perpetrators of rape and looting in the region. The fruits of their looting was periodically transported to DRC despite the efforts of the FACA to prevent this.

These foreign mercenaries, about 1,500 individuals, made up the main force of President Patassé.

2.2. Deeds for which the "Banyamulengues" are to blame

A/ Murders - cruel treatment - attacks on human dignity - torture

Testimonies gathered by FIDH during its various fact-finding missions

Account by Mr ZD, given to the mission delegates on 26 November 2002:

"On Friday 25 October 2002, while I was preparing to leave for the weekend, I was going to take the road for Damara and was just at PK 12 hoping to meet up with someone, when I

noticed in the sky a plane which was flying at low altitude. People were running in all directions, terrified. Quite soon after, I saw about 10 pickup trucks arriving from the north, from Bangui, with 15 to 20 people on board dressed in military uniforms or civilian clothes, all armed and whose foreheads were bound with yellow headbands. I learned later that these were Bozizé's troops. I should explain that when they were crossing PK 12, these armed men fired into the air to open up their road. I should also point out that one man on board one of the first vehicles but I do not know who, fired on a gendarme who was standing there and who collapsed onto the roadway. I assumed he was dead. The days of 25, 26 and 27 October were calm. I gave up my weekend. Further off, gunfire could be heard. Vehicles were coming and going. I should point out that during these three days the population was able to leave, go about its business and was not assaulted.

On 27 October at 1 pm, a plane of the same type as the one I saw 2 days earlier, dropped a bomb thirty metres from my house. Three people of which two were Muslims and one a Central African, all civilians, were killed. From that time, shut in my house I watched the flurries of activity in the sky and on the ground the movements of Bozizé's vehicles.

On 28 October, a rumour rapidly spread among the population concerning the imminent arrival of troops hostile to Bozizé and whom I later identified as the Congolese mercenaries of J-P Bemba. An exodus followed. People fled to PK 13 and beyond to distance themselves from Bangui. I stayed in my house.

On 29 October, about 3 pm, Bozizé's pickups returned to whence they came on the 25. The movement of vehicles seemed to me to be disorganised. Some soldiers even had to steal vehicles belonging to civilians to make a quick getaway. Others who did not manage to steal, left on foot in a disorderly band.

On 30 October about 6 am, I went into the field, at PK 13, on foot to save using my car. On the main road someone told me that J-P Bemba's troops had arrived. And about 6.30 - 7 am I did indeed see soldiers in military uniform some of whom appeared to be very young, 15 year olds. They were marching along the road in a straight line. I think there were about 300 of them. I went into the field and when it was about 8.30 - 9 am, I heard shots coming, I think, from PK 22. Worried, I preferred to abandon my work in the field and return to PK 12. I came across more of Bemba's mercenaries who were travelling north. They were marching faster than those I had

seen two hours earlier. I thought there had been fighting and that these men were reinforcements. I should point out that one of them took my hat.

At PK 12 during the night of 30 - 31 October, all was calm, but gunfire could be heard which I think was coming from PK 22. The day of 31 October was the most difficult. The Congolese mercenaries returned to the centre of Bangui via PK 12, pushing carts filled with stolen items they had helped themselves to in the houses. Mine was not spared. During this one day, in groups of about 10 they came to my house 20 times. They were determined. I think that I am still alive because I was resigned to letting them loot my property. Nonetheless, I should point out that, to my knowledge, at PK 12 there were no deaths. I should also point out that by appropriating for themselves the two rows of houses on each side of the road, they built a sort of base camp stretching from PK 12 to PK 15. It is difficult for me to assess the damage to my property. They took everything I had. As I have not been paid for 20 months, I am living off agricultural reserves and sums paid from time to time by the government. I should add that from 28 October, PK 12 was plunged into darkness and I have been told that there were many rapes. On 2 November, J-P Bemba came to address his troops in Lingala. He received much applause".

FV is a 27-year-old shopkeeper. He sells drinks. He considers himself as Zakala and his family comes from Banyassour. "On 28 October, for safety reasons, I preferred to send my wife and two children to PK 5. My mother and I stayed in Bainzville to look after the bar at the "Cave Espace Samito". On 29 October about 4 pm, there was a rumour about the imminent arrival of the Congolese. I think they were coming from the headquarters of the MLPC. The door was locked but gunshots quickly broke the lock. They burst in, four of them. It was the Banyamulengues, small people of my age, some even a bit younger. They wore green combat uniforms, canvas boots and red headbands. They did not speak to me. Suddenly they let fire. My mother died immediately. She was called LS. She was 45. She was shot in the right breast and in her thigh. They pushed me outside. They also dragged my mother outside. They took my whole stock of goods, i.e. drinks, and broke everything in the building. I think they were drugged. They knew exactly what they wanted to do. I left my mother and went, wounded, to take refuge in a partly built house nearby. I remember the rain falling on me. I should add that they shot at me with an A 52 in the leg. My leg had to be amputated, beneath the left knee. My mother's body was taken to the hospital morgue. She has been buried today".

The FIDH mission was able to visit the site where this happened and could confirm the layout of the places. The walls, wooden bar stools were full of bullet holes. The uncle of the wounded man, JMS, aged 38, was interviewed and confirmed most of the story showing us a pair of green plastic boots left by one of the attackers who had stolen the wounded man's trainers.

FM. "I live in Boyrabe. The events began on 28 October 2002 at 1 pm and lasted until 11 am the following day. Three groups came. The first group arrived at 1 pm. It consisted of 15 people. I was at home with my sister, my brother, and the son of a minister. They searched me and took all my money. The second group arrived at 5 pm. They searched everyone. They beat us with the butts of their guns. They fired at the walls and the ceiling. Meanwhile a third group arrived. The two groups then began arguing amongst themselves, speaking Lingala. Then the bigger third group made us spend the night on the ground on the hill in single file. They left at 11 in the morning".

MCS, aged 28, was admitted to hospital on 1 November and was still there on 28 November 2002. Her affidavit was made in the presence of the nurse (see photographs in the annexe): Bandages on both feet. Amputation of three toes on her right foot. Bemba's units arrived at 11 in the morning of 31 October when she was at PK 22. "There were 4 of them. They asked me for money. When I told them I had none, one of them shot right at my feet. Then they took my 7-month-old baby, RC, and left him outside the house until 1 pm. When they brought him back he had a malaria attack. He was taken to the General Paediatric Hospital. The Banyamulengues looted the house. They took our things including my father's hunting rifles. They were Congolese. They were speaking Lingala and not Sango. They told us that the President had ordered them to kill us but they did not want to kill us. They just wanted money".

MLY, 45. Affidavit made by FIDH in the Community Hospital (ward 317) in November 2002 in the presence of a nurse: left leg in plaster with a brace. According to the nurse, a bullet had hit the bone in the leg. Another bullet fired at point blank range hit the right side of the pelvis. "At PK 22 on 1 November at 11 am, I was with my nine children at home. The men had gone because they knew the attackers were going to come. I hid the children under the beds covering them with bags. I was with them under the beds. The attackers fired at the door. That is when I was hit in the left leg by a bullet. When they came back they told me: If you have no money you'll be killed. When I refused, one of them shot me at point-blank range in the pelvis. I then had to give them all the money I

had. Then the attackers killed the dog. They put the dead dog on my stomach. They took everything, even the kitchen utensils. Anything they did not like, they shot at..."

EM, 29. A neighbour of VN at PK 12. *"The looting began on 1 November 2002 at 5 am. They arrived in groups. The first group consisted of 5 people. The other groups were bigger. In all I saw 5 teams. They were all armed and in military uniforms. They were shouting in broken French, 'money, jewellery, or diamonds'. They broke down the front door, the lounge door, my father's bedroom door; he has been paralysed for 17 years. They took everything. Everything that could be carried: clothes, shoes, electronic equipment. They broke the windows. They left their old shoes and took other, better ones. Some had rucksacks where they put the stolen things. They were speaking mainly in Lingala but sometimes in French and Sango but with a bad accent. Before they came into the house, they killed the dog. They asked me to come out. One of them aimed his gun at me. He told me to turn my head. 'I want to kill you. You've never seen anyone killed by a bullet. You're going to now'. My friend arrived at that moment with the baby and interrupted them, saying, 'you are not going to kill us'. They did not leave till midday. The calmest of them asked me to tidy the house and remove my paralysed father".*

K, B, K (three people in the same house). B: *"It was 1 pm. I was at home with my nephew and the rest of the family. There were 26 of us in all. We were altogether because we had lost our brother last August. We heard a knock at the door. I went with my nephew to open the door. We were confronted by armed youths who began taking what we had on us including our watches and rings, pushing us against the wall. 'You are rebels', they told us. They were speaking French, English and Lingala". (The owner, widow of the dead brother interrupted during B's account to say that the attackers tortured them. "They took everything and what they couldn't take, they broke. Look at the television and leather armchairs. They are torn to pieces".) One of the attackers found what he thought was perfume but when he realised it was an insecticide bomb he made me open my mouth and sprayed my mouth and my eyes. He was little. If he hadn't been armed I would have flattened him easily. Then they made me and my children kneel until 3 pm. Then they asked us to go outside in bare feet. There had been a corpse in front of the burial ground. They asked if anyone had ever seen a corpse. They made the women and children look at it saying: you are all going to die like that. When we arrived in front of the Notre Dame church of Africa, we found their leader who asked why we were barefoot. He was told that these were his men. He told us to return home, but we fled".*

Testimony of I, a young minor (8 years old at the time of the events). *"As soon as they arrived (these were people dressed in camouflage and wearing canvas boots), they killed my grandfather and then they raped my mother. Some neighbours who were hiding in our house were also killed. I saw the bodies but I did not count how many".*

Testimony of II, sister of I, a young minor (10 at the time of the events). *"When the Banyamulengues arrived at PK 12, they started shooting. The people panicked and some neighbours joined us in our house. They searched the houses one by one and came to ours. When they arrived at our house (there were a lot of them in vehicles, but only five came into the house), my grandfather, my mother's father, went and hid under the bed. They asked him to come out. They killed him by shooting him in the skull. After my grandfather's death, other neighbours who had come to hide in our house were also killed because they did not want to see any men left alive. I saw four men killed in our house".*

Testimony of III, mother of I and II, 36, street trader. *"It was in October 2002, a Friday, about 6 pm. Men in uniform arrived at our house in PK 12. They came in and began to threaten us, asking for money. My father intervened. They continued to ask me for money. They were armed and began searching the whole house. That was when they found all my takings, my capital, because I am a street trader. When they took my money, 225,000 CFA francs, my father intervened again. That is when the attackers beat him. There were seven of them. One of them fired two bullets at my father. He was hit in the chest. Dad's body stayed like that for two days in the house, then it began to decompose. When the humanitarian aid vehicle came, they took my father's body away for burial in the communal grave with the other victims of the "cattle market" in the PK 13 district. Even today the stones surrounding this common grave can be seen. I did not see them throwing my father's body into the common grave".*

B/ Rapes - sexual violence

Testimonies gathered by FIDH during its various fact-finding missions

EG, 15 years old, resident of PK 12. Friday 1 November 2002. *"Armed men in military uniform came. I was asleep in the bedroom with my sister. With one kick they broke down the door. They asked us for money, jewellery, gold. My sister said we had no money. They did not understand. Then they asked where my father and my uncle, who has been paralysed for 17 years, were sleeping. We went to their bedroom with A,*

N.A. and E, my cousins. One of the men dragged my sister into the shower. She began to scream. We rushed to her but the man pointed his gun at us while he was with my sister. I ordered us to return to the lounge, which we did out of fear. That was when a young man, big and fat, came towards me. He dragged me against the fridge. He tried to remove my sarong. I struggled and then he tore my pants and threw me on the floor. He removed his trousers and entered me. He hurt me really badly. I saw a lot of blood on my sarong. I still have pain in my lower abdomen. He spoke Lingala and very bad French. The humanitarian aid workers came to see me. They took a blood sample and gave me medicine. I'm frightened when I see men. I'm frightened they'll come back. And I'm frightened of being ill".

ED. "I am 17 and live in Bangui. It was on 30 October 2002 between 1 and 3 pm when they invaded the house. I was in the house with several other people. There were 26 of us in all. We were at my aunt's house, whose husband had died last August. All the family was together. One of the attackers came to ask in Lingala for jewellery. I told him I had none. I was very scared. I thought that perhaps if I said I had a child, that would save me, so that's what I told him. He took a wooden rod and forced it inside me, deep into my vagina. He twisted it around then he stopped. Then three other men raped me in succession on the floor of the girls' bedroom. I wept. I was in pain. I was bleeding. I still feel the pains today. All the family were there but could do nothing as the Congolese were armed. I don't want to make a complaint. I am not well. I don't want to speak. The first man I told you about was tall and thin. The three others were smaller. They were youths. I could not recognise them".

M.A., 42. Boua Rabe district. "It all began at 1 pm on 28 October 2002. The first of the Congolese took 5,000 CFA francs. They searched my father. There were 15 of them in all. The second group comprised three people. They were armed. They searched us and beat us with the butts of their rifles on our sides and heads. They also slapped me so I would give them money. I wept. I told them I was a widow and had been driven away by my husband's family, but they kept going. One of them took me into the bedroom. He put his gun to my temple to make me remove my sarong. As I had money in my pants, he also made me take them off. He put his hand into my vagina and when he found nothing he hit me again. I was in pain for several weeks. He was thin, slender, black. I could not recognise him. They all look the same. But he did speak in Lingala".

The remainder of MLY's testimony. "... Afterwards, one of them stuck his finger into my vagina and twisted it in all directions

until I bled. They took my daughter and led her outside. They were with her for a long time but I could not say exactly how long. When the seven attackers in the house joined those outside, a lot of them, I told the children to flee. I crawled to the reservation. There, one of the attackers found me. He pulled my tongue out while pressing on my throat with his knee until I was almost suffocated. When he heard me moaning I pretended to be dead. At that point he left. When my friends and some family members came to take me to hospital, I recognised my attacker at PK 12. I pointed my finger at him. He laughed in return. My daughter A also admitted the next day, after her brother's insistence to find out the truth, that she had been gang-raped. Pretending she was tidying herself up, she had washed herself in warm water. I was able to recognise some of the attackers. The one who sexually attacked me was small in height. All the attackers were Congolese. They all spoke in Lingala".

The remainder of I's testimony, a young minor aged 8 at the time this happened. At the time, "I was hidden in my bedroom. As I was crying they heard me and came into my bedroom. They tore off my clothes and beat me because I put up a fight. One man raped me and then they left. They looted the house. They were speaking in Lingala. I recognised that because the Zairis who live in the neighbourhood speak Lingala. I have no other details to give." Today, "I have a pain in my chest and I feel suffocated. When I feel like crying it makes me ill and I have to wait until I can get my breath back. I have felt this bad ever since the day after I was raped. I would like justice to be done because we did not want to live through all this. For the future I would like these people that attacked us to be put in prison because what they did to us was not good. It is important for me to continue my studies. That is very important. I would like to be a judge".

The remainder of the testimony of II, sister of I, and also a young minor (aged 10 at the time this happened). "After killing my grandfather, they raped my mother. There were four of them. I saw it happen. After my mother it was my turn, then my little sister. I was 10 at the time. One man raped me. When they wanted to rape me, I tried to fight back but they threatened me with their guns and I had to give in. I was wearing jeans. They tore them off. After raping me, some armed men bound my eyes with a cloth that looked like a military towel. They were small men, dressed in camouflage uniforms with canvas boots. They were speaking Lingala. They did not speak Songo. But some neighbours who were hiding in our house spoke Lingala and it was them who told me they were speaking in Lingala. I have never come to terms with this rape. They forced me and it has marked me. I feel

bad when I think about what has happened to me. I don't want to talk about it. At school, no one knows what happened to me. In the neighbourhood where we used to live the people know what happened to us. They laughed at me because I was raped. No one ever talks about this problem with my little sister, I, because if they tried, she would just cry".

The remainder of the testimony of III, mother of I and II, aged 36. Street trader. "They set about me. Three of them raped me. To do this they removed my sarong. They forced me to lie on the ground and the three men raped me in turn. I had just had a caesarean and when they raped me the scar had not healed. Suddenly, I fainted with the pain. I had just had my last baby that month. After I was raped my scar started bleeding. After the rape, they began looting the house. They took mattresses, suitcases, children's clothes, etc. They took all that away in their car. Then they were gone. Our attackers spoke Lingala and they did not speak to me in Songo. Their skin was black and they were very tall. They were well armed with lots of ammunition. They wore military boots. As far as I'm aware, they were "Banyamulengues". I understand a little Lingala. I did not know them and have never seen them again. To this day I still have pain from time to time in my abdomen. And then, when I think about it all, it really upsets me. When my daughters ask me about what happened, I feel terrible. I worry a lot about my girls' future. My girls have become very nervous. In the neighbourhood, their little chums laughed at them sometimes. One day, even our neighbours said that it was because we were poor that the "Banyamulengues" went to bed with them. They cannot bear that. Here, rape victims are a laughing stock for everyone. There is also my mother who, today, is mentally ill due to the trauma. My husband died a few years later in 2005, worn down by worry, the rapes of his daughters and his wife, the looting we suffered. It was these worries that killed him. As for me, I am waiting for justice. I shall go right to the end to see justice done."

Testimony of O. "What was done to me happened, to be exact, in the morning of Thursday 31 October 2002 at PK 22, Damara Road, in my house. We had heard gunfire since early morning. People were fleeing past my house from the market into the mountains. That was when we learned that Patassé's troops were coming. I went into the house with my husband and six children. At that time we were sheltering four or five youths who had fled the fighting in Bangui on 25 October. Rockets began falling outside the house. As the firing increased, my husband picked up his bible to preach the Gospel to the family. I told him to wait. He then picked up our 14-month-old baby, X. He lay down with the baby on our bed, bible in hand. As I suffer from hypotension, I lay down on the

floor beside the bed. I had asked my husband to get off the bed, but he refused. Y, one of our sons, was kneeling, watching the baby. Then I heard a noise. It was a rocket which had penetrated the bedroom wall. I didn't see anything but heard this loud noise. The rocket passed just in front of Y's face. My husband's brain was scattered mainly on the baby's face, on my clothes, on the cupboard (...). I lost consciousness with the shock. Our son, Z, who was lying down just outside the bedroom was wounded in both hands by the blast. When I regained consciousness, the youths who were living with us helped me get out with the children to take us to shelter with the neighbours. Unfortunately they had already gone and their door was locked. We stayed outside, on the veranda. (...) Five armed men in military uniforms who spoke only Lingala, came and asked us for money. As I understood a little, I gave them some. I was lying on the ground under the veranda with the baby in my arms. They began beating me and pulled off my clothes, ripping my pants. One of them did tell them to leave me as I had a baby, but the others did not listen to him. I was raped in front of my children. My children began to cry. I know I was raped by a number of men. I remember the first, but then I became semi-conscious. I could not say if three or five of them had raped me, but I do know that several of them did. They snatched the baby from my arms and threw him aside. (...) I don't know how they left. When I regained consciousness, it was 2 pm. So we were under the veranda from 10 am till 2 pm.

Two other soldiers arrived who spoke Lingala. They took details of Z's and my condition, and asked us what had happened. They asked if I had any money. I gave them 20,000 CFA francs. One of them took me to their base camp, 500 metres from the house. In the base camp there were many armed soldiers. They had requisitioned a house to set up their base. They were all speaking Lingala or bad French but not Songo, our native language in Central Africa. (...) They stayed there, about a hundred of them, until early morning. Then they told everyone there to leave the village. I returned to my children at home to see how I could bury my husband. But armed men came and threatened me, telling me not to stay there. My children begged me to leave, so I agreed. We left to join my husband's family. We walked 22 kilometres. During this walk, armed men forced us to walk barefoot on pieces of broken bottles which they had deliberately broken. Sometimes they made us lie on these shards of glass and in the rain. (...) We were also forced to sing songs in honour of Jean-Pierre Bemba. Finally we managed to reach the house of my husband's parents. (...) I can assure you that this was the work of the Banyamulengues. In fact, when we spent the whole night at their base, they showed us a photo of

President Patassé asking us why we didn't like him. They told us they were Bemba's children and they had come to restore order. They spoke Lingala, as I have already told you.

I am really worried about the "baby" who is 5 now. He has suffered from convulsions since the trauma he underwent. When he began to talk, he became mute for two years. There is no psychiatrist for the children of Bangui, nor any psychologist. Since this happened, my other son, Z, who is now 12, has changed completely. He has become withdrawn. He does not like to be in a group. The older boy who is now 18 worries me as he wants to avenge his father's death at all costs. He says he hopes to join a group to avenge his father as justice has not been done".

Testimony of P, a minor (9 years old when it happened), son of O. "We were at home when the Banyamulengues arrived in the neighbourhood. They were shooting. Dad got up to get his bible so he could read to us what it says about the end of time. I was with my two sisters and my three brothers, my Mum and Dad, and also the people who were sheltering in our house. Our house was at PK 22, outside Bangui. When Dad picked up the bible, Mum told him to wait until the shooting stopped before he read to us. He then took the baby in his arms. The first rocket fell outside the house. A second rocket came through the wall, cut off my father's hands and struck him in the head. He was killed outright. I was there, in the same room. My little brother fell onto the bed, I was wounded in the hands by the rocket blast. When that happened, we had to open the door to get out. We left our house to go to the neighbours. My mother had fallen unconscious with the shock. We saw five soldiers going into the house and raping mother. Then we children went back to our house and started crying for them to stop. Others came to take us to their base and down there, the other soldiers tried to rape our big sister and beat her. As she had our little brother in her arms they eventually left her alone. Mother was taken with us to the base. In the evening, officers told us not to stay at the base as the soldiers who were arriving the next day were more violent and would kill everyone. On the road to Bangui, we were stopped by other soldiers who made us sing a song in honour of Bemba, which we did. (...) After that, they let us go".

Testimony of S, 47. "That happened when Bozizé's rebel troops were retreating from the Banyamulengues to PK 22. The Banyamulengues occupied zone X at PK 12. (...) They began looting any items of value from people and from their homes. (...) I intervened to tell them to stop. That's when all the problems began. When I did that, four Banyamulengues

came upon me saying it was people like me who were inciting the population against President Patassé. They told me I deserved to die. They were in military uniform but without military boots. They were armed with Kalashnikovs. One of them ordered me to lie on the ground, in front of my wife and children, and he raped me there. He stripped me naked. When he had finished the three others raped my four sons and my wife, in front of me. I tried to fight back, but faced with their guns there was nothing I could do. My brother-in-law tried to fight them, but ended up being beaten. When the four had finished, they left us and went away. But they came back with other Banyamulengues who completely looted my house. I am sure it was President Patassé who sent the Banyamulengues. I knew they were Banyamulengues as they only spoke Lingala. It was Bemba who commanded them. There was one day too when Bemba landed in a small plane in the courtyard of the Begoua health centre. This was on 17 November 2002 when there was fighting at PK 22. I did not know the attackers personally. I have not seen them since".

Testimony of W, a minor (aged 13 at the time this happened). "It was 25 December 2002. My mother and I were refugees at PK 22 at our relatives' house when we heard that the Banyamulengues were coming. Our relatives gave us money so we could take refuge in Bangui while they went to hide in the hills. We left in the direction of the PK 22 market. That's where we met the Banyamulengues who asked my mother for money. She had none. They wanted to undress her but she said she was ill. I tried to intervene to help her. One of the Banyamulengues, a youth, took out his bayonet and wounded me in the heel. After wounding me he said he did not want to lie down with my mother, but it was me who would be the victim. Then two of them took me and raped me. They stripped me naked. While this was happening to me, others took my mother and led her away. They must have done the same to her. Later, a Red Cross vehicle came to collect my mother and me and took us to Bangui, to our home. We did not know these people. But the simple fact that they were speaking Lingala and not Songo or French, led us to believe they were Banyamulengues. My mother died on 11 February 2003 from aids".

Testimony of K, a minor (aged 13 at the time this happened). "The Zairis, that is the "Banyamulengues", who came from Bossembele (which is 60 kilometres from my town), arrived in Boali town centre at 5 am on 15 March 2003. Armed men came in a lorry and led away the street vendors, including me. They also led away the crowd of people who were in the street. We had to follow them on foot with all our goods. There were six of us, children. We walked for four kilometres, then

found the lorry that was full of other things. Another lorry full of Banyamulengues arrived and took our goods. It was 8 in the morning. That is when the armed men who led us away started beating us and hitting us with their rifle butts. Their leader, in particular, hit us with an axe with which he wounded me, where I have just shown you on my arms, legs, head, skull and the arches of my eyebrows. He cut me with his axe. Six of them then raped us, the youngest three in our group. Each of us was raped by two men. Along with me was another victim of these rapes, a madman. About midday, the liberators (the rebels led by Bozizé) arrived and the Banyamulengues fled. But the liberators killed eight of them as far as I could see. They also blew up the lorry, the remains of which can still be seen today. After they left, I was very tired. I had lost a lot of blood. I lay down by the roadside.

I know that it was the Banyamulengues who attacked us, because they would often stop and buy things from us. The leader spoke to us in French (...). They spoke amongst themselves in Lingala. I don't understand this language but I recognise it".

C/ Observations

Gathering testimonies, particularly from children, women and men who are victims of rape, is extremely difficult given the taboos surrounding this crime, the stigmatisation of victims and the dangers they incur if their identity is revealed (see Part III). So the testimonies produced in this report are good examples.

Moreover, these are only a part of the testimonies given to FIDH and cannot, in themselves, sufficiently describe the extent of the crimes perpetrated during this period that only a genuinely impartial and independent investigation could reveal.

Nevertheless, the chronology of the testimonies gathered by FIDH shows that murders and rapes were committed on a huge scale after the battle of Bangui, when the Congolese mercenaries were pushing Bozizé's rebels back towards the north of the country, at the end of October and beginning of November 2002. These testimonies also show that the crimes were perpetrated solely by Jean-Pierre Bemba's "Banyamulengues": "They were speaking Lingala". According to the victims' accounts, it appears that rapes were committed indiscriminately, against any civilian, including notable men, and always in public. Rape and sexual violence were therefore used as a true weapon of war in order to humiliate, terrify and punish the civilian population of Central Africa, accused of aiding and abetting the rebellion.

The manner of carrying out these crimes is almost always the

same from one account to the next: violent entry into the home, extortion of money, aimed or sporadic shooting to instil terror, then gang rapes. Some accounts also report rape by inserting a hand in the vagina on the pretext of looking for money.

The last two testimonies recounted above are also important in that they show that the crimes were not just perpetrated during the counter-offensive by the Congolese mercenaries against General Bozizé's rebels. These crimes continued to be committed between November 2002 and March 2003 due to the presence of the many Banyamulengues in the zone situated immediately behind the front lines. Moreover, the last account confirms that there was a last huge crime wave, including rapes and looting, by the Banyamulengues in retreat, when Bozizé's rebel forces were making their advance, this time victorious, on the capital in March 2003. When these rebel forces were retreating to the Democratic Republic of Congo, they appeared to try to seize all the goods they could carry as the ultimate spoils of war.

D/ Jean-Pierre Bemba's responsibility

The testimonies and information gathered by FIDH are evidence of the individual criminal responsibility of Jean-Pierre Bemba for serious violations of the laws and customs applicable to armed conflicts, including violence against the civilian population, torture and ill-treatment, rape and other sexual violence, in particular "conscripting and enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities", acts defined as war crimes in Article 8.2 e) vii) of the Statute of the ICC. In fact, many of the testimonies stressed the fact that among the Banyamulengues who committed the most serious crimes, many were described as "young" or "very young" by their victims.

In accordance with international criminal law, Jean-Pierre Bemba can be held criminally responsible for at least having ordered, sought, encouraged or even facilitated the commission of crimes against the Central African people in his position as hierarchical superior⁹. The MLC leader, Jean-Pierre Bemba, had control over his men, the "Banyamulengues". Moreover, he was aware of the crimes committed by his subordinates. He was on Central African territory several times, mainly in the places where the acts of violence were committed, and could have known himself what was going on or at the very least could have heard the testimonies of the serious crimes perpetrated by the Banyamulengues against the civilian population. These acts of violence were common knowledge in Bangui. Almost all the

officials knew about them, including the Head of State, Patassé. Bemba himself announced on RFI (*Radio France Internationale*) that he knew that such crimes were happening and that he was prepared to punish them. The few Gbadolite trials (see below) initiated by Jean-Pierre Bemba in his military stronghold cannot be seriously considered as sufficiently repressive responses, given the gravity of the crimes in question and the circumstances under which the trials were held. The very fact that they were initiated confirms that Jean-Pierre Bemba was perfectly aware that serious crimes for which he could be found guilty and be punished, had been committed. As he neither prevented nor effectively punished the commission of the most serious crimes by his subordinates, the Congolese mercenaries, Jean-Pierre Bemba is, according to international criminal law, responsible for their criminal acts as their hierarchical superior.

3. The cattle market killing attributed to Martin Koumtamaji, alias Abdoulaye Miskine, and his men

3.1. Le "Tchadien" de République centrafricaine et ses hommes

The first crisis in the amicable relations between the Chadian Idriss Deby and his "big brother Patassé" occurred in 2001. During the attempted coup by Kolingba in May 2001, Patassé asked the Chadian government to send a troop of soldiers and equipment to ensure his safety and quash the rebellion. Idriss Deby refused on the basis that he could not provide bilateral aid outside of a UN or international framework. Deby even asked Patassé to extend the hand of friendship to the rebels with a view to a national reconciliation. Patassé took a dim view of this attitude, and as a result there was a marked deterioration in relations between the two countries.

President Patassé, mistrustful of the FACA and of General Bozizé, the then Chief of Staff of the Central African army, decided to recruit about 300 Chadian mercenaries and appoint Abdoulaye Miskine as their leader. Miskine was the regime's right-hand man and was also a Chadian (an orphan of Chadian parents, he was born in the Chadian town of Ndinada). Idriss Deby had, however, on several occasions tried to dissuade Patassé from recruiting Chadians to ensure his safety.

Miskine's mercenaries had links to the former dictator, Hissène Habré, or to Goukouni Oueddeye, or to the CODO (Chadian rebels in Hissène Habré's time) or they were people with nothing else to do. They were clothed and armed by the Libyan forces. Following the flight of about 1,500 FACA soldiers with André

Kolingba after the failure of the attempted coup in May 2001, Miskine's troops made up about 20% of the total FACA.

At the beginning of 2002, President Patassé made Miskine's troops responsible for combating crime (the "*brigade antizaraguina*"), mainly in the regions bordering with Chad. Miskine set up bases in the towns of Batangafo and Kobo, seeking to become rich, while maintaining the trust of President Patassé. Several testimonies and a complaint filed by a victim in the Central African courts corroborate the fact that Miskine and his men robbed and even killed farmers of Chadian nationality who were making their way from Chad to Central Africa to sell their cattle. According to the Ambassador for Chad in CAR, 180 Chadians were killed at this time by Miskine's troops. The Ambassador, interviewed by FIDH in November 2002, added that he drew this situation to the attention of President Patassé who replied, through his Minister of Foreign Affairs, that the tone used by the Ambassador was too strong and that he would do well to tone down his suggestions. Miskine also replied to these accusations saying: "*I only report to the Head of State*".

When Bozizé's troops, then refugees in Chad, attempted a further incursion at the beginning of August 2002 onto Central African territory, Miskine's men repelled them beyond the border and continued their offensive till they reached the town of Moyen-Sido in Chad on 6 August 2002. In response to this foreign incursion onto Chadian soil, the forces of the Chadian army, at the request of Deby's government, forced Miskine's men to retreat 15 km inside CAR. Bozizé then took advantage of this breach, to return to Central Africa and occupy, on the departure of the Chadian army troops, the Kobo base on 10 August 2002.

Relations between Chad and CAR were then at their lowest. Under pressure from the international community, the final communiqué of the Libreville Agreements was signed on 2 October 2002 between the two countries, which called for: "the immediate removal of Koumtamadji Martin, alias Abdoulaye Miskine, and François Bozizé respectively from Central African and Chadian territory as well as other elements hostile to both countries". While Bozizé took refuge in France, Miskine stayed in CAR. At the time of Bozizé's coup (October 2002 - November 2003) Miskine had led his Chadian troops in several operations. It seemed that at this time, Miskine's troops and those of the USP, led by Bombayaké, were often mistaken for each other as they wore the same uniforms and Miskine's car had the USP plaque.

According to corroborating sources, the number of mercenaries available to Miskine was estimated at 600 on 27 November 2002.

3.2. The cattle market killing

A few days after the battle of Bangui, on 3 November 2002, Patassé sought to stifle a persistent rumour about the massacres committed during the counter-offensive on 30 and 31 October 2002 on the site of the cattle market at PK 13 to the north of Bangui on the road from Boali. He visited the site of the alleged crimes in person along with a large number of ambassadors and journalists. One of the ambassadors present confirmed that he did not notice "either any freshly turned earth nor any cartridge" whilst he was aware of the guided nature of the official visit and of the lack of contact with the people on the site.

However, when interviewed by FIDH in November 2002, the Justice Minister, Marcel Metefara, and the President of the National Assembly, Luc Appolinaire Dondon Konomabaye, did not deny there had been violent deaths at the cattle market. The Justice Minister even added a comment on the cause when wondering about the perpetrators of these crimes: "it is not known whether it was Bemba, the USP or the FACA", and with regard to the victims, "it is not known whether the Chadians were accomplices of the attackers who, when they fled, sought to blend in with the Chadian population in CAR".

When FIDH met with the Ambassador of the Republic of Chad in CAR, who had not been invited to join the diplomatic convoy, he confirmed that as far as he knew: "150 Chadians were executed over two days in cycles".

A/ Deeds attributable to Miskine and his men

a) Testimonies gathered by FIDH during its various missions

On 29 November 2002, a witness who carried out official territorial responsibilities, explained: "On 27 October, in the late morning, I returned home after work. Suddenly three armed men wearing jeans and denim jackets arrived on foot and entered the house. They immediately aimed their guns at me and demanded the keys of a vehicle used by the collective. They told me they did not want to scare the people but they needed this vehicle to carry out their mission. I am certain they were Bozizé's men. As the driver of the car had gone off with the key, they took an axe and managed to get the vehicle started by breaking the window. Later, I heard heavy artillery fire and I saw the villagers fleeing. I asked my wife and my children to go and hide in the fields. They are still there today as the situation is still uncertain.

On 31 October 2002, I saw a military type lorry arrive and stop

on the Collège St Charles road. There were 16 Fullahs on this lorry and a soldier commanded them to alight. I should add that there were a lot of armed soldiers. Miskine, whom I definitely recognised, was in charge of these soldiers and told them loudly in Fullah to set off back to their homes. I should explain that I was at least 50 metres from this lorry at a coffee shop by the roadside. I should also add that the Fullahs were naked from the waist up, wore shoes and were not shackled. That was when the soldiers shot them several times in the back. The men collapsed. The soldiers climbed back into the lorry which did a U-turn. I think it was about midday and I immediately went towards the bodies. Fifteen men were dead. I saw where the bullets had penetrated the necks, heads and ribcages of the bodies. The sixteenth man had survived his wounds, but could not speak. He appeared to be wounded in the shoulder. He was heaved onto a rickshaw and taken to the cattle market. I was later told he died. This event caused a number of other people to come - Arabs, Fullahs and even an Imam. I remember that this Imam said a prayer in memory of the dead and sprinkled them with water. As for me, I wanted the bodies to be buried as soon as possible in accordance with Muslim tradition. The relatives of the dead men disagreed saying that we should wait until the Chadian ambassador had come to see what had happened. I protested but agreed with their wishes and that was why the bodies were left in the open for 48 hours. That was when I went to see the Imam to tell him that dogs had begun devouring the bodies despite me telling the young people not to let the dogs near them, and the situation was becoming untenable. The following day, a trench was dug between two trees. The Imam was present at the burial along with about 30 people. I don't know the names of the dead, but from their appearance they looked like shepherds or cattle traders".

HA is a cattle trader: "a number of us left from PK 12 on Thursday 31 October about 6 in the morning to go to the cattle market at PK 13. We stayed at the market until about 10 am. Then we left, still in a group, for PK 12 intending to return to the market a bit later in the afternoon. On the way back to PK 12, when we had only gone about 500 metres, we heard gunshots. I remember that before this we had passed two cars with UPS soldiers coming from the other direction. I confirm that I definitely recognised Miskine in one of the vehicles. The reason I am so sure is that I lived with him for a year in 2000. We returned quickly to the market where we saw, in front of the prayer area the bodies of two men and a wounded man. We were told there were other bodies further away. We did in fact see 15 bodies. Three of the bodies were very close to each other. Two other bodies were also very close to each other. The rest were scattered over about 10

metres. We were afraid the soldiers might return so we returned home. In the afternoon at about 4 pm, the corpses were sprinkled with water and a prayer was said. We did not bury the bodies. They were left where they were so the deaths could not be concealed from others. The bodies were buried on the Sunday. I was there, as was the Imam and some other people. All 15 were buried in a trench dug in the site where they had died.

Ten others, eight of whom were killed in one place and two in another, were buried near the cattle market in two trenches, one beside the other. I should explain that each trench was one metre deep and in them we laid 5 corpses which we covered with grass and branches. Then we threw earth over them. I think the Central African gendarmes were present at the burial at the cattle market. The Consul of Sudan was also there. I can give you a list of the wounded and the dead detailing for each the place of their interment".

An Imam also added: "I was in the mesjed when I heard gunfire. I did not witness anything myself. But I left the mesjed just after the killing. The soldiers had already gone. I saw Haj Eki and Khaled Yahano who were dead. The third man on the ground was Hosman Dalog".

MS, a Chadian national, aged a little over 25, is cattle farmer at Am Timan. He explains that he was herding 35 cows from Chad to the central market in PK 13. After 20 days on the road with EHAM, AKS and Y, he arrived at the cattle market. "There were lots of people at the market. In the morning I managed to sell 5 cows for 100,000 CFA each. In the afternoon, along with the other cowherds, we had to graze our beasts. Everything happened very fast. Four friends and I were stopped and put with 11 other people. Our clothes were removed. We were naked. Miskine was there with his soldiers. Then they fired at us. I was the only survivor. I was hit by one bullet in the right buttock which came out through my hip and by another which hit me in the side just below the armpit and came out through my chest (see photo in the annexe). I passed out. My body was carried into the house we had rented. Then humanitarian aid workers took care of me".

This Chad national was identified by the Chadian Embassy in Bangui who certified as to his identity and the circumstances of this massacre. The Embassy gave FIDH a "Statement by a relative of victims of the massacres of 31.10.2002 at PK 13": OAH, born 1959 and resident of the Fatima district of Bangui testifies that his cousins, IH and AS, were herding 40 cows from Bambari to sell them at the market at PK 12. On 25 October 2002, he states, Abdoulaye Miskine along with his

close guard took them a few hundred metres from there with 14 other Chad nationals to "gun them down". This happened on 31 October 2002 about 10 am. The two victims who were "buried unceremoniously in a place that I can show you" were also robbed of the money they had - 4,000,000 CFA francs from the sales of cattle. The Embassy has given FIDH the identity papers of both Chadians that were found on them. An opposition political party has drawn up an inquiry report which was sent to FIDH containing confirmation of the massacre at the cattle market, and in particular lists of names both of those interviewed as witnesses and of those killed, wounded, raped and robbed.

An Imam who has lived in CAR for 21 years, explained to FIDH that he had not seen anything of the "massacre of the Chadians" at the cattle market at Bangui's PK 13. However he had heard witnesses sent to the place of the massacre who reported the deaths. Fifteen bodies were heaped up, bullets in their necks and elsewhere. Ten others were scattered around. The Imam would not say any more explaining that a group of police officers had come later to reproach him for giving information on the events at PK 13. Because of the attempted coup, BA, a trader of Chadian nationality, did not go to the cattle market for his beef order. On 2 November, he received a further request from the supplies office, and decided to telephone a merchant at the cattle market, who told him: "I have no meat, no living beasts. There are only bodies here". The supplier was taken into custody that same day, according to him, for five days on suspicion of having informed the Chadian Embassy about the massacre. He added that he was not beaten.

Testimony of M.H.: "I was at home in (...), PK 13 road, on 31 October 2002, when the events happened about 10 am. There were five of us in the house, my brother, two drivers (...) who were staying with me, a visitor and myself. I heard "Come out! Come out...". There were a dozen soldiers. I joined the others under a mango tree outside the house and asked them if they had shown their papers to the soldiers. But they replied that the soldiers had said they had no need of their papers. One of these soldiers was quite a big man with fair skin. When he saw me he said: "really, really, boss...". He said this in French, and then continued speaking to me in Kaba, a language of north CAR. I didn't understand what he was saying to me in Kaba as I don't speak that language. It was at that point that I heard gunshots and saw my brother and friends fall. I was hit by two bullets in my right shoulder and fell down. You can also see on my identity card, which I was carrying in my shirt pocket, traces of my own dried blood. They continued to fire at us for at least two minutes. There

was dust and smoke everywhere. When they stopping firing, I noticed I'd also been hit by a bullet in my left leg and by another in my right leg. I could not move. Then they left on foot".

Replying to questions from FIDH on those responsible for the crimes, M.H. explained: "On the day it happened, two armed groups entered the area of PK 12 which is at the north exit of Bangui. The first group of Banyamulengues came as far as PK 13. Abdoulaye Miskine, their boss, asked the group of Banyamulengues to go back as far as PK 12, which they did. Miskine's men stayed at PK 13 while the Banyamulengues returned to PK 12. I know that because the soldier who spoke in Kaba and French was definitely Central African, so he must have been one of Miskine's men. Miskine himself was there. People in my neighbourhood told me he was there on 31 October too. It was Abdoulaye Miskine himself who led away the 16 people: some were at the home of the Imam and others were at the cattle market. They were all taken to Sôh, a few kilometres from Bangui. As for me, I am sure it was Miskine's men (Central Africans) who attacked me on 31 October 2002, as well as my brother and friends. I did not know any of my attackers. I have never seen them again. (...) I was a victim of bullet wounds in my thighs which caused an open fracture of both femurs. You can still see today the scars of both wounds. You will notice I am suffering after-effects in both legs. Since the events, I have difficulty walking, even with crutches. (...) Sometimes, I have no sensation in my legs. For four years now, I have not been able to work as a driver and have no income".

Testimony of S, aged 47. "I saw the victims of the killing at "the cattle market" in Begoua at PK 12 and also saw the dead at PK 13. (...) I saw with my own eyes Abdoulaye Miskine who was at the cattle market. I can tell you it was he who had 47 Muslims shot by his men. I knew him because he has scars on his face. He was pointed out to me that day as being Abdoulaye Miskine. When I saw him, he was in military combat uniform. He is quite fat and about the same height as me. He has quite dark skinned. That day he was commanding the "Sahraouis", that's people recruited from the north of the country. There were a lot of attackers at the cattle market. They did not fire into the crowd, they lined up the people they had arrested. Most of the victims were Muslims. I saw Miskine order his men to fire and kill these 47 people. After they had killed them, Miskine's soldiers returned to their base. We all went away and the bodies lay there for three days. It was later that the people came to bury them. Two days after the cattle market, people came to tell me that some people had been killed at PK 13. I went and told the Gendarmerie for the area.

It was the gendarmes who instructed me to bury the dead. I brought young people from the neighbourhood to go and bury the victims. There were seven bodies in different places: two by the roadside, three on a hill and two further away. (...) As for the victims, all I can tell you is that they were wearing long Muslim boubous. I don't know anything about the perpetrators of these murders".

b) FIDH visited the grave sites

FIDH visited the grave sites in 2002 and 2005. In 2002, on the road from Boali a little after PK 13, on the left of the Collège St Charles road, a sign says: "Baptist Church, Olympic Village Toungoufara". On the right of this road about a hundred metres after a small house on the left, the grass on the verge appears to be burnt for about 5 metres. The mission noticed human remains scattered among the grass, tufts of black frizzy hair. The mission also noticed two green plastic shoes with the Olympic logo. It also noticed in the same place the mud guard with the Nissan logo. Proceeding onto the verge, about 10 metres from the road, the ground had been newly dug over an area of between 15 and 20 square metres. Photographs of these indicators were taken.

On the road leading to the cattle market, on the Boali road between PK 12 and PK 13, taking a branch to the left a bit before the Collège St Charles road, and at the entrance to the college, a sign said: "CARUB, Youth Centre". Several hundred metres to the left, was the house of the driver named Giga. It was there, between the house and the road, that eight other people were killed and wounded. The mission which visited these places did not find any other signs than the two green shoes with the Olympic logo, which were the usual footwear for shepherds. The mission approached three men. One of them confirmed he had seen the killing. Then, terrified, he did not wish to say any more, even anonymously, for fear of persecution or reprisals. A child of about 12 then insisted that he spoke out: "We must tell what they did to us", and he added, "my father was one of the victims. He is in the Community Hospital. Both his legs have been cut off. It was Miskine, I know him. He is small, fat and has scars on his cheeks where he was scarified".

At the cattle market, on the left, stood the wooden stalls, stretching for over a hundred metres, and on the right, a large muddy area trampled by the cows which were being sold. Further on the right, the mission noticed four areas of newly dug ground which, it was told, were graves. One of these, about two metres by four, contained the 13 bodies of the Fullahs killed on Thursday 31 October and buried on Sunday

3 November 2002. The three others, situated at least two metres from the first, were about two metres by one metre each. They contained the body of a soldier of the presidential guard and those of the civilians killed at the same time.

In 2005, the graves on the muddy ground were identified and enclosed by a low stone wall erected by the traders. In the middle of the market, alongside the central alley, there is a place for prayer (mesjed), a vast room covered in carpets without a minaret. It was at the entrance to this holy place, in the main alley, that three men were wounded, two of whom fatally, that same day.

B/ Findings

FIDH believes it has gathered sound indications through corroborating testimonies and material evidence that confirm that on 31 October 2002, at the cattle market, three series of collective murders of civilians were carried out, and that the alleged perpetrators were the men commanded that day by Abdoulaye Miskine. It is a shame that neither the Central African government nor the international institutions used the means available, in particular police technology, to preserve the evidence and protect the sites, in order to establish in law that these massacres did occur.

C/ Responsibility of Abdoulaye Miskine

According to the testimonies gathered by FIDH, Miskine was there in person during the cattle market killing. He was seen not only in one of the cars with some of his men, but also at the scene of the crimes, in front of the driver's house on the College road. The mission delegates do not have proof that Miskine himself fired at civilians but do not rule out this possibility. However, given that Miskine was the hierarchical superior of his men and that he was present at the scene of the crimes, he can be held criminally responsible for having ordered or at least requested or encouraged such a massacre. This makes Miskine criminally responsible as perpetrator or accomplice to the crimes committed at the cattle market.

Like Jean-Pierre Bemba, Abdoulaye Miskine is, according to international criminal law, responsible for crimes committed by his men as their hierarchical superior. In fact, as head of the anti-zaraguina brigade on the instructions of the Head of State, Miskine had authority over his men. Though he was present at the scene of the murders, Miskine neither prevented nor punished the commission of these crimes.

4. Responsibility of Ange-Félix Patassé for crimes committed by his subordinates

At the time of the events in question, Ange-Félix Patassé, in accordance with Article 21 of the former CAR Constitution, was the Commander in Chief of the Armed Forces: "He convenes and presides over the Supreme Council of National Defence". As such, he was the hierarchical superior of the armed forces under his control, both regulars and mercenaries who came of their own free will to fight for him against the rebels. He was therefore the hierarchical superior of Miskine, of the USP, a legal branch of the FACA, and of Jean-Pierre Bemba's men. Although President Patassé was shut away, for his safety, in his presidential residence from the start of the fighting on 25 October 2002, he was, as Commander in Chief of the armed forces, kept informed of the hostilities and developments. He was also kept informed by the governmental press and the independent media of the acts of violence committed by his men against the civilian population. His government ministers indeed did not deny that these acts of violence occurred. In a long speech to his people on 25 November 2002, President Patassé even acknowledged that "*things had happened*" and that as a result, he was going to set up "a commission to assess it all".

The President did nothing to prevent serious crimes from being committed. On the contrary, he continued to seek reinforcements by allowing Bemba's men to cross the river and take complete control over the Central African territory. He even honoured, on 5 November 2002, his "brother" Miskine with the insignia of commander of the Central African order of merit, before his forced departure for Togo. So, both Miskine and Bemba, so important to the President in countering the rebel attacks, were not threatened with punishment by the Head of State. Patassé is therefore guilty by omission of contravening not only his duty to react against the crimes committed, but also his duty to prevent future violations.

According to international criminal law, Ange-Félix Patassé is also responsible as hierarchical superior for the international crimes committed by the men of Miskine's and Jean-Pierre Bemba, his subordinates.

5. The population in the north is victim of the criminal actions of General Bozizé's rebels

5.1. The "liberating" rebels of General Bozizé

The rebels, who became known as "the liberators" once victory was assured, comprised an army of about 300 men. This was made up of mainly Central African soldiers who had

deserted the regular army with General Bozizé or former President Kolingba. To prove that General Bozizé's men included Chadians, in November 2002, the Presidency gave FIDH "evidence" such as photocopies of identity papers of rebel combatants. The authenticity of this evidence has never been established. Whether some of the putschists were members of the military corps of the Chadian Republic has never been proved. But this allegation was used by the Patassé regime, by now in decline, to get itself out of an internal crisis by using its Chadian brother as a scapegoat and blaming it for all its ills.

5.2. International crimes perpetrated by the "liberators"

The UNDP, reporting in its "Urgent Appeal" published in 2003 the murderous attacks on the civilian population during the attempted coup by General Bozizé, said: *"It still remains to clarify the violence committed in the towns occupied by General François Bozizé's combatants. The fighting which took place in these zones prevented human rights organisations from gaining access thereto for several months, in order to carry out methodical investigations into the matter. There is, however, no doubt that General Bozizé's fighters were involved in looting people's property in many of the towns and in the destruction of certain basic infrastructures essential to their well-being. In fact, the looting and destruction of the administrative, economic and civic order were widespread. So, it was difficult to find birth certificates as the registry offices had been destroyed. Shops, places of public entertainment (bars, cafés) had been ransacked and looted. Private homes had been burgled and repeatedly vandalised and individuals' property removed".* FIDH was not able to visit the site for reasons of security, but was able to establish, on the basis of the many corroborating testimonies, that serious crimes had in fact been perpetrated between October 2002 and March 2003 against the civilian population by General Bozizé's men in the north of the country, his military stronghold. In order to establish the truth of these facts, FIDH asked for a commission of inquiry to be set up.

FIDH was able to gather the following testimonies:

- Sister Y of the Catholic Mission of Sisters of St Paul of Chartres in Bossembele describes the events of 2 November 2002 to 22 March 2003, explaining that from 9 March, *"Bozizé's soldiers returned a second time to chase the troops allied to Patassé".* They completely ransacked the Mission as well as the rehabilitation centre for handicapped children in Bossembele. During this period, these same soldiers stole a

20 kilowatt generator and a petrol driven refrigerator for vaccines and medicines.

- The Cappucine Monks of the suburbs of Bouar complained of similar looting from the theft of mechanical equipment to kitchen utensils, and the despoiling of the tabernacle in their chapel. The inventory that the Central African religious authorities asked from their provincial congregations showed the extent of the material damage suffered by the people.

- Testimony of S, aged 36, driver mechanic: *"On 15 December 2002, at 9.30 pm, I was in Dop on the way back to Bozoum in my car. I was travelling at 80 [km] per hour. My younger brother was with me in the car. In the beam of my headlights I saw two cars. There was a body on the ground. Suddenly there was a burst of gunfire. My younger brother immediately hid himself because he is small. In all I was hit by three bullets, two in the head and one in my left hand. I was able to control my car which came to a halt. One of my attackers stuck his gun next to my ear. I was bleeding and began to lose consciousness. "What have we done, we've got nothing to do with Patassé", I said to my attacker, who told me to be quiet. He removed his yellow headband and made me a tourniquet. He tore my shirt and made a bandage for my head. He told me he had mistaken me for one of Patassé's men. I was sure he was one of Bozizé's mercenaries. I still have pain in my hand that I cannot describe. Occasionally, I have headaches. I have not been able to return to work. Just now it is my brother who is helping me. All I want is compensation for my loss. I have two children".* The mission was able to note that the mobility of his left hand was in fact very much reduced and that S has scars on his head. He sent FIDH a medical certificate of his cuts and wounds. This certified a penetrating wound to the left temple with a blow on the frontal lobe, subcutaneous bullet wound above the right orbital. Open fracture with mp3 and mp4 fracas. This victim has not lodged a complaint.

- Testimony of Mme NN. *"I witnessed all that happened to my children, in particular with regard to X and Y. There were several "husbands" for my daughters. These are the men who forced them to have sexual intercourse. That lasted from October 2002 until 15 March 2003. These men included Central Africans and Chadians. (...) They forced a lot of women to sleep with them (...). They were Bozizé's rebels and they left for Bangui on 15 March 2003 to take over power. The consequences for my girls' health and education were many. My children now lead disastrous lives. Our attackers looted everything. I sleep on a mat on the floor. All I do is work in the fields. I have to do that all by hand as my ploughs were*

destroyed". FIDH has other extremely important testimonies showing the extent and the gravity of the crimes committed by General Bozizé's men in the north of the country between October 2002 and March 2003. Apart from the systematic looting, the victims tell of wide-scale rape as well as forced pregnancies and sexual slavery. FIDH has decided not to reproduce these testimonies as a precautionary measure.

5.3. Responsibility of General Bozizé

Given the authority that General Bozizé exercised over his men, which he confirmed on 27 October 2002 on Radio France Internationale (RFI) when he proclaimed he was behind the attempted coup ("*This was planned a long time ago ... I was forced to lead the operation.*"), and his alleged knowledge of the crimes committed by his subordinates, it can only be concluded that General Bozizé was individually criminally responsible. All the more so since, once he became self-proclaimed President on 15 March 2003, he did not take any steps against the alleged perpetrators of these acts although he had publicly acknowledged that crimes had been committed by his troops. In fact, in September 2003, in the presence of the delegates of the National Dialogue (see below III 1.1.1), François Bozizé said: "*As in any uprising, our struggle for freedom involved serious blunders committed (...)*" mainly "*by those who resolutely gave themselves to the service of a noble cause*".

The fact that General Bozizé was elected to the supreme position in the Central African State should not be an obstacle to possible lawsuits before the International Criminal Court. Since his election, General Bozizé has, in terms of Article 96 of the new Constitution, enjoyed an immunity confined to actions carried out in the exercise of his duties, with the exception of acts of treason. This immunity cannot, therefore, cover his possible responsibility for acts committed prior to taking up his post. On the other hand, there cannot be any immunity from prosecution for the alleged authors of international crimes before the ICC in accordance with Article 27 of the Rome Statute, which provides that this "*shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence*".

III - Total Impunity

1. CAR is neither willing nor able to try the perpetrators of the serious crimes committed on its territory

1.1. The National Dialogue or the grand pardon ceremony

After the battle of Bangui in October 2002, President Patassé said he wished to set up a national dialogue with all the parties to the conflict with a view to achieving a reconciliation. As the fighting continued, this initiative went unheeded. Once in power, General Bozizé took up this idea again. The stated aim was to atone for past political errors before the citizens of Central Africa at a pardon ceremony.

With this in mind, on 23 April 2003, President Bozizé granted an amnesty by order to all the perpetrators of the failed putsch of May 2001, including former President Kolingba in power from 1981 to 1993 who was reinstated subsequently as an army general. The National Transition Council (NTC), the legislative organ during the transition set up by Bozizé, had also, in August 2003, voted for a resolution showing that nothing would prevent former president Kolingba from participating in the National Dialogue.

On the other hand, the NTC at the same time voted to exclude the deposed president Ange-Félix Patassé from the National Dialogue. "*It is publicly known that President Patassé is the subject of a complaint before the International Criminal Court for war crimes, and for this reason nothing can be planned with regard to him prior to the outcome of these proceedings*", according to Nicolas Tiangaye, President of the NTC.

On 15 September 2003, the National Dialogue, which comprised the majority of parties (47) and Central African politicians and whose main aim was national reconciliation, began work. These sessions, welcomed by the international community, aimed at putting an end to the divisions that had plunged this country into a cycle of political-military troubles.

About 380 delegates took part in the sessions, broadcast live on national radio, and split as follows:

Six commissions were set up:

- Commission 1 "Truth and Reconciliation"
- Commission 2 "Politics, Diplomacy"
- Commission 3 "Defence, Security"
- Commission 4 "Economy, Finance"
- Commission 5 "Education, Society, Culture, Youth and Sport"
- Commission 6 "Organisation and Logistics"

The Dialogue began with eloquent speeches pardoning the main actors in Central African politics¹⁰: *"I acknowledge having made errors in the difficult exercise of my duty as Head of State at the time. I solemnly ask for pardon from everyone for the acts I have done and which have caused damage unjustly to my compatriots over the twelve years during which I had to assume the highest duties of State"*, declared former President Kolingba.

The current Central African President, François Bozizé, also asked for pardon from the delegates for the "misdemeanours" of the former rebellion that had brought him to power on 15 March 2003. *"As in any uprising situation, our struggle for freedom involved serious misdemeanours committed (...), in particular "by those who gave themselves resolutely to the service of a noble cause". Proclaiming himself a "Man, that is to say, capable of mistakes", Bozizé asked "from the bottom of his heart (...) for pardon from the Central African Republic and from Central Africans", in the hope that this could "help appease hearts and heal the scars"*.

In its final report, Commission I, "Truth and Reconciliation", reaffirmed the need for pardon by highlighting the aims of its exercise: *"Tell the truth to ask for pardon. Tell the truth to correct faults. Tell the truth to reconcile yourself with others. Tell the truth to help in the task of remembering which is part of the task of true reconciliation. The National Dialogue is not a court of justice: there are neither accusers nor accused. And no one is entirely innocent nor wholly to blame. The National Dialogue is meant to be a place for pardon and reconciliation. It lies beyond justice. It is within the domain of love"*.

Commission I recommended that it continue its works outside the sessions of the National Dialogue. Its competence could also be extended to *"receive complaints from victims, hear the main political and administrative leaders, seek the necessary funding to make reparation for the damage suffered by the victims of the military-political crises, take steps to appease the citizens in order that their energy may be released and they may participate in the current political transition"*.

To the date of the publication of this report, three years after the National Dialogue was held, no steps had been taken towards effectively setting up the so-called "Truth and reconciliation" Commission, despite the recommendation for this by the UN Human Rights Committee in July 2006.

Although the National Dialogue led to the acknowledgement,

albeit using mollifying terminology ("errors" and "misdemeanours"), that crimes had been committed by those now in power, *"the sessions of moral and psychological self-flagellation could not erase the nightmares of the victims who rub shoulders with yesterday's torturers on the benches of the National Assembly where, every day, outpourings are heard of worrying and at times disconcerting deeds which have marked what happened in the past"*, according to an article published in the newspaper L'action (The action) on 15 November 2003.

The National Dialogue demonstrated General Bozizé's willingness to absolve, by pardon, the acts of violence committed by his men during the attempted coup. On the other hand, this "amnesty", disguised and legitimised by the struggle for "a noble cause", was certainly not extended to the alleged crimes committed by the men of former President Patassé, now banished from the national reconciliation.

1.2. A faltering judicial system

A/ The judicial and penal infrastructures

a) The courts

In March 2003, some one hundred and thirty members of the national legal service (*magistrats*) made up the judiciary, of which one hundred held the post of judge. Whilst upholding the independence of the judiciary, General Bozizé, through the Judicial Service Commission, began transferring a huge number of promoted or demoted *magistrats*. Thus, the former Prosecutor General of Bangui, Mr Bindoumi, under President Patassé, was "promoted" to Counsellor to the Social Division of the *Cour de Cassation*. Ten *magistrats* of Yakoma origin who were linked to the putschists of former President Kolingba, were also reinstated in their posts. They had either been removed from these post during the crisis of May 2001 or had deserted the Palace of Justice of their own accord out of fear for their safety.

FIDH noted in November 2003 that most of the regional courts were not operational mainly in the north of the country, as the judges appointed in this region did not always turn up for security reasons. The funds allocated to the justice system are clearly inadequate - dilapidated buildings, poor salaries - and the independence of the judiciary not guaranteed. The *magistrats* interviewed by the November 2003 mission complained of the paucity of their salaries (from 189,000 CFA francs to 660,000 CFA francs according to grade) and of the chronic lack of means of a judiciary deemed "unproductive" by

the public finance authorities. Like all other agents of the State, they had not been paid since September 2003. Undermined by corruption, the Central African judicial system must however produce accounts to international financial institutions, for which the criterion of an independent and effective judiciary is one of the prerequisites for the supply of funds to support the economy of the country.

On 25 July 2006, the UN Human Rights Committee responsible for ensuring that States Parties observe the provisions of the International Covenant on Civil and Political Rights voiced its concern over the justice situation in CAR. In its concluding observations, it confirmed that the independence of the judiciary was not respected in practice and set out, in this connection, the following recommendations: *"The State Party should endeavour to suppress corrupt practices in the judiciary. It should also recruit and train a sufficient number of judges in order to ensure adequate administration of justice throughout the country and to combat crime and impunity. Sufficient budgetary resources should be allocated for the administration of justice."*

b) Detention centres

Detention centres are first and foremost premises of the police or gendarmerie and are sometimes specialised places, particularly dreaded by the Central African people, like the offices of the Survey, Research and Documentation Section (SERD) or those of the Search and Investigation Section (SRI) in Bangui.

Moreover, throughout the country there should be 55 prisons subordinate to the penal administration. Many of these are no longer used. Central African prisons, like other public buildings, were the target of lootings during the military operations of October 2002 and March 2003. FIDH visited the Ngaragba prison in Bangui on several occasions. On 20 November 2003, the mission delegates gave the following description:

One hundred fifty-eight people were kept in Ngaragba prison. Prior to the reopening of this prison, accused persons spent long weeks, even months, in the insalubrious and inadequate premises of the police forces or gendarmerie. Although it reopened on 3 October 2003, it has not yet been renovated and the prisoners, the majority of whom are awaiting sentence, only have basic rudimentary facilities. In the first section, called Golowaka, there were about one hundred ordinary prisoners. There was not one individual cell. In the communal cells, mats served as beds. Prisoners could take showers but they were

considered insufficiently and poorly fed. The other section, called White House, is composed of collective cells opening onto an internal courtyard and, unlike the first section, has armchairs made of plastic and wood: these are the so-called "VIP" quarters for most of the dignitaries of Patassé's former regime, who are suspected of having committed offences not of a political nature, frequently involving money. The prison governor took the FIDH mission to the disciplinary quarters where a young man, aged 19, begged for his release from the depths of his dark cell. Some prisoners were lined up in front of the prison gates to carry out public works, clearing the flower beds of the Palace of Justice for the investiture ceremony of judges in the *Cour de Cassation*.

A women's remand prison called "Bimbo" after the name of the commune where it is situated, was being renovated in November 2003. FIDH managed to visit it in June 2006 and made the following notes:

The architecture of the remand prison is basic, two square courtyards side by side. With the exception of two wooden benches lined up on one of its sides, the first courtyard is completely empty. The second courtyard consists of 5 small permanent cells of which three are used as bedrooms for prisoners. By counting the mats used for beds spread out one next to the other in the three cells, each of about 30m², it was estimated that there were about 45 prisoners. It was noted that there was a large number of elderly women amongst the prisoners, most of whom had been sentenced or were awaiting sentence for witchcraft. There were also 10 children, including 8 small children, in the remand prison *"because their mothers wished to have them with them or because they had not managed to get their relatives to look after them"*, according to the Central African authorities questioned about this by FIDH. According to the testimony of the prisoners, food was provided by the remand prison and visits were allowed.

The Le Roux camp, another detention centre in Bangui, is under military control. FIDH was not able to visit it despite repeated requests to the relevant authorities. Detention conditions in CAR have also caused a reaction from the UN Human Rights Committee when it was considering the CAR report in July 2006. According to the experts, *"the country's prisons are currently in a state of advanced dilapidation. The Committee is particularly concerned by the fact that most prisoners suffer from malnutrition. The State Party should ensure that conditions of detention in the country's prisons are compatible with the Standard Minimum Rules for the Treatment of Prisoners and that all prisoners are adequately fed. The State Party is encouraged to redouble its efforts to refurbish its prisons."*

B/ Criminal legislation

a) A criminal law which does not allow to try individuals for international crimes

The Central African Criminal Code and the Code of Criminal Procedure date back to 1962. CAR has not integrated into its national legislation the provisions of international conventions ratified by it. So, war crimes, crimes against humanity and genocide, all contained in the Statute of the ICC ratified in 2001 by CAR, are not defined in the Central African Criminal Code.

b) Imperfect draft Criminal Code and Code of Criminal Procedure

A draft reform of the Criminal Code and the Code of Criminal Procedure has been underway for several years. The implementation of this draft was supported by various institutional sponsors, mainly BONUCA. Some parts of the draft were shown to FIDH during its various missions. Both FIDH and the International Coalition for the International Criminal Court (CICC) were able to stress to the various draftsmen and contributors to this draft the need to bring it into line with the provisions of the ICC, in particular those concerning the definition of international crimes, the principles of international criminal law and cooperation between the State and the organs of the Court.

The reform bill was delayed for a long time by the political and military violence in CAR. The Justice Minister, interviewed in November 2004, confided to FIDH that he did not want to present this draft to the members of the National Transition Council, the legislative body set up by Bozizé after his coup in March 2003, as he preferred to present it to a sovereign assembly elected by the people. The "Rereading Committee" finally presented the reform bill in May 2006 before the Council of Ministers. There is some hope that the draft will be presented for adoption in Parliament this autumn.

FIDH made the following notes with regard to the last draft of the reform of the two codes:

The draft Criminal Code is the classic conception inspired by the French model. Violations are divided into felonies, misdemeanours and petty offences. Punishments range from fines to the death penalty, and include community service and life imprisonment. The idea behind some of the provisions is that the penalty should be a source of suffering for the convict. For example, Article 27 stipulates "that persons sentenced to penal servitude shall be employed in the

hardest type of work".

In addition, the law stipulates enforcement against the person which can be up to six months imprisonment in cases of sentencing for damages (Article 33). This can lead to risks in carrying out justice which is often exploited and undermined by corruption. Also provisions such as that contained in Article 46, allow a wide interpretation of self-defence: "murder as well as injuries and blows are excusable where they have been provoked by blows or serious acts of violence against persons". Equally reprehensible is the clause excusing "murder committed by one spouse against the other and his/her lover where he/she surprises them in *flagrante delicto* committing adultery". But some advances should be acknowledged, in particular that the draft includes acts of torture as stipulated by the International Convention against Torture of 1984 (Articles 119 to 121), and some parts of the Statute of the International Criminal Court by introducing a chapter entitled "Genocide, crimes against humanity, war crimes" (Articles 51 to 60). Articles 51, 52 and 53 of the draft Criminal Code have definitions of international crimes and Article 60 stipulates that "the definitions and constituent elements of crimes (...) as accepted by the Rome Statute shall apply *mutatis mutandis* to the Central African Criminal Code". These crimes are not subject to any statute of limitations (Article 59).

Complicity in and agreement to prepare and commit one of these crimes are also criminally reprehensible. The draft Code even provides that legal entities may be held criminally responsible for genocide, war crimes and crimes against humanity (Article 57). On the other hand, contrary to the Rome Statute, these crimes are punishable by death. FIDH notes, in this regard, that the death penalty is contrary to human dignity and contradicts the very concept of liberty of the human being by its irreversible nature. FIDH stresses that international law and in particular the second optional Protocol to the Convention and Resolution 2005/09 of the United Nations Human Rights Commission on the question of the death penalty, encourage the abolition of the death penalty as this concerns a restriction of the right to life.

The draft Code of Criminal Procedure is also of classic construction and inspired by the French model with its distinction between judges and state prosecutors, there is also an investigating judge being and the procedure for pre-trial detention. It should be noted that some provisions of the draft are copied from French criminal procedure of the 1990s. Provisions relating to police custody are quite vague. They stipulate police custody for a period of 72 hours

renewable once (Article 38) and the power of the senior law enforcement officer (OPJ), if he is unable, following police custody, to refer the person before a competent *magistrat*, to "issue a committal order which shall be valid for 8 days maximum renewable once". This draft does not mention the right of the person in custody to consult a lawyer. This leads one to ask whether this is not contrary to Article 3 of the newly adopted Constitution which, in particular, provides that "defence rights shall be exercised freely in all the courts and administrations of the Republic". Similarly, the Constitution and not the draft Code provides in this same Article that "any person subject to a custodial sentence has the right to be examined and tended by a doctor of his choice".

It is a pity that police custody, the important link in criminal procedure, is not better and more precisely framed by the law: food, hygiene, effective control by the prosecutor over the grounds [for custody] and the duration, advice for the family, presence of lawyer, access by the lawyer to the case file, etc. Moreover, it should be noted that the draft Code of Criminal Procedure, in its current version, does not include provisions relating to cooperation between the Central African judicial authorities and the International Criminal Court as stipulated however in Chapter IX of the Statute of Rome. Nevertheless, following a workshop organised in Bangui on 21 and 22 June 2006 by the CICC, representatives of the Ministry of Justice convened a final meeting of the reform bill follow-up committee to examine the possibility of introducing into the new Code of Criminal Procedure provisions on cooperation between the national authorities and the organs of the ICC.

1.3. Courts "incapable" of trying the perpetrators of international crimes

1.3.1. Bias in trials for blood crimes

A/ No prosecution of the rebels on the orders of General Bozizé

a) The complaints by Ange-Félix Patassé discontinued

On 5 August 2003, from his retreat in Togo, the former deposed President, Ange-Félix Patassé, lodged a complaint against "François Bozizé, his putschist regime, his co-perpetrators and/or accomplices in the coup d'état of 15 March 2003". The former President listed the violations which appeared to him as:

- Against Bozizé, for usurping the sovereignty of the State by a coup d'état, crimes against humanity, war crimes and

destruction of public buildings

- Against Chad for aggression established against the Central African Republic

- Against members of CEMAC, with the exception of Equatorial Guinea, for actively aiding and abetting the aggression against the Central African Republic.

On 20 September 2003, the Prosecution notified the former President of the Central African Republic that his complaint had been registered as "*discontinued by the Prosecution on grounds of immunity*". It should be noted that at the time the complaint was discontinued, the devolved immunity of the Central African Head of State in terms of Article 93 of the Constitution of 14 January 1995, which stipulated that "*the President of the Republic is only responsible for acts carried out in the exercise of his duties in the case of treason*", was no longer applicable. In fact, the first institutional act passed by the self-proclaimed President Bozizé was to suspend the said Constitution. The two fundamental acts passed by General Bozizé on 15 March 2003 did not contain any provision granting such immunity to the Head of State.

b) Other complaints against General Bozizé "suspended"

Prosper N'Douba, spokesman for the former deposed President, stated, in a communiqué of 5 September 2003, that complaints by parties claiming damages had been, since March 2003, in the hands of the Prosecutor of the Republic concerning crimes committed by Bozizé's troops in Sido, Kabo and Batangafo between 25 October 2002 and 15 March 2003, but none of these had led to a judicial investigation.

Moreover, the investigation file leading to the order of 16 September 2004 (see below) contained some incriminating evidence against the armed putschists. For example, Madame B heard by the most senior examining judge on 10 February 2004, confirmed: "*When General Bozizé's units occupied the village of Kpabara, about 10 km after Damara, they first of all gave my father a thorough beating*".

Similarly, Madame V, a party claiming damages, heard on 26 February 2004: "*It was on 1 December 2002 at 10 pm, we were taken by surprise at home by Bozizé's men that night. First of all, they completely looted the NGO CEFAR, of which my husband was the head of centre. Then they looted everything in our home, leaving us with nothing. The next morning, this is on 20 December, one of the looters from the previous evening called at our house again, this time to force me to have sex with him. I was seven months pregnant at the time. All my children took fright and fled from his threats.*"

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When I tried to flee myself, he caught me and beat me up. Then he raped me; this was about 3 pm. I am still scarred by this sordid affair. I demand that the perpetrators and their accomplices be sentenced to pay me the sum of 3,000,000 CFA francs in damages".

Despite this proof, the Prosecution has not initiated any legal proceedings against the putschists. When he spoke to FIDH in December 2004, President Bozizé admitted that his troops could have committed some acts of violence when he was in France, implicitly rejecting all responsibility for crimes committed in his absence in CAR.

B/ Selective criminal trials based on insufficient investigations against former President Patassé and his men.

a) Trials at the instigation of the government and the Public Prosecutor

In May 2003, a judicial Commission of Inquiry was set up to throw light on the crimes committed by the former dignitaries of the regime. On 30 June 2003, the Prosecutor of Bangui opened a judicial investigation into "Patassé and others" for embezzlement of public funds valued at 70 billion CFA francs. On 19 August 2003, the Minister for Justice, Human Rights and Good Governance, referred to the Prosecutor of the Republic to ask him to extend the proceedings against "Patassé and others" to include the following offences:

- Attack on the internal and external security of the State
- Collusion with foreign powers
- Crimes against humanity and genocide
- Embezzlement of public funds
- Misappropriation of property and buildings belonging to the State
- Murder
- Aiding and abetting murder
- Poisoning
- Arbitrary arrests and false imprisonment
- Deliberately wounding and injuring leading to unintentional death.

In the end, the Prosecutor, in his written application to commence proceedings dated 22 August 2003, asked the senior judge, Oradino Pamphile, to open an investigation into "Patassé and others", co-perpetrators or accomplices, for:

- Attack on the internal and external security of the State
- Collusion with foreign powers
- Complicity in murder, fatal injury, arbitrary arrest and false

imprisonment, theft, rape, looting, destruction of property, concealment of bodies, deliberate wounding and injuring, embezzlement of public funds and State property.

That same day, the Prosecutor of the Republic delivered an international arrest warrant for Ange-Félix Patassé, then exiled in Togo.

The Prosecutor's written application to extend the investigation dated 5 September 2003, extended the referral to the judge to include the following acts allegedly perpetrated by Paul Barril and Martin Koumtamadj, alias Abdoulaye Miskine, in Bangui and in several towns in the province:

- Premeditated crimes involving torture and cruelty
- Deliberate wounding and injuring of several individuals resulting in their unintentional deaths
- Arbitrary arrest and false imprisonment
- Concealment of bodies
- Rape of girls under 14 years and of adults, involving torture
- Looting and destruction of the money, goods, property and effects of their victims perpetrated in a combination or altogether
- Fraudulent misappropriation of the effects and money of their victims.

That same day, the senior judge also received complaints against Patassé; Martin Ziguele, former Prime Minister; Jean-Pierre Bemba; Pierre Angoi, former Minister for National Defence; Maurice Regonessa, former Minister for National Defence and Bombayaké, former Director General of the Presidential Security. They were accused of the following acts in Bangui:

- Attacking the internal and external security of the State by manoeuvres or acts of a type that might compromise public safety in particular by colluding with foreign powers such as Bemba's rebel troops and mercenaries of different nationalities and maintaining an armed militia
- Colluding with Bemba's rebels with a view to damaging the military and diplomatic situation of the State
- Knowingly aiding and abetting the perpetrators, co-perpetrators and handlers of stolen goods in preparing, facilitating or carrying out the crimes of murder, fatally injuring several individuals, rape, looting, concealment of bodies, arbitrary arrest and false imprisonment, destruction of property and theft of effects
- Knowingly aiding and abetting Miskine, Barril and others in the above mentioned acts of which they are accused.

On 25 September 2003, after another written application by the Prosecutor to extend the investigation, Patassé's last Finance Minister, Lazare Dokoula, was the target, along with his former boss, for having embezzled foreign bank loans, in particular from Libya, amounting to more than 10 billion CFA francs and misappropriating real estate belonging to the State worth a similar amount.

On 22 October 2003, a further written application extended the case being heard by the judge against Patassé to Kouloumba Simon, former Counsellor to the Presidency and an engineer in the oil industry, and to Michel Bangue Tandet, Treasury Inspector, for having embezzled around 27.5 billion CFA francs, in particular in dealing with oil that was a gift from Libya.

Despite the statement by the Minister of Justice, the written applications to extend the proceedings did not include the charges of crimes against humanity and genocide which, according to the Prosecutor of the Republic interviewed by FIDH, were "a matter for the International Criminal Court in the case initiated by FIDH and LCDH". During the visit by the FIDH mission in November 2003, the investigation had in fact begun. As Patassé, Miskine, Bemba and Barril were no longer in CAR, the judge heard other former dignitaries of the regime who were still in the Republic. This is how Bombayéké, former head of Patassé's Presidential Guard, was brought to justice. In November 2003, he was imprisoned in the Le Roux military camp.

This case caused an incident between France and the new Central African government. France seemed to adopt a contradictory approach to the treatment of dignitaries of the former regime who had taken refuge in its embassy after Bozizé's coup on 15 March. It agreed to hand over Ferdinand Bombayaké to the judicial authorities on 12 November 2003 whilst carrying out a form of "blackmail" so that the former Prime Minister, Martin Ziguele, could be exfiltrated to France (*Hirondelle*, 18 November 2003). Both men however were prosecuted in the Central African courts (see below).

This difference in treatment caused a stir in the Central African press. Why should Ziguele, as a refugee in the French embassy, be worth more than General Bombayaké?, was the question posed by the weekly paper *Agbangba* (20-27 November 2003, no. 11)

b) The conduct of the trials

The proceedings initiated against "Patassé and others" were combined in one and the same case file, which included attacks on property and attacks on persons. The investigation

lasted over a year, from August 2003 until 16 September 2004, the date of the decision to partially discharge the accused and refer them before the criminal court.

The senior judge in charge of the investigation, had powers of investigation under Central African law, in particular under Article 43 of the Code of Criminal Procedure which provides for "all investigatory acts useful in demonstrating the truth". The judge thus began to question the accused, hear witnesses and the arguments (see below).

Despite its powers, the whole investigation was marred by many obstacles and loopholes: most of the accused were not on Central African territory; the investigation was almost wholly confined to crimes committed in Bangui and its suburbs; no use was made of medical-legal methods; no examination of the locus; no reconstruction [of the crime]; almost total lack of counter-arguments; no collection of material evidence. In fact, most of the methods of proof for supporting the investigation were not used.

Neither did the judge visit Togo to hear President Patassé, whose arrest warrant he had issued on 22 August 2003. Letters rogatory requesting cooperation from the French judiciary were also in vain. When they visited Paris, the Prosecutor of the Republic and the investigating judge were unable to find help relating to financial investigations in France. On 9 November 2004, the French Minister of Justice in his official reply to his Central African opposite number regretted he was "unable to provide CAR with the judicial assistance she was seeking". The letter suggested that the Central Africans "redraft with a view to later enforcement" the terms of the three letters rogatory already sent, with reference to the imprecision of the requests and the facts being prosecuted and to the illegibility of some of the documents.

In addition, tensions could be seen in this case, both between the judge and those he was seeking to question, in particular the high ranking dignitaries of the former regime who refused to answer his summons, and between the judge and his colleagues in the State Prosecutor's department. The Minister of Justice and the Head of State both came into conflict with the justice system in this case over Ferdinand Bombayaké (see below).

c) Questioning of some of the accused and hearing the victims

In November 2004, the FIDH mission delegates reported that the investigation file contained few written reports of

questioning as most of the accused had fled the territory. So, all that appeared were the questioning of Ferdinand Bombayaké, Pierre Angoa and Gabriel Jean-Edouard Koyambonou. FIDH also reported that there was a record of the witness confrontation. Moreover, the file also contained testimonies of victims taken by the Organisation for Compassion and Development of Families in Distress (OCODEFAD, see below) and those of victims monitored by the programme of "humanitarian assistance for women and girl rape victims arising from the conflict of 25 October 2002" (see below), records of the hearing of about fifty victims suing for damages. These hearings which contained surnames and first names, dates of birth, addresses, professions and the family situation of the victims, are extremely brief, ten lines at the most, despite the complexity of the facts. At the end of the report of the hearing, the victims put their signatures or fingerprint.

The hearings by the judge were most inadequate. Abrupt as they were, there was no opportunity to determine the criminal responsibility of individuals. The victims recounted acts of violence, rapes, even murders. But the facts contained few details: lack of dates, lack of precise locations, lack of material evidence. The investigating judge seemed content just to ask one question systematically. There was no weight of evidence in the identification of the perpetrators, no description of distinguishing features such as language, clothing, names, etc, to substantiate the allegations.

For example:

- *"Question: Tell us exactly what you suffered at the hands of the Banyamulengues?"*

- *Answer: Jean-Pierre Bemba's men came to Bangui to support President Patassé and swept down on my family and me. Three of them raped me, they killed my younger sister aged 23, and then looted everything from my house. Now I have no money, nothing. I am claiming 15,000,000 francs in damages"¹¹.*

Or:

- *"Question: Why are you claiming damages in the prosecution of Ange-Félix Patassé and others?"*

- *Answer: I live in the village of Koula-Mandjia. Following the hostilities that have characterised our country, Jean-Pierre Bemba's men, commonly called the Banyamulengues, shot my husband and then slit his throat. That same day they also beat up my child who was only 13. As that was not enough for them, two of them forced me to have sex with them. I must*

also tell you that my husband died and I am left with five children. I have no source of income and ask you to sentence the perpetrators of these barbaric acts to pay me 5,000,000 francs in damages for this loss"¹².

FIDH considers that these testimonies are credible but not sufficiently detailed, sometimes biased, all the more since they were gathered after the departure of President Patassé, in the context of "Victims' Justice" as opposed to an independent justice with its strict and equitable procedures. Of all the records consulted, only two accused Bozizé's forces (see below).

d) The discharge and partial referral for trial on 16 September 2004

An imprecise and unclear order

Believing that his investigation was over, on 16 September 2004, the senior examining judge in Bangui ordered the partial discharge and referral for trial in the Criminal Court. This order contained very little reasoning.

It is true that Article 97 of the Code of Criminal Procedure stipulates that referral for trial in the Criminal Court only requires "a statement of the facts and the law as it applies to them, and a statement as to whether or not there is sufficient evidence". This order contained the judicial account of the coup d'état from the sole perspective of trying the losers, that is President Patassé and his subordinates, as the judge did not hear any of the facts for which "Bozizé and others" were to blame. This judicial account overshadowed equally serious deeds which could be attributed to the victor of the coup d'état and his subordinates.

The discussion led by the examining magistrate in his order was not based upon tangible proof but on more or less official accounts of the facts. The judge did not investigate the evidence of the prosecution or the defence regarding the perpetration of the deeds, but drew up an arbitrary list of those who would be referred for trial in the Criminal Court and those who would not, based mainly on their reputation.

The trials were initiated on the charge of multiple offences which could be grouped as crimes of treason, embezzlement of public funds, and blood crimes (death, rape, violence). The following analyses only concern offences involving physical attacks.

In his 28 pages of explanations, the examining magistrate

discharged: *Jean-Pierre Bemba, Pierre Angoa, Gabriel Jean-Edouard Koyambonou, Ferdinand Bombayaké, Martin Ziguéle, Lionel Gane Befio, Abraham Pierre Mbokani, Alain Serge Liguéla-Mboutou, Jean Chrysante Nainangue-Tendo and Louis Sanchez.*

At the same time, he referred for trial in the Criminal Court: *Ange-Félix Patassé, Abdoulaye Miskine, Paul Barril, Victor Ndoubabe, Michel Bangué-Tandet, Lazar Dokoula and Simon Pierre Koloumba.* Only Ange-Félix Patassé, Abdoulaye Miskine, Paul Barril and Victor Ndoubabe were referred for trial in the Criminal Court for blood crimes. The others were referred for trial in the Criminal Court for embezzlement of funds. To be more exact, the investigating magistrate believed that there was "sufficient evidence" against Abdoulaye Miskine, Paul Barril, Victor Ndoubabe and the "Banyamulengues" to plead that they were responsible for having deliberately and with premeditation caused the death of several persons, inflicting acts of torture and other cruelty, deliberately inflicted injury leading to unintentional death, arresting and falsely imprisoning several people, concealing bodies, looting and destroying property belonging to victims in a combination of any of these or altogether, all of which are stipulated in and punishable under articles 167, 168, 169, 174 para 4, 175, 184, 191 para 1, 205, 209, 227, 228, 229 and 271 of the Central African Criminal Code.

The referral for trial of Patassé, Miskine, Barril and Ndoubabe before the Criminal Court

- Referral of Ange-Félix Patassé:

Former President Patassé was referred to the Criminal Court for trial for having "*supported the rebel troops of the Congolese Jean-Pierre Bemba, and the mercenaries of Miskine and Barril, by supplying them with military intelligence and procuring their military involvement on national territory*". He was also charged with aiding and abetting Miskine, Barril and the Banyamulengues in preparing for or facilitating the offences with which they are charged. According to the referral order, Patassé had created several armed militias, mainly those of Miskine, Barril and Ndoubabe, which were accused of "the most vile" acts of violence on the civilian population and its property during the coup d'état.

Ange-Félix Patassé is also accused of having made Abdoulaye Miskine an officer in the Central African army and of having put him in charge of a brigade to combat the roadblockers. This army comprised 600 men recruited from the ranks of the young unemployed and from former Chadian or Central

African soldiers. It was based mainly in Kabo and "*immediately excelled in summary executions, arbitrary false imprisonment, theft, destruction of property, deliberate wounding and injuring of civilians, in particular the Fullah and Muslim shopkeepers from the towns of Kabo, Batangafo, Bouca and Bossangoa*". Patassé also brought in mercenaries of other nationalities and put them under the leadership of Paul Barril, then appointed National Director in the fight against international terrorism.

The order further charged former President Patassé with setting up an army, known as the Central African Society for Protection and Surveillance (SCPS), which was put under the leadership of Victor Ndoubabe and Paul Barril. This army, supplied with automatic machine guns, Kalashnikovs and heavy artillery, was based in a building adjoining Patassé's residence. Lastly, Patassé was charged with allowing more than 1,000 rebels of Jean-Pierre Bemba's MLC in FACA uniform to enter Central African territory on 25 October 2002; they were suspected of committing many acts of violence against the civilian population.

FIDH believes that the composition of the groups set up by the former Head of State and the leaders he placed at their command are probable facts. Also, the crimes perpetrated by these groups appear to be established, but the order does not situate them in place nor in time. Stressing that Patassé was "in flight" and that Jean-Pierre Bemba was "*vice-president of DRC [Democratic Republic of Congo]*", the judge could only state that, without being able to interview them, they were not able to "*file their pleading in defence*". To establish a link between the crimes committed and those charged with them, the judge based his findings on three soldier witnesses who confirmed that "*the acts of violence committed by the men of Jean-Pierre Bemba and Abdoulaye Miskine upon the civilian population were known to Mr Patassé who did not deem it useful to put an end to them, as his aim was to use these armies to protect his régime; it falls to be submitted that he is responsible for aiding and abetting various crimes committed by his armies in accordance with the terms of Article 38 para. 2 of the Central African Criminal Code*".

Although, as has been noted, former President Patassé could not be heard, he did however acknowledge some facts and recognized his knowledge of these facts, in a speech to the nation: "*I immediately called on my son Bemba to send his men to me to help our soldiers. That is why they came. I know that things have happened. I said: Good! A commission will be set up to assess all that*"¹³.

- Referral of Abdoulaye Miskine and Paul Barril

The order did not distinguish Miskine's criminal responsibility from that of Barril, maintaining: *"In the light of evidence lodged ... during the events of 2002/2003, they were guilty of many summary executions and other offences; that persons estimated at several hundreds were victims of the acts of violence committed"* by the two accused. The order mentions the communal graves identified in Bangui and in provincial towns, as well as the many cases of unlawful arrest.

- Victor Ndoubabe

This man was referred for trial at the Criminal Court for no other reason than the following: *"Acts of violence of the same type (summary executions, torture) were also committed ... by the SCPS units under the command of Victor Ndoubabe, the chauffeur of Ange-Félix Patassé, in Bangui and in some towns in the province"*.

Discharge in favour of Jean-Pierre Bemba on grounds of his immunity

The order of 16 September 2004 stressed Bemba's responsibility for crimes committed by his subordinates, the "Banyamulengues", during General Bozizé's first attempted coup. *"From 28 May 2001 to 25 October 2003, Ange-Félix Patassé brought onto Central African territory several thousand soldiers of the MLC, the rebel movement of Democratic Congo led by Jean-Pierre Bemba, under the command of a certain Congolese rebel officer Moustapha".* This "very zealous" rebel troop *"only obeyed orders from Bemba and Patassé"*. The acts of violence committed by these troops *"have cost the lives of hundreds of civilians throughout the land and have led to the loss of the goods and property of these people"*. However, the order submitted: *"Given that it has been established that Jean-Pierre Bemba, (...) prosecuted in these proceedings for aiding and abetting crimes of murder, rape, theft and others perpetrated by his fighters in the Central African Republic, has been appointed Vice President of the Democratic Republic of Congo, in this respect he is protected by diplomatic immunity; as a result there are no grounds to prosecute him on these charges"*.

Discharge in favour of Ferdinand Bombayaké and his arbitrary detention

General Ferdinand Bombayaké, former Director General of the Presidential Security Unit (USP) in President Patassé's time, was given a discharge. The instructions he received from the Head of

State to organise Bemba's troops, were not established. When questioned by the judge, the accused confirmed that *"the intervention of Jean-Pierre Bemba's fighters on Central African territory followed negotiations in Tripoli and later in Gbadolite between Ali Triki, the Libyan Minister, Abassi Madani, Secretary General of the CENSAD, the commander in chief of the Libyan troops in CAR and Jean-Pierre Bemba"*. He confirmed he sent vehicles as well as uniforms to Bemba's troops on the instructions of the head of government.

In order to exclude the General's responsibility, the judge believed that the provision of supplies happened *"on the arrival on the Banyamulengues, that is before the above listed offences were committed"*. The General was also charged with having *"flown a military plane in order to bomb the inhabitants of the northern districts of Bangui"*. The judge excluded any possibility of this on the grounds that it had been established that *"the accused [had been] trained as an aviation engineer and not a pilot and that the bombing in question had been the committed by Libyan units"*.

According to Article 91 of the Code of Criminal Procedure then in force in CAR: *"if the examining judge believes that the facts do not give rise to a crime, misdemeanour or contravention or there are not sufficient charges against the accused, he shall issue a discharge from prosecution and if the accused has been arrested, he shall be released"*. The prosecution appeal against the order (see below) had no effect on this release since it was provided that in the event of an appeal against a discharge, *"the accused shall immediately be released"* according to Article 99 of the same Code. However, in November 2004, the FIDH mission delegates learned that Bombayaké was still in prison. FIDH questioned the Bangui Prosecutor about this anomaly and he argued, unconvincingly, that the examining judge had not signed the official release order and refused to do this. For his part, the senior judge confirmed his refusal telling FIDH that his release order was an express part of the discharge order, which in fact clearly stated: *"it clearly emerges that the deeds with which Ferdinand Bombayaké is charged are not sound; there is reason to remove him from the cause and release him immediately if he is not being held for any other reason"*. When he spoke about this to FIDH in November 2004, President Bozizé said he could not understand how Ferdinand Bombayaké could have been discharged and believed that his possible release *"would lead to chaos"*.

Despite this implied threat, the Indictment Chamber of the Appeal Court in Bangui, in its judgment of 16 December 2004, upheld Bombayaké's release order. However, at the end of December 2004, Bombayaké was still detained in

Roux camp. In an article on 27 December 2004 entitled "When the Minister of Justice opposes judicial decisions", the website of Central African Press denounced this arbitrary detention by saying in particular: "This time it is on the orders and under the arbitrary rule of Madame Lea Doumta, the Minister of Justice, that he has not yet been released. She herself claimed, last Tuesday, to have buried a victim of Bombayaké's bombings and in this respect the lawyer and family of the deceased should understand that she is deliberately dispensing with judicial decisions." Ferdinand Bombayaké was only released on 19 October 2005.

The other discharges

Apart from the discharges in favour of Jean-Pierre Bemba and Ferdinand Bombayaké, the senior judge ordered eight other discharges (see list above) for "lack of grounds". These people, including Patassé's former Prime Minister, Martin Ziguéle, were however charged with aiding and abetting crimes of murder and similar crimes, and/or financial crimes.

1.3.2. Judicial epilogue: The Central African judiciary refused to try the perpetrators of serious crimes

A/ The decision of 16 December 2004 by the Indictment Chamber of the Court of Appeal in Bangui: Referral for trial before the ICC of Patassé, Miskine, Barril, Ndoubabe, Jean-Pierre Bemba's "Banyamulengues" and others

The Bangui Prosecutor's office lodged an appeal against the order for partial discharge and referral of 17 September 2004 and in his address to the Indictment Chamber on 24 November 2004, the Prosecutor General of Bangui asked that "the offences that affected the human person otherwise known as blood crimes shall be judged by the International Criminal Court and the embezzlement of public funds by the Criminal Court of the Central African Republic". Referring specifically to Articles 8 and 14 of the Statute of the ICC, he considered that the evidence in the case showed "serious attacks on the life and physical dignity of the human person, crimes which should be referred to the ICC".

The Indictment Chamber of the Court of Appeal in Bangui, in its decision of 16 December 2004¹⁴, followed the Prosecution by ordering "the separation of the proceedings concerning blood crimes, rape, killings, destruction of real and moveable property, looting ... following the events of 2002 of which Ange-Félix Patassé, Jean-Pierre Bemba and his men, Paul Barril, Martin Koumtamadjji (alias Abdoulaye Miskine) and his men, Lionel Gan-Befio, Victor Ndoubabe and his men and

others are accused" and by deciding that these offences "are a matter for the International Criminal Court".

The Prosecutor's office for the Court of Appeal in Bangui drew up an appeal on points of law on 20 December 2004.

B/ Decision of the *Cour de Cassation* of 11 April 2006: partial upholding of the referral for trial before the ICC

In its decision of 11 April 2006¹⁵, the CAR *Cour de Cassation* rejected in part the appeal on points of law by the Prosecution against the decision of the Indictment Chamber of the Court of Appeal of Bangui of 16 December 2004, but did confirm that only the ICC could try the serious crimes committed in the Central African Republic since 1 July 2002 by Ange-Félix Patassé, the "Banyamulengues" of Jean-Pierre Bemba, Abdoulaye Miskine, Paul Barril and others.

In its reasoning, the *Cour de Cassation* confirmed firstly the vacuousness of the investigation: "Seeking the perpetrators of crimes and bringing them before criminal justice to answer for their deeds is a duty from which no State can shy away. And it is established that this must be done through reliable proceedings. Given that in the proceedings against Ange-Félix Patassé and others, the senior judge has properly charged the parties concerned for the acts of which they are accused, has issued arrest warrants against them, but all that remains certain is that they have neither been heard nor been subject to a proper manhunt". The *Cour de Cassation* then confirmed the inability of the Central African courts to conduct effective investigations and prosecutions: "the inability of the Central African justice system to carry out effective investigations and prosecutions is clear (...) The fact that persons who are outside national territory have nevertheless been referred to the Criminal Court of CAR by the senior judge is an illustration of this weakness and establishes their impunity".

Faced with this report, the *Cour de Cassation* agreed to the need to appeal for international judicial cooperation: "Recourse to international cooperation is the only means to prevent impunity in this case. Given that CAR has ratified the Rome Treaty, the ICC offers the possibility of finding and punishing the perpetrators of the most serious crimes which affect the international community as a whole, in the place of States which are incapable of carrying out effective investigations or prosecutions. What is wrong is that the senior judge did not deem it helpful to use this possibility".

The *Cour de Cassation* upheld the decision of the Indictment Chamber of the Court of Appeal and found the appeal on points

of law unfounded on this point. On the other hand, as regards Lionel Gane-Befio, the Cour de Cassation quashed the decision of the Indictment Chamber of the Court of Appeal on the grounds that it was wrong for the Indictment Chamber to add, without reasoning, the name of Gane-Befio to the list of proceedings when his name did not appear in the order by the Senior Investigating Judge.

2. Other States having jurisdiction over crimes committed in CAR

In order to prove that the Central African courts are incapable and to submit, in accordance with the principle of complementarity, to the jurisdiction of the ICC, the *Cour de Cassation* emphasised the fact that the persons being pursued were "outside national territory". In fact, Jean-Pierre Bemba is in DRC, Ange-Félix Patassé in Togo, Abdoulaye Miskine is, according to corroborating sources, in Sudan and Paul Barril is often on French territory.

2.1. Lack of cooperation

During his investigation, the Senior Judge attempted to involve the judicial cooperation of certain third party States on whose territory the alleged perpetrators of international crimes could be found. The judge accordingly attempted, in vain, to hear former President Patassé, whose arrest warrant had been issued on 22 August 2003, in Togo. In addition, international letters rogatory, issued on 15 January 2004, requesting the cooperation of the French judicial authorities, were not well received.

The former Cour de Cassation Judge, Mr Serekoisse, speaking at a workshop jointly organised by FIDH and LCDH in Bangui in June 2006 on the topic "*The International Criminal Court and the situation in CAR*", explained that every possible request for extradition to CAR of the persons named in the arrest warrants came up against a certain number of legal obstacles: "*Firstly, the Central African Criminal Code stipulates the death penalty for the crimes in question. Countries such as France are opposed to extradition for this reason. In addition, some of the persons suspected of the most serious crimes are nationals of the countries on whose territory they currently are and no State will extradite its own nationals*".

2.2. Lack of proceedings

The States, on whose territory can be found the alleged perpetrators of the crimes that are being referred to the ICC, must commence proceedings both in accordance with international obligations undertaken in terms of international

conventions for the protection of human rights and of international humanitarian law and, for some of them, in terms of their domestic law. In the case in question, none of the States concerned has commenced such proceedings.

A/ Togo

Former President Patassé is currently in Togo where he has found refuge and the assurance of protection from his friend, former President Eyadema. In fact, Togo has not followed up the international arrest warrant issued for Patassé. Today, the new President of Togo, Faure Gnassingbe, seems to be ratifying the policies of his predecessor. During the investigation of the "Patassé and others" case, Abdoulaye Miskine also appeared to have taken refuge in Togo. That is what appeared on the international warrant for his arrest issued by the Senior Judge of the Regional Court (TGI) in Bangui, Pamphile Oradimo. The Togolese authorities did not follow up this warrant.

B/ France

Despite the accusations brought by the Central African judicial system against Paul Barril, a French citizen, no investigation has been opened in France in connection with this case. The French authorities would be obliged to open an investigation into him, or to transfer his case to the ICC, should an arrest warrant be issued against him. In any case, France is obliged to cooperate with the ICC in accordance with the provisions of French law for the implementation of the Statute of the ICC of February 2002, now integrated into the French Code of Criminal Procedure.

C/ Sudan

According to corroborating sources, Abdoulaye Miskine is now in Southern Sudan, behind a new rebellion which he is leading against Bozizé's regime. In this connection, he has the protection of the Sudanese authorities (see below). This alleged link between the warlord and the Khartoum government explains why no proceedings have been commenced against him before the Sudanese courts.

D/ Democratic Republic of Congo

Jean-Pierre Bemba stated in the media, in February 2002, that he rejected the evidence against him in the FIDH report "War crimes in CAR" sent to the ICC. "*These are trials of a political nature... I defy anyone to say that Jean-Pierre Bemba raped a single girl in Central Africa and I defy anyone to say I*

gave the order to rape", he added. Jean-Pierre Bemba also confirmed he had eight of his men arrested on suspicion of looting in Central Africa. After a swift trial in a Military Court with self-proclaimed authority, they served their punishment (3 to 24 months in prison) in Gbadolite (northern DRC), the former headquarters of the Congo Liberation Movement (MLC). Jean-Pierre Bemba assured that *"If other units of the MLC were identified as having committed rapes or other acts of violence in Central Africa, they would be questioned. But for now, no one seems to have any proof against them"*, he stressed in a letter to the FIDH President, Sidiki Kaba. This reply, partial and unsatisfactory, is also derisory given the amount and gravity of the charges brought by the Central African victims against the men under Jean-Pierre Bemba's authority.

IV - The worryingly cumbersome procedure of the International Criminal Court, the victims' final remedy

For many years now, FIDH has denounced the culture of impunity in CAR, which is not only a violation of the fundamental rights of victims, but also encourages the recurrence of serious violations of human rights and international humanitarian law in this country. Without the rule of law in CAR, human rights predators have a perpetual *carte blanche*. They know this and use it.

In February 2003, FIDH therefore decided to formally send to the ICC common services (the Prosecutor had not yet been appointed) its report on *"War crimes in Central African Republic"*, which contained numerous testimonies and evidence concerning crimes falling within the ICC's jurisdiction. These were crimes which perpetrated during the armed conflict between the loyalists and General Bozizé's rebel troops from October 2002 until March 2003. This was sent in accordance with Article 15.1 of the Statute of Rome which allows the Prosecutor to initiate an investigation on his own initiative *"on the basis of information on crimes within the jurisdiction of the Court"*.

FIDH noted that CAR had ratified the Statute of the ICC in October 2001, thus giving the International Criminal Court jurisdiction to investigate war crimes, crimes against humanity or acts of genocide committed on its territory or by a Central African national since 1 July 2002.

As the Prosecutor did not respond to this within eight months of taking up his post, FIDH addressed to him again in February 2004, by sending a second report entitled *"What justice for the*

victims of war crimes?". This report focussed on the criminal responsibility of both the former loyalist forces and the former rebels, for committing crimes falling within the jurisdiction of the ICC during the various military offensives by General Bozizé until his successful coup d'état (25 October 2002 to 15 March 2003). The report also explained the state of national judicial proceedings against some of the criminals, to show that the Central African State had neither the capacity nor the will to judge all the crimes committed during this period. The Office of Prosecutor only acknowledged receipt of the reports on 22 June 2004, saying that its departments were looking into the possibility of initiating an investigation into the situation in CAR.

On 7 January 2005, the Prosecutor of the ICC issued a press release stating he had received *"a letter sent on behalf of the government of the Central African Republic, [referring to him] the situation of crimes falling within the jurisdiction of the Court committed anywhere on the territory of the Central African Republic since 1 July 2002, the date of entry into force of the Rome Statute"*.

The situation was therefore referred officially to the International Criminal Court by the Central African State on the basis of Article 14.1 of the Statute.

On 19 January 2005, the President of the ICC assigned the CAR situation to Pre-trial Chamber III. This Pre-trial Chamber was presided over by Judge Sylvia Steiner (Brazil) and was also composed of Judges Hans-Peter Kaul (Germany), President of the Pre-trial Division, and Tuiloma Neroni Slade (Samoa) who was replaced by Ekaterina Trendafilova (Bulgaria) on 10 March 2006.

In November 2005, a team from the Office of Prosecutor carried out a mission to CAR to gather *"pieces of important additional information about the referral of the situation by the Central African Republic"*. However, by the time the report was published, the Office of Prosecutor had still not decided whether or not to initiate an investigation in CAR.

In accordance with Article 53 of the Statute of the ICC, the Prosecutor shall, having evaluated the information made available to him, *"initiate an investigation"*, unless he determines that there is no reasonable basis to proceed under the Statute. In making this decision, the Prosecutor shall consider whether:

a) the information available to him provides a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed (Article 5);

b) the case is or would be admissible under Article 17 (criteria of admissibility linked to the principle of complementarity); and c) taking into account the gravity of the crime and the interests of the victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice (Articles 17.1 and 53.1.c, 53.2.c).

Firstly, where the temporal (crimes committed after 1 July 2002) and territorial (on the territory of the State Party) jurisdiction of the ICC both apply, the Prosecutor must decide whether the acts of violence perpetrated by the warring parties in CAR fall within the definition of crimes covered by the ICC Statute. FIDH believes that, in this respect, the gravity of the crimes, their systematic and widespread nature, their extent and impact, including impact on Central African society, completely justify the opening of an investigation by the Office of Prosecutor.

Secondly, the Prosecutor has already publicly called for an examination of the principle of complementarity in terms of Article 17 of the Statute. *Article 17 b) of the ICC Statute is explicit in this respect: "(...) The Court shall determine that a case is inadmissible where: b) the case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision stemmed from the unwillingness or inability of the State genuinely to prosecute".*

During a visit to Kinshasa (RDC) on 6 April 2006, he explained that the possibility of initiating an investigation by the ICC into the situation in CAR depended upon *"proceedings which have taken place at national level in CAR. Some are still in progress. We are still evaluating the situation and the proceedings before deciding whether or not to initiate an investigation into it"*. Only five days after this statement, on 11 April 2006, the Cour de Cassation referred the case of Patassé and others to the ICC due to *"incapacity of the Central African courts"*. The perpetrators of the most serious crimes committed during the armed conflict between November 2002 and March 2003, were no longer to be prosecuted in the national courts. The principle of complementarity covered by Article 17 of the ICC Statute, no longer appears to be an obstacle to initiating an investigation in CAR.

All the Cour de Cassation has done is to confirm the findings already made not only by FIDH but also by international organisations and the other Central African courts for several years now, and even by the President by referring the situation, to the ICC, on behalf of the State. With regard to the other States which could have jurisdiction to try the perpetrators of

the most serious crimes committed in CAR, in particular the Democratic Republic of Congo (where Jean-Pierre Bemba resides and is a national), Sudan (where Abdoulaye Miskine can be found), Togo (where Patassé has sought refuge) and France (where Barril resides and is a national), it appears that no investigation or legal proceedings have been initiated against these men for the specific crimes in question. FIDH therefore believes that the principle of complementarity, as stated in Article 17, no longer applies to this case.

Thirdly, in view of Article 17.1, FIDH reaffirms that the crimes are sufficiently serious to warrant the opening of an investigation by the Court. In its decision of 20 February 2006, the Pre-trial Chamber I stated that *"the two elements which must be taken into consideration in establishing the gravity of a crime are: 1) the behaviour in question must be either systematic (a series of incidents) or have occurred on a large scale, 2) consideration must be taken of the outrage caused by this behaviour within the international community"*. Given the evidence put forward in Parts I and II of this report, there are sufficient grounds to believe that the crimes within the ICC jurisdiction were perpetrated systematically and on a large scale in CAR between October 2002 and March 2003. Moreover, with regard to the reactions from the UN Secretary General, the Council for Peace and Security of the African Union and the UN Human Rights Committee, all firmly condemning the serious crimes committed in CAR since 1 July 2002, one can confirm that this criminal behaviour has outraged the international community.

Lastly, FIDH believes that if an investigation were initiated, the interests of justice and of the victims would be served in accordance with Article 53 of the Statute. The interests of justice should be interpreted in terms of a strict legal analysis in accordance with established international law, with particular reference to the effective administration of justice (*FIDH, Reflexions sur la notion "intérêts de la justice" in terms of Article 53 of the Statute of Rome, 17/11/2005, http://www.fidh.org/article.php?id_article=2856*).

Moreover, the social stigmatisation of victims, the total impunity for the serious crimes they have suffered, the repeated threats they are subjected to because of their express wish to obtain justice (see Part III above), all confront the International Criminal Court with its responsibilities, in particular in terms of protecting and respecting the dignity of the victims. The same applies again to their interests. The interest of victims, referred to in Article 53.1.c, demands that an investigation be initiated.

For four years, victims have dared to give evidence and organise themselves in order that justice could be done. Today, in the

Central African Republic
Forgotten, stigmatised: the double suffering of victims of international crimes

absence of prosecutions at the national level, the ICC is their only hope of seeing the perpetrators of the most serious crimes penalised for their actions. The Prosecutor's hesitancy to initiate an investigation into CAR and the extreme meticulousness with which his Office has analysed the situation, firstly on the basis of Article 15 (exercise of his *proprio motu* powers), and later on the basis of Article 14 (referral by a State party), whilst all the elements of jurisdiction and admissibility seem to be present and some cooperation by the Central African authorities has been put forward (official referral to the ICC by the government; law implementing the ICC Statute in course of being adopted; adoption of the Agreement of the Privileges and Immunities of the Court by Parliament), is in stark contrast to the swift manner of dealing with the situations in Uganda, Congo and Sudan.

It is now three years since FIDH sent its reports to the ICC Prosecutor and more than a year and a half since the Central African government officially referred the situation to him. The delay in analysing such a decision is unreasonable, all the more since there is a clear risk that evidence of the crimes committed four years ago will be lost.

A refusal by the ICC to give a ruling on the situation in CAR will be incomprehensible to the victims, the civilian population of Central Africa and the national and international human rights organisations. What is even worse, with regard to the latest fighting raging in CAR (see below), the ICC's inaction contradicts its objective to prevent further crimes.

In this respect, it is useful to say that most of the alleged perpetrators of the crimes committed in 2002/2003, whose international criminal responsibility could be established by the ICC, are behind the latest fighting, which is a convincing demonstration of the devastating effects of impunity.

4. See FIDH Report no. 324, "Talk and reality: the great divide" ("Discours et réalité: un fossé béant"), February 2002.

5. See the Libreville Agreement in FIDH Report no. 355, p.45 http://www.fidh.org/rubrique.php3?id_rubrique=60

6. The term "international crime" is used by FIDH in this report to refer to criminal acts which could fall within the definition of one of the crimes targeted by article 5 of the Statute of the International Criminal Court, i.e. genocide, crimes against humanity and war crimes.

7. See the Small Arms Survey Special Report, "The Central African Republic", published in June 2006 <http://www.smallarmssurvey.org>

8. The word "Banyamulenge" which for Central Africans means the Congolese mercenaries lead by Jean-Pierre Bemba is used incorrectly. In fact, this term refers to the Tutsi populations originally from Rwanda, who have settled in east Zaire, in particular in the Uvira region, since the Belgian colonisation. Nonetheless, this term will be used several times in this report as it is popularly accepted in CAR.

9. See FIDH Report no. 355 "War crimes in CAR", which analyses the international criminal law case law relating to the responsibility of the hierarchical superior.

10. See the official website of the Central African National Dialogue <<http://dialogue.national.free.fr/dn.htm>>

11. Record of the hearing of 18 December 2003.

12. Record of the hearing of 26 December 2003.

13. See Patassé's speech to the nation (Le Citoyen no. 1503, 26 November 2002) reproduced in part in FIDH report no. 355 p. 41.

14. See copy of registrar's record of the hearing annexed.

15. See copy of decision annexed.

PART II - FURTHER REBELLIONS AND OTHER INTERNATIONAL CRIMES SINCE 2005

I - The "legalised" coup d'Etat by General President Bozizé

1. 15 March 2003, the rebels take Bangui

After his victory on 15 March 2003 in the offensive launched on Bangui by his rebels, General Bozizé announced to the nation the suspension of the Constitution, the dissolution of the government and the National Assembly, and proclaimed himself President of the Republic. On 23 March, Abel Goumba was appointed Prime Minister, and one week later the composition of the transition government was announced. On 28 March, at least 100,000 people cheered the self-proclaimed General President François Bozizé in the streets of Bangui during a demonstration in support of the new regime. In his first official speech to the nation, he stated: "I look upon the brutal passing of 15 March (...) as a veritable restart for the people, a revolution by the people in the quest for change".

2. The transition regime: full power to the General President

Two major legal acts inaugurated François Bozizé's reign¹⁶. The first, entitled Constitutional Act no. 1, dated 15 March 2003, but promulgated through the press on 24 March 2003, was passed due to "the gravity of events which made it impossible for the State institutions to function normally", "the need to maintain public order", and lastly "urgency".

In six very short articles, a new judicial order was set up, the result of a power struggle. The General proclaimed himself President of the Republic and Head of State. He suspended the Constitution of 15 January 1995 and terminated the posts of President and Prime Minister. He proclaimed himself "source of the law". Article 6 of this Constitutional Act preserved the external legality of the Central African Republic by acknowledging the superiority of international law over the decisions of the new Head of State and its internal legality, under the reservation that the provisions of domestic law be repealed by this same Head of State.

That same day, in his Constitutional Act no. 2, the new Head of State split the three powers "until the Central African people are able to express their national will": the executive power, the subject of Title 1, devolved to the President of the Republic supported by a Prime Minister responsible for its

implementation. The legislative power, subject of Title 2, is also the responsibility of the Head of State who shall "legislate by order in the Council of Ministers". The judiciary is covered by Title 3 which confirms that "the judiciary is an independent power" guaranteed by the President of the Republic. However it is still the Head of State who shall appoint the judiciary by decree, admittedly with some advice.

These two first constitutional acts signed by the self-proclaimed President which conferred upon him most of the governmental and legislative powers, took no account of the consensual transition proclaimed by General Bozizé on 27 October 2002 during his attempted coup (FIDH report no. 355, p. 7). It was not until the decree of 3 April 2003 concerning the creation of the National Transition Council (CNT) that some insight could be given into the putschist's democratic intentions. Bozizé explained on 10 April 2003, that "the transition which will remain in place for 18 to 30 months shall depend on the wish and the capacity of Central Africans to work resolutely and to comply with the deadline for holding new elections".

The CNT, a consultative body "to assist the President in the exercise of his legislative powers by examining all draft orders which must be submitted to him", was authorised to assist the government in wording the draft Constitution, preparing for future general elections and organising the National Dialogue.

3. Democratic anointing for General Bozizé

The democratic anointing of the power taken by armed force was necessary for General Bozizé who, in doing this, had violated the international legal order. Because of its unanimous condemnation¹⁷, the coup of 15 March 2003 had to be forgotten through an electoral process promoted and financed by the international community which has at last acknowledged the new power, but demands that it be sanctioned by the will of the people.

A/ Adoption of a new constitution

Adopted in a power struggle with the CNT, the new law concerning the Constitution of CAR was put for "adoption by a people's referendum" as provided in Article 112 of the new law. Originally fixed for 28 November 2004, the referendum eventually took place on 5 December 2004 throughout CAR.

The vote was taken without incident in an atmosphere of calm, apart from a few organisational problems¹⁸. The final results were announced by the Transitional Constitutional Court on 24 December 2004.

The overwhelming "yes" with 87.20% validly cast votes, did not have great political significance as the text was the result of an agreement among the forces present.

The new Constitution of CAR, the sixth of the Central African Republic since it gained its independence in 1960, was promulgated on 27 December 2004 by President François Bozizé. This referendum offered the registered 1,515,198 electors the chance to take possession of their numbered elector's cards (which did not have a photograph) and to put the polling stations into practice.

B/ Patassé excluded from the presidential race

a) The candidates in contention at the start

At the close of the deadline to send in candidatures for the presidential election on 16 December 2004, 12 candidates were announced. This included: Abel Goumba, acting Vice-president; André Kolingba, former President of the Republic; Ange-Félix Patassé, former President of the Republic; Charles Massi, former Minister under Patassé; François Bozizé, acting President; Jean-Jacques Demafouth, former Defence Minister under Patassé's regime; Jean-Paul Ngoupandé, Patassé's former Prime Minister and Martin Ziguélé, former Prime Minister under Patassé.

b) Decision of the Constitutional Court to remove seven candidates

On 30 December 2004, the Transitional Constitutional Court announced that only five of the twelve candidature files for the presidential election were valid: those of François Bozizé, André Kolingba, Abel Goumba, Henri Pouzere and Auguste Boukanga, thus excluding all the members of Patassé's party, the MLPC. Marcel Malonga, President of the Constitutional Court, noted that the candidature of Ange-Félix Patassé was invalid as *"the copy of his birth certificate is not only illegible, but it does not mention the country where it was drawn up and is not certified as a true copy"* and that *"his title deed does not mention any building"*. The decision of the Court, which could not be appealed, caused a general outcry both among the political classes in Bangui and the international community¹⁹. The seven disqualified candidates later demanded that their removal decision be annulled and the

Court dissolved in honour of democracy.

Former President Patassé announced: *"The decision of this Court is completely unlawful, I have all my civil and political rights"*, he added. *"By leaving the judicial sphere for the political one, the Court has committed a grave error which puts the whole country in danger"*.

c) General Bozizé gives three candidates "a second chance"

Taken aback by the stir in political circles and by the international disapproval provoked by the decision of the Constitutional Court, President Bozizé reacted without any solid legal basis. He announced in a statement on local radio on 4 January 2005, that he had given three of the seven candidates, who had been invalidated by the Court the previous week, a second chance in the presidential election. They were Martin Ziguélé, Jean-Paul Ngoupandé and Charles Massi.

This last minute "second chance" was justified by the President as follows: *"I believe that the candidatures of persons whose papers are disputed can be treated with indulgence and should be kept"*. On the other hand, he confirmed the removal of former President Patassé and of Demafouth from the presidential race stating: *"I believe that the candidatures of persons who are being prosecuted for blood crimes and economic crimes should definitely be rejected"*. As for the others, he added: *"The rejection of files for which no security has been paid, should be confirmed"*.

The new Electoral Code only prohibited the candidature of a person for election where that person had received a final sentence and not where the prosecution was still underway. It was therefore on the subjective criterion of morality (Article 153 of the Electoral Code) that Bozizé based himself, arbitrarily and for political reasons, in order to exclude the candidatures of Patassé and Demafouth. This explains in part the eagerness of the Central African justice system to register the case of Patassé and others on the roll of the Indictment Chamber of Bangui in December 2004 (see above).

The following day, 5 January 2005, the seven candidates "failed" by the Constitutional Court, rejected Bozizé's gesture to give three of them a second chance. They again demanded *"the validation of all the candidatures accepted by the Mixed and Independent Electoral Commission (CEMI) and continued to denounce 'the preparation for an electoral hold-up aided and abetted by the President of the Constitutional Court'"*.

In the face of this crisis, the members of the United Nations Security Council attempted a reconciliation deeming *"the decision of General François Bozizé to allow the candidature of three of the seven candidates rejected by the Transitional Constitutional Court in the presidential elections encouraging, whilst firmly calling upon General Bozizé and all the political players to find quickly an appropriate and consensual solution to this situation to save the electoral process and the transition which require so much effort and energy"*.

d) The Gabonese mediation: the ousted candidates, with the exception of former President Patassé, return to the electoral scene

The Agreement signed at Libreville on 22 January 2005 by eleven candidates or their representatives cancelled the decision of the Constitutional Court: *"The crisis is over in the sense that a consensual political solution has been found which shall now be drawn up to respect the legal aspects"*, confirmed the head of BONUCA, General Lamine Cissé, following this agreement. France also welcomed the conclusion of this agreement carried out under the mediation of Omar Bongo. The agreement stipulated that all the candidates excluded by the Constitutional Court, with the exception of Ange-Félix Patassé, be reinstated in the race for the Presidency, and the first round of elections was postponed until 13 March 2005. The candidates now included: Abel Goumba, André Kolingba, Auguste Boukanga, Charles Massi, François Bozizé, Henri Pouzère, Jean-Jacques Démafouth, Jean-Paul Ngoupandé, José Binoua, Martin Ziguélé and Olivier Gabiraul. Former President Patassé was not therefore allowed to seek confirmation of his mandate, which ran virtually until September 2005, from his countrymen.

C/ Bozizé, President by law

On 24 May 2005, despite allegations of large scale rigging put forward by the Union des forces vives de la nation, made up of the *Mouvement de libération du peuple centrafricain*, *Alliance pour la démocratie et le progrès*, *Front patriotique populaire*, Londô, and the supporters of Jean-Jacques Démafouth, the Mixed and Independent Electoral Commission felt that the allegations did not undermine the credibility of the electoral process and went on to announce the final results, declaring elected, in addition to 86 members of parliament, General François Bozizé as President of the Republic, with 64.60% of the vote as against Martin Ziguélé's 35.40%.

After considering the requests for annulment submitted to it, the Transitional Constitutional Court confirmed the presidential election results, and went ahead with the investiture of General Bozizé as President of the Republic and Head of State on 11 June 2005. The election was observed by a contingent of 297 observers, made up of 269 national and 28 international observers working under the technical coordination of the Organisation Internationale de la Francophonie. In their joint report, the observers indicated that *"the shortcomings reported in the presidential and legislative elections were not such as to constitute irregularities"*²⁰.

II - A crisis economy

In his report on CAR of 27 June 2006²¹, the UN Secretary General introduced the economic and social position in the country on a positive note: *"The real growth of the gross domestic product (GDP) was 2.2% as against 1.3% in 2004. The trends observed in the first three months of 2006 show increased output in the main export sectors (particularly timber and diamonds) and in manufacturing. Budget revenues exceeded the target figure by 17%, thanks to an improvement in tax returns that was largely attributable to an increase in the value added tax rate from 18% to 19% and to the rise in the price of petroleum products. (...) In any event, the Central African government is predicting a growth rate of 3% for 2006. (...) The Central African authorities will have to continue and intensify their efforts to put public finances on a sounder footing and to rein in expenditure"*.

But this confirmation of general order cannot hide the reality of the situation. To better understand the situation in CAR, the expected growth must be put in perspective with the total collapse of the economy over the last ten years, due mainly to bad government and to the repeated cycles of political and military violence.

In its initial periodic report submitted in May 2006 to the African Commission on Human and People's Rights²², the Central African government presented a more descriptive judgment of the economic situation in the country. It indicated that the Central African economy was based mainly on the export of agricultural, mining and forestry produce, in particular coffee, cotton, timber, diamonds and gold. With regard to coffee, the volume of coffee monitored by the Central African Office for the Regulation, Control and Processing of Agricultural Produce (ORCCPA) fell from 3,926,980 tonnes in 2003-2004 to 2,502,900 tonnes in 2004-2005. As regards the production of cotton between

2000 and 2005, the government indicated that it could not provide any figure due to the military/political events which "severely affected" the cotton-growing areas. With regard to livestock farming, the government noted that the number of cattle estimated in 2002 to be 11,736,000 beasts fell to 3,500,000 in 2005 for approximately 20,000 farmers. The mining of diamonds and gold also saw a drop in produce.

The reasons put forward by the government to justify the significant drop in production for the Central African economy are always the same: destroyed road networks, lack of security in the hinterlands and smuggling. A representative of the Central African Inter-professional Group (GICA) summarised the economic problems of his country: *"Before 1996, there were more than 400 large enterprises listed in CAR, today these number less than 40, out of which 20 are in GICA. These 20 enterprises, almost all of which are foreign (Bolloré, AGF, Total, Imperial Tobacco etc), provide almost 60% of the State's revenue! The number of large enterprises is in danger of falling further due to the great lack of legal security of contracts, the poor state of infrastructures and the insecurity caused by the roadblockers and now the rebels. The industrialists are even obliged to make contracts with the army so that they can move around the country!"*

In 2004, the country ranked 169 out of the 177 countries observed on the human development plan with the Human Development Indices (HDI) of 0.363 in 2001 and 0.361 in 2002, and social indicators amongst the lowest in the world. More than 66.6% of the 3,895,139 Central Africans live on less than one US dollar per day. Life expectancy at birth which was 49 for a Central African at the end of the 1980s, was 40.4 in 2001 and 39.8 in 2002. CAR remains the country with the greatest number of female deaths in childbirth (1,110 women per 100,000 living births). The rate of poverty has increased from 62% in 1992 to 75% in 2003. This situation is the result of a continuous drop in national income. All of these worrying signals resulted in the Urgent Appeal launched by the United Nations system in favour of CAR in April 2003.

III - A population victim to the "liberators"

1. "Liberators" with power and impunity in Bangui

The day following the victory offensive by General Bozizé's troops, Bangui once again found itself full of armed troops, ill-assorted and disorganised: militias, countrymen, soldiers in

disorderly ranks, Chadian-Central African troops, etc. A World Bank programme attempted to demobilise these troops of adventurers by sending them back, for a fee, to civilian life. To this end, BONUCA had undertaken to have their weapons bought back, which in Bangui numbered about 30,000 pieces, and in the hinterland about 50,000. This was not a good move since, for the price of one weapon sold, the militiamen could buy three on the black market! The programme was quickly brought to a halt.

Amongst these armed units, a group of men became regrettably distinguished in Bangui. Called "patriots or liberators" for having carried Bozizé to victory, some were put in charge, with a company of about thirty Chadian soldiers, of General Bozizé's personal security. Others joined the FACA, not without difficulty, the day after Bangui was taken. Made up of sundry troops, Central Africans and Chadians and regular soldiers, they took orders directly from the Head of State. They showed pride in being his men. But, thinking that their courage and the victory they had delivered for their General had been poorly recompensed, these "liberators" made the population aware every day of the debt the citizens owed them and from whom they demanded payment. They were responsible for many acts of violence against the civilian population; summary executions, rape, looting. But because of their special status, it was a long time before these acts were stopped, and the population was therefore plunged into deep insecurity.

As the Human Rights section of BONUCA stressed, in Bangui, *"there are people who are supposed to ensure an order which violates human rights"*. Apart from the elements of the Presidential Guard, the liberators accused of the most serious crimes against the civilian population included some names which have become infamous, such as: Sub-lieutenant Jean-Célestin Dogo and Sub-lieutenants Olivier Koudemon, alias Gbangouma, and Yango Kapita.

2. The Dogo case

The Dogo case is indicative of this phenomenon, because it only became public and only ended up in court due to an uprising started by the people who erected barricades in the Lakaouanga and Miskine districts of Bangui. They presented a former "liberator", promoted to sub-lieutenant in the national army the day following General Bozizé's takeover, who was suspected of having killed several of his countrymen (17, according to BONUCA), in a single crusade for order and justice: *"He thought he could do about anything"*, according to a judge in the Court of Appeal in Bangui.

The Vice-president of the Republic personally condemned Dogo's behaviour as an attack "on democratic values" and asked that justice, this time institutional justice, be done without delay in this case. Placed under a warrant for detention at Camp de Roux, which he seemed to use as "accommodation from time to time", the man the press called the "pistolero", Lieutenant Dogo, was made to answer for a double killing in September 2004 which he acknowledged. The two people killed, whose bodies were found in a river 25 kilometres to the southwest of Bangui, had been targeted by Lieutenant Dogo as they had "*pretended to be soldiers so they could commit armed robbery in the evenings*". The first man had, in fact, belonged to a mixed armed intervention battalion and the second was also wearing a uniform. The investigation led to the identification of six other soldiers, allegedly also responsible, who "*refused to defer to the court summons at risk of mutiny*", according to the same source. The judicial source explained that the accused stated he had received orders from his hierarchical superiors. He even gave the identity of the lieutenant, one of General Bozizé's henchmen, who gave him this order.

As a light punishment, former lieutenant Dogo was, in the end, struck off from serving in the Central African forces in September 2004 and sent home. "*This type of phenomenon is inevitable in post-war situations*", according to President Bozizé. This indulgence changed to a funeral oration at the "state" burial of his sub-lieutenant who died at the front against a rebellion in June 2006.

The pro-government newspaper, Agbangba, of 14 June 2006, gives an insight into the General President's attachment to his henchmen. "*The funeral far exceeded, in terms of numbers present, all the funerals of even the great dignitaries of the country (...). When the funeral cortège arrived, a huge crowd had already gathered. The coffin was carried by young lieutenants, brothers in arms, and was placed in a specially built chapel of rest. Those present to pay their last respects to Lieutenant Dogo included the Prime Minister as well as members of his cabinet and government. Members of Parliament and high-ranking officers also honoured this sombre event with their presence. There was much emotion and many tears were shed by the military, units of the Republican Guard. The Head of State too was moved and had trouble containing his tears*". In his funeral oration, the Head of State praised Dogo's courage for his faithful and loyal service to the nation. He decided, by presidential decree, to promote him, posthumously, to the rank of full lieutenant.

3. The Sanze/Kapita case

The Sanze/Kapita case was also indicative of the President's difficulty in distancing himself from his former liberators who were spreading fear both in the armed forces and in the civilian population. On 2 January 2006 at 10 pm, Sergeant Sanze was hiding in the BONUCA offices. A few hours earlier, there had been fighting in a bar in Bangui between Sanze and sub-lieutenant Kapita, a former liberator now a member of the FACA and known for his criminal acts against the civilian population. When he returned home, Sanze received a visit from Kapita and his soldiers. Amidst gunfire Sanze killed Kapita. Sanze asked for protection from BONUCA for fear of being lynched by Kapita's henchmen who were seeking revenge for the death of their leader. This event caused great agitation in the 4th district of the capital because of the presence of armed forces. Some witnesses even mention summary executions. Seeking to avoid a deterioration in the situation, at 2 am BONUCA, whose mandate did not allow it to intervene, asked the Prosecutor of the Republic, Firmin Feindiro, to intervene. He gave every assurance that Sanze would receive protection. "*I shall put him in a safe place*". He was finally taken, early in the morning, to the gendarmerie. At midday, BONUCA learned that the former liberators had entered the place where Sanze was held, and, after torturing him for three hours, had executed him. Thirty six bullet holes were found in the Sergeant's body.

The case came before the Military Court. Sanze's killers were heard by the Court Martial Prosecutor, Alain Ouaby-Bekai. At the time of publication of this report, FIDH has not been able to obtain information as to whether there has been any legal follow-up to this case.

The Head of State made his feelings on this case known to FIDH: "*Who is right and who is wrong? Is it better to protect Sanze rather than his brothers in arms who killed him? Every society has its black sheep*".

IV - Conflicts and international crimes in the north of the country

1. A public force "incapable of making the country feel safe"

Since coming to power, Bozizé has had to face up to a fragmented public force. Apart from his immediate Guard composed of about thirty Chadian soldiers and, in the second tier, the liberators, his body guard - a motley and ill-disciplined crew-, the inventory of the public forces was as follows:

Broken up by the crises of the regime which had succeeded one another in CAR, the Central African Armed Forces (FACA) which comprised about 4,000 men, were to be reconstructed. The French were employed to reconstruct them by supervising, in particular, the training of three of the nine battalions in 2004 and 2005. The command structures were centralised and took orders directly from the Chief of Staff. The Republican Guard became part of the FACA.

However, according to the representative of the UN Secretary General at BONUCA, General Lamine Cissé, the FACA remained "incapable of making the country feel safe". This is why, in his opinion, the government is forced to put up with "*international baby-sitting*".

Among the military forces present, account must be taken of the international contingent from FOMUC, the multinational Force of the Central African Economic and Monetary Community (CEMAC), composed of about 400 men including Chadians, Cameroons, Congolese and Gabonese, in implementation of agreements concluded by former President Patassé (the Libreville Agreements of 2 October 2002). The small contingent from Equatorial Guinea preferred to renounce its mission after the deaths of its servicemen on 15 March 2003. The FOMUC contingent is today financed by France and the European Union through the African Union. The representative of the UN Secretary General at BONUCA, aware of the lack of impact this international force was having on security, has for some time been asking for a substantial increase in troops.

France dispatched 300 men from the "Boali" battalion the day following General Bozizé's takeover. Their official task was, on the one hand, to ensure logistical support for the FOMUC (means of transport, arms, etc.) with a view to leading the country into security after the 2005 elections and, on the other hand, to supervise the training of the FACA and the police. In 2003, the French General Jean-Pierre Pérez was appointed Defence Adviser to President Bozizé. In 2003, the French army was also given the specific task of ensuring control of Bangui airport. France's military support for the Central African authorities is unflinching; in 2006, the French ambassador in CAR, S.E. Mattéi, announced that France "*has always said that it would support the Central African authorities in ensuring the return of legality, avoiding tensions and restoring the confidence both of Central Africans and their partners*". "*It is help of every kind that we bring to this country with which we have a deep-seated friendly relationship*"²³.

Reporting on where military forces are stationed in the country, the representative of the UN Secretary General in BONUCA,

came to the worrying conclusion that "*the country can never be sure of its safety. It is impossible for the FACA to make the borders secure*".

2. Northern CAR: a chronically insecure area

The confusion affecting the northern part of the country is in stark contrast to the apparent calm which has reigned in Bangui since Bozizé's coup. The northwest of CAR, in particular the territory governed by the prefectures of Ouham and Ouham Pendé (see map), mainly around the towns of Bossangoa, Markounda and Bouar, "has always been a hot-bed of insecurity and it has been behind all the fighting" in CAR, General Cissé told FIDH in June 2006. "*This region is contaminated with armed units ready to ally with anyone. It has always been a place of refuge particularly for the Zaire Armed Forces (FAZ) of Mobutu, the troops of father Kabila, Rwandan Hutus, troops of J. Garang, as well as all the armed forces opposed to Ndjamena's government*". In addition to the reasons for the present insecurity in this region, General Cissé explained that the Ouham Pendé territory is inhabited by the Kaba ethnic group, former President Patassé's people, with customs identical to those of the Chadian Sarh ethnic group.

Since his coup, General Bozizé had not been able to establish authority in this part of the country, leaving the civilian population in a state of insecurity. At first, the inhabitants of this region and people who ventured along these roads, were victims of looting, ransom kidnappings and physical attacks, and sometimes even killings by the "roadblockers" or "highwaymen". These attacks were made worse in 2004 with the arrival in this part of the country of the former liberators who, dissatisfied with their financial reward for their war efforts in support of Bozizé's rebellion, organised themselves into small criminal bands. According to Refugees International, "*after failing to win their case, some [former liberators] scattered throughout the provinces where they harassed the population. The activities of these frustrated former soldiers have helped aggravate several of the existing problems such as roadblockers and ransom kidnappings*"²⁴.

In April 2004, several Chadian members of the former liberators organised violent demonstrations to receive compensation. 280 of them looted about 75 houses in Bangui and confronted FACA forces several hundred metres from President Bozizé's residence. Bozizé finally conceded by granting them the sum of 1,000 US dollars to each of the former liberators in return for their repatriation to Chad under the guidance of the FACA. Most of them settled for some time later in northern CAR. In a report in December 2005 to the

Security Council, BONUSCA deemed the situation in the north-west of the country worrying on account of the increased presence of former liberators: *"this territory is sheltering armed men, more or less organised but apparently with a hierarchy, who have the capacity to move themselves quickly with 4x4 vehicles and the means for swift communication. Some in fact have Thuraya satellite phones. There have been reports of attacks by roadblockers and child hostage-taking for ransoms"*²⁵. Another reason less frequently put forward, for the financial insecurity, this time, of the people in northwest CAR is the practice of the Peul livestock farmers to move their cattle to summer pastures thus trampling the crops of the local farmers.

The northeast CAR is also a highly insecure region which has avoided Bozizé's military control since his coup. The border with Sudan and Chad around the town of Birao (see map), a zone called "triple point", is also one of the most sensitive zones mainly because of the insecurity in Darfour. For example, in September 2004, in the sub-prefecture of Birao, more than twenty Central African villagers were killed by armed men from neighbouring Sudan as a reprisal for tribal confrontations which, according to Khartoum, led to more than 60 Sudanese deaths.

For a long time now, the Central African authorities have attributed responsibility for human rights violations in northern CAR to isolated armed units with villainous intentions or even to cross-border tensions. However, several murder attacks in July 2005 against government officials have discredited this official explanation.

A report by the African Union in December 2005, outlined for the first time this change in the situation: *"The most serious problems are on the border with Chad, where five armed attacks against villages have been reported since June 2005. These attacks have been carried out with weapons of war by groups intent on terrorising the civilian populations who see them as supporters of the former President Patassé. While the Central African authorities give the impression that this is a problem of highwaymen, others interviewed by the mission stress that these armed groups are composed of former members of the former President Patassé's Presidential Security Unit and the demobbed soldiers from General Bozizé's former rebellion, the so-called former liberators, who were disappointed by the paucity of the wages offered to them following General Bozizé's accession to power"*²⁶.

For the first time, it was contemplated that the breeding-ground for men and weapons in northern CAR could be used

for politico-military ends. It was only after the attack on the village of Paoua at the end of January 2006 (see below) that President Bozizé officially acknowledged what was evident: *"Former President Ange-Félix Patassé has recruited mercenaries to destabilise the Central African Republic and has built a military training camp on the Sudanese border"*²⁷. On 3 July 2006, the Head of State had therefore to recognise during a televised announcement, that *"security is seriously threatened in the northern part of the country which lives practically under occupation and which calls into question the integrity of the national territory"*. The government is faced with "bloodthirsty and criminal individuals" who, without giving names, are *"supported by foreign powers hostile to the efforts that the regime is making to rehabilitate the international personality of the Central African Republic on all fronts"*²⁸.

3. New rebellions

The first attacks against officials in power, then directly against the FACA, became public in July 2005. The political demands followed swiftly. At the time of publication of this report, several rebel groups and some of their dissidents are known for their military activities on Central African territory. The rebel groups accused of the main attacks against the Central African forces in the northwest CAR are the UFR (*Union des forces républicaines*) under Florian Bédaya-Ndjadder and the APRD (*Armée populaire pour la restauration de la République et la démocratie*) formerly led by "lieutenant" Larmassoum. Those responsible for the attacks in the northeast of the country are the FDPC (*Forces démocratiques pour le peuple centrafricain*) under Abdoulaye Miskine and the FUC (*Front Uni pour le Changement*) led by Mahamat Nour. One of the aims of these rebel groups, including the armed units of the FUC, are to destabilise the Bangui regime.

3.1. Rebellion in the northwest of the country

A/ Chronology of rebel attacks and loyalist reprisals

It is extremely difficult to establish an exhaustive chronology of rebel attacks in the northwest of the country and armed reprisals by the FACA since July 2005. Similarly, it is complicated, in the absence of clear demands, to blame these attacks with any certainty on one or another rebel groups. Nevertheless, the frequency of offensives and counter-offensives as well as the military technology used indicate the existence of a real armed conflict according to the definition of this in international law.

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Forgotten, stigmatised: the double suffering of victims of international crimes

Multiple and corroborating sources make it possible to establish the following:

- Between July and September 2005, the village of Markounda, the town of Paoua and its suburbs and villages situated along the RN1 highway were subjected to repeated attacks by roadblockers and rebels. As a result of these attacks and to avoid the reprisals by the FACA, nearly 15,000 Central Africans have taken refuge in Chad in the camps of Goré;

- On 29 September 2005, between 35 and 40 rebels attacked the military garrison at Markounda;

- On 11 October 2005, in retaliation against the rebel attack on Markounda, the FACA carried out a burnt earth policy setting fire to the houses in the village of Bele and other villages along the RN1 highway;

- On 1 December 2005, crossfire between the rebels and the FACA was heard in Kabo, to the north of Batangafo;

- On 14 December 2005, houses were looted and set on fire in Dokabi, to the east of Markounda;

- On 28 December 2005, a hundred or so rebels attacked the village of Bodjomo;

- On 29 December 2005, the FACA launched a counter-offensive on about ten villages from the south of Bodjomo along the Markounda and Maitakulu highways. More than 540 houses were burnt down and 7 civilians were killed during the operation. The refugees flooded into Goré;

- At the start of January 2006, attacks on Beboura, Bema and Betoko were blamed on the rebels. Houses were looted and burnt down;

- On 29 January 2006, the town of Paoua came under rebel gunfire.

The APRD (see above) claimed responsibility for the attack on Paoua. According to a report by the Journalists' Union of Central Africa, published on 21 March 2006, the attacks were carried out simultaneously on three fronts; the police station, the gendarmerie and the military base. The first two targets were very quickly hit despite the deaths of four attackers. The rebels were able to remove weapons from them. The fighting lasted two days between FACA units, who had taken refuge in the military base, and the rebels, who had withdrawn to the

airport. In retaliation, on 31 January 2006, the government forces with the support of the Presidential Guard, led-according to corroborating sources- by Lieutenant Ngaïkosset, launched a bloody counter-offensive in grave violation of international humanitarian law. The journalists' report states that during their combing operations, the FACA and the Republican Guard targeted unarmed civilians, including children.

Those few days of fighting caused the deaths of at least 26 civilians, including 17 schoolchildren who were summarily executed by the FACA because they could not tell them where the insurgents or their arms caches were;

- On 11 and 12 February 2006, still in retaliation for the attack on Paoua, the Presidential Guard launched several offensives along the RN1 highway between the villages of Nana Baria and Bema. Forty-four civilians were killed, including fifteen in Bema -of which thirteen were children. All the inhabitants of the 120 villages situated along the RN1 highway and on the roads from Boguila to Bema and from Markounda to Boguila took flight.

- On 8 March 2006, the mayor of Bossangoua was killed. The APRD claimed responsibility for this but stressed it had been an accident;

- On 15 March 2006, a commercial lorry was attacked in Betoko. The FACA who arrived there that same day killed an indeterminate number of people;

- On 22 March 2006, the population of Bema left before the arrival of 3 army vehicles. Witnesses reported 3 dead;

- On 23 March 2006, the same scenario occurred in the village of Bekoro (5 km from Bema). One person was killed;

- On 26 March 2006, soldiers killed one person in Benin;

- On 10 May 2006, armed men attacked the village of Maïssou (on the Chadian border) killing 3 people;

- On 23 May 2006, 80 homes were burnt down by the FACA at Kabo and Baboura. The people were warned that they were thought to be aiding and abetting the rebels.

B/ A human death toll that is impossible to determine

There is no official report to indicate the great insecurity felt by the civilian population due to the violent fighting between

rebel and loyalist forces in the northwest of the country. Given that it was difficult for humanitarian organisations to visit this region and that UN agencies were banned from going there as the region was qualified as zone 4, and also due to the military propaganda orchestrated by the government about these events, it is at present impossible to establish the human death toll from these attacks and to bring to light what acts of violence were committed by the rebels.

However, the few figures available are not misleading and give an account of the violence of the fighting and the insecurity of the civilian population; according to the UNHCR the number of Central African refugees in Chad is 50,000, spread among the camps of Gondjé, Amboko and Yaroungou, all situated near Goré. Their number was estimated at 20,000 in 2005. Also according to UNHCR, there are 20,000 refugees today in Cameroon, as against 3,000 in 2005. In addition, the International Committee of the Red Cross (ICRC) estimates that there are 20,000 displaced persons in the north of the country "on account of the violence that racked the country at the end of 2005". The ICRC says: *"the violence forced people to flee their homes, emptying entire villages and bringing still more suffering to an already vulnerable population. Ever since, these people have been living in makeshift shelters near their fields, often many kilometres from their villages. They lack even the most basic necessities, such as toiletries, materials for rigging improvised shelters, blankets and mats to sleep on"*²⁹.

Another figure that speaks for itself: during the rebel attack on Markounda in September 2005, there were only 1,000 of the normal population of 15,000 inhabitants in the village. What revealed all the more the gravity of the situation, the ICRC, in June 2006, publicly reminded *"all parties of their obligation to comply with human rights law and international humanitarian law which grants particular protection to civilians, people deprived of their freedom, the sick and the wounded"*.

During an interview with FIDH in June 2006, M.R. gave a testimony as to the violations committed by the loyalist forces, of which he and his family had been victim.: *"On 3 January 2006, I had left for the fields with my boy aged 20 and my girl aged 22. I was living then in Bebinguere. Returning from the fields, they came across soldiers dressed in camouflage who were in a lorry. The soldiers fired at point blank range on my children, shooting them in the back. This happened about 400-500 metres from our village. The villagers fled to escape the soldiers. We came back to collect the bodies so we could bury them in a common grave. Because of the comings and goings of the soldiers, the villagers had taken refuge in the*

fields. As for me, I walked as far as Bozoum (191 km from Bebinguere) where I spent the night in a classroom. One week later, my niece sent me money for transport to Bangui. My wife stayed in the fields with our only surviving child. These soldiers were speaking Songo. They threatened us from their vehicle saying, 'You'll see, you who didn't want to vote for Bozizé'. The soldiers know that we do not support President Bozizé because we are from the north".

C/ APRD (Popular Army for the Restoration of the Republic and Democracy)

a) The origin of the APRD

From the information gathered by the FIDH mission during its visit in June 2006, the emergence of the APRD, one of the most active rebel forces in the northwest of the country, can be recreated. With this information, FIDH has been able to identify those taking part in the rebellion and also their alleged leaders and accomplices such as Jean-Jacques Larmassoum, leader of the APRD arrested on 24 February in Bangui and imprisoned in Bossembélé.

Adoum Rakis, former liberator who helped Bozizé take power, and believed himself that he had been abandoned by the Head of State once he arrived in Bangui. Forced to demobilise, he decided to go to southern Chad via Cameroon. At the end of 2003, Adoum Rakis along with three Chadians who were also let into the secret, were contacted by former President Ange-Félix Patassé; his son, Sylvan Patassé; his former communications adviser, Proper Ndouba and his former party secretary of the MLPC, Maitar Djim Arem, who offered them 40 million francs to set up a group of armed men to overturn the new government. Adoum Rakis and his accomplices embezzled almost 32 million francs of this money for their own use.

Because of this, Ange-Félix Patassé wished to put at the head of the newly formed armed group a certain "lieutenant" Jean-Jacques Larmassoum who was also a former liberator disappointed by the new regime. He was asked to "get rid of the lame ducks". After a sort of internal putsch, Larmassoum took charge of the rebels calling himself the Chief of Staff. The general headquarters of the APRD was in Maitikoulou.

b) Attacks blamed on the APRD

Whether due to official claims by the APRD that they were responsible, or in the context of judicial proceedings which are ongoing, this armed group should be held responsible for

the attacks on Markounda (29 September 2005), Kabo (1 December 2005), Bodjomo (28 December 2005), Beboura, Bémal and Paoua (29 January 2006).

D/ Bias in legal proceedings

a) Proceedings against the APRD rebels and their alleged accomplices

The Jean-Jacques Larmassoum case

The Jean-Jacques Larmassoum should be heard at the next sitting of the Criminal Court of Appeal in Bangui in September 2006. He must answer to charges of "attack on the internal security", "conspiracy", "armed rebellion" and "killings".

Larmassoum visited Bangui at the start of 2006 to "continue operations". He was planning an attack against the cortege of the Head of State. Larmassoum was finally arrested in Bangui in March. He was imprisoned at Bossembélé. When questioned, he revealed the identity of his commanding officers and accomplices as well as the plans for his operations. It was during Larmassoum's interrogations that the names of Ndouba Lydie Florence, sister of Prosper Ndouba (see below), and of Sosthène Guétel (see below) first appeared. These two people along with Larmassoum's aide-de-camp and deputy aide-de-camp were immediately arrested and imprisoned in the Research and Investigation Section (SRI) in Bangui.

Confrontations were organised. Other people, leaders and accomplices of Larmassoum, were also being sought for trial but at that time were living in Chad, Cameroon, Togo and France. When FIDH met Lydie Florence Ndouba in the Bimbo prison (see below), she said that Larmassoum's physical and mental state when she came face-to-face with him, was fragile, leading her to believe he had been subjected to "brutal" questioning and that some of his confessions were, as a result, biased or forced. Lydie Florence Ndouba described him as follows: "Larmassoum was in a dreadful and filthy state. He was pale, tired, and just wearing underpants. On one of his arms was a suppurating wound. His wrists and ankles were bandaged so he had presumably been handcuffed. He was bound hand and foot". She added, "Before we met, the Prosecutor told him that if he answered the questions properly, he would be given some money to buy himself some cigarettes".

The Lydie Florence Ndouba case

Lydie Florence Ndouba was arrested in connection with the Larmassoum case for "aiding and abetting the rebellion".

FIDH met her in June 2006 when she was being held in the Bimbo women's detention centre. She introduced herself as the first woman prefect of CAR in Bimbo, the secretary general of the women's section of the MLPC and sister of Prosper Ndouba, former spokesman for the former President Ange-Félix Patassé.

Lydie Florence recapped on her alleged involvement in the Larmassoum case. "In February, I received a phone call from my brother. He asked me to call a person whom I was supposed to help financially in moving and he gave me his telephone number. I called this person and we arranged a meeting. However he did not turn up. This person called me back to arrange a new meeting the following day. I turned this down as I still did not have the money to help him. Four or five days later, I called him back to say that I had 50,000 francs. He told me that two women would come to collect the money. The deal was done and I tried in vain to call the person to be sure that he had received the money. Finally, the following day, I received a phone call from someone who said she was one of the two women I had met the day before. She said she was the fiancée of my contact and told me that he had just been arrested. We met that same evening when the woman handed me a bit of paper on which was written the name of her fiancé, Larmassoum, and that of his brother who had also been arrested. That is the first time I heard of Larmassoum".

On 28 February 2006, Lydie Florence Ndouba was arrested at her office and held in the Research and Investigation Section (SRI) where she shared a cell with Sosthène Guétel (see below). She did not get out until 22 March 2006, when she visited Bossembele where Larmassoum was being held to meet him face to face. This took place during the night. She was accused by Larmassoum of financing the rebellion. "She was to provide me in particular with weapons", Larmassoum told the Prosecutor of the Republic. In her defence, Lydie Florence Ndouba replied that she did not even have a bank account. She had spent three months and eleven days in the SRI without being able to see a doctor. The details of her detention conditions showed that there had been flagrant violations of the international provisions for the protection of human rights. She explained that she was sent to the women's prison on 7 June 2006 as a result of the "Declaration by the organisations for the protection of human rights relating to the inhumane detention conditions in the prisons, detention centres and police custody centres" published on 5 June 2006 and which mentioned her case. Lydie Florence Ndouba ended her interview with FIDH saying that since her arrest she had not had any contact with her brother who was now in France.

The case of Sosthène Guétel and other members of the MLPC

Sosthène Guétel, who was close to former President Patassé and a member of his party, the MLPC, was also arrested and put under a detention warrant in connection with the proceedings initiated against Larmassoum and others. His name came up during the interrogation of Larmassoum who believed him also to be funding the rebellion. At first, Guétel was detained in the SRI. He was then moved to the prison in Ngaragba after the poor detention conditions were condemned by the Central African human rights organisations (see above). FIDH attempted to visit the prison to obtain Guétel's testimony along with those of others that were detained in connection with the same case, but was refused entry by the administrator despite having obtained prior oral authorisation from the Prosecutor of the Republic. The members of the MLPC or those close to the former regime seem to be particular targets in connection with the proceedings initiated by the Central African justice system. Several arrests were made of those suspected of financing, aiding or abetting the rebellion. In particular, Mr Mongai, former spiritual adviser to Ange-Félix Patassé and minister of the Yangato church, was arrested and accused of being the "brains" behind the rebellion. Mr Mongai was finally released without charge.

b) No proceedings against the units of loyalist forces who perpetrated crimes against the civilian population

In answer to questions by FIDH regarding the possible lawsuits against units of the FACA, in particular the Republican Guard, for serious violations of international humanitarian law, mainly concerning the bloody counter-offensive in Paoua (see above), the Prosecutor of the Republic explained that such lawsuits did not come within his competence, but were a matter for Mr Alain Ouaby-Bekai, Prosecutor to the Permanent Military Court. At the time of the mission's visit, no proceedings of this type had been initiated.

In response to reactions from the international community, the Prime Minister, Mr Elie Dote, visited the tiny village of Paoua on the Central African Chadian border, to make an official report on the situation. This was not available at the time of publication of the FIDH report. On the basis of the observations of UN agencies, humanitarian organisations in CAR, and information received from journalists and human rights organisations, FIDH can assume that serious violations of human rights and international humanitarian law have been perpetrated in the northwest of the country against civilians by both rebel and loyalist forces. Taking account of the international conventions ratified by CAR, in particular the Geneva Conventions of 1949, the UN Convention against Torture and the African Charter on Human and People's

Rights, FIDH reminds the Central African authorities of their obligation to investigate, prosecute and try the perpetrators of serious violations of human rights and international humanitarian law, whatever side they are on. The bias in lawsuits currently initiated by the Central African judicial authorities contravenes the obligations of the State and affects the right of all victims to a legal remedy.

E/ First sentences by the Criminal Court of Bangui

On 18 August 2006, the Criminal Court of Bangui, presided over by Jean-Noel Bangué, announced its first judgments in the "Larmassoum and others" case. The Court sentenced Jean-Jacques Larmassoum, whom it believed to be the spokesman for the APRD, to life imprisonment for "rebellion, conspiracy, attack on the internal security of the State, killing, theft, destruction of property, unlawful possession of arms and munitions and desertion". The Prosecutor, Modeste-Martineau Bria, had asked for the death penalty.

During the debates, Larmassoum had confirmed the attacks blamed on the APRD, in particular those on Markounda, Kabo, Paoua, Bossangoa and Bémal. He also gave details of his telephone contacts with former President Ange-Félix Patassé who had given him the "goal" of "destabilising the republican institutions and returning him to power". He also confirmed he had received, to this end, the sum of 700,000 CFA francs. Three of his co-accused, François Bénamou, Alain Sialbé and Bonaventure Kalbadji, were found guilty of aggravated theft, looting and destruction of property and were sentenced to ten years' imprisonment. On the other hand, the two MLPC members, Sosthène Guétel and Lydie-Florence Ndouba, along with three other co-accused, were acquitted after being given the "benefit of the doubt" for lack of sufficient evidence. The decision seems to have echoed the concerns of FIDH expressed during its mission to Bangui in June 2006 regarding the increase in arrests for conspiracy to rebellion within the opposition political parties, in particular the MLPC and the RDC (*Rassemblement Démocratique Centrafricain*) without there being sufficient evidence and regardless of the truth of the acts with which the persons concerned were charged.

3.2. Rebellion in the northeast of the country: armed groups of Chadians and Central Africans united by the Sudanese dinar

On 13 April 2006, the Chadian capital, N'djamena was attacked by rebel groups, mainly those of the FUC. The coup d'état was foiled after France stepped in to support President Idriss Deby Itno and violent fighting in the capital. Many of the rebels were

taken prisoner including about fifty Central Africans. The connection between the Chadian (FUC) and Central African (FDPC) rebels was plain for all to see. The representative of the UN Secretary General in BONUCA, General Lamine Cissé, was adamant about this new alliance. *"Normally the Chadian rebels attack N'djamena from Adré or Abéché. This time, they attacked from Birao in northeast CAR. After their offensive was foiled, they retreated into CAR"*. Sudan's support for this motley group was condemned by the international community. The regionalisation of the conflict was no longer an illusion: in a press statement on 7 July 2006, the UN Security Council announced it was *"seriously concerned"* that the persisting violence in Darfur and the deterioration of relations between Chad and Sudan might further *"negatively affect the security and stability of the Central African Republic"*³⁰.

A/ The origin of the triple entente

Corroborating legal sources have reported to FIDH on the origin of the new conflict in CAR. Adoum Rakis, a former liberator, took part in the attempted coup against Idriss Deby Itno on 13 April 2006. He was removed from leadership of the APRD for embezzling money (see above) and, at the start of 2004, joined up with a certain Daman, chief councillor of Tiringoulou in northeast CAR. The two protagonists then set about organising armed units to start a new rebellion with their base "in a cave" 70 km from Tiringoulou. *"There were a lot of weapons in this little inhabited, desert region due to the substantial supplies from the former Central African Health Minister, Dr Kalité, as defence against the Sudanese robbers"*. Rakis and Daman were then asked by the CAR ambassador in Khartoum to meet him in the Sudanese capital. At this meeting, certain "Sudanese authorities" offered to fund Rakis and his men for, firstly, helping the Chadian rebels overthrow Idriss Deby Itno and, secondly, overthrowing the Bangui government. Rakis accepted. In Khartoum, he met Abdoulaye Miskine and Mahamat Nour who both told him to follow the orders of Jean-Jacques Demafouth who, on several occasions, denied any involvement in the rebellion.

Once the agreement was concluded, Daman left for Tiringoulou and Rakis followed Miskine to Mahamat Nour's base camp in Sudan to prepare the attack on the Chadian capital. Rakis thus took part in the rebel offensive through Birao and Tiringoulou to reach N'djamena, and was arrested in the capital by the Chadian army. All the information received by FIDH points to a sizeable rebel pocket in the region of Birao and Tiringoulou made up of armed Chadian and Central African units. It also seems established that this heterogeneous rebellion had a twofold aim - to destabilise the governments in N'djamena and Bangui and to receive financial support for this from Sudan.

B/ The recent rebel attacks in northeast CAR

Since April 2006, rebel attacks against the FACA have increased in northeast CAR. The failure of the attempted coup against Idriss Deby Itno did not seem to have weakened the rebel forces. On the contrary, the Birao region, a no-go area and the heart of regional destabilisation, became the theatre for bloody confrontations involving Chadian and Central African rebels, the FACA, CEMAC troops, Sudan and also France.

The rebel groups are still present around Tiringoulou. Apparently they are supported by the inhabitants and clearly receive logistic support from Sudan. The first violent clashes between the FACA and the rebels from the northeast arose from Sudan's involvement. Corroborating testimonies reported, on 25 and 26 April 2006, two round trips by an Antonov 35 plane from Sudan which dropped off two men and "cases of military materials" at Tiringoulou. In order to prevent other deliveries, particularly of vehicles, the FACA decided to launch an offensive on this village at the end of April. It was during this attack that the liberator Dogo was killed (see above). The FACA stayed in the town for four days before retreating. At the end of May 2006, two Central African soldiers perished not far from Birao in an ambush carried out, according to the Central African authorities, by the rebels.

A statement by the Central African Defence Minister on 27 June 2006, reported violent fighting on 25 and 26 June 2006 pitting FACA and CEMAC forces against Chadian rebels near the village of Gordil.

*"A group of heavily armed Chadian rebels attacked a military detachment of the FOMUC and the FACA stationed at Gordil in the northeast of the country. The fighting which followed was particularly intense, leading to many deaths on both sides"*³¹. According to official sources, the FACA sustained 11 deaths, the FOMUC 2, and their attackers 20. Wearing his general's uniform, President Bozizé announced publicly on 3 July 2006 that his country *"was under attack from bloodthirsty criminals who, without giving names, are clearly supported by foreign powers"*³².

C/ France's support for the Central African forces

It is a grave moment for General President Bozizé. His troops seem to be having difficulty resisting the repeated attacks by rebels in the northeast of the country. As a symbolic gesture, the President decided to demote ten Central African soldiers guilty of "indiscipline", of "leaving equipment for the enemy" or of "treachery" during the attack on Gordil at the end of June 2006. What was worse, the President ordered the sacking of General

Gambi and his immediate subordinates, Colonels Paul Dimassi and Dieudonné Sérégaza, respectively Assistant Chief of Staff and Deputy Chief of Staff in charge of logistics, as well as Colonel Guillaume Lapo, Director of the Army Supplies Corps and Commander Marcel Ngambi Tatamba, head of the 4th office of Chief of Staff in charge of intelligence and training.

All these officers paid for the military set-backs suffered since last April by the forces for defence and security. Bozizé became even more threatening on 3 July 2006: *"Anyone who commits a serious mistake before or near the enemy shall be immediately punished and brought before the appropriate courts"*. The shortcomings of the FACA were a worry to the international community, conscious that the rebellion in the northeast of the country could destabilise an already unstable region. France decided to step up its military cooperation with the Central African army by providing a Transall C130 plane capable of transporting heavy equipment into the operation zones. France was also dispatched to Bangui, Chiefs of Staff who were supposed to support their Central African counterparts along with an aerial observation mission capable of operating in the so-called sensitive zones. A statement by the Central African Defence Minister on 11 July 2006, warned the people of Bangui that *"the skies above the Central African capital will be criss-crossed by French fighter planes"*.

D/ The Clothilde Gamon case

The Prosecutor of the Republic opened an investigation into the criminal actions of rebels in northeast CAR. In this context, lawsuits were initiated for "attacks on the security of the State", in particular against Mme Clothilde Gamon, Chief Police Commissioner of the 5th district of Bangui. When FIDH met her at the Bimbo women's prison, Mme Clothilde Gamon gave her version of events: *"In February 2006, a citizen from my district, Mr Rakina Mamadou, came to see me at the police station to ask a service. He wanted to contact a certain Hassan Mohamed in Bria to recover money owed to him for the purchase of his pick-up truck. I accordingly wrote to the Commissioner in Bria asking him to contact the debtor. On 14 March, I learned that the Prosecutor of the Republic was looking for me. Finally, some gendarmes came to arrest me. I was questioned by a deputy prosecutor on charges of attack on the security of the State. He showed me the letter to the Commissioner in Bria saying this was proof of my connection with the rebellion as Hassan Mohamed was a part of it. I was not allowed a face-to-face meeting with the citizen of my district for whom I had performed this service. I know it was through him that this letter fell into the hands of the court. But I do not know what has happened to him today. I was*

detained in the SRI without any visitors or food. There were no toilet facilities. There were maggots everywhere. Ten days later, I fell ill. I caught typhoid fever due to the psychological torture to which I was subjected and the dreadful conditions of detention. I was taken to hospital but very soon returned to the SRI, where I had a miscarriage. After being held for 2 to 3 months in the SRI, I was moved to the women's prison at Bimbo on 9 June 2006".

Mme Clothilde Gamon denied the charges made against her. She thought that her arrest was political, explaining that her jailers always specified her membership of the MLPC and the fact that she held political meetings in her district. Clothilde Gamon also denied these allegations. She made it clear to FIDH that her whole family was under threat. After three-month detention, she still did not know when she would be brought to trial. The Prosecutor of the Republic gave a brief account of the facts Clothilde Gamon was charged with. According to him, Abdoulaye Miskine was aiming, with Demafouth's financial backing, to recruit men from Bangui to support the rebellion in northeast CAR. He obtained this information from several people arrested while they were attempting to join Miskine in Sudan. About twenty of these people are in Ngaragba prison today. *"It is in connection with this matter that Clothilde Gamon and the prefect of Bria were arrested, for aiding and abetting this recruitment"*, FIDH was told by the Prosecutor of the Republic.

FIDH asked the authorities concerned to guarantee that the persons arrested in connection with the case initiated against the rebels of the northeast and their accomplices would be granted the right to a defence and to a fair trial. FIDH asked the judicial authorities to carry out all the necessary investigations to ensure that the lawsuits had not been initiated for political reasons.

E/ First sentences by the Criminal Court of Bangui

On 12 September 2006, the Criminal Court of Bangui declared not guilty and acquitted 15 of the 16 persons charged with "attack on the internal security of the State, conspiracy and criminal association", including Clothilde Gamon; Raymond Béhourou, former Prefect of the Haute Kotto, and Moïse Mamadou Raikina, former MLPC member of parliament. Raikina was suspected of gathering recruits for the rebellion in the northeast of the country. Only the police officer, Piko Miché, was sentenced to three-month imprisonment for escaping.

3.3. The spectre of Congolese mercenaries: the Yabanda affair

Whenever the rebellion in CAR is mentioned, attention is instinctively drawn towards the other side of the Oubangui river and the Democratic Republic of Congo. The participation by

Congolese mercenaries in the previous attempted coups leads to a fear that history might repeat itself, especially since the Congolese elections in July 2006 could attract its fair share of "malcontents" and bring back some of the war lords.

The spectre of the "Yabanda affair" is often raised. Jean-Jacques Demafouth contacted one of Jean-Pierre Bemba's Congolese officers in the MLC to instruct him to form a group of armed units capable of involvement in the Central African capital. The operating method was as follows: Demafouth gave money to Yabanda who then went through a middleman to transfer the sum to the Congolese officer. These facts were confirmed by the middleman after his arrest. Yabanda was arrested and a face-to-face meeting was set up. Yabanda acknowledged that he knew the man but denied there was any money deal. The middleman, to confirm his story, brought in another alleged accomplice in this recruiting operation, a man from the CEMAC. Once arrested, this man said he had received a phone call from France asking him to pay Yabanda a certain sum of money. This was handed over at Yabanda's house with the middleman present. Yabanda was found guilty and taken to Ngaragba prison where he was "shaved" with a used razor blade in conditions of disturbingly poor hygiene.

4. Gloomy prospects

There are many people who advocate waiting until the end of the rainy season, in October, to find out the real intentions and

capabilities of the rebels based in northern CAR. The possibility of an attempted coup cannot be dismissed. The prospects are all the more gloomy as the security situation in CAR is just now attributable to relations between Chad and Sudan. The Tripoli Agreement, signed between the two States on 8 February 2006, which banned any support for rebels hostile to their respective regimes, seems to be null and void. And, as General Cissé wrote in his report to the Security Council on 27 June 2006: "*This atmosphere of mutual distrust and suspicion [between Chad and Sudan] has paved the way for arms proliferation in the subregion, particularly in the north-eastern part of the Central African Republic, which the Central African Armed Forces have been unable to control for lack of adequate manpower and logistics.*" The short-term solution to making the northern region of the country safe seems to be military support from France. BONUCA's medium- and long-term solutions for pacifying the region are restructuring the FACA, increasing the manpower of the FOMUC and making the borders more secure using the Chadian, Cameroon and Central African government forces. FIDH believes that, if a conflict which could affect the whole subregion is to be avoided, then a United Nations intervention force must be sent in to protect the civilian population.

In the meantime, the local population is left to suffer the horrors of the conflict. Rape, sexual slavery, looting, summary executions, malnutrition are the daily lot of Central Africans in the north of the country.

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16. See Constitutional Acts 1 and 2 passed by General Bozizé in Annexe 5 of FIDH Report no. 382, p. 38.
 17. See FIDH Report no. 382, http://www.fidh.org/rubrique.php3?id_rubrique=60
 18. See FIDH Report no. 382, http://www.fidh.org/rubrique.php3?id_rubrique=60
 19. The French Foreign Minister reacted to the Court's decision on Friday 31 December 2004: "*The transition process in the Central African Republic ended with a free, transparent election open to all the political parties in the country and from which none was debarred.*"
 20. See Report of the Secretary General on the situation in Central African Republic and the work of the United Nations Peace-building Support Office in Central African Republic, S/2005/414 of 27 June 2005.
 21. See Report of the Secretary General on the situation in Central African Republic and the activities of the UN Peace-building Support Office in Central African Republic, S/2006/441 of 27 June 2006.
 22. See State Report by CAR to the African Commission on Human and People's rights [in French] at http://www.achpr.org/francais/_info/news_fr.html
 23. See AFP Central Africa-France-security French "Questions" and "discomfort" after the troubles in Bangui, Paris, 9 January 2006.
 24. See http://www.smallarmysurvey.org/files/sas/publications/spe_reports_pdf/2006_sr6_car.pdf
 25. See Report of the Secretary General
 26. PSC/PR/2(XLIV) page 3 - Information note on the security situation in Central African Republic and the visit to the region by the UA mission (29 December 2005)
 27. See communiqué by President Bozizé broadcast on national radio on 12 March 2003 http://85.159.204.179/news/article.php3?id_article=18
 28. See Northern Central Africa "lives practically under occupation" (François Bozizé) (*L'Express* 03/07/2006)
 29. See Press Release by ICRC dated 3 July 2006, www.icrc.org
 30. See Security Council Press Statement on Central African Republic, SC/8771 AFR/1406, 7 July 2006, <http://www.un.org/News/Press/docs/2006/SC8771.doc.htm>
 31. See AFP "Fighting between Chadian rebels and the army in the north of the country" (27/06/2006).
 32. See note 28.

PART III - THE "DOUBLE SUFFERING" OF VICTIMS

A great many of the civilian victims of armed conflicts are the forgotten ones of CAR. There is no exhaustive list of the victims of crimes committed between October 2002 and March 2003, and those perpetrated since September 2005. This has led to the indifference shown by the Central African authorities towards them, the insecurity that still lurks in certain regions of the country and the victims' great fear of giving evidence. There are a few incomplete lists of victims drawn up by some district leaders, representatives of the national Red Cross, hospitals or religious missions; and the humanitarian organisations working in CAR keep daily registers of their many interventions.

There is no longer a national support programme for the victims providing medical and psychological assistance despite the extent of trauma suffered, the prohibitive cost of care and social security system on its last legs. In 2004, the National Dialogue properly recommended compensation for victims of the conflicts but this was never paid. Realising that the Central African authorities were doing nothing³³, the UN agencies implemented for one year a programme for "Humanitarian assistance for women and girl victims of rape and violence arising out of the armed conflicts on 25 October 2002" (see below). Despite the importance of this programme for the victims, it has not been carried on. Now support for victims, including those of the further conflicts since 2005, is left to one association, the Organisation for the Compassion and Development of Families in Distress (OCODEFAD). The courage of its members is equal to the indifference showed to them. What is worse, the complete lack of consideration for the victims has intensified their stigmatisation by Central African society, a real "double suffering".

I. The programme for "Humanitarian assistance for women and girl victims of rape and violence arising out of the armed conflicts on 25 October 2002"

The United Nations Development Programme (UNDP) funded for one year (November 2003 - November 2004) a programme for "Humanitarian assistance for women and girl victims of rape and violence arising out of the armed conflicts on 25 October 2002" implemented in conjunction with UNICEF, the World Health Organisation (WHO) and the United Nations Population Fund (UNFPA) in partnership with the Central African Ministry for Social Affairs.

The time limit (one year), geographical limitations (Bangui and its suburbs) and the limited extent of assistance ("assistance to women and girls") of this programme did not take account of the extent of crimes perpetrated during the attempted coup by Bozizé. On the other hand, the final annual report revealed a typology of crimes and victims and underlined the overwhelming need for medical and psychological care.

1. Typology of crimes and victims

The final report of the CAF/02/2004 programme, "Humanitarian assistance for women and girl victims of rape and violence arising out of the armed conflicts on 25 October 2002" published in January 2004 by the UNDP and the Ministry for the Family, Social Affairs and National Solidarity, produced the following data:

Out of the 815 persons registered, the programme finally took care of 514 victims. All the victims of physical, psychological or sexual aggression underwent a medical examination. The rape victims also underwent a laboratory check-up, including analysis of the existence of any infectious disease. Specialists also drew up a psychological report on each victim. Finally, legal aid was offered to all the victims willing to take their cases to the Central African courts (see below).

The 514 victims were registered as follows:

- 150 rape victims
- 143 victims of rape with physical aggression along with sexual assault
- 154 cases of physical aggression
- 67 cases of displacement and/or theft

Rape victims according to age:

Victims aged	10 – 15	16 – 20	21 – 30	31 – 40	41 +	Total
Rape	11	43	42	38	16	150
Aggravated rape	06	26	57	36	18	143
Total	17	69	99	74	34	293

The report also stated that 272 of the 293 cases of rape (93%) were carried out by armed troops from the Democratic Republic of Congo and 21 (7%) by Bozizé's "liberators". These rapes were most often committed by groups: 107 victims were raped by two attackers and 134 by three or more attackers (up to 10 attackers). 228 of the 293 victims registered were raped in front of witnesses. Of the 514 victims identified, 152 came from Bangui (115 cases of rape), 226 (137 cases of rape) from the PK 12/PK 22 road, the road to Damara, and 96 (41 cases of rape) from the provinces. The victims showed signs of post traumatic stress, presenting psychiatric disorders such as depression, phobia of men in uniform and suicidal tendencies.

2. No effective remedy in the Central African courts

From November 2002 to November 2003, several hundred legal case files were processed by those in charge of the programme. The programme was specially extended by one month in October 2004 so that other files could be finalised. These files, which comprised the accounts of victims and medical certificates, made up the bulk of complaints by victims that were sent before the Central African justice system in the case of Patassé and others.

In November 2004, FIDH met with the Senior Judge who effectively declared he was founding on these individual complaints and the work of the programme coordinators to pursue Ange-Félix Patassé, Jean-Pierre Bemba, Abdoulaye Miskine and others. The order of 16 September 2004 referring "Patassé and others" before the Criminal Court, also mentions the programme's final report *"whose conclusions inserted in the file have revealed several hundred violations of humanitarian law covering killings, murders, beating and deliberate injuries, rape and looting, etc.; these many cases have been the subject of many medical certificates as well as of the affidavits of the agents who prepare these"*. The order stresses *"the great credibility given to the accounts following individual interviews"*.

However, FIDH believes that the programme's final report only provides a legal interest limited to the serious crimes whose occurrence has been established in the period from October 2002 to November 2003 and is composed of unpublished and accurate statistical data, but it does not contain any serious accusation nor any proof of identification that would enable any of the perpetrators of these crimes to be identified as belonging to a group. It would be advisable from a legal perspective, to make use of and analyse the files of testimonies prepared by the investigators.

Lastly, although the victims' complaints supported by the UNDP programme allowed the Senior Judge to prosecute the former regime holders, there has not been any legal outcome. In fact the Cour de Cassation deemed the Central African courts incapable of sentencing the perpetrators of the most serious crimes committed during the attempted coup by General Bozizé (see above).

II - Organisation for Compassion and Development of Families in Distress (OCODEFAD)

Since 2004 and the end of the programme for "humanitarian assistance", no specific structure has been set up to support the victims of the most serious crimes perpetrated between October 2002 and March 2003. The indifference shown by the national and UN authorities towards their fate was all the more worrying as more fighting was about to break out in the north of the country between loyalist and rebel forces, extending the already long list of victims. Their lack of action has been disguised only by the humanitarian organisations operating in the country who have provided, as far as their financial means allow, medical and psychological aftercare and general healthcare for the victims. As a reaction to this, Mme Bernadette Sayo Nzale, who had helped set up the UNDP programme, decided to create the Organisation for Compassion and Development of Families in Distress (OCODEFAD) which was officially registered as an association on 26 April 2005.

1. Member victims

The members of OCODEFAD are all civilian victims. They have all given testimonies of the crimes they suffered also from a legal viewpoint. Most of them are victims of armed conflicts: victims of the loyalist and rebel troops during Bozizé's attempted coup between October 2002 and March 2003; victims of the fighting between loyalist and rebel troops since September 2005 in the north of the country. Some victims of the crimes committed by the security forces, rapes in particular committed since March 2003, are also registered with the organisation. Today OCODEFAD has 1,045 members. All have paid a membership fee for entry to the organisation thus demonstrating the seriousness of their commitment to realising the aims of OCODEFAD, particularly to obtaining justice.

The number of members (1,045) clearly bears no relation to the number of victims of fighting since 2002 in CAR. The resulting requirements and limitations are as follows: the willingness of the organisation to provide all member victims with medical and psychological care, schooling, nutrition and legal aid, etc, despite finance difficulties; the concern of "knowing" members to avoid any political infiltration that might destabilise the organisation; the inability of some member victims to talk about the violence they have suffered; the ever powerful fear of stigmatisation; the organisation's presence only in Bangui and its immediate surroundings and a few other villages such as Bossembele and Damara.

The number of members (1,045), although considerable in itself, only represents a tiny symbolic part of the victims of conflicts in CAR since 2002. It does not correspond at all to the extent of serious violations of human rights and international humanitarian law perpetrated against the civilian population during the various conflicts which have raged over the past 4 years. The fact remains that an analysis of the victim members' testimonies, the dates and places of the crimes, the various ages of the victims, the diversity of the crimes and the identification of their perpetrators all lead to the conclusion that there were real armed conflicts as defined by international humanitarian law, the civilian population suffered terrible acts of violence, the crimes were committed systematically and on a huge scale, and those responsible were many and varied.

What the testimonies gathered by FIDH in its various reports since 2002 show are: victims of the fighting which raged in Bangui in October 2002 between the loyalists and General Bozizé's rebel troops; victims of rape perpetrated by the Congolese mercenaries of Jean-Pierre Bemba during their counter-offensive in November 2002; victims of violence perpetrated at the cattle market by Abdoulaye Miskine's men; victims of crimes committed by Congolese mercenaries and rebels between November 2002 and March 2003 outside the capital; victims of violence committed by the new Chadian and Central African rebels since 2005 in the north of the country; and victims of the retaliation by the FACA against the rebels since 2005.

The nature of the crimes described in the members' testimonies is also shocking.

Below is a copy of a table which hangs on the wall in the OCODEFAD headquarters:

1045 member victims of OCODEFAD (842 women/ 203 men)

Women raped: 440	Girls raped: 32	Men raped: 8
Elderly persons raped: 8	Orphans of the conflict: 503	Widowers and widows of conflicts: 48
Wounded from conflicts: 24	Disabled by conflicts: 23	Traumatized: 73
Children at risk: 91		HIV/AIDS victims: 52

Almost 50% of members were victims of rape. This statistic shows that rape is used by combatants as a genuine weapon of war, indiscriminately targeting elderly people, women, children and men, including in particular some dignitaries. Fifty-two people were declared to be infected with HIV/AIDS. This figure does not in any way reflect the true picture, but only those whose infection has been medically certified. But most of the victims do not wish to undergo the test for fear of social exclusion, because the cost is often prohibitive, because they risk even further exclusion and in any case do not have the means to pay for medical care.

Many members of OCODEFAD have died from the disease. Although the table does not mention the number of children born as a result of rape, FIDH can confirm that there were at least a dozen when it visited the OCODEFAD headquarters. Lastly, the number of orphans, widowers and widows is testimony, incidentally, to the high number of summary executions.

2. Activities in support of the victims

One of the main aims of OCODEFAD is to contribute to the social and economic reconstruction of the victims. By obtaining micro loans from certain international organisations and diplomatic representations, OCODEFAD has been able to offer its members activities to obtain income. The World Bank has funded two poultry farms and workshops for dress-making and fish-farming. The United States embassy has also contributed to the purchase of sewing machines and sewing materials. These activities have enabled member victims to find a job, to receive an income and to contribute to the work of the association.

The World Health Organisation (WHO) has also agreed with OCODEFAD on a programme to supply medicines and the medical and psychological support of a doctor, Dr Laguerre, for victims. This programme was however halted as Bernadette Sayo Nzale refused to include people who were not victims of the conflicts and to replace the volunteer doctor who had worked for a long time for the organisation, which is what the international organisation had wished. Since the FIDH mission in June 2006, another programme is being negotiated between the two organisations.

The World Food Programme (WFP) has also supported OCODEFAD by distributing food supplies at the end of December 2005. However, since that delivery, the President of the victims' association received a phone call from an individual asking her, on behalf of the first lady of the country, to return the food supplies so that she could take charge of their distribution. Two

people even came to the organisation's headquarters to carry out the request by the wife of the Head of State. It was only thanks to the intervention by the WFP regional representative who was summoned by Mme Sayo Nzale that OCODEFAD was able to keep the food supplies.

3. Threats against OCODEFAD

Due to its activities, OCODEFAD is disruptive. The perpetrators of the crimes denounced by the victims are today's political and military activists in CAR, Chad, Sudan and the Democratic Republic of Congo. Several threats, harassment and attempts to exploit the organisation for other purposes have all hampered its proper functioning.

For example, on 19 September 2005, FIDH and LCDH organised a seminar to discuss the jurisdiction of the ICC over the situation in CAR. After taking part in this seminar, at least four victims of international crimes, who wish to remain anonymous, received threats by phone or in person. Some were threatened with death or physical assault. They were also subjected to pressure mainly to dissuade them from cooperating with FIDH, to convince them of the uselessness of their fight against impunity and to encourage them to tear up their OCODEFAD membership cards. One of them was even assaulted.

In February 2006, the home of Bernadette Sayo Nzale came under fire while her children were inside. The windows were broken and bullet holes can still be seen in the walls of the house. At the beginning of the year, the head of the district visited several branches of the organisation seeking to tarnish the image of OCODEFAD and its President. Witnesses tell how he addressed the neighbourhood and passers-by saying that Bernadette Sayo Nzale was making herself rich by her activities. *"If you too would like to benefit from the organisation's gifts, I shall give you money for your subscription and you can destabilise it"*. Such accusations were entirely false and slanderous.

OCODEFAD also has to cope with attempts to exploit it. During its "open doors" day on 6 May 2006, three Congolese journalists wished to interview some victims. Bernadette Sayo Nzale refused them for fear of endangering members of the organisation. However, a report on the victims, filmed without their knowledge, was shown a few days later on Congolese television. It appears that the aim of this report was to tarnish the image of Jean-Pierre Bemba, a candidate in the Presidential elections in July 2006 in the Democratic Republic of Congo. The victims felt cheated and endangered by this. On 10 May, the President of OCODEFAD received a phone call from Nairobi

(Kenya) from one of the journalists saying he had been threatened by Jean-Pierre Bemba's men and telling Bernadette Sayo Nzale to be on her guard. The Central African Minister of the Interior, also aware of the situation, confirmed himself that Bernadette Sayo Nzale was in danger. Nevertheless, she was not given any special protection.

On 3 August, according to the testimony of a neighbour, three armed men entered the home of Bernadette Sayo Nzale. They stole the organisation's laptop computer, some USB memory sticks and documentation relating to the organisation's work, in particular some quarterly reports and lists of victims. Jewellery and a hi-fi system which were in the sitting-room were not removed by the thieves, which proves that they were only intent on taking OCODEFAD's confidential documents. The theft was premeditated since one of the thieves was recognised by the neighbour, as it appears he had been hanging about Mme Sayo Nzale's house for several days, and they worked during the day when the guardian and other occupants of the house were out.

This theft occurred a week after a press statement was published on 29 July 2006 by OCODEFAD announcing its members' opposition to the request for amnesty for the perpetrators of crimes committed in CAR since 2002 drawn up the day before by Father Josué Binoua in the presence of Central African members of parliament, on behalf of the national reconciliation. Following the press statement by OCODEFAD, several of its members, including its President, received anonymous threats by telephone.

III - The stigmatisation of forgotten victims: "the double suffering"

Most of the victims questioned by FIDH talked of the double suffering they endure apart from, or because of, the dreadful crime of which they have been victim: on the one hand, the obliviousness of or indifference to their fate by the international community; and on the other hand, the actual discrimination and stigmatisation experienced by them on the part of the authorities and the civilian population.

Several headmasters of schools refused to enrol girls or boys who were rape victims. In playgrounds or even in their own families, the victims are objects of ridicule: "*You, you've been raped!*", is chanted in mockery. Little boys who have been raped are called "*the Banyamulengues' women*". Some victims also speak of a feeling of shame because, for example, they were raped in front of their families. Others express their wish for revenge. Some young boys who witnessed the violence against other members of their families talk of their desire to take up arms.

Moreover, after losing their father, mother or husband, many victims find themselves in dire financial straits, some without work, income or education. Others are dying of AIDS, unable to pay for the triple therapy. Some who are clear-headed say, "*it would be good to be there when justice is done but first of all we need to stay alive!*". And what can be said about the permanent state of shock experienced by a mother whose child is born of rape and the burden of this crime that will be involuntarily borne by that child throughout its life?

This double suffering of victims is not at all taken into account by the Central African authorities. FIDH has raised it several times, with the Head of State and the UN agencies, recommending a public awareness campaign be launched against the discrimination of victims. FIDH hopes this proposal, which seems to have been favourably received, shall bring results.

33. Ange-Félix Patassé had pretended to deal with victims by creating by decree in February 2003 a "Commission for assessing damage to life and property". Composed of ministerial agents and representatives of the Association of Women Lawyers, the Commission carried out some investigations, in particular in the hospitals in Bangui. However, according to one of its members, none of the women interviewed wished to testify about the sexual violence they had suffered. The Commission met only a few times, "to talk only about budget matters", without ever being operational. UNICEF had also independently tried to set up a care service for victims of sexual violence in the social security offices in Bangui by asking for help from the Ministry of Social Security. However, overwhelmed by the huge number of victims, the social security officers were not able to monitor the numbers, making it difficult to provide emergency care and to identify the victims. The programme had to be abandoned.

Conclusion: The International Criminal Court must live up to its mandate

Since the fall of the Bokassa empire, the history of CAR has been a never-ending cycle of political and military violence. Leaders go to war for a power which, nevertheless, has been devoid of any substance for a long time as the State is in decay, the economy is a disaster and the society in a coma. The many conflicts have caused the country development index rating to tumble.

The Central African civilian population has not only witnessed this chaotic history, it has been its main victim. It has suffered the continuous attacks of the combatants, both rebel and loyalist: summary executions, systematic rape of women, men and children, amputations, torture, children being made orphans, displaced persons and refugees, malnutrition, economic disaster, etc. There are many who bear the stigma of this war-torn country.

For a long time now, the international community has shown little interest in a country which has yet to show its natural wealth. Up till now, war-torn CAR has only provoked mere diplomatic condemnation, mainly of the attempted coup in 2001 and the forced takeover of power in 2003. The only involvement of the international community in this country is evidenced by the few hundred soldiers from CEMAC and the renewals of BONUCA's "peace-building" mandate! The appearance, since 2005, of new rebel groups in northern CAR has changed the situation slightly with the logistical intervention of France in support of the FACA and the concerned gaze of the UN Security Council. But the insecurity in CAR seems to worry them more regarding the crystallisation Chado-Sudanese of antagonism rather than its effect on Bangui and the Central African people.

So the Central African victims endure the double suffering of the trauma they have undergone and of social exclusion. And when they courageously cling to the hope of seeing their tormentors brought to justice, the Central African courts reply that they are "incapable" of doing this. The absence of the rule of law in CAR is a constant carte blanche to the human rights predators.

It is on this report that the International Criminal Court must take action. The State Parties to its Statute have confirmed that the most serious crimes of concern to the international community as a whole should not go unpunished. They have declared themselves determined to put an end to the impunity of the perpetrators of these crimes and to work towards the prevention of further crimes.

FIDH believes that the Prosecutor of the ICC must grasp the opportunity to live up to his mandate and respond to a real hope that justice will be done.

Recommendations

FIDH recommends that:

The loyalist troops and rebel groups:

- comply strictly with the international provisions for the protection of human rights and international humanitarian law;
- allow humanitarian organisations to travel and operate in the north of the country.

The Central African authorities:

- honour the international conventions for the protection of human rights ratified by CAR and accordingly bring their legislation into line with these;
- combat corruption within the judiciary;
- recruit and train a sufficient number of judges to ensure that adequate justice is administered throughout CAR and to combat criminality and impunity;
- allocate sufficient budgetary resources to the administration of justice;
- publicly condemn and implement everything to combat impunity for crimes committed by certain officers or others in the police force, by systematically demanding that judicial investigations be initiated as soon as the facts within the judge's jurisdiction are known;
- bring before Parliament, as soon as possible, the draft reform bill of the Criminal Code and the Code of Criminal Procedure;
- abolish the death penalty and the crime of witchcraft, restrict the legal time-limit for detention in police custody and detention pending trial, allow a detained person access to a lawyer, a doctor and to his/her family within the current reform of the Criminal Code and the Code of Criminal Procedure;
- include in the reform bill of the Criminal Code and Code of Criminal Procedure the provisions of Chapter IX of the Statute of the ICC relating to cooperation between the Central African authorities and the organs of the Court;
- denounce the bilateral agreement concluded with the United States preventing any American citizen from being brought before the ICC;
- improve the conditions of detention in all prisons in accordance with the international provisions for the protection of human rights relating thereto, in particular all the UN Standard Minimum Rules for the Treatment of Prisoners;
- respect the physical and moral integrity of human rights defenders and, more generally, respect the provisions of the Declaration on Human Rights Defenders adopted in 1998 by the General Assembly of the United Nations;
- initiate, in partnership with the UN agencies in the country, a public awareness campaign against the discrimination shown to victims of the conflicts in CAR;
- ratify regional instruments for the protection of human rights, in particular the Additional Protocol to the African Charter relating to Women's Rights and the Additional Protocol to the African Charter relating to the creation of the African Court of Human and People's Rights, the Convention relating to the Rights and Well-being of the Child, and the Organisation of African Union Convention on the Elimination of Mercenarism;
- invite the UN Special Rapporteur on Torture and Other Cruel, Inhumane and Degrading Treatment, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Representative of the UN Secretary General for Human Rights Defenders, the Special Rapporteur of the African Commission on Human and People's Rights, and the Special Rapporteur of the African Commission on Human and People's Rights for conditions of detention in CAR, all to visit CAR.

The Central African Judiciary:

- respect national and international provisions relating to the right to a fair trial and to the right to a defence, with particular regard to time-limits for police custody, preventive detention, the right to visits from lawyers, doctors and family members, and the presumption of innocence;
- initiate unbiased and independent investigations in the case of allegations of torture against a defendant;
- declare invalid any defendant's confession obtained under torture in accordance with the 1984 Convention Against Torture ratified by CAR in 2002;

- open investigations and initiate criminal proceedings against any person, member of rebel group or member of loyalist troop suspected of violating the provisions of international humanitarian law, in particular the Geneva Conventions ratified by CAR in 1966.

The United Nations Agencies in CAR:

- provide support for the victims of conflicts, particularly the members of OCODEFAD, by assisting in income producing activities, providing food-supplies and medicines, funding medical and psychological care and assisting in the payment of school and university enrolment fees.

The Prosecutor of the International Criminal Court:

- open, as soon as possible, an investigation into the crimes committed in CAR since 1 July 2002 that come within the jurisdiction of the ICC, including the serious crimes committed since 2005 against the civilian population in the north of the country.

The Peace and Security Council of the African Union:

- take a decision denouncing the conflict situation in northern CAR which threatens peace and security in the region, and firmly condemning the serious violations of human rights and international humanitarian law perpetrated by all the warring parties.

The United Nations Security Council:

- adopt a resolution under Chapter VII of the UN Charter denouncing the conflict situation in northern CAR which threatens the peace and security in the region, and firmly condemning the serious violations of human rights and international humanitarian law perpetrated by all the warring parties;

- discuss, as soon as possible, the possibility of instructing an intervention force to make the borders secure and to protect the civilian population.

Annexes

Milestones

- 25 to 30 October **2002** - Six days of violent fighting in the capital, Bangui, during the first attempted coup by General Bozizé's rebels against the regime of President Ange-Félix Patassé
- 30 and 31 October 2002 - Summary executions carried out by Abdoulaye Miskine's men at the cattle-market in PK 12
- From 30 October 2002 - The rebels retreat. Looting and sexual violence perpetrated by Jean-Pierre Bemba's Congolese mercenaries, the "Banyamulengues", against the civilian population
- November 2002 - UNDP sets up the programme for "Humanitarian assistance to women and girl victims of rape and violence arising from the events of 25 October 2002"

- 13 February **2003** - FIDH informs the International Criminal Court (ICC) of crimes in CAR that come under the Court's jurisdiction
- 15 March 2003 - General Bozizé seizes Bangui. Proclamation of two "Constitutional Acts", one suspending the Constitution and proclaiming Bozizé Head of State, and the other concerning the provisional organisation of the State powers
- 23 March 2003 - Abel Gouma is appointed Prime Minister and a week later he forms the transition government
- 28 March 2003 - People's demonstration in the streets of Bangui to welcome in the new power
- 3 April 2003 - Decree creating the National Transition Council
- 23 April 2003 - Bozizé grants amnesty to all who took part in the failed putsch against former President Patassé, including former former President Kolingba
- May 2003 - A judicial investigation commission on the crimes committed by "Patassé and others" is set up
- 30 June 2003 - The Prosecutor of Bangui opens a judicial investigation into "Patassé and others"
- 5 August 2003 - Patassé files a complaint against Bozizé before the Central African courts
- 22 August 2003 - The Prosecutor of the Republic issues an international arrest warrant for former President Patassé, then exiled in Togo
- 15 September 2003 - Opening of the National Dialogue
- 20 September 2003 - The Bangui office of the Prosecutor disallows Patassé's complaint against Bozizé

- 24 February **2004** - FIDH sends a second report to the Prosecutor of the ICC, on the serious crimes committed in CAR since 1 July 2002 and highlights the lack of will and capacity of the Central African courts to combat impunity for blood crimes
- 11 August 2004 - Bozizé signs the order concerning the Electoral Code
- 16 September 2004 - The Senior Investigating Judge in Bangui issues a partial discharge and referral to the Criminal Court of Bangui in the case of "Patassé and others". Patassé, Miskine, Ndoubabe and Barril are referred to the Criminal Court for blood crimes
- 5 December 2004 - Constitutional referendum. The new law is approved by 87.2% of the votes and is promulgated on 27 December 2004
- 16 December 2004 - The Indictment Chamber of Bangui Appeal Court decides to separate the proceedings as regards Patassé, Barril, Miskine, Bemba and others in order to refer them to the International Criminal Court

- 7 January **2005** - The Prosecutor of the ICC announces that CAR has referred to him the serious crimes committed on its territory since 1 July 2002
- 19 January 2005 - The Presidency of the ICC assigns the situation in CAR to Pre-trial Chamber III
- 22 January 2005 - A political agreement reached under the mediation of Omar Bongo retains eleven candidates in the presidential elections with the exception of Patassé
- 8 May 2005 - Second round of presidential elections. Bozizé defeats Martin Zinguélé with 64,6% of the votes. The coalition uniting Bozizé's supporters, the *Convergence nationale "Kwa na Kwa"*, takes 42 of the 105 seats in the National Assembly
- Between July and September 2005 - The village of Markounda, the town of Paoua and its suburbs and villages along the RN1 highway suffer repeated attacks from road blockers and rebels. As a result of these attacks and to avoid retaliation by the FACA, almost 15,000 Central Africans take refuge in Chad in the camps at Goré
- 29 September 2005 - Between 35 and 40 rebels attack the military garrison at Markounda
- 11 October 2005 - In retaliation for the rebel attack on Markounda, the FACA carry out a burnt earth campaign, setting fire to houses in the village of Bele and other villages along the RN1 highway
- 1 December 2005 - Crossfire between rebels and the FACA is heard in Kabo, north of Batangafo
- 28 December 2005 - A hundred or so rebels attack the village of Bodjomo

- 29 January **2006** - The town of Paoua is attacked by rebels of the APRD (see above). The fighting lasts two days between the rebels and FACA units. In retaliation, on 31 January 2006, government forces, supported by the Presidential Guard, launch a bloody counter-offensive. Several days of fighting leave at least 26 dead amongst the civilian population, including 17 schoolchildren
- 11 and 12 February 2006 - In retaliation for the attack on Paoua, the Presidential Guard launches several offensives along the RN1 highway between the villages of Nana Baria and Bemal. Forty-four civilians are killed
- 11 April 2006 - The Cour de Cassation partially upholds the order of the Indictment Chamber and refers Patassé, Barril, Miskine, the "Banyamulengues" of Bemba and others before the ICC. The order confirms the "inability" of the Central African courts to combat impunity for the most serious crimes
- 25 and 26 June 2006 - The FACA and CEMAC forces are attacked by Chadian rebels near the village of Gordil. Official sources report 11 FACA soldiers dead, 2 from the FOMUC and 20 of their attackers
- 18 August 2006 - The Criminal Court of Bangui sentences Jean-Jacques Larmassoum to life imprisonment for "rebellion, conspiracy, attack on the internal security of the State, murder, rape, looting, destruction of property, unlawful possession of arms and munitions, and desertion". Three other co-accused, François Bénamou, Alain Sialbé and Bonaventure Kalbadji, are found guilty of aggravated theft, looting and destruction of property, and are sentenced to 10-year imprisonment. Two members of the MLPC, Sosthène Guétel and Lydie-Florence Ndouba, along with three other co-accused, are acquitted after being given the "benefit of the doubt" for lack of sufficient evidence.

Order of 16 December 2004 by the Indictment Chamber of Bangui Appeal Court: referral of Patassé, Miskine, Jean-Pierre Bemba's Banyamulengues, Barril, Gan-Befio, Ndoubabe and others before the International Criminal Court.

EXTRAIT DU PLACET

—DU PLACET DES AUDIENCES DE LA CHAMBRE D'ACCUSATION DE LA COUR D'APPEL DE BANGUI, PRESIDENTE DE L'ORDRE JUDICIAIRE, REPUBLIQUE CENTRAFRICAINE, IL EST RETENU L'ESSENTIEL DE CE QUI SUIT :

—AUDIENCES DE LA CHAMBRE D'ACCUSATION DU JOURNÉ 16 SEPTEMBRE 2004 :

—Composition de la Cour :

—Monsieur Alfred Lambert MATANG, Président de la Chambre d'accusation de la Cour d'appel de BANGUI ;

PRÉSIDENT

—Monsieur Henri BALLOT, Premier Conseiller à la Chambre d'accusation ;

—Monsieur Rock Alfred NGOMBE, Deuxième Conseiller à la Chambre d'accusation ;

MEMBRES

—Maitre Magloire Mandouané MALIKI, Greffier à la Cour d'appel de BANGUI ;

—Monsieur Emmanuel Rafin NEMKILA, 2^{ème} avocat général près la Cour d'appel de BANGUI représentant le Ministère Public ;

—L'audience est ouverte à 11 heures ;

—La Cour vide son délibéré dans l'affaire suivante :

—AFFAIRE : Ministère Public, Etat Centrafricain et autres ;

—Accusé : PATASSE Ange Felix et autres ;

—Statuant en Chambre de Conseil en matière d'accusation et en dernier ressort ;

—En la forme : Malure l'appel du Ministère Public en la forme recevable ;

—En fond : Infirme partiellement l'ordonnance du Juge des Sages d'instruction au Tribunal de Grande Instance de BANGUI, en date du 16 Septembre 2004 ;

—Statuant à retenir :

✓ Sur les crimes de sang et autres ;

—Ordonne la disjonction de la procédure en ce qui concerne les crimes de sang, viols, assassinat, destruction des biens mobiliers et immobiliers, les pillages... consécutifs aux événements de 2002 reprochés à Ange Felix PATASSE, Jean Pierre NEMBE et ses hommes, Paul BARRIL, Martin KOUYAMADJI alias ABDOULAYE MISKINE et ses hommes, Lionel GAN - BEFIO, Victor NGOMBE et ses hommes et autres ;

—Dit et juge que les infractions citées ci-dessus et leurs auteurs ou coauteurs relèvent de la compétence de la Cour Pénale Internationale (CPI) ;

—Renvoie le Ministère Public à se pourvoir ainsi qu'il en verra ;

—Ordonne la mise en liberté de :

- ANGOA Pierre

- KOYAMADJI Gabriel Jean Etienne



20/12/84 16117 Pg: 8

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- ROBERTSON Ferdinand

avec toutes les conséquences de droit ;

N/ Sur les agissements de dernière minute, faux et usage de faux, abus de confiance.

Ordonne un Non Lieu à l'égard de :

+ EDOUARD Martin

+ LIQUELA - KROUFOU Alain Serge

- HAINANGUE - YVES Jean Guyomard Yves

- NIKELAH Alphonse Pierre

—Renvoie devant la Cour Criminelle de N'DOUY les nom-
més Jug. Belle PATASSEK, Eimé KOULOUMBA, Michel MANGUEY
- YANREY, Louane DOKOUA, Louis SAICHES et autres pour
y être jugés conformément à la loi ;

—L'audience est levée ;

POUR EXTRAIT CERTIFIÉ COMPTÉ

BANGUI, LE 17/12/2004

LE JUGE PRÉSIDENT



[Signature]
Membre
Magistrat Directeur RAL/84

Prosecutor receives referral concerning Central African Republic

The Hague, 7 January 2005

ICC-OTP-20050107-86-En

The Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, has received a letter sent on behalf of the government of the Central African Republic. The letter refers the situation of crimes within the jurisdiction of the Court committed anywhere on the territory of the Central African Republic since 1 July 2002, the date of entry into force of the Rome Statute.

In accordance with the Rome Statute and the Rules of Procedure and Evidence, the Prosecutor will carry out an analysis in order to determine whether to initiate an investigation. For this purpose, he will seek additional information in relation to the criteria set out in the Statute, including the gravity of alleged crimes, any relevant national proceedings, and the interests of justice.

The Office of the Prosecutor is also analysing several other situations that have been brought to the attention of the Prosecutor by individuals and groups.

This referral is the third that has been submitted to the Prosecutor, following referrals from Uganda and the Democratic Republic of the Congo. The Office of the Prosecutor is currently conducting investigations in Uganda and the Democratic Republic of Congo.

Situation in the Central African Republic assigned to Pre-trial Chamber III

The Hague, 20 January 2005

ICC-20050120-87-En

The Presidency of the International Criminal Court assigned the situation in the Central African Republic to the Pre-Trial Chamber III.

This Pre-Trial Chamber is composed of the following judges: Hans-Peter KAUL (Germany), Presiding, Tuiloma Neroni SLADE (Samoa) and Sylvia STEINER (Brazil).

Order of the Cour de Cassation of 11 April 2006: upholding the referral of the "Patassé and others" case before the International Criminal Court

REPERTOIRE N° 006
ANNEE 2006

-----DES MINUTES DES ARRETS TENUES AU CHIEFFE DE
LA CHAMBRE CRIMINELLE DE LA COUR DE CASSATION, IL
EST LITTERALEMENT EXTRAIT CE QUI SUIVIT-----

-----ARRET DU 11 AVRIL 2006 :-----
-----AFFAIRE : ETAT CENTRAFRICAIN ;-----
-----CONTRE : Ange Félix PATASSE et Autres-----
-----POURVOI DU 20 DECEMBRE 2004 :-----
-----AU NOM DU PEUPLE CENTRAFRICAIN :-----

-----La Cour de Cassation, Chambre Criminelle en
son audience publique, tenue au palais de Justice
de Bangui, le 11 Avril 2006, a rendu l'arrêt suivant :-----
-----Sur le pourvoi formé par le Ministère public près la
Cour d'Appel de Bangui, en cassation d'un arrêt
rendu par la Chambre d'Accusation de la Cour
d'Appel de Bangui :-----

-----Sur le rapport de Monsieur José Christian
LONDOUMON, Président de la Chambre et les
conclusions de Monsieur Antoine GROTHE, Procureur
Général près la Cour de Cassation :-----

-----Attendu que suite à l'Instruction qu'il a menée
dans l'affaire : Etat Centrafricain contre Ange Félix
PATASSE et autres, poursuivis pour assassinats, viols,
Vols destructions de biens meubles et immeubles,
pillages et autres crimes connexes aux événements
de 2002, détournements de deniers publics, le Doyen
des juges d'Instruction près le Tribunal de Grande
Instance de Bangui ordonnait le 16 Septembre 2004
qu'il n'y avait pas lieu à suivre du chef d'assassinat,
viols, vols, destructions de biens meubles et
immeubles, pillages et autres crimes connexes aux
événements de 2002 contre :-----

-----1°/ Jean-Pierre BEMBA responsable des rebelles
Banyamulengès du fait de l'immunité diplomatique
dont il jouit désormais en sa qualité de Vice-Président
de la République Démocratique du Congo :-----

-----2°/ Lionel GANE-BEPIO en raison de ce qu'il n'a été
ni visé par le réquisitoire introductif et autres
réquisitoires supplémentifs ultérieurs, ni inculqué au cours de
l'Instruction :-----

-----3°/ Pierre ANGOA, Gabriel Jean Edouard
KOYAMBOUNOU, Ferdinand BOMBAYAKE, Martin
ZIGUELE, Abraham Pierre MBOKANI, Alain Serge
LIGUELA-MBOUTOU, Jean Chrysante NAÏNANGLIE-
TENDO et Louis SANCHEZ : pour absence de charges
et infractions non constituées :-----

-----Qu'il renvoyait par contre devant la Cour
Criminelle pour y répondre de leurs actes :-----

-----1°/ Ange Félix PATASSE, Martin KOUMTAMADJI alias
Abdoulaye MISKINE, Paul BARIL, Victor NDOUBABE et

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EXPEDITION :

les Banyarwanda pour assassinats, coups mortels,
récupération de cadavres, arrestations et détentions
arbitraires, viols, vols, tortures, destructions de biens
d'autrui ;

—2°/ Ange Félix PATASSE, Michel BANGUET-TANDET,
Lazare DOKOULA et Simon KOULOUMBA pour
détournement de deniers publics ;

—Que le 17 Septembre 2004, le Procureur de la
République près le Tribunal de Grande Instance de
Bangui interjetait appel de cette ordonnance ;

—Attendu que par arrêt du 16 Décembre 2004, la
Chambre d'Accusation de la Cour d'Appel de
Bangui infirmait partiellement l'ordonnance du Doyen
des juges d'instruction, en ce qu'il renvoyait Ange Félix
PATASSE, les Banyarwanda, Martin KOUMTAMADJI
ainsi qu'Abdoulaye MISKINE, Victor NDOUBABE et Paul
BARRIL, devant la cour criminelle de la République
Centrafricaine pour y être jugés ;

—Qu'en statuant à nouveau, et estimant que les
crimes reprochés à ceux-ci relevaient plutôt au sens
de l'article 5 du Traité de Rome de la compétence de
la Cour Pénale Internationale, elle ordonnait la
disjonction de la procédure en ce qui les concerne et
renvoyait le ministère public à mieux se pourvoir ;

—Attendu qu'au groupe de personnes ci haut
citées, retenues dans les liens de la prévention par le
Doyen des juges, la chambre d'accusation de la cour
d'appel de Bangui ajoutait Lionel GANE-BEFIO ;

—Attendu que le 20 Décembre 2004, le ministère
public près la cour d'appel de Bangui déclarait
formellement se pourvoir en cassation contre ledit
arrêt ;

SUR LA RECEVABILITE

—Vu l'article 59 de la Loi n° 95.011 du 23 Décembre
1995 portant organisation et fonctionnement de la
Cour de cassation ;

—Attendu que le pourvoi élevé le 20 Décembre a
obéi aux prescriptions de la loi ; qu'il est en la forme
recevable ;

SUR LA DISJONCTION DE LA PROCEDURE :

—Vu les articles 58 et 71 de la loi 95.011 du 23
Décembre 1995 portant organisation et
fonctionnement de la Cour de Cassation ;

—Attendu que la recherche des auteurs de crimes
et leur traduction devant les juridictions pénales pour
répondre de leurs actes est un devoir auquel aucun
Etat ne saurait se dérober ;

—Qu'il est constant que cela passe par de
véritables poursuites ;

—Attendu que dans la procédure suivies contre

Ange Félix PATASSE, Jean Pierre BEMBA et ses hommes, Martin KOUMTAMADJI alias Abdoulaye MISKINE, Victor NDOUBABE, Paul BARRIL et Lionel GANE-BEFIO, le Doyen des juges a bien inculpé les intéressés pour les faits qui leur sont reprochés, décerné des mandats d'arrêt à leur encontre, mais que cela reste les seuls actes concrets posés, ces derniers n'ayant été ni entendus, ni faits l'objet de recherches sérieuses ;

—Que l'incapacité des services judiciaires Centrafricains à mener véritablement à bien l'enquête ou les poursuites les concernant ne fait pas de doute ;

—Attendu en outre que le fait pour le Doyen des juges de déférer malgré tout devant la cour criminelle centrafricaine des personnes qui sont toutes hors du territoire national est significatif de cette impuissance et consacre de fait l'impunité de ces dernières ;

—Que le recours à la Coopération Internationale reste dans ce cas le seul moyen d'empêcher cette impunité ;

—Attendu que la République Centrafricaine a ratifié le traité de Rome instituant la Cour Pénale Internationale qui offre la possibilité de rechercher et de punir les auteurs des crimes les plus graves qui touchent l'ensemble de la communauté internationale, en lieu et place des Etats qui sont dans l'incapacité de mener véritablement à bien l'enquête ou les poursuites ;

—Que c'est à tort que le Doyen des juges n'a pas jugé utile d'exploiter cette opportunité ;

—Attendu qu'en reformant la décision de renvoi devant la cour criminelle de Ange Félix PATASSE, Jean Pierre BEMBA et ses hommes, Martin KOUMTAMADJI alias Abdoulaye MISKINE, Victor NDOUBABE, Paul BARRIL et Lionel GANE-BEFIO prise par le Doyen des juges, et en renvoyant le ministère public à mieux se pourvoir aux fins de la saïne de la Cour Pénale Internationale, la Chambre d'Accusation de la cour d'Appel a fait une saïne application de la loi ;

—Que le pourvoi sur ce point n'est pas fondée et encourt le rejet ;

SUR LE CAS LIONEL GANE-BEFIO :

—Vu l'article 58 de la loi 95.011 du 23 Décembre 1995 portant organisation et fonctionnement de la Cour de Cassation ;

—Attendu que le Doyen des juges avait, dans son ordonnance de non lieu partiel et de renvoi devant la cour criminelle, mis hors de cause Lionel GANE-BEFIO au motif qu'il n'a pas été concerné par la procédure

suivie contre PATASSF et autres : -----

-----Que la chambre d'accusation de la cour d'appel de Bangui, statuant sur le mérite de l'appel du Procureur de la République, décidait de passer outre et d'ajouter celui-ci à la liste des personnes poursuivies, dont elle demandait la disjonction de la procédure et le renvoi devant la Cour Pénale Internationale ; -----

-----Attendu qu'alors qu'elle avait l'obligation de justifier sa décision qui infirme celle du Doyen des Juges, c'est vainement que l'on recherche dans l'argumentation ayant abouti à cette décision une quelconque allusion au cas GANE-BEFIO ; -----

-----D'où il suit que la chambre d'accusation n'a pas justifié sa sentence et prive celle-ci de base légale, l'exposant sur ce point exclusivement à la censure ; -----

PAR CES MOTIFS : -----

-----**EN LA FORME :** Reçoit le Ministère Public en son pourvoi -----

-----**AU FOND :** Casse partiellement l'arrêt de la chambre d'accusation du 16 Septembre 2004 exclusivement, de ce qu'il a ajouté Lionel GANE-BEFIO sur la liste des personnes dont la procédure doit être disjointe et la connaissance de l'affaire renvoyée à la Cour Pénale Internationale ; -----

-----Ainsi fait jugé par la Cour de Cassation, Chambre Criminelle et prononcé par le Président en son audience publique du onze avril deux mil six où siégeaient : -----

Messieurs : - José-Christian LONDOUMON, Président ; -----

- Jean-Jacques NINGA-WONG MALLO, Conseiller ; -----

- Pamphile OUABOUI, Conseiller ; -----

- Sylvain-N'ZAS, Avocat Général ; -----

- Gabriel-Gauvain KOWOMBA, Greffier ; -----

SUIVANTS LES SIGNATURES -----

-----POUR EXPEDITION CERTIFIEE CONFORME -----

-----DELIVREE A BANGUI, LE 13 AVRIL 2008 -----

-----LE GREFFIER EN CHEF -----

M. N'ZAS



Mme. Marie N'ZAS

Security Council Press Statement on Central African Republic

SC/8771,AFR/1406

7 July 2006

The members of the Security Council heard a briefing by the Special Representative of the Secretary-General, General Lamine Cissé, and by a representative of the Department of Peacekeeping Operations on the situation in the Central African Republic. They reiterated their full support for General Cissé and the personnel of the United Nations Peace-Building Office in the Central African Republic (BONUCA).

The members of the Security Council expressed their concern at the increase of poverty in the country, the fragility of the economic recovery and the deterioration of the humanitarian situation. They invited the Central African authorities to continue their efforts to improve public finances and governance. They urged their bilateral partners and international institutions to increase their support for the Central African authorities in those efforts, and to provide also all the necessary humanitarian assistance to this country.

The members of the Security Council called on the Central African authorities and all political parties to settle their disputes through peaceful means and dialogue, and to work for peace and national cohesion in full respect of human rights and rule of law. They urged the Central African authorities to put an end to impunity by bringing to justice those responsible for violations of human rights.

The members of the Security Council expressed serious concern that the persisting violence in Darfur and the deterioration of relations between Chad and Sudan might further negatively affect the security and stability of the Central African Republic. They strongly condemned the attack perpetrated by armed groups in Gordil on 26 June 2006.

The members of the Security Council stressed the importance of the implementation of the Tripoli Agreement of 8 February 2006 by its signatories, reiterated the respect of the territorial integrity of the Central African Republic and called on all States in the region to cooperate in ensuring regional stability.

The members of the Security Council invited the Central African authorities to expedite their efforts in restructuring the National Armed Forces. They commended the efforts engaged by the Multinational Force of the Central African Economic and Monetary Community (FOMUC) to support the National Armed Forces and welcomed the financial and material assistance provided to FOMUC by the European Union, France and Germany.

The members of the Security Council requested the Secretary-General to provide to them a report on the situation in the Central African Republic in October.

FIDH represents 141 Human Rights organisations

141 organisations

Albania -Albanian Human Rights Group	Colombia -Comité Permanente por la Defensa de los Derechos Humanos	Humanos de Guatemala	L'Homme	L'Homme
Algeria -Ligue algérienne de défense des droits de l'Homme	Colombia -Corporación Colectivo de Abogados Jose Alvear Restrepo	Guinea -Organisation guinéenne pour la défense des droits de l'Homme	Malta -Malta Association of Human Rights	Scotland -Scottish Human Rights Centre
Algeria -Ligue algérienne des droits de l'Homme	Colombia -Instituto Latinoamericano de Servicios Legales Alternativos	Guinea Bissau -Liga Guineense dos Direitos do Homem	Mauritania -Association mauritanienne des droits de l'Homme	Senegal -Organisation nationale des droits de l'Homme
Argentina -Centro de Estudios Legales y Sociales	Congo Brazzaville -Observatoire congolais des droits de l'Homme	Iran -Centre des défenseurs des droits de l'Homme en Iran	Mexico -Liga Mexicana por la Defensa de los Derechos Humanos	Senegal -Rencontre africaine pour la défense des droits de l'Homme
Argentina -Comite de Accion Juridica	Croatia -Civic Committee for Human Rights	Iran (France) -Ligue de défense des droits de l'Homme en Iran	Mexico -Comisión Mexicana de Defensa y Promoción de los Derechos Humanos	Serbia -Center for Peace and Democracy Development
Argentina -Liga Argentina por los Derechos del Hombre	Czech Republic -Human Rights League	Iraq -Iraqi Network for Human Rights Culture and Development (United Kingdom)	Moldova -League for the Defence of Human Rights	South Africa -Human Rights Committee of South Africa
Austria -Österreichische Liga für Menschenrechte	Cuba -Comisión Cubana de Derechos Humanos y Reconciliación National	Ireland -Irish Council for Civil Liberties	Morocco -Association marocaine des droits humains	Spain -Asociación Pro Derechos Humanos
Azerbaijan -Human Rights Center of Azerbaijan	Democratic Republic of Congo -Ligue des Electeurs	Israel -Adalah	Morocco -Organisation marocaine des droits humains	Spain -Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos
Bahrain -Bahrain Human Rights Society	Democratic Republic of Congo -Association africaine des droits de l'Homme	Israel -Association for Civil Rights in Israel	Mozambique -Liga Mocancicana Dos Direitos Humanos	Sudan -Sudan Organisation Against Torture (United Kingdom)
Bangladesh -Odhikar	Democratic Republic of Congo -Group Lotus	Israel -B'tselem	Netherlands -Liga Voor de Rechten Van de Mens	Sudan -Sudan Human Rights Organization (United Kingdom)
Belarus -Human Rights Center Viasna	Djibouti -Ligue djiboutienne des droits humains	Italy -Liga Italiana Dei Diritti Dell'uomo	New Caledonia -Ligue des droits de l'Homme de Nouvelle-Calédonie	Switzerland -Ligue suisse des droits de l'Homme
Belgium -Liga Voor Menschenrechten	Ecuador -Centro de Derechos Economicos y Sociales	Italy -Unione Forense Per la Tutela Dei Diritti Dell'uomo	Nicaragua -Centro Nicaraguense de Derechos Humanos	Syria -Comité pour la défense des droits de l'Homme en Syrie
Belgium -Ligue des droits de l'Homme	Ecuador -Fundación Regional de Asesoría en Derechos Humanos	Ivory Coast -Ligue ivoirienne des droits de l'Homme	Niger -Association nigérienne pour la défense des droits de l'Homme	Tanzania -The Legal & Human Rights Centre
Benin -Ligue pour la défense des droits de l'Homme au Bénin	Egypt -Egyptian Organization for Human Rights	Jordan -Amman Center for Human Rights Studies	Nigeria -Civil Liberties Organisation	Thailand -Union for Civil Liberty
Bhutan -People's Forum for Human Rights in Bhutan (Nepal)	Egypt -Human Rights Association for the Assistance of Prisoners	Jordan -Jordan Society for Human Rights	Northern Ireland -Committee On The Administration of Justice	Togo -Ligue togolaise des droits de l'Homme
Bolivia -Asamblea Permanente de los Derechos Humanos de Bolivia	El Salvador -Comisión de Derechos Humanos de El Salvador	Kenya -Kenya Human Rights Commission	Pakistan -Human Rights Commission of Pakistan	Tunisia -Conseil national pour les libertés en Tunisie
Brazil -Centro de Justicia Global	Ethiopia -Ethiopian Human Rights Council	Kosovo -Conseil pour la défense des droits de l'Homme et des libertés	Palestine -Al Haq	Tunisia -Ligue tunisienne des droits de l'Homme
Brazil -Movimento Nacional de Direitos Humanos	European Union -FIDH AE	Kyrgyzstan -Kyrgyz Committee for Human Rights	Palestine -Palestinian Centre for Human Rights	Turkey -Human Rights Foundation of Turkey
Burkina Faso -Mouvement burkinabé des droits de l'Homme & des peuples	Finland -Finnish League for Human Rights	Laos -Mouvement lao pour les droits de l'Homme (France)	Panama -Centro de Capacitación Social	Turkey -Insan Haklari Dernegi / Ankara
Burundi -Ligue burundaise des droits de l'Homme	France -Ligue des droits de l'Homme et du citoyen	Latvia -Latvian Human Rights Committee	Peru -Asociación Pro Derechos Humanos	Turkey -Insan Haklari Dernegi / Diyarbakir
Cambodia -Cambodian Human Rights and Development Association	French Polynesia -Ligue polynésienne des droits humains	Lebanon -Association libanaise des droits de l'Homme	Peru -Centro de Asesoría Laboral	Uganda -Foundation for Human Rights Initiative
Cambodia -Ligue cambodgienne de défense des droits de l'Homme	Georgia -Human Rights Information and Documentation Center	Lebanon -Foundation for Human and Humanitarian Rights in Lebanon	Philippines -Philippine Alliance of Human Rights Advocates	United Kingdom -Liberty
Cameroon -Maison des droits de l'Homme	Germany -Internationale Liga für Menschenrechte	Lebanon -Palestinian Human Rights Organization	Portugal -Civitas	United States -Center for Constitutional Rights
Cameroon -Ligue camerounaise des droits de l'Homme (France)	Greece -Ligue hellénique des droits de l'Homme	Liberia -Liberia Watch for Human Rights	Romania -Ligue pour la défense des droits de l'Homme	Russia -Citizen's Watch
Canada -Ligue des droits et des libertés du Québec	Guatemala -Centro Para la Accion Legal en Derechos Humanos	Libya -Libyan League for Human Rights (Switzerland)	Russia -Moscow Research Center for Human Rights	Rwanda -Association pour la défense des droits des personnes et libertés publiques
Central African Republic -Ligue centrafricaine des droits de l'Homme	Guatemala -Comisión de Derechos	Lithuania -Lithuanian Human Rights Association	Rwanda -Collectif des ligues pour la défense des droits de l'Homme au Rwanda	Rwanda -Ligue rwandaise pour la promotion et la défense des droits de
Chad -Association tchadienne pour la promotion et la défense des droits de l'Homme		Malaysia -Suaram		
Chad -Ligue tchadienne des droits de l'Homme		Mali -Association malienne des droits de		
Chile -Corporación de Promoción y Defensa de los Derechos del Pueblo				
China -Human Rights in China (USA, HK)				

The International Federation for Human Rights (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, the FIDH has 141 national affiliates in all regions. To date, the FIDH has undertaken more than a thousand international fact-finding, judicial, mediation or training missions in over one hundred countries.

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