



**International covenant
on civil and
political rights**

Distr.
LIMITED

CCPR/C/79/L/CAF
3 September 2003

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Seventy-eighth session

**List of issues prepared in the absence of the second periodic report
of the State party, due on 9 April 1989**

Central African Republic

**Constitutional and legal framework within which the Covenant
is implemented (art. 2), state of emergency (art. 4) and
right to free, periodic and fair elections (art. 25)**

1. The Central African Republic's Constitution of 14 January 1995 was suspended following the coup d'état of 15 March 2003. A return to constitutional rule is scheduled for January 2005, with the adoption of a new Constitution. Has a state of emergency been officially declared, and on what legal basis? How are all the human rights and fundamental freedoms set out in title I of the 1995 Constitution legally guaranteed during the period of transition?
2. Constitutional Act No. 1 of 15 March 2003 establishes the precedence of international conventions over domestic legislation. Please specify the content of this Constitutional Act and explain how respect for the provisions of the Covenant is ensured in practice.
3. Following the dissolution of parliament and the Government, the new authorities in the Central African Republic established a National Transition Council and appointed a provisional Government. What are the terms of reference and membership of these institutions? Do the authorities plan to organize free and fair elections in the near future? It is reported that consultations have been organized with all political parties and civil society - please provide details.
4. Specify which are the activities being carried out or planned by the Ministry of Justice, Human Rights and Good Governance, which was set up on 31 March 2003, in relation to the application of the provisions of the Covenant. Does the National Human Rights Commission, set up in 1991, still operate? Specify its terms of reference and membership. How do these bodies cooperate with the country's High Commissioner for Human Rights?

Right to an effective remedy (art. 2)

5. According to some reports, serious violations of human rights and international humanitarian law (hundreds of extrajudicial killings, bombardment of working-class neighbourhoods using heavy armaments, forcible disappearances, rape, arbitrary arrests and detentions, torture and inhuman and degrading treatment, looting) have been committed by loyalist troops and foreign mercenaries employed by them during and after the attempted coups of May 2001 and October 2002. It is also reported that these forces carried out many abuses before and during the March 2003 coup, but that no investigation has been carried out. Do the Central African Republic authorities currently plan to launch independent and impartial investigations into these allegations?

6. A complaint has been lodged with the International Criminal Court laying formal individual criminal charges against Jean-Pierre Bemba, Abdoulaye Miskine and Ange-Félix Patassé in respect of war crimes committed against civilians during and after the attempted coup of October 2002. How did the Central African Republic authorities react to the lodging of this complaint? Does the State party plan to prosecute these individuals or to amend its domestic legislation in order to meet its obligations under the Rome Statute?

7. Information available to the Committee also relates to serious violations committed by the participants in the May 2001 and October 2002 coup attempts, and the March 2003 coup. Persons involved in the coup attempt of 28 May 2001 are reported to have been sentenced after proceedings conducted in breach of the right to a fair trial. Please comment. These persons are reported to have been amnestied on 23 April 2003. Specify the offences of which these persons were found guilty, and explain the reasons for and the consequences of the amnesty. Do the authorities plan to institute proceedings against the participants in the 2001 and 2002 coup attempts and the 2003 coup, who are alleged to have committed abuses, in a manner consistent with the right to a fair trial?

8. Has special assistance been organized for the many girls and women who were raped during the events of 2001, 2002 and 2003? Do the authorities regard these rapes as war crimes, and do they plan to prosecute the perpetrators accordingly?

Right to life (art. 6) and prohibition of torture (art. 7)

9. Which crimes attract the death penalty? Can the death penalty be imposed on minors? Indicate how many people have been sentenced to death over the past three years, and how many have been executed. Do the Central African Republic authorities plan to abolish the death penalty?

10. Since March 2003 the civilian population is reported to have been subject to abuses committed by military forces who participated in the coup and Chadian elements who came to support them. What steps have the authorities taken to restore security throughout the country?

11. According to some reports, the Central African Office for the Suppression of Banditry has carried out numerous summary executions. Does this organization still exist? If so, what steps have been taken by the authorities to put a stop to these violations? Do the authorities plan to launch investigations into these allegations?

12. What steps have been taken or planned by the authorities to promote national reconciliation and lessen the serious ethnic tensions which stemmed from the events of 2001, 2002 and 2003? Have special measures been adopted to protect the members of President Patassé's ethnic group and the Congolese living in the Central African Republic?
13. What human rights training is provided for members of the army and police officers, in particular concerning respect for the right to life and physical integrity?
14. Female genital mutilation is reported to be practised on a large scale, despite the legal ban. What actions are the authorities taking in this regard?

Prohibition of slavery, servitude and forced or compulsory labour (art. 8)

15. Which crimes are punishable by forced labour? Describe the labour which condemned persons are required to accomplish, and the regime applied to them. Can condemned persons be sentenced to forced labour for life?
16. According to some reports, the measures taken by the Central African Republic authorities to combat trafficking in children are inadequate. Are statistics currently available on the numbers of children involved? Indicate the outcome of the work of the committee responsible for combating child trafficking in the Central African Republic, set up in 2000, and entrusted in particular with the task of proposing to the Government institutional reforms aimed at eradicating child trafficking and improving care for victims.
17. According to some reports, many young people, with an average age of 17, were enlisted into the rebellion in advance of the coup of 15 March 2003. Please comment. Have rehabilitation measures been adopted for these minors?

**Security of person, freedom from arbitrary arrest, right to a fair trial,
and treatment of prisoners (arts. 9, 10 and 14)**

18. There are reports of a reform of the Penal Code and the Code of Penal Procedure. Describe the main thrust of this reform.
19. The Standing Military Tribunal governed by the order of 19 April 1995 is competent to try both military personnel and civilians in wartime. Has this court handed down rulings in recent years? Does the State party consider that the fact that the decisions of this court may be appealed only by way of cassation is in keeping with the requirements of article 14 of the Covenant?
20. There are reports of a military court set up unlawfully in an area under rebel control before the March 2003 coup, dispensing summary justice and ignoring the right to a fair trial. Several persons are reported to have been sentenced to death by this court and executed, while others are said to have been subjected to corporal punishment amounting to acts of torture (the practice of "harbatacha"). Please comment. Have investigations been carried out, and what are their findings?
21. Explain how the independence of the courts is currently guaranteed in the Central African Republic.

22. According to some reports, the situation in the prisons, especially as regards health and access to adequate food, is particularly worrying. Indicate the number of existing prisons, the number of places they offer and the number of persons actually held (remand prisoners and convicted prisoners). What are the main difficulties encountered by the State party in relation to the treatment of prisoners? Is a prison rehabilitation programme planned?

Gender equality, non-discrimination (arts. 3 and 26)

23. According to some reports, women are very poorly represented on the National Transition Council and in the provisional Government. Please comment.

24. In addition, some regions are said to be overrepresented in these institutions. Please indicate whether, and to what extent, this results in the overrepresentation of some ethnic groups.

25. What are the rights and duties of each of the spouses within marriage and as regards parental authority?

Freedom of movement (art. 12)

26. Tens of thousands of persons (both civilians and combatants) are reported to have been displaced within the Central African Republic or to have taken refuge in the neighbouring countries for fear of reprisals, following the abuses committed during the events of 2001, 2002 and 2003. They are said to be suffering extreme hardship. On 7 May 2003 the authorities are reported to have set up a national committee for the return of refugees. Indicate the terms of reference of the committee, its methods of operation and the resources available to it. In the view of the authorities, are security conditions such as to enable all these persons (including those who were displaced following the 2003 coup) to return home? Have special steps been taken in relation to combatants? Is the current treatment of the displaced persons in keeping with the "Guiding Principles on Internal Displacement" (E/CN.4/1998/53/Add.2)?

27. Several persons, mainly political leaders from the old regime, are reported to be still sheltering in embassies in Bangui. What steps have the authorities taken to ensure the safety of these persons?

Freedom of expression, assembly and association (arts. 19 to 22)

28. The Supreme Council of Communication, which is responsible inter alia for ensuring the free expression of the various schools of thought and opinion in the press and the audiovisual media, is said to have been dissolved by the former President of the Republic. Have the current authorities re-established this body, or do they plan to?

29. Are there still persons who have been sentenced by the courts for expressing their beliefs?

30. Is incitement to national, racial or religious hatred forbidden by the law?
