

## PRESS STATEMENT

### Professor Philip Alston, Special Rapporteur of the United Nations Human Rights Council on extrajudicial, summary or arbitrary executions.

Bangui, 7 February 2008

The Government of the Central African Republic invited me to visit the country to enable me to inquire into the phenomenon of extrajudicial executions. I am very grateful to the Government for the full cooperation it has extended to me.

I met with key officials including the President, the Prime Minister, the *Ministre délégué auprès du Ministre de la Défense*, the Chief of Staff of the Armed Forces, the Director of the Office Central pour la Répression du Banditisme, and other officials including judges, magistrates, prosecutors, gendarmes and police officers.

I am grateful to BONUCA and the Special Representative of the Secretary General, Ambassador François Fall for having facilitated my mission. I am grateful also to the members of the UN Country Team, members of the diplomatic community, and to other officials for having briefed me.

In addition to Bangui, I traveled to Bossangoa and Paoua. In all three cities I received detailed briefings from a wide range of civil society representatives, victims, witnesses, and the families of people who had been killed.

Up until very recently Government forces were burning entire villages to the ground and summarily executing large numbers of people. As of today, these abuses have fallen dramatically. But while President Bozizé has shown that he has the power to prevent the military from committing human rights abuses, it is still too early to conclude that the Government has definitively turned a new page. To ensure that the near future does not reprise the nightmare of the recent past, the Government must take the steps to both extend and institutionalize its efforts to respect human rights and to eliminate impunity.

#### A. Killings by the military

The purpose of my visit was to inquire into extrajudicial executions of all kinds, including but not limited to the widely reported and often very detailed allegations of such killings by government security forces in the northwest and northeast of the country. In one such report Human Rights Watch documented 119 extrajudicial executions, mostly in the northwest. Of those, 51 occurred since late 2005 and were attributed to the Presidential Guard unit based in Bossangoa.

I am pleased to be able to report that the number of extrajudicial executions carried out by the armed forces in the north has fallen dramatically over the past six months. This assessment is based upon witness interviews, documented cases, and the estimates of informed interlocutors. This is not to say that all executions have ceased. They have not. But despite these continuing problems, which I shall address in detail in my final report, it must be said that there has been a genuine, significant, and encouraging improvement in the situation with respect to extrajudicial executions.

What accounts for this dramatic decrease in extrajudicial executions related to the armed conflicts in the north? First, most of the fighting has ceased. In the northeast, the ceasefire provided for in the Birao Accords has largely held even as the government has failed to fulfill its other obligations. In the northwest, a de facto ceasefire prevails in many areas, with Government and APRD forces generally avoiding movement into each other's areas of control. Second, President François Bozizé has taken significant steps to end abuses by his troops. After visiting the northwest in person and witnessing the villages that his troops had burned to the ground, he ordered that such scorched earth tactics must end. He made statements to both his regular troops and to the Republican Guard that attacks on civilians would not be tolerated, and he withdrew the Republican Guard from the northwest after reports of brutality. While the Republican Guard has resumed periodic operations in the northwest, past levels of human rights abuse have not returned.

#### B. Other killings

While there has been a dramatic decline in executions related to armed conflicts in the north, individual soldiers have not been prosecuted. It is unsurprising, then, that this impunity has allowed soldiers to continue to use lethal violence for a range of personal and corrupt ends.

I received a range of reports of killings by members of the Republican Guard and FACA which appear to have been committed in the context of efforts to extort or steal, to avenge a personal grievance, or to carry out 'private justice'. The problem of security officials of various kinds extorting money from the public at legal and illegal checkpoints and elsewhere has reached major proportions. The consequences are grave. People's free movement is obstructed, commerce is undermined, the Government is deeply resented. The confrontations that occur inevitably produce a significant risk of executions.

I received credible reports from civil society, officials and detainees that torture and extrajudicial executions occur on a regular basis while suspects are in police custody or detention facilities. I have received a range of detailed accounts of prison guards, gendarmes, and soldiers beating or torturing inmates to death. In other cases, detention facility officials fail to intervene to prevent inmates from killing each other. Too often those who are able to afford a bribe are released while others are killed. When a death in custody occurs, it is simply reported that the prisoner died of an illness. Only in exceptional cases does a genuine investigation follow.

There is a particular problem with the killing of those accused of witchcraft ('sorcery' or 'charlatanism'). In some instances, Government forces have accepted payment to carry out such killings. In other instances, the criminal justice system — police, gendarmes, and prosecutors — has failed to respond to cases in which private citizens have killed persons purported to have practiced witchcraft.

### **C. The way forward**

I must acknowledge that in various sectors I met with officials who are clearly trying very hard to put an end to abuses and to ensure that the limited infrastructure that exists is effective in at least some cases. Their hands need to be strengthened. This requires several initial steps.

#### **1. Developing a human rights consciousness**

When confronted with allegations of serious human rights violations, many interlocutors have responded by suggesting that the Central African Republic is too poor, too beset by rebellions from within and external aggression from without, and generally facing too many social and economic challenges to be held to human rights standards. In response, I must emphasize that the relevant standards are African as much as international. The Central African Republic has ratified both United Nations and African Union treaties, as well as the universally accepted Geneva Conventions. In terms of results, the fight against the rebels is greatly undermined when the military alienates the population by committing atrocities. And it is a misunderstanding of human rights law to think that it poses an obstacle to providing security to the people. Indeed, human rights law requires Governments to protect individuals from murderers and other criminals just as it prohibits Governments from allowing its own forces to kill unlawfully. The right to life must be both respected and protected, and it is not the case that the two obligations are incompatible. The Governments that drafted the relevant treaties faced a range of economic, social, and security challenges, yet they recognized that these fundamental rights could and must be fulfilled by all Governments claiming legitimacy.

#### **2. Official Acknowledgement of Killings**

While the President has taken some important steps and even issued a limited apology, the Government as a whole has generally been in denial about killings by security forces. In my discussions with them, official after official has acknowledged only that mistakes occasionally happen but has categorically rejected the well-documented allegations contained in a series of damning human rights reports covering the period from 2005 through the first half of 2007. I repeatedly pressed officials to respond to the allegations in particular terms. None were willing to do so. This leaves both the people of the Central African Republic and the international community with the sense that, while there has been a lull in hostilities, human rights policies have not changed fundamentally. To dispel this sense the Government should publicly acknowledge the State's responsibility for past abuses.

#### **3. End impunity**

The Government must also begin to prosecute those who bear individual criminal responsibility for killings. At present, soldiers know that if they kill someone they will almost certainly not be prosecuted. While there is a Permanent Military Tribunal, it has dealt with a very limited number of cases and, as far as I have been informed, with none of the most prominent cases of extrajudicial executions.

To take one notable example, there are literally scores of credible allegations of killings undertaken by Lieutenant Eugène Ngaïkossé or those under his command. Yet he continues to command troops and to lead Republican Guard operations throughout the northwest. The populations of entire towns evacuate to the bush upon news of his impending arrival, and they do so with good reason.

### **D. Broader reform challenges**

#### **1. Security sector reform**

It is also crucial to meaningfully reform the security sector — including the FACA, the Republican Guard, the Gendarmerie, and the Police — and regain the trust of the population. None of the rebel movements has a separatist or even revolutionary agenda. Most of their members are principally interested in development opportunities, in greater representation in government, and in defending their communities against the bandits, or *coupeurs du route*, who routinely kidnap and ransom travelers and herders, destroying the

possibilities of commerce and causing people to live in constant fear. Indeed, a key demand of rebel groups has been that the Government provide real security to the communities from which their members are drawn. While they rightly distrust the current armed forces, they desperately want the presence of disciplined and accountable security forces. What is needed is real security sector reform that is not purely technical but that reflects the concerns and interests that can only be discovered and clarified in the course of meaningful political dialogue.

## **2. Economic reform**

Some Government officials with whom I spoke suggested that the country simply lacks the resources to put in place security forces that protect and respect the human rights of the people. Indeed, in 2007 the Central African Republic ranked 171 out of 177 countries on the Human Development Index. In fact, one of the key underlying problems, both in terms of the Government's inability to protect and promote human rights and in terms of its failure to provide the essential security and social sector support to the population, is the chronic lack of resources. This can be only remedied through a mix of internal and external measures. Internally, there is a need for fiscal reforms and, particularly, for measures to track revenues and expenditures in the natural resources sector. In the past, the diamond industry has generated significant revenue for the nation. In order to return to that situation, the Government must follow through on its commitment to implement the Extractive Industries Transparency Initiative and to undertake an audit of the mining sector (with World Bank support). Seventeen other African countries — including Cameroon, Guinea, Chad, Equatorial Guinea, Gabon, and the DRC — have committed to pursue the Initiative. The advantage is that investment, both domestic and foreign, will be easier to attract, a positive signal will be sent to international financial and development assistance agencies, and the amount of money available for development and security sector reform will be significantly increased. The problem of corruption needs to be discussed openly. Journalists who address public concerns must not be punished for doing so.

## **3. Human rights monitoring**

The lack of reliable and systematic information in the public domain about human rights violations makes it difficult for the Government itself to know exactly what is going on. In addition, international agencies and sources of development assistance are deterred from expanding their support for the Government by their inability to verify that the human rights situation is being improved in a systematic and deliberate manner. It is especially unfortunate that, as a result of the absence of public monitoring, even the improvements of the past six months have not been widely documented.

BONUCA has a vital role to play, and the current Special Representative of the Secretary-General is clearly a very positive force within the country. Nevertheless, the human rights section of BONUCA is widely considered to have been ineffectual. In the situation prevailing in the Central African Republic there is an urgent need for the United Nations to take steps to establish a more effective human rights monitoring and assistance presence. In my view, this can only be achieved if the Office of the High Commissioner for Human Rights establishes an office within the country.

It is also essential that a national human rights commission be established. Existing arrangements are unsatisfactory, in large part because they lack the necessary independence from other organs of Government. They are also radically under-resourced and unable to carry out almost any human rights functions effectively.

## **E. Preliminary recommendations**

- The general instructions given by the President to end extrajudicial executions and other abuses against the civilian population by the security forces should be specifically reflected in internal regulations, orders, training, and other practices so as to prevent abuses from recurring in the future.
- Soldiers should be instructed that they must obey international human rights and humanitarian law and that they have the obligation to disobey manifestly illegal orders and will otherwise be prosecuted. Commanders should be instructed that they are criminally responsible when they knew or had reason to know that their subordinates were to go on to commit crimes and did not take all reasonable and necessary measures to prevent and punish those crimes.
- The Government should effectively investigate the range of serious allegations of human rights abuse that have been made regarding the conduct of its security forces and provide a detailed, public response, acknowledging abuses and identifying errors.
- All members of the security forces implicated in human rights and humanitarian law violations must be suspended from duty, investigated, and prosecuted.

- The Government should begin the effort to end impunity by investigating and prosecuting Lieutenant Eugène Ngaïkossé for his individual actions as well as for the actions of subordinates for which he has command responsibility.
- Donors should continue to provide assistance to increase the effectiveness of the security sector. It should be accompanied, however, by efforts to provide human rights training, ensure effective monitoring, promote respect for human rights and respond to violations. Security sector reform also needs to be premised on a system of democratic accountability and regularized command and control.
- In the context of national dialogue and in consultation with communities in the northeast and the northwest, the Government must develop arrangements to deploy security forces that have the trust of the people and that will effectively protect them from *coupeurs du route*, cross-border raids, and other threats to their lives and livelihoods.
- The current arrangement for international human rights monitoring and assistance is unsatisfactory. The UN Office of the High Commissioner for Human Rights should open an office in the Central African Republic.
- The Government should establish a national human rights commission that is independent, that fully complies with all relevant international standards, including the Principles Relating to the Status of National Institutions (The Paris Principles). Such a commission should also be a priority for development assistance agencies.
- The Penal Code should be amended to abolish the criminalization of witchcraft (*charalatinisme* and *sorcellerie*). Educational efforts should be made to ensure that those accused of witchcraft are not victimized or killed.
- Local civil society organizations need to be strengthened. They play an indispensable role but are severely under-resourced and lack necessary technical expertise and facilities.