



Joint Submission to the UN Universal Periodic Review

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Central African Republic

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**Joint Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

And

Réseau de Défenseurs des Droits Humains de L'Afrique Centrale (REDHAC)

Contact Details for CIVICUS: World Alliance for Citizen Participation

Mr David Kode , Email: david.kode@civicus.org

Ms Renate Bloem , Email renate.bloem@gmail.com

Tel +27 11 8335959, Web www.civicus.org

Contact Details for REDHAC:

Email : redhac.executiffddhafricentrale@gmail.com -

Telephone :00 237 33 42 64 04/+237 96 08 02 73

website: www.redhac.org

Address: 2^e Etage - Immeuble Lux Optique Akwa – en face Auto Ecole Jojo –

ville de Douala B.P. 2863- Région du Littoral-, République du Cameroun

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CADHP

1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** Réseau de Défenseurs des Droits Humains de L'Afrique Centrale (REDHAC) focuses on the protection of human rights in the Central African region. The network covers eight countries in the region including: Cameroon, Central African Republic (CAR), Chad, Congo Brazzaville, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon and Sao Tome and Principe. The objective of the network is to protect human rights defenders and strengthen their capacity. REDHAC also conducts effective advocacy on behalf of human rights defenders.
- 1.3** In this document, CIVICUS and REDHAC outline concerns related to the environment in which civil society organisations, human rights defenders and journalists operate in the CAR, and discuss threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.4** CAR has ratified most international human rights conventions but in reality the government intimidates human rights defenders and stifles the exercise of fundamental freedoms. The restrictive environment is made worse by the persistent conflict in the country - the most recent lasted from December 2012 to January 2013. Thus civil society faces a triple threat from government authorities, the armed forces - Forces Armées Centrafricaines (FACA) - and armed groups in the country who all perpetuate human rights violations. There is therefore an urgent need for the government to respect the rule of law, strengthen the judiciary and eliminate the state of impunity enjoyed by the government authorities, FACA and armed groups.
- 1.5** CIVICUS and REDHAC are concerned about persistent harassment, intimidation and attacks against independent journalists and human rights defenders by state agents. Media houses also face various forms of bureaucratic harassment for investigating and writing about corruption in the public service and for criticising government officials.
- 1.6** CIVICUS and REDHAC are alarmed by the failure of the CAR Government to protect members of civil society in the exercise of their rights to freedom of expression, association and assembly.
 - In section B, CIVICUS and REDHAC highlight concerns regarding freedom of expression, judicial harassment and intimidation of journalists.
 - In section C, CIVICUS and REDHAC highlight concerns regarding judicial harassment, intimidation of human rights defenders and attacks on civil society representatives

- In section D, CIVICUS and REDHAC highlight concerns regarding freedom of assembly and the harassment of protesters.
- In section E, CIVICUS and REDHAC make a number of recommendations in the areas of concern listed.

2. (B) Concerns regarding freedom of expression, judicial harassment and intimidation of journalists

- 2.1 Article 13 of the Constitution of the Central African Republic provides for freedom of the press including freedom to disseminate opinions in speech and writing. The country's 2004 Press Law that went into effect in 2005 abolished imprisonment for several press offences including defamation, libel and slander. However criminal penalties still exist for charges such as publication or broadcast of false information that could "disturb the peace." Heavy fines of up to one million Francs CFA (approximately US\$2000) can be imposed on journalists who are found guilty of "inciting persons to violence" or "disobedience among security forces" and on occasion the authorities violate provisions of the 2004 Press Law. Journalists who are found guilty of libel or slander are liable to fines of between one hundred thousand (approximately US\$200) to eight million Francs CFA (approximately US\$ 16000). Similar fines and imprisonment of six months to 2 years can be imposed for the publication of false or fabricated information that would disturb the peace. Journalists and media outlets especially community radio stations have been targeted by armed groups that operate in the country.
- 2.2 Despite the fact that most radio stations are neutral in their reporting, and they represent the most popular medium of communication in the CAR, they are often targeted by armed factions who threaten and torture staff and seize their equipment. On 4 January 2013, during the conflict that plagued the country between December 2012 and February 2013, the home of Elizabeth Blanche Olofio, journalist for community radio station, *Radio Be Oko*, was attacked by members of the *séléka* armed group. The rebels accused Elizabeth of having a "critical tongue" and beat her up together with others in her house. She lost consciousness following the ordeal and was hospitalised. .
- 2.3 On 15 January 2012, Ferdinand Samba, editor of the daily newspaper *Le Démocrate* was arrested in Bangui and charged with defamation and incitement of hatred in connection with several articles he wrote which criticised the country's Finance and Budget minister Sylvain Ndoutingai who is also the nephew of the country's president, François Bozizé. On 26 January 2012, he was sentenced to 10 months imprisonment and *Le Démocrate* newspaper was suspended for one year. After spending three months in prison, Ferdinand was released on 3 May 2012, following a presidential pardon to commemorate World Press Freedom Day. Several newspapers had suspended publication for a day in protest against the jail sentence handed to him.
- 2.4 Ferdinand Samba had previously been arrested on 18 March 2010 and was detained by the Research and Investigation Services (SRI) after he was accused of printing information previously published by a sister newspaper

L'indépendant which questioned the origins of the wealth of a prosecutor. The article had purportedly questioned how the prosecutor could afford an apartment in France worth 100.000 euros compared to his salary. Ferdinand was released on 400.000 FCFA (approximately US \$800) bail.

- 2.5 On 27 May 2011, Faustin Bambou, editor of the weekly newspaper *Les Collines de L'Oubangui* was arrested in connection with editorials published about the disillusionment of retired military personnel over the non-payment of their pensions. Another journalist Emmanuel Sandy was arrested on 20 June 2011 and accused of instigating protests over two reports published which covered demonstrations by retired military personnel. The former military officers claimed the government had failed to disburse funds provided by the European Union to cover their pensions. The cases of the two journalists were instigated by a complaint made by the country's Defence Minister Jean Francis Bozizé who is the son of President François Bozizé. They were both charged with "inciting hatred and endangering the security of the state," and the prosecutor had asked for a three year jail sentence and a fine of 1million Francs CFA. After spending several weeks in jail, a judge found both journalists guilty of a lesser charge of defamation and fined them 300.000 FCFA (approximately US \$600) each.
 - 2.6 Journalists reporting on corruption of government authorities are frequently threatened by the authorities and there is a tendency for some to resort to self-censorship to avoid reprisals. On 3 September 2010, Alexis Remangaï of *La Confident* newspaper was taken into custody at the SRI of the Gendarmerie in Bangui, following complaints of defamation levelled by an official working in the Ministry of Mines. He was detained for three days after publishing an editorial on corruption and mismanagement by senior officials in the country's Ministry of Mines. .
 - 2.7 The High Communication Council which regulates the media and provides licenses to media outlets suspended *l'hirondelle* newspaper for two weeks from 20 April 2009 after the paper published an editorial on 2 April which allegedly encouraged "sedition of the military." The Council accused the paper of contravening Article 29 of the country's Disclosure Act. The council also suspended the daily newspaper *Le Citoyen* for a period of one month over a piece published on 7 January 2009. It accused the newspaper of indiscriminately attacking the country's political elite and for using derogatory language. The Council further accused the paper of failing to heed warnings about the use of derogatory language. In protest, a group of private media outlets organised press free days on 27 January and 4 and 5 February.
3. **(C) Concerns involving judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society**
 - 3.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. CIVICUS' and REDHAC's research in the CAR show that state agencies are sometimes complicit in the abuse of civil society activists and human rights defenders who challenge violations of human rights and corrupt practices by government authorities. Human rights defenders, lawyers and family members

of victims of war crimes committed in the CAR are often harassed and intimidated when advocating for justice in the trial of perpetrators of these crimes. In addition, representatives of civil society and staff of humanitarian aid agencies have been physically attacked by armed groups while providing assistance to victims of conflict.

- 3.2 Lewis-Alexis Mbolinani of the Youth United for Environmental Protection and Community Development (JUPEDEC), a non-governmental organisation focusing on the protection of the ecosystem, defence of human rights, and community development, was arrested in December 2009 in the south-eastern region of the country by officials of the SRI and erroneously accused of colluding with the Ugandan rebel group the Lords Resistance Army (LRA) and for endangering the security of the state. Prior to his arrest, he had published pieces in which he criticised the government for failing to protect citizens from LRA attacks. He was tortured in detention and was temporarily released from custody in March 2010. In September 2010, a high court in the capital Bangui cleared him of all charges because of lack of evidence.
- 3.3 On 17 November 2009, Mathias Morouba, Vice President of the *Observatoire Centrafricain des droits de l'homme* (OCDH) and assistant legal representative of victims in the trial of ICC-accused Jean-Pierre Bemba received threats in the lobby of the high court in Bangui from an individual who identified himself as a supporter of the former President Ange-Félix Patassé. He was harassed again on 18 and 23 November and warned that there were discussions about him in meetings held by supporters of the former president. Mathias was intimidated because of his work advocating against impunity against those who violate human rights including under the regime of former President Ange-Félix Patassé. .
- 3.4 On 4 November 2009, Erick Kpakpo received death threats over the telephone. He is coordinator of the *Organisation pour la compassion et le développement des familles en detresse* (OCODEFAD) and was targeted because of his human rights activities. Again on 14 July 2009, Adolphe Ngouyombo, human rights defender and president of the *Mouvement pour les droits de l'homme et d'action humanitaire* (MDDH) was shot while at his home. He advocates for the rights of victims of rape and sexual violence. He had received threats in the past based on his activities as a civil society activist and no concrete investigations were conducted by the police to identify his assailants.
- 3.5 On 28 December 2012, human rights defenders in the country made a plea to the authorities to guarantee their physical and psychological wellbeing in the exercise of their duties in the north and eastern parts of the country. On 30 January 2011, members of the armed group, *Armée populaire pour la restauration de la démocratie* (APRD) abducted eight staff members representing the Spanish office of *Medecins Sans Frontiers* (MSF) along the country's border with Chad. On 5 May 2010, LRA fighters at Demba fired shots at a car transporting World Food Programme supplies for victims displaced by LRA attacks in Obo. The driver and his assistant were killed and two others were injured in the attack.

4. (D) Concerns regarding freedom of assembly and harassment of protesters

- 4.1 The constitution of CAR provides for the right to assemble without interference from state authorities. However the government has on occasion trampled on these rights. Civil society representatives in the country have voiced concerns over the fact that the government views them as mouth pieces for the political opposition. Faustin Theodora Grothe, Secretary General of the *Confederation nationale des travailleurs* (CNTC) together with two representatives of trade unions were arrested on 25 November 2012 while on a solidary march in Bangui. The head of the police later issued a statement claiming that he was not informed about the demonstrations on time.

5. Recommendations to the Government of the Central African Republic

CIVICUS and the Réseau de Défenseurs des Droits Humains de L'Afrique Centrale call on the Government of Central African Republic to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and the African Charter on Human and People's Rights. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

5.2 Regarding freedom of expression, judicial harassment and intimidation of journalists

- Attacks on and threats to journalists must be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- The government should take appropriate measures to protect journalists and community radio stations from attacks by armed groups. The authorities should bring to justice members of these groups guilty of attacking journalists and confiscating property of media outlets.

5.3 Regarding judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society

- Impartial and effective investigations into all cases of attack, harassment and intimidation of human rights defenders should be conducted and perpetrators brought to justice.
- Attacks on and threats to human rights defenders must be publicly condemned by senior government officials to ensure protection by law enforcement agencies.

- Humanitarian aid workers must be protected in the CAR and they should be able to safely transport supplies to victims of war in all affected regions in the country

5.4 Regarding freedom of assembly and harassment of protesters

- Civil society organisations should be able to carry out their constitutional rights of assembly and engage in protests on issues affecting them without fear of reprisals from state authorities.

5.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.