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Summary record of the 2212th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 27 July 2004, at 11 a.m.

Chairperson: Mr. Amor

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* No summary record was issued for the 2211th meeting.

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The meeting was called to order at 11.05 a.m.

Review of reports submitted by States parties pursuant to article 40 of the Covenant (agenda item 6) *(continued)*

Central African Republic: Review of the situation in the absence of a report (CCPR/C/79/L/CAF)

1. *At the invitation of the Chairperson, Mr. Maleyombo, Mr. Diba and Mr. Feindiro (Central African Republic) took places at the Committee table.*

2. **Mr. Maleyombo** (Central African Republic) made a preliminary statement on the underlying reasons for the events which had led to the political regime change of 15 March 2003 and the efforts that had been made to restore a legal institutional and political order. Before the change, the Central African people had lived in dehumanizing circumstances and poverty, in an atmosphere of social unrest, arbitrary measures, impunity, injustice, atrocities committed by unconventional foreign forces, political and ethnic favouritism in the administration, in which there was no respect for political commitments or the Constitution. The changes of March 2003 had allowed for improvements and advances to be made at several levels. At the political level, the new transitional Government was bringing together all political expressions, as well as representatives of civil society; the National Transition Council, which acted as the parliament, included representatives from all social and political strata, including ethnic minorities. A national dialogue had been organized in September and October 2003 to encourage reconciliation and enable exiles to return under an amnesty ordinance-law issued by the President of the Republic. A committee had been set up to follow through on the recommendations resulting from the dialogue. In order to further consensus, an Ombudsman had been appointed, a fund had been set up to compensate victims of the different military-political crises, and a national centre for the prevention and management of conflicts had been created. The prosecution of those responsible for crimes had made it possible to put an end to the impunity that had prevailed before, including in the struggle against corruption and fraud. Political parties, trade unions and other associative movements were carrying out their activities freely. The same was true of the media and the press, both public and private. Several bills had been submitted to the National Transition Council with a view to creating a new legal and institutional framework for communication. Efforts had been made to respect the outcome of elections — presidential, legislative and municipal — held in January 2005, in particular by revising the electoral code, drawing up lists of voters and setting up an independent Joint Electoral Commission.

3. At the social level and in the area of security, non-payment of wages of civil servants was no longer the rule, and as the troops of the Economic and Monetary Community of Central Africa had been reinforced by French troops, insecurity had decreased. The reorganization of the armed forces had helped restore trust between the national army and the people, and the reactivation of the standing military tribunal had made it possible to judge in timely fashion any violations of human rights committed by the defence and security forces. The demobilization, disarmament and reinsertion programme carried out by the Government with financial support from the United Nations had also helped reduce insecurity. There had of course been some incidents of unrest, most often on the part of former “liberators” who had chosen civilian life, but those situations had been resolved thanks to the personal intervention of the Head of State and the assistance of the Special Representative of the Secretary-General of the United Nations in the Central African Republic and other personalities. The transitional Government had issued a formal denial of the allegations of summary executions, rape or torture made by the agitators, who themselves had perpetrated such acts.

4. As decided by the Head of State, the Office of the High Commissioner for Human Rights and Good Governance reported directly to the President, who thus personally oversaw the implementation of the policy on promotion and protection of human rights. The lack of logistical means, however, had prevented the improvements made in the capital from being extended to the hinterland. Although it was a government body, the Office of the High Commissioner did not hesitate to denounce any public entities or law enforcement officers who used their position to violate the human rights of citizens; in many cases, those responsible had had been severely punished by the Head of State.

5. The Central African Republic had ratified the African Charter on Human and People's Rights in 1986, as well as almost all other international human rights instruments. He recognized that unfortunately, the Central African Republic had not met its commitment by not submitting any reports since 1986. Having made the promotion and defence of human rights its priority, the transitional Government had established a national committee to draft reports on the international human rights instruments. That committee, which included representatives of the public authorities as well as of civil society, was hindered by the lack of material means resulting from the serious economic and financial crisis the country was experiencing. The Central African Republic therefore appealed to the international community for assistance in its transition towards restoration of the constitutional and democratic order; in particular, it needed help to enable the national committee on drafting of reports to prepare a cumulative report to the Human Rights Committee and thus make up for its delay by the end of the first half of 2005. The High Commissioner for Human Rights and Good Governance was working to reactivate the National Human Rights Commission, whose activities had been frozen since 1996. The delegation of the Central African Republic, speaking on behalf of all the population and authorities of the country, solemnly requested the support of the Human Rights Committee in its effort to ensure that the Central African Republic could recover its place in the great United Nations family.

6. **The Chairperson** thanked the delegation of the Central African Republic and invited them to reply to questions 1–17 of the List of issues prepared by the Committee (CCPR/C/79/L/CAF).

7. **Mr. Maleyombo** (Central African Republic), referring to question 1, said that the regime change of 15 March 2003 had not been a coup d'état but rather a patriotic movement in which the entire population had decided to put an end to the dictatorship established by the regime that had been democratically elected in 1993. The new authorities had chosen to manage the transition by consensus with the participation of all community leaders. Only the Constitution of 14 January 1995 and the National Assembly, which was nothing more than a rubber-stamp mechanism for the executive, had been dissolved. A state of emergency had been declared under constitutional Act No. 2, which provided that until such time as the Central African people were able to express the will of the nation, the public authorities would operate provisionally under the conditions established by that constitutional act.

8. With regard to question 2, he said that parties, trade unions, the press and associations such as those working to protect human rights had continued to carry out their activities freely during the transition period, as provided in constitutional Acts Nos. 1 and 2, of 15 March 2003. Act No. 1 established the precedence of international treaties, agreements and conventions that had been ratified by the Central African Republic over the ordinances empowering the Head of State to legislate. Act No. 2 laid down the provisional organization of the State authorities; article 12 thereof mandated respect for human rights and fundamental freedoms, and article 9 established the independency of the judiciary.

9. Concerning the powers of the National Transition Council (question 3), he said that the Council, a consultative body established by decree by the President of the Republic,

was responsible for assisting the President in the exercise of his legislative duties by reviewing all proposed ordinances which had to be submitted to him, for proposing to him and to the Government any recommendations deemed necessary to ensure the proper conduct of national affairs and to assist the Government in drafting a preliminary draft constitution and prepare for future elections. The National Transition Council was comprised of 96 members, including 17 national councillors representing the 16 prefectures and the city of Bangui, and 79 other members, who were elected by their peers from all sectors of society and of the State, according to political parties, trade unions and religious authorities, as well as the police, the army and former presidents of the Republic. With regard to the transitional Government, in addition to the duties of the executive branch, it was responsible for restoring security throughout the national territory, and it was required to organize the return to a truly democratic constitutional order so as to guarantee peace and stability throughout the country. The Government was currently made up of 28 members, including two women, who represented the different social, political and geographic sectors of the country. It had established the different bodies and drafted the texts necessary for the organization of the next elections (presidential, legislative, municipal, etc.), to be held in January 2005, including the independent Joint Electoral Commission, the electoral code and the draft new constitution to be adopted by the National Transition Council. Finally, the President of the Republic had met with all political and social actors in the country in February and March 2004, not only to reinforce the accomplishments of the national dialogue held in September and October 2003, but also and chiefly, to hear all views before setting up the bodies that would be responsible for preparing and organizing future elections.

10. The Office of the High Commissioner for Human Rights and Good Governance had been moved from the Ministry of Justice to the Office of the President of the Republic. Its mission was to develop and implement national policy on human rights and good governance; to propose measures for guaranteeing respect for and protection and promotion of human rights; to promote the rule of law through a credible, independent, free and effective judiciary; to establish a structure for combating impunity and corruption; to ensure respect for the rules of transparency and consistency in public management; to coordinate activities and projects in the field of human rights and good governance; to promote cooperation with national and international agencies and non-governmental organizations (NGOs); to implement educational strategies in the area of human rights and good governance and to oversee the drafting and dissemination of reports on international human rights instruments ratified by the Central African Republic.

11. Concerning the right to effective remedy (questions 5–8), the attempted coups of May 2001 and October 2002 and the coup of March 2003 must be considered separately. The attempted coup of May 2001 had involved mass killings, executions, pillaging, arbitrary detention and other crimes imputable both to the government forces and to foreign allies. The prosecution of those responsible for the attempted coup had led to the conviction of many people in adversarial proceedings and of hundreds of others in absentia. The atrocities committed in turn by the government troops and foreign mercenaries, which had been denounced in the report of the International Federation for Human Rights, had not been prosecuted owing to the amnesty provided for in the ordinance of 23 April 2003. However, the amnesty had been granted without prejudice to the rights of third parties and did not preclude the lodging of complaints by government departments in cases of offences that caused harm to the public treasury or undermined the rule of law. The government departments were only entitled to claim reparations, but apparently they had not exercised that option. With regard to the events of October 2002 and March 2003, a structure for inquiry and investigation known as “Humanitarian assistance for women and girls who had been victims of rape and violence in connection with the events of 2002–2003” had been set up in partnership with the United Nations system. This had enabled the prosecutor’s

office in Bangui to conduct a judicial investigation against former President Patassé and others for violent crimes, ranging from attacks against the domestic security of the State to intentional injuries, and for economic crimes (misappropriation of public funds and forgery and use of forged documents). The investigation had made it possible to determine that there had been several hundred victims, including women who had been victims of rape. Only a few of the perpetrators of those acts had been caught, and letters rogatory had been issued against certain perpetrators, co-perpetrators or accomplices who had fled. The preparatory proceedings would be concluded soon. The activities carried out by the aforementioned mechanism had made it possible to identify and assist over 500 people. The complaint lodged by the International Federation for Human Rights with the International Criminal Court had been warmly welcomed by the Central African people. The domestic legislation would need to be adapted; that would be done with the support of the United Nations Peace-building Office in the Central African Republic (BONUCA). The Central African judiciary had initiated proceedings based on events other than war crimes or genocide reported by the United Nations Children's Fund (UNICEF), by the people and by the International Federation for Human Rights, but the action brought before the International Criminal Court would improve the prospects for punishing the guilty parties, who were currently on the run.

12. **Mr. Feindiro** (Central African Republic), replying to question 7, said that the individuals involved in the attempted coup d'état of 28 May 2001 had been prosecuted. During the proceedings, the rights of the defence had been respected, although the preliminary investigation by the joint judicial investigation commission had been conducted in flagrant violation of the rules of criminal procedure. During the proceedings, all the accused had benefited from the assistance of a lawyer. The tribunal had been made up of three professional magistrates and six jurors. The public prosecutor had been represented by a magistrate from the public prosecutor's office. The accused had been charged with attacking the internal security of the State, murder, assassination, desertion in times of peace and of war, rebellion and illegal possession of weapons of war. However, in an effort to bring calm after the events of 15 March 2003, an amnesty ordinance had been issued under which all principal, accessory and complementary penalties were remitted and those concerned were allowed to return to their jobs in the public sector. All references to the convictions covered by the amnesty were to be removed. With regard to the events of 2002–2003, he said that the National Dialogue had recommended the rehabilitation of the civilian and military personalities who had been involved in military and political crises from 1960 onwards. The issue would be settled once and for all by the truth and reconciliation commission that was being set up.

13. **Mr. Diba** (Central African Republic), replying to question 8, said that the Central African Government, in partnership with the United Nations (United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund) had set up a system for providing psychological, medical and legal assistance for women and girls who had been raped in the northern and southern areas of Bangui during the disturbances of 2001, 2002 and 2003. The target population was around 500 persons; 63 per cent of them had already received that assistance. However, victims from other regions had not all been identified or assisted, and an extension of the project to the provinces and liberated areas was under consideration. The new authorities who had taken over since the change of 15 March 2003 regarded those rapes as war crimes and were proceeding against the perpetrators who were still in the country before the national and international criminal courts.

14. **Mr. Feindiro** (Central African Republic), replying to the question on the death penalty (question 9), explained that under Central African criminal law, the crimes that attracted the death penalty were crimes against State security, practices of charlatanism when they caused death, and assassination, poisoning, parricide and murder. Minors

benefited from special rules in criminal matters, but because of the lack of financial means, there was a regrettable shortage of suitable facilities for them. Since independence, no minors had been executed. With regard to the number of death sentences and executions over the last three years, he said statistics showed that about twenty persons had been sentenced; the last execution had taken place in 1981. Finally, the matter of abolishing the death penalty was still a sensitive issue given the atmosphere of insecurity in the country, the fact that weapons of war and ammunition were widely available and the violence prevailing in the subregion. A discussion on the question should be held in the near future.

15. **Mr. Maleyombo** (Central African Republic), replying to question 10, acknowledge that there had indeed been isolated cases of abuses against the civilian population committed by military forces who had participated in the events of 15 March 2003 and by Chadian elements. The Government had severely punished those violations of human rights. Moreover, the foreign elements who had accompanied General Bozizé in his action had been compensated and repatriated, and the Central Africans who had participated in the action had returned to civilian life. Although security had not yet been fully restored, the Government and the Central African Economic and Monetary Community were making every effort to gradually improve the situation.

16. Regarding the Central African Office for the Suppression of Banditry referred to in question 11, he said that thanks to that body, crime had dropped considerably. While it was true that during the time of President Patassé, the Office had committed many abuses, that was no longer the case. Violations of human rights were severely punished, as evidenced by the fact that an officer of that Office had recently been sentenced. The violent acts mentioned had probably occurred in the course of fighting between bandits and elements of the Office.

17. Turning to the matter of national reconciliation (question 12), he said that the National Dialogue, which had brought together 350 delegates representing all strata of the population, had issued recommendations that would allow exiles to return. A committee had been established to follow up on those recommendations, and most of the exiles had returned to the country. With regard to the protection of the Congolese living in the Central African Republic, he said that while it was true that mercenaries from the Democratic Republic of the Congo had taken part in the conflict, there had never been a problem with the Congolese people themselves, and therefore there was no need for special measures. As for the members of President Patassé's ethnic group, there had been no witch hunt; people belonging to that ethnic group had not been bothered. Individuals who had fled from the country had usually been guilty of misappropriation of funds.

18. **Mr. Diba** (Central African Republic), replying to the question on human rights training for members of the army and police officers, explained that with the help of BONUCA, they were receiving training in human rights and international humanitarian law and armed conflict, including issues of international criminal law, human rights protection mechanisms and arrest and detention procedures. Three such training sessions had been held in 2003, and four would be held in 2004. The training had had a positive effect on the behaviour of law enforcement agents. In addition, since 2003, all military instruction and training centres, with the assistance of BONUCA, had organized 15-day training seminars on human rights and international humanitarian law. The purpose of the seminars was to promote respect for human rights, to create in the different corps a solid nucleus of officers who were well-trained in that area and to promote better understanding of international texts and conventions that had been ratified by the Central African Republic.

19. **Mr. Maleyombo** (Central African Republic), replying to question 14, said that traditional harmful practices had been censured by the more modern sectors of the Central African population. A Central African committee had been set up to combat harmful practices and violence against women and girls, and it was working actively to that end.

The problem had also been addressed in a radio broadcast in order to raise public awareness. Although such practices still existed in the remote areas of the country, it was safe to say that in general, they were disappearing.

20. **Mr. Feindiro** (Central African Republic), replying to question 15, explained that the crimes that were punishable by forced labour were cannibalism, trafficking in or sale of human flesh, threats of murder or poisoning, physical injuries to a minor under 15 and intentional deprivation of food or care of a child to the detriment of the child's health. Since the fall of Emperor Bokassa, on 20 September 1979, forced labour had not been practiced except in construction. Nevertheless, sentences to forced labour were still handed down. At present, the Bangui detention centre only had two persons who had been sentenced to forced labour.

21. **Mr. Maleyombo** (Central African Republic), replying to question 16, said that trafficking in children was practically non-existent in the Central African Republic. The reports mentioned in the question were unfounded. An investigation would be needed in order to reply to the allegations reported in question 17, according to which young people aged 17 had been enlisted into the rebellion. However, it was a known fact that the rebellion had been made up essentially of soldiers in the regular army, with reinforcements from some Chadian elements who had since returned to their own country.

22. **The Chairperson** invited Committee members to ask additional oral questions on issues 1 to 17 of the list.

23. **Ms. Chanet** said she would like to have more details concerning the constitutional order during the transition period and the order that would enter into force by 2005. She asked the delegation to comment on the draft constitution the text of which had been distributed to Committee members in French, and in particular, the provisions regarding ordinances. The delegation had objected to the use of the term "coup d'état" in question number 1 of the list, but in her view, the wording of Constitutional Act No. 1 confirmed that it had indeed been a coup d'état. It had been said that the proposed new constitution was inspired by the work of the National Dialogue; she would like to have more information about that institution. She would also like to know if the rights that would be enshrined in the new constitution were the same rights included in the 1995 Constitution and whether the rights laid down in the Covenant would be protected. Article 3 of the draft constitution provided that the legal time limit for detention should be respected. The Constitution should *establish* that legal time limit; it was not useful to stress that it should be respected.

24. Concerning the Central African High Commissioner for Human Rights, she noted that the presidential decrees issued in 2004 apparently did not mention the name of his office or change his duties. Those duties should be described specifically.

25. Concerning the application of article 6 of the Covenant, the delegation had indicated that since charlatanism could cause death, it was a crime that was punishable by death. Bearing in mind that the Covenant provided that the death penalty could be imposed only for the most serious crimes, she would like to know how charlatanism fell within that category and how the authorities determined, when someone died after having been the victim of an act of charlatanism or sorcery, that it was indeed that act that had caused the death. She had taken note of the action taken by the National Committee to Combat Harmful Practices and Violence against Women and Girls to combat the practice of mutilation. However, the information on the practice provided by the delegation had been very brief. The written replies had referred to tradition and given some reasons that were hardly acceptable, especially the reasons referred to as "moral", which were actually just for the personal convenience of men, and the social reasons, which were practically an affront to women and were in no way compatible with the provisions of the Covenant.

However, the Government appeared to be determined to fight for the eradication of mutilation, despite the obstacles it faced in rural regions, and the Committee strongly encouraged that effort.

26. **Mr. Yalden** said that he also would like to know about the duties of the Office of the Central African High Commissioner for Human Rights, in particular, whether he was competent to consider individual complaints. If so, how many complaints had been considered and how had they been followed up? He understood that the Office of the Central African High Commissioner for Human Rights had been a subject of controversy in the past; he would like to be reassured about its independence and its capacity, at present, to effectively accomplish its mission.

27. The written replies referred to the creation of a compensation fund for victims of crises the State party was aware of; he would welcome further information on that mechanism, as well as on the office of Ombudsman. He would also like to know what would be the relationship between the Ombudsman and the High Commissioner for Human Rights and Good Governance. The United Nations Peace-building Office in the Central African Republic (BONUCA) apparently played an important role in providing human rights training for officers of the armed forces and the police, but he had the impression that human rights violations by members of law enforcement had not stopped, and that the perpetrators were not being systematically punished. He would like to hear what the delegation had to say on that matter.

28. He endorsed the comments made by Ms. Chanet regarding the practice of mutilation. The delegation had stated that the practice was on the way to disappearing but, according to UNICEF, 36 per cent of adult women were subjected to it, and other sources had mentioned a figure of 40 per cent; that contradicted the delegation's statement. He would like to have confirmation of those figures and what measures the authorities planned to take to put an end to genital mutilation.

29. **Ms. Wedgwood** said she noted that the abuses committed by the military against the civilian population before and during the coup d'état of 2003 had been isolated cases. However, she would like to know how many members of the armed forces had been charged in such cases, how many trials had taken place, and what had been the outcome.

30. The Central African Office for the Suppression of Banditry was obviously a long-standing institution which had been the subject of controversy in the past; she wondered what reasons the authorities had for maintaining it at the present time. How many proceedings for human rights violations had been carried out, when necessary, against members of that office? How many trials had been held, and what had been the outcome?

31. She endorsed the questions raised by Mr. Yalden concerning the process of national reconciliation. She noted that the followers of President Patassé had not been disturbed and that the authorities of the State party were focusing on making reparation for human rights violations committed by the previous Government. However, she would like to have more information on the number and type of judicial proceedings that had been undertaken in that context.

32. On the matter of human rights training for members of the armed forces and of the police, she said that if such training was purely theoretical, it might not be very effective. She would like to know, for example, if those responsible for the training actually put members of law enforcement in situations that would test their reactions, and if they had developed rules of engagement for them. It would be helpful to know what percentage of members of law enforcement had benefited from the training. What circumstances would justify the use of potentially deadly force during an arrest?

33. She shared the concerns of Ms. Chanet and Mr. Yalden regarding genital mutilations. According to some sources, that practice still affected 36 per cent of women nationwide and 29.6 per cent of women in urban environments. Was mutilation currently a criminal offence, and were penalties imposed on persons who practiced it? In particular, had there been any cases in which a health worker who had performed mutilation had lost his or her authorization to practice the profession, or of sanctions against village leaders? In addition to providing essential information and education, it was important to punish mutilation under criminal law in order to eradicate it completely.

34. **Mr. Shearer** said that the list of crimes that were punishable by forced labour under the domestic legislation seemed to overlap some of the crimes that were punishable with the death penalty; he would like clarification on that point. He also asked for confirmation that forced labour was part of the country's past history and that the legislation providing for that penalty would be revised in the context of the penal reform currently in progress.

35. The delegation had said that the phenomenon of child trafficking was almost non-existent, but the written reply stated that there was a national committee to combat trafficking in children. He did not see the need for such a body if there was no problem, and he would like to hear the delegation's comments on that point. At any rate, the phenomenon of trafficking in children was widespread on the African continent, and it would be surprising if the Central African Republic was spared from it.

36. The question of adoption had also been mentioned in the written reply to question 16 of the list. He would like to know why the committee responsible for adoption of children did not yet have legal standing. Considering the importance of the issue, that body should be officially recognized; he would like to know what measures the State authorities had taken or planned to take in that regard.

37. The delegation had stated that in the absence of a specific investigation, it was not able to reply to the question as to whether minors had participated in the coup d'état of March 2003; however, even in the absence of an investigation, surely there must be some elements that would make it possible to provide a preliminary response; moreover, the authorities should certainly be aware of the need for an investigation. He wondered whether the regular army was observing the international rule against recruitment of minors under 18. The State party needed to realize that it was difficult for child soldiers to become reinserted and that they represented a heavy burden for the future of the country.

38. **Mr. Solari-Yrigoyen** said that there was reason to be satisfied, in particular about the creation of institutions for the protection of human rights, although it was clear that the Office of the High Commissioner for Human Rights was faced with numerous obstacles, for example, when its representative wanted to visit detainees. The information provided was still inadequate, especially in respect of questions 5, 6 and 7; that lack of information could be interpreted as a denial. However, it had been established that there had been violence, and in particular, that at the end of 2002 and the beginning of 2003, combatants from the Congolese Liberation Movement, as well as foreign mercenaries and members of the forces loyal to François Bozizé, had been involved in systematic raping, even going so far as to kill the women who resisted. Those extremely serious acts, which had led to many pregnancies and had caused the spreading of HIV and other sexually transmitted infections, had for the most part remained unpunished. According to some sources, even certain members of the Presidential Guard had been involved, yet the President had not done anything to punish them, either before or after his accession to power. By the end of 2003, those individuals still had not been charged; he wondered whether they had been prosecuted since that date.

39. In addition, some sources claimed that, despite being prohibited, sexual mutilation of women and girls was far from disappearing; it would therefore be helpful for the

delegation to explain if it was possible to prosecute those who practiced it or advocated it. If those practices were motivated by religion, the delegation should also explain the situation prevailing in a State party with regard to freedom of religion.

40. Additional information was also needed on the matter of the many extrajudicial killings perpetrated by the opposing parties in the struggle for power which had ended in March 2003. It had been revealed that many extrajudicial killings were imputable to the troops that were loyal to former President Patassé, in particular the execution, north of Bangui, of at least 25 Muslims suspected of collusion with the armed opposition. In August 2003, a lieutenant had allegedly killed two students who were participating in a demonstration to demand better working conditions at a university in Bangui. The lieutenant had been demoted as punishment, but apparently he had neither been charged nor brought to justice. Moreover, throughout 2003, armed men, usually dressed in military uniform and allegedly belonging to the security forces, had allegedly killed unarmed civilians. A person named Barry Okonkwo Norason was one of the victims. Had the perpetrators been prosecuted?

41. He asked the delegation to comment on reports denouncing the widespread use by government forces, as well as by armed opposition groups, of torture and other forms of mistreatment. Soldiers in the Chadian army had allegedly introduced a form of torture called *arbatachar*, which was often inflicted in Chad on persons who opposed the Government. That practice caused extreme pain and often led to death.

42. Finally, he asked for clarification of the amnesty mentioned in the reply to question 7. He would like to know, in particular, what consequences the amnesty ordinance would have, whether or not proceedings would be instituted and if so, what guarantees were provided to ensure fairness.

43. **Sir Nigel Rodley** said that he had looked over the draft constitution and noted with interest that it began with a statement of individual rights. He found it surprising, however, that there was no reference to possible derogation of certain rights in certain circumstances.

44. **Mr. Maleyombo** (Central African Republic) said that the provisional authorities were determined to rebuild trust among the citizenry and had recently devoted considerable effort to preparations for the elections to be held in January 2005. It had been necessary to review the lists of voters and set up the independent Joint Electoral Commission, the Chairman of which had not been imposed by the Government but had been elected by his peers, the members of the Commission. Some United Nations agencies that were observing the work of the National Transition Council, such as the United Nations Development Programme (UNDP), had been closely associated with the work of drafting the proposed constitution and reviewing the lists of voters. The previous constitution was not necessarily a bad one but it had never been respected by those who had drafted it; the decision to revise it attested to the determination to break with the past. Indeed, the people now wanted to move on. That had been the conclusion of the National Dialogue, which had provided an opportunity for all strata of society to express themselves and to try to understand why the history of Central African Republic had been a succession of coups d'état and how to prevent them in future. It had produced specific recommendations which the Government was obliged to apply. A follow-up committee on the National Dialogue had been established which, while remaining independent, held regular meetings with representatives of the public authorities in order to follow through. Unfortunately, the follow-up committee, like all others, was faced with a lack of means.

45. The missions of the Office of the High Commissioner for Human Rights and Good Governance were shown on page 4 of the written replies. The fact that the High Commissioner reported to the President of the Republic did not undermine his independence but offered the advantage of enabling the Head of State, the guarantor of

liberties, to follow the day-to-day situation. As noted on page 3 of the written replies, that arrangement arose from the decision to separate the judiciary and human rights; the policy on human rights had previously been implemented by the Minister of Justice, a situation that had created controversy.

46. **The Chairperson** thanked the delegation for the explanations and said that it would be able to reply to the remaining questions at the next meeting.

The meeting rose at 1 p.m.