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Eighty-seventh session

SUMMARY RECORD OF THE 2373rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 12 July 2006, at 3 p.m.

Chairperson: Ms. CHANET

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6)

Second periodic report of the Central African Republic (CCPR/C/CAF/2004/2;
CCPR/C/CAF/Q/2)

1. *At the invitation of the Chairperson, Mr. MALEYOMBO, Mr. DIBA and Mr. FINDIRO (Central African Republic) took places at the Committee table.*

2. The CHAIRPERSON welcomed the Central African delegation and recalled that the Committee, at its eighty-first session, in July 2004, had examined the human rights situation in the Central African Republic in the absence of the initial report. A delegation from the State party had, however, taken part in the examination. The Committee had adopted provisional concluding observations in which it had requested the State party to submit a report without delay. The report had been prepared within the prescribed time limits and the Chairperson now invited the head of the Central African delegation to present it.

3. Mr. MALEYOMBO (Central African Republic) recalled that the Central African Republic had joined the United Nations the very year that it had gained independence, and its commitment to human rights had been reflected since that time in its ratification of a number of international instruments, including the Covenant, in 1981. The second periodic report on the implementation of that instrument bore witness to both fulfilment of the obligations to which the State party had subscribed and the commitment of the new national authorities (elected in 2005) in favour of human rights. The Central African authorities were determined to take every possible step to ensure that human rights became a reality in their country, a sign of a genuine political will to build a State ruled by law in which fundamental rights and freedoms were fully guaranteed. Thus, at its previous session, in the spring of 2006, the National Assembly had adopted a law authorizing the ratification of the African Union Convention on Preventing and Combating Corruption and another authorizing the approval of the Agreement on the Privileges and Immunities of the International Criminal Court. In addition, there was a plan to establish a partnership agreement with the Court and, with that aim in view, two workshops for training and sensitization regarding the content of the Rome Statute had been organized. At the same time, the Government was contemplating ratifying a number of other international instruments, in particular International Labour Organization (ILO) Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries.

4. It was important for the Committee to know of the grave security problems faced by the Central African Republic since December 2005. Following the holding, in the spring of 2005, of free and democratic presidential and legislative elections, the results of which were welcomed by the international community, peace, security and respect for human rights had come to be seriously threatened by enemies not only of the Central African Republic but especially of democracy. The country was the target of acts of aggression by armed gangs and rebel groups supported by foreign powers, a situation with inevitable repercussions on respect for human rights. The Central African delegation therefore addressed, on behalf of its Government, a solemn appeal to the international community to condemn strongly the aggression of which its country was a victim.

5. The will of the Central African Government to live up to its commitments regarding the submission of reports on the implementation of the international instruments that had been ratified ought to make possible a constructive dialogue with the Human Rights Committee, whose comments and observations would be welcome because they would help the Government of the Central African Republic to implement its policy of promotion and protection of human rights.

6. The CHAIRPERSON invited the Central African delegation to respond to questions Nos. 1 to 16 on the list of issues to be taken up (CCPR/C/CAF/Q/2). She pointed out that the Central African authorities had provided the Committee with written replies to the list of issues early enough to enable the secretariat to have them translated into the Committee's three working languages (CCPR/C/CAF/Q/2/Add.1), something unusual enough to be worth mentioning.

7. Mr. MALEYOMBO (Central African Republic), responding to question No. 1 on the status of the Covenant, said that the Republic's accession to that instrument was reaffirmed in the preamble to the Constitution of 27 December 2004 and had thus acquired a constitutional character. However, it had not yet been invoked before the courts of law or administrative authorities.

8. With regard to the steps taken to inquire into the grave violations of human rights and international humanitarian law committed during the events of 2002 and 2003 (question No. 2), he said that, in the wake of the burst of patriotism of 15 March 2003, the Office of the Public Prosecutor at the court of first instance of Bangui had opened an inquiry aimed at a full assessment of the scope of those violations. The inquiry had had the backing of the United Nations Development Programme (UNDP) and had made it possible to resort to the International Criminal Court. Moreover, the Central African Court of Cassation had just decided to send the presumed perpetrators, co-perpetrators and accomplices before that international jurisdiction.

9. Mr. FINDIRO (Central African Republic) added that the inquiry had made it possible to obtain a count of the number of victims of the political and military events of 2002 and 2003 that had resulted in rapes, assassinations and damage to property. The decision by the Court of Cassation to turn over jurisdiction to the International Criminal Court could be explained in part by the inadequate material and human resources of the Central African judicial system.

10. Mr. MALEYOMBO (Central African Republic), responding to the question of the implementation of the recommendations of the 2003 "national dialogue" on the establishment of a "truth and reconciliation" commission and a compensation fund for victims (question No. 2), said that the implementation of those recommendations had been entrusted to the Mediation Council, headed by the former Vice-President of the Republic, and that the act governing that structure had just been adopted, in May 2006. It must also be realized that the country was going through a difficult period and the Government was still trying to find the necessary funds for carrying out the two recommendations.

11. In order to respond to questions Nos. 3 and 4, concerning the prosecution and sentencing of the perpetrators if human rights violations and the compensation of victims, he pointed out that attitudes still needed to change in that regard: The Office of the High Commissioner on Human Rights and Good Governance was making an effort to sensitize the people regarding their rights, in particular the right

to reparations. In any event, a large number of judicial proceedings had been instituted, whether as a result of complaints of individuals or ex officio. They had led to several sentencings to the payment of penalties or imprisonment. With regard to violations committed by members of the armed forces, there again several proceedings had led to punishment. It should be pointed out, finally, that the Office of the High Commissioner on Human Rights and Good Governance, headed by Mr. Maleyombo, was an institution placed under the authority of the President of the Republic, who was also the Minister of Defence and Chief of the Armed Forces. The President of the Republic and he met regularly and examined, in that context, questions relating to human rights violations committed by members of the armed forces.

12. As far as the measures taken to accord the same rights to spouses within the framework of marriage and to abolish polygamy (question No. 5) were concerned, the Human Rights Committee had held the view at its eighty-first session that the Central African Family Code was obsolete and the Central African delegation, on returning to its country, had expressed the wish to undertake a reform in that area. Unfortunately, it was the Central African women that had opposed the reforms. Nonetheless, the authorities were making an effort to continue along the path of change and the provisions of the Family Code pertaining to parental authority, the choice of residence of couples and polygamy were currently being re-examined. While parental authority and the choice of residence of the couple belonged to the husband, who was the head of the family, the wife could exercise those rights in the absence of the husband or upon being expressly so authorized by a judge.

13. Regarding steps taken to guarantee equitable representation of women in political life (question No. 6), there were no specific legislative provisions to that effect. In practice, however, the Government was making efforts to apply the principle of equality between men and women enshrined in international instruments and in the Constitution of the Central African Republic, applying a quota system for the participation of women in public affairs. Being aware of the important role of women in economic and social development, on the one hand, and the lacklustre results of the policy for the promotion of women conducted so far, on the other hand, the Central African Government had adopted, in November 2005, a national policy for the promotion of gender equality and equity that ought to bring about an appreciable reduction in the inequalities between men and women. The principle of equality was one of the pillars of sustainable human development, but Central African women were still not very aware of their rights and their obligations; in particular, they were handicapped by the weight of tradition and continued to be the victims of violence, discrimination and marginalization. Notwithstanding the actions conducted by the Government and women's NGOs, women still showed little interest in matters political. Still, some important progress was discernable: the Central African Republic could now boast 2 women ministers and 11 women deputies and women were also present in various important political structures. The office of the Prime Minister was run by a woman, and there were a number of women heads of public enterprises.

14. In response to the questions relating to capital punishment (question No. 7), Mr. Maleyombo indicated that under the new Penal Code, the crimes punishable by that penalty were those that came under the Statute of the International Criminal Court (i.e., genocide, war crimes and crimes against humanity) and offences against life (assassination, murder, poisoning, parricide, infanticide and terrorism). The

question of the abolition of capital punishment was still under discussion, but it was important to understand that the majority of the population was fiercely opposed to abolition due to problems related to lack of security and large-scale banditry. One should be aware, however, that while the death penalty had been pronounced in a few cases, it had not been applied since 1981.

15. Mr. FINDIRO (Central African Republic), responding to both questions Nos. 8 and 10, concerning summary and extrajudicial executions for which the Central Office for the Suppression of Banditry was allegedly responsible and measures taken to put an end to acts of torture committed by the public security forces and to prosecute the perpetrators, said that in the absence of complaints filed by the victims' families, the Bangui Public Prosecutor's office had initiated systematic proceedings against the perpetrators of summary and extrajudicial executions who had been members of the Central Office for the Suppression of Banditry, ordering them arrested and placed in detention. The same had been true of all agents of the defence and security forces guilty of such practices. The results obtained had been encouraging, since no case of summary or extrajudicial execution had been recorded since the end of 2005. The same procedure had been applied to the perpetrators of acts of torture.

16. Concerning the number of prosecutions and sentences for abuses committed against the civilian population, mainly since 15 March 2003 (question No. 9), he stated that the establishment of criminal statistics was hampered by the lack of resources. Since the start of the year, however, sustained efforts had been under way in that area by the Bangui judicial departments. Thus, between January and April 2006, they had noted 224 sentences handed down by the Criminal Court. With regard to military jurisdictions, from 2003 to 2005 the Permanent Military Tribunal had held three sessions, which had led to 190 guilty verdicts against members of the defence or security forces for a variety of offences (assassination, murder, rape, intentional blows and wounds, arbitrary arrest, destruction of national identity card, etc.). The Tribunal had been scheduled to hold a new session from 15 June to 17 July 2006 to try 32 cases, but the session had been postponed to the 30th of the coming July.

17. Mr. DIBA (Central African Republic), responding to the question regarding measures taken to put an end to genital mutilation (question No. 11), pointed out first of all that the national policy for the promotion of gender equality and equity adopted in November 2005 was aimed at promoting and protecting the fundamental rights of the women, reducing inequalities through the adoption of specific measures in favour of certain categories of women and encouraging women's participation in the country's development. The Government had also recently decided to revise the plan of action to combat harmful practices and violence against women and girls in the Central African Republic that had emerged from the national policy for the promotion of women adopted in 1999.

18. The practice of excision mainly involved the Bandas (83.9%), the Mandjas (71%), the Haoussas (42%), the Saras (35.8%) and the Gbayas (31.7%). Four other ethnic groups (Ngbaka- Bantou, Zande-Nzakara, Mbum and Yakoma-Sango) also practised excision, but to a far lesser extent (5.6%, 3.9%, 3.1% and 3%, respectively). The practice did not exist among other ethnic groups. If one considered that the Central African Republic boasted more than 100 ethnic groups, less than 20 per cent of them were involved in the practice of genital mutilation.

Inasmuch as it primarily affected women and girls living in rural areas, the authorities, in partnership with NGOs, had developed strategies that took into account the high rate of illiteracy in order to sensitize the women who performed excisions, parents, etc., to the need to put an end to that practice. Such awareness-raising campaigns had made it possible to lower the rate of 36 per cent of women and girls subjected to excision that had been recorded in 2000. To guide its action, the Government had launched, in partnership with UNDP, a new survey that ought to make it possible to obtain up-to-date statistics. The investigators were already in the field, but their task was hampered by military tension in the north-east of the country, where armed groups backed by foreign countries occupied part of the national territory and the security forces were mobilized.

19. Mr. MALEYOMBO (Central African Republic) added that it would take some time before genital mutilation stopped. Current consciousness-raising and education campaigns sought to show that excision was an offence against life. In a subsequent stage, concrete measures aimed at prohibiting the practice were expected to be taken, in cooperation with the Ministry of Justice.

20. Mr. FINDIRO (Central African Republic) said, regarding the notion of "heaviest work" contained in article 25 of the proposed new Penal Code (question No. 12), that it was unquestionably an error that would be corrected.

21. Concerning the crimes of charlatanism and sorcery (question No. 13), the proposed new Penal Code retained in full the provisions already in force, but in view of the ambiguity of the elements of the offence, no death sentences had ever been rendered in matters of that type, which were in any case rare.

22. Brigadier General Ferdinand Bombayake, former Director General of the Presidential Security Unit (question No. 14) had been released in October 2005. He was in Bangui, freely going about his business.

23. With regard to police custody and pre-trial detention (question No. 15), the maximum duration of custody was 48 hours for misdemeanours and eight days for crimes, with the possibility of extension. One consequence of the political and military turmoil that had occurred in the Central African Republic had been that the police and the gendarmerie had found it impossible to handle the files quickly, for want of the necessary equipment. Furthermore, if criminals are released prematurely, there was the danger that they might meet their victims, which might lead to the exercise of private justice. The duration of pre-trial detention was not regulated, but in the draft of the new Code of Criminal Procedure it was set at six months. Though it did not appear in the current Code, the attendance of a lawyer and a doctor was already accorded to persons in detention, and it would be expressly provided for in the new Code.

24. As far as military custody was concerned (question No. 16), no measure had yet been adopted to shorten its duration. Nevertheless, the Military Code of Justice had been revised with the assistance of the United Nations Peace-building Support Office in the Central African Republic (BONUCA) and the draft text was before the National Assembly. In the purely military sphere, members of the armed forces who were guilty of breaches of discipline were subject to sanctions determined by the army alone.

25. The CHAIRPERSON invited the members of the Committee, following the responses to the written questions, to ask the delegation of the State party any additional questions.

26. Mr. GLÈLÈ AHANHANZO expressed regret that the periodic report contained little in the way of factual and statistical data. He asked to be informed of the exact place of the Covenant in domestic law and the reasons why neither individuals nor jurisdictions invoked the Covenant, unlike what happened elsewhere.

27. The Central African Republic's recourse to the International Criminal Court in the wake of the human rights violations committed in the country in 2002 and 2003 was a very good thing, but it did not relieve the Government of its responsibility to prosecute those responsible at the local level, and in that connection statistical data would be useful. Moreover, the delegation had mentioned "systematic judicial proceedings" but had not indicated what they were based on or said what guarantees had been put in place against the arbitrariness that one might fear existed given the situation in the north of the country and in neighbouring countries.

28. The delegation should provide more information about efforts to implement the recommendation made by the Committee in 2003 regarding the establishment of a truth and reconciliation commission and a compensation fund for victims, for the lack of means could not serve as an excuse for inaction indefinitely. The response to the question concerning torture was not sufficient to refute the allegations of systematic torture presented by several non-governmental organizations to the African Union and the United Nations. The Committee was awaiting details on those practices and concrete measures to put an end to them.

29. With regard to police custody, he would like to know whether judges had a say, both under the law and in practice, in the extension of detention. Moreover, the fact that the judicial police was under-equipped could not justify maintaining custody beyond the legal limits. Details on the death of Sergeant Claude Sanzé, under somewhat questionable circumstances, would be welcome.

30. Mr. LALLAH noted that the Central African Republic invoked a lack of means to explain certain problems, yet the periodic report described a country with abundant natural resources, particularly in terms of gold and diamonds. Considering article 1 of the Covenant, according to which all peoples could freely dispose of their natural wealth and resources, one might wonder what became of the proceeds derived from the gold and diamond reserves and, if those proceeds were embezzled, what measures were being taken to address that problem. The constraints, ignorance and lack of will mentioned in the report did not amount to a real explanation.

31. The delegation had stressed the will of the public authorities to combat excision, but took refuge behind custom to explain the slow rate of the progress achieved. In that regard, the situation had not changed since the previous time that the Central African Republic had given an account of it before the Committee. The Covenant, however, made it incumbent on the State party concerned to act with determination, notably from the standpoint of legislation.

32. The Central African Republic had already announced the revision of the Penal Code and the Code of Criminal Procedure in 2004. The Central African Republic should indicate within what time frame one might hope to see the new provisions enter into force. As for charlatanism and sorcery, one might well wonder why

advantage had not been taken of the revision of the Penal Code to introduce clarity into provisions that the State party recognized as being inadequate.

33. With respect to the invocation of the Covenant before the courts of law, the delegation had indicated that no individual complaint had been filed on the basis of the Covenant but had said nothing about the action that the High Commissioner on Human Rights and Good Governance might have taken in that sphere. There was more than one contradiction between that response and the delegation's statement that numerous judicial proceedings for human rights violations had been instituted on the basis of individual complaints.

34. In the area of polygamy, equality between the sexes and female genital mutilation, it was difficult to believe that it was women who stood in the way of the proposed reforms, as put forward by the delegation, without elaborating. The delegation should flesh out its response and tell more about any popular consultations that might give an indication of the aspirations of the parties concerned.

35. Mr. KHALIL asked whether the list of crimes involving capital punishment was exhaustive and whether the delegation could provide a definition of "terrorism". He would also like to know about any obstacles to the adoption of the new Penal Code, which had been referred to before the Committee 10 years earlier and again in 2004, and the date on which it could be expected to enter into force. Recalling that in its provisional observations of 2004, the Committee had noted with concern the summary and extrajudicial executions committed by the Central Office for the Suppression of Banditry (OCRB) and observing that the State party, in paragraph 204 of its report, had openly admitted that the OCRB "systematically practised summary and extrajudicial executions with impunity" and noted in its written replies that no case had been recorded since the end of 2005 but that the parents of victims did not always file complaints, he would like to know whether the OCRB had really put an end to those practices. Indeed, the information reported by NGOs, paragraph 18 of the report of the Secretary-General on the Situation in the Central African Republic (S/2006/441), and the "Sanzé/Kapita" case mentioned by Mr. Glèlè Ahanhanzo, in particular, gave cause to wonder about the extent to which the authorities controlled the OCRB.

36. In its provisional observations of 2004, the Committee had requested the State party to "restore security throughout the territory" and to protect the civilian population from the abuses committed "by certain uncontrollable elements, in particular the 'former liberators'"; while the delegation had pointed out that the situation had been extremely difficult in the north of the country since December 2005, the fact remained that the question pertained to the victims of March 2003 as well. Although according to the delegation, the victims of that era had not been entitled to any compensation or reparations owing to the lack of the necessary funds, one wondered to what extent that "lack of funds" was not perhaps a lack of will to help those individuals.

37. On 13 July 2004, the State party's delegation had announced that female genital mutilation would be deemed a violation in the new Penal Code, a measure that would constitute a step in the right direction because criminalizing that scourge would strengthen the State's capacity to eliminate it. He would like to know whether that promise had been kept, even if, quite obviously, prohibition was not enough and must be accompanied by a profound change in attitudes. Regarding the

practices of charlatanism and sorcery, he concluded from the State party's written reply that they still constituted offences punishable by death, even if that penalty it was not applied. Inasmuch as in July 2004 the State party had promised to decriminalize those infractions, he would like to know whether the new Penal Code still provided the same punishment.

38. Mr. JOHNSON noted with satisfaction the efforts exerted and progress made by the Central African Republic. He would like to know the current situation of General Ferdinand Bombayaké, and in particular where he was in the State party's territory and on what grounds the authorities had decided to set him free. He would also like to know whether the State party had taken concrete steps to amend the system of police custody and military detention.

39. Mr. AMOR pointed out that the report of the Central African Republic was quite formal but sincere in that it referred to and recognized essential problems. He wished to know whether the country's ethnic and political structure and its regional situation had implications for impunity, security and the implementation of the Covenant. With regard to the alternation between bullets and ballots, he noted with satisfaction that the preamble to the State party's Constitution contained a strong opposition to the gaining of power by force and asked whether efforts were being made to promote a culture of democratic legitimacy of power, so that there would be no more alternation and the ballots would win out once and for all.

40. As for the status of the Covenant, which the delegation had said had a constitutional value, it must be noted that the reference to the Covenant was in the preamble, which amounted more to a proclamation of faith than binding legal provisions — a fact that was confirmed by the Constitution of the Central African Republic, articles 71 and 72 of which provided that international treaties had a suprallegal, but subconstitutional, value. Moreover, the Central African Republic had opted, as the Vienna Convention on the Law of Treaties allowed it to do, in favour of a dualist system that maintained a clear separation between domestic law and international law. The provisions of the Covenant were not directly and automatically incorporated into the State party's domestic law, so that the Covenant was not immediately applicable and could not be invoked directly, for example by private citizens before the courts and administrative authorities; it had no effect except to the extent that domestic law explicitly incorporated it, which did not seem to be the case. He would like to know, therefore, whether the State party would be willing to sift through all its legislation with a view to amending it, if necessary, to make it fully compatible with the Covenant.

41. In most countries, public opinion was favourable to the death penalty and one must not underestimate the educational function of the State, which had to evince political and legal proactivity if it was to succeed in abolishing it. The fact that there had been no executions since 1981 ought to make the matter easier in the Central African Republic. With respect to the status of women, too, one could understand that some women were not eager for advancement because of the education they had received and a certain form of well established misogyny, but there too, the responsibility of the State was great, for it was up to the State to give the necessary push, bring about suitable changes and give full effect to the commitments it had made.

42. Sir Nigel RODLEY said that he could not understand why capital punishment was applicable to crimes specified in the Rome Statute of the International Criminal

Court, when the Court did not provide for such punishment. Nor could he see how public opinion could have forced the Government to impose that penalty for crimes that had only recently been introduced into the legislation of a country that had favoured its abolition, de facto, since 1981.

43. He considered the eight days' police custody provided for crimes to be an extremely long period that was not in accord with the Committee's usual interpretation of article 9 of the Covenant and the provisions relating to arbitrary detention. He would also like to be informed about the assistance of a lawyer and to know, in particular, at what point in time a person taken into custody might communicate with a lawyer and whether a lawyer was assigned ex officio for the poor. He would like to know, further, about communication with the outside world, or in other words, the right to notify one's family and to be examined by a physician. All those elements were essential to ascertaining that the detention was not arbitrary or contrary to article 7 of the Covenant. It was known, in fact, that the longer custody lasted, the greater the probability that the person would be the victim of grave acts of violence committed in the name of maintaining law and order.

The meeting was suspended at 4.50 p.m. and resumed at 5.25 p.m.

44. Mr. MALEYOMBO (Central African Republic) thanked the Committee for its questions, which would help the Central African Republic to improve its human rights policy. As indicated in the report, the Central African Republic had considerable mining resources. Yet it had to be recognized that the regimes that had followed one another since independence had not applied a policy of sustainable development in that area. The Government in office since 2003 had undertaken numerous reforms intended to derive greater benefit from the country's resources. The fact remained, however, that those resources did not benefit the Central African population. Added to a still insufficient political will and problems of management was endemic smuggling which the authorities had not yet succeeded in combating effectively, despite all their efforts. A mining police had been created and a presidential decree regulating access to mining zones had been adopted. Regular border inspections were also carried out to prevent the illegal transfer of resources abroad. Contracts had been concluded with large American and Chinese groups to establish favourable conditions for mining gold and diamonds. In the area of oil resources, prospecting was currently being done in collaboration with a large foreign group. The exploitation of iron and uranium resources ought to be able to begin within five years.

45. The Central African Republic had come a long way. Following the coup d'état led by General François Bozizé, who had, it must be said, delivered the country from a regime guilty of systematic human rights violations, the Central African Republic had been abandoned by the United Nations and the international financial institutions. Since that time, however, the country had spared no effort to promote human rights and had made enormous progress in that area. Those advances were slow in being recognized by the international community, however, which did not readily grant the Central African Republic the support that other countries obtained effortlessly. The violence that had occurred in the north of the country the previous March and April had been the work of enemies of the Republic who were partisans of the former regime that wanted to destabilize the existing one. The inertia of the international community in the face of those events that jeopardized three years of constant effort by the Government to establish peace was unacceptable.

46. With regard to ethnic representation, he affirmed that, in keeping with the recommendations that had emerged from the national dialogue, no discrimination based on ethnic affiliation was practised within the Government, the administration, the army or any other State institution. As for the policy followed with respect to security, the Government had managed, with the assistance of the Central African Economic and Monetary Community (CEMAC) and French army troops, to establish a peaceful climate throughout the country, with the exception of the northern region.

47. Concerning the arbitrary arrests allegedly practised by the Central Office for the Suppression of Banditry (OCRB), the statistics for 2006 showed no arrest made by it. Moreover, the question was followed closely by High Commissioner on Human Rights and Good Governance as well as by the Government Prosecutor, who frequently went into the field to bring to light any human rights violation.

48. The truth and reconciliation commission and the compensation fund for victims whose creation had been decided as one of the outcomes of the national dialogue of 2003 had not yet been set up, owing to the lack of the necessary funding, but steps in that direction were ongoing. One must also not lose sight of the fact that the Government had had to face many challenges in a span of three years and that the enormous reform process it had undertaken would not be completed for some time. Nevertheless, thanks to its newly gained stability and its democratic renewal, the country was drawing many foreign investors.

49. In the area of equality between men and women, he pointed out that the emancipation of woman could not be effected against their will. At the current juncture women were reluctant to participate in the political life of the country. It was true that illiteracy among women was still very high, but measures to promote their education and their rights had been taken.

50. Allegations regarding the existence of a systematic practice of torture in the Central African Republic were absurd, since it was precisely in order to put an end to the systematic human rights violations perpetrated under the former regime that the present one had ousted it. As High Commissioner on Human Rights and Good Governance, it was before him that cases of torture and human rights violations were brought, and when the accused persons belonged to the armed forces, he submitted the cases in question to the Head of State, who was also Minister of Defence, in order for sanctions to be adopted.

51. Mr. FINDIRO (Central African Republic) said that it was not to evade responsibility that the Central African Republic had remitted the matter of human rights violations committed in 2002 and 2003 to the International Criminal Court, but because its fragility, its desperate shortage of funds and the malfunctioning of its judicial apparatus deprived it of the necessary conditions for the exercise of justice, especially considering that some of the individuals implicated were not Central African nationals.

52. He protested against the allegation of a systematic practice of torture. While there might exist isolated acts of torture, in which case the requisite measures of investigation and punishment were taken, there were no grounds whatsoever for anyone to say that such practices were systematic. Indeed, police custody could be extended, but only by decision of the Prosecutor and when warranted by the circumstances, in particular when the security of the suspects so required. Persons

taken into police custody had access to a lawyer and a doctor of their choice, although that right was not expressly stipulated in the Code of Criminal Procedure.

53. As for the Sanzé affair, it was necessary above all to state the facts. Following an altercation between Sergeant Sanzé and Lieutenant Yango Kapita, the latter, accompanied by gendarmes, had gone to the sergeant's home in order to place him under arrest. The exchange of fire between Sergeant Sanzé and his pursuers had resulted in the death of Lieutenant Yango Kapita. The same evening, Sergeant Sanzé had taken refuge at the United Nations Peace-building Support Office in the Central African Republic (BONUCA) with the assistance of the Central African Human Rights League. In his capacity as Government Prosecutor, Mr. Findiro had been contacted by BONUCA, which had refused to keep Sergeant Sanzé on its premises. He had been compelled to turn over the sergeant to the police force, after making sure that he would be safe, himself heading to the place of his detention. Later, armed men had broken into the police premises and gunned down the sergeant. The Permanent Military Tribunal had been seized of the matter in accordance with legislation providing that the Tribunal was the jurisdiction competent to try any violation committed by a soldier in active service. The hearing had been postponed to the end of the month.

54. The CHAIRPERSON thanked the delegation for its replies and invited it to continue the dialogue at the next session.

The meeting rose at 6.05 p.m.