
CENTRAL AFRICAN REPUBLIC

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

AFRICA

In the Central African Republic, several cases of judicial harassment against journalists working on corruption cases involving members of the Government were reported in 2010 and early 2011, in a context of acts of intimidation in the run-up to the elections.

Political context

Despite the hopes placed in the electoral process and the prospect of a new era of dialogue between the ruling regime and the opposition, President François Bozize, former Chief of Defence Staff who took power by force in 2003, was re-elected in the first round of the presidential election on January 23, 2011¹ with 64% of the votes cast. In addition, 26 of the 35 deputies elected in the first round of legislative elections, were belonging to his party, the “Kwa Na Kwa” (*Work Just Work* - KNK), including President Bozize himself² and several family members. The opposition quickly denounced irregularities³ and demanded the cancellation of the election. The European Union (EU), in a report published in March 2011, also noted many irregularities and concluded that “under the criteria of fairness and equity governing democratic elections, the election of January 23 is subject to question”⁴.

The election period was marked by acts of intimidation, arrests and restrictions on freedom of movement against the opponents of the regime⁵. Following the decision of the Constitutional Council on February 12, 2011 to reject the appeals that were filed by three candidates in the presidential election, the opposition decided to boycott the second round of parliamentary elections scheduled for March 27, which saw the election of 36 new KNK candidates, allowing the ruling party to win an absolute

1/ His main opponent, Mr. Patassé, received only 21% of the vote.

2/ In violation of Article 23 of the Constitution.

3/ The opposition denounced in particular the fact that the Electoral Commission had failed to account for 1,262 polling stations of the existing 4,618, the equivalent of about 27% of the vote. See Chadian League of Human Rights (*Ligue tchadienne des droits de l'Homme* - LTDH) and *Radio France internationale* (RFI) Press Release, February 5, 2011.

4/ The expert report of the EU has not been published, but extracts were reported by *RFI* in a press release on March 25, 2011.

5/ Opponents were subject to bans from leaving the country, which were lifted after the elections.

majority in the Assembly. The death of Mr. Patassé on April 5, 2011 ended the electoral process in a somber tone, leaving the country deeply divided.

Moreover, despite the 2008 cease-fire and peace agreement, the fighting continued in the north-east where armed militias continued to benefit from diamond mining and to commit abuses against local populations. The withdrawal of UN troops in November 2010 exacerbated the vulnerability of these populations. In the south-east, incursions of the Lord's Resistance Army (LRA) were also particularly bloody in the year 2010.

On November 22, 2010, after months of uncertainty, the trial of Mr. Jean-Pierre Bemba, former Vice-President of the Democratic Republic of Congo, began before the International Criminal Court (ICC) for "crimes against humanity" and "war crimes" because of the actions perpetrated by rebel forces of the Movement for the Liberation of Congo (MLC) in the Central African Republic⁶. In addition, on December 1, 2010, Sudanese President Omar al-Bashir was invited by President Bozize to attend the ceremony of the 50th anniversary of the independence of the Central African Republic while Mr. al-Bashir was the subject of an ICC arrest warrant. The Central African Republic is party to the Rome Statute and the ICC has an office in Bangui.

Judicial harassment against journalists who expose corruption

In 2010, journalists interested in corruption cases involving members of the Government were often exposed to reprisals. Thus, from September 3 to 6, 2010, the journalist of the private daily newspaper *Le Confident*, Mr. Alexis Remangai, was taken into custody at the Research and Investigation Section (*Section de recherche et d'investigation - SRI*) of the Gendarmerie in Bangui with regard to a complaint for "defamation" brought by an official of the Ministry of Mines. In response to an official summons that was addressed to the newspaper by Dr. Obed Namsio, the Chief Secretary to the Minister of State for Mines, Mr. Remangai went again to the ministerial office on September 3, 2010. He was then accused of being the author of a letter signed by the Presidents of the Central African mining cooperatives and published the day before, accusing the Minister of Mines of embezzling 20 million CFA francs (about 30,500 euros). Mr. Obed Namsio was then arrested by officials of the Central Office of Repression and Banditry (*Office central de la répression et du banditisme - OCRB*). On September 6, the reporter was referred to the Prosecutor, who

6/ In 2002, former President Patassé asked Mr. Jean-Pierre Bemba and his troops to intervene in his country to support its attempts to miscarry a coup d'état.

granted him provisional release. As of late April 2011, no trial date was set⁷. In addition, on March 18, 2010, Mr. **Ferdinand Samba**, Publication Director of *Le Démocrate*, was arrested and detained at the SRI by order of the Prosecutor, who accused him of reprinting an article published on February 9, 2010 by another newspaper, *L'Indépendant*, which he says defamed him by questioning the origin of his fortune. The article reported the purchase by the Prosecutor of an apartment in France worth 100,000 euros, well above the means afforded to him by his official salary. On March 19, 2010, Mr. Samba was released upon paying bail of 400,000 CFA francs (about 800 euros). As of late April 2011, no further information were obtained on the trial against him before the High Court of Bangui⁸. Moreover, on March 18, 2010, the Prosecutor also summoned the Managing Editor of *L'Indépendant*, Mr. **Adrian Poussou**, to appear before the Criminal Court of Tours, France⁹. On February 28, 2011, this court dismissed the Prosecutor's request for libel, thus ending the process. On March 24, 2010, a new summon was issued to Mr. Adrien Poussou to appear in court, this time before the High Court of Tours, which also requested the President of the Court "to order the deletion of the articles in question on the website of the *Indépendant* newspaper". On March 30, the High Court of Tours rejected the Prosecutor's request to withdraw the articles in question from the website, marking the end of the proceedings¹⁰.

7/ See LTDH and Press Releases of International Freedom of Expression Exchange (IFEX), September 9, 2010 and Reporters Without Borders (RSF), September 7 and 17, 2010.

8/ See LTDH and *RFI* Press Release, March 29, 2010.

9/ Court jurisdiction in which is located the apartment mentioned in the article in question.

10/ See LTDH and *L'Indépendant* Press Release, March 31, 2010.