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## U.S. Department of State

### Central African Republic Country Report on Human Rights Practices for 1998

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#### CENTRAL AFRICAN REPUBLIC

The Central African Republic is a constitutional democracy with a multiparty legislature. Ange Felix Patasse, the candidate of the Movement for the Liberation of the Central African People (MLPC), was elected President in free and fair elections in 1993. National Assembly elections held in November and December were generally free but marred by irregularities and low voter turnout; the subsequent defection of a candidate elected on an opposition ticket gave the MLPC and its political allies a one-seat majority. In 1994 a Constitution providing for multiparty democracy was approved by a national referendum. Although the Constitution provides for separation of powers, the legislature is vulnerable to manipulation by the President, who dominates the Government. The President can veto legislation, although two-thirds of the unicameral legislature can override his veto, and can rule by decree under special conditions. The Constitution provides for an independent judiciary; however, the judiciary is subject to executive interference, although it showed increasing independence in March by declaring unconstitutional a presidential decree.

After 2 years of military unrest, the implementation of the 1997 Bangui Accords restored peace in the capital. In March representatives of the ruling majority, the opposition, civil society, and religious groups signed a pact of national reconciliation before African heads of state and representatives of international organizations at the end of a Conference of National Reconciliation.

The National Police under the direction of the Ministry of Interior and Public Security, the military forces and the national gendarmerie under the Minister of Defense, and the Special Force for the Defense of the Democratic Institutions (FORSDIR), which is responsible for presidential security, share

responsibility for internal security. The security forces remain under the control of the President and the Ministry of Defense. In April the United Nations Security Council deployed 1,350 troops to replace African peacekeeping forces known as MISAB. The U.N. peacekeeping forces, known as MINURCA, have a mandate to assist national security forces in maintaining law and order, to strengthen the national reconciliation process, to maintain a climate of security and stability during the legislative elections, and to facilitate the disarmament process. The domestic security forces committed some human rights abuses.

The Central African Republic is a landlocked and sparsely populated country. The majority of the population is engaged in subsistence agriculture. Annual per capita gross domestic product is estimated at \$310. Principal exports are coffee, cotton, timber, tobacco, and diamonds. During military mutinies in 1996 and 1997, many small enterprises and factories were looted and destroyed, resulting in a sharp decline in public revenues and a significant rise in unemployment. Government civil servants are owed 8 to 9 months' salary arrears. Misappropriation of public funds and corruption in the Government is widespread.

Although the Government's overall human rights record remained poor, with serious problems in several areas, it improved somewhat compared with the previous year, due in part to the end of large-scale civil violence. There were credible reports of extrajudicial executions of suspected bandits by security forces and the death of prisoners due to police abuse. Police torture and beatings of suspects and prisoners continued. Other human rights abuses included harsh prison conditions, arbitrary arrest and detention, prolonged detention without trial, limits on judicial independence, infringements on citizens' rights to privacy, restraints on press freedom to criticize the Government, the suspension of a new political party, some limits on freedom of religion, some limits on freedom of movement, a pattern of discrimination and violence against women, female genital mutilation, child prostitution, and discrimination against indigenous people (Pygmies). However, there were signs of growing judicial independence, the Government eased some restrictions on freedom of assembly, and the criminal court resumed sessions after a hiatus of two years.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings. There were credible reports that police executed several suspected armed bandits and robbers with prior arrest records. The police organized a special Squad for the Repression of Banditry in response to the spread of armed robbery throughout Bangui following the military mutinies of 1996 and 1997. The Police Commissioner repeatedly announced on radio and television the crimes of criminals apprehended by this squad, then ordered them executed the following day. The number of these extrajudicial killings is unknown. According to the Human Rights League Report, the squad executed more than 20 suspected bandits without trial. Some detainees died after torture (see Section 1.c.). The Government did not prosecute members of the security forces for these or other killings. In order to promote peace and national reconciliation in the wake of the 1996 and 1997 military mutinies, the Government granted amnesty to all members of the armed forces who had participated in those mutinies, without either investigating or prosecuting them for the extrajudicial killings and other abuses perpetrated in those mutinies.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse, the police continued to beat and otherwise abuse criminal suspects and prisoners. Family members and the Human Rights League Executive Committee reported several deaths of prisoners due to police abuse to the courts, but authorities took no action. However, the Criminal Court convicted two policemen officers, Daniel Dimanche and Jacques Kpata, charged with brutalizing and beating detainees. The 1997 Bangui Accords recommended the abolition of special secret police units due to their abusive treatment of detainees and their operation as a parallel army outside the normal enforcement structure. President Patasse, under pressure from the opposition and the international community, dissolved the parallel forces in March, on the eve of the Conference of National Reconciliation. However, he immediately created a similar structure under a different name, the Security Forces for the Defense of Republican Institutions (FORSDIR).

Prison conditions are harsh. Bangui's main prison, Ngaragba, was ransacked during the 1996 mutinies; therefore, nearly 300 detainees, half of whom were awaiting trial, were still being kept in 10 police stations around the city at year's end. Cells are overcrowded, and the basic necessities of life, including food, clothing, and medical care, are in short supply and often are confiscated by prison officials for their personal use. Prisoners frequently are forced to perform uncompensated labor at the residences of government officials and magistrates. Male and female prisoners are confined in separate facilities in Bangui but housed together elsewhere. Minors routinely are housed with adults and subjected to physical abuse.

The Government permits prison visits by human rights monitors. The national Red Cross and religious groups routinely provide supplies, food, and clothes to prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

The law provides protection against arbitrary arrest and detention, but security forces often ignored these provisions. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often do not respect this deadline, in part due to inefficient judicial procedures. Judicial warrants are not required for arrest. By law, national security detainees defined as "those held for crimes against the security of the State" may be held without charge for up to 2 months.

In December 1997, former Minister of Mining Charles Massi, after leaving President Patasse's ruling coalition to form his own party, was fired and placed under house arrest. The Government charged him with corruption in the diamond industry. His trial lasted about 6 months and frequently was postponed due to lack of evidence. The court was unable to adjudicate his case, which his lawyers considered political harassment. Ultimately, the Constitutional Court declared unconstitutional the presidential decree under which Massi was charged, ruling that only the National Assembly has the power to levy taxes and impose regulations. Under pressure from the Human Rights League and some magistrates and lawyers, the Ministers of Interior and Justice released Massi from house arrest in September.

Prolonged pretrial detention is a serious problem. Roughly one-half the male prison population consists of pretrial detainees.

The law does not permit the use of exile, and the Government has not employed it in practice. The

Government has stated repeatedly that any person in exile for strictly political, rather than criminal, reasons may return without fear of persecution.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but there are reliable reports of executive interference. Nevertheless, the judiciary showed increasing independence of the executive in declaring unconstitutional a presidential decree under which a government minister who attempted to form a new political party was charged with corruption (see Section 1.d.)

The judiciary, which consists of regular and military courts, was reorganized in the 1994 Constitution, which became effective in January 1995. Legislation implementing this reorganization was enacted in 1996. New courts of justice were created in 1997 in both urban and rural areas. A juvenile court was created in June.

In criminal cases, the accused are presumed innocent and have the right to legal counsel, to public trial, to be present at their trials, and to confront witnesses. The Government generally respects these safeguards in practice, but inefficient administration, shortages of trained personnel, and the lack of material resources obstruct the process. In June the criminal court opened its first session in 3 years; during that session, all persons accused were defended by lawyers. Court proceedings were open to the public and broadcast on national radio.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government on rare occasions abused the law that prohibits invasion of homes without a warrant in civil and criminal cases. However, police did use provisions of the Penal Code governing certain political and security cases that allow them to search private property without a warrant. As part of the disarmament process, security forces continued to carry out warrantless searches for guns and ammunition in private homes. The Government also monitors the telephones of some opposition figures and engages in wiretapping without judicial authority.

## **Section 2 Respect for Civil Liberties, Including:**

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted the freedom of the press to criticize the Government.

Citizens spoke freely and publicly, criticizing the Government and political parties. Opposition leaders in particular used press statements, manifestos, and copies of open correspondence to the Government to circulate their views. The Government made no apparent effort to censor, seize, or halt printing and circulation of these materials. In May the National Assembly voted a Press Code of Rights and Responsibilities that rescinded the Government's authority to censor the press while defining the responsibilities of the private press.

The Government owns and controls one newspaper, ACAP Bulletin, which appears sporadically, and a wire service news bulletin. More than a dozen private newspapers were published over varying intervals; only four were published on a regular basis during the year. These newspapers were often

outspoken in their criticism of the President, the Government, government economic policies, and official corruption. There were no reports that the Government took action against journalists following accusations of corruption published in their newspapers. However, the editor of one newspaper reported that the Interior Minister harassed him regarding his criticism of the Government.

During the Conference of National Reconciliation in March, security guards arrested Gabriel Kopessoua, editor of the newspaper Vouma. He was released the following day under pressure from General Amadou Toumani Toure, chairman of the International Follow-up Committee and from opposition parties and delegates to the conference.

In June the National Assembly approved a bill to create the High Broadcast Council to regulate the media. Although the President appointed members to this council in December, it had not yet been organized by year's end.

For several years, there has been no legal or institutional structure to regulate broadcast media. Nevertheless, the Ministry of Communication has restricted broadcasting. In July the Minister of Communication set up a committee to control and verify information prior to its broadcast on radio and television. The Association of Journalists protested against this decree as a violation of freedom of the press. A few days later the Minister revoked the decree establishing the committee.

Radio is the most important medium of mass communication, since literacy is not universal and newspapers and television are relatively expensive and rarely are found outside urban areas. The Government owns and operates a radio station and a television station. Programming was dominated by reporting on the activities of President Patasse and other senior government officials. Observers noted that the ruling majority parties received more coverage on their activities or meetings than did opposition parties. In May a public radio journalist was demoted following his weekly live editorial broadcast in which he severely criticized President Patasse's "entourage" of advisers for mismanagement and corruption.

Government television and radio broadcasts included weekly programs that provided an opportunity for political parties to present their views and discuss their programs. The opposition welcomed this new access to the public media. However, in April, during a televised debate organized by a new party called the National Democratic Union for Central African People, the Interior Minister interrupted the broadcast and suspended the political party for 3 months on charges of sectarianism and tribalism (see Section 2.b.). During the legislative elections, political parties had access to the public media according to a schedule established by an independent electoral commission.

The Government partially relaxed its monopoly on domestic radio broadcasting. A private radio station, Africa Number One, part of a French-owned network based in Libreville, Gabon, has been broadcasting in Bangui since 1995. Its programming includes national news coverage by a correspondent based in the country. A station affiliated with the Catholic Church began operations the same year. Its programming includes national news, debates, legal counseling, and human rights education. Radio France Internationale has been broadcasting domestically since 1997. Its programming includes some national news by a correspondent based in the country. In August Radio-MINURCA, the U.N. peacekeeping forces' radio, began broadcasting. However, there are no private broadcast media entities owned and operated by citizens, as distinct from transnational French networks or Catholic Church networks. There are no privately owned stations that broadcast domestically produced national news or political commentary.

The Government continues to monopolize domestic television broadcasting. Private television

broadcasting is allowed by law; the High Council on Communication is responsible for authorizing private television as well as radio stations. However, no applications to establish a private television station have been received; in the judgment of domestic investors, the economic preconditions for one do not exist. The Government does not restrict domestic receipt or distribution of satellite or cable television, but few citizens can afford it, and it is not widespread even in the capital.

A private telecommunications company established pursuant to a 1996 law that liberalized telecommunications operates a domestic Internet and e-mail service as well as cybercafes. Few citizens can afford home access to the Internet, but many urban residents rent brief access at cybercafes.

The Government does not impede foreign journalists in their work.

The Government respects academic freedom. University faculty and students belong to many political parties and express their views without fear of reprisal.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; although the Government eased some restrictions on this right during the year, some legal restraints remain. A 1992 decree requires organizers of demonstrations and public meetings to notify the Government 48 hours in advance and also prohibits political meetings in schools or churches. The Interior and Security Ministry does not prohibit demonstrations or public meetings of which it has been notified in advance.

The Constitution provides for freedom of association, and the Government generally respects this right in practice, although the Government suspended a new political party. Associations are required to register with the Government in order to enjoy legal status. All political parties must register with the Ministry of Interior and Public Security in order to participate legally in politics. The Government usually grants registration expeditiously.

There are more than 35 registered political parties and a variety of nonpolitical associations. The Government allows them to hold congresses, elect officials, and publicly debate policy issues without interference except when parties advocate sectarianism or tribalism. In April, the Interior Minister suspended for 3 months a new party led by El Hadj Mahamat Salle called the National Democratic Union for Central African People, on charges of sectarianism and tribalism (see Section 2.c.). This party, which is Islamic in orientation, resumed its activities after the period of its suspension ended.

#### c. Freedom of Religion

The Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The constitutional provision prohibiting religious fundamentalism is widely understood to be aimed at Muslims. There is no state religion, and a variety of religious communities are active. Most of the population is Christian, although there are large Muslim and animist minorities. Religious organizations and missionary groups are free to proselytize, worship, and construct places of worship. However, religious groups must register with the Government. Any group that the Government considers subversive remains subject to sanctions, although the authorities imposed no sanctions during the year.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Persons are free to move about within the country, but police, security forces, and other officials harass

travelers unwilling or unable to pay bribes at checkpoints along major intercity roads and at major intersections in Bangui. Some citizens, when attempting to leave the country, were informed by immigration authorities that their names were on unspecified official lists that prohibited their departure. Former Minister of Mining Charles Massi was forbidden to travel even before his house arrest; also, the Ministry of Interior confiscated his passport. Attacks by bandits on major routes to the north and east sometimes occur, even though travelers move in convoys with military escorts.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol have the force of law, and the Government treats refugees in accordance with its provisions. The Government continued to work with the office of the United Nations High Commissioner for Refugees in hosting Chadian, Sudanese, Rwandan, and Congolese (Zairian) refugees. Almost all refugees were registered with the National Commission for Refugees. Most Chadian refugees returned to their country. Some Rwandans were moved to other countries after having been accused of criminal activity in the Central African Republic. Applicants for asylum generally are well treated and often are accepted. The question of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens exercised their constitutional right to change their government by democratic means in 1993 through presidential and parliamentary elections. International observers deemed the elections free and fair. Legislative elections, originally scheduled for September were delayed due to logistical problems. However, they were held in two rounds on November 22 and December 13. These elections for the unicameral legislature were free but marred by low rates of voter participation and by many irregularities in voter registration and distribution of electoral materials. Opposition parties won 55 seats; the ruling MLPC party of President Patasse and its allies won 54 seats. However, the subsequent defection of one opposition National Assembly member gave the