

FEDERATION INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME

Public Statement

13 February 2003

War Crimes in the Central African Republic : FIDH formally brings its first case before the International Criminal Court

In its report entitled "War Crimes in the Central African Republic" , FIDH emphasizes on the international criminal responsibility for war crimes of the Congolese Jean-Pierre Bemba, the "Chadian" mercenary Abdoulaye Miskine and the Central African Republic President, Ange-Félix Patassé.

On November 25, 2002, one month after the coup d'Etat attempt of General Bozizé, the ex-Commander in Chief of the army of Central African Republic, against the Patassé Regime, an FIDH international investigation mission took place in Bangui, the capital of the Central African Republic (CAR). The team was composed of Bochra Beladjamida, lawyer at the Tunis Bar, Eric Plouvier, lawyer at the Paris Bar and Marceau Sivieude from the Africa Department of the international Secretariat of FIDH.

Supported by its affiliated organization, the Central African League for Human Rights, the international investigation team of FIDH inquired about the executions, rapes, injuries and pillages committed on the civilian population during and after the October 25 coup d'Etat attempt.

The fighting in the capital between October 25th and October 30th was waged in a flagrant violation of the laws and customs of war of the 1949 Geneva Conventions. The international investigation team qualifies the reprisals conducted by loyalist forces against rebels and, above all, the civilian population as war crimes which fall within the jurisdiction of the International Criminal Court whose statute was ratified by the Central African Republic on October 3, 2001.

Indeed, militarily weakened by the previous coups d'Etat attempts (See Fidh Report : « RCA : Entre discours et réalité un fossé béant ») President Patassé, suspicious of his regular army (the Central African Armed Forces) of which a great number of members left with the former putschists, has surrounded himself for protection with a few well-armed libyans, with the support of Jean Pierre Bemba's men, and with the troops of the « Chadian » mercenary, Abdoulaye Miskine.

During the retreat of Bozizé' troops to the North of the country, Bemba's men called by President Patassé retook control over the territories previously occupied by the rebels. These « men » have perpetrated war crimes against the local population under the pretext of an alleged passive complicity with Bozizé' troops, in order to form a war « booty ». The international investigation team have collected overwhelming testimonies from numerous civilian victims expressly denouncing Bemba's men systematic plunders, rapes and murders. Statistical elements attest that these crimes have been committed on a large scale.

Moreover, the international investigation team have gathered concurring testimonies and constated on the spot the existence of mass graves, enabling them to affirm that on October 30 and 31, 2002, in the cattle market, located at the kilometer 12 on the road to Bouali, three series of collective murders were committed. The victims are likely to be civilians and the crimes have been probably perpetrated by the men of Abdoulaye Miskine.

The international investigation team concludes that war crimes, according to article 8 of the Rome Statute of the International Criminal Court, were perpetrated by Bemba's men and by Miskine and his troops. FIDH considers that, knowing these facts, the lack of reaction of hierarchy superiors in order to prevent such crimes or to punish their authors, involves the international individual criminal responsibility of Jean Pierre Bemba, Abdoulaye Miskine and Ange-Félix Patassé, President and Commander in Chief of the Central African Republic Army.

With regard to the intensity and the systematic character of the crimes perpetrated against the civilian population since October 25, 2002, and considering the impunity from which profits their authors, FIDH has decided to formally bring the case before the International Criminal Court.

It is thus the first case which FIDH brings before the International Criminal Court since the entry into force of its statute on July 1, 2002.