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Provision in Reporting States for Conscientious Objection to Military Service

CENTRAL AFRICAN REPUBLIC

No legislation recognising the right of conscientious objection to military service has ever been reported from the Central African Republic. The current situation of the national armed forces is unclear.

All reference sources agree that military recruitment in the Central African Republic is based on selective conscription for a term of two years, followed by reserve obligations for an unspecified period, but the only further detail is given in the Eide / Mubanga-Chipoya report of 1985¹, where it is indicated that only civil servants are liable to conscription.

When the Human Rights Committee last considered the Central African Republic, in July 2004, just over a year had passed since the coup which brought General Bozizé to power. Although the consideration was held in the absence of a State Report, representatives of the new Government were able to attend for a dialogue with the Committee. They gave little detail of the ongoing process of “restructuring” of the armed forces, but did refer to the demobilisation and reintegration into society of members of various militias, and that some of the “patriots” - the fighters who had supported the coup -had chosen to be integrated into the regular army, while others had returned to civilian life.²

It is known that in the years of intermittent civil conflict leading up to the coup the role of the national armed forces was rather less significant than that of various informal militias associated with different political factions, and often overlapping with fighters from neighbouring countries. The role of Jean-Pierre Bemba, now Vice-

¹ Eide, A. & Mubanga-Chipoya, C.L.C, Conscientious objection to military service, (Report prepared in pursuance of resolutions 14 (XXXIV) and 1982/30 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities), 1985, United Nations Sales No. E.85.XIV.I

² CCPR/C/SR2212/2004, para 3; CCPR/C/SR2213/2004, para 64.

President of the Democratic Republic of Congo, was particularly notorious.³ It does not seem that the existing national armed forces, who had numbered something over 4,000 at the turn of the century⁴ put up much resistance to the coup of March 2003; in the immediate aftermath of the coup security in the country was maintained by a small multi-national force from the CEMAC (*Communauté économique et monétaire de l'Afrique centrale*), a small detachment of the French army, which took control of the international airport, and a largely Chadian presidential guard. There is no clear indication of what proportion of the regular armed forces transferred their allegiance to the new regime, and how soon, and what proportion disappeared with their arms. Although such defections contributed to the stock of illegally-held small arms in the country, they accounted for a very small proportion of that stock, variously estimated at between 50,000 and 80,000 in the months after the coup.⁵

The strength of the armed forces is now believed to be a mere 2,550, including a 1,000 strong paramilitary gendarmerie.⁶ With the integration of former “patriots” and restructuring, it seems unlikely that any fresh recruitment is needed at present. Moreover, the first act of the new government after the 2003 coup was to suspend the 1995 constitution and place the power of legislation in the hands of the President, through Orders made in the Council of Ministers.⁷ Amongst the areas covered were “...*les sujétions imposées aux Centrafricains et aux Etrangers résidents en leur personne et en leur biens en vue de l'utilité publique et en vue de la défense nationale...*” (“the personal and material obligations imposed on Central Africans and on resident foreigners for the public interest and the national defence”) (Para. 6 of Constitutional Act 2). It would seem that unless reinstated under authority stemming from this Act no previous legislation regarding military recruitment would remain valid; no information concerning such legislation has been traced.

It would be helpful to hear from the Government of the Central African Republic whether legislation permitting the call-up of any citizens to perform obligatory military service is in force, and if so whether it is currently being applied, who is subject to conscription, and what the applicable period of conscription might be.

Whether or not compulsory recruitment is being imposed at present, in order to guarantee the continued protection of the freedom of thought, conscience and religion the Central African Republic should be encouraged to make clear legislative provision that any person at any time ought to be able to refuse, or apply for release from, military service on the grounds of conscientious objection.

³ See Fédération Internationale des Ligues des Droits de l'Homme (FIDH), Rapport No. 382: Mission Internationale d'Enquête - République centrafricaine - Quelle justice pour les victimes de crimes de guerre?, Paris, February 2004.

⁴ Institute for Strategic Studies, The Military Balance 2000/2001, Oxford University Press, 2001.

⁵ FIDH, op.cit.; Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004, London. The difference is as to whether the arms held in the capital, Bangui are part of, or additional to, the total for the rest of the country.

⁶ Institute for Strategic Studies, The Military Balance 2005/2006, Routledge, October 2005.

⁷ Constitutional Acts Nos. 1 and 2, both dated 15th March, 2003.