

OPINION No. 18/2002 (CENTRAL AFRICAN REPUBLIC)

Communication addressed to the Government on 19 August 2002.

Concerning: Lieutenant Colonel Bertrand Mamour.

The State is not a party to the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 15/2002.)
2. The Working Group regrets the failure of the Government to reply within the 90-day deadline.
3. (Same text as paragraph 3 of opinion No. 15/2002.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. Lieutenant Colonel Bertrand Mamour, born in 1946 at Ouadja, the National Coordinator of the Central African Republic Technical Disarmament Committee, and a networks and telecommunications engineer, was arrested on 16 May 2002 for having committed a disciplinary offence in that he left military installations on 11 and 12 May 2002 without authorization. The authorities placed him under close arrest in the buildings of the gendarmerie command at Bangui. He was to have received authorization to leave on 16 June 2002, but he remains in detention. The Working Group has been informed that his family is obliged to provide him with food and care on a daily basis, as his health has been affected by being kept in detention. Information received indicates that Lieutenant Colonel Mamour played no part in the two mutinies in the Central African Republic in 1996, or in the attempt made on 28 May 2001, led by General Kolingba, to overthrow the Government. He has always been considered a good and loyal officer.
6. The source adds that his detention may have been motivated by his differences with General Xavier Sylvestre Yagongo, Defence Minister responsible for the restructuring of the armed forces, who reportedly told the Prime Minister that Lieutenant Colonel Mamour was now part of a group of officers whose conduct was unsatisfactory and that the high command must reprimand him. He is said to have accused Lieutenant Colonel Mamour of having made false comments about him and of having misappropriated the salary of a colleague. Lieutenant Colonel Mamour's continued detention was thus the result of a conflict with General Yagongo.
7. The Working Group reiterates that individuals are protected by international law against any deprivation of liberty, whether ordered in the context of criminal or any other legal proceedings. In this case, and without comment as to the arbitrary nature or otherwise of the 30-day disciplinary detention, detention of military personnel for up to 30 days for disciplinary reasons being provided for by law in the Central African Republic, the

Working Group notes that the continued detention of Lieutenant Colonel Mamour beyond that period has no legal basis whatsoever. The Working Group thus considers that from 15 June 2002 to date the detention of Lieutenant Colonel Mamour is arbitrary and falls within category I of the categories applicable under its working methods.

8. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Lieutenant Colonel Bertrand Mamour from 15 June 2002 on is arbitrary and falls within category I of the categories applicable to the consideration of cases submitted to the Working Group.

9. The Working Group, having rendered this opinion, requests the Government to take the necessary steps to remedy the situation, in order to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights, and to take appropriate steps to become a State party to the International Covenant on Civil and Political Rights.

Adopted on 29 November 2002