

COLLECTIF DES PARENTS DES VICTIMES DE BOALI

BRIEFING ON THE CENTRAL AFRICAN REPUBLIC FOR THE HUMAN RIGHTS COMMITTEE, 127th session (October 2019)

This briefing focuses on issue 14 in relation to the third periodic report of the Central African Republic. Issue 14 was raised with regards to Article 6 under the ICCPR which recognizes an individual's inherent right to life and requires it be protected by law.

Issue 14, requests "information on the measures taken to ensure the protection of civilians in conflict areas, especially in the light of a reported increase in cases of violations of international humanitarian law, and the spread of armed conflict to new areas. Please provide information on the investigations and criminal proceedings initiated in connection with alleged perpetrators of serious violations of international humanitarian law and human rights regarding (subsection B) the discovery in February 2016, in Boali, of a mass grave with the remains of 12 individuals who were reportedly summarily executed following their arrest on 24 March 2014 by peacekeepers of the Republic of the Congo."

In light of this issue raised specifically in the third periodic report of the Central African Republic, we hope the Human Rights Committee will:

- **Highlight the importance of impunity around the Boali killings in its list of issues for the Central African Republic, in particular by asking what progress is being made with regards to the gross miscarriage of justice on this case in the Republic of Congo, and**
- **Ask that the government publicly release the expert forensics report made available to Central African judicial authorities working on this case, and**
- **Call on the Central African government to support families of the victims in civil proceedings against the three men convicted of war crimes in the Republic of Congo, who now are free.**

1: The report of the Central African Republic to the Human Rights Committee

1.1 The Central African Republic's third/fourth periodic report to the Human Rights Committee (CCPR/C/ CAF/3-4) does not address the March 2014 killing of civilians by African Union forces.

1.2 In light of the state's obligation that everyone has the right to life and physical integrity, as outlined in the constitution and given that this act was committed by African Union peacekeepers sent to protect civilians, we hope the Committee will raise the Boali killings in its review of the Central African Republic and recommend that justice be rendered for this case, and enacted as a matter of priority.

2: The March 24, 2014 Boali Massacre:

2.1 On March 24, 2014 African Union peacekeepers from the Republic of Congo executed 13 people in Boali, Central African Republic. The killings were in response to an earlier attack that day, which left one peacekeeper dead. The executions mark one of the most serious acts committed by international peacekeepers in Africa.

The victims were arrested following a clash between the Congolese peacekeepers and a local militia leader, Maurice Konomo, in which one peacekeeper died. Konomo was the leader of one of the mostly Christian anti-balaka groups formed in response to violence that started in late 2012 by mostly Muslim Seleka groups.

Angered by the death of their colleague, the peacekeepers surrounded the militia leader's house, killing one unarmed boy and arresting at least 12 other civilians or unarmed fighters, including five women, one of whom witnesses say was six months pregnant; a child about 10 years old; and a 7-month-old baby. The baby's remains were never recovered.

In February 2016 a local NGO exhumed the grave and found the remains of 12 people.

In 2017, experts from the Columbia Law School Human Rights Clinic and the Argentine Forensic Anthropology Team assisted Central African authorities in investigating the mass grave. In November 2017, the experts handed a forensics report to the Central African investigating judge acting on a request from Congolese authorities to investigate the murders.

In April 2018, the Appeals Court in Brazzaville found three of the peacekeepers guilty of the murder of civilians in Boali, crimes classified as war crimes and crimes against humanity under national and international law. However – in a miscarriage of justice – the judges sentenced them to only three years in prison with time served. The men are now free.

It is unclear what role, if any, the report from Columbia Law School played in the deliberations of the Congolese judges in the case, and it is not mentioned in the court's judgment. The judgement misspells the names of several victims and the peacekeepers were convicted for the murder of 11 people, rather than the 13 who were killed. No witnesses from the Central African Republic were called during the trial.

Briefing prepared by the Collectif des Parents Des Victimes De Boali