

CENTRAL AFRICAN REPUBLIC

UN Independent Expert

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The human rights situation in the Central African Republic remains a concern despite the government's efforts to redeploy the defence and security forces over a large part of the national territory and to continue the DDRR programme. During the last quarter of 2022, the Human Rights Division of MINUSCA documented and verified 483 human rights and humanitarian law violations and abuses that affected 1,300 civilian victims. The number of victims has continued to rise since the beginning of 2022. From October to December 2022, armed groups committed 42% of the violations recorded. The Internal Security Forces and FACA and allied bilateral forces were responsible for 58% of the violations resulting in 70% of the victims, while armed groups committed the rest of the violations. Government forces were responsible for arbitrary arrests and detentions, violations of the right to life, physical and mental integrity, and abuses at roadblocks.

On 21 January 2023, armed groups from the Coalition of Patriots for Change (CPC) attacked the Beloko customs post on the border with Cameroon. On 14 February 2023, they attacked FACA positions in Sikikédé in Vakaga. Several FACA elements were taken prisoner. The independent expert calls for the treatment of the captured soldiers in accordance with the Geneva Conventions.

The obstruction of MINUSCA operations by Russian bilateral forces, including those engaged jointly with FACA is unacceptable and must stop. Furthermore, these forces continue to inflict cruel, inhuman, humiliating and degrading treatment on the civilian population. Allegations of abductions, kidnappings and summary executions of civilians are made against these forces, particularly in the Mambéré-Kadéï Prefecture. Those in positions of State authority, in particular prefects, sub-prefects, mayors, as well as members of the police, gendarmerie and FACA forces, are also subjected to acts of torture and ill-treatment by the Russian bilateral forces.

It is the responsibility of the Government to respond promptly to allegations of human rights violations by verifying the allegations, dispatching teams to the scene and conducting impartial investigations. Access to justice for victims and their protection, including while the case is being processed, must guide the State's action.

It is imperative that, following the DDRR operations, the trained, disciplined and equipped FDS and FACA be deployed immediately in sufficient numbers to ensure the security of the demilitarised zones and to promote access to essential social services for the population.

Technical and financial partners should focus and coordinate their efforts on training, deploying, equipping and commanding the ISF and FACA in operations.

Hate messages and speeches are blighting political and social life as well as relations between the Central African authorities and its technical and financial partners. While welcoming the commitment of the High Council of Communication (HCC), the Mediation Council and the various initiatives carried out by the Network of Journalists for Human Rights (RJDH) in partnership with MINUSCA through capacity-building and awareness-raising campaigns against hate speech, the independent expert calls on the Government to respond promptly to these threats to social cohesion and to the ongoing peace and reconciliation process. This is imperative in order to establish a peaceful climate before the organization of local elections.

The independent expert welcomes the organization of the criminal session by the Bangui Court of Appeal, which took place from 6 February to 8 March 2022. However, he is concerned about the dysfunction within UMMIR, particularly in terms of human resources, administration and operations. The operational capacity of UMMIR is weak in terms of conducting investigations, maintaining records and the database. In addition to the departure of already trained staff to other national institutions, UMMIR suffers from insufficient funding to carry out its mission of providing a chain of complementary services in one place, including psychosocial, medical, food, legal and judicial support. The lack of social support and partnership with other organisations capable of ensuring socio-economic reintegration should be given particular attention. It calls for better coordination between UMMIR and the Public Prosecutor's Office to ensure that legal proceedings are promptly initiated against the alleged perpetrators of conflict-related sexual violence. The failure to respect the time limits for police custody must be corrected. The accumulation of cases of sexual violence linked to the conflict requires an adequate response, in particular through the organisation of extraordinary criminal sessions, including by the Bouar and Bambari appeal courts.

The Independent Expert welcomes the first verdict of the Special Criminal Court (SCC), judgement No. 003-2022 of 31 October 2022 in the case of *Issa Sallet, Adoum alias Bozizé, Yaouba Ousmane and Mahamat Tahir*¹. The three members of the armed group Retour, Réclamation et Réhabilitation (3R) were sentenced to prison terms ranging from 20 years to life for crimes against humanity and war crimes. An appeal has been lodged. The Assize Chamber is currently hearing the civil interest proceedings and will render its decision on 10 March 2023. In addition, two cases are at the preliminary investigation stage by the Special Prosecutor's Office, 23 cases are under investigation by the Investigation Chamber and one case is before the Appeals Chamber.

The SCC faces several challenges, including the recruitment of two international judges for the Special Indictment Chamber and the Assize Chamber and the lack of funding. Mobilisation of financial partners is needed to continue the activities. The issue of reparation for victims is fundamental and requires a prompt response from the state authorities and their partners to set

¹ The decision was issued following the first SPC trial which ran from 19 April to 19 August 2022. See the SPC website (<https://cps-rca.com/espace-presse/communique>) for the press release and the full decision.

up a reparation fund. The reparation due to victims is fundamental to ensuring their full access to justice.

The independent expert welcomes the first report on the activities of the CVJRR, which is entering a decisive phase of its operations without having the appropriate resources to carry them out. In view of the importance of the non-judicial approach to the fight against impunity embodied by the CVJRR, the independent expert calls on the international community to provide financial support to the Commission, including for the establishment of a fund for reparation to victims.

Several instruments are at the service of the reconciliation and peace process, including the APPR CAR, the Luanda Roadmap, the Recommendations of the Bangui Forum and the Republican Dialogue. They demand concrete political actions and a permanent inclusive dialogue for their effective implementation. It is up to the Government of the Central African Republic, with the support of international partners, to promote concrete implementation mechanisms, including constructive dialogue with the opposition and the parties to the conflicts, in order to find solutions to end the crisis and restore confidence.

The independent expert calls on the Central African authorities to work towards the establishment of a calm climate with technical and financial partners, including MINUSCA, in order to facilitate the continuation and strengthening of cooperation and support. A political détente is needed to relaunch and revitalise exchanges within the G5+, between the government and neighbouring states, including through the effective implementation of joint commissions.

The independent expert considers that political dialogue is necessary in the current context, including through the activation of the consultation framework. It is up to the Central African authorities to ensure the effective exercise by the opposition of freedom of movement and freedom of peaceful demonstration, and to guarantee the security of events organized by the opposition. It is urgent that the government engage in a genuine dialogue with opposition parties and other stakeholders, technical and financial partners, state institutions and civil society organisations, without delay, with the aim of restoring the confidence of stakeholders in the electoral process leading up to the municipal elections scheduled for July. After two postponements, it is important that the local elections are held on schedule. The National Elections Agency (NEA) should ensure the fair treatment and participation, including access to the State media, of all political actors, including those of the opposition, in the electoral process in order to avoid violence before, during and after these elections.

The independent expert calls for inclusive, free, fair, transparent, credible and peaceful elections in compliance with the law establishing parity between men and women in CAR, which imposes a quota of at least 35 per cent in favour of women. Increased awareness among girls and women is essential to break down barriers, prejudices and stereotypes, including educational level, that hinder women's participation as candidates and voters. The participation of internally displaced persons, refugees, people with disabilities and indigenous peoples is of fundamental importance to be taken into account. Youth participation is an imperative in a predominantly young country.

The independent expert calls for the rapid operationalization of the Integrated Election Security Plan, which he welcomes the signing of on 14 February 2023. He also encourages the speedy completion of the correction of the electoral register and the rapid revision of the provisions of the Electoral Code that require it in the light of the lessons learned from previous elections. He recalls Article 4(b) of the CAR APPR, which commits the Central African government to implementing decentralisation "through the effective transfer of the required competences and resources to the prefectural and local levels", and "the distribution of missions and responsibilities between the State and the territorial authorities", including through the application of Law No. 20-008 of 7 April 2020 on the organisation and functioning of territorial authorities. The independent expert calls on all actors, including opposition parties, to participate fully in the electoral process and to consider local governance as a political response to the restoration of State authority throughout the national territory and to the satisfaction of basic social needs and access to justice for grass-roots communities.

The independent expert has engaged in discussions with journalists on the draft bill on freedom of communication in the Central African Republic, hate speech and the role of the media in the context of local elections, particularly with regard to reports, articles and broadcasts aimed at raising awareness among the population about the tasks of local elected officials, the participation of women and young people, the importance of the ballot for local development and the need to raise the awareness of communities about the levers for local governance.

The independent expert welcomes recent initiatives aimed at strengthening the State's human rights capacity, including the establishment of the new leadership of the National Commission on Human Rights and Fundamental Freedoms, the workshops on the validation of the national human rights policy and the efforts of the committee for the drafting and follow-up of reports to treaty bodies.

The independent expert notes and welcomes the change in the position of financial partners on the issue of budgetary support for the Government of the Central African Republic. He observes, however, that the channelling of funds towards the financing of social projects does not always allow the Central African authorities to provide the leadership necessary to ensure the ownership of these projects, which may not be in line with the priorities defined by the State in the context of transitional justice. The Independent Expert calls on the CAR authorities to proceed with the rapid adoption of the law on the fight against corruption.

Despite the adoption of the Child Code in 2020, the National Plan of Action against Child Trafficking in 2022 and the Operational Action Plan against Forced and Early Marriage (2019-2023), the situation of children in CAR remains worrying. From children associated with or exiting armed groups and forces to street children, orphans, abandoned and separated from their parents, child-headed households, children deprived of education, basic health care and identity, child victims of malnutrition, conflict-related and gender-based sexual violence, child mortality, early and forced marriages and trafficking, the condition of children calls for a strengthened mobilisation of the Central African State. The independent expert recommends a strategic and operational plan for the promotion and protection of children, including a

strengthening of State institutions with child protection in their mandate, and a re-establishment of service delivery mechanisms for children.

Youth-related challenges, including education, technical and agricultural education and vocational training, require, in support of the State's efforts, a coordinated mobilization of the UN Country Team and technical and financial partners to create an enabling environment for youth entrepreneurship, youth civic engagement, participation in electoral and peace processes.

On 7 February 2023, the Humanitarian Response Plan 2023 was launched. It provides for US\$ 465 million in humanitarian support to more than 2 million of the most vulnerable people. The Independent Expert calls on the international community to mobilize the necessary resources to meet this challenge. However, strategic planning for the country's recovery and development must take place now so that the restoration of State authority is effective.