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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Central African Republic\*

### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 23/18 of 13 June 2013, in which the Council requested the United Nations High Commissioner for Human Rights to submit to it, at its twenty-fifth session, a report evaluating the needs for technical assistance and capacity-building in the Central African Republic.

In the present report, the United Nations High Commissioner for Human Rights identifies the priority areas in which assistance must be provided by the end of 2014, including support for national reconciliation, the development of a strategy to combat impunity, rehabilitation of the judicial and prison systems, reform of the security sector and strengthening of the national human rights protection system. In the report, the High Commissioner makes recommendations to the transitional authorities, the international community and the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) on their respective roles.

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\* Late submission.



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## I. Introduction

1. This report is submitted pursuant to resolution 23/18 of 13 June 2013, in which the Human Rights Council requested the United Nations High Commissioner for Human Rights to submit to the Council at its twenty-fifth session a report evaluating the needs for technical assistance and capacity-building in the Central African Republic.
2. On 27 September 2013, the Human Rights Council adopted resolution 24/34, in which it decided to appoint an independent expert to monitor the situation of human rights in the Central African Republic and make recommendations concerning technical assistance and capacity-building in the field of human rights.
3. At its seventeenth session, the Working Group on the Universal Periodic Review reviewed the Central African Republic (25 October 2013) and, at its 17th meeting, held on 31 October 2013, adopted its report on the Central African Republic (A/HRC/25/11). Of the 178 recommendations made to the Central African Republic, 93 received the support of the transitional authorities, 81 were considered to have already been implemented or to be in the process of implementation, 3 need to be considered by the Central African Republic, which will provide responses to them no later than the twenty-fifth session of the Human Rights Council in March 2014 (e.g., the recommendation requesting ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights), and only 1 recommendation (concerning the establishment of a functioning judicial system based on an independent police force and judiciary) was rejected by the Central African Republic.
4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has been involved since 2000 in activities to promote and protect human rights in the Central African Republic within the framework of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and, since 2010, in the activities carried out by the Human Rights and Justice Section of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA).
5. OHCHR wishes to thank the Minister of Justice, who is responsible for judicial reform, the Minister for Human Rights and Coordination of Humanitarian Action and civil society representatives for their contribution to the report.

## II. Background

6. In her previous report of September 2013 to the Human Rights Council (A/HRC/24/59 and Corr.1), which covered the events that had occurred between December 2012 and 11 July 2013, the High Commissioner concluded that, during the conflict that had taken place between 10 December 2012 and 23 March 2013, violations of international humanitarian law and international human rights law had been committed by Government forces under the regime of former President Bozizé and the Séléka armed group. The High Commissioner also pointed out that, since 24 March 2013, when the Séléka came to power, its members had continued to commit serious human rights violations, thereby engaging the responsibility of the State.
7. The dissolution of the Séléka by Decree No. 13.334 of 12 September 2013 did not prevent the emergence of armed self-defence groups, the anti-balaka militias,<sup>1</sup> who sought

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<sup>1</sup> “Balaka” means machete in Sango.

to respond to the violence committed by those who may now be referred to as the former Séléka. In its resolution 23/18, the Human Rights Council had expressed concern about the risk of intercommunity and interreligious confrontations. These fears proved to be justified, as the anti-balaka responded to the abuses committed by the former Séléka against the non-Muslim civilian population by carrying out attacks not only on the ex-Séléka but also on the Muslim civilian population.

8. The September 2013 attacks by the anti-balaka against the former Séléka and the Muslim communities living in villages in Ouham prefecture<sup>2</sup> marked the beginning of an armed conflict between the anti-balaka and the former Séléka that plunged the country into a cycle of intercommunity violence.

9. According to a report by Human Rights Watch, anti-balaka militias attacked the Muslim neighbourhood of Zéré village, 25 kilometres from Bossangoa in Ouham prefecture, killing 56 people of the Muslim faith and burning down the houses in the Muslim neighbourhood and the mosque.<sup>3</sup> According to this report, other Muslim communities (including Bodora and Ouham-Bac) were also attacked by anti-balaka militias.

10. In the following days, ex-Séléka reportedly engaged in reprisals and, according to the Human Rights and Justice Section BINUCA, which conducted a mission to Bossangoa from 19 to 21 September 2013, ex-Séléka killed 61 people between 8 and 20 September in and around Bossangoa. Between the end of September and the beginning of October, it is reported that ex-Séléka also carried out reprisals in localities around the town of Bossangoa. In the Wikamo area, on 10 October 2013, for example, they killed four people, including a 12-year-old child, and burned down the whole village.

11. This cycle of violence, consisting of armed clashes between ex-Séléka and anti-balaka, on the one hand, and reprisals against the Muslim and Christian civilian populations, on the other, hit the Nana-Mambéré, Ombella-M'Poko, Ouham and Ouham-Pendé prefectures before reaching the capital.

12. On 5 December 2013, at about 4 a.m., anti-balaka militias attacked Bangui. For a short period they managed to take control of Camp Kasai, held by ex-Séléka, but were eventually repelled. The attackers then scattered throughout the city. This led to a wave of killings by both ex-Séléka and anti-balaka. The latter are reported to have gone from house to house killing Muslims, and ex-Séléka allegedly took reprisals against Christian civilians. By 6 December 2013, the attacks had left 300 people dead and<sup>4</sup> several hundred people injured<sup>5</sup> and had resulted in the displacement of 52,000 people in Bangui.<sup>6</sup>

13. Following the adoption of Security Council resolution 2127 (2013) on 5 December 2013, which authorized French forces in the Central African Republic to take the necessary measures to support the African-led International Support Mission in the Central African

<sup>2</sup> Former President Bozizé is originally from Ouham prefecture.

<sup>3</sup> Human Rights Watch, "They Came to Kill: Escalating Atrocities in the Central African Republic", 2013, p. 20.

<sup>4</sup> This figure, provided by the National Red Cross, does not take into account the bodies buried by the families of the deceased, or regional figures, which explains why the figure of one thousand persons killed, provided by organizations such as Amnesty International, seems plausible (Amnesty International: "Central African Republic: War crimes and crimes against humanity in Bangui", press release of 19 December 2013).

<sup>5</sup> On 5 December, 18 children received treatment at the Paediatric Centre in Bangui, including for gunshot and stab wounds.

<sup>6</sup> OCHA, "OCHA Central African Republic (CAR), Flash Update 1, Armed conflict, 6 December 2013".

Republic (MISCA), France deployed additional military personnel as part of Operation Sangaris. That increased the number of French troops in the Central African Republic from 600 to 1,600 by 8 December 2013.<sup>7</sup> Since 9 December 2013, military personnel taking part in the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX)<sup>8</sup> and Operation Sangaris have patrolled the capital in order to prevent unauthorized troops from moving around with weapons. Since that date, the former Séléka have restricted their movements in the city and some semblance of calm has been restored. However, the abuses have continued: on 10 December 2013, 35 injured were admitted to Bangui Community Hospital, and two mosques in the Fohu and Combattant districts were destroyed, bringing the number of mosques destroyed since 5 December 2013 to four.

14. Renewed clashes occurred in Bangui on 19 and 20 December 2013. Bangui Community Hospital admitted 54 injured on 20 December 2013 and 60 deaths were registered between 20 and 22 December. All this violence has taken a heavy toll: according to the Office for the Coordination of Humanitarian Affairs (OCHA), by 30 December 2013, the number of deaths had reached 728 in Bangui alone and the number of displaced persons had reached 370,000 in the capital and 785,000 nationwide.<sup>9</sup>

15. In the face of the abuses committed against the civilian population and the seriousness of the humanitarian situation, the evaluation of the needs for technical assistance and capacity-building presents a challenge, as the need to provide protection and assistance to the civilian population should be considered a priority by the national authorities and the international community.

### III. Major challenges for the protection of human rights

#### A. Permanent lack of security

16. The lack of security has resulted from several factors: the structural weakness of the national security forces, the emergency and proliferation of armed groups, the problem of highway robbery, the formation of self-defence groups and the free movement of small arms and light weapon.

17. The national security forces have not been well served by the practice of recruiting along ethnic lines, as a means of bolstering the ruling powers. Under the regime of former President Kolingba, his own ethnic group, the Yakoma, though a minority group in the country, had a dominant position in the Central African Armed Forces and was prominent in the Presidential Guard.

18. Under the regime of former President Patassé, the Sara-Kaba ethnic group to which he belonged replaced the Yakoma in the Presidential Guard, and the Yakoma were transferred to the Central African Armed Forces. The influence of the Yakoma in the Armed Forces declined thereafter as troops were cut by 25 per cent and the north-south balance between soldiers was restored.

<sup>7</sup> French Ministry of Defence, "Sangaris: point de situation du 8 décembre", 8 December 2013, available at the following address: [www.defense.gouv.fr/operations/centrafrique/actualites/sangaris-point-de-situation-du-8-decembre](http://www.defense.gouv.fr/operations/centrafrique/actualites/sangaris-point-de-situation-du-8-decembre).

<sup>8</sup> Since 19 December 2013, the Mission for the Consolidation of Peace in the Central African Republic, led by the Economic Community of Central African States, has been replaced by the African-led International Support Mission in the Central African Republic.

<sup>9</sup> OCHA, "Central African Republic (CAR): Situation Report No. 4 (as of 30 December 2013)", available at the following address: <http://reliefweb.int/report/central-african-republic/central-african-republic-situation-report-no-4-30-december-2013> (consulted 12 February 2014).

19. These recruitment practices did not help the Central African Armed Forces to coalesce into a single unit, and they were reorganized several times. They were also weakened by the internal divisions between Patassé and Bozizé supporters, after Bozizé was sacked as Chief of Staff under Patassé in 2001.

20. On coming to power, former President Bozizé too tried to control the security forces, though to a lesser extent, by favouring members of his own ethnic group, the Gbaya, within the Presidential Guard.

21. The army, gendarmerie and national police had similar problems, with, for example, an ageing and inadequate workforce and a lack of logistical resources and infrastructure.<sup>10</sup> Their ability to respond to insecurity was also limited by the fact that they were deployed mainly in the capital.<sup>11</sup>

22. Taking advantage of the climate of impunity that prevailed under the successive regimes, the security forces committed many serious human rights violations, which were reported by the United Nations human rights protection mechanisms<sup>12</sup> and international NGOs.

23. The ineffectiveness of the security forces has been a factor in the persistence of domestic threats such as national and foreign armed groups and highwaymen. It has also encouraged the formation of self-defence groups.

24. The attempt by Bozizé supporters to overthrow the Patassé regime on 25 October 2002 sparked a rebellion and was followed by several clashes between the Patassé and Bozizé forces, until Bozizé seized power on 15 March 2003.

25. After Bozizé's election as President of the Republic in 2005, various rebel movements sprang up. The Armée Populaire pour la Restauration de la République et de la Démocratie (APRD), made up of members of Patassé's old Presidential Guard and village self-defence committees, established itself in the north-west, former President Patassé's region, and in the northern central area. In Ouham prefecture (northern-central region), a military figure close to former President Patassé, Abdoulaye Miskine, formed the Front Démocratique du Peuple Centrafricain (FDPC).

26. In September 2006, a rebel movement, the Union des Forces Démocratiques pour le Rassemblement (UFDR), emerged in the north-east (Vakaga and Haute-Kotto prefectures); this was formed from three groups, the Mouvement des Libérateurs Centrafricains pour la Justice, (MLCJ)<sup>13</sup> the Groupe d'Action Patriotique de Libération de la Centrafrique (GAPLC) and the Front Démocratique Centrafricain (FDC). In 2008 another rebel movement, the Convention des Patriotes pour la Justice et la Paix (CPJP), established itself in the north-east of the country (Bamingui-Bangoran prefecture).

27. The former Séléka, which took power in March 2013, is a diverse coalition of armed groups whose members are apparently predominantly Muslim. It comprises various armed groups such as UFDR and CPJP, less well-known ones such as the Union des Forces

<sup>10</sup> M. Martineau Bria, S. I. Maradas-Nado, "Rapport général du séminaire national sur la réforme du secteur de sécurité en République centrafricaine, 14–17 Avril 2008", Bangui, Ministry of Defence, ex-Combatants, War Victims, Disarmament, and Restructuring of the Army, Central African Republic, 2008, p. 5.

<sup>11</sup> Ibid, p. 6.

<sup>12</sup> In 2008, the Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions noted in his report that the situation had improved, although "up until very recently, Government forces were burning entire villages to the ground and summarily executing large numbers of people", A/HRC/8/3/Add.5, paras. 3 and 5.

<sup>13</sup> The Mouvement des Libérateurs Centrafricains pour la Justice remained a part of the Union des Forces Démocratiques pour le Rassemblement until 2008.

Républicaines (UFR) and the Alliance pour la Refondation (A2R), and also the Convention Patriotique du Salut du Kodro (CPSK), formed in June 2012 by General Moussa Dhaffane, a former commander in CPJP, which he left because of a major political disagreement.

28. The former Séléka committed many unlawful acts during their offensive in December 2012 and after seizing power in March 2013, including pillaging and killings, targeting members of the security forces of the former regime and administration officials perceived to be supporters of the Bozizé regime.<sup>14</sup>

29. According to some Central Africans, the unlawful acts committed by the former Séléka on seizing power went far beyond anything seen before in that country. By attacking Christian communities and sparing Muslims, they helped to destroy the relations between the two communities.

30. According to some sources, the first incursions of the Lord's Resistance Army (LRA) in the north-east of the Central African Republic were observed in 2006<sup>15</sup> and it has been in the south-east of the country since 2008.<sup>16</sup> In his 2011 report on his mission to the Central African Republic, the Representative of the Secretary-General on the human rights of internally displaced persons deplored the fact that the international community had not paid adequate attention to LRA atrocities (A/HRC/16/43/Add.4, para. 80). In 2012, the LRA committed many abuses against the civilian population, including abductions (see S/2012/374, para. 13), and continues to pose a threat to national security.

31. The problem of highway robbers, also known as zaraguinas, apparently dates back to the 1980s but became more acute in the mid-1990s. They seem to operate more or less everywhere in the Central African Republic. Zaraguinas have committed numerous criminal acts against the civilian population, from attacking travellers and cattle farmers, to pillaging (S/2001/660, para. 20) and kidnapping for ransom. They are apparently well armed and operate in groups of various kinds: part-time bandits (members of the security forces using their service weapons for criminal purposes), cattle farmers, and former foreign mercenaries who helped President Bozizé to seize power in 2003.<sup>17</sup>

32. The formation of self-defence groups, or village militias, can be explained by the need to fill the security vacuum resulting from the security forces' failure to do anything about the threat from highway robbers, particularly in the north-west of the country. However, action by these groups has not always been a matter of defending themselves from bandits. Self-defence groups, or village committees, have sometimes sided with a rebel movement — APRD, for example — and sometimes with the army. In 2008, the Secretary-General of the United Nations, in his report on the situation in the Central African Republic, noted that, in Ouham-Pendé prefecture, some self-defence groups had supported government forces against rebel movements (see S/2008/733, para. 17). The self-defence groups did nothing when the former Séléka took power and it was in reaction to the abuses by ex-Séléka that they resurfaced.

33. An important factor in the prevailing insecurity in the Central African Republic is the circulation of small arms and light weapons. The number of weapons available to the security forces (mainly the Central African Armed Forces, the gendarmerie, the police and

<sup>14</sup> Amnesty International, "République centrafricaine: la crise des droits humains devient incontrôlable", October 2013, pp. 16 and 17.

<sup>15</sup> International Crisis Group, "République centrafricaine: Anatomie d'un état fantôme", Rapport Afrique No. 136, 13 December 2007, p. 26.

<sup>16</sup> International Crisis Group, "République centrafricaine: les urgences de la transition", Rapport Afrique No. 203, 11 June 2013, p. ii.

<sup>17</sup> See S. Spittaels and F. Hilgert, "Mapping Conflict Motives: Central African Republic", International Peace Information Service, February 2009, pp. 17 and 18.

the Presidential Guard) used to be 11,381 and to active and recently formed non-State armed groups, 8,872.<sup>18</sup> The demobilization of 4,777 combatants of the APRD in the Paoua and Bozoum areas from 13 July to 11 September 2011 resulted in the recovery of 3,558 weapons, of which 3,491 were home-made and only 67 were weapons of war.<sup>19</sup> According to some sources, when the former Séléka arrived in Bangui in March 2013, weapons were stolen from military camps and other weapons handed out by the Bozizé regime.

## B. The culture of impunity

34. Over the past 20 years, the Central African Republic has experienced a number of mutinies, rebellions and coups d'état, along with gross violations of international human rights law and international humanitarian law. Despite these serious and recurring human rights violations, few of the suspected perpetrators have been prosecuted. The enactment of several amnesty laws, such as those of 30 May 1996, 15 March 1997 and 13 October 2008, has strengthened this de facto impunity.

35. In the 2009 universal periodic review, it was noted that impunity was also a feature of the measures adopted by the Government, which were not commensurate with the seriousness of the acts. To transfer members of the armed forces from one region to another, for example, or impose purely administrative or disciplinary sanctions on the perpetrators of human rights violations, does not reflect a genuine desire to combat impunity (see A/HRC/WG.6/5/CAF/2, para. 35).

36. However, it should be noted that proceedings have occasionally been taken against perpetrators, as happened in 2009, when 250 cases of human rights violations were brought before the courts, resulting in 80 convictions (A/HRC/14/24/Add.5, para. 45).

37. A mixed commission of inquiry was established by Decree No. 13-100 of 20 May 2013 to investigate crimes, offences and other human rights violations, and also crimes against property, committed since 2004. While this measure represents a positive step, a number of reservations should be made with regard to this initiative.

38. The mixed commission of inquiry lacks the necessary resources to carry out its mandate. It still does not have its own office but is based at the Court of Cassation, and it has no premises outside the capital. According to Human Rights Watch, the mixed commission of inquiry has no vehicles or logistical means of conducting investigations.<sup>20</sup> Moreover, its independence is not guaranteed, as under article 9 of the Decree it is required to submit the original version of its report to the President of the Republic.

39. The issue of past human rights violations has still not been settled, though it has been addressed on various occasions in attempts at national reconciliation. The National Dialogue, held from 9 September to 27 October 2003, recommended that one of the six commissions of the National Dialogue Preparatory Committee — the commission on truth and reconciliation — should carry on working after the end of the Dialogue. However, this recommendation was not acted upon and, given that Security Council resolution 2127 (2013) requests the Secretary-General to establish an international commission of inquiry, it

<sup>18</sup> E.G. Berman, "La République centrafricaine: Une étude de cas sur les armes légères et les conflits", Small Arms Survey, June 2006, p. 26.

<sup>19</sup> United Nations Development Programme, "Programme de Désarmement, démobilisation et réintégration des éléments des groupes politico-militaires en République centrafricaine (DDR) – Rapport annuel janvier-décembre 2011", pp. 3 and 11.

<sup>20</sup> Human Rights Watch, "I Can Still Smell the Dead: The Forgotten Human Rights Crisis in the Central African Republic", September 2013, p. 73.



is important that transitional justice mechanisms be put in place to address not only the numerous human rights violations committed in the past, but also the root causes of the coups d'état and mutinies, that form the backdrop to these violations.

### **C. Non-functioning judicial and prison systems**

40. The seizure of power by the former Séléka was followed by many abuses which, among other things, affected the functioning of the judicial system. In Bambari (Ouaka prefecture), for instance, the local leader of the former Séléka moved into the residence of the president of the court of appeal. The climate of insecurity resulting from the actions of the former Séléka forced judges to leave their jurisdiction in the provinces and take refuge in Bangui. In November 2013, many of these judges were still in the capital. However, the security finally failed in Bangui too and, on 16 November 2013, judge Modeste Martineau Bria, Director-General of Judicial Services, and his assistant were killed by persons unknown.

41. Systematic and widespread looting and the destruction of property by the former Séléka have not spared the judicial and prison systems. The inventory of judicial and prison system infrastructure and equipment drawn up in August 2013 by the Ministry of Justice is particularly instructive. Courts, prisons, detention facilities and staff accommodation have been looted and ransacked. According to the Prison Administration Directorate, out of 38 prisons, 4 were still functioning in Bangui, Bimbo, Berbérati and Bouar. During the anti-balaka attack on the former Séléka in Bangui on 5 December 2013, the Ngaraba prison was looted and ransacked and the prisoners released.

42. In the emergency relief and sustainable development programme for 2013–2015 that it prepared in July 2013, the Government estimated that 150 million CFA francs (CFAF) would be needed to restore and equip courts, tribunals and gendarmerie stations in 2013, and CFAF 400 million in 2014 to build prisons. Tax revenues, which are already low, will not cover these needs.

43. In these circumstances, the aims of making justice accessible to all, restoring the credibility of the judicial system and ensuring the application of the law to prevent “mob justice”, among others, will once again be unattainable without funding from the donor community.

### **D. Interreligious tension and violence**

44. Many Central Africans consider the present climate of tension between Muslims and Christians to be unprecedented. None of the many coups d'état and rebellions that have marked the history of the Central African Republic since independence were motivated by religion.

45. A religious dimension has been grafted onto an existing political conflict because of the numerous abuses by the former Séléka against the mainly Christian civilian population. They have attacked non-Muslim communities and similarly discriminated against places of worship, looting churches but sparing mosques.

46. Moreover, the presence within the former Séléka of combatants from Chad and the Sudan has persuaded some Central Africans that the conflict is between Christians and Muslims. The actions of ex-Séléka have provoked a reaction from the anti-balaka who, as well as attacking ex-Séléka, have also targeted Muslim civilians, attacking the people of Bossangoa, in September 2013.

47. This is now no longer just a conflict between the former Séléka and the anti-balaka: every Muslim and every Christian has become a target because they are supposedly linked to one of the armed groups.

48. The longer the abuses by the former Séléka and the reprisals by the anti-balaka — and vice versa — go on, the wider the divide between the religious communities becomes.

49. In December 2012, an interfaith platform<sup>21</sup> was established in response to an attempt by former President Bozizé to incite Christians to use violence against the Muslims by raising the spectre of the Islamization of the country.<sup>22</sup> It still provides a framework for dialogue, allowing action to be taken to stem the tide of interreligious violence.<sup>23</sup>

50. The Community of Sant'Egidio has become involved, organizing the signing on 9 September 2013 of the Rome Appeal for the Central African Republic – an appeal for peace and national reconciliation that was signed by representatives of civil society, the Transitional National Council,<sup>24</sup> the Government and religious groups. The signing of this document was followed by the signing of the eight-point Republican Pact.<sup>25</sup>

## E. Discrimination on the basis of ethnic origin, “race” or nationality

51. Little information is available on this subject. The Central African Republic has not submitted a report to the Committee on the Elimination of Racial Discrimination since 1985 and the 2003 National Dialogue did not address the issue. Yet ethnic background has played a key role in the administration of power. Under the regime of General Kolingba, for example, members of his ethnic community, the Yakoma, made up 70 per cent of army personnel even though they represented only 5 per cent of the population and, according to the Committee on the Elimination of Racial Discrimination, they also dominated the machinery of public administration (A/48/18, para. 148).

52. Alongside such ethnic favouritism, de facto discrimination, while perhaps not intentional, has led to exclusion. Indeed, the dearth of government services in some parts of the country, especially in the north-east, where the population is mostly Muslim, has led to profound inequalities in terms of access to resources and services, constituting a major obstacle to the full enjoyment of many rights. The discrimination suffered by the inhabitants of that region is the basis of one of the demands of the UFDR, which includes many members of the Goula minority.

<sup>21</sup> Its members are the Archbishop of Bangui, the President of the Islamic Council and the President of the Alliance of Evangelical Churches.

<sup>22</sup> Caritas, “La paix en République centrafricaine : un archevêque, un imam et un pasteur unissent leurs forces”, 28 November 2013, available at the following address: [www.caritas.org/fr/2013/11/la-paix-en-republique-centrafricaine-un-archeveque-un-imam-et-un-pasteur-unissent-leurs-forces](http://www.caritas.org/fr/2013/11/la-paix-en-republique-centrafricaine-un-archeveque-un-imam-et-un-pasteur-unissent-leurs-forces).

<sup>23</sup> For instance, a visit was made to Bossangoa and Zéré, in September 2013, to meet members of the communities affected by the violence, anti-balaka and ex-Séléka, and to spread a message of peace.

<sup>24</sup> The Transitional National Council was established pursuant to Act No. 13.001 of 18 July 2013 on the Transitional Constitutional Charter. It has legislative powers and among other things, is required to develop and adopt a draft Constitution which will be submitted to the people for referendum.

<sup>25</sup> The eight points are: (1) the disarmament of militias and the return to the normal activity of the State; (2) the return of displaced persons and refugees to their homes and help with reintegration; (3) the rejection of violence as a means of gaining power; (4) constructive dialogue between the political parties and the rejection of confrontation; (5) the strengthening of institutions during a two-year transition period to prepare the country and its structures for representative democracy, to ensure full freedom for all citizens; (6) the fight against corruption and the protection of public and private property; (7) action for the common good in favour of the people; (8) continuation of the work of the Community of Sant'Egidio to promote peace and dialogue in Central Africa.

## **IV. Priority areas for technical assistance on human rights**

53. The seizure of power in March 2013 by the former Séléka plunged the country into a period of great instability. The former Séléka constitute a loose, motley coalition that is therefore intrinsically fragile and liable to fall apart at any time.

54. The country is exhausted and divided. What little infrastructure there was outside Bangui has been destroyed by ex-Séléka and the State's ability to maintain law and order, which was already limited, has been wiped out. The State has virtually ceased to exist in Bangui and the provinces; there is no rule of law.

55. Moreover, the abuses committed by ex-Séléka against the non-Muslim population have created a divide that, if it is not bridged, could inflame tensions and violence.

56. Given the critical security situation and the state of the institutions, it would seem reasonable initially to set limited and realistic goals with regard to technical assistance.

57. In that context, it is important to recall the recommendations made at the universal periodic review of the Central African Republic in October 2013, and those issued by the treaty bodies and the Human Rights Council special procedures.

58. To the extent that it is feasible, the following actions and initiatives should be implemented by the end of February 2015.

### **A. Re-establishing community ties**

59. The rebuilding of ties and trust between the different communities is a matter of urgency. Although self-defence groups and former Séléka units have been demobilized and disarmed, the fear and resentment that have built up could still lead to acts of revenge. There is an urgent need to end the cycle of violence. To that end, peace initiatives and attempts to establish dialogue undertaken by key players, including Muslim and Christian clerics and the NGOs that support them, should be backed up with the necessary logistical, material and financial support.

60. A needs analysis should be conducted with those same key players in order to develop an awareness-raising programme to encourage communities to live together. A fund could also be set up to finance microprojects for reconstruction and planning aimed at encouraging members of a given community or neighbouring villages to work together again, especially in those areas where tensions have been greatest, such as Bouar and Bossangoa. There should be a special focus on projects proposed by women's groups.

61. The Human Rights and Justice Section of BINUCA should consult representatives of religious communities in order to assess the chances of launching such initiatives and promoting a common comprehensive plan.

### **B. Helping to forge a strategy to combat impunity**

62. At its universal periodic review in 2009, the Central African Republic freely undertook to combat the impunity enjoyed by the perpetrators of human rights violations, but this has remained a dead letter (A/HRC/12/2 para. 77). None of the recommendations, urging the Central African Republic to combat impunity, including those made by the United Nations, have been acted on. The creation of the Mixed Commission of Inquiry falls short of what is required to meet the country's international obligations, given the seriousness and persistence of human rights violations.

63. The declaration of intent made during the National Dialogue to shed light on events that have taken place in the Central African Republic since 1960 and to create a truth commission should form the basis for a broader debate on how to institute transitional justice.

64. Given that a process of national reconciliation is unthinkable unless it involves everyone, people must be informed, especially about what transitional justice actually is and how it might be put into practice.

65. Between now and the third quarter of 2014, a round table could be organized in Bangui in order to explain to participants what constitutes transitional justice, illustrating it with the relevant experience of other countries. This would provide an opportunity to make participants aware of the need to inform the public about transitional justice.

66. It would appear to be too early at this stage to make recommendations or contemplate the creation of transitional justice mechanisms, since the available options will emerge only after nationwide consultation. Moreover, the emergence of new leaders after elections due to take place in 2015 should enable debate on how to institute transitional justice, which would be a test of their willingness to tackle the problem of impunity and, more broadly, their commitment to human rights.

### **C. Restoring the judiciary and prison system**

67. As part of the process of re-establishing the rule of law, the judiciary and prison system must be restored. The challenges are considerable and donors will again be asked to contribute. In that regard, everything should be done to put in place a national consultation framework involving all stakeholders in the area of justice in the Central African Republic. Such a mechanism, which could be placed under the Ministry of Justice, would have the advantage of channelling funds to the areas of greatest need, in other words to the restoration of the courts and prisons.

68. Meanwhile, donors should fund the organization of as many mobile courts as possible in order to enable the justice system to continue to work. Given the degree of insecurity prevailing in the country, forcing judges to leave their jurisdictions, funding for mobile courts should contain a security component to cover the costs involved in moving and housing security forces to protect, among others, court staff.

69. Four ministers of justice have come and gone in the space of three years. Given that the Ministry of Justice must have stability if viable measures are to be developed and implemented, an expert could be assigned to work with it as a management and organization consultant.

70. In line with the mandate accorded to it under Security Council resolution 2121 (2013), BINUCA should continue capacity-building in the justice system by organizing training sessions on human rights and the administration of justice.

### **D. Reforming the security forces with a human rights perspective**

71. Reform of the security forces in a manner that takes human rights into account will require that a number of principles be upheld. Firstly, diversity is needed among personnel in order to forestall the kind of abuses that have taken place in the past, when the security forces served the interests of a particular ethnic group, and to increase the public's trust in them. Recruitment should be open to all, regardless of ethnic, religious or social background. The authorities should also promote the recruitment of women, if need be by means of quotas.

72. Moreover, the security forces must be accountable. Internal regulations or disciplinary codes must therefore provide for a range of disciplinary sanctions, without prejudice to eventual criminal prosecution. Those codes must be made known to those to whom they apply. In addition, procedures for internal inquiries that safeguard the rights of those under investigation should be put in place. It would be worthwhile appointing an expert to review the current disciplinary procedures with a view to making recommendations on how they can be improved.

73. Security Council resolution 2127 (2013) states that respect for human rights should be a criterion for selecting personnel in the process of reconstituting the security forces of the Central African Republic. In order to implement that key point of the resolution, it is important to help the authorities to set up a vetting procedure when restructuring the security forces. The Human Rights and Justice Section, working with OHCHR, could consider recruiting an expert to assist the authorities in that matter.

74. The vetting procedure will make it possible, on the one hand, to ensure that those selected have the required degree of integrity to carry out their duties, which is a prerequisite for an institution which itself is expected to have integrity, and, on the other, to include transitional justice in the process of security sector reform by preventing perpetrators of human rights violations from serving in the security forces.

## **E. Demobilizing armed groups and militias, and decommissioning weapons**

75. It will be impossible to guarantee security or curb the rate of human rights violations unless the armed groups are demobilized and the quantity of arms in circulation is drastically reduced. It is therefore incumbent on the authorities to launch a clear plan to demobilize and disarm armed groups and militias.

76. Bearing in mind that “conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities” constitutes a violation of article 8 of the Rome Statute of the International Criminal Court, which has been ratified by the Central African Republic, and with a view to implementing the recommendations made at the 2009 and 2013 universal periodic reviews, the authorities should carry out a programme for the demobilization and reintegration of children associated with the armed forces and armed groups, taking into account the rules set forth in the February 2007 Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

77. As far as the collection of small arms and light weapons is concerned, the authorities should apply paragraph 11 of Security Council resolution 2117 (2013) and launch an operation to decommission weapons in the possession both of ex-combatants and civilians. Donors, who will be aware of the positive human rights impact that such a programme could have, should do all in their power to see that it is carried out. They could help recruit an expert to report on the disarmament options, in particular those requiring funding for microprojects.

## **F. Strengthening the national system for the protection of human rights**

### **1. State institutions for the protection of human rights**

78. The Ministry of Human Rights would benefit from technical assistance to set up a mechanism to follow up on recommendations made by United Nations human rights bodies.

79. In order to help the Central African Republic prepare the reports it is required to submit under its international obligations, it would be useful to make provision for Ministry of Human Rights staff to attend training seminars on the subject.

80. During the universal periodic review in 2009, the Government, at the time under the Bozizé regime, gave a unilateral undertaking to revive the National Human Rights Commission.<sup>26</sup> By the time of the 2013 universal periodic review, the draft bill making the commission operative had still not been passed into law. OHCHR should approach the competent authorities again, through the BINUCA Human Rights and Justice Section, in order to rectify the situation.

## **2. Civil society stakeholders**

81. Human rights NGOs require capacity-building on the technical front (i.e., investigations, submission of reports, lobbying and the protection of human rights) and the organizational front (i.e., NGO management, presentation of projects and fundraising). Civil society actors should also be trained to play a role in following up recommendations made at the universal periodic review and in the preparation of the national reports that the Central African Republic is required to submit in compliance with its international obligations.

82. Given that presidential and national elections are due to take place in February 2015, the Human Rights and Justice Section of BINUCA should, in the first instance, assist the National Human Rights Commission or, in its stead, the Ministry of Human Rights, to run a campaign to raise public awareness of people's voting rights and encourage women and people from marginalized groups to vote. The Section could then help the Commission or the Ministry of Human Rights to recruit and train human rights monitors for the elections. These steps should be taken in the course of 2014.

83. Moreover, the Section should plan to train those members of the security forces who will be assigned to maintain security during the election process.

## **V. Conclusions and recommendations**

**84. The Government is still unable to guarantee security and ensure access to justice in many parts of the country, and earlier progress was wiped out in the seizure of power by the former Séléka. Lack of security and impunity remain two major problems that should be dealt with as soon as possible in order to re-establish the rule of law. Moreover, the Central African Republic is now in the grip of sectarian violence whose long-term effects are difficult to predict. All actors and stakeholders must endeavour to find solutions to this crisis. In light of the foregoing, the High Commissioner recommends the following to the transitional authorities, the international community and BINUCA.**

### **A. Recommendations to the transitional authorities**

**85. The United Nations High Commissioner for Human Rights recommends that the transitional authorities:**

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<sup>26</sup> The National Human Rights Commission, which was established under Act No. 91.009 of 25 September 1991, as amended by Act No. 96.003 of 10 January 1996, has never been operational.

- (a) Do what is in their power to restore calm, in particular by ensuring that instructions regarding the confinement to barracks of the former Séléka are obeyed;
- (b) Launch an operation to decommission small arms and light weapons in the possession not only of ex-combatants but also of civilians;
- (c) Implement a demobilization and reintegration programme for children associated with the armed forces and armed groups, based on the rules set forth in the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, of February 2007;
- (d) Take the necessary steps to prosecute those responsible for attacks on people or property;
- (e) Set a deadline for enacting the bill on the National Human Rights Commission;
- (f) Promote diversity in the security forces, in particular by opening recruitment up to all, regardless of ethnic, religious or social background;
- (g) Ensure that members of the public are better informed of their rights, thereby enabling them to insist that national institutions respect and protect those rights;
- (h) Cooperate with the Independent Expert on the situation of human rights in the Central African Republic due to be appointed at the special session of the Human Rights Council on 20 January 2014;
- (i) Facilitate the work of the international commission of inquiry to be established in accordance with resolution 2127 (2013).

## **B. Recommendations to the international community**

86. The High Commissioner for Human Rights recommends that United Nations Member States:

- (a) Facilitate implementation of a programme for the decommissioning of small arms and light weapons;
- (b) Provide funds for mobile courts, thereby enabling the justice system to continue to work;
- (c) Fund the restoration of the judiciary and prisons.

## **C. Recommendations to the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA)**

87. The High Commissioner for Human Rights recommends that the Human Rights and Justice Section of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA):

- (a) Build the capacity of civil society actors;
- (b) Facilitate, with the assistance of OHCHR, the recruitment of experts as outlined in paragraphs 72, 73 and 77 of this report;
- (c) Continue to build capacity in the justice system by organizing training on human rights and the administration of justice;

- (d) **Help to establish a discrimination observatory within the National Human Rights Commission when it becomes operational;**
  - (e) **Help prepare a national human rights plan.**
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