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Technical Assistance and Capacity Building**Preliminary Report of the Independent Expert
on the situation of Human Rights in the
Central African Republic, Marie-Thérèse Keita Bocoum***

Summary

In this report, the independent expert updates the oral report presented to the Human Rights Council on 26 March 2014. She gives an account of the two visits she undertook to Central African Republic from March 4 to 14 and from April 10 to 18, 2014. In this context, the independent expert met with political leaders and transitional authorities, in particular the head of state of the transition. She also met with members of the diplomatic corps, the commander of the French forces, the representatives of the United Nations Integrated Office for Peacebuilding in the Central African Republic, the specialized agencies of the United Nations, the African Union, international non-governmental organizations, civil society, women, youth and community leaders.

She began her second visit on the day the Security Council adopted the resolution 2149 (2014) which established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and decided on the transfer of responsibilities from the African Union led International Support Mission to the Central African Republic (MISCA) to MINUSCA.

During her first visit, the Independent Expert found that violations of the right to life, to security and physical integrity through assassinations and summary executions and cruel, inhuman and degrading treatment took place in the Central African Republic. In addition, the exercise of civil and political rights, especially freedom of conscience and religion and freedom of movement and freedom to choose his residence, is considerably limited by the deteriorating security situation, impunity and the fragility of state institutions.

The overcrowding of the prison in Bangui, the prevailing insecurity, the lack of appropriate places of detention in the rest of the country added to the weaknesses of the

* Late submission.

judicial system and the ineffectiveness of the criminal justice system is an obstacle to justice and to the fight against impunity. This situation appears to be one of the underlying causes of instability that threatens social peace and ruin the efforts of dialogue and intercommunal reconciliation.

Breaches of international humanitarian law have been reported to the independent expert during her two visits: forced displacement of the civilian population, particularly Muslim, destruction of properties indispensable to the survival of the population (health centers, schools, housing, fields), attacks against the civilian population in some parts of the country, rape and other sexual violence and recruitment of children by armed groups. The weakness of state institutions and the fragility of the rule of law have promoted a general climate of fear and insecurity, and a sense of distrust and suspicion that perpetuate the cycle of violence in the country.

The Independent Expert notes that, despite the willingness expressed by the transitional authorities to effectively fight against impunity and ensure the presence of the administration throughout the country, serious obstacles remain because of the lack of resources, the lack of security for judges, courts and detention centers, inadequate public infrastructure and delays in the deployment of staff in the public administration.

The independent expert noted the development of local initiatives intercommunity reconciliation in Bangassou. Similar initiatives were launched by the people of the third district of Bangui and those of a few towns in the interior similar initiatives were reported to her. Similarly, it has been reported the existence of pockets of stability in south-west, in Boda and Berbérati, in northwest, Bozoum. Economically and socially, the independent expert noted that the crisis in the Central African Republic since December 2012 has led to a collapse in economic activity, paralyzed administration and caused an unprecedented humanitarian crisis with nearly a quarter of the population displaced or taken refuge.

The economic recovery remains dependent on the normalization of security, return of displaced persons and refugees and the gradual recovery of economic activity, particularly in agriculture and trade. The precarious economic situation considerably undermines the enjoyment of economic, social and cultural rights, even though the independent expert noted the reopening of schools, particularly in Bangui and Bangassou.

Table of content

	<i>Paragraphs</i>	<i>Pages</i>
I. Introduction	1–9	4
II. General Situation.....	10–16	6
A. Political and Security situation	10–14	6
B. The Economic Situation.....	15–16	7
III. The Humanitarian situation	17	8
IV. Human rights situation	18–31	8
A. Civil and Political rights: violations of the rights to life, to security and physical integrity	18–25	8
B. Economic, social and cultural rights	26–28	10
C. breaches of international humanitarian law.....	29–31	11
V. The fragility of the state and the needs for technical assistance and capacity building	32–40	12
A. The weakness of state authority and the rule of law	34–36	12
B. Administration of Justice	37–39	13
C. Promotion and Protection of Human rights	40	14
VI. Observations and recommendations.....	41–60	14
A. Observations	41–56	14
B. Recommendations.....	57–60	18

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 24/34 of 27 September 2013 and S 20/1 of 20 January 2014 in which the Council requests the Independent Expert to submit a preliminary report at its twenty-sixth session. In this report, the Independent Expert reports on the situation of human rights as it follows from the observations and information gathered during her two visits to the Central African Republic (CAR), from March 4 to 14 and 10 April 18, 2014. The report includes the recommendations of her oral report (A/HRC/25/CRP.2) presented at the twenty-fifth session of the Human Rights Council on 26 March 2014.

2. The Independent Expert began her term with a mission in Geneva from 25 to 28 February 2014 during which she met with the Permanent Representative of Gabon in his dual capacity as Representative of Gabon and President of the Human Rights Council for the year 2014, the Permanent Representative of the CAR at the United Nations Office at Geneva, the Permanent Representatives of France, Chad, Congo, the Deputy Permanent Representative of the United States America and his team in charge of Central African Republic. She also met with the Permanent Representative of the African Union, the Permanent Representative of the European Union as well as experts in charge of human rights to gather their views. The Independent Expert also met with the High Commissioner for Human Rights and several units of her Office.

3. During her first visit to CAR, apart from the leadership of the United Nations Integrated Office for Peacebuilding in the Central African Republic (BINUCA) the Independent Expert met the Head of State of transition, the Minister Public Health, Social Affairs and Humanitarian Action, the Minister of State for Rural Development, the Minister of National Education, Higher Education and Scientific Research, and the Minister of communication and national reconciliation. The Independent Expert also met with the Chief of Staff of the Minister of Justice, the Prosecutor and his deputies, political leaders, elements of former Seleka and anti-Balaka movements, women parliamentarians, the network of women leaders, the network of human rights non-governmental organizations (NGOs), youth and the IDP sites in Mpoko at the airport. She also met with the Representative of the African Union, Head of International Support Mission in the Central African leadership (MISCA), the Ambassadors of France, Morocco, Cameroon, the Russian Federation and China, the Representative of the European Union, the commander of the operation Sangaris, representatives of the International Committee of the Red Cross, the humanitarian community and the specialized agencies of the United Nations.

4. During this first mission, she visited several sites like Ngaragba prison where she saw the cells and interviewed nine prisoners. She also visited the IDP camps Mpoko 1 and 2. Aside from Bangui, she visited Kaga-Bandoro where she interacted with the representation of the MISCA. She also met with 26 minors rescued by MISCA after an attack on the convoy that was taking them to the north. Among these children, only 4 were reunited with their father, they were welcomed and hosted in the premises of the MISCA with the assistance of United Nations Fund for Children (UNICEF) and the NGO Save the Children while awaiting information on the whereabouts of their parents and possibly an appropriate foster house or institution to care for them. In Kaga-Bandoro, she had the opportunity to meet with the area commanders, of ex-Seleka, as well as anti-Balaka. The interviews she had with both groups allowed her to see that despite their belligerence, whose victims are mostly civilians, leaders of the two groups consult from time to time to solve their problems. She had also fruitful exchanges in Kaga-Bandoro with the humanitarian community who did a remarkable job under the coordination of the Office for the Coordination of Humanitarian Affairs (OCHA).

5. For the second visit, the Independent Expert wanted to focus on the country side of the CAR. She had originally planned to visit cities like Bangassou, Ndélé, Bouar, Bossangoa and Berbérati to inquire about the human rights situation and collect information on local initiatives for community reconciliation. However, due to logistics including kerosene, the Independent Expert was only able to visit Bangassou. However, in Bangui, she met with some political leaders and different transitional authorities, including the Minister of Foreign Affairs, the Minister of Justice, the Minister of State and Legal Counsel to the President of the Republic, as well as local elected officials, the diplomatic corps the Force Commander Sangaris, representatives of specialized agencies of the United Nations, the Acting Special Representative of the Secretary-General of the United Nations in the CAR, the representative of the African Union, human rights defenders, religious and opinion leaders in Bangui. She also undertook a mission to the interior of the country, specifically to Bangassou where she met the main actors in inter-community reconciliation initiatives. She also visited, in Bangui, the PK12 neighborhood, where she met with municipal authorities and the district of KM5 where she met with Muslim religious leaders.

6. Throughout her mission, the Independent Expert has collected information on the evolution of the situation of human rights on the status of implementation of recommendations contained in her oral report to the Council on 26 March, including the fight against impunity and intercommunity initiatives on reconciliation. She took the opportunity of this visit to collect information from populations and local associations, as well from local authorities, municipal and religious leaders. The visit has been especially the occasion to learn about local initiatives for community reconciliation. With the transitional authorities, she measured the progress made in the restoration of the authority of the State and the fight against impunity thanks to their efforts for the restoration of the criminal justice system, the redeployment of the administration and the operationalization of public institutions and services.

7. The analysis of the situation shows that violations of human rights persist even if the number of killings decreases: No day goes by without reports of acts of violence resulting in death or injuries in Bangui or inside the country. Intercommunal violence and conflict between ex-Seleka and anti-Balaka militia are the root cause of abuses and exactions of a rare violence. Last March, the Independent Expert noted that the general situation in CAR remains punctuated by inter-communal tensions rooted on social, political, religious and economic, taking different shapes in geographical and cultural areas. Unfortunately these tensions lead to serious violations of human rights during systematic violent attacks of a community against the other. The abuses continue, including the killings and forced displacement of communities, mostly Muslim, from their places of origin. These attacks were followed with reprisals by ex-rebels Seleka Muslim populations against civilians and so-called Christian. Christian populations often also act in retaliation for attacks attributed to Muslims or ex Seleka. The clashes are taking place in the hinterland between the two armed groups, who do not hesitate to attack the international forces and MISCA Sangaris, cause the deterioration of the security at the expense of civilians who are victims.

8. Throughout this report, the Independent Expert explains the evolution of the situation of human rights in the CAR, including the factors that influence it as well as the evaluation of the measures taken by national stakeholders and international partners. The Independent Expert concludes with recommendations to national and international actors on the necessary measures to increase the capacity to respond to violations of human rights and breaches of international humanitarian law in the CAR.

9. The Independent Expert commends the Government of CAR, and especially Catherine Samba-Panza, the Head of State of transition, for their availability and cooperation. She also thanked all the people in the CAR and elsewhere, including members of the Diplomatic Corps and the commanders of international forces: Sangaris and MISCA,

who were willing to provide information relating to her mandate. She expressed particular gratitude to the specialized agencies of the United Nations, the MISCA and at BINUCA / MINUSCA and their sections of human rights for their constant support .

II. General Situation

A. Political and Security situation

10. Several interlocutors argued that the CAR carries the stigma of coups, mutinies and bad governance that led recurrent insecurity, political instability and the risk of impact on peace and sub-regional stability. They underlined that the main causes of the political, socio-economic and structural crisis that CAR has known for decades, come from the nepotism, corruption, regional disparities, social inequalities, weak rule of law, injustice and poverty. Violations of human rights were allegedly committed with impunity under previous regimes, including that of François Bozizé.

11. Since independence, the CAR has never experienced a stable and sustainable political governance. The State exists only in Bangui, the capital, the hinterland has always been and remains a fertile ground for the proliferation of small arms and light weapons and armed groups of all kinds. The authority of the state and the functioning of public institutions, including the judiciary, have not reached a satisfactory level of effectiveness throughout the Central African territory. Hence, CAR has always been a fragile state and the current crisis, which began with the coup of 24 March 2013, is an open expression or a result of long standing tensions remained without appropriate responses.

12. The inability of the Seleka coalition, the new power, to protect the population against the exactions and multiple violations of human rights that were attributed to its uncontrolled elements, have led self defense elements called anti-Balaka (anti-machete Sango) to organize themselves to protect the population. However, anti-Balaka's reactions would have proved more deadly, causing in turn violations of human rights unprecedented in the country. Clashes between former Seleka and anti-Balaka, whose victims are mostly civilians, have exceeded the political dimension to take a confessional and intercommunitary turn in which Muslims minority, are the most affected. The latter, serious consequences, is probably a new fact in a country previously marked by mostly ethnic disputes.

13. Since the resignation in January 2014, of the President of transition from the former coalition Seleka Michel Djotodia, and the election of Catherine Samba-Panza as Head of State of transition, multiple calls for political dialogue and national reconciliation does not seem to be heard by the armed groups. The security situation remains precarious and the new transitional authorities are making efforts to, inter alia, fight against impunity and restore the criminal justice system in order to send a strong signal to all those who, directly or indirectly, encourage young people to violence. Despite efforts by international forces, the deteriorating security and violence are forcing people, especially the Muslim community, to leave their places of residence or the country, by themselves or with the help of international humanitarian organizations. In addition to strengthening security measures and the protection of civilians, this situation makes it essential a dialogue between all actors to stop the sectarian violence, reflect on appropriate solutions and initiate or support measures for national reconciliation.

14. Bangassou, a city located in the southeast of CAR, is the capital of the prefecture of Mbomou. In this city, whose mayor is a Muslim woman, a religious platform and a mediation committee have been established and are working with very limited resources, to maintain peace and social cohesion between Muslim and Christian communities. The

Mediation Committee was established in April 2013, following the takeover by former Seleka was reorganized in October 2013 and has statutes and rules of procedure. The committee, which is supported by religious platform organizes seminars in the surrounding cities and plans to cover all prefecture of Mbomou if adequate resources are made available.

B. Economic situation

15. According to an assessment of the economic situation done by the United Nations Development Programme in 2013, the destruction of the economic fabric following the crisis has resulted in the massive displacement of populations, the deterioration of the security situation and health, food insecurity, waste of natural resources and the freeze of funding for development projects. This resulted in a decline in exports of goods and the suspension of the Kimberley Process and the Initiative for transparency in the extractive industries. The crisis led to a collapse in economic activity, paralyzed administration and caused an unprecedented humanitarian crisis. Gross domestic product (GDP) fell sharply (approximately 36%) in 2013, affecting all sectors of economic activity. Inflation has accelerated and reached 6.6% in 2013 against 5.9% in 2012. Government revenue fell by more than half to 5.7% of GDP while the deficit of current external account has almost doubled to 10.4% of GDP.

16. This explains the irregular payment of salaries of civil servants who are currently undergoing at least four months in arrears. In 2014, a slight economic recovery is expected with a GDP growth rate of 1.5%. It involves normalization of the security situation, the return of displaced people and a gradual recovery of economic activities, particularly in agriculture and trade. This context does not favor the enjoyment of economic and social rights, which remain dependent on the economic recovery.

III. Humanitaire situation

17. According to the Human Rights and Justice Section of BINUCA / MINUSCA over the last four months, nearly 348,046 people originally from Cameroon, Chad, the Democratic Republic of Congo and the Republic of Congo and established in CAR for generations fled the violence in CAR to seek refuge in these neighboring countries. Most of these people having no more ties or links in their countries of origin, remain highly vulnerable and in need of food aid. The number of displaced persons have exceeded 900,000 and approximately 1.6 million Central Africans in a population of 4.5 million in need of humanitarian assistance. The UN High Commissioner for Refugees and its partners project more population movements by the end of 2014. Such statements are particularly disturbing noting that the Independent Expert was informed during her first visit that only 65 million of the 550 million humanitarian appeal have been mobilized.

IV. Human Rights Situation

A. Civil and Political Rights: Violations of right to life, to security and physical integrity

18. During her first visit, the Independent Expert has found violations of the right to life, to security and physical integrity through assassinations, summary executions and cruel, inhuman and degrading treatment, overcrowding prison in Bangui, poor prison conditions and insecurity in prisons and other places of detention. He has been reported that the

authors of most of these violations were ex-Seleka, anti-Balaka and elements of the Lord's Resistance Army (LRA) and the violations committed by the anti-Balaka against Muslim populations were most high in number. During her second visit, she found that violations of human rights continue, even if they are fewer. Daily acts of violence attributed to former Seleka, anti-Balaka or other criminal groups destroy property, kill or injure people in Bangui or inside the country. Threats of anti-Balaka and ex-Seleka still weigh in the capital and in the hinterland. Security remains precarious. Though the forces of MISCA and Sangaris have been deployed more and more in the hinterland but their number is still insufficient to secure the entire territory of the CAR. The European Union has deployed its mission EUFOR RCA to take over the force Sangaris in Bangui airport.

19. Since March 24, 2013, the Central African crisis has claimed thousands of victims, but their total number is difficult to define because in some communities, mostly Muslim, the dead are buried immediately. In December 2013, anti-Balaka attacks and reprisals by ex-Seleka made a particularly alarming number of victims. In the report of the Mission the High Commissioner for Human Rights deployed to the CAR from 12 to 24 December 2013, it was reported that at least 1,000 people were killed and hundreds injured between 5 and 6 December 2013 in Bangui only, while the Red Cross reported more than 1,500 deaths. Violence of this kind has continued with their ensuing casualties. Thus, on March 7, 2014, in Bangui, three Muslims were killed by anti-Balaka in a combatant district. This extrajudicial execution was followed by another, on March 8, when four individuals believed to belong to the anti-Balaka militia were killed by Muslims.

20. At least 20 people were killed on the night of March 27 to 28, 2014 in Bangui in a grenade attack during a funeral. On 14 April, the Human Rights and Justice Section of BINUCA / MINUSCA, reported the discovery of four bodies of people of the Christian faith, including three from the same family (father, mother and daughter). These people were reportedly killed by ex-Seleka in Bimbo neighborhoods in the 6th arrondissement in Bangui. Fighting between armed groups (anti-Balaka, former Seleka and others) continues to cause civilian casualties in the hinterland. Criminal acts continue, such as that which took the life of Father Christ Formane Wilibona, parish priest of the Diocese of Paoua, Bossangoa (north), who was killed on Thursday, April 17 by armed Fulani herders, affiliated to ex-rebels Seleka. At Dekoa clashes between former Seleka and anti-Balaka have left thirty dead, on 9 April 2014.

21. Since the deployment of MISCA and Sangaris forces pursuant to resolution 2127 (2013) of the Security Council, the number of reported killings has certainly decreased but it remains high and worrying as the Independent Expert was able to evidence it during her second visit.

22. Incidents continue in Bangui and in the country side, as evidenced by the clashes between armed groups, the attack against the clinic of Doctors Without Borders, in Nanga Boguila, on April 26, which left 22 dead and an attack on a humanitarian convoy to Dikissou, on April 28, which left 2 deaths. The violence, which persists mainly due to the proliferation of small arms and light weapons in the IDP camps in Bangui and in the hinterland, calls for emergency security measures. The continued presence of weapons in the hands of criminals generates violence; it constantly threatens the right to security and peace and hinders human development and citizen participation in decision-making affecting their daily lives.

23. The right to human security, in particular physical, freedom of movement and freedom to choose his residence continues to be violated. This is the case in the PK12, KM5, Boda and neighborhoods where Muslims can not leave their place without being shot dead by anti-Balaka. As a result, there is no more Muslim in Bossangoa whereas in Boda, even if the remaining Muslims are protected by Sangaris and / or MISCA forces, they oftentimes lack basic necessities that neither MISCA or Sangaris force can provide.

They live is under constant threat of anti-Balaka and are force to be confined in their neighborhoods where they can not go out to buy food.

24. In the hinterland, the clashes between anti-Balaka, trying to gain ground, and ex-Seleka, who are resisting, and between either of these groups and MISCA or French forces Sangaris, who are trying to disarm these groups put the civilian population in an implacable situation. The Independent Expert was informed of several incidents in April 2014. Hence, on 22 April, at Grimari, anti-Balaka and ex-Seleka clashed; in Bouca on the same day, attacks attributed to ex-Seleka led humanitarian workers to take refuge in a MISCA camp who then evacuated then to Bossangoa; in Batangafo, ex-Seleka allegedly committed kidnapping; in Paoua, many villages were burned and looted during the first weeks of April; in Kaga Bandoro, fires, rapes of women and child abductions attributed to Fulani have been reported in the surrounding villages; in Boda located in the prefecture of Lobaye, physical assaults and rapes have been reported by NGOs; finally, in Mobaye, in Alindao and Kembe in the Basse Kotto, atrocities were committed. The climate of insecurity and sectarian tensions widespread throughout the country hinders freedom of opinion and expression, especially that of religion. In some parts of the country, it is hardly possible to take one religious beliefs for fear of being subject to abuses, maltreatments or be eliminated. Women and children are often the victims of these abuses, as well as the elderly, people with disabilities and people living with HIV / AIDS.

25. Though the information is still insufficient on the scale of violence against women and girls since the beginning of the crisis, various international and local organizations have identified rape and other forms of sexual violence as the most prevalent forms of violence against women and girls in CAR. These acts are committed by both ex-Seleka and anti-Balaka. These organizations emphasized that women and girls are particularly vulnerable and have suffered rape, abductions, sexual slavery and other forms of gender-based violence. In December 2013, medical sources at the hospital in Bangui Castor told the mission deployed by the Office of the High Commissioner for Human Rights that they have treated over nine victims of rape committed by armed groups since December 5, 2013; they added that the actual number of victims was higher. The mission also received other reports from medical sources and from NGOs indicating that since December 2013, a clinic in Bossangoa treat each month, five or six women victims of rape; these reports indicated that the actual number is much higher. Indeed, for security reasons, many victims have moved and could not have access to medical care, psychological support and other vital services. Others are reluctant to come forward for fear of reprisals. The situation is particularly serious in the country where victims have almost no access to health services and basic assistance. Many cases are not reported and the actual extent of sexual violence in CAR remains to be determined. The extent of this serious crime committed against women and girls should be assessed urgently and appropriate measures be taken to help them and punish the perpetrators.

B. Economic, Social and Cultural Rights

26. During her first visit, the Independent Expert noted that the education system has not been spared. When the Ex-Seleka were proceeding toward Bangui, they occupied and looted all school structures on their way. This is a violation of the right to education because as a result of their acts schools were closed for several months. During her second visit, she noted the reopening of schools, at least in Bangui Bangassou, although the majority of public schools remain closed in Bangui and inside the country.

27. It is feared that if the economic situation continues to deteriorate due to insecurity it will hamper this rare progress made in the education system. The continued disturbances and tensions and the uncertainties associated with the rainy season may further reduce the

freedom of movement and prevent effective resumption of commercial, agricultural and pastoral activities which are sources of income for the majority of Central Africans. The loss of revenue resulting from this situation substantially limit access to food, basic social services and sufficient living conditions; much of the population will therefore be in poverty and depend on emergency relief and humanitarian assistance.

28. During her first visit, the Minister of Health informed the independent expert that 80% of health facilities were destroyed and only humanitarian organizations could handle emergencies. Inside the country, health centers were looted by the belligerents or by the populations. They have no medical personnel or medicines for emergency care. Women give birth in appalling conditions and many of them die in childbirth. The rate of HIV / AIDS is high in CAR. It would be higher among girls because of rapes reported. The destruction of health centers and the looting of medical equipment and medicines unstructured and annihilated the health system in almost all countries. The few health facilities which are still functioning lack resources and may no longer be able to meet demands.

C. Breaches of international humanitarian law

29. The cycle of violence in which the country is plunged causes serious breaches of international humanitarian law. The Independent Expert was informed during her first visit of attacks by unidentified armed groups in Bangui, and especially in the interior of the country, against the civilian population by looting products essential to their survival, and against humanitarian workers or their ambulances. Cruelty was such that some patients were slaughtered in their hospital bed and medicines were looted. This insecurity forces humanitarians to curb their activities and jeopardizes the lives of IDPs who will not receive the necessary assistance. These acts seemed to have abated during the second visit of the Independent Expert.

30. Last March, in her oral report, she pointed out that the constant fear of attacks against the civilian population by anti-Balaka in Bangui, anti-Balaka and ex-Seleka in the hinterland as well as clashes between these groups across the country threatened human rights. Several districts of Bangui and other parts of the country have lost their Muslim population which has been forced to flee. In Bangui, the Muslims of PK12 left the city on April 28. It remains Muslims of KM5. During her second visit, the Independent Expert met with members of the Muslim community who shared their difficulties to retain Muslims in this area because of obstacles to freedom of movement imposed upon them. She also noted that the Mosque sheltered many Muslims from other parts of Bangui who had come to take refuge there. Despite the presence of international forces in the vicinity, they could not leave their neighborhood without risking being attacked by anti-Balaka who watched all movements of Muslims to attack them. A similar situation was reported to the Independent Expert during her visit to PK12 when Muslims were still living there. Two incidents confirm that these fears are justified. On April 28, an attack on a convoy that was heading North killed two people and, on April 29, three Muslims were killed in KM5 by anti-Balaka.

31. Currently, thousands of people, Muslims for the most part, can only count on the protection of international forces, MISCA, Sangaris and EUFOR RCA. The Independent Expert noted that some communities were virtually inaccessible in Bangui and in the interior of the country, and that humanitarian assistance reached them only with difficulty. In Boda, Muslims were in this situation during her first visit. The April 26 attack against the health center of Doctors Without Borders in Nanga Boguila, during which 22 people were killed, and the April 28 attack on a humanitarian convoy in Dikissou, which killed 2, are likely to violate Article 3 common to the four Geneva Conventions of 12 August 1949.

During her second visit, the Independent Expert was informed that Muslims in Boda had finally received humanitarian assistance.

V. The fragility of the state and the need for technical assistance and capacity building

32. During her two visits, the Independent Expert was informed by most of her interlocutors that the root causes of the crisis lay in the failure by successive governments to uphold civil and socio-economic rights and in the marginalization of some of the regions of the Central African Republic (the northern part) and of a religious minority in particular (the Muslims).

33. The Independent Expert was told that even the non-Muslim majority, which seemed to benefit from administrative and social services, has also often been marginalized because of nepotism and injustice practiced by some of the successive regimes. It follows that the root causes of the conflict must be sought in inequality maintained by successive authorities through discriminatory policies. These social causes have eroded trust between the Central Africans and led to a gradual tearing of the social fabric. According to some interlocutors, this crisis is also political before being religion-related. It arose in a context of state failure and lack of rule of law resulting from recurring poor governance. This lack of authority and state institutions is deeper and a more insidious structural cause of the crisis.

A. The weakness of state authority and the rule of law

34. The basis of a progressive reconstruction of the rule of law were laid with the assistance of the international community, especially the countries of Central Africa, and the adoption by the National Transitional Council on July 5, 2013 of the Constitutional Charter of transition which was promulgated by the Head of State on 18 July 2013. This Charter comes within the framework of the Libreville Agreement of 11 January 2013 and the decisions of the third and fourth summits of the Heads of State and Government of the Economic Community of Central African States of 3 and 18 April 2013. Transitional authorities, which operate on the basis of this Charter, have begun to take steps to restore the authority of the State in all 16 prefectures of CAR, but most prefects appointed in the regions are still in Bangui because of insecurity in their respective jurisdictions. Administrative infrastructure, including official housing, was destroyed. Some vice-prefects are in place but very few prefects are. For now, the administration functions with limited means and mainly in Bangui, Bambari, Berbérati and Bouar. In Bangassou, the Independent Expert met with the acting prefect who received her under a tree for lack of a suitable office or accommodation. He acts as vice-prefect of several districts, providing administrative and police functions, with the support of the MISCA. The region also benefits from the dynamism of citizens and religious figures who are working hard with limited resources to maintain cohesion between communities.

35. Interviews conducted by the Independent Expert during her two visits indicate that the security of people and goods throughout the country is a priority of Central Africans, as it is a precondition for respect of others rights. The Independent Expert noted that if the restoration of State authority throughout the national territory is one of the concerns expressed, security is, for her interlocutors, the prerequisite for any solution to the crisis. The fighting which started in December 2013 gave rise to a feeling among Muslims of total insecurity which forces them to be confined to a site, to leave the capital for the north or to leave the country. In this regard, the transitional measures provided for in resolution 2149 (2014) of the Security Council are of critical importance given the need for a deterring and multidimensional international presence able to protect civilians, promote the restoration of

the rule of law and support efforts to promote human rights, inter-communal reconciliation, reform of the security sector and disarmament of armed groups.

36. As reaffirmed in the resolution, all perpetrators of violations of international humanitarian law and human rights and abuses must be brought to justice, and some of the acts are likely to be crimes under the Rome Statute of the International Criminal Court, to which CAR is a party. This view is accepted by all stakeholders in the Central African crisis and, first and foremost, by the transitional authorities.

B. Administration of justice

37. Impartiality and independence are two concepts that characterize a proper administration of justice, which is part of a well-functioning public service. According to most people interviewed, these two concepts have often been lacking in CAR. It is important to develop the judicial and penitentiary system and restore the criminal justice system throughout the national territory for a good administration of justice. Regarding the fight against impunity, transitional authorities have taken steps to restore the criminal justice system by establishing human rights violations investigation cells. In this regard, the placing under judicial supervision, on April 17, of the self-proclaimed coordinator of the anti-Balaka proceeds of the efforts of the transitional authorities. Efforts are also being made for the restoration of prisons and detention centers and for the training of the police, gendarmerie and magistrates. Indeed, the judiciary, the police and the prison system do not have the human, financial and material resources necessary for a good administration of justice. Clear examples of the challenges facing the transitional authorities are securing the courts and tribunals during trials and detention centers and the security of judges. On March 3, anti-Balaka elements prevented the holding of a Court hearing against three of their elements; on March 4, a clerk escaped a kidnapping by anti-Balaka thanks to the intervention of the gendarmerie. On 6 March, during her visit to the central prison in Bangui, the Independent Expert was almost a witness to the escape of nine anti-Balaka prisoners. It was later reported that all of the 11 detainees, who were former members of the Central African Armed Forces (ex-FACA), associated to the anti-Balaka, had escaped. There is also the issue of the protection of victims and witnesses, which is essential for an effective policy to fight against impunity.

38. Moreover, most of the judicial infrastructure is destroyed and the number of judicial personnel, magistrates and clerks, both in Bangui and in the interior, is insufficient. At the time of the second visit of the Independent Expert, there were 211 judges in CAR, 20 of which had been laid off. She then learned that in addition to those of Bangui, the courts in Berberati and Bambari were functional. MISCA and Sangaris also strengthened their assistance to judicial police in arresting suspects of crime, especially military elements. According to officials of the Ministry of Justice, the assistance of international forces is necessary because it helps to overcome the bias that currently characterizes the majority of the CAR security forces. BINUCA has trained more than 40 prison managers but they lack practical experience in setting up a prison administration. The international community also supports the training of police and clerks, but the needs are such that their efficiency is limited.

39. The provision of legal and financial reparations for victims, including collective reparations, as elements of social justice has never been addressed in CAR. Interlocutors of the Independent Expert, in this case the transitional authorities have recommended the use of transitional justice as a means to strengthen the fight against impunity and better consider individual and collective reparations.

C. Promotion and the protection of human rights

40. The Independent Expert was informed that at the request of the Transitional Government, the High Commissioner for Human Rights provides assistance for the establishment of a national human rights commission in accordance with the Principles relating to the status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). When the conflict broke out in December 2012, the law establishing the Commission was awaiting approval in parliament. This structure will serve as a focal point between the human rights section of MINUSCA and the Government in the framework of capacity building and dialogue on human rights. An effective National Commission of Human Rights could contribute to capacity building and the development of mechanisms for the promotion and protection of human rights in CAR.

VI. Observations and recommendations

A. Observations

41. The Independent Expert notes that violations of human rights continue in CAR, although the number of reported killings has decreased. The threat posed by anti-Balaka and ex-Seleka continues to weigh on the capital and the rest of the country. The Independent Expert condemns these human rights violations and reiterates that the authors of these acts cannot go unpunished.

42. As the Independent Expert noted in her oral statement of March 2014, the State authority remains weak outside the capital Bangui. The country lacks adequate security institutions and justice cannot be implemented in the absence of legitimate security forces. Some interlocutors described CAR as a failed State, a bankrupt country or a State that exists only in name. Beyond this qualification, what the Independent Expert witnessed during her two missions is a State faced with perpetual armed conflict since independence and which has never received adequate attention from the international community.

43. The fight against impunity remains the priority for transitional authorities and for most interlocutors. Training needs of the judiciary have been raised. There is also the issue of the security of judges and other judicial personnel. The lack of security for judges, trials and places of detention, and the lack of appropriate infrastructure are serious obstacles to an effective fight against impunity. The Independent Expert notes the initiatives underway at the Ministry of Justice for the revival of the criminal justice system and the creation of investigation cells with a national jurisdiction to fight against impunity. The Independent Expert also takes note of the technical assistance which international partners such as France, the European Union and the specialized UN agencies have begun to provide to various Ministries. In addition, with the exception of the central prison in Bangui, no prison is functional in the interior of the country because they were destroyed or because they have been emptied of prisoners since the beginning of the crisis or simply because they are run-down. Problems of prison administration and security, including at the central prison in Bangui, remain.

44. The Independent Expert notes again that insecurity by armed groups in CAR hinders the efforts of the new authorities to fight against impunity. Indeed, without a disarmament and demobilization program for all groups, and as long as judges will be in fear and the safety of victims and witnesses will not be guaranteed, it will be difficult to administer justice. Moreover, despite efforts by the international forces,

the sense of insecurity felt by people, especially the Muslim community, is such that it is urgent not only to strengthen security measures, disarmament and demobilization, but also to initiate a dialogue and reconciliation activities at local and national level.

45. The judicial supervision of members of the anti-Balaka or persons close to them reflects the will of the transitional authorities to send a strong signal to those who want to stay in the path of destabilization. The perpetrators who are being held are mostly young and are not the real instigators of the violence, who may still be at large. Arresting and judging these people would demonstrate a real commitment to fight against impunity and to shed light on the crimes committed in order to establish liability. This is why the work of the International Commission of Inquiry, currently in CAR, will be of great value.

46. The restoration of State authority throughout the national territory would restore the confidence of people who feel abandoned. It is important that the existing resources, even if they are insufficient, are used to deploy administrators and other civil servants.

47. The will of transitional authorities to protect human rights and prevent violations and their awareness of the fragility of the state and its administration have been repeatedly expressed to the Independent Expert. There is an opportunity for dialogue and technical assistance provided the international community fulfills promises made to provide CAR with international civil and military officials in accordance with resolution 2149 (2014) of the Security Council. Awareness of the need for transitional justice also offers the possibility of technical cooperation. The limited State capacity, which is recognized by the authorities themselves and by all stakeholders, require more rigorous and bold interim measures to restore security and the authority of the State. The idea of the need for a Marshall Plan for CAR has been raised during the second mission of the Independent Expert. The economic recovery, the fight against impunity, the effectiveness of humanitarian assistance, the success of the political process, including elections, and national reconciliation initiatives are dependent on these interim measures and on the enforcement of relevant provisions of the Security Council Resolution.

48. The nature of the crisis and the lack of resources have an impact on the effectiveness of national human rights defenders and the authority of the State begins and ends in Bangui, the capital, where it even has a limited presence. It is obvious that the current human rights structures in CAR are not sufficient to meet the immense needs for deterrence, monitoring and capacity building. Therefore strengthening their presence and deployment throughout the country is paramount. The Independent Expert welcomes the fact that MINUSCA includes a Human Rights component important enough in terms of human and financial resources to enable it to support the national effort and contribute to the protection and promotion of human rights in CAR.

49. Regarding the root causes of the crisis, the information collected allow the Independent Expert to conclude, once again, that the current crisis is the result of structural problems that the country has been experiencing for decades. Regional disparities and discrimination against certain sections of the population have led to frustration resulting in conflict throughout the country, which risks spreading to the region due to the geostrategic location of CAR. To this were added recurring bad governance and the inability of successive governments to facilitate, through a neutral, impartial, transparent and inclusive government, national cohesion and respect for the common interest. The Independent Expert notes that the crisis is multidimensional and its causes are primarily political and socio-economic. However, the crisis has also communal or inter-religious aspects, which criminals or terrorist

groups might be tempted to exploit in order to plunge the country and even the sub-region into chaos. In addition, the presence outside Bangui of the ex-Seleka, their concentration in the northern regions of the country, threats by some of them to create a North Central African Republic as well as the statements of some Islamist groups on the fate of CAR Muslims pose a serious risk of confrontation that could lead to the partition of the country and undermine its territorial integrity. Moreover, the clashes between anti-Balaka and ex-Seleka confirm that disarmament and demobilization of these groups remain a priority.

50. Concerning the situation of Muslims, the question of their relocation from their places of residence and even outside CAR arose acutely, especially during the second visit of the Independent Expert. The question was whether to let Muslims leave their town or the country because of threats against their security and physical integrity, or keep them in place, knowing that despite the protection of international forces, they could not freely move without running the risk of being killed by anti-Balaka. After many hesitations, humanitarian actors opted for the first solution and accompanied convoys of Muslims in neighboring countries or in other parts of the country where they felt safer. This solution included security risks as evidenced by the attack on a convoy on April 28, 2014. Muslims are exposed to the further risk of not being well received where they go to or of not retrieving their property if they decide to return; not to mention the risk of de facto partition of the country. Obviously it is not possible to prevent people from enjoying their freedom of movement and their right to choose their residence especially when they do not feel safe, but given the risks, one must take into account the will of those concerned, act on a case by case basis and, above all, take all necessary measures to protect them if they decide to stay or to ensure the safety of humanitarian convoys.

51. Even though, with the reopening of schools in some areas, one can note some progress in the respect for the right to education, it should be noted that the economic situation, which continues to deteriorate, is likely to hinder this progress and significantly alter the enjoyment of other economic and social rights, especially during the rainy season. Due to insecurity, farmers have difficulty engaging in agricultural and pastoral occupations. If nothing is done to put an end to this situation and create the conditions for a recovery of agricultural activity, the country could, in the medium term, be facing a food crisis. In this context, the enjoyment of the right to work and to adequate living conditions remains limited.

52. At the national level, the reconciliation strategy and action plan, presented by the Minister of Communication and national reconciliation during the first visit of the Independent Expert, started to be implemented and to include all communities. Local reconciliation initiatives have been undertaken in the regions, such as in Bangassou, and, despite a lack of resources, pockets of social cohesion exist in Bangui, Boda, Mbaïki, Berbérati and Bozoum. Such strategies are important to analyze the root causes of the crisis and find appropriate solutions. These initiatives deserve to be supported, strengthened and replicated; transitional authorities and all political leaders should seize this opportunity to undertake awareness campaigns and increase contact with local populations. The international community should also support these initiatives.

53. In her oral statement, the Independent Expert has encouraged the involvement of all communities and actors of the country in dialogue and reconciliation at local and national level. The initiative in Bangassou seems to be a good practice that should inspire similar initiatives because it demonstrates that dialogue and reconciliation must be inclusive to increase their credibility, their effectiveness and their chances of restoring the confidence of communities.

54. The Independent Expert wishes to remind all those who use the youth and push them to commit violations of human rights that the international community will not tolerate such acts and that no violation of human rights will go unpunished. There can be no justification for incitement to violence.

55. The Independent Expert welcomes the fact that the regional dimension of the crisis, which she had noted in her oral statement, has been taken into account in Resolution 2149 (2014) of the Security Council, paragraph 10. She also welcomes the fact that the resolution is considering the establishment of an international mechanism in which key stakeholders could intervene. As she noted in her oral statement in March, it will be important to hold a stakeholders' conference once the situation stabilizes to develop a strategy for sustainable development and a road map.

56. As the Independent Expert noted in her oral statement, it is important to combine efforts to save CAR, which after having felt neglected for a long time, is now at the edge of chaos. The despair, which is visible in the eyes of the civilian population traumatized by the violence, challenges the entire international community. In this regard, the Independent Expert welcomes the creation of MINUSCA, but stresses the urgency to put in place the transitional measures before its effective implementation, on September 15, 2014.

B. Recommendations

57. The Central African population, particularly the youth, the elderly, the disabled, women and children, are the main victims of violence by armed groups, militias, bandits and other criminal groups. It is urgent to act on security, justice and the fight against impunity, inter-community reconciliation and management of State administration.

58. To this end, the Independent Expert recommends as follows:

a) To the Central African people:

i) The Independent Expert urges all Central African personalities, including politicians, in the Central African Republic and outside, to commit themselves publicly fight against violence and impunity and to promote national reconciliation;

ii) She invites all Central Africans to transcend their differences, to promote healing and to work for the restoration of the culture of living together;

b) To the transitional authorities:

i) The Independent Expert urges the Government to continue to make every effort to restore peace and security for all in all regions of the Central African Republic since they are preconditions to the enjoyment of civil, political, economic, social and cultural rights. To this end, she encourages the inclusive national program for truth, justice, reparation and reconciliation;

ii) she also encourages all national authorities to undertake frequent visits to the regions to raise awareness, give an example of reconciliation and support local initiatives inter-community reconciliation;

iii) She urges the Government to take all measures for the development of a strategy for reconciliation at the national and community level, taking into account human rights, the regional dimension of the crisis and the potential role of countries the sub-region in the search for a lasting solution to the crisis;

- iv) She encourages the Government to proceed with the mapping of local mediation, conflict prevention and resolution, and reconciliation initiatives, and those to promote those throughout the country as good practices;
- v) She also encourages the Government to continue efforts to pay the salaries of civil servants to defuse the atmosphere and facilitate access to economic and social rights;
- vi) She urges the Government to develop a program of psychotherapeutic support and assistance to victims, including victims of sexual violence and youth associated with armed conflict, and create multi-purpose centers, especially in rural areas, in order to develop awareness programs and education for a culture of peace and human rights;
- vii) She invites the Government to take all necessary measures for the establishment of a national human rights commission in accordance with the Paris Principles;
- viii) She welcomes the establishment of the Special Investigation Unit and encourages the Government to take all measures to make it effective and to develop a national strategy to fight against impunity, including the establishment of community radio stations, their implementation and national ownership;
- ix) She encourages the Government to continue rehabilitating judicial infrastructure and to carry out a rapid redeployment of judges in their places of employment;
- x) She encourages the Government to continue to cooperate with international forces to protect civilians, to provide assistance to victims without discrimination, to disarm all armed groups and militias which illegally possess weapons and to proceed quickly with security sector reform;
- xi) She also encourages them to take all necessary measures for the effective deployment of local administrators (prefects and vice-prefects) to contribute to the restoration of State authority throughout the country and to continue efforts to reopen schools as well as ensure hospitals and other health centers are functional;
- xii) She urges the Government to develop a strategy for the resettlement of displaced persons and refugees in their respective neighborhoods, towns and cities;
- xiii) She recommends that the Government initiate, with all stakeholders, an inclusive process of disarmament, demobilization and reintegration and reform of the security sector and to ensure its implementation.

59. To the ex-Seleka, anti-Balaka and other armed groups, the Independent Expert recommends:

- a) To immediately stop the violence and violations of human rights and international humanitarian law in their areas of influence, to put an end to the recruitment and enlistment of minors, and to guarantee the movement of humanitarian personnel and the delivery of humanitarian assistance throughout the territory of the Central African Republic;
- b) To renounce violence and to subscribe to the disarmament process and the political process of peaceful settlement of the crisis in the Central African Republic in order to avoid exposure to prosecution or sanctions.

60. **To the international community, the Independent Expert recommends:**
- a) **To mobilize humanitarian assistance and food aid and ensure that they reach their destination;**
 - b) **In the framework of transitional urgent measures, and before the implementation of the integrated multidimensional United Nations Mission for Stabilization in Central African Republic (MINUSCA), to strengthen the capacity of international missions, especially those sections dealing with human rights and justice, to enable them to monitor the situation of human rights in the country, strengthen the capacity of the State in the administration of justice and human rights, and support the Government in the implementation of human rights treaty body recommendations;**
 - c) **To mobilize assistance to support national initiatives to promote human rights, transitional justice and national reconciliation for better protection of human rights;**
 - d) **Support the efforts of all Central Africans, including politicians, in the country and outside, to publicly and resolutely commit themselves to fight against violence and against impunity and to promote national reconciliation;**
 - e) **Pending the effective functioning of MINUSCA, to provide international missions in the country with the resources and expertise to restore security immediately and restore the authority of the State, through by interim measures and prerogatives, if required;**
 - f) **To support the development of a national strategy to fight against impunity by strengthening technical assistance to the judiciary, the police, the gendarmerie and prison system to allow them to be operational, to fight effectively against the impunity and restore security and public order;**
 - g) **To increase assistance psychotherapeutic support and inter-community reconciliation programs, to support the mapping of local community mediation, conflict prevention and resolution initiatives, and the development of a national strategy for the resettlement of displaced persons and refugees in their respective neighborhoods, towns and cities;**
 - h) **And finally to continue to support the reform of the security sector and the national strategy for disarmament, demobilization and reintegration, including children and women.**
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