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Preliminary report of the Independent Expert on the human rights situation in the Central African Republic, Marie-Thérèse Keita Bocoum*

Summary

In this report, the Independent Expert supplements the oral update submitted to the Human Rights Council on 26 March 2014. She reports on her two visits to the Central African Republic undertaken from 4 to 14 March and from 10 to 18 April 2014. In this context, the Independent Expert held talks with leading political figures and the transitional authorities, in particular the transitional Head of State. She also met with the members of the diplomatic corps, the commander-in-chief of the French forces, the representatives of the United Nations Integrated Peacebuilding Office in the Central African Republic, the United Nations specialized agencies, the African Union, international non-governmental organizations, civil society organizations, women, young people and community leaders.

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

During her first visit, the Independent Expert noted that the right to life, security and physical integrity was being violated by assassinations, summary executions and cruel, inhuman and degrading treatment. In addition, the exercise of civil and political rights, more particularly freedom of opinion and religion, freedom of movement and freedom to choose one's place of residence, were considerably constrained by the deterioration of the security situation, impunity and the fragility of State institutions.

* Late submission.



Overcrowding and the prevailing insecurity in Bangui prison, together with the lack of appropriate detention facilities in the rest of the country and the weaknesses of the judicial system and the ineffectiveness of the criminal justice system, hamper the administration of justice and the fight against impunity. This situation is regarded as one of the root causes of the instability threatening social peace and undermines efforts at dialogue and intercommunal reconciliation.

Breaches of international humanitarian law were reported to the Independent Expert during her two visits: forced displacements of the civilian population, particularly Muslims, destruction of property essential to the survival of the population (health centres, schools, residential dwellings, fields), attacks against the civilian population in some parts of the country, rapes and other forms of sexual violence, and the recruitment of minors by armed groups. The weakness of the State institutions and the fragility of the rule of law conduced to a general climate of fear and insecurity, as well as a feeling of distrust and suspicion which perpetuated the vicious cycle of violence in the country.

The Independent Expert noted that, despite the wish expressed by the transitional authorities to combat impunity effectively and ensure that the Government's writ runs throughout the country, serious obstacles remain given the inadequacy of resources, the lack of security for judges, courts and places of detention, the inadequacy of public infrastructure and the delays in the deployment of public service staff.

The Independent Expert noted the development of local intercommunity reconciliation initiatives in Bangassou. She received reports of similar initiatives launched by the residents of the third arrondissement of Bangui and of some towns in the interior. She also received reports of the existence of pockets of stability in the south-west, in Boda and Berbérati, and in the north-west, in Bozoum. On the economic and social level, the Independent Expert noted that the crisis experienced by the Central African Republic since December 2012 has led to the collapse of economic activity, paralysed the Government administration and given rise to an unprecedented humanitarian crisis with nearly one quarter of the population being displaced or reduced to refugee status.

The economic recovery remains dependent on the normalization of security conditions, the return of displaced persons and refugees and the gradual recovery of economic activity, particularly in the agricultural and trade sectors. The precariousness of the economic situation seriously compromises the enjoyment of economic, social and cultural rights, although the Independent Expert noted the reopening of some schools, particularly in Bangui and Bangassou.

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I. Introduction

1. The present report is submitted under Human Rights Council resolutions 24/34 of 27 September 2013 and S-20/1 of 20 January 2014, in which the Independent Expert is requested to submit a preliminary report to the Council at its twenty-sixth session. In the present report, the Independent Expert gives an account of the human rights situation based on observations made and information collected during her two visits to the Central African Republic, undertaken from 4 to 14 March 2014 and from 10 to 18 April 2014. The report contains the recommendations included in her oral update (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 mandate with a mission to Geneva from 25 to 28 February 2014, during which she held talks with the Permanent Representative of Gabon in his dual capacity as Representative of Gabon and President of the Human Rights Council for 2014, the Permanent Representative of the Central African Republic to the United Nations Office at Geneva (UNOG), the Permanent Representatives of France, Chad and the Republic of the Congo and the Deputy Permanent Representative of the United States of America, together with his team for the Central African Republic. She also met with the Permanent Representative of the African Union (AU), the Permanent Representative of the European Union (EU) and human rights experts, in order to hear their points of view. The Independent Expert also had meetings with the United Nations High Commissioner for Human Rights and several units of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3. During her first visit to the Central African Republic, in addition to talking to high-ranking officials from the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), the Independent Expert met with the transitional Head of State, the Minister of Public Health, Social Affairs and Humanitarian Action, the Secretary 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 had discussions with the Chief of Staff of the Minister of Justice, the public prosecutor and his deputies, leading politicians, elements of the ex-Seleka and anti-Balaka movements, women parliamentarians, the network of women leaders, the network of national human rights NGOs, young persons and displaced persons at the Mpoko camps and at the airport. She also talked to the Representative of the African Union (AU), the Head of the African-led International Support Mission in the Central African Republic (MISCA), the Ambassadors of France, Morocco, Cameroon, the Russian Federation and China to the Central African Republic, the Representative of the European Union (EU), the commander of Operation Sangaris and representatives of the International Committee of the Red Cross (ICRC), the humanitarian community and the United Nations specialized agencies.

4. During that initial mission, she visited several sites, such as Ngaragba prison, where she was shown the cells and talked to nine detainees. She also visited the Mpoko 1 and 2 displaced persons camps. Outside Bangui, she visited Kaga-Bandoro, where she spoke with MISCA representatives. She also talked to 26 minor children saved by MISCA following an attack on the convoy that was transporting them northwards. Those children, four of whom have been reunited with their father, are currently being sheltered at the MISCA compound with the assistance of the United Nations Children's Fund (UNICEF) and the NGO Save the Children, while awaiting news of their parents and possible transfer to an appropriate reception facility. At Kaga-Bandoro, she had a chance to meet with the local commander, a former Seleka member, and with members of the anti-Balaka movement. She found from those meetings that, despite their belligerence, the victims of which were more

often than not civilians, the leaders of the two groups consult each other from time to time, in order to resolve their problems. She also had productive meetings with the members of the humanitarian community of Kaga-Bandoro, who are doing remarkable work under the guidance of the Office for the Coordination of Humanitarian Affairs (OCHA).

5. For her second visit, the Independent Expert wished to focus on the interior of the country. She had, therefore, initially planned to visit the regions of Bangassou, Ndélé, Bouar, Bossangoa and Berbérati and to enquire about the human rights situation and local intercommunal reconciliation initiatives. However, owing to a lack of logistical resources, including jet fuel, the Independent Expert was only able to visit Bangassou. She held meetings with a number of politicians and various transitional officials, including the Minister for Foreign Affairs, the Minister of Justice, the Minister Delegate and Legal Adviser to the Office of the President of the Republic, as well as with local elected officials, the diplomatic corps, the commander of the Sangaris force, representatives of the United Nations specialized agencies, the acting Special Representative of the Secretary-General of the United Nations for the Central African Republic, the Representative of the African Union (AU), human rights defenders, religious leaders and influential figures in Bangui. She also undertook a mission to the interior, more specifically Bangassou, where she met the main actors involved in intercommunal reconciliation initiatives. She also visited the PK12 district of Bangui, where she held talks with the municipal authorities, and the KM5 district, where she spoke with Muslim religious leaders.

6. Throughout her mission, the Independent Expert collected information on developments affecting the human rights situation and the state of implementation of the recommendations contained in her oral update of 26 March 2014, including on the fight against impunity and intercommunal reconciliation initiatives. That visit enabled her to collect testimonies from local communities and associations and the local, municipal and religious authorities and in particular, to obtain information about local intercommunal reconciliation initiatives. Working with the transitional authorities, she was able to gauge the progress made in restoring the authority of the State and in combating impunity through the authorities' efforts to rebuild the criminal justice system, redeploy administrative staff and operationalize public institutions and services.

7. An analysis of the situation shows that human rights violations continue to be committed. Although the number of killings is falling, not a day goes by without reports of acts of violence resulting in deaths or injuries in Bangui or in the interior. Intercommunal conflict and fighting between former Seleka members and anti-Balaka militias give rise to abuses and acts of extreme violence. In March 2014, the Independent Expert noted that the overall situation in the Central African Republic continued to be marked by intercommunal tensions grounded in social, political, religious and economic issues, reflecting geographical and cultural differences. Unfortunately, these tensions lead to serious human rights violations during systematic and violent intercommunal attacks. Abuses continue to be perpetrated, including killings and the forced displacement of mainly Muslim communities from their places of origin. Such attacks are followed by reprisals against communities considered by Muslim civilians or former Seleka rebels to be Christian. In many cases, Christian populations also act in reprisal for attacks blamed on Muslims or the former Seleka. The clashes currently occurring in the hinterland between these two armed groups, who do not hesitate to attack the MISCA and Sangaris international forces, have led to a worsening of the security situation, to the detriment of the civilian populations who bear the brunt of these attacks.

8. In the present report, the Independent Expert describes the evolving human rights situation in the Central African Republic, including the relevant influencing factors, and assesses the measures taken by national actors and international partners. The Independent Expert concludes the report with recommendations to the national and international actors

regarding the action needed to strengthen the capacity to respond to human rights violations and breaches of international humanitarian law in the Central African Republic.

9. The Independent Expert thanks the Government of the Central African Republic and, in particular, the transitional Head of State, Ms. Catherine Samba-Panza, for her helpfulness and her cooperation. She also thanks all those persons in the Central African Republic and elsewhere, including the members of the diplomatic corps and the commanders of the Sangaris and MISCA international forces, who provided her with information relevant to her mandate. She wishes to thank in particular the United Nations specialized agencies, MISCA, BINUCA/the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and their human rights sections for their constant support.

II. Overall situation

A. Political and security situation

10. Several interlocutors have claimed that the Central African Republic bears the scars of coups d'état, mutinies and recurrent poor governance that have led to insecurity, political instability and potential repercussions on peace and stability in the subregion. They all agree that the political, socioeconomic and structural crises that have plagued the Central African Republic for decades have as their main causes: nepotism, corruption, disparities between the regions, social inequalities, weak rule of law, injustice and poverty. Under previous regimes, in particular that of Mr. François Bozizé, human rights violations are said to have been committed with complete impunity.

11. Since gaining independence, the Central African Republic has never experienced stable and sustainable political governance. The Central African State exists only in the capital, Bangui; the hinterland has always been, and remains, fertile ground for the proliferation of weapons and armed groups of all kinds. The authority of the State and the functioning of the public institutions, including the judicial bodies, have never effectively extended to the entire country. The Central African Republic has, therefore, always been a fragile entity and the current crisis, which began with the coup d'état of 24 March 2013,¹ is merely the overt manifestation of successive tensions that for so long have not been appropriately addressed.

12. The inability of the ex-Seleka coalition, the new ruling power, to protect the population from the worst excesses of rogue elements from within its own ranks, as well as the numerous human rights violations attributed to those elements, led to the formation of self-defence militias, the anti-Balaka (anti-machete in the Sango language), in order to protect the population. However, the anti-Balaka allegedly turned out to be even more murderous, in turn carrying out unprecedented human rights violations. The clashes between ex-Seleka and anti-Balaka forces, which still mainly claim civilian victims, have gone beyond the political dimension and developed into religious and intercommunal strife, most seriously affecting the Muslim minority. This portentous development undoubtedly signifies a new chapter in a country previously marked by essentially inter-ethnic disputes.

13. Since the resignation, in January 2014, of the transitional President from the ex-Seleka coalition, Mr. Michel Djotodia, and the election of Ms. Catherine Samba-Panza to the office of transitional Head of State, the armed groups do not seem to have heeded the

¹ The former Seleka coalition (mainly made up of Muslims) seized power following the coup d'état of 24 March 2013.

numerous calls for political dialogue and national reconciliation. The security situation remains precarious and the new transitional authorities are working, among other things, to combat impunity by re-establishing the criminal justice system, in order to send a clear message to all those who, in one way or another, incite young people to violence. Notwithstanding the international forces' efforts, the deteriorating security situation and the increasing violence have forced local populations, and the Muslim community in particular, to flee their homes or the country, either unaided or with the assistance of international humanitarian organizations. This makes it essential not only to strengthen security and civilian protection measures, but to establish a dialogue between all the actors, in order to halt the intercommunal violence, consider appropriate solutions and initiate or support national reconciliation measures.

14. Bangassou, in the south-east of the Central African Republic, is the administrative centre of the prefecture of Mbomou. In that town, where the mayor is a Muslim woman, a religious forum and a mediation committee have been set up. Both of those bodies, which have very few resources, are working to maintain peace and social cohesion between the Muslim and Christian communities. The mediation committee, formed in April 2013, in the wake of the assumption of power by the former Seleka, was reorganized in October 2013 and now has statutes and internal regulations. The committee, which is supported by the religious forum, holds seminars in nearby towns and plans to extend its coverage to the whole of the prefecture of Mbomou provided it is given the necessary resources.

B. Economic situation

15. According to an assessment of the economic situation carried out by the United Nations Development Programme (UNDP) in 2013, the destruction of the economic fabric of the country following the crisis resulted in the mass displacement of populations; the deterioration of security and health conditions; food insecurity; the wastage of natural resources; and the freezing of funding for development projects. As a consequence, exports of goods have fallen and the country has been suspended from the Kimberley Process and the Extractive Industries Transparency Initiative. The crisis has led to a collapse of economic activity, paralysed the Government and caused an unprecedented humanitarian crisis. The gross domestic product (GDP) contracted sharply (by about 36 per cent) in 2013, as all sectors of economic activity experienced downturns. Inflation accelerated to 6.6 per cent in 2013, compared with 5.9 per cent in 2012. Government revenues fell by more than half to 5.7 per cent of GDP, while the external current account deficit virtually doubled to 10.4 per cent of GDP.²

16. That situation explains the irregular payment, at least four months in arrears, of public officials' salaries. A slight economic upturn is forecast for 2014, with a GDP growth rate of 1.5 per cent. This is contingent on the normalization of the security situation, the return of displaced persons and the gradual revival of economic activity, particularly in the agricultural and trade sectors. Such a context does not bode well for the enjoyment of those economic and social rights that depend closely on the revival of the economy.

² International Monetary Fund (IMF), Press Release 14/153 of 3 April 2014, "IMF Mission and the Central African Republic Reach Staff-level Agreement on Financial Assistance Under The Rapid Credit Facility" (available at: <http://www.imf.org/external/np/sec/pr/2014/pr14153.htm>).

III. Humanitarian situation

17. According to the Human Rights and Justice Section of BINUCA/MINUSCA, over the past four months, almost 348,046 persons originating from Cameroon, Chad, the Democratic Republic of the Congo or the Republic of the Congo, who had been living in the Central African Republic for generations, have fled the violence there in order to seek refuge in those neighbouring countries. Given that most of those persons no longer have ties, or support in their countries of origin, they are extremely vulnerable and need food aid. The number of displaced persons reportedly stands at more than 900,000, and some 1.6 million Central Africans out of a population of 4.5 million require humanitarian assistance. According to the Office of the United Nations High Commissioner for Refugees (UNHCR) and its partners, there will be further population movements by the end of 2014. Those forecasts are all the more worrying given that the Independent Expert was informed, during her first visit, that only US\$ 65 million of the US\$ 550 million pledged following a humanitarian appeal had been mobilized.

IV. Human rights situation

A. Civil and political rights: violations of the rights to life, security and physical integrity

18. During her first visit, the Independent Expert found violations of the rights to life, security and physical integrity, which took the form of assassinations, summary executions, cruel, inhuman and degrading treatment, overcrowding in Bangui prison, poor conditions of detention, and insecurity in prisons and places of detention. She received reports that the perpetrators of most of these violations were ex-Seleka, anti-Balaka and elements of the Lord's Resistance Army (LRA) and that most of the violations were committed by anti-Balaka against Muslim groups. On her second visit, she found that human rights violations, albeit fewer of them, were still occurring. Daily acts of violence attributed to ex-Seleka, anti-Balaka, or other criminal groups destroy property and kill or injure persons in Bangui or the interior of the country. Threats of anti-Balaka and ex-Seleka violence still weigh heavily on the capital and the rest of the country. The security situation remains precarious. While MISCA and Sangaris forces have been deployed outside the capital, their numbers are insufficient to secure the entire territory of the Central African Republic. The European Union has deployed the European Union-led military mission EUFOR CAR to take over from Sangaris forces at Bangui airport.

19. Since 24 March 2013, the crisis in the Central African Republic has claimed thousands of victims, although it is difficult to estimate the total number since in some, mostly Muslim communities, the dead are buried immediately. In December 2013, attacks by anti-Balaka and reprisals by ex-Seleka forces claimed a particularly alarming number of victims. According to the report of the mission deployed to the country by the United Nations High Commissioner for Human Rights from 12 to 24 December 2013, at least 1,000 persons were killed and hundreds wounded between 5 and 6 December 2013 in Bangui alone, while the Central African Red Cross reported more than 1,500 deaths.³ Violence of this kind has continued to produce a steady flow of victims. Three Muslims were reportedly killed on 7 March 2014 by anti-Balaka in the Combattant district of

³ Oral report of the United Nations High Commissioner for Human Rights at the twentieth special session of the Human Rights Council on the situation of human rights in the Central African Republic, held on 20 January 2014.

Bangui. These extrajudicial executions were followed on 8 March 2014 by the deaths of four alleged members of anti-Balaka militias, who were reportedly killed by Muslims.

20. At least 20 persons were killed on the night of 27 to 28 March 2014 in Bangui during a grenade attack at a funeral wake. On 14 April 2014, the discovery of four bodies of persons of the Christian faith, including three from the same family (father, mother and daughter), was reported to the Human Rights and Justice Section of BINUCA/MINUSCA. These persons were reportedly killed by ex-Seleka in the Bimbo district of the sixth arrondissement of Bangui. Fighting between anti-Balaka, ex-Seleka and other armed groups continues to produce civilian casualties in the interior of the country. Crimes continue to be committed, such as the murder of the parish priest of Paoua in the Bossangoa (North) diocese, abbé Christ Formane Wilibona, who was said to have been killed on Thursday, 17 April 2014 by armed Fulani herders affiliated to ex-Seleka rebels. In Dekoa, clashes between ex-Seleka and anti-Balaka reportedly resulted in 30 deaths on 9 April 2014.

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

22. Incidents in Bangui and in the interior of the country have not abated, as evidenced by the clashes between armed groups, the attack against the Médecins sans frontières health centre in Nanga Boguila on 26 April 2014, which resulted in 22 deaths, and the attack on a humanitarian convoy in Dikissou on 28 April 2014, which left 2 dead. The violence, which continues mainly because of the proliferation of firearms and light weapons in camps for internally displaced persons in Bangui and the hinterland, calls for emergency security measures. The continued presence of weapons in the hands of criminals generates violence; it is a constant threat to the right to security and peace and impedes development and citizens' participation in decision-making processes affecting their daily lives.

23. The right to human security, in particular physical security, freedom of movement and freedom to choose one's residence, continues to be violated. This has been the case in the PK12, KM5 and Boda districts where Muslims are unable to leave their homes without the risk of being shot dead by the anti-Balaka. As a result, there are no longer any Muslims in Bossangoa, while in Boda the Muslims that remain, despite being protected by the Sangaris and/or MISCA forces, lack basic necessities that neither protection force can provide. They live under the constant threat of anti-Balaka violence and are forcibly confined to their neighbourhoods which they cannot leave to buy food.

24. In the hinterland, clashes between the anti-Balaka, who are trying to gain ground, and the ex-Seleka, who are resisting, and between those groups and MISCA or the French Sangaris forces, who are trying to disarm them, place the civilian population in an intractable situation. The Independent Expert was informed of several incidents that occurred in April 2014. On 22 April 2014, at Grimari, there were clashes between anti-Balaka and ex-Seleka forces; on the same day, in Bouca, attacks attributed to the ex-Seleka led humanitarian workers to take refuge in MISCA camps before being evacuated to Bossangoa; in Batangafo, ex-Seleka reportedly carried out kidnappings; 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 the Fulani have been reported in the surrounding villages; in Boda and in the Lobaye prefecture, physical assaults and rapes were reported by NGOs, and in Mobaye, Alindao and Kembe in Basse Kotto, atrocities were committed. The climate of insecurity and intercommunal tension tinged with sectarianism all across the country limit freedom of opinion and expression, and above all religious freedom. In some parts of the country, it is almost impossible to practise one's religious beliefs for fear of acts of violence, ill-treatment or elimination. Women and children are often the victims of these abuses, as well as older persons, persons with disabilities and persons with HIV/AIDS.

25. Although there is still a shortage of information regarding the scale of the violent acts committed 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 of these acts, which are committed by both ex-Seleka and anti-Balaka. The organizations stress that women and girls are particularly vulnerable, and have suffered rape, abduction, sexual slavery and other forms of gender-based violence. In December 2013, medical sources at the Castor hospital in Bangui informed the mission deployed by the Office of the United Nations High Commissioner for Human Rights that they had treated more than nine victims of rape committed by armed groups since 5 December 2013; they added that the actual number of victims was higher. The mission has also received other reports from medical sources and from NGOs indicating that, since December 2013, a clinic in Bossangoa has treated five or six women victims of rape each month. The reports indicate that the actual number of cases is far higher. For safety reasons, many victims have moved and have been unable to access 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 interior of the country where victims have almost no access to health care and basic assistance. Many cases are not reported and the true extent of sexual violence in the Central African Republic is not clear. The scale of this serious crime committed against women and girls must be assessed as a matter of urgency and appropriate measures taken to help the victims and punish the perpetrators.

B. Economic, social and cultural rights

26. During her first visit, the Independent Expert found that the education system has not been spared. As they advanced towards Bangui, the ex-Seleka occupied and looted all schools along the way. This is a violation of the right to education, given that the majority of schools were forced to close for several months as a result. During her second visit, she noted that some schools had reopened, at least in Bangui and Bangassou, although the majority of State schools in Bangui and other parts of the country remained closed.

27. There is a real concern that the economic situation, which continues to deteriorate owing to the lack of security, will stifle the limited progress noted in the education system. The continued disturbances and tensions and the hazards associated with the rainy season could reduce freedom of movement even further and prevent the effective resumption of commercial, agricultural and pastoral activities, which are a source of income for the majority of Central Africans. The resulting loss of revenue will greatly limit access to food, basic social services and adequate living conditions; much of the population will therefore descend into poverty and will be dependent on emergency relief and humanitarian assistance.

28. The Minister of Health informed the Independent Expert during her first visit that 80 per cent of health facilities had been destroyed and that only the humanitarian organizations could handle emergencies. In the interior, health centres are looted either by the belligerents or by the local populations. They have neither the health professionals nor the medicines required to provide primary health care. Women give birth in appalling conditions and many die in childbirth. The rate of HIV/AIDS in the country is high. It is said to be higher among girls because of reported rapes. The destruction of health centres and the theft of medical equipment and medicines has eroded and decimated the health system across much of the country. The few health facilities still functioning lack resources and may no longer be able to meet demand.

C. Breaches of international humanitarian law

29. The cycle of violence into which the country has been plunged gives rise to serious breaches of international humanitarian law. The Independent Expert was informed during her first visit of attacks committed by unidentified armed groups in Bangui, and especially in the interior of the country, targeting civilians and the goods essential to their survival, as well as humanitarian workers or their ambulances. The level of cruelty was such that some patients were reportedly slaughtered in their hospital beds and medicines were looted. Such insecurity forces humanitarian workers to rein back their activities and jeopardizes the lives of internally displaced persons unable to access the necessary assistance. These acts seemed to have abated during the second visit of the Independent Expert.

30. In March 2014, the Independent Expert in her oral update stressed that the constant fear of attacks against civilians by anti-Balaka in Bangui and by anti-Balaka and ex-Seleka in the hinterland, and clashes between these two groups across the country, were a threat to human rights. Several districts of Bangui and other regions of the country have lost their Muslim populations, who have been forced to flee. Muslims living in the PK12 district of Bangui left the city on 28 April 2014. Some Muslims remain in the KM5 district. During her second visit, the Independent Expert met with members of that Muslim community who revealed the difficulties they faced in convincing Muslims to stay in the district owing to the restrictions imposed on their freedom of movement. She also noted that the mosque housed many Muslims seeking refuge from other districts in Bangui. Despite the presence of international forces in the area, Muslims could not leave their neighbourhood for fear of being attacked by the anti-Balaka who watched closely for the slightest sign of movement in order to attack them. The Independent Expert had been told of a similar situation during her visit to the PK12 district at a time when Muslims were still living there. Two incidents confirm that these fears are justified. On 28 April 2014, an attack on a convoy heading north left two persons dead, and three Muslims were killed in the KM5 district by anti-Balaka on 29 April 2014.

31. Currently, thousands of persons, mostly Muslims, rely solely on the protection of the international MISCA, Sangaris and EUFOR CAR forces. The Independent Expert stressed that some communities were virtually inaccessible in Bangui and other parts of the country, and that humanitarian assistance only reached them with great difficulty. The Muslims in Boda had been in this situation during her initial visit. The attack against the Médecins sans frontière health centre in Nanga Boguila on 26 April 2014, which left 22 dead, and the attack on a humanitarian convoy in Dikissou on 28 April 2014, which left 2 dead, were of a nature as to be in violation of common article 3 of the four Geneva Conventions of 12 August 1949. On her second visit, the Independent Expert was informed that the Muslims in Boda had finally received humanitarian assistance.

V. Fragility of the State and technical assistance and capacity-building requirements

32. The Independent Expert was informed during the course of her two visits that the root causes of the crisis lay in the failure by successive governments to uphold civil and socioeconomic rights and in the marginalization of some of the northern regions of the country, and of the Muslim religious minority in particular.

33. The Independent Expert was told that even the non-Muslim majority, which seemingly benefited from administrative and social services, had also often been marginalized because of nepotism and injustices committed under some of the successive regimes. Hence, the root causes of the conflict are to be found in the inequalities maintained by successive governments through their often discriminatory public policies. These social

factors have eroded trust between Central Africans and have led to a gradual shredding of the country's social fabric. According to the persons with whom the Independent Expert spoke, this crisis is political rather than social or religious in nature. It broke out in a context of State failure and absence of the rule of law as a result of persistent poor governance. This weakness of State authority and institutions is a deeper and more insidious structural cause of the crisis.

A. Weakness of State authority and of the rule of law

34. The foundations for the gradual re-establishment of the rule of law were laid with the assistance of the international community, in particular the countries of Central Africa and the adoption by the National Transitional Council of a Transitional Constitutional Charter on 5 July 2013, which was promulgated by the Head of State on 18 July 2013. The Charter takes as its frame of reference the Libreville political agreement of 11 January 2013 and the decisions of the third and fourth summits of Heads of State and Government of the Economic Community of Central African States (ECCAS) of 3 and 18 April 2013. The transitional authorities, which operate on the basis of this Charter, have begun to take steps to restore State authority in all 16 prefectures of the Central African Republic, but most of the regional prefects are still in Bangui owing to the insecurity in their respective jurisdictions. Administrative infrastructure, including official residences, has been destroyed. Some deputy prefects but very few prefects are in place. For the time being, the administration operates with only very limited resources 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 the deputy prefect for several districts, exercising administrative and police functions with the support of MISCA. The region also benefits from the concerted efforts of citizens and religious leaders who work tirelessly, and with limited resources, to maintain cohesion between communities.

35. Interviews conducted by the Independent Expert during her two visits revealed that the security of persons and goods throughout the country is a priority for Central Africans, as it is a prerequisite for upholding other rights. The Independent Expert noted that, while restoring State authority throughout the country is one of the concerns expressed, security was seen by her interlocutors as a key requirement for any solution to the crisis. The fighting that erupted in December 2013 has given rise to a sense of total insecurity among the Muslim population, forcing them to congregate in one area, leave the capital for the north, or leave the country altogether. In this regard, the transitional measures provided for in Security Council resolution 2149 (2014) are of paramount importance given the need for a multidimensional international presence to act as a deterrent capable of protecting civilians, promoting restoration of the rule of law and supporting efforts to promote human rights, intercommunity reconciliation, security sector reform and disarmament of armed groups.

36. As reaffirmed in that resolution, all perpetrators of international humanitarian law and human rights violations and abuses must be brought to justice, and some of the acts committed are of a nature as to constitute crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party. This view is shared 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 of the defining characteristics of an effective justice system which forms part of an efficient public service. According to most of the persons interviewed, these two elements have often been lacking in the Central African Republic. The judicial and prison system requires strengthening and the criminal justice system must be re-established across the country in the interests of the sound administration of justice. Regarding the fight against impunity, the transitional authorities have taken steps to restore the criminal justice system by establishing units to investigate human rights violations. The placement under judicial supervision of the self-proclaimed anti-Balaka coordinator on 17 April 2014 is an example of the efforts made by the transitional authorities in this regard. Efforts are also being made to reopen prisons and detention centres and to train the police, the gendarmerie and justice officials. The country's judiciary, police force and prison system lack the necessary human, financial and material resources for the proper functioning of justice. Clear examples of the challenges facing the transitional authorities include securing detention centres and ensuring the safety of judges and of courthouses during trials. On 3 March 2014, anti-Balaka elements stopped a public hearing against three of their members, and on 4 March 2014 the gendarmerie intervened to prevent the kidnapping of a registrar by the anti-Balaka. On 6 March 2014, during her visit to the central prison in Bangui, the Independent Expert almost witnessed the escape of nine anti-Balaka detainees. She later learned that all of the 11 detainees in the central prison in Bangui, who were former members of the Central African Armed Forces associated with the anti-Balaka, had escaped. There is also the issue of protecting witnesses and victims, which is an essential part of any effective policy to combat impunity.

38. Moreover, most of the judicial infrastructure has been destroyed, and the number of judicial officers, judges and registrars in both Bangui and the rest of the country is insufficient. At the time of the Independent Expert's second visit, there were 211 judges in the Central African Republic, 20 of whom had been reduced to non-active status. She subsequently learned that, in addition to the courts in Bangui, those courts in Berbérati and Bambari were operational. MISCA and the Sangaris force also increased their assistance to the police for the arrest of criminal suspects, particularly military personnel. According to Ministry of Justice officials, this international assistance is required, because it helps to overcome the bias currently shown by most of the Central African security forces. BINUCA has trained more than 40 prison governors, but they lack practical experience in establishing prison management systems. The international community also supports the training of police officers and registrars, but the needs are such that the efficacy of such action is limited.

39. The provision of pecuniary and non-pecuniary compensation for victims, including collective reparations as an aspect of social justice, has never been addressed in the Central African Republic. The transitional authorities with whom the Independent Expert spoke advocated the use of transitional justice as a means of stepping up the fight against impunity and better providing for individual and collective reparations.

C. Promotion and protection of human rights

40. The Independent Expert was informed that, at the request of the transitional Government, the Office of the High Commissioner for Human Rights provided 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 (the Paris Principles).⁴ When the conflict broke out in December 2012, the law establishing the commission was awaiting parliamentary approval. This structure will serve as a focal point between the Human Rights and Justice Section of MINUSCA and the Government as part of efforts to strengthen human rights capacity and dialogue. An effective national human rights commission could contribute to capacity-building and the development of mechanisms to promote and protect human rights in the Central African Republic.

VI. Observations and recommendations

A. Observations

41. The Independent Expert observed that human rights violations are continuing in the Central African Republic, although the number of reported killings has fallen. The threat posed by anti-Balaka and former Seleka elements continues to weigh on the capital and the rest of the country. The Independent Expert again condemns these human rights violations and reiterates that the instigators and perpetrators of these acts cannot remain unpunished.

42. As the Independent Expert emphasized in her oral update in March 2014, the authority of the State outside the capital, Bangui, remains weak. The country lacks adequate security institutions, and justice cannot be implemented without a legitimate force to maintain law and order. Some interlocutors described the Central African Republic as a failed, bankrupt State or a State in name only. Be that as it may, what the Independent Expert observed during her two visits was a country that has faced perpetual armed conflict since independence and has never received adequate attention from the international community.

43. Combating impunity remains the priority for the transitional authorities as well as for most of the interlocutors. The training needs of judicial personnel have been mentioned. There is also the issue of the safety of judges and other judicial personnel. The lack of security for judges, trial venues and places of detention, and the lack of suitable facilities are serious obstacles to combating impunity effectively. The Independent Expert took note of ongoing initiatives at the Ministry of Justice to rebuild the criminal justice system and establish investigation units to combat impunity nationwide. She also took due note of the technical assistance which international partners such as France, the European Union and the specialized agencies of the United Nations have begun providing to the different ministries. Moreover, with the exception of the central prison of Bangui, not a single prison is operating in the interior of the country, because they have been either destroyed or emptied of their prisoners since the outbreak of the crisis, or again simply because they are dilapidated. Problems of prison administration and security persist, including in the central prison of Bangui.

44. The Independent Expert again observed that the insecurity and violence for which the armed groups in the Central African Republic are responsible are hindering the new authorities' efforts to combat impunity. Indeed, in the absence of a programme to disarm and demobilize all those groups, and as long as judges live in fear and the security of victims and witnesses is not assured, it will be difficult to administer justice. In addition, despite the efforts made by the international forces,

⁴ General Assembly resolution 48/134 of 20 December 1993, Annex.

the feeling of insecurity experienced by the population, especially the Muslim community, is such that it is of the utmost urgency to strengthen security, disarmament and demobilization measures, as well as to initiate a dialogue and reconciliation activities at the local and national levels.

45. The placement under judicial supervision of members of the anti-Balaka or prominent figures with close ties to them attests to the transitional Government's determination to send a strong signal to those who wish to continue destabilizing the country. This shows that the perpetrators of the violations who are arrested are, for the most part, young people, not the real instigators of the violence, who may still be at large. Arresting those persons and bringing them to trial would demonstrate a genuine resolve to combat impunity and shed light on the crimes committed with a view to determining responsibility for them. In that context, the work of the International Commission of Inquiry, currently in the Central African Republic, would be of great value.

46. Re-establishing government authority over the entire country would make it possible to restore the confidence of the population groups who feel abandoned. It is important that the existing resources, even if they are inadequate, be used to deploy administrators and other public servants.

47. The Independent Expert has been repeatedly told of the transitional authorities' determination to protect human rights and prevent violations of those rights, and their awareness of the weakness of the State and its administration. This presents an opportunity for dialogue and technical assistance, provided that the international community fulfils its pledge to provide the country with international civilian and military personnel in accordance with Security Council resolution 2149 (2014). The realization of the need for transitional justice also affords an opportunity for technical cooperation. The limits of the State's capacity are recognized by the authorities themselves, and by all stakeholders; thus, if security and the authority of the State are to be restored, bolder and more rigorous interim measures will be required. The idea of the need for a Marshall Plan for the Central African Republic was again raised during the Independent Expert's second visit. Economic recovery, the fight against impunity, the effectiveness of humanitarian assistance and the success of political processes, including elections and national reconciliation initiatives, are dependent on such interim measures and on the implementation of the relevant Security Council resolutions.

48. The nature of the crisis and the lack of resources have an impact on the effectiveness of local human rights defenders and on the authority of the State, which begins and ends in Bangui, the capital, where its presence is also limited. It is obvious that the country's current human rights structures are inadequate to meet the enormous needs in the areas of deterrence, monitoring and capacity-building. Strengthening their presence and their deployment nationwide is therefore crucial. The Independent Expert welcomes the fact that MINUSCA has been given a human rights framework with sufficient human and financial resources to enable it to lend support to the national effort and contribute effectively to the protection and promotion of human rights in the Central African Republic.

49. On the basis of the information collected, the Independent Expert is able to conclude once again that the root causes of the current crisis have more to do with the structural problems that have beset the country for decades. Regional disparities and discrimination against certain population groups have bred discontent, causing the conflict to spread throughout the Central African Republic and creating the risk of regional contagion because of the country's geostrategic situation. The problem has been compounded by recurrent failings of governance and the inability of one

Government after another to promote national cohesion and respect for the public interest through a neutral, impartial and transparent administrative system accessible to all. The Independent Expert noted that the crisis is multifaceted and that its causes are primarily political and socioeconomic. However, it also has intercommunal and, indeed, sectarian aspects that criminal or terror groups could be tempted to exploit in order to plunge the country and even the subregion into chaos. In addition, the presence of ex-Seleka elements outside Bangui, their apparent mobilization in the north of the country, the threats by some of them to create a North Central African Republic and the statements of some Islamist groups about the fate of the country's Muslims constitute a serious risk of conflict that could lead to the partition of the country and undermine its territorial integrity. The clashes between the anti-Balaka and ex-Seleka forces are confirmation that measures to disarm and demobilize those groups also remain a priority.

50. The resettlement of Muslims away from their places of residence or even outside the Central African Republic became an acute issue, in particular during the Independent Expert's second visit. The question arose as to whether the Muslim populations should be allowed to leave their towns or the country on account of the threats to their safety and their physical integrity or whether they should be kept where they were, since, despite the protection of international forces, they could not leave without running the risk of being killed by the anti-Balaka. After much hesitation, the humanitarian actors chose the former option, accompanying convoys of Muslims to neighbouring countries or to other parts of the Central African Republic where they would feel safer. This humanitarian solution involves security risks, as was shown by the attack on a convoy on 28 April 2014. Muslims are also exposed to the risk of not being well received in their places of destination and of being unable to recover their property should they decide to return, not to mention the risk of de facto partition of the country. It is clearly impossible to prevent individuals from exercising their right to freedom of movement and to choose their place of residence, especially when they do not feel safe, but in view of the risks it would be wise to take into consideration the opinions of the persons concerned, to act on a case-by-case basis and, above all, to take all necessary measures to protect them if they decide to stay or to ensure the safety of humanitarian convoys.

51. Although noteworthy progress has been made in ensuring the right to education, with the reopening of schools in some locations, the economic situation, which continues to worsen, is likely to hinder that progress and significantly interfere with the enjoyment of other economic and social rights, especially during the rainy season. The prevailing insecurity makes it difficult for farmers to engage in agricultural or pastoral activities. If nothing is done to put an end to this situation and create the conditions for a strong agricultural recovery, the country could find itself facing a food crisis in the medium term. In this context, the enjoyment of the right to work and to satisfactory living conditions remains limited.

52. At the national level, implementation of the reconciliation strategy and action plan, presented by the Minister of Communication and National Reconciliation during the Independent Expert's first visit, began with an attempt to include all communities. Local reconciliation initiatives have been launched in the interior, as in Bangassou, and there are pockets of social cohesion, albeit with very few resources, in Bangui, Boda, Mbaiki, Berbérati and Bozoum. Such strategies are important for analysing the root causes of the crisis and devising appropriate solutions. These initiatives, which deserve to be supported, strengthened and replicated, demand a response from the transitional authorities and all the political leaders, who should take advantage of the opportunity to undertake awareness-raising missions and

increase contact with local populations. They also demand a response from the international community, which could help back these initiatives.

53. In her oral update, the Independent Expert encouraged all the country's communities and progressive forces to become involved in the dialogue and in reconciliation at the national and local levels. She regards the initiative taken in Bangassou as a good practice that could inspire similar initiatives, since it shows that dialogue and reconciliation must be inclusive and involve all communities, if they are to enhance their credibility, their effectiveness and their potential for restoring intercommunal trust.

54. The Independent Expert wishes to remind all those who use young people and incite them to commit human rights violations 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 referred to in her oral update, was taken into account in paragraph 10 of Security Council resolution 2149 (2014). She also welcomes the fact that the resolution envisaged the creation of an international mechanism that would include key stakeholders. As she emphasized in her oral update in March, it will be important to hold a stakeholders' conference once the situation is stabilized, in order to devise a strategy for sustainable development and, above all, to implement a suitable road map.

56. As the Independent Expert emphasized in her oral update, it is important to make concerted efforts as quickly as possible to save the Central African Republic, which, after years of what it has perceived as neglect, is currently on the brink of chaos. The despair visible in the eyes of a civilian population traumatized by violence is particularly eloquent and demands a response from the entire international community. In that respect, the Independent Expert welcomes the creation of MINUSCA but wishes to emphasize the urgent need for transitional measures before the Mission is effectively established on 15 September 2014.

B. Recommendations

57. The people of the Central African Republic, particularly the young, the elderly, persons with disabilities, women and children, are the main victims of the acts of violence committed by armed groups, armed militias, bandits and other criminal groups. There is an urgent need to focus efforts on security, on justice in order to combat impunity, and on intercommunal reconciliation and management of the machinery of government.

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

(a) *To the people of the Central African Republic:*

(i) The Independent Expert urges all prominent Central Africans in the country or abroad, including political figures, to take a public stand against violence and impunity and in favour of national reconciliation;

(ii) She invites all Central Africans to expand their horizons, to promote healing and to work for the restoration of a culture of togetherness.

(b) *To the transitional authorities:*

(i) The Independent Expert urges the Government to continue making every effort to restore peace and security for all in all areas of the Central

African Republic, as the enjoyment of civil, political, economic, social and cultural rights depends on peace and security. To that end, she endorses the inclusive national programme for truth, justice, reparation and reconciliation;

(ii) She also encourages all national authorities to undertake frequent visits to the regions in order to raise awareness, set the tone for reconciliation and back local intercommunity reconciliation initiatives;

(iii) She calls upon the Government to do its utmost to develop a national and community level reconciliation strategy, while taking account of human rights, the regional dimension of the crisis and the role that the countries of the subregion could play in the search for a lasting solution to the Central African crisis;

(iv) She encourages it to undertake the mapping of local initiatives in the area of conflict mediation, prevention and resolution, as well as reconciliation in order to promote them as model initiatives for the entire country;

(v) She also encourages it to continue making efforts to pay the salaries of civil servants in order to ease tensions and facilitate access to economic and social rights;

(vi) She urges it to develop a programme of psychotherapeutic support and assistance to victims, including victims of sexual violence and young people involved in the armed conflict, and to set up multipurpose centres, especially in rural areas, for the development of programmes of awareness-raising and education for a culture of peace and human rights;

(vii) She encourages it to take all necessary steps to set up a national human rights commission, in accordance with the Paris Principles.

(viii) She welcomes the creation of the Special Investigation Unit and encourages the Government to make every effort to make it effective and to develop a national strategy to combat impunity, including the setting up of community radio stations, getting them on-air and ensuring their national ownership;

(ix) She encourages the Government to continue rebuilding the judicial infrastructure and to proceed with the swift redeployment of judges to their duty stations;

(x) She also encourages it to continue cooperating with the international forces in order to protect civilians, to provide non-discriminatory assistance to victims, to disarm all armed groups and militias which possess arms illegally and to undertake a rapid reform of the security sector;

(xi) She calls on it to take all necessary steps for the effective deployment of local administrators (prefects and subprefects), in order to help re-establish the authority of the State over the entire country, and to continue its efforts to reopen schools and restore normal working conditions in hospitals and other health centres;

(xii) She urges it to develop a strategy for the return of displaced persons and refugees to their respective neighbourhoods, villages and towns;

(xiii) She recommends that the Government should initiate, with all the parties to the crisis, a consensual process of disarmament, demobilization, reintegration and security-sector reform and ensure its implementation.

59. The Independent Expert recommends that the ex-Seleka and anti-Balaka movements and other armed groups:

(a) Immediately cease acts of violence and violations of human rights and international humanitarian law in their spheres of influence, put an end to the recruitment and enlistment of children and not stand in the way of humanitarian personnel or deliveries of humanitarian aid anywhere in the Central African Republic;

(b) Renounce violence by adhering to disarmament programmes and the political process for the peaceful resolution of the crisis in the Central African Republic in order to avoid liability to prosecution and penalties.

60. The Independent Expert recommends that the international community:

(a) Mobilize humanitarian assistance and food aid and ensure that they reach their intended recipients;

(b) In the framework of urgent transitional measures and before the implementation of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), build up the resources of international missions, especially those of their human rights and justice sections, to enable them to monitor the human rights situation in the entire country, to strengthen the State's capacity in respect of administering justice and human rights and to support the Government in the implementation of human rights treaty body recommendations;

(c) Mobilize aid to support national initiatives for the promotion of human rights, transitional justice and national reconciliation, with a view to improved protection of human rights;

(d) Support the efforts of all Central Africans, including those of prominent political figures, in the Central African Republic and abroad, to take a determined, public stand against violence and impunity and in favour of national reconciliation;

(e) Pending the effective launch of MINUSCA operations, provide the international missions present in the country with resources and expertise enabling them immediately to restore security and the authority of the State, if necessary through interim measures and prerogatives;

(f) Support the development of a national strategy to combat impunity by providing additional technical assistance to the judiciary, the police, the gendarmerie and the prison system, in order to enable them to be operational, to combat impunity effectively and to restore order;

(g) Provide additional assistance to programmes of psychotherapeutic support and intercommunal reconciliation, support the mapping of local community initiatives in the area of conflict mediation, prevention and resolution, as well as the development of a national strategy to return displaced persons and refugees to their respective neighbourhoods, villages and towns;

(h) And, lastly, continue supporting security-sector reform and the national disarmament, demobilization and reintegration strategy, including for children and women.