

JUSTICE NOW

Towards lasting peace in the Central African Republic

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DE
GRANDE INSTANCE de MBAÏKI

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“WHAT SHOULD I DO NOW? SHOULD I GET ENROLLED IN AN ARMED GROUP? NO. I DON’T WANT REVENGE. MY REVENGE IS JUSTICE.”

These are the words of Yvon, a victim of the anti-Balaka armed group in the Central African Republic (CAR). Along with thousands of other victims of human rights violations committed since the outbreak of violence in 2013, he believes it is high time to put an end to the entrenched culture of impunity in the country, ensure justice for the victims and hold perpetrators to account.

BREAKING THE CYCLE OF VIOLENCE

Conflict and military coups have torn apart the lives of the people of the Central African Republic for decades. Since the renewed violence in 2013, the population has been affected by brutal human rights abuses and violations, as well as crimes under international law committed across the country by all parties to the conflict, mostly the anti-Balaka and ex-Seleka armed groups.

The current instability and insecurity in CAR stems from March 2013, when Seleka, an armed group made up mostly of Muslims from CAR and neighbouring countries, ousted the government of François Bozizé in a coup and committed serious human rights violations and crimes under international law. In the months that followed, the anti-Balaka, a collection of ‘self-defence’ militia made up largely of animists and Christians, carried out large-scale reprisal attacks against Muslims across CAR, reaching new levels in December 2013, when clashes between Seleka and anti-Balaka forces in Bangui led to the killings of nearly 1,000 civilians, prompting an international outcry and the resignation of Seleka President Michel Djotodia.

More than 5,000 people have been killed in the intensified violence since 2013,

which has caused an unprecedented humanitarian crisis. As of March 2017, over 460,000 people have fled and become refugees in neighbouring countries such as Chad, Cameroon and the Democratic Republic of Congo, and some 426,000 have been internally displaced.

Accountability for these crimes has been a consistent demand of communities across the country. In May 2015 the Bangui Forum, a national reconciliation conference brought together various stakeholders to find lasting solutions to the recurrent instability in the country. Participants in the forum rejected any claims for immunity and amnesties for those allegedly responsible for crimes under international law. Following his election in March 2016, President Faustin Archange Touadera reiterated his commitment towards accountability and bringing to justice those responsible for serious crimes.

As the country seeks to rebuild, impunity for perpetrators of gross human rights violations and crimes under international law continues to threaten peace and stability.



Naomi holds her 3-year-old daughter, born after she was raped by members of the anti-Balaka armed group. February 2017 © Amnesty International



TWO STORIES AMONG THOUSANDS

CLARISSE AND NAOMI*

Clarisse was raped alongside her then 19-year-old daughter, Naomi.

“They looted my house, took away my television, fridge and some money I had kept aside. They stole all the building materials including the metal sheet I had stored in my compound and with which I was planning to build extra rooms for my grandchildren. They threatened and insulted us. A few minutes later, some of the anti-Balaka threw me on the ground and two of them started to rip my clothes off and rape me. I collapsed. When I woke up, I was told that they [anti-Balaka forces] had raped my daughter Naomi as well.”

Clarisse, a 57-year-old widow, explained the tragic sequence of events that changed the lives of both she and her daughter on the night of 23 December 2013 when 11 armed anti-Balaka attacked her house in Combattant neighbourhood, near Bangui airport.

A few weeks later, Naomi was diagnosed as HIV-positive and became pregnant as a result of the rape. She gave birth to a baby girl who is also HIV-positive.

“I want the perpetrators to be prosecuted for what they have done to my daughter and me. I want to be compensated for all that I have lost.”

DELPHINE

“He was a serious and calm man, all he liked to do was write songs and sing in his church choir.”

This is how Delphine remembers her brother, Elisée, who was killed by ex-Seleka on 5 December 2013. On the night of 4/5 December, there had been violent confrontations between anti-Balaka and ex-Seleka armed groups in the capital, Bangui. Elisée took refuge along with many others in Amitié Hospital in the city, thinking he would be safe. At 10am on 5 December, dozens of armed ex-Seleka burst into the hospital and shot 14 men in the courtyard - Elisée was among them.

Delphine filed a complaint at the High Court of Bangui but to date there has been no follow-up by the prosecutor or judicial authorities. She reassured herself “One day they will call me and justice will do its job”.

* Not their real names



Demonstrators shout slogans and hold a placard reading 'We need peace in RCA' (Central African Republic) during a protest on January 5, 2013, in Bangui. © Sia Kambou



“Reconciliation cannot be achieved at the cost of impunity.”

President Touadéra, November 2016

Clarisse and Naomi’s story is one of many from people in the Central African Republic who have become victims during the crisis. During the Bangui Forum of 2015, civil society rejected amnesties and recommended several accountability mechanisms. The Forum gave voice to a population in favour of dialogue and reconciliation, but which has also identified justice and reparation for the damages inflicted as a necessary condition to achieve this.

It should be noted that several steps have already been taken towards accountability. A Special Criminal Court is in the process of being established, to be comprised of international and national staff, which have jurisdiction over crimes under international law and serious human rights abuses and violations committed during the conflict. Investigations have also been opened by the International Criminal Court. Criminal trial sessions were held in June 2015 and August and September 2016 although they faced challenges. The UN has placed sanctions on 10 individuals for their alleged responsibility for crimes under international law and other human rights abuses and violations.

However, impunity remains the norm and in the vast majority of cases the authorities have failed to ensure effective investigations into those suspected of having committed crimes under international law.

The absence of justice and accountability threatens the government’s objectives of reconciliation, and economic and social development. The sense of impunity is in part due to the large-scale nature of the crimes committed. The domestic justice system in the Central African Republic, already fragile prior to the outbreak of conflict in 2013, was weakened further and has been unable to withstand the pressure. Key challenges include: mistrust of the justice system by the population; lack of infrastructure as several destroyed court and other state buildings remain non-operational; shortages of trained lawyers, magistrates, and other judicial personnel; continued insecurity which limits the re-establishment of the rule of law throughout the country; a dysfunctional corrections system; and the lack of priority and funding given to the justice sector by successive governments.



The prison (B) and the High Court (A) of Carnot looted during 2012-13 crisis. June 2016 © Private

Rebuilding the country's domestic justice system entails addressing its many shortcomings, particularly the lack of functioning judicial institutions throughout the country, the shortage of qualified legal personnel, the lack of financial and material resources, the lack of victim and witness protection measures, and the weakness of the prison system. In the meantime, the Special Criminal Court provides some hope for victims, but the process of establishing it has been slow.

Nearly four years after the outbreak of the 2013 violence, many victims remain distrustful of the judicial system and chronic delays in obtaining justice continue.

“I have not seen the evolution of justice so far. It has been three years and there are delays until today. Considering they know the criminals and they have the evidence, it is not acceptable that they are still free and not arrested. We have already filed a complaint. We are waiting for justice.”

A man whose younger brother was killed, allegedly by men under the command of the ex-Seleka colonel named Bishara on 5 December 2013.



The entrance to the High Court of Bangui, which will be the headquarters of the Special Criminal Court. February 2017 © Amnesty International



“I would feel relieved if he was judged and sentenced, even though nothing will ever erase this from my mind.”

A woman who was raped at the age of 16 by members of the anti-Balaka armed group at her home in Boy-Rabe on 22 August 2014.

JUSTICE, NOW.

The Central African Republic’s judicial system must be strengthened in order to restore trust and build a pathway to accountability for crimes under international law. This is only possible with political will and the renewed political and financial support of the country’s partners in the fight against impunity and for accountability for grave crimes.

The International Donors’ Conference held in Brussels, Belgium, in November 2016 was an opportunity for partners to reiterate their support and make commitments to support the efforts of the government to achieve peace, security and reconciliation.

It is now time for the Central African Republic government partners to honour these commitments, giving priority to the budget earmarked for strengthening the country’s judicial apparatus and putting the Special Criminal Court into operation under the National Recovery and Peacebuilding Plan.

While the national justice system gets back on its feet, it is crucial to continue to strengthen the Special Criminal Court and collaborate with the International Criminal Court. Important steps are already taken towards establishing a properly functioning Special Criminal Court, including the appointment of the Special Prosecutor in February 2017, the nomination of two international magistrates, five national magistrates and the creation of a selection committee for judicial police officers.



Central African Republic President Faustin-Archange Touadera (R) and EU High Representative for Foreign Affairs Federica Mogherini (C) pose during a family photo with delegates on the side of the Brussels Conference for the Central African Republic at the European Council in Brussels on November 17, 2016 © Emmanuel Dunand/AFP



Just as Yvon, Clarisse and Delphine, many of the victims of the 2013 conflict want to turn this dark page of their story. They strongly believe that justice and reparation for the damages inflicted is a necessary condition to achieve a long and lasting peace in the Central African Republic.

The Central African Republic's domestic justice system has been, so far, unable

to cope and needs significant and sustained investment to be rebuilt. There also needs to be unfailing support to the two other avenues that exist to ensure accountability for crimes under international law in the shorter term – the Special Criminal Court, and the International Criminal Court.

It is now time for victims of the conflict to obtain justice.

WE ARE CALLING ON THE AUTHORITIES IN THE CENTRAL AFRICAN REPUBLIC TO:

- Ensure that prompt, rigorous, independent and impartial investigations are carried out into serious allegations of crimes committed under international law and other human rights abuses.
- Ensure that the perpetrators are judged by the national judicial system and/or by the Special Criminal Court and the International Criminal Court in fair trials without recourse to the death penalty.
- In collaboration with partners, strengthen the capacity of, and provide material support to, the police and the gendarmes to conduct investigations, including by collecting material evidence.
- Provide the justice sector with the necessary resources to investigate and prosecute crimes under international law. It must increase the budget of the Ministry of Justice and allocate appropriate resources to ensure its effective functioning and good management.
- Continue to invest in the renovation and refurbishment of court buildings and detention facilities as well as organize mobile court hearings.
- Continue and intensify the progress made in the recruitment of national and international judges as well as other Special Criminal Court staff, in collaboration with the UN, and ensure that the process is independent, transparent and merit-based.

■ Develop and implement legislation regarding victim and witness protection applicable to both the Special Criminal Court and other national courts.

■ Continue its full collaboration with the International Criminal Court.

■ Ensure that information sessions on the Special Criminal Court are held together with the UN, and that an outreach programme is developed to inform the population, including outside Bangui, about the Court's activities.

WE ARE CALLING ON PARTNERS WITH THE CENTRAL AFRICAN REPUBLIC TO:

■ Ensure sustainable funding to guarantee the proper functioning of the Special Criminal Court.

■ Honour the commitments made during the International Donors' Conference of November 2016. These included providing US\$105 million earmarked from the national recovery and peacebuilding plan, to strengthen the judicial system.

■ Provide technical support and human resources to the Special Criminal Court, including by nominating qualified judges and staff.



↑ Participants to a workshop on justice for victims in the Central African Republic, March 2017 © private

TOGETHER WE MAKE A DIFFERENCE

#CARJustice

#CARJustice is Amnesty International's campaign to achieve justice and reparation for victims of the violence. This will be made possible through:

- strengthening the national justice system, including by ensuring effective functioning of national jurisdictions in order to break the cycle of impunity; and
- ensuring support to the Special Criminal Court and the International Criminal Court to enable victims to obtain justice.

Join Amnesty's #CARJustice campaign and help defend the right to justice for Clarisse, Naomi, Delphine and hundreds of other victims in the Central African Republic.

For further information, see *The long wait for justice: Accountability in the Central African Republic* (Index: AFR 19/5425/2017) at <https://www.amnesty.org/fr/documents/afr19/5425/2017/fr/>

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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Cover image: High Court of Mbaiki renovated by MINUSCA, April 2017, © MINUSCA

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