

**CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND**

**UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN  
CONFLICT**

**INTERIM NARRATIVE REPORT COVER PAGE**

<b>Participating UN Organization(s):</b> UNDP	<b>Project <sup>1</sup> Title:</b> “Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR”  <b>Project Number:</b> TOE#2
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<sup>1</sup> The term “project” is used for projects, programmes and joint programmes

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<p><b>UN Action pillar of activity:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Advocacy</li> <li><input type="checkbox"/> Knowledge building</li> <li><input checked="" type="checkbox"/> Support to UN system at country level</li> </ul>	<p><b>Reporting Period:</b> 1 September 2023 – 31 December 2023</p>
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<sup>2</sup> Project contribution total and breakdown: \$1,605,025.73 (December 2019, UNDP - \$500,000; December 2020, UNDP - \$529,942.46; December 2021, UNDP - \$373,923.27; June 2022, UNDP - \$101,115; August 2023, UNDP - \$100,045).

## Interim Narrative Report Central African Republic

### I. Background

#### A. Normative Framework

Since December 2013, the Central African Republic (CAR) has experienced violent conflict, and its institutions have been in deep crisis. Conflict-related sexual violence (CRSV) has been a prominent feature of the criminality engaged in by the different parties to the conflict,<sup>3</sup> and persistent widespread impunity has contributed to cycles of violence.<sup>4</sup> Insecurity and weak national institutions are major factors affecting the ability of national rule of law institutions to investigate and prosecute perpetrators of serious crimes, including CRSV.

In 2019, in order to bring a durable end to the crisis and reduce violence, the Government of CAR and 14 non-state armed groups signed the Political Agreement for Peace and Reconciliation in the Central African Republic (APPR-RCA) under the auspices of the African Initiative for Peace and Reconciliation in CAR, led by the African Union (AU) and supported by the United Nations. The APPR-RCA recognizes that impunity has been a key driver of the conflict, establishes the fight against impunity as one of the core principles the parties must implement to ensure lasting peace and calls on the parties to the agreement to stop perpetrating sexual violence.<sup>5</sup>

These developments led the current Government to reaffirm its commitment to addressing CRSV, specifically by signing a new Joint Communiqué on the prevention and fight against CRSV<sup>6</sup> with the United Nations during the visit of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to CAR in 2019. In this Joint Communiqué, the Government specifically committed to several justice sector outcomes, including:

- Fighting against impunity by bringing the perpetrators of sexual violence to justice and ensuring access to justice for victims;

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<sup>3</sup> MINUSCA *et al.*, *Report of the Mapping Project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015*, May 2017, p. 214.

<sup>4</sup> For instance, Hassan Bouba Ali, former top coordinator of the armed group *Unité pour la paix en Centrafrique* was released on 26 November 2021 in defiance of court orders. He was arrested on 19 November 2021 on war crimes and crimes against humanity charges brought by the SCC. But national gendarmes escorted him to his home on the day he was scheduled to appear before the court (Independent Expert on the Human Rights situation in the Central African Republic, *Central African authorities must return ex-rebel leader to custody, and under jurisdiction of Special Criminal Court*, UN expert says, 9 December 2021, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27939&LangID=E> (last visited 8 March 2022)).

<sup>5</sup> Political Agreement for Peace and Reconciliation in the Central African Republic, S/2019/145, 15 February 2019.

<sup>6</sup> *Communiqué conjoint entre la République centrafricaine et l'Organisation des Nations unies : Prévention et lutte contre les violences sexuelles liées au conflit*, 31 May 2019, para. 1.8-1.15, available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/joint-communique/joint-communique-of-the-central-african-republic-and-the-united-nations-on-prevention-and-response-to-crsv/20190531-JointCommuniqué-of-Govt-of-CAR-and-UN.pdf> (last visited 8 March 2022).

- Allocating sufficient resources and providing political support to the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (*Unité Mixte d'Intervention Rapide et de Répression des violences faites aux femmes et aux enfants*, hereinafter the UMIRR<sup>7</sup>);
- Ensuring victims' access to reparations, including guarantees of non-repetition; and
- Excluding perpetrators of sexual violence from amnesty measures.

This Joint Communiqué updates the previous engagements taken by CAR authorities in 2012 when the United Nations had signed two Joint Communiqués to strengthen the prevention and response to CRSV with the Government of CAR and with the Disarmament, Demobilization and Reintegration Steering Committee of CAR. In November 2021, a presidential focal point on sexual violence in conflict was appointed to promote governmental initiatives for the implementation of the Joint Communiqué.

## **B. Political and Security Context**

The seventh Republic of CAR was formally established following the promulgation of the new Constitution on 30 August 2023, after the referendum held on 31 July.<sup>8</sup> The opposition, some civil society and religious organizations, as well as a number of armed groups, have criticized the new Constitution, with controversies remaining over some provisions, such as those pertaining to eligibility requirements for contesting elections. Although the security situation was relatively calm during the referendum, an increase in violations of civil and political rights, including hate speech, incitement to violence and the targeting of political opponents, civil society and specific ethnic or religious minorities on social media and during political demonstrations has been documented by MINUSCA.

Despite efforts to address the security challenges in CAR, the presence of armed groups in some parts of the country continue to impact on the security, humanitarian, and human rights situation. Between April and September 2023, 96 cases of CRSV, affecting 130 individuals (63 women and 67 girls) have been documented by the MINUSCA. A comparison between the third and second quarters reveals a 12% decrease in the number of violations and a 33% increase in the number of victims. CRSV increased due to security concerns in the regions where armed groups operate, and where armed forces and other security personnel are conducting military operations.

Nevertheless, the Government of CAR has demonstrated some political will in preventing and combating impunity for crimes of CRSV. In this respect, in line with recommendations from the diagnostic report assessing the state of the judicial response to CRSV crimes produced by the Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts), President Touadéra adopted important measures, including the appointment of a focal point at the Presidency for Sexual Violence in Conflict in September 2021<sup>9</sup> and, in November 2021, established a Strategic Committee for the fight against conflict-related sexual and gender-based violence in the CAR, that he chairs. The Strategic Committee aims to meet quarterly to discuss political and

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<sup>7</sup> The UMIRR is a specialized unit composed of police and gendarmes mandated to investigate sexual violence crimes.

<sup>8</sup> On 21 August 2023, the Constitutional Court announced the final results. Of the total vote, 95.03 per cent were cast in favor of the new Constitution, with 57.23 per cent of registered voters having participated.

<sup>9</sup> The Minister Counsellor for Child Protection Josiane Bemaka Soui was appointed.

strategic guidance for the President to address these crimes. To support its work, an action plan for 2022 – 2023 has been drafted by a Technical Committee, co-chaired by the Ministry of Justice and the Minister Counsellor for Sexual Violence in Conflict. The action plan is designed to provide a framework for the implementation of the President’s vision in the fight against sexual and gender-based violence.<sup>10</sup> On 8 September 2023, during the presentation ceremony of the semi-annual report of the Strategic Committee, President Touadéra announced the extension of the action plan until December 2026. He also informed about the establishment of a reparations fund for survivors and the appointment of a Prosecutor for issues related to sexual violence in conflicts. On 9 October 2023, Ms. Sandrine Koirokpi was appointed the Prosecutor.

### **C. Judicial Context**

#### *Ordinary jurisdictions*

Two criminal sessions have been held by the Bangui Court of Appeal, with the support of the United Nations in 2023, as mandated by the national law. During the first 2023 criminal session, the Bangui Court of Appeal tried 50 defendants, resulting in 43 convictions, including for charges of conflict-related sexual and gender-based violence. Fifteen victims and witnesses received support by MINUSCA to testify before the Court of Appeal.

During the second criminal session of 2023 held in the Bangui Court of Appeal, 20 cases of conflict-related sexual and gender-based violence were tried and 22 victims and witnesses received MINUSCA support to testify in these cases. For the first time, there were two courtrooms, including one dedicated to the use of witnesses and victims’ protection measures, especially for cases of sexual and gender-based violence. This is the third criminal session where protection measures were taken into consideration, following partners’ advocacy, which constitutes significant progress.

#### *Special Criminal Court*

In 2022, the Special Criminal Court (SCC) held its first trial against Issa Sallet Adoum, Ousman Yaouba and Mahamat Tahir, which included charges of rape constituting both war crimes and crime against humanity. On 31 October, the SCC’s Trial Chamber convicted Issa Sallet Adoum, as a military superior, of rape constituting both a war crime and a crime against humanity. The SCC’s Appeals Chamber confirmed this conviction on 20 July 2023. This represents a landmark in the fight against impunity for CRSV and it sends a strong signal to victims. Criticisms were raised regarding the fact that the three convicted are not the leaders of the armed group and were only low-level commanders.

On 16 June 2023, the SCC’s Trial Chamber delivered its judgment on civil interests (reparations) in this case. The SCC’s Trial Chamber awarded financial reparations to the civil parties recognized as victims of crimes committed by Issa Sallet Adoum, Ousman Yaouba and Mahamat Tahir. It

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<sup>10</sup> The Action Plan focuses mainly on reporting of progress in implementing of the national action plan to the Strategic Committee judicial and legislative initiatives, assistance to victims, coordination, data collection, and institutional support. This plan is also contributing to filling gaps highlighted by MARA members, including insufficiency of service providers for sexual violence survivors in remote areas considered as CRSV hotspots.

also granted the request for the construction of historical monuments in the villages of Lemouna and Koundjili, as well as the request for collective reparations in the form of the construction of two wells in each of these two villages.

On 23 October, the SCC's Appeals Chamber delivered its judgment on the appeal against the Trial Chamber's judgment. The SCC's Appeals Chamber ordered the inclusion of five victims of sexual violence in the list of participants of a project which provides medical and psychological care, training opportunities and socio-economic reintegration support for victims of SGBV. The fact that the Appeals Chamber added the participation of victims of CRSV to a project taking into consideration a holistic approach is significant and encouraging for further developments of specific reparations for survivors in CAR.

## **II. Objective/Outputs**

The project was designed to strengthen the capacity of the national authorities to work collaboratively to investigate and adjudicate CRSV cases and respond adequately to the demands of the citizens of CAR. Through this project, the Team of Experts helped to ensure justice and accountability for the crimes committed, contributed to the strengthening of rule of law institutions, and promoted peace and security in CAR.

Through this project, based on a context-specific and victim/survivor-centred approach, the Team of Experts continued to assist the Government of CAR to implement the UN Security Council's agenda on Women, Peace and Security, as well as the Sustainable Development Goals of the 2030 Agenda for Sustainable Development. Indeed, the project contributed to the realization of Goal 16 on peace, justice and strong institutions, particularly by promoting the rule of law at the national and international levels and ensuring equal access to justice for all (SDG target 16.3). It also promoted the implementation of Goal 5 on gender equality and empowerment of women and girls, by supporting the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (SDG target 5.2).

## **III. Progress/Results**

The project has been implemented jointly by the Team of Experts, UNDP and MINUSCA, as part of the United Nations Joint Justice Project<sup>11</sup> in Bangui.

### ***The roundtable on accountability for CRSV***

During the reporting period, the primary focus was to organize jointly with the Government of CAR, and with support of MINUSCA, UNDP and civil society partners, a high-level roundtable on accountability for CRSV crimes in November 2023. The roundtable aimed at identifying recommendations to strengthen the judicial and non-judicial response to CRSV that will serve as a roadmap for further UN and international community engagement to support the advancement

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<sup>11</sup> See *supra* note 15.

of accountability in CAR. The activity aligned with the action plan of the Government of CAR and existing strategic documents.<sup>12</sup>

The event brought together a range of stakeholders including national and local authorities in CAR, victims' associations, civil society organizations, technical and financial partners, experts in the field of CRSV, and some members of the diplomatic community. During the three-day event, two technical workshops were organized and divided in two main themes: (i) the role of survivors and witnesses in the judicial process and in transitional justice, and (ii) the strengthening the legal framework and judicial response to CRSV crimes.

Each technical workshop was composed of several groups led by a facilitator and a reporter dedicated to discussing a specific thematic. Each group was composed of national and international actors and benefited from the participation of survivors as active agents of their own path toward justice. Overall, each workshop gathered more than 60 actors, including several representatives from the regions. The event was opened by the Minister of Justice and the SRSG-SVC, and was closed by President Touadera, demonstrating the strong political will of Government of CAR. Many recommendations were suggested during the roundtable, and a dozen have been considered as key priorities.

In the next phase of its engagement, the Team of Experts jointly with UNDP and MINUSCA will develop the roadmap based on the recommendations and issues from the roundtable and implement the activities considered as priorities to strengthen the judicial response to CRSV.

### ***The development of a five-year strategic plan (2024-2028) for the UMIRR***

To address the challenges faced by the UMIRR and to enhance its operational and administrative capacities, UNDP, in collaboration with the UNPOL/SPT/SGBV team, assisted the UMIRR in developing its five-year strategic plan (2024-2028). The draft strategic plan was presented for validation to all stakeholders supporting the UMIRR, civil society organizations and representatives of UMIRR's four key ministries, as well as technical and financial partners.

On 29 and 30 November 2023, UNDP in collaboration with MINUSCA organized a two-day workshop with the participation of the national stakeholders and international technical and financial partners supporting UMIRR and involved in the drafting of the strategic plan. The participants thoroughly reviewed both the form and content of the draft strategic plan, providing contributions, and suggesting amendments. Following the discussions, the five-year strategic plan was validated with the approved amendments.

A committee, composed of experts and resource persons from the UMIRR's four key ministries, will consolidate the final version of the strategic plan by February 15.

The UMIRR's five-year strategic plan is intended to serve as a guiding framework for all partners' support to UMIRR. It is based on five areas of intervention:

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<sup>12</sup> The two Joint Communiqués signed by the Government of CAR and the United Nations in 2013 and 2019, the diagnostic report on the judicial response to CRSV in CAR produced by the expert deployed by the Team of Experts and integrated into the Justice and Correction Section of MINUSCA.

1. Development of organizational and institutional capacities;
2. Strengthening mechanisms for preventing and prosecuting gender-based violence, CRSV, violations of children's rights and human trafficking offences, and improve services for holistic care;
3. Strengthening legal aid;
4. Digitization/database, strengthening the information and data management system; and
5. Coordination, monitoring and evaluation.

The UMIRR's five-year strategic plan 2024-2028 aims to ensure a shared vision of UMIRR's performance, clarify the roles of all stakeholders, harmonise its day-to-day activities and promote enhanced coordination between UMIRR's activities and those of its stakeholders.

#### **IV. Conclusion**

During the reporting period, the Team of Experts, in collaboration with UNDP and MINUSCA, successfully executed the main activities, including the organization of the Roundtable on accountability for CRSV crimes jointly with the Government of CAR. The Roundtable creates momentum that needs to be built upon. The recommendations issued form the core of a roadmap aimed at strengthening the judicial response to CRSV. These measures range from the development of the legal framework related to CRSV crimes to supporting the regional deployment of the UMIRR to provide services closer to victims outside of Bangui. The Team of Experts, with MINUSCA and UNDP, is committed to supporting the implementation of prioritized recommendations from the roundtable, as outlined in the roadmap endorsed by the Government.

Moreover, the Team of Experts envisions a unique opportunity to build on the appointment of a dedicated Deputy Prosecutor in charge of CRSV and trafficking. Supporting the work of the Deputy Prosecutor is expected to strengthen the judicial response to CRSV; enhance national capabilities to investigate, prosecute, and adjudicate these crimes; and establish new relevant practices.

Additionally, the Team of Experts will remain dedicated to actively supporting the UMIRR, providing technical and logistical assistance for its operational work, including investigations of CRSV crimes. The Team of Experts intends to support the SCC in prosecuting CRSV cases, including ongoing emblematic cases.

Strengthening the criminal justice chain is a long-term endeavor requiring sustained efforts to consolidate gains and address persistent challenges at both technical and strategic levels. In CAR, challenges persist in implementing portfolio activities due to the socio-political-security context, securing the country, and facilitating access to regions for the deployment of various national rule of law partners. Furthermore, there is a need for the resumption of full state stability at the central level, with a strengthened commitment to reforms in the areas of security, justice, the fight against impunity, and an allocation of state budget accordingly.