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

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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,³ and persistent widespread impunity has contributed to cycles of violence.⁴ 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 also calls on the parties to the agreement to stop perpetrating sexual violence.⁵

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 CRSV⁶ 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;

³ 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.

⁴ 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 Special Criminal Court. 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)).

⁵ Political Agreement for Peace and Reconciliation in the Central African Republic, S/2019/145, 15 February 2019. ⁶ Communiqué conjoint entre la République centrafricaine et l'Organisation des Nations unies : Prevention 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-communiqueofthe-central-african-republic-and-the-united-nations-on-prevention-and-response-to-crsv/20190531-JointCommunique-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 UMIRR⁷);
- 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 previous 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 during the COVID-19 Pandemic

This past year, the COVID-19 pandemic has had a detrimental impact on certain aspects of the rule of law response in CAR, including accountability for CRSV. The pandemic particularly impacted the capacity of victims to report crimes and access justice, and significantly slowed the ability of law enforcement to investigate, and of judicial authorities to prosecute and adjudicate crimes of sexual violence. In his last annual report to the Security Council on CRSV, the Secretary-General was alarmed that the measures aimed at curbing the spread of COVID-19 had an adverse impact on civilian security in the country, including increased reports of sexual violence.⁸

An additional challenging factor this year was the security situation in the country, which became increasingly unstable around the first round of presidential and legislative elections on 27 December 2020. Indeed, following the decision of the Constitutional Court on 3 December 2020 to disqualify former President François Bozizé from taking part in the upcoming presidential elections, the latter reportedly mobilized a coalition of armed groups named the Coalition of Patriots for Change (CPC).⁹ The CPC notably launched a number of attacks, including against the capital Bangui,¹⁰ and its members are suspected of having committed a number of human rights violations. ¹¹ Following the presidential and legislative elections, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) documented allegations of CRSV by the CPC, as well as by the national armed forces (FACA).¹²

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

⁸ Report of the Secretary-General on Conflict-Related Sexual Violence (S/2021/312), 30 March 2021, para. 20.

⁹ France 24, *Centrafrique : le gouvernement accuse l'ex-président Bozizé de fomenter un coup d'État*, 19 December 2020, available at :

https://www.france24.com/fr/afrique/20201219-centrafrique-le-gouvernement-accuse-l-ex-pr%C3%A9sidentboziz%C3%A9-de-fomenter-un-coup-d-%C3%A9tat (last visited 8 March 2022).

¹⁰ Deutsche Welle, *Central African Republic: Rebels launch attack on capital*, 13 January 2021, available at: https://www.dw.com/en/central-african-republic-rebels-launch-attack-on-capital/a-56215853 (last visited 8 March 2022).

¹¹ Report of the Secretary-General on the Central African Republic (S/2021/146), 16 February 2021, para. 57-61. ¹² Ibid.

Separately, the last report of the Panel of Experts reported on a number of human rights and international humanitarian law violations, including CRSV, perpetrated by the FACA.¹³

On the other hand, there has been some important progress witnessed in the country too. The Government has established a special commission of inquiry (*Commission Spéciale d'Enquête*) in May 2021, comprised of the three national prosecutor's offices, to investigate the crimes allegedly perpetrated notably by the FACA.¹⁴ More recently, the first hearing of the Special Criminal Court (SCC) was held on 17 December 2021 regarding the allegations of war crimes and crimes against humanity committed in Koundjili and Lemouna in Ouham-Pendé.¹⁵ However, no criminal sessions of the ordinary courts of appeal were organized in 2021. Also, following the deterioration of the security situation, a curfew has been implemented since 7 January, and President Touadera declared a nationwide state of emergency on 21 January 2021. Despite these events, the APPR-RCA continues to be implemented.¹⁶

C. Team of Experts' Engagement in CAR

Within this framework of the Joint Communiqué and as part of the successive United Nations Joint Justice Projects in CAR,¹⁷ the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts) has identified and supported the implementation of a number of activities aimed at strengthening the security and judicial response to CRSV in CAR since 2012. These activities include: the development of public perception surveys of the security and judicial responses to sexual violence; the initial conception of a judicial database, containing specific information on CRSV cases; the provision of inputs to the draft law on the creation of a SCC;⁶¹⁸ and the creation and operationalization of UMIRR.

The Team of Experts has also recruited a Technical Specialist who is embedded in MINUSCA's Justice and Corrections Section (MINUSCA-JCS) and works notably with MINUSCA's police component, Human Rights component, and UNDP. The Technical Specialist oversees the implementation of the projects of the Team of Experts. This expert provides ongoing mentoring and technical support to the UMIRR and regularly liaises with the Special Prosecutor, magistrates

et-lemouna-en-proces.html (last visited 8 March 2022).

¹³ Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2536 (2020) (S/2021/569), 25 June 2021, para. 42.

¹⁴ See, for instance, Anadolu Agency, *RCA*: mise en place d'une commission d'enquête sur les exactions attribuées aux militaires russes - Elle dispose de trois mois pour rendre les résultats de son enquête, 15 May 2021, available at <u>https://www.aa.com.tr/fr/afrique/-rca-mise-en-place-dune-commission-d-enqu%C3%AAte-sur-les-exactions-attribu%C3%A9es-aux-militaires-russes/2242272</u> (last visited 8 March 2022).

¹⁵ Radio Ndeke Luka, *Centrafrique : la CPS renvoie l'affaire Koundjili et Lemouna en procès*, 23 December 2021, available at https://www.radiondekeluka.org/actualites/justice/37912-centrafrique-la-cps-renvoie-l-affaire-koundjili-

¹⁶ Report of the Secretary-General on the Central African Republic (S/2021/146), 16 February 2021, para. 21-23.

¹⁷ Currently, the Team of Experts contributes with MINUSCA and UNDP to the implementation of the Joint Project titled "*Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR*", covering the period 2020-2023. In particular, the Team of Experts will focus on supporting the implementation of the third output of the Joint Project, aimed at improving women's access to justice and security, including through the prosecution, investigation and adjudication of sexual and gender-based violence cases.

¹⁸ The SCC is a national court established to investigate and prosecute serious crimes committed in CAR since 1 January 2003. Further information on the SCC can be found online at <u>https://www.cps-rca.cf/</u> (last visited 8 March 2021).

and Special Judicial Police Unit of the SCC, as well as with prosecutors of the ordinary justice system, to ensure that CRSV cases are investigated and prosecuted.

Also, while the COVID-19 pandemic still imposed restrictions on its work during the reporting period, the Team of Experts was able to progress in delivering many of its key objectives and to move accountability for CRSV forward together with its key partners, especially by building a number of strategic partnerships with essential stakeholders¹⁹.

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 the 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 the CAR.

Through this project, based on a context-specific and victim/survivor-centered 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 Project²⁰ in Bangui. The project's activities have been led, planned and conducted directly by the Technical Specialist deployed in MINUSCA-JCS, with the support of the broader Team of Experts and a police specialist.²¹

OUTPUT 1: Capacity of CAR investigative authorities to investigate CRSV is enhanced.

Activity 1.1 – Train and mentor police investigators and police officers serving in the UMIRR, the SCC, and the sexual violence desks of police stations, particularly on investigation techniques, communication with and support for victims, case analysis and referral systems.

¹⁹ For more details, see "Section III. Progress/Results".

²⁰ See *supra* note 15.

²¹ The police specialist provided direct field support to the implementation of the project during the third quarter of 2022.

The Team of Experts conducted two practical training sessions on evidence collection in April and December 2021 for the UMIRR judicial police officers and the investigative unit of the SCC (better known under the French acronym USPJ).

Each five-day session allowed 30 judicial police officers (20 from the UMIRR and 10 from the USPJ) to strengthen their technical skills in evidence collecting during CRSV investigations. After a general introduction on the evidence, evidence collection, and a strong chain of custody, the participants discussed and analyzed the types of evidence that were most relevant to CRSV investigations, including the identification of a chain of command. The participants then debated how to develop these skills and to plan and conduct a field investigation.

In order to foster further synergies between the participants and strategic actors working on the prevention and protection against CRSV, the trainings were co-led by a wide range of stakeholders, which included representatives from medical NGOs, the International Criminal Court, the Victims and Witnesses Protection Unit of the SCC, and national judicial authorities. Through the training, the participants were able to enhance their expertise on CRSV investigations. Also, they improved their understanding of their respective mandates and built horizontal connections among the participants that are essential for a victim-centered judicial response to CRSV.

Throughout the year, the Team of Experts also implemented a series of mentoring sessions for the judicial police officers of the UMIRR (i) to ensure their knowledge acquired through the training was fully integrated and (ii) to provide additional capacity-building support on specific cases. In May, for instance, the Team advised the acting director of the UMIRR to facilitate access to justice for victims of rapes allegedly committed by other security personnel in CAR. Three complaints had been filed with the UMIRR and transferred to the Prosecutor's Office of Bangui's High Court. However, no investigation was initiated. The Team of Experts, therefore, advised the acting director which procedural steps should have been followed in these cases and that the UMIRR needed to closely communicate with the Prosecutor's Office to ensure they start the investigation on these cases. Also, in November and December, the Team organized three mentoring sessions for a total of 27 UMIRR judicial police officers (i) on the management of police records to improve record-keeping and case tracking within the UMIRR, (ii) on the principles of ethics, deontology, and police conduct that are central to establishing an environment that can allow victims to share testimonial evidence comfortably and confidently, and (iii) on good practices about how to draft police reports and to facilitate the communication between judicial police officers and the competent prosecutor's office. In July, the Team organized a mentoring session for 10 judicial police officers of the USPJ on the PEACE method of investigative interviewing. Through these mentoring sessions, the Team of Experts facilitated the implementation of international standards and best practices concerning victim-centered investigations of CRSV crimes by the UMIRR.

In May, the Team of Experts assisted the Prosecutor of the High Court of Kaga Bandoro in organizing a lesson-learned exercise on the field investigations conducted by the UMIRR in Bossangoa in 2018 and in Kaga-Bandoro in 2019 (150 and 264 victims of CRSV were interviewed respectively during these investigations). A wide range of stakeholders participated in this session, including the prosecutors, the acting director and 10 judicial police officers of the UMIRR, a representative of the office of the Prosecutor of the High Court of Bangui, as well as representatives of MINUSCA and UNDP. The participants were asked to identify and analyze the

best practices and any shortcomings, during and after these field investigations. Through this workshop, the participants were able to identify corrective actions and strategies for better documentation practice for more effective criminal procedures and a better future planning of field investigations.²²

The Team of Experts also provided technical support to the UMIRR to finalize the investigative report of the field investigations conducted in Kaga Bandoro in 2019 and facilitate the transfer of 30 complaints of CRSV to the Prosecutor's Office of the High Court in Bangui. This support was essential to ensure the investigative files transferred were as complete as possible and allowed the prosecutor to follow up promptly on these cases.

In addition, the Team of Experts together with UNDP and MINUSCA continued to support strengthening the UMIRR internal referral pathway to facilitate access to all the victims seeking the UMIRR support to the relevant services provided in its facilities.²³ In particular, the Team worked within the dedicated working group of the framework of cooperation of the UMIRR²⁴ to support the finalization of a new internal referral pathway in the UMIRR and its implementation tools. With greater coordination between the UMIRR and its line ministries, this technical support led to the adoption of the new UMIRR internal referral pathway in July 2021. This new pathway has improved victims' referrals in the UMIRR and contributed to strengthening the cooperation among the various services in the unit.

Finally, the Team of Experts continued to lead the joint coordination strategy between all the UN entities supporting the UMIRR. This mechanism was developed in 2020 to promote coordination among all the UN actors supporting the UMIRR.

Activity 1.2 – Provide logistical and material support to the UMIRR and the SCC to conduct investigations

While the Team of Expert supported the advocacy efforts of its partners and co-leads (especially through MINUSCA, UNDP, and the SRSG-SVC), the Team also continued to provide material and logistical support to the UMIRR to ensure its budget was included under the State budget.²⁵ This support materialized in providing office supplies and constructing interview rooms in the UMIRR facilities, which provide safe and comfortable rooms for victims to share their experiences with investigators.

In addition, the Team of Experts, together with MINUSCA and UNDP, assisted the Prosecutor of the High Court of Kaga Bandoro to plan and conduct a complementary field mission by the UMIRR in Kaga Bandoro in October. Indeed, following their field mission to Kaga Bandoro in August 2019, the Prosecutor of the High Court of Kaga Bandoro requested the UMIRR conduct further investigations in this case to collect additional evidence. The Team especially deployed to

²² See notably the details regarding the planning of the follow-up mission to Kaga-Bandoro.

²³ The services include a medical service, psycho-social assistance service, and legal aid service.

²⁴ The framework of cooperation brings together national authorities, civil society organizations and UN entities supporting the work of the UMIRR.

²⁵ Since 2020, the State budget partially includes the UMIRR's operational budget. A total amount of 5.5 million Central African CFA franc is indeed granted for the purchase of stationery and fuel supplies.

Kaga Bandoro with two judicial police officers from the UMIRR, the Prosecutor of the High Court of Kaga Bandoro, and members of the Internal Security Forces based in Kaga Bandoro to provide technical advice *in situ* to the judicial authorities. Based on the preliminary findings, a follow-up deployment is currently being planned for the second quarter of 2022, under the leadership of the Prosecutor of the High Court of Kaga Bandoro and with the Team's continued technical support. Further investigations will considerably strengthen the investigative file and increase the probability of seeing the case brought to trial.

During the last quarter of 2021, there were an increased number of reports of CRSV cases perpetrated in the region of Bangassou, Mbomou prefecture, by members of armed groups. Thus, the Team of Experts worked closely with the Human Rights Division of MINUSCA and provided technical and material support to the Prosecutor of the High Court of Bangassou to facilitate criminal investigations in the alleged CRSV cases. In response to the Prosecutor's call for support, the UMIRR was planning to conduct a field investigation in December with the support of judicial police officers in Banhassou and the Teams of Expert. However, due to the sudden deterioration of the security situation in Bangassou, the mission had to be postponed. It is now expected to take place in March 2022.²⁶

OUTPUT 2: Capacity of CAR judicial authorities to prosecute and adjudicate CRSV crimes enhanced.

Activity 2.1 – Provide technical advice and support to the ordinary criminal courts and the SCC

In November, the Team of Experts, together with MINUSCA and UNDP, organized a training session on the prosecution and adjudication of CRSV as an international crime for 15 prosecutors and investigative judges of the Courts of Appeal of Bangui and Bouar. The training outlined the types of sexual violence as international crimes, their contextual elements, and the various forms of responsibility. Through the training, the participants received an in-depth briefing on victim and witness protection measures available in CAR, especially at the SCC. In addition, the training covered the best practices to promote a victim-centered approach when prosecuting and adjudicating CRSV crimes.

The Team of Experts started providing mentoring sessions on gender and sexual violence to the focal points of the framework of cooperation instituted by the Ministry of Justice in 2019. For instance, the first mentoring session held in October allowed the participants to understand the rules of evidence on the most common types of evidence used in CRSV cases, with a specific focus on medical certificates.

In February, the Team of Experts also led a session of a training organized for 25 lawyers of the nine legal clinics supported by the United Nations Joint Justice Projects throughout the national territory. The Team particularly trained participants on the law governing criminal procedure for cases of sexual violence in CAR. Through this training, the Team contributed to strengthening the capacity of the lawyers of the legal clinics to provide high-quality legal advice to victims of CRSV seeking access to justice.

²⁶ The technical and material support provided to this mission will be reflected in next year's report.

Activity 2.2 – Organize two roundtables bringing together police investigators and prosecutors working on CRSV cases (UMIRR, ordinary courts and the SCC).

The Teams of Expert presented to the Government of CAR its in-depth diagnostic analysis of the judicial response to CRSV in the country. Its conclusions were officially endorsed by the Government. The Team is now planning a workshop that brings together key ministries to establish a roadmap to implement the recommendations of the report. The key findings of the report have also been presented to Member States in New York during a virtual briefing organized in October 2021.

Also, the Team of Experts and the national authorities started working together to address some of the persisting challenges that hinder a victim-centered justice response in the country. For instance, the Team supported the Working Groups on the Strengthening of the Criminal Justice Chain of the National Justice Sector Policy²⁷ together with MINUSCA and UNDP, in organizing in March 2021 a workshop to sensitize judicial authorities on the persisting practice of the requalification of criminal acts (e.g., incidents of rape) as misdemeanors or minor offences. The workshop allowed the participants (including UMIRR, prosecutors, investigative judges, and representatives from the Ministry of Justice) to exchange their views on the impact that the requalification of rape has on victims and to identify the factors promoting such practice, as well as potential strategies to address them.

In December 2021, the Team of Experts and UNDP supported the Working Groups of the National Justice Sector Policy in planning a workshop on victims and witness protection. While the Government adopted a national strategy to protect victims and witnesses in 2017, few judicial actors are aware of this tool and its mechanisms. About 50 participants from different sectors (such as the Ministry of Justice, judges, prosecutors, lawyers, and civil society representatives) joined the workshop. The workshop gave an overview of the implementation plan of the Government's strategy for victim and witness protection. In the end, the participants discussed and endorsed the priority actions, which were subsequently integrated into the work plan of the Working Groups of the National Justice Sector Policy.

Moreover, the Team of Experts developed a note on the potential avenues to develop a formal cooperation framework between the UMIRR and the SCC, in line with the relevant legal framework. The note has been presented and discussed with the key stakeholders to collect their views. In 2022, the Team will organize a workshop to facilitate the definition and potential endorsement of the cooperation framework.

The Team of Experts, with MINUSCA and UNDP, also continued providing material and technical support to Harvard Humanitarian Initiative (HHI), for the completion of the second survey out of a series of three surveys that started in 2019. The perception surveys conducted over the past three years with more than thirty thousand people by HHI, in collaboration with the Central African NGO Echelle - Appui au Développement, provide important insights on sexual violence and gender-based violence, the restoration of State authority and transitional justice.

²⁷ The policy was adopted on 12 December 2019, which provides a roadmap for the reform of the justice system for the next five years

The second survey was finalized in December 2020²⁸ and conducted in 13 prefectures and the city of Bangui. The findings shed light on the high expectations of the populations in regard to peace, justice, and to know the truth for crimes perpetrated in CAR, particularly CRSV. The data collection for the final remaining survey is ongoing. These surveys provide national policymakers, Member States, UN actors, and civil society organizations supporting the fight against impunity for CRSV in CAR with objective information on the perceptions of the national populations on the links between security, justice and peace.

Activity 2.3 – Develop the capacity to track judicial proceedings involving CRSV.

Following the planning of a workshop on the challenges limiting the efficient tracking of judicial cases in the UMIRR and the High Courts of Bangui and Bimbo in 2020, the Team organized a follow-up mentoring session in November with the UMIRR to take stock of the progress made in regard to judicial case tracking. This session allowed for an exchange on the various registries of the UMIRR's judicial police unit, including reviewing each one, its importance, and the relevant headings in order to ensure accuracy and improve record keeping.

IV. Conclusion

In 2021, the Team of Experts, together with UNDP and MINUSCA, successfully implemented its project, despite the challenges imposed by the security and health restrictions. A significant breakthrough has been made, including the planning of two new field investigative missions of the UMIRR. However, the strengthening of the criminal chain is a long-term endeavour that needs to be sustained to ensure the consolidation of the gains made and to guarantee that persistent challenges are addressed at the technical and strategic levels.

²⁸ HHI, Peace Justice and Security Polls, Central African Republic, Report 6 – June 2021 (Data from December 2020), available at <u>http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll6_ENG.pdf</u>.