

Commissioner Neven Mimica
European Commission
Rue de la Loi 200
1049 Brussels

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Dear Commissioner Mimica,

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

CAR: EU MUST ENSURE FULL SUPPORT FOR JUSTICE DURING RECONSTRUCTION

On the occasion of the forthcoming International Conference on Central African Republic (CAR) on 26 May 2015 in Brussels, Amnesty International calls on you and all participants to ensure that the European Union (EU) and its member states give full political and material support to human rights and efforts toward justice, through the EU Trust Fund Bêkou and their wider engagement there.

Amnesty International has highlighted the importance of keeping justice at the heart of the reconciliation process in CAR, including at the recent Bangui Forum, and the development of new institutions such as the Special Criminal Court and the new constitution. The CAR government's commitments to human rights and justice, and international support for these efforts, will now be tested in practice, and concrete outcomes will be essential.

The United Nations (UN) Security Council resolution 2149 mandate for the UN Multidimensional Integrated Stabilization Mission in CAR (MINUSCA) has provided for "Urgent Temporary Measures (UTMs)" that have helped stabilise the capital Bangui and other major towns by supporting the national authorities in establishing law and order and protecting civilians. From September 2014 to April 2015, MINUSCA arrested 303 individuals under its UTMs mandate, 24 of whom are suspected of having committed serious crimes. However, much remains to be done: most of the twenty individuals named by Amnesty International in July 2014¹ as being reasonably suspected of having committed crimes under international law, including war crimes and crimes against humanity are yet to face serious investigations.

CAR's transitional authorities have made a public commitment to ensure that no individual suspected of crimes under international law will be able to benefit from immunities or amnesties.² Amnesty International believes that such a commitment – already part of the country's Criminal Code – should further be reflected in the country's new constitution.³

CAR's transitional authorities are also accelerating their legislative activity in favour of stronger measures against impunity, including through the adoption of a long awaited bill establishing a Special Criminal Court made up of both national and international judges tasked with investigating and judging serious crimes under international law committed in the country. Sufficient financial resources, personnel, and expertise will need to be provided rapidly to ensure that the Court can function effectively, and the European Union could play a significant role in its success.⁴

Equally, the international community and the CAR government must not forget the important task of restoring the broader justice and penitentiary system: this will be essential in rebuilding the population's faith in state justice institutions and ensuring stability. The Central African Republic's last

¹ Amnesty International, "CAR: Time for Accountability", 10 July 2014.

<https://www.amnesty.org/en/articles/news/2014/07/car-perpetrators-atrocities-must-have-nowhere-hide-justice/>

² Amnesty International, "CAR: Rejection of any claim toward immunity is a positive step toward justice," 13 May 2015. <https://www.amnesty.org/en/articles/news/2015/05/car-rejection-of-any-claim-to-immunity-is-a-positive-step-towards-justice/>

³ Amnesty International, "CAR: New Constitution should leave no space for impunity," 4 May 2015. <https://www.amnesty.org/en/articles/news/2015/05/central-african-republic-new-constitution-should-leave-no-space-for-impunity/>

⁴ Amnesty International, "CAR Key step toward justice," 24 April 2015. <https://www.amnesty.org/en/articles/news/2015/04/central-african-republic-key-step-toward-justice/>.

Criminal Court session was held in 2012, prior to the crisis. Since then, none of those suspected of criminal offences have been tried, and a one-month session of the Criminal Court expected to take place in March 2015 was delayed due to a lack of funding. While the country once had 38 prisons, only four function today: Ngaragba in Bangui; the women's prison in Bimbo; and two minor detention facilities in Mbaiki and Berberati. In Ngaragba prison, despite support from MINUSCA and the fact that some renovation work is already underway, a recent visit by Amnesty International witnessed more than 400 detainees still held in overcrowded and insanitary conditions, while insecurity remains a serious risk.

In line with EU and member state commitments to place human rights at the centre of all external action, Amnesty International is calling on you and all participants in the international conference on CAR to prioritise political and material support to justice through the EU Trust Fund Bêkou and to engage in action against impunity at this conference and beyond. Specifically, Amnesty International calls on you to:

- Ensure that sufficient political backing as well as human and financial resources are made available to allow the effective functioning of the Special Criminal Court in order to bring to justice those suspected of crimes under international law
- Support measures to strengthen the criminal justice system, including the renovation of prisons
- Step up efforts to ensure that the fight against impunity remains central to rebuilding CAR, including by removing all potential immunities for those responsible for crimes under international law in CAR's new constitution and in all disarmament, demobilisation, and reintegration processes.⁵

Thank you for your engagement to ensure human rights and justice remain at the centre of EU and member state support to CAR at this pivotal time, and we stand ready to provide any further information you may require.

Yours sincerely,



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⁵ Amnesty International, "CAR: New disarmament accord must support drive for justice," 11 May 2015.
<https://www.amnesty.org/en/articles/news/2015/05/car-new-disarmament-accord-must-support-drive-for-justice/>