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Federica Mogherini  
High Representative of the Union for Foreign  
Affairs and Security Policy

8 November 2016

Dear High Representative Mogherini,

### **CENTRAL AFRICAN REPUBLIC: ACT TO END IMPUNITY AND PROMOTE RULE OF LAW**

I write in advance of the 17 November donors' Conference on the Central African Republic (CAR) in Brussels, to urge you to lead efforts of the European Union (EU) and its member states to put accountability, the consolidation of the rule of law and the reconstruction of the penal chain at the centre of discussions at the conference.

Since late 2012, the people of CAR have been affected by brutal violence. War crimes, crimes against humanity and serious human rights abuses – including deliberate, large-scale killings of civilians, sexual violence - as well as looting, and destruction of public and private property have been committed across the country by all parties to the conflict. The fighting left more than 5,000 dead and an unprecedented humanitarian crisis in its wake, with almost one million people displaced.

Since 2014, Amnesty International has documented serious human rights abuses and violations of international humanitarian law by all parties to the conflict and has named perpetrators of those violations and crimes.<sup>1</sup> The organisation has repeatedly stressed that impunity for serious crimes is fuelling the violence in CAR.

Members of armed groups, militias, and security forces suspected of responsibility for crimes under international law during the conflict continue to circulate and operate freely, and have been responsible for recurrent outbreaks of violence. As a result, and despite largely peaceful elections, insecurity continues across CAR. The government of CAR has made efforts to tackle impunity, such as referring the situation to the International Criminal Court (ICC), promulgating a law creating a Special Criminal Court (SCC) to investigate and prosecute grave human rights violations and violations of international humanitarian law committed in the country since 2003, and arresting some leaders of armed groups suspected of responsibility for human rights abuses.

However, following two research missions in Bangui in June and October 2016, Amnesty International has identified fundamental flaws within the national justice system, including shortage and limited capacity of judicial personnel, absence of functioning jurisdictions outside the capital Bangui, scarcity of material and financial resources, and the failure of a legislative framework or appropriate measures in place to protect victims and witnesses and to prevent mass prison escapes. Civil society and members of minority groups have indicated that they have little confidence in the justice system. These

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<sup>1</sup> "CAR: Make justice a priority – joint civil society appeal to the new president," 21 April 2016. <https://www.amnesty.org/en/documents/afr19/3884/2016/en/>; "CAR: More efforts needed to get the Special Criminal Court operating," 23 December 2015 <https://www.amnesty.org/en/documents/afr19/3884/2016/en/>; "CAR: Key step toward justice," 24 April 2015 <https://www.amnesty.org/en/latest/news/2015/04/central-african-republic-key-step-toward-justice/>; "CAR: Impunity is fuelling violence," 11 December 2014. <https://www.amnesty.org/download/Documents/204000/afr190112014en.pdf>.

weaknesses have surfaced during the latest criminal trial session undertaken in Bangui in August-September 2016, during which at least 12 high profile members of armed groups, suspected of responsibility in seven conflict-related criminal cases, were either acquitted for lack of evidence in poorly prepared case files, or convicted on minor offenses and released and released after being granted credit for time served. Few witnesses and victims testified given the lack of protection. But victims and witnesses interviewed by Amnesty International as well as members of civil society, and ordinary people, all of whom experienced the conflict, expressed a strong desire to see perpetrators be held to account.

The security situation in CAR has sharply deteriorated since September with numerous attacks on civilians, including displaced persons. Together with the wider international community, the EU and its member states need to ensure sustained and long-term financial and political commitment to CAR, and to the justice sector in particular, in order to avoid the situation escalating into a new crisis.

In the medium and long term, the restoration of CAR's national justice system is crucial, but in the short and medium term other mechanisms including the SCC need to be made operational to ensure accountability. The SCC will also be necessary to complement investigations carried out by the International Criminal Court (ICC), which will only judge a limited number of alleged perpetrators.

It is now time for the international community and CAR to address impunity by equipping the national justice system and the SCC with the human, technical and financial resources needed to arrest, detain, and try those who committed crimes under international law in accordance with international fair trial standards.

In line with the EU's human rights commitments and with commitments both to international justice and to locally owned, rights-based justice reform in the EU Global Strategy, we urge you to lead EU and member state efforts during the 17 November donors' conference in Brussels to:

- ensure that the fight against impunity is given strong political support
- make concrete, mid and long-term funding commitments to support the functioning of the SCC and the rebuilding of the national justice system
- provide sustained human and technical assistance to the SCC
- give political backing and capacity building support to local civil society to document and report human rights violations, to support victims' access to justice and to raise public awareness

The forthcoming conference is a crucial opportunity for the EU and its member states to re-commit to end impunity and promote the rule of law in CAR in the longer term.

Thank you in advance for your engagement and we stand ready to provide any further information you may require.

Yours sincerely,



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