

**Peacebuilding Commission
Ambassadorial-level meeting**

8 April 2022

**Update on the Rule of Law situation in the Central African Republic, including the
Special Criminal Court and the Truth, Justice, Reconciliation and Reparation
Commission**

Chair's summary

1. On 8th April, the Chair of the Central African Republic (CAR) Configuration of the Peacebuilding Commission (PBC), H.E. Mr. Omar Hilale, convened an Ambassadorial-level in-person meeting on the rule of law in the CAR, including the Special Criminal Court (SCC) and the Truth, Justice, Reconciliation and Reparation Commission (TJRRC). The PBC was briefed on the situation by the Minister of Justice, the Deputy Special Representative of the Secretary-General, Resident and Humanitarian Coordinator of MINUSCA, the Special Prosecutor of the SCC, the President of the TJRRC and the Vice-President of the Association of Women Lawyers.
2. In his opening remarks, the Chair underscored the need to strengthen the rule of law, noting that ending impunity and ensuring justice and accountability is a prerequisite for the stabilization of the country, which will contribute to conflict prevention in the short term and sustainable peace in the long term. He highlighted the measures implemented by the CAR authorities with the support of MINUSCA to ensure the regular functioning of the judicial system and enhance its effectiveness. The Chair also welcomed the operationalization of the SCC and TJRRC, which are integral to reconciliation and sustainable peace. Noting the precarious budgetary situation of these mechanisms, the Chair called on Member States to consider reinforced support, both financial and logistical, to address the funding gaps and ensure that the substantial efforts and resources invested to date in justice and reconciliation are not lost (a letter and briefing note on the fiscal status were circulated as an addendum).
3. The DSRSG of MINUSCA, Ms. Denise Brown, underscored the importance of the rule of law as an instrument for peace consolidation, highlighting an independent perception survey¹ (supported by the UN in 2020) which indicated that 54% of the population considered the accountability of perpetrators of grievous violations as a prerequisite for peace. In this regard, MINUSCA is supporting the SCC and TJRRC, as well to judicial institutions, including through technical assistance to facilitate the identification, investigation and prosecution processes. This has led to improved access to justice by the deployment of 122 magistrates in the provinces, which resulted in the resumption of the operability of 26 out of 30 cour

¹ Harvard Humanitarian Initiative, UNDP, and MINUSCA, "Peace, Justice and Security Polls: Central African Republic", Report 6, June 2021.

4. The Minister of Justice, Human Rights Promotion and Good Governance of CAR, H.E. Dr. Arnaud Djoubaye Abazene, informed of the Government's prioritization of the fight against impunity and the reinforcement of the offer and the access to justice. He highlighted the reforms and measures undertaken in the judicial and penitentiary sectors, noting that the adoption of the Justice Sector Policy, the convening of criminal sessions at the Bangui Court of Appeals, and the creation of a rapid response unit within the police and gendarmerie to investigate sexual and gender-based violence (known as the UMIRR) , the SCC, and the TJRRC illustrate these efforts in supporting the rule of law.
5. The Special Prosecutor of the Special Criminal Court, Mr. Michel Landry Louanga, briefed on the operationalization of the SCC, including the appointment of magistrates and judges for the investigation, the establishment of the four Chambers of the SCC (Assize, Special Indictment and the Appeals), as well as the functionality of the Registry and Special Judicial Police Units. The Court has received 237 complaints of which five investigations have been opened and 13 have been referred to the investigating chamber. The first trial was held on 19th April, and three other cases may be referred for trial within the year. The Special Prosecutor noted that insecurity, logistical and access constraints, the challenges in obtaining the testimonies of witnesses, the lengthy recruitment process of personnel, in addition to the financial situation, have significantly hindered the functionality of the SCC.
6. The President of the TJRRC, Ms. Marie Edith Douzima, pointed out that, according to recent independent perception survey, 88% of Central Africans considered themselves as victims of human rights violations and underlined the necessity for truth, reconciliation, and reparations. She indicated the TJRRC is encountering challenges, including funding, personnel and the provision of a premises. Ms. Douzima acknowledged the support of the UN Secretary-General's Peacebuilding Fund, which had supported the establishment and operationalization of the TJRRC. She also welcomed the technical and financial support received from the UNDP. She urged the international community to provide further political, technical, and financial assistance for the TJRRC to implement its mandate.
7. The Vice-President of the Association of Women Lawyers, Ms. Irène Moussa Kembe, highlighted the impact of violence on women and youth, who are vulnerable to conflict-related sexual violence. She expressed concern about ensuring justice for the victims and improving trust and confidence in the judicial institutions. Ms. Kembe emphasized that access to justice was inextricably linked to peace and called for legal assistance, noting the limited access of the Courts to the population. The Association of Women Lawyers and other civil-society organizations increase the availability of legal aid services.
8. Member States all welcomed the briefings and made the following observations:
 - They expressed their support to the Configuration's peacebuilding efforts in CAR and underlined the importance of the rule of law justice to ensure long-term stability and peace.

- They stated their full support to the transitional justice mechanisms, particularly as a crucial tool to fight impunity and ensure accountability, noting the importance of the SCC's independence to effectively implement its mandate.
- They noted the funding gaps in the operations of the SCC and TJRRC and reasserted their commitment to keep working closely with PBSO to ensure sustainable and predictable funding.
- They expressed their concern about the increasing trends in human rights violations, the continuing violence, the high level of displacement, as well as food insecurity, and consequently pointed out the need for justice and accountability.
- They stressed the need to empower and include women as well as youth and civil society organisations in the transitional justice processes, agreeing that their access to justice is key to lasting peace.
- They underlined the importance of partnerships and coordination of efforts to strengthen the rule of law, including the sharing of experiences, lessons and challenges.

9. The Chargé d'Affaires of CAR stressed that the Republican Dialogue held in CAR highlighted the population's thirst for justice. He stressed that in the face of the constraints highlighted during the discussions, CAR authorities count on the support of the international community to ensure provision of justice. He pointed out the need to address the issue regarding the armed groups to achieve justice, noting the importance of lifting the embargo on arms in this context. He reiterated that the Government remains committed to strengthening the rule of law and the transitional justice system.
10. In his closing remarks, the Chair of the Configuration thanked the Member States for their reasserted support to the transitional justice mechanisms as a vital element of peacebuilding in CAR. Reassured by the constructive discussions, he pledged to follow closely with the Member States on the issue of financing of the SCC and TJRRC. He stressed the importance of supporting the inclusion of women and youth as well as the accountability of justice throughout the process of strengthening the rule of law and the judicial sector in order to effectively building peace.