

CAR Mapping Report:

Likely Questions from the Media and Public & Key Messages for senior OHCHR and UN Officials speaking on the report

Report release date: 30 May 2017

Contents

ORIGINS OF THE REPORT: What motives led the UN to prepare this report? Why is it released now? What was the mandate of this Exercise?.....	2
WHY THE REPORT? RATIONALE, PURPOSE OF THE REPORT: Why was the Mapping exercise undertaken and the report released? What was the UN trying to achieve with this report?.....	2
CAR GOVERNMENT ENGAGEMENT: What was the level of engagement of the GoCAR in this report? How was it consulted with the authorities?	3
CONTENT OF THE REPORT: What are the main findings? What is new about this report? What does the report say?.....	4
INTEGRITY OF THE REPORT: How credible are the sources or evidence used to prepare the report? Who conducted the exercise?	5
LEGAL STATUS, FINDINGS AND CONSEQUENCES OF THE REPORT: What is a mapping: how different is it from an investigation? How the mapping report is different from the CAR Commission of Inquiry (CoI)? Will this thorough investigation be used in a Court or judicial process?	6
MEMBER STATES' REACTIONS TO THE REPORT: How have States have been consulted on the report, did they provide comments? Were there any objections and how were they addressed?.....	7
OTHER SPECIFIC STATE REACTIONS: Does the report refer to cases of violations by UN and non-UN forces, including sexual exploitation and abuse? Who is responsible to follow-up on the allegations against UN and non-UN forces and what has been done?	8
WHAT'S NEXT AFTER THE REPORT (FOLLOW-UP ACTIONS): Considering the seriousness of the findings in the report, will the findings of the report be transmitted to the Security Council? What about to the ICC and the Special Criminal Court? What will be done to hold alleged perpetrators accountable? What actions will the UN take now the report has been released? What does the report propose?.....	9
REPORT'S FINDINGS ON INTERNATIONAL CRIMES: What does the report say about war crimes, crimes against humanity and genocide?.....	9
REPORT'S FINDING ON TRANSITIONAL JUSTICE: What does the report say on transitional justice? How could the report help to push the agenda forward on the adoption of additional measures, in addition to the Special Criminal Court?	11
REPORT'S FINDING ON THE CRIMINAL JUSTICE SYSTEM IN CAR: What the report says on the criminal justice system? What does it says on the Special criminal court?	12
IMPACT OF THE REPORT ON THE PEACE PROCESS: will there be any impact on the peace process? How this will change the relationship between MINUSCA/UN and the GoCAR?	13
REPORT'S FINDING ON THE VICTIMS IN CAR? What is the added value of the report for the victims?	14
REPORT'S FINDING ON THE PERPETRATORS? What is the added value of the report regarding the perpetrators of violations and abuses?.....	15

ORIGINS OF THE REPORT: What motives led the UN to prepare this report? Why is it released now? What was the mandate of this Exercise?

- The May 2015 Bangui Forum had recognized that efforts to address long-standing impunity for perpetrators of serious violations of international humanitarian law and violations and abuses of human rights law, including through transitional justice mechanisms, were key to reconciliation. In September 2015, in follow-up to the Bangui Forum, an international seminar on the fight against impunity was jointly organized by the CAR national authorities, OHCHR and MINUSCA in Bangui. The Minister of Justice and the Minister of National Reconciliation of the Central African Republic participated in the seminar. The Mapping report finds its origin in the recommendations of this seminar.
- The Mapping report is based on Security Council resolution S/RES/2301 (2016) which mandated MINUSCA to “monitor, help investigate, and report publicly and to the Security Council on violations of international humanitarian law and on violations and abuses of human rights committed throughout the CAR, including undertaking a mapping of such violations and abuses since 2003 to inform efforts to fight impunity”.
- The Mapping Project started on 11 May 2016, coinciding with the first official National Remembrance Day for the victims of the conflicts in the Central African Republic (CAR), and was completed on 21 April 2017.
- The Mapping Exercise was tasked with three objectives:
 - To conduct a mapping of serious human rights and international humanitarian law violations committed on the territory of the Central African Republic between 1 January 2003 and 31 December 2015;
 - To identify existing transitional justice mechanisms and propose a strategy for the possible development of mechanisms for establishing the truth, reparations and guarantees of non-repetition; and
 - To propose priority areas for future investigations by the Special Criminal Court on the basis of this mapping; and to contribute to the preparation of a prosecutorial strategy for the Special Criminal Court.

WHY THE REPORT? RATIONALE, PURPOSE OF THE REPORT: Why was the Mapping exercise undertaken and the report released? What was the UN trying to achieve with this report?

- The objective of the Mapping Project is first and foremost to support the CAR authorities and the international community in translating their commitment to fight impunity into concrete action and start addressing the legacy of past human rights violations and abuses in CAR.
- In a context of continued violence by armed groups, the Mapping Project will also send a strong signal to the perpetrators of violations and abuses that their

behaviour is being watched and shall not go unpunished. In addition to assisting with addressing the legacy of the past and providing justice to victims, this should also contribute to the prevention of future resurgence of conflict.

- As of today, armed groups in CAR, who the Mapping report found to be the main perpetrators of violations and abuses, continue to commit atrocities. While Bangui has remained generally calm, the security situation in the provinces has deteriorated in recent months with hostilities between fragmented the armed groups, mainly between the “contre nature” FPRC-led coalition, including anti-Balaka elements, against the UPC in the centre/east part of the country. The security situation in the Centre, the Northwest and the East of the country remain under threats respectively by clashes between the FPRC coalition and the UPC; clashes between 3R and anti-Balaka; and attacks by the LRA against the civilian population in CAR along the Obo-Zemio axis.
- Attacks against humanitarian actors and UN forces have also continued. Recently, a particularly brutal attack on the Rafai-Bangassou axis, in the south east of the Central African Republic, led to the death of five peacekeepers while ten others were injured and evacuated to Bangui. Few days later armed men presumed to be anti-Balaka, carried out a direct attack on the MINUSCA base in Bangassou, using heavy weapons. A MINUSCA soldier was shot and killed during this attack while another was wounded. This is the deadliest attack against MINUSCA since its deployment.
- Achieving durable peace and stability in the Central African Republic will require healing past divisions and addressing past human rights violations and abuses in a manner that is meaningful to victims. A genuine truth-seeking process will undoubtedly be a difficult process in the CAR, requiring a comprehensive analysis of successive waves of violence and their root causes, but it is an essential prerequisite to break the impunity that has been a major factor fuelling cycles of conflict and violence.
- We believe that the report should serve as an important contribution to address root causes of the conflict. It will be particularly important to focus projects in the field of victim and witness protection in transitional justice processes, with particular attention to women and children.

CAR GOVERNEMENT ENGAGEMENT: What was the level of engagement of the GoCAR in this report? How was it consulted with the authorities?

- Through regular consultations with the CAR Government, MINUSCA has kept key CAR government officials informed of the report, and in particular the Ministry of Justice and the Ministry of national reconciliation.
- As well, MINUSCA consultations with CAR authorities on the mapping discussed the possibility of the report to serve as a tool to foster dialogue around reconciliation in the country and with countries of the sub-region, especially those involved in the African initiative.

CONTENT OF THE REPORT: What are the main findings? What is new about this report? What does the report say?

- The report is presented in three parts: **1) Part One** consists of the mapping of serious violations of international human rights law and international humanitarian law (chapters I to IV). It contains descriptions of 620 incidents which occurred in CAR between January 2003 and December 2015. This corresponds to the temporal jurisdiction of the Special Criminal Court, with the difference that according to the Art. 3, of the SCC Law, the SCC will also investigate serious violations committed beyond 2015. The report endeavours to cover the entire territory of CAR. The incidents are presented in chronological order, in relation to four successive periods. Chapter V provides a thematic analysis of conflict-related sexual and gender-based violence committed during these periods. Chapter VI sets out the applicable legal framework, while chapter VII provides a legal analysis of a selection of incidents documented in chapters I to IV. **2) Part Two** of the Mapping report examines each of the pillars of transitional justice - criminal justice, truth-seeking, reparations and guarantees of non-repetition - identifying challenges and actions needed in order to optimize their chances of success. **3) Part Three** presents the context for criminal accountability for violations committed in CAR and considers potential elements for a prosecutorial strategy for the Special Criminal Court.
- The Mapping report is based on the analysis of 1,200 confidential, open and secondary sources. Around 80% to 90% of the sources used were public. Due to a lack of archiving of the UN missions prior to MINUSCA, the Mapping project had very little access to internal documents. The main confidential sources used were: archives of the Commission of Inquiry, cases from the OHCHR human rights database, MINUSCA HRD reports, and interviews done by the MINUSCA/MONUSCO joint team in 2013 in the DRC with CAR refugees.
- All the incidents described in the report have already been made public through various reporting mechanisms. It is important to mention that the Mapping Project is a preliminary exercise. Its scope (13 years) examined over a short timeframe (10 months) did not allow for in-depth investigation and legal analysis. Therefore, as explained in the methodology section and the introductory parts of each relevant chapter, the report does not go into the details of underlying acts and cumulative legal qualifications. It is expected that this will be done by the Special Prosecutor of the Special Criminal Court and by other relevant judicial authorities.
- As to the main findings, while the vast majority of recorded incidents were attributed to Central African defence and security forces, the Séléka/ex-Séléka and the anti-Balaka, there were also violations by foreign armed forces operating in the country (Chad and Uganda), as well as - to a lesser extent – UN and non-UN peacekeeping forces, while serving under a Security Council mandate (Burundi, Cameroon, Republic of Congo, Democratic Republic of the

Congo, France and Gabon). The report also highlights violations of international humanitarian law committed by armed groups which could constitute war crimes, if proven by a court of law. Such armed groups were from both the Central African Republic (notably the APRD, the UFDR, the CPJP, the Séléka/ex-Séléka, the anti-Balaka) and from neighbouring countries [notably from the Democratic Republic of Congo (the MLC), Chad (the *Front populaire pour le redressement*, known as FPR) and Uganda (the LRA)].

INTEGRITY OF THE REPORT: How credible are the sources or evidence used to prepare the report? Who conducted the exercise?

- The report is the product of a thorough exercise: The Mapping team analysed information from over 1,200 confidential and public sources contained in different documents, such as reports by United Nations entities, international and Central African NGOs and media, academic articles and books. Some further analysis and research was conducted on additional sources, mainly national and international media, as well as on cases contained in the OHCHR Human Rights Case Database. The mapping team gathered information on more than 1290 incidents, of which 620 fulfilled the criteria for inclusion in the report.
- A gravity threshold was used to identify the incidents revealing “serious violations of international human rights law and international humanitarian law” in line with the Mapping Project’s terms of reference. Serious human rights violations include, for example, violations of the rights to life and to physical integrity, including sexual and gender-based violence as well as torture and other cruel, inhuman and degrading treatment, but also violations of other fundamental human rights, particularly when they were systematic and motivated by forms of discrimination prohibited under international law. “For the purpose of this report, violations of international humanitarian law may be considered serious, among other criteria, when they endanger protected persons and property or when they violate the important principles of distinction, proportionality and precaution”.
- Having been assigned to “gather basic information on incidents and not be a substitute for thorough investigations into incidents discovered”, the Mapping Project team used **the standard of proof of reasonable suspicion** that an incident occurred instead of the higher standard of “being satisfied beyond all reasonable doubt” utilized to establish criminal responsibility in a court of law. It will therefore be for courts to investigate further and establish this threshold.
- Reasonable suspicion is defined as “a reliable body of material consistent with other verified circumstances tending to show that an incident or event did happen”. In other words, the process involves verifying that the information was corroborated by at least another testimony or credible document from other sources than the source that provided the original information. This standard of proof was used by previous similar projects¹ and is in line with

¹ Several other projects applied this standard in their investigations. See for instance, the report of [the](#)

OHCHR's manual on Commissions of inquiry and fact-finding missions on international human rights and humanitarian law.²

- The Mapping Project team was composed of eight members: a Coordinator, a Legal Adviser, a Conflict-Related Sexual Violence Adviser, and five Human Rights Officers from the MINUSCA Human Rights Division (one international Human Rights Officer, two United Nations Volunteers and two national staff members). A Senior Expert on methodology contracted by the United Nations Development Programme (UNDP) undertook two missions to Bangui at critical stages of the project's implementation. The project also benefited from the support of the International Criminal and Humanitarian Law Clinic of Laval University (Canada) whose students assisted in research and analysis.

LEGAL STATUS, FINDINGS AND CONSEQUENCES OF THE REPORT:

What is a mapping: how different is it from an investigation? How the mapping report is different from the CAR Commission of Inquiry (CoI)? Will this thorough investigation be used in a Court or judicial process?

- As a preliminary exercise intended to gather overview information on grave violations, the Mapping Project did not seek to gather evidence to be used as such in a court of law, but rather to "provide the basis for the formulation of initial hypotheses of investigation by giving a sense of the scale of violations, detecting patterns and identifying potential leads or sources of evidence". It is expected that the legal qualification will be the task of the Special Prosecutor and other judicial bodies of ordinary courts in CAR.
- The Mapping report provides a legal analysis of a selection of incidents documented. Two caveats accompany this analysis. Firstly, the Mapping Project has not attempted to classify each individual incident documented in the report given the scale of that task and the time frame of the Mapping Project. Secondly, it is by definition preliminary, as definitive legal characterization of specific facts as crimes is a prerogative of the judicial process. Bearing in mind these caveats, the Mapping Project examined groups of incidents which occurred within the periods of violence, and endeavoured to situate them in the framework of international human rights law, international humanitarian law and international criminal law.
- The Mapping report is also different from the work of the CAR Commission of Inquiry (CoI) in two manners. First, while the Mapping report relies mostly

International Commission of Inquiry on Darfur to the United Nations Secretary-General pursuant to Security Council Resolution 1564 of 18 September 2004, 25 January 2006, para. 15 as well as the OHCHR *Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003*, August 2010, para. 7.

² OHCHR, *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law- Guidance and Practice*, 2015, p.62.

on open and public sources, the CAR CoI did its own investigations. Second, the mandate of the CAR CoI looked at international human rights and humanitarian laws violation and abuses in CAR by all the parties involved in the armed conflict since 1 January 2013 until 1 November 2014, while the Mapping report looks at international human rights and humanitarian laws violation and abuses from 1 January 2003 to end of December 2015.

- Unlike a judicial investigation or prosecution, the main objective of the Mapping Project was not to establish or to try to establish individual criminal responsibility of given actors, which is the prerogative of the domestic courts including the Special Criminal Court, the ICC and other international judicial bodies as appropriate. It should be noted that the Organic Law on the CAR Special Criminal Court, in its Art. 37, exceptionally provides primacy to the ICC over investigations undertaken by both national courts and the Special Criminal Court.
- Considering the standard of proof used by the Mapping Project team³ to establish facts, as well as the principle of the presumption of innocence and the requirements of due process, it would have been contrary to well established human rights standards to seek to ascribe individual criminal responsibility. Such a determination would require application of a criminal law standard of proof of “beyond reasonable doubt”. However, the identification of the groups and institutions involved in the commission of serious violations of international human rights law and international humanitarian law was necessary in order to classify these violations.
- Names of alleged perpetrators are only cited when their identity has been disclosed by available arrest warrants, judgements or sanctions by the United Nations Security Council. Moreover, references in the report to the political context include the names of political officials who made public statements encouraging or provoking the violations listed in this report. The identification of alleged perpetrators of some of the serious violations documented does not appear in this report but is held in the confidential OHCHR Human Rights Case Database.

MEMBER STATES’ REACTIONS TO THE REPORT: How have States have been consulted on the report, did they provide comments? Were there any objections and how were they addressed?

- States briefing and sharing: As per standard practice with such UN reports, the report was shared with the Government of CAR in May, three weeks prior to the official release. Other concerned Member States have received extracts of the Mapping report ahead of the launch for their information and comments if any. A series of bilateral consultations with Member States mentioned in the

³ the standard of proof of reasonable suspicion means “a reliable body of material consistent with other verified circumstances tending to show that an incident or event did happen”.

report was also conducted by MINUSCA and OHCHR in Bangui and Geneva respectively.

- Again, it is important to recall that the Mapping Project is a preliminary exercise. Its scope (13 years) examined over a short timeframe (10 months) did not allow for in-depth legal analysis. Therefore, as explained in the methodology section and the introductory parts of each relevant chapter, the report does not go into the details of underlying acts and cumulative legal qualifications. It is expected that this work will be undertaken by the Special Prosecutor of the Special Criminal Court and other relevant judicial authorities.
- The report was shared with the CAR authorities on 10 May in Bangui and to the Permanent mission of CAR on 12 May in Geneva.
- *To be updated after consultations with Member states.*

OTHER SPECIFIC STATE REACTIONS: Does the report refer to cases of violations by UN and non-UN forces, including sexual exploitation and abuse? Who is responsible to follow-up on the allegations against UN and non-UN forces and what has been done?

- While the vast majority of recorded incidents were attributed to Central African defence and security forces, the Séléka/ex-Séléka and the anti-Balaka, there were also violations attributed to foreign armed forces operating in the country (Chad and Uganda), as well as - to a lesser extent – UN and non-UN peacekeeping forces, while serving under a Security Council mandate (Burundi, Cameroon, Republic of Congo, Democratic Republic of the Congo, France and Gabon). It is important to remind that all the incidents described in the report have already been made public through various reporting mechanisms and follow-up by the UN and concerned Member State is under way.
- Where available, information on follow-up with Member States on allegations of violations by UN and non-UN forces is also included in the report, and concerned Member States have received extracts of the Mapping report ahead of the launch for their information and comments if any.
- The UN continues to monitor and support Member States' follow-up to the cases that are submitted to them. Indeed, many essential tasks fall to Member States to carry out within their authority and under their jurisdiction. For SEA in particular, several examples of follow-up actions are presented in the recent SG report on Special measures for protection from sexual exploitation and abuse (A/71/818) dated 28 February 2017⁴. One major requirement is to ensure that all victims of sexual violence, including sexual exploitation and abuse, have adequate protection, appropriate assistance and access to justice.

⁴ [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/71/818\)](#), 28 February 2017.

WHAT'S NEXT AFTER THE REPORT (FOLLOW-UP ACTIONS):

Considering the seriousness of the findings in the report, will the findings of the report be transmitted to the Security Council? What about to the ICC and the Special Criminal Court? What will be done to hold alleged perpetrators accountable? What actions will the UN take now the report has been released? What does the report propose?

- The launch of the Mapping report, (on 30 May) in the presence of the MINUSCA SRSR Mr. Parfait Onanga-Anyanga and the ASG for Human Rights Mr. Andrew Gilmour, will be followed by a two-day seminar (31 May and 1 June), to explain and disseminate the content of the Mapping report, its methodology and recommendations, with/to key national stakeholders, United Nations agencies and NGO partners, and representatives of the diplomatic corps. The Special Prosecutor of the Special Criminal Court is expected to participate in the seminar, as well as key Ministers. Representatives of the Special Representatives for Children affected by armed conflict and Sexual violence in conflict will also take part.
- In terms of next steps, the Mapping report should serve to galvanise efforts to put in place a national victim and witness protection strategy. Its release in advance of the opening of the Special Criminal Court is also intended to help inform and guide the development of a prosecution strategy. It is further expected to serve as a catalyst for the development of an overall transitional justice strategy for CAR, which will, inter alia, be essential in the context of any future dialogue with the armed groups in this regard. In the longer term, the Mapping report should also fuel momentum to ensure the vetting of future members of the CAR defence and security forces.
- In accordance with Security Council resolution S/RES/2301 (2016), the Mapping Project aims at advancing the implementation of MINUSCA core mandated tasks, including support to the prosecutorial strategy of the Special Criminal Court and the development of transitional justice mechanisms.
- The report presents key recommendations on : 1) the overall transitional justice policy ; 2) the effective inclusion of sexual gender-based violence in transitional justice efforts; 3) the need for a prosecutorial strategy for the Special Criminal Court; 4) the benefits of a prosecutorial strategy for the Special Criminal Court; 5) key elements of a prosecutorial strategy for the Special Criminal Court; 6) the inclusion of sexual gender-based violence in the work of the Special Criminal Court; and 7) priority areas for investigations. All of these recommendations are gathered in the executive summary and detailed in the full report, available both in French and English.

REPORT'S FINDINGS ON INTERNATIONAL CRIMES: What does the report say about war crimes, crimes against humanity and genocide?

- The Mapping Project documented 620 incidents of serious violations of international human rights law and/or international humanitarian law that occurred between 1st January 2003 and 31 December 2015. The vast majority of these incidents were attributed to Central African defence and security forces, the Séléka/ex-Séléka and the anti-Balaka.
- During these 13 years covered by the mandate, there were periods in which multiple armed conflicts took place - sometimes simultaneously- on the territory of the Central African Republic. During these conflicts, Central African State defence forces (the FACA and the Presidential Guard) as well as to a lesser extent foreign armed forces operating in the country, committed serious violations of international humanitarian law which could constitute war crimes, if proven by a court of law.
- The report also highlights violations of international humanitarian law committed by armed groups which could constitute war crimes, if proven by a court of law. Such armed groups were from both the Central African Republic (notably the APRD, the UFDR, the CPJP, the Séléka/ex-Séléka, the anti-Balaka) and from neighbouring countries [notably from the Democratic Republic of the Congo (the MLC), Chad (the *Front populaire pour le redressement*, known as FPR) and Uganda (the LRA)].
- The Mapping Project also identified numerous violations of international human rights law, especially against the political opposition and the media by some government institutions in the Central African Republic – including defence, intelligence, and law enforcement bodies. Based on its preliminary legal analysis, the report finds that the Government of the Central African Republic committed serious violations of civil, political, economic and social rights– both through its direct actions, and its failure to prevent third parties from committing violations and abuses. It also finds that some armed groups, which in some instances had effective control of parts of the national territory, committed serious human rights violations and abuses.
- The report further assesses that a number of acts committed as part of widespread or systematic attacks against the civilian population, notably by Government forces (FACA and Presidential Guard), the MLC, the Séléka/ex-Séléka and the anti-Balaka could, if proven in court, constitute crimes against humanity.
- Regarding the crime of genocide, the report examines waves of violent incidents, namely attacks by the Séléka against Christians and animists, and by the anti-Balaka against Muslims and Peulhs. Having regard to the caution required in inferring genocidal intent from surrounding facts and circumstances, the nature of information available to the Mapping Project, and the use of “reasonable suspicion” as the standard of proof, the report does not make a finding as to genocide. It does, however, identify facts which may warrant further investigation to determine whether the elements of the crime may have been met.

REPORT'S FINDING ON TRANSITIONAL JUSTICE: What does the report say on transitional justice? How could the report help to push the agenda forward on the adoption of additional measures, in addition to the Special Criminal Court?

- The report presents the transitional justice policy framework which national actors in the Central African Republic, including the Government, armed groups, political actors and civil society, have developed in order to use transitional justice mechanisms to address past violations.
- In addition, it identifies some contextual pre-conditions for effective transitional justice processes in the Central African Republic, namely improvements in the security environment and ensuring inclusion and the right to identity to enable all groups of persons (including IDPs and refugees) to participate in the process. The report explains that some improvement in the security situation will be required for transitional justice processes to function and therefore recommends a sequential approach of transitional justice mechanism. First step should consist in the installation of the Office of the Prosecutor of the Special Criminal Court and the development of a national approach to human rights vetting of security and defence forces (FACA, police and *gendarmerie*).
- The report also examines each of the pillars of transitional justice - criminal justice, truth-seeking, reparations and guarantees of non-repetition - identifying challenges and required future actions, in order to optimize their chances of success in the Central African Republic.
- On criminal justice, the report underscores the importance of prosecutions in providing accountability in a climate of persistent impunity and in attributing individual responsibility for the serious acts of violence committed in the country as a means to counter the prevailing collectivization of responsibility through which perpetrators were identified by group traits, such as religion.
- On truth seeking, the report examines the potential role of such a process in the Central African Republic. It recommends that an eventual Truth Commission be confined to the core functions of uncovering the truth about past abuses, elucidating the underlying causes of a conflict and enabling victims to be heard, in a manner that cannot be achieved solely through the use of judicial processes.
- On reparations, the report calls for an integrated approach which takes into account the various components of reparations, namely: restitution (such as land, housing and property restitution), compensation (for economically assessable damage), rehabilitation (such as health care for victims) and satisfaction (for instance through memorials). The report notes the need for attention to how restitution of land and property may be implemented for the thousands of predominantly Muslim civilians who were forced to leave the Central African Republic, due to persecution on grounds of their religion.

- On guarantees of non-recurrence, the report underscores their legal basis, which lies in the State's obligation not only to repair specific harm done to individual victims, but also to take measures to ensure that such violations will not be committed again in the future. The report specifically advises on the need for a nationally-owned process for human rights vetting of the security and defence forces (both existing members and applicants thereto). It notes that information generated by the Mapping Project and other resources would be helpful to inform such vetting processes.
- Lastly, the report identifies key preparatory and programmatic activities that should be undertaken to prepare for future transitional justice processes. These include: strengthening documentation and archives on past violations and abuses; supporting victims' organizations as a constituency for transitional justice; strengthening the capacity of civil society organizations on transitional justice policy; developing the legal framework and capacity for victim and witness protection before starting criminal investigations and/or truth-seeking processes; and ensuring meaningful national consultations and sensitization on transitional justice processes.

REPORT'S FINDING ON THE CRIMINAL JUSTICE SYSTEM IN CAR:

What the report says on the criminal justice system? What does it says on the Special criminal court?

- The report proposes an assessment of the criminal justice system in CAR. While it recognizes that the country has a small legal community, with around 250 magistrates, with some currently seconded to non-judicial posts, less than 150 lawyers in the Bar, and just over 100 court registrars, it also reveals that most of this personnel is concentrated in Bangui, and due to the recent conflict, many personnel in the penal chain are not at their duty stations, resulting in the police, courts, and penitentiary system not being functional.
- Efforts to restore the national justice system are underway: more than a dozen courts have reopened and are functional; magistrates deployed to 12 additional courts, extending state authority beyond the capital. Basic justice services resumed with the first two criminal hearings since 2010 adjudicating 226 cases, incl. 4 SGBV cases. 23 mobile court sessions activity in the West, East and Centre of the country led to 7,717 decisions in civil matters. Following the establishment of a case management system, as of March, all cases of detention without warrant have been addressed.
- The Mapping report suggests also some immediate actions, such as (i) the immediate expansion of student intake and the strengthening of training at the law faculty of the University of Bangui as well as at the National School for Administration and Magistracy (which trains Magistrates and Registrars), (ii) the support to the Bar Association for lawyer-in-training pupillage programmes and annual organization of the Bar Examination (*Certificat d'aptitude à la profession d'avocat*) and (iii) addressing the overall structural deficiencies of the judicial system, including corruption.

- In 2015, the CAR Transitional Government established the Special Criminal Court (SCC) for a period of 5 years to investigate and prosecute crimes under international law. The SCC is a national court with the participation of internationally-recruited judges and staff. It is designed to contribute to restoring the rule of law in CAR and advance reconciliation and peacebuilding processes by ending the cycle of impunity. In 2017, the Special Prosecutor and two investigative judges from Burkina Faso and France for the Special Criminal Court have been appointed.
- The Mapping report proposes elements for a prosecutorial strategy for the Special Criminal Court. While the report identifies the demand for justice following the conflicts in the Central African Republic, it underscores the need for a prosecutorial strategy, which constitutes an overall framework for decision-making by the prosecution office of the Special Criminal Court. If properly communicated to the public, such a strategy will be an important tool to manage public expectations from the justice process, and will enable the Prosecutor to respond to expected public criticism, pressure and scrutiny of prosecutorial decisions by the Court. The report highlights elements that could inform core parts of the strategy, such as the selection of cases, crimes and suspects, an indictment or charging policy and fundamental human rights principles. It also concludes by identifying some possible priority areas for investigation which could be pursued by the Prosecutor, in light of the incidents documented in the report.
- The adoption by national authorities of a strategy for the protection of victims and witnesses (currently supported by MINUSCA) must accompany these efforts to ensure full participation and access of CAR individuals to justice. The International community should continue supporting these efforts.

IMPACT OF THE REPORT ON THE PEACE PROCESS: will there be any impact on the peace process? How this will change the relationship between MINUSCA/UN and the GoCAR?

- We can anticipate that the Mapping report may generate reactions from concerned parties or political actors in CAR and from countries mentioned in the report, with possible repercussions on the political process. However, the Mapping report should be seen as a constructive tool for the Central Africans to create the conditions to advance the peace process in the CAR, including by addressing impunity, in line with the recommendations of the 2015 Bangui Forum on justice and reconciliation. It therefore responds to the aspirations of the Central Africans. Consultations with the authorities of CAR have so far been constructive and have demonstrated a will to own and defend the outcomes of the report.
- Now that the Government is well established and key reforms are underway, it is important for the Central Africans to address the question of impunity and to pave the way for a long-lasting peace. Durable peace requires listening to the

voices of the victims and the communities affected by the conflict. The cycles of violence, impunity, and instability that have characterized much of the history of CAR will need to stop to bring sustainable peace to its people.

REPORT'S FINDING ON THE VICTIMS IN CAR? What is the added value of the report for the victims?

- In documenting past violations and abuses, the report recalls the importance of focusing future projects in CAR on the protection of victims and witnesses in transitional justice processes, with a particular attention to women and children.
- The Mapping report should primarily be used to galvanize efforts to establish a national strategy for the protection of victims and witnesses. This is particularly important in a context of ongoing violations and unstable security situation that will complicate investigations or truth-seeking processes and seriously limit victims' participation.
- The report also reveals that the successive conflicts in CAR triggered considerable waves of population displacement. At the end of 2016, nearly one in four citizens of the Central African Republic was either internally displaced or a refugee. The scale of population movements forced by the conflict poses a specific challenge to participation in transitional justice processes. While the search for durable solutions to displacement is in itself an area for transitional justice response (such as through reparations, and restoring land, housing and property rights), the conditions of safety, security and livelihoods for IDPs and refugees need to improve to allow them to participate in national processes, but also fundamentally for them to make a choice between integrating into their current locations, returning to their areas of origin, or resettlement.
- The report also reveals that rape and other forms of conflict-related sexual violence that thousands of women, girls and some boys and men have endured in the Central African Republic are an indelible human rights stain on the country. Ultimately, reparations - individual as well as collective - will have to be provided to victims of conflict-related sexual violence. Such reparations programmes should be victim-based and transformative in design, implementation and impact, and seek to subvert instead of reinforce pre-existing gender hierarchies and inequality that enabled the violations to occur
- The Mapping report also insists on the fact that truth commissions are often the main transitional justice mechanism that gives a voice to victims. Such commissions should be inclusive and gender-sensitive to enable a large cross-section of society, and in particular victims of human rights violations, to be heard.
- Also, on reparations, the Mapping report identifies the specificities of the conflicts in the Central African Republic with a bearing on an eventual

approach to each of the types of reparations (restitution, satisfaction, rehabilitation, compensation), and outlines the process through which reparations could, in due course, be given effect.

REPORT'S FINDING ON THE PERPETRATORS? What is the added value of the report regarding the perpetrators of violations and abuses?

- The Mapping report documents a total of 620 incidents of serious violations of international human rights law and international humanitarian law committed in the CAR between 2003 and 2015. Séléka / ex-Séléka and anti-Balaka are the armed groups against whom the (statistically) highest number of violations is recorded. At the end of 2016 and in 2017, several armed groups have made demands expressed as preconditions for voluntarily laying down arms and joining the DDRR process. In addition to political inclusion and minority / community protection demands, they have also specifically asked for an amnesty from prosecution, and reneged on modalities agreed at the Bangui Forum (May 2015) on the Principles of DDR and integration into the security services, which provide for individualized recruitment and vetting of applicants.
- On the serious violations which if proven by a court of law, could constitute grave violations of human rights, war crimes and crimes against humanity, the Mapping report recalls that no amnesty can be granted; therefore caution is needed as to blank amnesties.
- U.N. guidance makes clear that amnesties covering all crimes cannot be granted before detailed investigations have taken place, and the judicial process has taken its course. Even if such amnesties are granted, there is international jurisprudence indicating that they would be disregarded by tribunals applying relevant international law.
- The Mapping report is an important opportunity to remind all armed groups on the risks they incur, if they *continue* grave human rights violations, attacks against civilians, protected objects under international law (schools, hospitals, buildings dedicated to religion), or against humanitarians and peacekeepers, which could constitute serious crimes under international law. This message should be sent down their ranks, as commanders may be held responsible for such actions by their subordinates, if commanders knew or should have known the risk of their commission, and did not take strong measures to prevent their occurrence.