



Aerial view of part of the Central African Republic.
Photo: Brice Blondel for HDPTCAR

CENTRAL AFRICAN REPUBLIC

FREEDOM OF RELIGION OR BELIEF

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CURRENT POLITICAL CONTEXT

In March 2016 the Central African Republic (CAR) returned to democratic rule. The constitutional court formally confirmed Faustin Archange Touadéra had won the presidential election,¹ bringing an end to the transitional period that had begun in April 2013 after the Seleka coup.

The three years of transition marked one of the most tumultuous periods in the nation's history. Serious human rights abuses, which took on a religious dimension, were committed against the civilian population by the Seleka and anti-Balaka militias. Abduction, looting, torture and cruel, inhuman and degrading treatment, sexual violence and the destruction of homes and religious buildings by both groups were commonplace. The conflict caused a major humanitarian crisis and saw the total collapse of state authority and structures. The transitional government, led by acting president Catherine Samba-Panza, was able to restore a basic level of civil administration. This facilitated the organisation of a National Dialogue in May 2015, a referendum on the national constitution in December 2015, and presidential and parliamentary elections, held between December 2015 and February 2016.

While President Touadéra has a strong mandate and general legitimacy among the people, his government faces significant challenges. The causes of the conflict remain unresolved and approximately two thirds of the country is still under the control of the anti-Balaka and the Seleka. Additionally, the country is still engulfed in a dire humanitarian crisis – the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that in July 2016 there were 467,796 refugees, 384,000

internally displaced persons (IDPs) and 2.7 million people in immediate need of assistance.²

The immediate priorities for the government are:

- Ensuring the country is under its control, and disarming armed groups that operate freely in the south-west and north of the country
- Responding to the humanitarian crisis and facilitating the return of displaced and refugee populations, while ensuring returnees are able to rebuild their lives
- Establishing justice mechanisms to hold to account those who have committed and continue to commit human rights abuses.

Prior to his election Mr Touadéra was generally seen as an outsider. Despite having served as prime minister in former president François Bozizé's government, he ran as an independent candidate. His victory was a strong signal from CAR's citizens that they wanted a new political period where peace and development were the priority, and that they had no desire to associate with politicians who were directly connected with the Seleka or anti-Balaka. President Touadéra's political appointments have reflected this desire for independence from the warring groups; on several occasions he has refused to meet demands from the anti-Balaka and Seleka groups, and he has not appointed any politicians associated

² United Nations Office for the Coordination of Humanitarian Affairs, About OCHA CAR www.unocha.org/car/about-ocha-car/about-ocha-car

¹ Reuters, 'Central African constitutional court confirms Touadéra elected president', 1 March 2016 www.reuters.com/article/us-centralafrica-election-idUSKCNOW34AF

with either militia.³ However, the Minister of the Interior, Jean-Serge Bokassa, signed an order appointing an anti-Balaka leader to the National Police Force.⁴ The reaction to this appointment illustrates the challenges of engaging with members or ex-members of the armed groups, and highlights the need to expedite investigation processes for all those who have been appointed to the police and the army. It also points to the difficulties ahead of President Touadéra as he attempts to secure the country and engage with armed groups, in order to disarm and demobilise them.

SECURITY SITUATION

Bangui, the capital city, is reasonably secure and the population is able to move around the city with few restrictions. There are security concerns regarding the KM5 district, where the city's Muslim population predominantly resides; although this district is relatively stable it is prone to sporadic eruptions of violence. Some groups in this district have not fully disarmed, and the failure by the UN peacekeeping mission to disarm these groups enables them periodically to initiate attacks and carry out reprisals.

In June 2016 six police officers were abducted by a group in the PK5 Muslim neighbourhood, in response to the arrests of individuals suspected to be transporting weapons into Bangui. The abductors demanded the release of a number of individuals belonging to their group. Negotiations failed, the situation escalated, and forces from the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the self defence group exchanged fire. Seven people died, one peacekeeper was injured, and 35 households living on the edge of PK5 were displaced to Bangui Airport's IDP site.⁵ After the incident a curfew was imposed in the capital.

The humanitarian situation in the capital remains a significant challenge. The number of IDPs is steadily growing, as incidents of violence are often accompanied by looting and burning of homes, leading to more displacement. Criminality is on the rise in the capital, primarily perpetrated by Seleka and anti-Balaka groups.

A significant number of IDP camps in the capital are still in use. The Minister for Social Affairs and National Reconciliation, Virginia Mbaïkoua, commented that the return of IDPs is a prerequisite to discussion on social cohesion, and a priority for the government.⁶

Despite this, there have been some positive developments. In July more than 200 people who had been living in a displacement camp on the grounds of a church voluntarily returned to their homes in Bangui. The group, consisting of 85 households, had been living in the compound of the Our Lady of African Catholic Church for over three years. The office of the United Nations High Commissioner for Refugees (UNHCR) facilitated the returns by providing a basic kit that included sleeping mats, cooking utensils and hygiene products.

SECURITY SITUATION OUTSIDE BANGUI

The situation outside the capital is still volatile and the threat to civilians is severe. The Seleka controls significant parts of the north while anti-Balaka groups control much of the south-west. In addition to the restrictions both groups impose on civilians living in these regions, the lives of residents of surrounding towns and villages are threatened whenever the groups fight for territory. On 16 September 2016 there were reports of an anti-Balaka attack on a Seleka stronghold in Kaga Bandoro, 350km north of Bangui. Ten people were reportedly killed in the fighting, the majority of whom were civilians.⁷ The attack led to the mass displacement of villagers, who fled into the forest or to IDP camps.

The following day, the presidential spokesman reported that the Seleka carried out an attack on the village of Ndomete, near Kaga-Bandoro, killing 26 people. The spokesman said, "The Seleka (rebels) went door to door... The village chief was among the victims."⁸ The MINUSCA responded to the incident by dispatching troops, separating the groups, and reinforcing the MINUSCA's position in the area. The incident highlights the security challenges for the government and their continuing inability to protect citizens in these regions from death, displacement or injury.

3 Jeune Afrique, 'Centrafrique : ce qu'il faut retenir du nouveau gouvernement dévoilé par Touadéra', 13 April 2016 www.jeuneafrique.com/317433/politique/centrafrique-quil-faut-retenir-nouveau-gouvernement-devoile-touadere/ (Accessed translated version)

4 Enough Project, 'In CAR: An Anti-Balaka Leader Close to Bozize Integrated to the National Police Force', 19 July 2016 www.enoughproject.org/blogs/car-anti-balaka-leader-close-bozize-integrated-national-police-force

5 ReliefWeb, 'Volatile situation in CAR from 11 June 2016', 22 June 2016 <http://reliefweb.int/report/central-african-republic/volatile-situation-car-11-june-2016>

6 Diaspora Magazine, 'Centrafrique/Bangui: Retour volontaire des déplacés en marche', 28 July 2016 www.diaspora-magazine.com/Centrafrique-Bangui-Retour-volontaire-des-deplaces-en-marche_a1368.html (Accessed translated version)

7 Email briefing to CSW, 18 September 2016

8 Reuters Africa, 'Central African Republic rebels kill 26 villagers -presidential spokesman', 18 September 2016 <http://af.reuters.com/article/topNews/idAFKCN110078?pageNumber=2&virtualBrandChannel=0&sp=true>

RESTRICTIONS ON FREEDOM OF RELIGION OR BELIEF

It is widely recognised that conflicts and humanitarian crises create conditions in which human rights abuses can occur with impunity.⁹ The recent crisis included sectarian violence: local sources have informed CSW, and the UN has confirmed, that prior to 2013 religion had never been a feature of the country's conflicts.¹⁰

CAR is a secular and democratic state. According to the 2003 census, 51% of the population is Protestant, 29% Roman Catholic, 15% are Muslims, and 5% practise indigenous (animist) beliefs.¹¹ These demographics do not take into account the displacement of the Muslim population and must be taken as rough indicators only.

The current constitution, adopted after a national referendum in December 2015, guarantees the freedoms of conscience, assembly, and worship. These rights are guaranteed under certain conditions, and the constitution prohibits religious fundamentalism and intolerance.¹²

Religious groups must register with the Ministry of the Interior; in order to do this they must meet certain requirements, which include having at least 1,000 adherents and not holding fundamentalist or intolerant views. The constitutional provisions do not express the fuller definition of freedom of religion or belief as outlined in international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), to which CAR is a signatory.¹³

Restrictions on the right to freedom of religion or belief continue to be reported, and as with other human rights abuses in CAR, the main perpetrators are the Seleka and anti-Balaka. In parts of the country where the groups operate, the state's control is severely reduced. Both militias have created their own informal administrative structures and exert control over citizens with impunity.

The anti-Balaka control considerable parts of the south-west of the country. The group maintains tight control over natural resources such as diamond mines and, like the Seleka, extorts money from the local population at illegal checkpoints. In the town of Bambari, where both the Seleka and anti-Balaka are present, civilians are often caught in the crossfire during the groups' sporadic attacks on each other. In some areas under anti-Balaka control where there are fewer Muslims, Christians and animists are able to enjoy freedom of movement and continue farming. In the south-west there is no Muslim population, while in towns such as Bouar and Pour, Muslims and Christians still live peacefully together.

As part of the post-conflict period, peace and reconciliation between religious communities must be prioritised, and violations of the right to freedom of religion or belief must be swiftly addressed.

BANGUI

In Bangui restrictions on freedom of religion or belief have occurred in relation to the conflict, including acts of violence meted out to the population during the transition period (March 2013-April 2016). The attacks took place at the height of the crisis, causing numbers attending religious services to drop significantly. CSW interviewed a religious leader in July 2016 who described the situation in Bangui when the Seleka arrived in 2013 and briefly ruled the country:

"Houses were being looted; women being raped; there were abductions; there were atrocities, acts of violence of different kinds, and this lasted all the months the Seleka were in power. Churches were being destroyed; bombs were being thrown into church buildings; Christians including children were killed and now there are a number of children who have had to have limbs amputated and they are handicapped for the rest of their lives...And of course that meant that Christians were living in fear; they didn't dare go to a church to meet, because you knew anybody could throw a grenade into the church building and as a result of that, church attendance really dropped. And that happened in all the churches."

9 Global Protection Cluster, Human Rights in Humanitarian Action www.globalprotectioncluster.org/en/areas-of-responsibility/human-rights-in-humanitarian-action.html

10 United Nations Office for the Coordination of Humanitarian Affairs, 'CAR: The simplistic notion of a "religious conflict"', February 2016 www.unocha.org/cap/car-simplistic-notion-%E2%80%98religious-conflict%E2%80%99

11 United States Department of State, Central African Republic www.state.gov/j/drl/rls/irf/2010/148671.htm

12 Proposition de constitution de la République Centrafricaine, www.sangonet.com/afriqg/PAFF/Dic/actuC/ActuC19/projet-constitution-RCA-adopie-par-CNT-2015.pdf English version of Article 8 states: 'Freedom of conscience, assembly, and freedom of religious worship are guaranteed to all within the conditions prescribed by law. All forms of religious extremism and intolerance are prohibited.'

13 The ICCPR states: 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

During the transition period attacks on places of worship were regularly reported. These included:

- Grenade attacks
- Home-made bombs thrown into church buildings while congregations worshipped
- Worshippers robbed while travelling to or from church services
- Looting and desecration of places of worship
- Destruction of buildings delivering social services to the local communities, such as pharmacies and schools.

Some of these were well-planned attacks, such as the one targeting IDPs in the compound of Church of Fatima in 2014, designed to cause maximum damage to the church.¹⁴

The security situation in Bangui has improved significantly over the last 18 months, and churches in most of the city have been able to resume their activities. However, in areas where the security situation is still volatile, churches have not re-opened.

Muslims were also affected by violence in Bangui during the transition period, as mosques were attacked and destroyed. In retaliation for the violence perpetrated by the Seleka against Christian and animist communities, anti-Balaka fighters targeted Muslims during their assault on Bangui in December 2013.

Religious leaders of all faiths have participated in initiatives to bring the religious communities together and end the targeting of Muslims. In some parts of the city church leaders and their congregations have worked together with Muslim communities to restore mosques.¹⁵ The Central Mosque in PK5 was the main place of worship for the Muslim population in Bangui during the transitional period, but prior to December 2015 Muslims living in other areas of the city were unable to participate in communal worship there due to the security restrictions on their movements. While there are still security concerns for Muslims outside PK5, free movement outside the area was restored following the visit of Pope Francis in November 2015, when he went to PK5 to address the Muslim community.¹⁶

14 BBC, 'CAR Seleka rebels kill many in Bangui church attack', 28 May 2014 www.bbc.com/news/world-africa-27614401

15 Diaspora Magazine, 'Centrafrique: Réouverture prochaine de la mosquée de Lakouanga', 28 April 2015 www.diaspora-magazine.com/Centrafrique-Reouverture-prochaine-de-la-mosquee-de-Lakouanga_a479.html (Accessed translated version)

16 Christian Solidarity Worldwide, 'Pope Francis calls for peace in Central African Republic', 30 November 2015 www.csw.org.uk/2015/11/30/press/2886/article.htm

During the transition period the government took steps to recognise dates in the Muslim religious calendar as national holidays.¹⁷ In September 2016 the Eid festivities in Bangui were attended by President Touadéra, President of the National Assembly Karim Meckassoua, Prime Minister Simplicie Sarandji and other members of the government. The politicians visited the Central Mosque of Bangui as a sign of solidarity and reconciliation.

AREAS HELD BY THE SELEKA

In areas controlled by the Seleka in the north of the country, such as Kaka Bango where the Seleka has complete control, the local population lives under severe restrictions. The Seleka impose informal and ad hoc taxes on such benefits as free movement of persons and goods. Muslims living in Seleka-controlled areas are also required to pay these illegal taxes; some express frustration at the requirements, but others see it as a way of protecting their lives and business interests from the anti-Balaka. However, Muslims have historically enjoyed great influence in trade and commerce, and over time have built strong networks within the country and surrounding nations; they are therefore able to draw on these networks and pool funds to pay the Seleka's taxes. Christians and animists, on the other hand, tend to be subsistence farmers, producing only enough to feed their families and sell a small surplus for profit. This means they are much less likely to be able to pay the taxes, and therefore unable to move freely. This prevents these communities from travelling to their farms, which are usually outside the main residential areas; this ultimately leads to increased food insecurity and vulnerability.

The difference in Muslims' ability to respond to these demands compared to Christians and animists creates an atmosphere for religious tensions to build. If left unaddressed this phenomenon may further erode the social fabric of these communities.

In Seleka-controlled areas, the threat of violence is ever present; those who refuse to comply with the group's demand are attacked, often fatally. Local sources have reported incidents of the Seleka killing farmers who were tending their land without permission or without having paid the required taxes.

A church leader reported the impact of the pervasive sense of fear:

*"It is not easy for the church to live and function and at different times there are still attacks, there are killings and executions which means the Christians are continuing to live in fear. Sometimes people flee to church buildings for refuge but they are pursued and killed there. That is the current situation at this time."*¹⁸

17 Diaspora Magazine, 'Centrafrique: La fête de Tabaski, une journée fériée en Centrafrique', 25 September 2015 www.diaspora-magazine.com/Centrafrique-La-fete-de-Tabaski-une-journee-feriee-en-Centrafrique_a888.html (Accessed translated version)

18 CSW interview with senior church leader, July 2016

Attendance of religious meetings organised during the week or special events requires the permission of the Seleka.¹⁹ Attendance of church services on Sundays has not been expressly forbidden, but due to the restrictions on other activities, Christians have limited their meetings to Sundays. In May 2016 the evangelical churches organised evangelistic and religious training events in the interior of the country; attendance was very low.

These restrictions create a de facto violation of freedom of religion or belief, and the longer these areas are allowed to remain under the Seleka's control, the greater the danger to the chances of reconciliation in and restructure of the state itself.

AREAS HELD BY THE ANTI-BALAKA

The anti-Balaka maintain their hold in the south-west of the country. In these areas there are very few Muslims left; those who remain live in enclaves and their freedom of movement is severely restricted. Although the anti-Balaka largely permit religious activities in areas of their control – Christians are generally free to worship and to share their faith in public and in private – a number of Muslims have had to leave their homes; the pockets that remain are able to worship as long as the local community can protect them.

The diamond-rich town of Carnot is an anti-Balaka stronghold. Due to sporadic but recurring violence, the Muslim population have fled their homes and taken refuge in the town's Catholic church, with the first group arriving at the church in February 2014. For their own safety they rarely leave the church compound: those who venture outside risk being identified by the anti-Balaka and attacked. The group is therefore unable to travel to their places of worship for daily prayers and religious celebrations. The Catholic church has attempted to accommodate their religious needs: the 500 men, women and children are permitted to carry out their daily prayer rituals on the premises.

However, the anti-Balaka often target religious leaders who protect Muslims in these areas. For example, anti-Balaka militia have threatened the priest of Carnot's Catholic church for protecting Muslims:

*"[At the beginning of the crisis] I found myself with 1,000 Muslims in the church; I have been targeted several times, put on my knees. I still remember the day the anti-Balaka came here, with about 40 litres of gas [petrol] on a motorbike in order to get through the fence and burn the concessions in case I didn't hand the Muslims over to them. By letting myself be pushed around I convinced them not to assault the people."*²⁰

The anti-Balaka have also attacked individuals involved in peacebuilding and reconciliation efforts between the Muslim and Christian communities. At 3am on 20 May

2016 armed anti-Balaka attacked an elderly man in his home in the town of Berberati – he was targeted because of his prominent role in peacebuilding efforts. He had participated in a MINUSCA event to bring the communities together, where the group discussed cleaning the Muslim cemetery.

In response to the incident the local community organised a demonstration. One protestor said, "We say no to this practice that destroys our city. We want peace and to live together. Any contrary [ideas] will not pass."²¹

The anti-Balaka hold that Muslims are not indigenous to CAR, and took over the country with the Seleka's coup in order to plunder resources and forcefully convert the country to Islam. As a consequence of this belief, the anti-Balaka have mistakenly been labelled a Christian militia; however, church leaders of all denominations have repeatedly clarified that the anti-Balaka has no church affiliations. A senior evangelical leader told CSW:

*"The Church in the CAR has never formed any kind of militia group; the Church has never called upon Christians to take up arms against the Seleka. These anti-Balaka groups even attack Christians as well – and attack churches...We saw the Seleka protecting Muslims, but the anti-Balaka were attacking Christians. It is evident that the anti-Balaka are not a Christian group; possibly some Christians might feel driven to join the anti-Balaka in reaction to what has happened to them and to their families. But that does not make the anti-Balaka a Christian militia in any way and the church has never in any way sought to form a Christian militia...And we wrote letters to President Djotodia, and the Seleka in places of power saying that we, the Church in Bangui, have never called upon our people to take up arms."*²²

The actions of the anti-Balaka show that the group is willing to use violence against any individual or group they perceive to be acting against their aims. The reason they do not attack Christians is not because of any sense of affiliation, but simply because the Christian population is not Muslim and therefore not viewed as a foreign entity.

FOR CONVERTS

One of the most vulnerable groups in relation to freedom of religion or belief is those who exercise their right to change their beliefs. As mentioned earlier, prior to 2013 religion did not feature in the country's crises. With the advent of the Seleka religious identity became a central

21 RJDH, 'Centrafrique: La population de Berberati manifeste contre l'agression d'un homme par des Anti-Balaka', 23 May 2016 <http://rjdh.org/centrafrique-la-population-de-berberati-manifeste-contre-lagression-dun-homme-par-des-anti-balaka/> (Accessed translated version)

22 CSW interview with senior church leader, July 2016

19 *ibid.*

20 Vice News, 'United in Hate: The Fight For Control in CAR', 1 December 2015 www.youtube.com/watch?v=VoZvdCvq2iQ

issue in the conflict. Those who converted from Islam to Christianity or vice versa were particularly vulnerable to the attacks of both armed groups if their conversion was believed to be forced; or they were forced to lie about their religious identity in order to protect their lives.

Prior to 2013 social hostilities between religious groups was relatively low, and it was common within one family to have members identifying variously as Muslim, Christian or animist. While the social challenges of conversion still had to be navigated, there was no legislation preventing it. The legal situation is still the same but social hostilities between religious communities have increased, and converting to another faith now comes at a much higher risk, both for the person who chooses to change their faith and those who work to support them. A church leader who works with converts told CSW:

*"My wife suffered various threats because we work with Muslims; they are friends of ours, some of whom [have converted to Christianity]. And that was not pleasing to the Muslims nor to the other side [anti-Balaka]. There were two occasions when they nearly killed my wife."*²³

UN PEACEKEEPERS AND CAR'S NATIONAL ARMY

A number of concerns have been raised regarding the work of the MINUSCA, the UN peacekeeping mission in CAR. Firstly, there is a perception within the population that the peacekeeping force is deliberately refraining from using force when the use of force is necessary to protect citizens. For example, a local source lamented that in response to the September 2016 attack on Kaga Bandoro the UN peacekeeping mission did nothing proactive to protect civilians.²⁴ The protection of civilians is a high priority in the MINUSCA's mandate.

Secondly, there are allegations of sexual abuse, particularly of minors, committed by peacekeeping forces between 2013 and 2016. These are some of the gravest violations that can be committed against vulnerable communities by those mandated to protect them. On 2 August 2015 a peacekeeper reportedly raped a 12-year-old girl while carrying out a house-to-house search in Bangui.²⁵ There have also been accusations of African Union peacekeepers killing civilians, after the bodies of 12 people were found in Boali.²⁶

More widely known are the allegations against French soldiers, who have reportedly sexually abused starving children in exchange for food. This led to further scrutiny of the actions of peacekeepers, and the UN found more cases of abuse committed by peacekeepers from Gabon, Burundi and France.²⁷ While the UN has taken steps to respond to the allegations of abuse, including dismissing the head of the UN peacekeeping mission,²⁸ the peacekeepers have not been prosecuted. Two French judges travelled to CAR to investigate the cases of abuse by French troops between 2013 and 2015,²⁹ but this investigation has not resulted in any prosecutions either. The inaction in investigating cases of abuse has left victims without justice, and due to the social stigma surrounding sexual abuse, it has also left them vulnerable to rejection and isolation.

Local sources claim to have noticed the presence of a higher than expected number of Muslim peacekeepers in the MINUSCA. The information is essentially anecdotal; nevertheless, perceptions, whether true or mistaken, can impede the peacekeeping mission in fulfilling its mandate.

Locals have observed Muslims in the MINUSCA attending religious ceremonies together with CAR's Muslim population, particularly in Bangui. Such activities are wholly in accordance with the right of the peacekeepers to observe their religious practices while on operational duty. However, they also create the opportunity for these peacekeepers to interact with the Muslim population at deeper level than with others. While peacekeepers are meant to be independent and execute their duties for the protection of all civilians without discrimination or preference, the perception among the non-Muslim population is that they are being policed by Muslims.

Given the use of religion in what was previously a purely political and economic conflict, this adds to fears of a religious dimension in the security response. As an operational consideration, the religious identity of peacekeepers in this particular context is sensitive, and care should be taken in the selection process, being mindful that the majority of the population in CAR is non-Muslim.

The challenge of restoring security to all CAR's communities is the responsibility of the government with the support of the international community. Part of the

²³ *ibid.*

²⁴ Email briefing to CSW, 18 September 2016

²⁵ BORGES Magazine, 'UN Peacekeeper Sex Crimes Foster Distrust in Aid', 23 August 2015 www.borgenmagazine.com/un-peacekeeper-sex-crimes-distrust-in-aid

²⁶ La Nouvelle Centrafrique, 'African Union peacekeepers accused of executions in CAR', 2 August 2016 www.lanouvellecentrafrique.org/2016/08/02/african-union-peacekeepers-accused-of-executions-in-car-video

²⁷ France24, 'UN announces 108 new allegations of sexual abuse in CAR', 1 April 2016 www.france24.com/en/20160331-un-108-new-alleged-sexual-abuse-victims-car-central-africa-sangaris

²⁸ *Guardian*, 'UN peacekeeping chief in CAR sacked over sex abuse claims', 12 August 2015 www.theguardian.com/world/2015/aug/12/un-peacekeeping-chief-central-african-republic-resigns-babacar-gaye

²⁹ 'Abus sexuels sur des enfants centrafricains deux Judges Français a Bangui' <http://centrafrique-presse.over-blog.com/2015/07/abus-sexuels-sur-des-enfants-centrafricains-deux-juges-francais-a-bangui.html> (Accessed translated version)

MINUSCA's mandate relates to reform and redeployment of the security sector.

In the face of real or perceived failings on the part of the peacekeeping missions, the civilian population sees the redeployment of the Central African Army (FACA) as a priority. Their opinions were also observed by the Independent Expert on the Central African Republic and outlined in her September 2016 report. Local sources revealed the strongly held opinion that the FACA is capable of restoring law and order.

There are several examples when the FACA was called in and was able to quell potentially violent situations. Earlier in 2016 a UN peacekeeping mission was travelling from Duale to Bangui, when the anti-Balaka blocked the road and would not allow the international peacekeepers to pass. The national army was called in and its presence forced the anti-Balaka to retreat, allowing the convoy of peacekeepers to travel safely to Bangui. In October 2015, when violence broke out in Bangui, local sources reported that the intervention of the national army brought an end to the crisis.

JUSTICE, PEACE AND RECONCILIATION

Throughout the conflict and in the months before the coup religious leaders from the three main confessions (Catholic, Protestant and Muslim), and those working with them, travelled extensively throughout the interior of the country. Their task was to promote reconciliation between communities and speak to those who suffered as the Seleka was descending on Bangui, and who have continued to suffer greatly in the last three years. A senior church leader told CSW of meeting families during the time of the Seleka's rule and urging them not to take revenge for the violence they had endured.³⁰ These difficult conversations would often occur at the scene of the crime with bodies awaiting burial.

The reconciliation work undertaken by this network of religious leaders is to be, and has already been, commended. However, their work must be supported through the establishment of justice mechanisms. A church leader told CSW of an incident that occurred in Bangui in February 2014, when a Seleka general was transporting passengers to a meeting organised at the church. IDPs living in the church recognised the general as the man who killed their family members. The crowd erupted and wanted to attack the general, but the church leaders sheltered the man inside the church until it was safe for him to leave. Religious leaders of all the main denominations were present at this meeting and were united in their response. The church leader commented that if perpetrators are not brought to justice, episodes like this are likely to become commonplace.

Ensuring justice for individuals and communities is central to peace and reconciliation efforts. With a weakened legal system, few have been brought to justice for crimes and human rights violations committed

in the crisis. In his inauguration speech President Touadéra promised to build on the peace established during the transition period, and his focus on security is of paramount importance. The issue of justice is equally important in ensuring that communities are able to return to living peacefully together, and sources speaking to CSW have raised concerns regarding the delays in establishing appropriate courts and rebuilding the national justice systems. One religious leader who worked with communities throughout the crisis spoke of the urgent need to bring perpetrators to justice. He said, "There are many people who are known to be criminals who have committed grave crimes but they roam the streets freely...To try and force people together without justice will only lead to more violence."³¹

The transitional government has passed legislation to establish a Special Criminal Court, designed to bring to justice those accused of perpetrating the most serious atrocities. Progress towards establishing the court has been slow; so far only a small number of preliminary hearings have taken place and judges are yet to receive the necessary training.

The conditions in prisons and local court systems are slowly returning to some order. In Bangui prisons are full and criminal courts are able to process some cases. Despite these developments, prisons are often targeted by the anti-Balaka and Seleka during times of violence in order to free their fighters, as occurred in October 2015. The return to the streets of violent armed criminals is a threat to the relative peace in the parts of the country. The challenges of delivering justice outside the capital city are manifold. With local civil administration bound in places to the directives of the Seleka or anti-Balaka, the process of investigating serious crimes and bringing the perpetrators to justice is hampered by the presence of armed groups – often the main perpetrators of these crimes. Additionally, the central government has only weak control over parts of the country, where there is also underinvestment by the state.

³¹ *ibid.*

CONCLUSION

The overriding priorities of the government and the international community are:

- Overcoming security challenges
- Ensuring the armed groups are disarmed and demobilised
- Redeploying a reformed security sector.
- Ensuring that justice mechanisms are established, and that those responsible for abuses are held to account, must occur concurrently.

The emergence of sectarian tensions and violence targeting religious communities is a serious concern: the government and the international community must ensure that justice and peacebuilding mechanisms are established in order to address religiously-motivated violence. The government must assess the societal impact of exploitative regulations established by the armed groups in the north and south-west of the country, and, with the support of the international community, take steps towards rebuilding relationships between religious groups. The government and the international community must address actions that target any religious community, underscoring that all communities are entitled to enjoy human and constitutional rights.

The government should ensure that training on religious freedom is included within peacebuilding initiatives, to ensure that religious communities understand international legal provisions for freedom of religion or belief for people of all faiths and none.

It is a state's responsibility to protect the enjoyment of freedom of religion or belief for all within its borders. In areas held by the anti-Balaka, the state is responsible for bringing towns and cities under its control and allowing all citizens to enjoy their constitutionally-guaranteed freedoms. Restoring control in areas taken by the anti-Balaka and disarming the group is vital for the future enjoyment of freedom of religion or belief and all other human rights.

RECOMMENDATIONS

To the Central African Republic (CAR)

- Work with the MINUSCA and the international community to restore security and state operations across CAR's territory, and facilitate the increasing deployment of a reconstituted national army that has the confidence of the people
- Ensure that those who have committed human rights abuses during the recent conflict or prior conflicts are not allowed into the armed forces
- Work with the MINUSCA, regional and international partners to deliver DDR programmes for all armed combatants
- Make preparations for the deployment of a reconstituted national army that has the confidence of the people
- In coordination with the MINUSCA and the international community, implement training for the new army on protecting civilians and respecting human rights
- Address security challenges in its governance strategy to ensure that justice is applied evenly, and that those who commit grave crimes are brought to justice
- Together with the international community, set out a clear timetable for the establishment of the Special Criminal Court and appropriate justice mechanisms to bring perpetrators of abuses to justice
- Continue supporting and resourcing peacebuilding and reconciliation initiatives
- Prioritise the protection of key religious leaders involved in peacebuilding and reconciliation work.

To the United Nations

- Along with the relevant governments, ensure that peacekeepers who are accused of committing grave abuses against civilians are investigated and brought to trial. The UN must request from the home country regular updates on the investigation and trial process, and make recommendations to the states involved through the UN human rights mechanisms
- Encourage the MINUSCA to execute its mandated power to proactively protect civilian populations from armed groups, without discrimination
- Support the establishment of the Special Criminal Court and appropriate justice mechanism to bring perpetrators to justice.

To the MINUSCA

- Acknowledge and respond to concerns on the ground, including where appropriate by balancing the religious composition of peacekeepers deployed, to reflect the religious composition of local communities
- Continue supporting and resourcing peacebuilding and reconciliation initiatives
- Execute without discrimination its mandated power to proactively protect civilian populations from armed groups

- Prioritise restoring security across CAR's territory and use reasonable force where necessary to protect civilians
- Execute its mandated power to proactively protect civilian populations from armed groups, without discrimination
- Prioritise the protection of key religious and community leaders involved in peacebuilding and reconciliation work
- Work with the government of CAR to facilitate the deployment of a reconstituted national army that has the confidence of the people.

To the international community

- Continue supporting and resourcing peacebuilding and reconciliation initiatives
- Prioritise the protection of key religious leaders involved in peacebuilding and reconciliation work.

To the African Union

- Support CAR in delivering DDR programmes, through sharing expertise and best practices from the region
- Require states whose peacekeepers are accused of committing grave abuses against civilians to investigate and try individuals within their jurisdiction.

To the European Union

- As the largest donor into CAR, ensure that funds are apportioned to support peacebuilding and reconciliation initiatives that aim to rebuild social cohesion between religious and ethnic groups
- Ensure that protection is extended to key religious and community leaders working on peacebuilding and reconciliation initiatives, who have been targeted by armed groups
- Direct EU funding to the protection of civilian infrastructure including religious buildings belonging to all faith groups
- Support the establishment of the Special Criminal Court and appropriate justice mechanisms to bring perpetrators to justice
- Work together with the UN and the government of CAR to facilitate the deployment of a reconstituted national army that has the confidence of the people.

To the UK and the USA

- Support CAR to deliver DDR programmes for all armed combatants
- Continue supporting peacebuilding and reconciliation initiatives, especially those that support the integration of religious communities
- Support the government of CAR in establishing the Special Criminal Court and appropriate justice mechanism to bring perpetrators to justice
- Encourage governments whose peacekeepers are accused of committing grave abuses against civilians to investigate and try individuals within their jurisdiction.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

Registered Charity No. 281836

PO Box 99, New Malden, Surrey, KT3 3YF, United Kingdom
T: +44 (0)845 456 5464 F: +44 (0)20 8942 8821
E: admin@csw.org.uk www.csw.org.uk