

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all through research and advocacy.
2. This submission seeks to draw attention to concerns regarding the right to FoRB in the Central African Republic (CAR) ahead of the state's fourth Universal Periodic Review (UPR).

UPR commitments to freedom of religion or belief

3. During the third UPR cycle in 2018, CAR received two recommendations relating to the right to FoRB. Both were accepted.
4. The accepted recommendations were to 'continue with determined efforts in promoting reconciliation and peaceful coexistence among the people irrespective of religious or any other differences' (recommendation 121.102, Nigeria); and to 'develop public policies and awareness-raising campaigns to prevent incitement to violence, among other causes for ethnic or religious reasons, and to investigate and sanction persons or entities that incite violence' (Argentina, 121.59).¹
5. CAR also supported 10 recommendations relating to increasing public security in the country, including a call from Sierra Leone (121.54) to 'put an immediate end to the current sectarian violence in the country'.²

Continued activity of armed groups

6. Despite accepting these recommendations, progress towards security, peaceful co-existence and reconciliation in CAR has been slow during the reporting period.
7. In February 2019, the government negotiated a peace agreement with 14 armed groups operational in the country - the 23rd of its kind signed within a 13-year period. It called for the immediate surrendering of arms by the armed groups and a cessation of hostilities. However, these groups continued to resort to force to demonstrate their displeasure at the power sharing arrangements.
8. On 21 May 2019, at least 46 people were killed and dozens injured when the rebel group known as 3R (Return, Reclamation and Reconciliation) – one of the parties to the peace agreement signed just months earlier - attacked the villages of Koundjili and Lomouna in the northwest of the country.³
9. In December 2019, at least 47 people were killed and 72

injured in clashes between militias and traders in the volatile PK5 quarter of Bangui. On 26 December the imam of the Ali Babolo Mosque confirmed to France 24 that at least 30 bodies had been brought to the mosque in the predominantly Muslim quarter. The fighting broke out after traders took up arms to resist illegal taxes imposed by militia groups.

10. On 9 January 2020, clashes between CAR's armed forces and elements of the Union for Peace in the Central African Republic (UPC) armed group in Alindao. Tensions had been rising for some time and the fighting resulted in the destruction of two camps for internally displaced persons (IDPs). 650 families sought refuge in a nearby hospital and at least 2000 people were displaced.
11. On 17 January 2020, two people were killed and 40 houses were razed to the ground in Birao in the northeast of the country after tensions between armed groups operating in the region.
12. On 16 February 2020, fighting erupted in Birao resulting in the deaths of 12 members of the armed group Popular Front for the Rebirth of Central Africa (FPRC). The FPRC attempted to attack an IDP camp and an army base but was repelled by the army and UN Peacekeeping forces, who restored order. The FPRC, a signatory to the February 2019 peace agreement, had taken over the town in 2014 and was able to control levies on goods crossing between CAR and neighbouring Sudan.
13. On 7 March 2020, civilians in Ndele found the body of a UN Peacekeeper who had reportedly been killed by FPRC fighters in the bush. In the days after the discovery of the body, skirmishes were reported in the town.
14. On 15 March 2020, the UN Secretary General reported that another UN peacekeeper had been killed after anti-Balaka fighters led by Dimitri Ayoloma launched an attack on Girmari town, starting with the homes of the mayor. The peacekeeper was fatally wounded in fighting after MINUSCA was deployed to protect civilians and repel the assault.
15. On 25 December 2020, UN Secretary-General António Guterres condemned an attack on MINUSCA which claimed the lives of three Burundian peacekeepers and left two others injured. Fatal attacks on peacekeepers had also been reported in July 2020.
16. On 19 January 2021, the UN reported that two more peacekeepers were killed after their convoy was ambushed by members of armed groups, including the anti-Balaka.

December 2020 elections

1 United Nations, Report of the Working Group on the Universal Periodic Review: Central African Republic, Addendum, Views on conclusions and/or recommendations voluntary commitments and replies presented by the state under review, 8 March 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/063/11/PDF/G1906311.pdf?OpenElement>

2 *Ibid*

3 FoRB in Full, A blog by CSW. 'Justice at last in the Central African Republic, but the government's work is not finished yet', 29 November 2022, <https://forbinfull.org/2022/11/29/justice-at-last-in-the-central-african-republic-but-the-governments-work-is-not-finished-yet/>

17. Parliamentary and presidential elections in December 2020 brought with them a further deterioration in the security situation, and ultimately marked the breakdown of the 2019 peace agreement.
18. On 3 December 2020, CAR's Constitutional Court ruled against the candidacy of former president Francois Bozizé. This prompted the formation of a coalition of six major armed groups that also comprised former Seleka and anti-Balaka elements known as the Coalition of Patriots for Change (CPC), which linked with Bozizé and announced its intention to disrupt the elections. It launched an extensive campaign of violence ahead of the vote which included the targeting of the president's second home in Damara.
19. The fighting pitted the CPC against the national army, MINUSCA, and forces from Russia and Rwanda, whose presence was secured following bilateral agreements between the CAR and their respective governments. The UN Special Representative and Head of MINUSCA, Mr Mankeur Ndiaye, reported that a government counter-offensive against the CPC had led to 'an unprecedented humanitarian crisis', resulting in over 57% of the population in need of humanitarian assistance.
20. On 4 January 2021, President Touadéra won a second term in office, with an estimated 53.9% of votes cast, a declaration that was subsequently confirmed by the Constitutional Court on 18 January, although the political opposition demanded the annulment of the elections on the grounds that fighting had prevented over half of all registered voters from voting.

Religiously-motivated violence

21. There was still a notable religious element to much of the violence reported in the country during the reporting period.
22. In May 2019, a 77-year-old French-Spanish Catholic nun, Sister Ines Nieves Sancho, who trained women and girls to deliver humanitarian aid, was killed in Nola in the southwest of the country.
23. On 11 February 2020, over 100 homes were destroyed and supplies were damaged in an arson attack on an IDP camp located in the compound of the Catholic Church in Alindao at around 11pm. No one was injured, as camp residents worked together to extinguish the fire.
24. On 4 June 2021, the convoy of Apostle Nicolas Gurekoyame Gbangou, head of the CAR Evangelical Union and a founding member of the Interfaith Peace Platform, was attacked by unknown gunmen. The convoy of approximately 300 Christians from the ELIM denomination was stopped near Nzélé village in Basse-Kotto, 22km from Alindao, by armed men who ordered the passengers out of vehicles and confiscated all their valuables, including mobile phones and money. They then set the vehicles alight, leaving the group stranded.

25. At a press conference on 9 June 2021, Apostle Gurekoyame Gbangou explained that the group, which included elderly and traumatised individuals, had to travel for one and a half hours to seek help. He called on the government to work towards ensuring freedom of movement for people and goods across the entire country. When asked why the men targeted a religious group, Apostle Gurekoyame Gbangou answered that one of the armed men said, 'the Church shouldn't play politics' and 'instructed us to tell President Touadéra that they still have the strength and can still harm.'

Recommendations

26. ***The State Party must engage in meaningful dialogues with political opposition and armed groups, ensuring the peace process is revitalised, and the safety of vulnerable citizens is prioritised.***
27. ***The State Party must work towards disarming and demobilising armed groups operating within the country in order to ensure the right to life and security of all citizens, and to prevent armed groups from restricting the right to FoRB, and extorting civilians.***
28. ***The State Party must support peace and reconciliation initiatives that aim to rebuild trust between religious communities, and ensure protection for religious leaders who lead them.***

Impunity

29. CAR accepted nine recommendations relating to combatting impunity during its previous UPR. Three related specifically to ending impunity for perpetrators of sexual and gender-based violence, while six focused more broadly on human rights violations and violence.
30. Among these recommendations was a call from Luxembourg (121.87) to 'continue and strengthen the fight against impunity, ensuring that those who have been found guilty of human rights violations are brought to justice.'⁴
31. A Special Criminal Court, mandated to investigate and prosecute grave violations, began investigating cases at the beginning of 2019, and in December 2021 its first hearings were scheduled.
32. In November 2021 an arrest warrant for government minister and former member of the Union Pour la Paix en Centrafrique (UPC) armed group, Hassan Bouba, was executed in relation to a November 2018 attack on an IDP camp in the Sacred Heart Cathedral in Aliando Town. Mr Bouba was placed in custody, but was subsequently released despite the objection of the Court and the Independent Expert on CAR. The minister was a senior UPC leader at the time of the attack prior to becoming a political advisor to the government following the signing of the 2018 peace agreement and receiving political appointments. His case has raised significant concerns regarding the possibilities of challenging impunity and

ensuring justice for victims of severe human rights violations.

33. The International Criminal Court, meanwhile, has arrested two anti-Balaka leaders, whose cases are being processed in The Hague, and in January 2021, the first Seleka suspect was surrendered to the court.
34. In October 2022, the Special Criminal Court released a verdict in its first full trial which found three leaders of the 3R armed group guilty of war crimes and crimes against humanity. Issa Sallet Adoum (alias Bozizé) was sentenced to life imprisonment, and his co-defendants, Mahamat Tahir and Yaouba Ousman, each received 20-year prison sentences. All three were accused of orchestrating attacks on the north-western villages of Koundjili and Lomouna on 21 May 2019.
35. These developments mark significant steps towards realising justice. However, they do not adequately challenge the impunity that perpetrators of grave violations of international human rights and humanitarian law have enjoyed since the beginning of the December 2012 crisis.

Role of Russian mercenaries

36. Particularly concerning is the impunity currently enjoyed by Russian mercenaries invited to CAR and supported by the president to work with the national army, the Central African Armed Forces (FACA). These mercenaries are accused of egregious violations of human rights and humanitarian law, and have targeted anyone who criticises and highlights their actions.
37. In February 2021, Russian fighters and members of the FACA reportedly entered a mosque in Bambari searching for rebel fighters and are alleged to have fired on several unarmed civilians.
38. In March 2021, a group of UN experts, including the UN Working Group on Mercenaries, cited reports from the ground that Russian contractors connected to the Wagner Group, a militia which includes forces that have seen action in Syria and the Ukraine, have been implicated in gross violations of international human rights and humanitarian law, including the use of torture, summary executions and attacks on humanitarian workers.
39. There are also reports of the increasing use of landmines by warring parties, including by Russian mercenaries.
40. On 12 June 2021, reports emerged that the Sultan-Mayor of Kouï, his assistant and bodyguard were killed when their vehicle hit a landmine enroute to a meeting with the 3R armed group about possible disarmament. However, it was later alleged that the mercenaries had stormed the Sultan-Mayor's home, insisting the three men accompany them, and subsequently shot them,

before claiming they had been killed by a landmine.

41. In August 2021, the Imam of Kouï disappeared after his home was reportedly raided by Russian fighters, who had been pressuring him for several weeks to stop teaching children in the Quranic School.
42. Russian mercenaries are also implicated in the summary executions of the former Mayor of Bambari and his family in Gallougou village on 14 December 2021, and of the Mayor of Ndachima in March 2022, for allegedly collaborating with rebel armed groups.
43. In January 2022, the UN announced that it would investigate reports of more than 30 civilians killed by CAR forces and Wagner Group mercenaries in a military operation on 16-17 January 2022 targeting the UPC rebel group.⁵ It also reported that the UN expert group had not been functioning since 31 August 2021, when Russia blocked the renewal of its mandate.
44. On 10 April 2022 three Russian mercenaries reportedly raped and sexually assaulted patients and staff at the maternity ward of the gendarmerie infirmary of the Henri Izamo military camp in Bangui.
45. Between 10 and 15 civilians were reportedly killed in heavily armed attacks on the localities of Gordile and Ndah between 11 and 12 April 2022. One Muslim man was allegedly arrested during the attack and forced to eat his own ears during the period of Ramadan in a violation designed to compound his distress.
46. Over a six-week period beginning in mid-March 2022, Russian mercenaries reportedly mounted a series of attacks on artisanal mines in areas between the north-eastern town of Am Daga and the border with Sudan,⁶ killing migrant miners and destroying encampments, in an effort to seize control of CAR's gold reserves.
47. In January 2023 the CPC launched a major offensive in the northeast, targeting the Béloko customs post in Nana-Mambéré prefecture on 21 January; killing seven Wagner mercenaries in three days of fighting in Gordil on 25 January; capturing 20 FACA soldiers following fighting in Sikikédé town on 14 February, and threatening to seize Banjul.
48. The CAR presidency remained confident of receiving Russian mercenaries following the Wagner Group leaders' abortive march on Moscow in June, stating that its defence contract is with Moscow, which subcontracted Wagner, and could send a new contingent if necessary.

Recommendations

- 49. *The State Party must ensure a thorough investigation of and accountability for violations highlighted by the UN Working Group on Mercenaries.***

⁵ Agence France-Presse (AFP), 'UN investigates Russian soldier torture case in Central African Republic', 12 February 2022, <https://news.yahoo.com/un-investigates-russian-soldier-torture-case-car-190039798.html>

⁶ The Guardian, 'Russian mercenaries accused of deadly attacks on mines on Sudan-CAR border', 21 June 2022, <https://www.theguardian.com/world/2022/jun/21/russian-mercenaries-accused-of-deadly-attacks-on-mines-on-sudan-car-border>

50. The State Party must ensure that individuals who committed gross human rights violations, whether recent or historical, are held accountable, and are not appointed to political or military positions.

Proposed changes to presidential term limits

51. CSW is concerned that calls by allies of President Touadéra, including Russian diplomats,⁷ for the removal of the constitutional two-term presidential limit, which he had undertaken to respect when re-elected, may fatally undermine efforts to stabilise the country.

52. In August, President Touadéra announced a constitutional referendum. However, on 23 September 2023, the Constitutional Court cancelled plans for a committee to amend the Constitution, reminding the president of his vow to respect the term limit. Angry Touadéra supporters accused the Court of treason and attempted to storm the premises, but were restrained by UN forces.

53. Nevertheless, in October 2022 the president engineered the early compulsory retirement of both the President of the Court, and the President of the National Assembly, who had reportedly agreed with the court decision.

54. Opposition groups at home and abroad have joined together against a constitutional referendum, calling for President Touadéra's resignation and the commencement of a transitional phase. The government has responded with increased repression of civil society, and Russian mercenaries are targeting those suspected of opposing the government, particularly in the Muslim community.

55. CAR is not the only African country where efforts have been made to change constitutional presidential terms as 'part of a broader pattern of undermining the rule of law and weakening democratic institutions'⁸ enroute to one-party statehood and/or authoritarian life-presidency. However, such democratic backsliding tends to create a cycle of repression and instability, as evidenced by the 2021 military coup in Guinea, and arguably, the new CPC offensive.

Recommendations

56. Given that CAR's chronic 'instability stemmed from presidents wanting to make their rule eternal,'⁹ the State Party must maintain the two-term presidential limit.⁹

57. The State Party must also undertake to guarantee and respect judicial independence in line with the UN Basic Principles on the Independence of the Judiciary (1985), and the resolution of African Commission on Human and People's Rights on the Respect and Strengthening of the Independence of the Judiciary (1999).

⁷ The New York Times, 'Putin wants fealty, and he's found it in Africa', 24 December 2022, <https://www.nytimes.com/2022/12/24/world/africa/central-african-republic-russia-wagner.html?smid=tw-share>

⁸ Joseph Siegle and Candace Cook, 'Presidential Term Limits Key to Democratic Progress and Security in Africa,' Orbis Volume 65, Issue 3, 2021

⁹ *Ibid*

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free to believe**

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