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Central African Republic: MINUSCA Must Guarantee the Security, Ensure the Rule of Law and Fight Against

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Description:

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), officially starting on 15 September 2014, must ensure the security of the civilian population, contribute significantly to the establishment of the rule of law with the redeployment of the public services and help to fight against impunity with the establishment of a Special Criminal Court (CSS), as the conflict entered a low intensity phase, with less media coverage, but during which serious crimes are still being perpetrated, particularly in the centre of the country.

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According to FIDH, which led an advocacy mission in New York last week, MINUSCA's headcount of soldiers already present in the field numbers 7600, the majority composed of the African forces of the African-led International Support Mission to the Central African Republic (MISCA), who are now placed under UN command. This force deployment, which corresponds to 65% of the expected number, must continue until April 2015, date on which the mission should reach the total number of 10 000 soldiers and 2 000 policemen authorized by resolution 2149 voted on 10 April 2014 by the United Nations Security Council. About fifteen MISCA soldiers and officers have not been retained to take part to the MINUSCA according to the vetting process currently in effect for UN peacekeeping operations. This MINUSCA assumption of duty occurs at a time when atrocities and abuses are still being perpetrated in the country, particularly in the centre of the country where about 200 civilians have reportedly been killed during the past 3 months in the Ouaka, Nana-Gribizi and Kémo counties where the anti-balaka and ex-seleka are fighting.

" MINUSCA must guarantee the security of the civilian populations, who remain under the threat of the anti-balaka and ex-séléka armed groups, and prevent the break-up of the country while also guaranteeing the return of the refugees and displaced persons. MINUSCA has the tough assignment of helping the Central African government to promote a political agreement and over time help organise elections while fighting impunity, which are the conditions for a national reconciliation ", declared Karim Lahidji, FIDH President.

In a country which is still divided in two, the anti-balaka and the ex-seleka continue to commit atrocities in a low-intensity conflict context, which is not exempt from peaks of violence, as shown by the fighting that took place during August, in the PK5 neighbourhood in Bangui and the dozens of abuses which have been occurring for several months in the centre of the country. In this context, the UN mission, headed by the Senegalese general Babacar Gaye has the difficult task of stabilizing the country, neutralizing the dozens of armed groups that control large parts of the territory, and re-establish the authority of the Central African state.

" The main challenge in the Central African Republic is to fight against impunity and judge those who give criminal orders. The International Criminal Court will contribute to these objectives but we need a complementary mechanism of justice in Central Africa to judge all the others, and the MINUSCA must contribute to this ", declared Mathias Morouba, OCDH President, from New-York.

In April 2014, the transition President, Madam Catherine Samba-Panza, and her government had created a [special investigation and instruction unit \(CSEI\)](#) mandated to investigate serious human rights violations and to prosecute the perpetrators of these crimes. In addition to the CSEI, [the President had formally seized the International Criminal Court](#) in June 2014 requesting the opening of an investigation on the international crimes perpetrated in the Central African Republic since 2012.

" The Prosecutor of the International Criminal Court must now announce the opening of an investigation in

this country without delay to send a strong signal to the belligerents in the field and prevent the loss of proofs and testimonies ", declared Joseph Bindoumi, LCDH President in Bangui.

On 8 August 2014, the United Nations and the government of the Central African Republic signed a memorandum of understanding providing for the creation of a Special Criminal Court (SCC) composed of Central African and international judges mandated to investigate the international crimes perpetrated in the Central African Republic and bring those responsible to justice. The Special Criminal Court, which would take over the mandate of the CSEI, will however only be created and operational once a specific law is adopted by the National Transition Council (CNT), the transition national assembly.

" We call upon the CNT to create this Special Criminal Court as quickly as possible since it would represent a major step forward for the victims and the fight against impunity in CAR. The United Nations and international donors say that they are ready to finance this Special Criminal Court, and must quickly commit to giving the resources necessary for its proper functioning including for international judges, in order to curb the circle of impunity and the perpetration of new conflicts ", declared Patrick Baudouin, FIDH Honorary President and Head of its Litigation Action Group (GAJ).

In September 2012, CAR armed groups united in the Séléka coalition launched an offensive in the north of the country. On 24 March 2013, after 4 months of intense fighting, the Séléka coalition, led by Michel Djotodia, took over the capital city Bangui and removed François Bozizé from power, who had himself come to power by a coup in 2003. During summer 2013, pro-Bozizé self-defence armed groups, the anti-balaka, attacked more and more regularly the Séléka and the Muslim populations they are assimilated to. On 5 December 2013, the anti-balaka led a surprise attack coordinated in Bangui on the eve of the deployment of the French forces of the Sangaris operation, authorized by the United Nations Security Council [2127 resolution](#) to help the African forces (MISCA) that could not put an end to the massacre of the civilian populations. On 9 January 2014, under pressure of the international community, Michel Djotodia left power and the Séléka withdrew from the south and west of the country to regroup in the north and east. The anti-balaka militias took advantage of this withdrawal to systematically attack the populations, essentially Muslim populations, which they accused of complicity and support for the Séléka.

The conflict in the Central African Republic provoked the displacement of nearly 1 million out of the 4 million inhabitants of CAR, and approximately 500 000 people sought refuge in the neighbouring countries. In July 2014, FIDH, LCDH and OCDH published Central African Republic: ["They must all leave or die". Answering war crimes with crimes against humanity](#), a devastating investigation report that highlights the war crimes and crimes against humanity that have been perpetrated in the Central African Republic for months by the anti-balaka and the Séléka, and establishes accountabilities in a politico-religious conflict that has cost the lives of more than 3000 victims since a year and a half. Despite the continuing perpetration of abuses and the encirclement of several thousands of Muslims in enclaves by anti-balaka militias, the MISCA African forces supported by the French forces contributed to swinging the conflict towards a lower intensity phase, and they are now handing over the baton to the UN forces.