

## **CIVIL SOCIETY ORGANIZATIONS MEMORANDUM ON THE TRANSITION IN THE CAR**

Since March 24, 2013, a dramatic change has taken place in our country. The Constitution has been suspended. The Head of State has announced Constitutional Acts that will lead the political transition, the nature of which has not yet been clarified. The African Union has sanctioned the Central African Republic (CAR). The Economic Community of Central African States (ECCAS) held a summit on Wednesday April 3, 2013 in Ndjaména to debate the issues facing the CAR.

Through this memorandum, civil society condemns this means of ascension to state power. It recognizes that a regime change has occurred and expresses concerns regarding certain critical questions that remain unanswered, with the goal of precipitating the urgent convening of a meeting to come up with appropriate solutions. This memorandum summarizes the causes of recurring conflicts in the Central African Republic, describes the current situation in terms of human rights and humanitarian law, raises questions about the transition period, and provides recommendations.

### **I - Causes of the Conflicts in CAR**

The causes and factors contributing to conflicts in the CAR are diverse, and deep-rooted. Some examples include the following:

- the fragility of state institutions from independence to today;
- the failure of democratization efforts begun in 1979 after the fall of Emperor Bokassa I;
- exploitation and manipulation of ethnic differences by consecutive regimes;
- non-democratic means of gaining, managing, and handing over political power, with the exception of 1993;
- the proliferation of armed groups and small arms following multiple mutinies in 1996 and 1997;
- the attempted coup d'états of May 28, 2001 and October 25, 2002; the coup d'états of March 15, 2003 and March 24, 2013;
- the lack of an honest, sincere dialogue between authorities, the opposition, and civil society since 1992;
- the stubbornness and inflexibility of social and political actors, illustrated by the 2010/2011 legislative and presidential elections;
- backlogs of salary payments and/or the failure to pay salaries before their due date under the regimes of Presidents Kolingba and Patassé;
- extended strikes that lasted over seven (7) months during the Kolingba regime;
- acute poverty and misery among the population;
- a sense of abandonment and/or exclusion among the northern populations;
- the inadequacy and deterioration of basic infrastructure;
- undue interference by the Chadian regime since 2003;
- the centralization and concentration of state power;
- the permeability of our northern and eastern borders;
- armed conflicts in neighboring states;
- the practice of transhumance among the indigenous populations of northern CAR, Chad, and Sudan;

- the practice of poaching, mostly by neighboring countries;
- highway robbers, commonly known as Zaraguinas, who strike mainly in the western, northwestern, northeastern, and central regions. They attack people while taking their property. These bandits target cash-in-transit vehicles, traders, and herders. This phenomenon creates insecurity, thereby reducing the number of tourists in the northeastern region and leading to significant financial losses for CAR's economy.

Moreover, for over ten years, CAR has suffered the effects of wars in the Great Lakes region, hosting thousands of refugees from the DRC, Burundi, and Rwanda. CAR has also been affected by armed conflicts in neighboring countries such as Chad and Sudan. These wars, combined with internal rebellions in CAR, have increased the cross-border proliferation of weapons of war. Furthermore, Central African conflicts that were formerly constrained to one country have become regional conflicts due to the presence of Joseph Kony's Lord's Resistance Army and Chadian rebel leader Baba Ladé's followers, despite his 2012 surrender. Central Africans have constantly been used as foreign mercenaries in these attempts to access state power.

Despite the government's reintegration attempts, many refugees and "liberators" who were involved in General Bozizé's campaign to take power have not been fully reintegrated. They are scattered throughout the country, thereby creating a breeding ground for state instability due to their precarious living conditions. Thus, armed groups such as the People's Army for the Restoration of Democracy (L'armée Populaire pour la Restauration de la Démocratie, APRD), the Union of Democratic Forces for Unity (l'Union des Forces Démocratiques pour le Renouveau, UFDR), the Convention of Patriots for Peace and Justice (la Convention des Patriotes pour la Paix et la Justice, CPJP), the Democratic Front for Peace in the Central African Republic (le Front Démocratique pour la Paix en Centrafrique, FDPC), the Patriotic Convention for the Salvation of Kodro (la Convention Patriotique pour le Salut du Kodro, CPSK), and the seleka coalition have existed since December 10, 2012.

Recurrent crises, tribalization, a lack of discipline, and logistical flaws have heightened weaknesses within the Central African Armed Forces (Forces Armées Centrafricaines, FACA) and destroyed the army's already limited means. Further causes of weakness within the FACA include the random nature of recruitment (on August 2, 2012 in Bangui, enlistment applicants carried out acts of violence), the cursory training received by certain members of the armed forces, the granting of rank based on clientelism, and aging troops.

## **II - Human Rights and Humanitarian Law Situation since December 10, 2012**

Even prior to the Bangui campaign, the humanitarian situation was alarming. Almost seven hundred (700) schools had closed. About 80 others were severely damaged, leaving thousands of children traumatized and without access to education. Most teachers had fled their places of employment. Many health facilities were unstaffed and lacked medicines that were essential in the provinces.

The Bangui campaign began with a power cut in the city, on the morning of Saturday March 23. Many hospital patients who had been given oxygen tanks were thereby deprived of the supply. This electricity cut was followed by a cut in the running water supply for several days. Certain

neighborhoods still have not had their running water supply restored. Radio stations have also been affected by a power cut at the Boali radio transmitters.

Since Sunday March 24, 2013, civil society organizations have condemned the deterioration of the general human rights situation. Following the destruction of the Ministry of National Defense headquarters at Camp Beal, many weapons of war and other military possessions were taken and given to civilians who had no military training.

Some members of seleka and of the civilian population engaged in large-scale looting. Public buildings and private homes were targeted, along with public and private companies. Most of the large organizations in Bangui were looted: mobile phone companies, wholesale tobacco producers (SOCACIG), automobile dealers (CFAO and GACOA SIV), and the headquarters of international organizations including the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF). Some looters moved into the homes that they had ransacked. This happened to the home of Mrs. Laure Ganro Kaimba of PK 10 in the Bégoua commune. The homes of former ministers Annie Gisèle Name in PK 10, Emmanuel Bizot in Bimbo, Alfred Poloko Tainga, National Assembly President, and Advisor to the Prime Minister Maxime Balalou were looted by seleka members. Gas station shops on Avenue Conjugo, Bamag, and Pétévo were also looted.

Civil society organizations received several reports of people killed by gunfire. One of the victims was Mr. Cyrille Gbadaye, a student at the Lycée des Martyrs in Bangui, who was killed on the night of Sunday March 24 according to eyewitness accounts and confirmed by a seleka member. Romaric Guida was also shot and killed around 5 a.m. on Monday March 25, 2013. Many people also sustained gunshot wounds. According to hospital sources, at least two hundred people were injured by gunfire.

The Central African Red Cross reported that seventy-eight (78) bodies not yet identified by family members were buried on Friday March 29, 2013.

On Monday March 25, panic gripped the city. A rumor spread that two seleka members were killed after a disagreement with Saidou residents, in Bangui's 2<sup>nd</sup> district. It was rumored that in retaliation, seleka members decided to conduct a systematic house-by-house search. This rumor caused many people to flee. It resulted in the drowning deaths in Bimbo, Ombella Mpoko of at least thirty people fleeing the rumored seleka retaliation.

In addition, there have been consistent reports of abuses committed by certain presidential guards while fleeing through Lobaye, Mambéré Kadéi, and Sangha Mbaéré. They reportedly looted vehicles and generators and extorted money from logging companies. Cases of sexual violence were also reported in Sangha Mbaéré.

### **III - Analysis of the Transition Period**

The coup d'état that occurred on Sunday March 24, 2013 in the CAR began a political transition period full of legitimate questions. The new authorities are sending conflicting signals about the transition period. In his first address to the nation on Tuesday March 26, the Head of State pledged to respect the Libreville Agreements. He announced the Constitutional Acts of March

26, 2013, after having suspended the December 27, 2004 Constitution and reappointed Mr. Nicolas Tiangaye as Prime Minister.

Several substantial questions remain to be clearly answered by the new authorities. Since the Constitution was suspended, what is the validity of the Libreville Agreements? From now on, what shall be the role of the seleka coalition? What is the timetable for the transition period? Will the Prime Minister and the seleka coalition outline the size and structure of the future government?

#### **IV- Recommendations**

With regards to the above, we, Central African Republic civil society organizations, recommend the following steps to be taken immediately:

1. The immediate organization of a convention for Central Africans to define the parameters of the transition;
2. The nomination of officials to transition institutions based on criteria emphasizing gender parity, competence, moral integrity, and geopolitical equilibrium between the regions of the country;
3. The establishment of a compensation fund for victims of violence;
4. The immediate initiation of disarmament, demobilization, and re-integration procedures with the active involvement and participation of civil society;
5. The initiation of judicial proceedings against all presumed perpetrators of human rights violations and looting in an atmosphere of justice and equity and not of retribution;
6. The implementation of transition institutions in a consensus-based manner;
7. The re-establishment of freedoms of movement of persons and goods, and communication across the entire country;
8. Effective safekeeping of persons and their goods across the country;
9. Re-establishment of the provision of social services across the country.

**Done in Bangui on March 30, 2013**

**Signed by:**

**- ACAT Centrafrique.**

**Mr. Guy Antoine Dangavo**

**- Central African Coalition for the International Criminal Court (*Coalition Centrafricaine pour la Cour Pénale Internationale*).**

**Mr. Bruno Hyacinthe Gbiegba**

**- Council on Research and Education through the Arts (*Cercle de Recherches et d'Education par les Arts*).**

**Mr. Gervais Lakosso**

**- Children Without Borders (*Enfants sans Frontière*).**

**Mr. Brice Kévin Kakpayen**

**- GERDDES/ Centrafrique**

**Mr. Godefroy Mokamanede**

**- Movement for Democracy and the Defense of Humanitarian Action (*Mouvement pour la Démocratie et la Défense de l'Action Humanitaire*)**

**Mr. Adolphe Ngouyombo**

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**Ms. Valérie Blandine Tanga**

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**Mr. Lucien Yaliki**

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**Ms. Marguerite Kofio**