

CIVIL SOCIETY MEMORANDUM ON CAR TRANSITION

Since 24 March 2003, a brutal change has taken place in our country. The Constitution has been suspended. Constitutional Acts are determined by the Head of State during a political transition process whose outline has not yet been clarified. The African Union has imposed sanctions against the Central African Republic (CAR). An Economic Community of Central African States (ECCAS) summit will be held on 3 April 2013 in Ndjamena to discuss the CAR issue.

Through this memorandum, civil society condemns the means used by the State to attain power. It emphasises the change of regime and expresses its concern regarding certain crucial issues that have yet to be addressed to call for an urgent meeting to find appropriate solutions. This memorandum summarises the causes behind the recurrent conflicts in the CAR, describes the current human rights and humanitarian law situation, raises questions about the transition period and makes recommendations.

I- Causes of the CAR Conflict

The causes and sources of conflict in the CAR are different, various and profound. The following are some non-exhaustive examples:

- the fragility of State institutions from the country's independence to this day;
- the failed democratisation efforts undertaken in 1979, after Emperor Bokassa I was overthrown;
- the exploitation and manipulation of ethnic differences by consecutive regimes;
- the non-democratic means of obtaining, managing and transferring political powers, with the exception of the 1993 period;
- the proliferation of armed groups and small arms following the multiple rebellions of 1996 and 1997;
- the failed coups of 29 May 2001 and 25 October 2002, as well as the coups of 15 March 2003 and 24 March 2013;
- the lack of open and truthful dialogue between the government, the opposition and civil society since 1992;
- the intransigence and lack of flexibility from social and political actors heightened by the legislative and presidential elections of 2010-11;
- the back wages and/or lack of payment of salaries by their due dates under the regimes of presidents Kolingba and Patasse;
- long strikes that exceeded seven (7) months under the Kolingba regime;
- the blatant poverty and misery of populations;
- a feeling of being abandoned and/or excluded by northern populations;
- the inadequacy and deterioration of basic infrastructures;
- untimely interventions by the Chadian regime since 2003;
- the centralisation and concentration of State powers;

- the permeability of our northern and eastern borders;
- armed conflicts in neighbouring states;
- transhumance between the indigenous population in the north and those from the Chad or Sudan;
- poaching, mainly from certain neighbouring countries;
- road blockers known as the Zaraguinas who mainly operate in the west, north-west, north-east and in the centre, robbing people of their belongings. The preferred targets of these bandits are cash couriers, merchants and producers.

They create insecurity and reduce the number of tourists wishing to head north-west. This results in significant financial losses for the economy of Central Africa.

It is worthwhile to recall that, for more than ten years, the CAR has been subjected to the negative impacts of the ongoing wars in the Great Lakes Region, by taking in thousands of refugees from the Democratic Republic of the Congo (DRC), Burundi and Rwanda, but also through the armed conflicts occurring in neighbouring countries such as the Chad or Sudan. These wars, in combination with internal RCA rebellions, have increased the proliferation of cross-border weapons of war. Furthermore, internal Central African conflicts have now become regional with the presence of the Lord's Resistance Army of Joseph Kony and of Chadian Rebel Baba Lade's men, despite his surrender in June 2012, as well the Central Africans' constant use of foreign mercenaries to obtain political power.

Despite the government's rehabilitation efforts, a large number of refugees and "liberators", former companions in General Bozize's campaign to seize power, have not been fully reintegrated. They are scattered throughout the entire country, thus creating a breeding ground for the destabilisation of the state because of their very precarious living conditions. As a result, armed groups have appeared such as the *Armée Populaire pour la Restauration de la Démocratie* (APRD), the *Union des Forces Démocratiques pour le Renouveau* (UFDR), the *Convention des Patriotes pour la Paix et la Justice* (CPJP), the *Convention Patriotique pour le Salut du Kodro* (CPSK) and, as of 10 December 2012, the Seleka coalition.

Recurrent crises, excessive tribalisation, lack of discipline and logistical weaknesses have increased the shortcomings of the *Forces Armées Centrafricaines* (FAC) and destroyed the already limited means of that army. Additional factors include the random nature of the armed forces' recruitment process (violent acts were carried out in Bangui by enlistment candidates on 2 August 2012), the basic training of some units, the assignment of rank based on clientelistic criteria as well as an ageing military.

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

Prior to the Bangui campaign, the humanitarian situation was already alarming. Nearly 700 schools were closed and approximately 80 others were damaged, leaving

thousands of children traumatised and without access to education. Most teachers have left their place of employment. Numerous health facilities are without personnel and deprived of essential drugs in the provinces.

The Bangui campaign began with a power cut in the city, on the morning of Saturday, 23 March. Most people admitted to hospitals who were receiving oxygen were deprived of it. The power cut also led to a stop in running water that lasted several days. To this day, some areas have not yet fully recovered their usual running water supply. The Boali radio station installations were also affected by the power cut.

Since Sunday 24 March 2013, civil society organisations have been deeply concerned with the deterioration of the human rights situation in general. Following the destruction of Camp Beal, the headquarter of the Department of National Defence, a number of weapons of war and military equipment was recovered and given to civilians with no military training.

Some members of Seleka and of the civilian population took part in large-scale pillaging. Public buildings, residential homes as well as public and private companies were looted. This was the case for most large companies and international organisations in Bangui, such as mobile phone companies, SOCACIG, CFAO, GACOA SIV, as well as the headquarters of the Office of the United Nations High Commissioner for Refugees (UNHCR) and of the United Nations Children's Fund (UNICEF). Some pillagers are currently occupying homes that they robbed. This happened to Ms Laure Ganro Kaimba, residing at PK 10 in the Bégoua community. The homes of former ministers Annie Gisèle Nam, located at PK 10, Emmanuel Bizo in Bimbo, Alfred Poloko Tainga, the President of the National Assembly at the 200 villas, and Maxime Balalou, advisor to the Prime Minister were all looted by Seleka members. Shops and gas stations on Avenue Conjugo, Bamag, Pétévo, etc. were also pillaged.

Civil society organisations received several reports of people being shot and killed. Among the victims was Mr Cyrille Gbadaye, a student at Bangui's Lycée des Martyrs, who was killed during the night of 24 March according to the consistent testimonies of a Seleka members. Romaric Guida also died from a gunshot wound at approximately 5 a.m. in the morning of Monday 25 March 2013. Several people also sustained gunshot injuries. According to hospital sources, at least 200 people received bullets wounds.

The Central African Red Cross Society reported that 78 corpses which had not been identified by family members were buried on 29 March 2013.

On the day of 25 March, panic spread throughout the city following a crazy rumour to the effect that two members of Seleka had been killed after an altercation with residents from the Saidu area in Bangui's second district. In retaliation, Seleka

members decided to conduct systematic house by house searches, which caused a many men to flee. It also led to the drowning deaths of at least thirty people in Bimbo (prefecture of Ombella Mpoko) who were running away from the alleged retaliation acts of Seleka members.

In addition, there have been consistent reports of crimes committed by members of the presidential guard while they were fleeing near Lobaye, Mambéré Kadéi and Sangha Mbaéré. They allegedly stole vehicles, power generators and other items, and extorted money from forestry companies. Cases of sexual violence were also reported in Sangha Mbaéré.

III-Analysis of the Transition Period

The coup that took place on Sunday 24 March 2013 in the CAR has created a period of political transition that is filled with legitimate questions. The new authorities are sending out conflicting information about the transition period. In his first address to the nation on Tuesday March 26, the Head of State committed to respecting the Libreville agreements. On 26 March 2013, he enacted the Constitutional Acts after suspending the Constitution of 27 December 2004, and then reinstated Mr Nicolas Tiangaye as Prime Minister.

Many fundamental questions have not yet been clearly answered by the new authorities. Knowing that the Constitution has been suspended, are the Libreville agreements still valid? What should be the Seleka coalition's role from this point on? What will be the duration of the transition period? Should the Prime Minister and the Seleka coalition decide the size and profile of the government's future members?

IV-Recommendations

In light of the above, civil society organisations urge the following:

1. That a meeting be held between Central Africans as soon as possible to define the outlines of the transition;
2. The appointment of key figures in transition bodies based on criteria emphasising issues of gender, competence, moral integrity and the geopolitical balance of the country;
3. The creation of a compensation fund for victims of armed violence;
4. The prompt implementation of a disarmament, demobilisation and reintegration programme that insists on the involvement and active participation of civil society;
5. The prosecution of all alleged perpetrators of human rights violations and acts of pillaging in a spirit of justice that is fair and impartial and not one of punishment;

6. The implementation of transition bodies in a spirit of consensus;
7. The reinstatement of the free movement of people, goods and communication throughout the national territory;
8. The effective security of people and goods throughout the national territory;
9. The redeployment of basic social services throughout the national territory.

Done at Bangui, 30 March 2013

Signed by the following:

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- **Coalition Centrafricaine pour la Cour Pénale Internationale**
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- **Cercle de Recherches et d'Education par les Arts**
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