

**A Commentary on the 2016 Constitution of the Central African Republic**

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**I. Origins and Historical Development of the Constitution**

The origins and historical development of the 2016 Constitution of the Central African Republic (CAR) can be traced back to the country's political history and the recent devastating conflict it has faced, including the political transition of 2013. The main guiding principles of the 2016 Constitution have been the key recommendations of the National Reconciliation Conference, known as the 'Bangui Forum', organised during the political transition of 2013, related to the fight against impunity, tribalism, corruption, and the prohibition of *coups d'état*.

**A. Overview of the Political History of the CAR**

A former French colony, the CAR gained independence on 13 August 1960.<sup>1</sup> The country counts more than 80 ethnic groups, but the largest are the Baya (33 per cent), the Banda (27 per cent), the Mandjia (13 per cent), the Sara (10 per cent), the Mboum (7 per cent), the Yakoma (4 per cent), and the Pygmies (known as Binga), and some Bantu groups, known as the Mbaka (4 per cent).<sup>2</sup> Of the CAR's population of 4.9 million,<sup>3</sup> Christians account for 80.3 per cent, Muslims 10.1 per cent, and animists make up 9.6 per cent.<sup>4</sup> The official language is French and the national language is Sango.<sup>5</sup>

The CAR has had eight constitutions promulgated by the eight regimes the country has known<sup>6</sup> and one Constitutional Charter of the Transition, which was promulgated by the Head of State of the Transition elected by the *Conseil National de Transition* (CNT). Of all the Presidents who have ruled the country, only two have been democratically elected.<sup>7</sup>

The CAR's constitutional history started with the adoption of its first Constitution on 9 February 1959.<sup>8</sup> Fashioned on the model of the Fifth French Republic's constitution, the CAR's first Constitution established a parliamentary regime. Barthélémy Boganda became the head of government on 1 December 1958 as his political party, the *Mouvement pour l'évolution sociale de l'Afrique noire* (MESAN), won the majority of seats of the Constituent Assembly. However, his sudden death in a plane accident on 29 March 1959 brought to power David Dacko, a teacher and

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<sup>1</sup> The country is located in central Africa and has an area of 623,000 square kilometers. The CAR is bordered by Cameroon in the west, Chad in the north, Sudan and South Sudan in the east, and the Democratic Republic of Congo and the Republic of Congo in the south.

<sup>2</sup> Central Africa-Ethnic groups, Nations Encyclopedia, <http://www.nationsencyclopedia.com/Africa/Central-African-Republic-ETHNIC-GROUPS.html>, accessed on 14 May 2017.

<sup>3</sup> The population of the CAR was estimated at 4.9 million by the World Bank in 2015. See <http://www.worldbank.org/en/country/centralafricanrepublic>, accessed on 14 May 2017.

<sup>4</sup> General census of the population of 2003, cited in *La communauté musulmane en République centrafricaine*, African Security Network, February 2017.

<sup>5</sup> 2016 Constitution, Article 24.

<sup>6</sup> Constitution of 13 December 1960 (David Dacko); Constitution of 26 November 1964 (David Dacko); Constitution of 4 December 1976 (parliamentary monarchy of Jean-Bedel Bokassa); Constitution of 5 February 1981 (David Dacko II); Constitution of 28 November 1986 (Andre Kolingba); Constitution of 15 January 1995 (Ange Felix Patasse); Constitution of 27 December 2004 (Francois Bozize); Constitutional Charter of the Transition of 18 July 2013 (Michel Djotodia and Catherine Samba Panza); Constitution of 30 March 2016 (Michel Archange Touadera).

<sup>7</sup> Ange Felix Patasse in 1993 and Faustin-Archange Touadera in 2016.

<sup>8</sup> The 1959 Constitution was promulgated on 16 February 1959.

one of Boganda's close former collaborators. Although Dacko died after only a few months of rule and before the proclamation of independence, he is widely regarded as the father of the Central African nation.<sup>9</sup>

Soon after he took over the command of state affairs, David Dacko began strengthening his power through controversial and repressive laws through which he ultimately attributed to himself all the executive, legislative, and judicial powers and instituted a unique party system.<sup>10</sup> In November 1963 he changed the President's term of office from five to seven years<sup>11</sup> and convened<sup>12</sup> the electoral body for the election of the President of the Republic. On 5 January 1964, David Dacko was re-elected President with 99 per cent of votes in an election he ran alone.<sup>13</sup> The election results were validated by the Constitutional Council on 15 March 1964. He repealed the Constitution of 13 December 1960 and promulgated a new one through Law No 64.37 of 26 November 1964. The new Constitution essentially incorporated the provisions of the repressive and unpopular laws enacted between 1959 and 1963.<sup>14</sup> President Dacko became unpopular as a result of his totalitarian rule and was overthrown by one of his cousins, Colonel Jean-Bedel Bokassa, in 1965.

Bokassa immediately repealed the Constitution and declared himself 'President and field Marshall for life'. On 4 December 1979, an extraordinary congress of the 'revived' MESAN proclaimed the Central African Empire. Marshall Bokassa became Emperor Bokassa I and on 4 December 1977 he organized his coronation, with the backing of France. Freedom of speech was suppressed and political opponents were prosecuted by military tribunals; most were sentenced to death. Bokassa fell into disgrace with France following the bloody repression of riots in 1979 and the death of twenty-six school children at the Ngaragba prison in April 1979. The intervention of a French contingent on 20 September 1979, known as 'operation Barracuda', put an end to the Bokassa regime.

The fall of Bokassa and the presidential elections of March 1981 brought David Dacko back to power. Dacko would be overthrown in yet another *coup d'état* in September 1981 by General André Kolingba, who banned political parties in March 1982, with the exception of the *Rassemblement démocratique centrafricain* (RDC, the new name of MESAN). In October 1986, Bokassa was sentenced to death by a Central African court for the murder of his political opponents. His sentence was later commuted to life imprisonment. He was exiled in France, then in Cote d'Ivoire; Bokassa returned to the CAR in 1993 and died in 1996.

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<sup>9</sup> Doui Wawaye Augustin Jérémie, *Evolution Politique, Constitutionnelle et Institutionnelle de la République Centrafricaine*, available at <http://thetimesofcentrafrique.over-blog.com/article-evolution-politique-constitutionnelle-et-institutionnelle-de-la-republique-centrafricaine-par-dou-107283936.html>, accessed on 14 May 2017.

<sup>10</sup> This is for instance, the case for Law No 61.171, which provides for administrative measures against individuals whose behavior has been deemed dangerous for public security; Law No 60.168, which sanctions actions of resistance or refusal to obey a decision of a national authority; Law No 60.169, which sanctions subversive publications; Law No. 60.170, which allows the President to dissolve political parties, associations, trade unions, or organizations which disturb public order; and Law No. 62.365 of 28 December 1962, which instituted a unique party system, and granted to the state party, the MESAN, the power to propose to the President of the Republic the names of individuals to be appointed as members of the government and also to suggest to the National Assembly the dismissal of parliamentarians found guilty of shortcomings in the accomplishment of their functions. See Stephen W Smith, 'CAR's History: the Past of a Tense Present', in Tatiana Carayannis and Louisa Lombard, *Making Sense of the Central African Republic* (Zed Books, 2015) 25.

<sup>11</sup> Law No. 63. 426 of 19 November 1963.

<sup>12</sup> The electoral body was convened the day following the enactment of Law No. 63.426 of 19 November 1963, which changed the presidential term in office from five years to seven.

<sup>13</sup> International Crisis Group, Africa Report No 136, 'Central African Republic: Anatomy of a phantom state', 13 December 2007

<sup>14</sup> See note 10.

In 1993, Ange-Félix Patassé was elected President following democratic elections. Due to unending economic and social crises and salary arrears of civil servants, mutinies broke out within the national army in April and May 1996. Fearing a *coup d'état*, France intervened militarily to support President Patassé: one of France's main military bases in Africa was in the CAR. President Patassé formed a government of national unity following an accord with the mutineers. The attempt to remove the *coup* perpetrators from Bangui led to a new uprising, which resulted in another French intervention. In January 1997, following the Bangui Accords, a new government was formed, while the *Mission interafricain de surveillance des accords de Bangui* (MISAB) was established before being replaced by the *Mission des Nations Unies and République centrafricaine* (MINURCA) in April 1998. France had to evacuate its military bases from Bouar and Bangui.

On 19 September 1999, Ange-Félix Patassé was re-elected during the first round of presidential elections. François Bozizé, a general under Bokassa and one of his former close collaborators who was in exile in Chad, seized power through a *coup d'état* on 15 March 2003, while Patassé was conducting a state visit to Niger. President Patassé was forced to seek asylum in Cameroun and then in Togo. François Bozizé proclaimed himself President and promised the return to democracy. He won the 2005 presidential election in a second round of voting and was re-elected in the January 2011 presidential election, winning the vote in the first round.

In ten years of rule, the Bozizé regime did not achieve much and all development indicators were low. The grip of the Bozizé clan on the institutions in the security sector did not favor serious reforms in that sector, and the inertia and indecision which characterized the presidency made it difficult to anticipate threats posed by armed groups.<sup>15</sup> On 23 March 2013, various armed groups gathered under the umbrella of a coalition called the Séléka and marched on Bangui. The Constitution of the Sixth Republic was suspended and the Séléka leader, Mr Michel Djotodia, was declared President of the CAR on 24 March 2013.

Following the Economic Community of Central African States (ECCAS) extraordinary summit of Heads of States and Government on 3 April 2013, a *Conseil National de Transition* (CNT), representing the political forces of the country, was established and a Constitutional Charter of the Transition was adopted and promulgated by President Djotodia on 18 July 2013. The seizure of power by the Séléka would be followed by persistent political instability and grave human rights violations—committed by various actors—which prompted the United Nations Security Council to authorize a military intervention by France and establish an international mission to support the CAR under the leadership of the African Union (MISCA) for a period of twelve months.<sup>16</sup>

On 12 January 2014, President Djotodia and the Prime Minister of Transition, Nicholas Tingaye, submitted their resignations during an ECCAS extraordinary summit of the Heads of States and Government. On 20 January 2014, Ms. Catherine Samba-Panza, the Mayor of Bangui, was elected by the CNT as the new Head of State of the Transition.

### ***B. The 2013 Conflict and its Impact on State Institutions***

The conflict which broke out in the CAR in March 2013 was the deadliest the country had ever faced since the post-independence era.<sup>17</sup> It began when an armed group, known as the Séléka, composed predominantly of Muslims from the CAR and neighbouring countries, overthrew the regime of François Bozizé and committed serious human rights violations against populations.<sup>18</sup> In

<sup>15</sup> International Crisis Group, 'Central African Republic: Priorities of the Transition', June 2013, p 3.

<sup>16</sup> S/RES/2127 (2013), available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2127\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2127(2013)).

<sup>17</sup> International Crisis Group, 'Centrafrique: les racines de la violence', Rapport Afrique No 230, 21 September 2015.

<sup>18</sup> Louisa Lombard, *State of Rebellion: Violence and Intervention in the Central African Republic* (Zed Books, 2015) 25.

the months that followed, the Anti-Balaka, a ‘self-defence’ militia made up of animists and Christians, carried out reprisal attacks on a large scale against Muslims across the country.<sup>19</sup>

A United Nations (UN) International Commission of Inquiry<sup>20</sup> estimated that between 3,000 and 6,000 people were killed, stating that

it is not in a position to establish with any degree of accuracy the number of people who have been killed in the conflict, during the two years covered by [its] mandate. The difficulties of collecting accurate data in this regard are due to various reasons, including the practice of Muslim communities to bury their dead almost immediately and the difficulty of getting access to mass graves, especially in the countryside and forests, in the midst of continuing conflict.<sup>21</sup>

The figures suggested by the United Nations did not reflect the full extent of the crimes committed and their impact on the fabric of CAR society.<sup>22</sup>

One of the major causes of the deadly conflict, from which the CAR is yet to recover, was widespread impunity for crimes committed in the past and the weakness of Central African institutions, especially those in charge of the rule of law and security. In its report to the Security Council, the UN International Commission of Inquiry clearly stated that

[i]n a country that has seen persistent and vibrant impunity, the task of rebuilding and mobilizing a justice system that has almost never been able to hold powerful offenders to account will be a daunting one. But in devising an approach to overcome impunity in the future it is essential to understand both the mentality and the assumptions that have driven it in the past. The consistent use of pardons to ‘forgive’ those accused of serious crimes has not only meant that those individuals have escaped accountability, but it has sent a strong and consistent message to wrongdoers that they need not worry about being punished in the future.<sup>23</sup>

The institutions concerned with the rule of law and security were crippled by severe malfunctioning, which was exacerbated by the crisis. Following the 2013 conflict, all twenty-eight ordinary courts had ceased operation and of the 3,700 registered police and *gendarmierie* officers, only 800 were deployed outside Bangui.<sup>24</sup> The situation was not much better in the penitentiary service, which was barely functioning even before the crisis. As June 2016, out of the thirty-eight correctional facilities, only seven housed inmates and only eleven had staff.<sup>25</sup>

<sup>19</sup> Amnesty International, ‘The Long Wait for Justice: Accountability in Central African Republic’, January 2017, p 11.

<sup>20</sup> The Commission was established by the United Nations Security Council (UNSC) to investigate violations and abuses of human rights and international humanitarian law committed by all parties to the conflict since 1 January 2013. See UN Security Council Resolution 2127 (2013).

<sup>21</sup> Letter dated 19 December 2014 from the UN Secretary-General addressed to the President of the Security Council, S/2014/928, p 8.

<sup>22</sup> Other serious crimes and human rights violations were committed several months after the end of the UN Commission of Inquiry’s work in November 2014. The independent expert on the situation of human rights in the Central African Republic indicated in her report of July 2015 that ‘[t]he conflict has exacerbated intercommunal violence. The Anti-Balaka and/or the former Séléka fighters continue to intimidate, threaten and attack individuals and local communities because of their alleged collaboration or affiliation with the rival armed group. These abuses have intensified during the migration of the Fulani herders and in the context of conflicts over access to land and water resources’. See Report of the Independent Expert on the Situation of Human Rights in the Central African Republic, Marie-Thérèse Keita Bocoum, A/HRC/30/59, 24 July 2015, para 38.

<sup>23</sup> The International Commission of Inquiry on the CAR (S/2014/928), 22 December 2014, paras 34-35.

<sup>24</sup> Special Report of the Secretary-General on the Strategic Review of the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic, S/2016/565, 22 June 2016, paras 23, 24, 25, available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2016/565](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/565).

<sup>25</sup> Ibid.

The seizure of power on 23 March 2013 by the Séléka coalition through a *coup d'état* led to the suspension of the Constitution of 24 December 2004 and the dissolution of all the constitutional institutions.

### ***C. The 2013 Political Transition and the March Towards the 2016 Constitution***

The political transition of the CAR was not exclusively managed by Central Africans. It was jointly organized by the national authorities and the international community gathered within the Group of Eight (G8), which included the United Nations, the African Union, the ECCAS (the mediator of the crisis), the European Union, France, the United States, and the World Bank.<sup>26</sup> On 12 January 2014, Michel Am-Nondokro Djotodia, who took power on 23 March 2013 when the Séléka marched on Bangui, decided to resign and called upon the CNT to choose a new leader for the country.

The ECCAS played a central role in the efforts undertaken by the international community in order to find a lasting solution to the conflict in the CAR, particularly through a peaceful transition. The ECCAS recommended the establishment of a CNT to lead the transition following the resignation of Michel Am-Nondokro Djotodia, who was the self-proclaimed head of the transition.<sup>27</sup> During its extraordinary summit on 18 April 2013, held in N'djamena, Chad, the ECCAS decided that the transitional period would be eighteen months.<sup>28</sup> It also declared that the political agreement signed on 11 January 2013 in Libreville, Gabon, by the government of Francois Bozizé and the Séléka coalition would remain the basis of the political arrangements during the transition.<sup>29</sup>

The Libreville Agreement of 11 January 2013 mainly provided for a Government of National Unity headed by a Prime Minister from the opposition which could not be dismissed by the President of the Republic,<sup>30</sup> and also prohibited the President, the Prime Minister, and the members of the Government of National Unity from standing for the upcoming elections.<sup>31</sup> These arrangements, which were enshrined in the ECCAS roadmap for political transition in the CAR, played a pivotal role in appeasing the political tensions and paved the way for the democratic elections of February 2016.

The *Déclaration de N'djamena* adopted at the 18 April 2013 ECCAS summit granted legislative powers to the CNT and mandated the institution to urgently prepare and adopt a Constitutional Charter of the Transition which organized the public institutions in accordance with the Libreville Agreement, the *Déclaration de N'djamena*, and the popular consensus and that of the political factions in the CAR. Moreover, the CNT was also assigned the task of preparing a draft

<sup>26</sup> Roland Marchal, *Breve histoire d'une transition singulière: La République centrafricaine de janvier 2014 à mars 2016*, September 2016, p 14.

<sup>27</sup> Michel Am-Nondokro Djotodia took power on 23 March 2013 when the Séléka marched on Bangui. He promised to lead a transition to new elections in which he would not be a candidate, but his tenure as President of the Transition was marred by escalating sectarian violence and a widespread breakdown in law and order. Djotodia resigned on 12 January 2014 following pressure from the ECCAS Head of States and Governments.

<sup>28</sup> *Déclaration de N'djamena sur la République Centrafricaine*, para 3.

<sup>29</sup> Ibid, para 1. A technical extension of the Transition to 31 December 2015 in order to permit the transitional authorities to organise credible and transparent elections was however decided by the ECCAS Heads of States and Government during the sixteenth ordinary session of the organisation held in N'djamena, Chad, on 25 May 2015.

<sup>30</sup> *Accord Politique de Libreville sur la Resolution de la Crise Politico-Securitaire en République Centrafricaine*, Articles 2 and 3.

<sup>31</sup> Ibid, Articles 1 and 6.



Constitution to be adopted through universal suffrage.<sup>32</sup> This was a very important step as the Constitution of 24 December 2004 was suspended and all the constitutional institutions were dissolved following the Séléka's *coup* of March 2013.

The Constitutional Charter of the Transition ('Transitional Charter'), which was meant to replace the 2004 Constitution and lead to the restoration of constitutional order, was adopted by the CNT on 5 July 2013 and promulgated by the Head of State of the Transition on 18 July 2013. The Transitional Charter was a *sui generis* document. Unlike ordinary constitutions, it was the result of political compromise.<sup>33</sup> It contained a bill of rights which guaranteed basic rights and fundamental freedoms,<sup>34</sup> recognized 'the government of the people by the people and for the people' as the basis of the Republic,<sup>35</sup> enshrined the principle of separation of powers with a legislature incarnated by the CNT,<sup>36</sup> a judiciary,<sup>37</sup> and a two-headed executive composed of the Head of State of the Transition elected by the CNT<sup>38</sup> and a Prime Minister.<sup>39</sup>

Article 65 of the Transitional Charter assigned to the CNT the responsibility to draft a new constitution, to be adopted through a referendum after it was submitted to the government for comments and suggestions. A Constitutional Court was also established by the Transitional Charter in order, among other things, to deal with electoral disputes, examine the constitutionality of ordinary and organic laws, interpret the provisions of the Transitional Charter, and provide advice on the draft constitution.<sup>40</sup> Finally, the Transitional Charter clearly stated that

[t]he institutions of the transition commit to refrain from the recourse to use of force in case of dispute of disagreements among them. The institutions of the transition pledge to recourse to dialogue and consensus as a mode of normal functioning and dispute settlement. In case of persisting disagreement, the pledge to recourse to the initiative of the most diligent party, to the follow up Committee established by the Libreville Accords, and if necessary to the Mediator of the Central African Crisis and if need be, to the Conference of Heads of States and Government of the ECCAS.<sup>41</sup>

The reference in the Transitional Charter to the ECCAS Conference of Heads of States and Government as one of the platforms for conflict mediation between the institutions of the transition was a clear acknowledgement of the ECCAS's contribution to the international community's efforts to find a lasting solution to the crisis in the CAR. It was indeed the ECCAS Heads of States and Government which proposed the idea of a national conference including all the actors of political and social life.<sup>42</sup>

From 9 to 11 May 2015, a national reconciliation conference known as the 'Bangui Forum' took place in Bangui. The conference brought together Central Africans from all regions and walks

<sup>32</sup> *Déclaration de N'djamena sur la République Centrafricaine*, para 8.

<sup>33</sup> Pr. Danièle Darlan, RCA, *la Charte constitutionnelle de transition du 18 juillet 2013, un compromis pour la paix ?*, available at <http://juliette.abandokwe.over-blog.com/article-rca-la-charte-constitutionnelle-de-transition-du-18-juillet-2013-un-compromis-pour-la-paix-120183434.html>, accessed on 13 May 2017.

<sup>34</sup> Transitional Charter, Articles 1 to 18.

<sup>35</sup> Ibid, Article 20.

<sup>36</sup> Ibid, Article 49.

<sup>37</sup> Ibid, Articles 85-89.

<sup>38</sup> Ibid, Article 23.

<sup>39</sup> According to Article 36 of the Transitional Charter, the Prime Minister could not be dismissed either by the Head of State of the Transition or by the CNT during the period of the Transition. The Prime Minister was appointed according to the spirit of the Libreville Agreement of 11 January 2013.

<sup>40</sup> Transitional Charter, Article 76.

<sup>41</sup> Ibid, Article 103.

<sup>42</sup> The idea was put forward during the ECCAS 5th extraordinary session held on 23 October 2013 in N'djamena, Chad.

of life in order to discuss lasting solutions to decades of recurrent political instability.<sup>43</sup> The Bangui Forum was attended by more than 600 representatives and focused on four key thematic areas: peace and security, governance, justice and reconciliation, and economic and social development. It culminated in the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic ('Republican Pact').<sup>44</sup>

Beyond laying down the principles for long-term peace and security in the CAR, the Republican Pact also outlined mechanisms to be established and measures to be implemented to achieve transitional justice.<sup>45</sup>

#### ***D. Features of the Constitution of March 2016***

The Constitution of 30 March 2016 was the eighth constitution of the CAR. It was adopted on 14 December 2015 and promulgated on 30 March 2016, the day of the inauguration of President Faustin-Archange Touadéra, who was elected following the democratic elections of February 2016. It was the first constitution post the 2013 conflict and its objective was to build a new social contract between the state and citizens by laying down the foundation for the rule of law and rebuilding state institutions which were seriously affected by the conflict and the long years of tribalism, corruption, and undemocratic rule.

For that purpose, the 2016 Constitution created seven constitutional institutions: the Constitutional Court,<sup>46</sup> the High Court of Justice,<sup>47</sup> the Economic and Social Council,<sup>48</sup> the High Council on Mediation,<sup>49</sup> the High Council on Communication,<sup>50</sup> the National Authority on Elections,<sup>51</sup> and the High Committee on Good Governance.<sup>52</sup> The first five institutions were established during the transition but required revised organic laws. The High Court of Justice was provided for under earlier Constitutions but was never operational. Only the High Committee on Good Governance was a completely new institution.

According to its mandate, the Constitutional Court deals with constitutional matters; the functions and composition of the Court are thoroughly discussed below. The High Court of Justice is not a permanent body: it is constituted only when necessary to prosecute senior officials, including the President of the Republic, members of government, and parliamentarians.<sup>53</sup> Its purpose is to ensure that nobody is above the law. The Economic and Social Council was established to play a consultative role in legislative reforms related to economic, social, and cultural affairs. It can also be tasked with carrying out any study of an economic, social, cultural, and environmental nature.<sup>54</sup> The High Council on Mediation is a permanent organ managed by an independent personality, the Mediator of the Republic (*le Médiateur de la République*), appointed

<sup>43</sup> The conference also received strong technical and political support from the group of international partners known as the Group of Eight including ECCAS, the European Union, France, the Mediator's team, MINUSCA, Congo (Brazzaville), the United States, and the World Bank. See Report to the Secretary-General on the Situation in the Central African Republic, S/2015/576, 29 July 2015, available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/576](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/576), para 4.

<sup>44</sup> Report to the Secretary-General on the Situation in the Central African Republic, para 2.

<sup>45</sup> Godfrey M. Musila, 'The Special Criminal Court and Other Options of Accountability in the Central African Republic: Legal and Policy Recommendations', International Nuremberg Principles Academy, Occasional Paper No 2, 2016, p 2.

<sup>46</sup> 2016 Constitution, Article 95.

<sup>47</sup> Ibid, Article 122.

<sup>48</sup> Ibid, Article 130.

<sup>49</sup> Ibid, Article 133.

<sup>50</sup> Ibid, Article 136.

<sup>51</sup> Ibid, Article 143.

<sup>52</sup> Ibid, Article 146.

<sup>53</sup> Ibid, Articles 123 and 124.

<sup>54</sup> Ibid, Article 131.

by the President of the Republic.<sup>55</sup> It has the mandate ‘to improve the relations between citizens, with a view to protecting and promoting the rights of citizens’.<sup>56</sup> This mandate is restrictive; given the context of the CAR, especially the fragility of its institutions and the challenges with which the political dialogue is confronted, the Mediator of the Republic should have also been given the mandate to mediate crises between the national institutions and facilitate the political dialogue. Although the Constitutional Court has the mandate to regulate the functioning of institutions,<sup>57</sup> its decisions are based on the law and are of last resort. In this context political arrangements seem to be the most suitable solution for the current crisis between the institutions, especially the executive and the legislature, given the nature of the tensions.

The High Council on Communication is mandated ‘to ensure the exercise of the freedom of expression, and equal access of all, to the media of the State, in accordance with the existing legislation’.<sup>58</sup> The National Authority on Elections is an autonomous and permanent institution, competent for matters related to the organization of elections and popular consultations.<sup>59</sup> The High Committee on Good Governance is an independent body that reports to the President of the Republic and the Presidents of the Parliament. Its role is to promote the transparent management of natural resources and to ensure the representation of all regions of the country in public institutions. It also ensures the protection of the rights of minorities, indigenous people, people with disabilities, and compliance with the gender parity principle.<sup>60</sup>

Article 155 of the Constitution requires that all seven constitutional institutions must be established within the twelve months following the inauguration of the newly elected President, meaning by 30 March 2017. At the time of writing, all the relevant organic laws related to the establishment of these institutions had been promulgated and their members appointed.

## II. Fundamental Principles of the Constitution

The fundamental principles of the CAR’s Constitution are contained in its Preamble, which is an integral part of it. Like the constitutions of many francophone countries, the Preamble sets out the objectives, goals, and aspirations of the people of the CAR.

The Constitution declares its attachment to the principles contained in the Charter of the United Nations; the Universal Declaration of Human Rights of 1948; the two International Covenants of December 1966 relating to economic, social, and cultural rights on the one hand, and to civil and political rights on the other; the African Charter of Human and Peoples’ Rights of 1981; and the African Charter on Democracy, Elections, and Good Governance of 2007. Furthermore, it reaffirms its adherence to the principles enshrined in all the international conventions duly ratified by the CAR, notably those referring to the prohibition of all forms of discrimination regarding women and to the protection of the rights of the child, as well as to autochthones and tribal populations.

The CAR has taken very bold steps to bring some of these principles into reality. One of these is the promulgation of the parity law with the aim to address the discrimination faced by women in terms of access to decision-making in both the public and private sectors. The law imposes a quota of 35 per cent for women, based on their competence, in both private and public decision-making

<sup>55</sup> Law No 17.008 on the Composition, Organization and Functioning of the HCM, Article 10.

<sup>56</sup> 2016 Consitution, Article 134.

<sup>57</sup> *Loi 17.004 portant organization et fonctionnement de la Cour constitutionnelle*, Article 2.

<sup>58</sup> 2016 Consitution, Article 137.

<sup>59</sup> *Ibid*, Article 144.

<sup>60</sup> *Ibid*, Article 148.



bodies where members are appointed or elected.<sup>61</sup> The quota has been taken into account in the designation of members of the constitutional institutions.

Acknowledging the country's history, which has been marked by dictatorial regimes where corruption and nepotism have been embedded as a rule of governance, the Preamble declares the commitment of the people of the CAR to ban any form of clannism and nepotism in the management of its public affairs. It also reiterates the commitment of the people of the CAR to build a state 'under the rule of law and based on a pluralist democracy which guarantees the security of persons and goods, the protection of the marginalised, in particular of vulnerable individuals and minorities, and the full exercise of fundamental rights and liberties'.

On the issue of unconstitutional changes of government, the Preamble recognises universal suffrage through secret ballots as the only legitimate way to accede to power. In clear terms, it rejects the use of force as a means to achieve power and the commission of acts which might instigate division or hate among communities.

Finally, the Preamble also places emphasis on regional and sub-regional integration in political, social, and cultural affairs as well as the establishment of ties of friendship with all nations based on the 'the principles of equality, solidarity, reciprocal interests and mutual respect of national sovereignty as well as of territorial integrity'.

### **III. Fundamental Rights Protection**

The fundamental rights and freedoms are provided for in the CAR Constitution under Title 1, labelled 'Fundamental bases of society'. This means that the protection of fundamental rights and freedoms is the backbone of the Constitution and of the social contract between the state and citizens. Title 1 protects both first generation (civil and political) rights and second generation (economic and social) rights. It also sets out the duties that citizens should observe in the exercise of their rights.

#### **A. Civil and Political Rights**

Civil and political rights are dealt with in Articles 1 to 6 of the Constitution. These Articles provide for the recognition of human rights as the basis of every human community, of peace and justice in the world; of the right to life and physical integrity, from which follows the prohibition against arbitrary arrest or detention; the right to be not subjected to torture, rape, maltreatment, or to cruel, inhuman, degrading or humiliating treatment; the rights of accused people to be presumed innocent until their culpability is established following a trial which offers them the necessary guarantees for their defense; the right to personal liberty; equality before the law regardless of race, ethnic origin, regional origin, sex, religion, political affiliation or social position; and the protection of the rights of minorities, in particular indigenous populations and people with disabilities.

The Constitution provides for the right of accused people to be presumed innocent until their guilt is established following a trial which offers them the necessary guarantees for their defense, but on the other hand it incriminates practices such as witchcraft, which are difficult to prove in a court of law.<sup>62</sup> This was one of the main recommendations made to the CAR during the first follow-up assessment of the Universal Periodic Review related to the removal of witchcraft from the Penal Code.<sup>63</sup>

<sup>61</sup> Parity Law (*loi n° 16.004 Instituant la parité entre les hommes et les femmes en République Centrafricaine*), Article 7.

<sup>62</sup> *Code pénal centrafricain*, Article 149.

<sup>63</sup> See [https://www.upr-info.org/followup/index/country/central\\_african\\_republic](https://www.upr-info.org/followup/index/country/central_african_republic), accessed on 8 June 2017.

One of the normative gaps in the Constitution which needs to be highlighted in the context of this analysis is the absence of a provision on the right to nationality. Given the significance of this right, it is important to have it constitutionally protected. The Inter-American Commission, discussing the relevance of the right to nationality, clearly stated that nationality ‘is one of the most important rights of man, after the right to life itself, because all other prerogatives, guarantees and benefits man derives from his membership in a political and social community—the States—stem from or are supported by this right.’<sup>64</sup>

Issues related to nationality are regulated by Law No 61/212 of 30 August 1966 on the Nationality Code of the CAR. This law was complemented by Law No 6454 of 2 December 1964 and Ordinance No 84.022 of 12 April 1984. However, it is difficult to challenge the constitutionality of such a law in the absence of a specific constitutional provision on the right to nationality. Following the recent crisis in the CAR, members of the Muslim minority have frequently been denied citizenship, although they are not legally stateless.<sup>65</sup> It is of crucial importance that the current political dialogue and reconciliation efforts take into account the imperative need to reach a national consensus on the issues of nationality and citizenship, to ensure that the country does not relapse into violence, especially as these issues are at the heart of the current conflict.

### ***B. Economic and Social Rights***

Economic, social, and cultural (ESC) rights are protected by Articles 7 to 19 of the Constitution. These Articles protect the physical and moral health of the family, and women and children against violence and insecurity; the right to access healthcare facilities and to benefit from necessary medical attention; and the rights to education and culture. The Constitution also guarantees the freedoms of conscience and of assembly; the right to work and to a clean environment; the right to form trade unions; the freedom of enterprise; the right to freely establish associations; the freedom to inform, to express, and to disseminate one’s views in speech and writing; the right to peaceful demonstration; the freedom of intellectual, artistic, and cultural creation; the right to property; the inviolability of the home; and the equality of citizens concerning public responsibilities and in particular concerning taxes.

Interestingly, the Constitution does not subject the realisation of the economic and social rights to the availability of resources or allow for their progressive realisation. Furthermore, it clearly provides for the right to reparation in the case of violation of fundamental rights, including economic and social rights. All this taken together makes economic and social rights defensible before the ordinary courts in the CAR.

One of the provisions of the Constitution related to economic and social rights is Article 7, which defines marriage as ‘the union between a man and a woman’. This provision is very restrictive and excludes some sexual minorities, such as gays and lesbians, who should not be denied the right to marry based on their sexual orientation. Society evolves and it is important that the debate regarding the restrictive character of that provision is conducted in future constitutional reform enterprises.

### ***C. Third generation rights***

The only provision of the Constitution dealing with third generation rights is Article 11, which guarantees the right to a clean environment to all citizens. This right is mentioned in the same

<sup>64</sup> Inter-American Commission on Human Rights, Third Report on the Situation of Human Rights in Chile, ch IX, 10 Inter-Am CHR OEA/Ser.L/V/II/40 Doc 10 (11 February 1977).

<sup>65</sup> Lombard, note 19, at p 11.

paragraph that provides for the right to work and, therefore, it is not clear whether the right in question is the right to a clean environment in general or the right to a clean environment at work. In any case, the Constitution does not provide details on what the right to a clean environment entails and it does not specify the roles of the state (the central government and territorial communities) and citizens in ensuring that right.

#### ***D. Duties in the Constitution***

The Constitution provides for rights, but also imposes duties on citizens. The Constitution states that the defense of the nation is a duty for every citizen and renders military service compulsory for all.<sup>66</sup> It also imposes the duty to respect, in all circumstances, the Constitution, the laws, and the regulations of the Republic.<sup>67</sup> This means that factors such as religious beliefs, marital status and so on cannot be a justification to refuse to comply with the duties imposed by the Constitution. As the Constitution is a social contract between the state and its citizens, the realization of its goals and values would be problematic if the duties imposed on citizens were not reasonable.<sup>68</sup> It is through the combined efforts of both the state and citizens to abide by the provisions of the Constitution that social peace and justice can be achieved.

#### **IV. Separation of Powers**

The Constitution of the CAR provides for a republican form of state based on the rule of law, secularity, and democratic principles.<sup>69</sup> It also underscores ‘government of the people by the people and for the people’, the separation of the state from religion, national unity, social cohesion and justice, national solidarity, good governance, and social and economic development as the principles of the Central African Republic.<sup>70</sup> In this context, unconstitutional changes of government by *coup d’état* are clearly prohibited: ‘The usurpation of national sovereignty by coup d’état or by any other means constitutes an imprescriptible crime against the Central African people, without a statute of limitations. Any person or third party/State who carries out such acts will be considered as having declared war on the Central African people.’<sup>71</sup>

The Constitution mandates national authorities to use all means, including military cooperation or defense agreements, to restore constitutional legality in the case of a *coup d’état*.<sup>72</sup> Article 29 implicitly provides for the use of force. A military defense agreement between the CAR and France has served as the basis for France’s military intervention in the CAR’s internal affairs.<sup>73</sup> The prohibition of *coups d’état* by the Constitution of March 2016 was an attempt to find a lasting solution to the problem of unconstitutional changes of government, which has characterised politics in the CAR since the early days of its independence. This prohibition is consistent with Article 23 of the African Charter on Democracy, Elections and Governance (ACDEG) adopted by the African Union on 30 January 2007 and which the CAR is in the process of ratifying.<sup>74</sup>

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<sup>66</sup> 2016 Constitution, Article 22.

<sup>67</sup> Ibid, Article 23.

<sup>68</sup> Neldjingaye Kameldy, ‘The Constitution of the Republic of Chad: Introductory Note’, available at <http://oxcon.ouplaw.com/view/10.1093/law:ocw/law-ocw-cm935.document.1/law-ocw-cm935>.

<sup>69</sup> 2016 Constitution, Article 24.

<sup>70</sup> Ibid, Article 25.

<sup>71</sup> Ibid, Article 28.

<sup>72</sup> Ibid, Article 29.

<sup>73</sup> A French contingent intervened on 20 September 1979 in ‘Operation Barracuda’, which put an end to the Bokassa regime.

<sup>74</sup> The National Assembly of the CAR authorised the President of the Republic to ratify the ACDEG on 10 April 2017. The treaty is available at [https://au.int/web/sites/default/files/treaties/7790-file-african\\_charter\\_on\\_democracy\\_elections\\_and\\_governance.pdf](https://au.int/web/sites/default/files/treaties/7790-file-african_charter_on_democracy_elections_and_governance.pdf), accessed on 14 May 2017.

### A. *The Executive Power*

The executive power is composed of the President and the government.<sup>75</sup> The President of the Republic is elected through universal suffrage. He is the chief executive, while the Prime Minister appointed by him is the head of the government.<sup>76</sup> The term of office of the President is five years, renewable once. In no case can the President remain in office for more than two terms or extend his term in office.<sup>77</sup>

The prerogatives of the President of the Republic include the following. He ensures respect for the Constitution, guarantees through his arbitration the proper functioning of the public institutions as well as the continuity and survival of the state, promulgates laws<sup>78</sup> and signs ordinances (*ordonnances*) and decrees, is the Commander-in-Chief of the national armed forces and is responsible for national defense, ensures the independence of the judiciary and chairs the Higher Council of the Judiciary (*le Conseil Supérieur de la Magistrature*), and negotiates and ratifies treaties and international treaties and agreements.

Article 34 of the Constitution prohibits the President of the Republic from buying or leasing, either directly or indirectly, a property belonging to the state or territorial communities without prior authorization of the Court of Cassation, the highest court in criminal matters. The President could be impeached in the event of violation of this Article, which is a highly significant provision given the long history of corruption and embezzlement of public properties in the country.

As part of the requirements to stand for presidential elections in the CAR, one must have the Central African nationality, be at least thirty-five years old, have resided on the national territory for at least a year, have not been convicted for a serious criminal offence, enjoy his/her civil rights, have good mental and physical health, and be of good morality. The requirement of nationality in the CAR's Constitution is not as restrictive as it is in some other constitutions of the region. Article 62 of Chad's Constitution, for example, requires that one must be 'Chadian by birth, born from parents of Chadian origin, and possess no other nationality except Chadian' in order to stand for presidency. Given the recent history of the CAR, limitations on the nationality requirement might become a source of tension, especially as some ethnic minorities, namely the Muslim communities, are sometimes considered as foreigners.<sup>79</sup> Having said this, the drafters of the March 2016 Constitution deserve applause for having taken the wise decision to leave the door open to individuals to run for presidency who have Central African nationality but may have parents who are not of Central African origin, and also to citizens who at a given moment have taken other nationalities.

The March 2016 Constitution grants important powers to the President of the Republic, without providing for counterbalancing mechanisms. This is one of the main characteristics of political

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<sup>75</sup> 2016 Constitution, Article 32.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid, Article 35.

<sup>78</sup> Article 40 of the 2016 Constitution specifies that '[t]he President of the Republic has the initiative of laws. He promulgates them in the fifteen (15) days which follow the adoption of the final text by the National Assembly. This period is reduced to five (5) days in the case of urgency declared by the National Assembly. In the case of failure to promulgate the law within the required time, the law automatically enters into force either after checking by the Constitutional Court or on referral to Parliament'.

<sup>79</sup> International Crisis Group, Rapport Afrique No 230, '*Centrafrique: les racines de la violence*', 21 September 2015, p 34.

regimes of the presidential type, which is the one adopted by many francophone countries.<sup>80</sup> The President chairs the High Council of the Judiciary—the body responsible for the appointment, promotion, and discipline of judges and magistrates<sup>81</sup>—and also has the constitutional right to dissolve the National Assembly.<sup>82</sup> The National Assembly, through a vote of no confidence, can only engage the responsibility of the Prime Minister and that of his ministers.<sup>83</sup>

As part of the political dialogue for peace and reconciliation in the CAR, there have been some controversies regarding the provisions of Article 50 of the Constitution relating to the law determining the modalities for the granting of pensions to the former Presidents of the Republic who enjoy their civil rights. During the Nairobi Accords of July 2014, the Anti-Balaka and the former Séléka groups requested, respectively, that the status of ‘former President’ be granted to Francois Bozizé, who ruled the country from 2003 to 2013, and to Michel Djotodia, who was in power from 2013 to 2014. These two armed groups argued that granting the status of former President to Bozizé and Djotodia would help to bring sustainable peace and security to the CAR. The issue, which is yet to be resolved, is whether these personalities could be considered to have been ‘presidents’ during their tenure in office.

Examining each case separately, Francois Bozizé could legitimately claim the status of ‘former President’ as he legitimized his power through the 2005 presidential elections. On the other hand, Michel Djotodia could face legal challenges to making a strong case as he was elected by the CNT, and Article 22 of the Transitional Charter of 18 July 2013 clearly states that ‘the Executive power is composed of the Head of State of the Transition and of the Prime Minister, Head of Government of the Transition.’<sup>84</sup> This is a matter for which the Constitutional Court could be seized with a request for interpretation.

Beyond this debate, the provisions of Article 50 are to a large extent intended to provide guarantees to those who relinquish power and have not committed serious crimes, so that they do not need to worry about their retirement. The constitutions of other countries, such as Benin, have similar provisions.<sup>85</sup>

### ***B. The Legislative Power***

The legislative power in the CAR is vested in a Parliament composed of two chambers: the National Assembly and the Senate. The Parliament legislates and controls the actions of the government.<sup>86</sup> It regulates fiscal policy with the support of the Court of Audit,<sup>87</sup> authorises the declaration of war,<sup>88</sup> decides on government bills submitted to its bureau by the President of the

<sup>80</sup> André Canabani and Michel Louis Martin, *Les Constitutions d’Afrique francophone* (éditions Khartala, 1999) 69.

<sup>81</sup> 2016 Constitution, Article 33.

<sup>82</sup> Ibid, Article 46.

<sup>83</sup> Ibid, Articles 53 and 62.

<sup>84</sup> The Constitutional Charter of Transition is available at <http://pmcar.org/docs/chartedettransition.pdf>, accessed on 3 June 2017.

<sup>85</sup> Constitution of Benin, Article 48, available at [https://www.constituteproject.org/constitution/Benin\\_1990.pdf](https://www.constituteproject.org/constitution/Benin_1990.pdf), accessed on 3 June 2017.

<sup>86</sup> 2016 Constitution, Article 63.

<sup>87</sup> Ibid, Article 77.

<sup>88</sup> Ibid, Article 78.

Republic and the government and on bills introduced by members of the National Assembly,<sup>89</sup> and prepares the budget.<sup>90</sup>

With regard to the initiation of laws, this task falls concurrently to the President of the Republic, the government, and the members of Parliament.<sup>91</sup> Legislative proposals and government bills are submitted to the bureaux of both the National Assembly and the Senate.<sup>92</sup> They are examined by relevant commissions before they are discussed in plenary.<sup>93</sup> The President of the National Assembly submits to the President of the Senate legislative proposals and government bills once they are adopted by his or her institution.<sup>94</sup> Within a period of ten days after receipt of the texts (reduced to five days for texts the government considers urgent), the Senate adopts the texts and returns them to the President of the National Assembly, who in turn submits them to the President of the Republic for promulgation.<sup>95</sup> By contrast, texts drafted by joint commissions (the National Assembly and the Senate) are submitted directly to the President of the Republic for assent and no amendment is possible unless authorised by the President himself.<sup>96</sup>

The means by which the Parliament controls the actions of the government include the vote of no confidence, interpolation, the motion of censure, hearings by relevant commissions, the establishment of a commission of inquiry and control, oral questions with or without debate, and written questions.<sup>97</sup>

The two chambers of Parliament meet on the same dates. For ordinary sessions, the National Assembly and the Senate meet on the convening of their respective bureaux after consultation with the President of the Republic.<sup>98</sup> The extraordinary sessions, on the other hand, are called at the request of the President or two-thirds of the members of one or the other chamber.<sup>99</sup> During the congress of Parliament, the bureau of the National Assembly chairs the discussions.<sup>100</sup> The members of Parliament enjoy parliamentary immunity. As such, they cannot be prosecuted, arrested, detained, or tried for opinions or votes expressed as part of the fulfilment of their mission.<sup>101</sup> This immunity is functional and does not cover private civil or criminal acts.

The members of the National Assembly are elected for a five year term, which can be renewed. They are referred to as deputies. During the 2016 legislative elections, 140 deputies were elected to fill seats in the National Assembly and seventeen political parties had one or more of their

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<sup>89</sup> Ibid, Article 79.

<sup>90</sup> Ibid, Article 82.

<sup>91</sup> Ibid, Article 83.

<sup>92</sup> Ibid, Article 84.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid, Article 85.

<sup>95</sup> Ibid. In case of amendment, the text is returned to the National Assembly for a new re-examination.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid, Article 89.

<sup>98</sup> Ibid, Article 64.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid, Article 65.

<sup>101</sup> Ibid, Article 67.



representatives elected.<sup>102</sup> There are also deputies who are elected as independent members.<sup>103</sup> This is to be lauded because in some countries, deputies must be elected under the banner of a political party. This has created situations where deputies have been threatened with dismissal for refusing to comply with the instructions of their political parties.

According to the Constitution, the National Assembly elects its president for the duration of the legislature within the first eight days of its investiture.<sup>104</sup> The current President of the National Assembly is Mr Abdou Karim Meckassoua.<sup>105</sup> The other members of the bureau are elected every year.<sup>106</sup> The President of the National Assembly may however be impeached for non-fulfillment of his official duties upon the reasoned request of one-third of the deputies.<sup>107</sup> Article 71 of the Constitution provides that the right of deputies to vote is personal, and delegation of votes is authorized only under specific circumstances. A Law on the Rules of Procedure determines the modalities of the organization and functioning of the National Assembly.<sup>108</sup>

As far as the Senate is concerned, its members (the senators) are elected by the representatives of territorial communities through indirect universal suffrage for a five year term.<sup>109</sup> The Constitution provides for the election and impeachment of the Senate President under the same conditions.<sup>110</sup> The right to vote is personal for the senators as well,<sup>111</sup> and the modalities of the organization and functioning of the Senate are also determined through a Law on the Rules of Procedure of that institution.<sup>112</sup>

### C. *The Judiciary*

The Constitution proclaims the independence of the judiciary from the executive and the legislature.<sup>113</sup> Judicial power is entrusted with the mandate to ensure the protection of freedoms and property, and respect for the principles recognized by the Constitution as the fundamental bases of

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<sup>102</sup> The political parties represented at the National Assembly are the following: the *Convention Républicaine pour le progrès social* (CRPS), the *Parti africain pour une transformation radicale et l'intégration des états* (PATRIE), the *Rassemblement démocratique centrafricain* (RDC), the *Convergence Nationale Kwa Na Kwa* (KNK), the *Union pour le renouveau centrafricain* (URCA), the *Mouvement libéral du peuple centrafricain* (MLPC), the *Union nationale pour la démocratie et le progrès* (UNDP), the *Parti pour la renaissance centrafricaine* (PARC), the *Parti de l'Unité nationale* (PUN), the *Rassemblement pour la république* (RPR), the *Mouvement pour la démocratie et le développement* (MDD), the *Parti socialiste* (PS), the *Mouvement national de la solidarité* (MNS), the *Union Nationale des démocrates républicains* (UNADER), the *Parti pour la gouvernance démocratique* (PGD), the *Parti pour la démocratie et la solidarité – Kélémba* (PDSK), and the *Parti pour l'alternance démocratique* (PAD).

<sup>103</sup> 42 out of the 140 members of the National Assembly have been elected as independent members.

<sup>104</sup> 2016 Constitution, Article 69.

<sup>105</sup> Mr. Abdou Karim Meckassoua is from the Muslim minority community.

<sup>106</sup> 2016 Constitution, Article 69.

<sup>107</sup> Ibid, Article 70. The removal from office is not declared unless it is voted on by two-thirds (2/3) of the members composing the National Assembly.

<sup>108</sup> Ibid, Article 72. This law enters into force only after it has been found to be in compliance with the Constitution by the Constitutional Court.

<sup>109</sup> Ibid, Article 73.

<sup>110</sup> Ibid, Article 74.

<sup>111</sup> Ibid, Article 75.

<sup>112</sup> Ibid, Article 76.

<sup>113</sup> Ibid, Article 107.

society.<sup>114</sup> The judiciary is composed of the Council of State, the Court of Cassation, the Court of Audit, the Tribunal of Conflicts, and the courts and tribunals.<sup>115</sup> The CAR's judicial system is structured into two jurisdictional orders: administrative courts that are competent to entertain matters brought against the state by individuals or cases opposing state institutions, and ordinary courts with competence to examine cases involving individuals. The Council of State is the highest court for administrative matters, and the Court of Cassation is the highest court for matters involving individuals.

In practice, the First President of the Court of Cassation is the head of the judiciary. He or she chairs the meetings of the High Council of the Judiciary when it sits for disciplinary matters.<sup>116</sup> Magistrates and judges are permitted to join associations to defend the independence of the judiciary, to promote and protect human rights, and their privileges. However they may not take part in political events or show hostility to the principle or form of government.<sup>117</sup>

The judiciary is managed by the High Council of the Judiciary, which is responsible for the appointment, promotion, and discipline of judges and magistrates, who are civil servants and serve on a permanent basis. The High Council of the Judiciary is chaired by the President of the Republic and the Minister of Justice serves as the Vice-Chair.<sup>118</sup> Although when sitting on disciplinary matters the High Council of the Judiciary is presided over by the First President of the Court of Cassation,<sup>119</sup> the fact that it is chaired by the President of the Republic raises questions with regard to the principle of separation of powers. In Communication 266/03 filed against the Republic of Cameroun, the African Commission on Human and Peoples' Rights (ACmHPR) clearly stated that the fact that the Cameroonian judiciary was to be managed by a High Council of the Judiciary chaired by the President of the Republic constituted a violation of Article 26 of the African Charter on Human and Peoples Rights (ACHPR).<sup>120</sup> Strict compliance with the principle of separation of powers would require that the judiciary be chaired by the first President of the Court of Cassation or the First President of the Council of State (*Conseil d'Etat*).

In addition to the fact that the state is not subject to the same courts as individuals, Ordinance No 85.013 created a Permanent Military Tribunal<sup>121</sup> to prosecute crimes of a military nature and ordinary crimes committed by uniformed personnel during the carrying out of their functions (in barracks, in service, or in any military compound).<sup>122</sup> Article 21 of the Military Justice Code,

<sup>114</sup> Ibid, Article 110.

<sup>115</sup> Ibid, Article 107

<sup>116</sup> *Loi No 09.014014 modifiant et complétant certaines dispositions de la loi No 97.031 du 10 mars 1997 portant organisation et fonctionnement du Conseil supérieur de la magistrature*, Article 36.

<sup>117</sup> *Law No 96. 015 portant statut des magistrats de l'ordre judiciaire*, Article 13.

<sup>118</sup> *Law No 09.014 modifiant et complétant certaines dispositions de la loi No 97.031 du 10 mars 1997 portant organisation et fonctionnement du Conseil supérieur de la magistrature*, Article 3.

<sup>119</sup> Ibid, Article 36.

<sup>120</sup> *Communication 266/03, Kevin Mgwanga Gunme et al/Cameroon*, paras 211 and 212. Article 26 of the ACHPR obligates states parties to 'to guarantee the independence of the courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter'.

<sup>121</sup> See *Ordonnance No 85.013 Portant creation d'un Tribunal militaire permanent*.

<sup>122</sup> *Loi No 17.012 Portant code de justice militaire centrafricain*, Article 21.

promulgated in May 2017, which relates to the competence of the Permanent Military Tribunal, raises a possible jurisdictional conflict between the Tribunal and the ordinary courts in the CAR. This is for the simple reason that ordinary crimes fall under the competence of the ordinary courts irrespective of whether or not the suspect is a member of the military.

In terms of the organization of the Permanent Military Tribunal, the functions of President, Vice President, and Indicting Judge are carried out by magistrates from the judicial order, while the Office of the Prosecutor is managed by military personnel under the authority of the Ministry of Defense.<sup>123</sup> It is significant that neither the Military Justice Code nor the Penal Code have retained the death penalty. This is a positive development in the context of the fight against impunity in the CAR. If the death sentence had been retained, some countries might raise this as justification to refuse the extradition of suspects of serious crimes who are on their territory.

Law No 95.010 on the organization of the judiciary provides for the establishment of a Court of Audit to oversee the management of public funds by state institutions, including by territorial communities.<sup>124</sup> This Court is an important mechanism for fighting corruption and addresses the issue of embezzlement of public funds. However, the Court of Audit has not decided a meaningful corruption case since its establishment. This is not surprising as the majority of its members have been appointed by the executive and all members were appointed without a proper vetting process.

There is also a High Court of Justice which has the mandate to ensure that senior officials, including the President of the Republic, parliamentarians, the Prime Minister, and members of government are not above the law.<sup>125</sup> However, no single case has been decided by this institution since its establishment in 1996. In the context of the scarcity of resources that the government of the CAR is facing, the discontinuation of this institution should be considered in future constitutional reform projects. In other countries such as France where a High Court of Justice with a similar mandate exists, there is serious debate not only regarding its utility but also its impartiality.<sup>126</sup> The fact that six of its twelve members are parliamentarians (three deputies and three senators) increases the risk of political interference in the work of the institution. Furthermore, the notion of creating a separate entity to prosecute senior officials does not hold ground in a democratic society where all citizens are supposed to be equal before the law. The principle of equality before the law means that the law should be applied equally to all citizens and through the same legal procedures. The High Court of Justice could potentially be used by the executive to shield senior officials from prosecution, or to deal with those who are not on good terms with the regime.

It is important to conclude the discussion on the judicial system by stating that given the magnitude of serious crimes which have been committed during the recent conflict in the CAR, a Special Criminal Court was created through Organic Law No 15.003 to investigate and prosecute

<sup>123</sup> Law No 17.002 on the Military Justice Code of CAR, Article 7.

<sup>124</sup> *Loi No 95.010 portant organisation judiciaire*, Article 6. The Court of Audit is in Bangui, the capital city of the CAR.

<sup>125</sup> *Loi organic relatif a la haute court the Justice*, Article 9.

<sup>126</sup> See <http://www.lefigaro.fr/actualite-france/2014/06/25/01016-20140625ARTFIG00262-pourquoi-francois-hollande-veut-supprimer-la-cour-de-justice-de-la-republique.php>, accessed on 14 June 2017.

serious crimes, including war crimes, crimes against humanity, and genocide, committed since January 2003.<sup>127</sup> It is the first time in the CAR's history that a court of this type has been created to address impunity for serious crimes which have a long and tragic history in the country and is one of the main causes of the current conflict.<sup>128</sup> Established for a renewable period of five years, the Special Criminal Court is inscribed in the CAR's judicial system and is intended to function alongside the ordinary courts.<sup>129</sup> It is composed of both national and international judges: of the twenty-five judges, thirteen are international, including the Special Prosecutor and the Deputy Registrar. According to the provisions of the law establishing the Special Criminal Court and the regulations the Court will adopt for its implementation once it is operational, the applicable procedural rules will be those contained in the Criminal Procedure Code of the CAR.<sup>130</sup>

Given this novelty in the fight against impunity in the CAR, the international community has shown a keen interest in the Special Criminal Court. Project documents for a Joint Project involving the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Development Programme (UNDP), and national authorities to support the operationalization of the Special Criminal Court were signed on 26 August 2016. The involvement of international magistrates in its work, particularly the Special Prosecutor and the Deputy Registrar, will eventually help to limit political interference and ensure that justice is delivered to the victims of serious crimes.

The Special Criminal Court is expected to start its activities when the Special Prosecutor, Colonel Toussaint Mutanzini Mukimapa,<sup>131</sup> arrives in Bangui. The two investigating judges<sup>132</sup> who are to be deployed as part of the first team are also expected soon. The main possible challenges to the Court's activities are funding and the prosecution of suspects who still have the means to inflict harm. Currently, funding is only available for the first fourteen months of the Court's activities. Similarly, the arrest and prosecution of suspects who are leaders of armed groups and continue to exercise control over their men is problematic.<sup>133</sup>

## V. Federalism/Decentralization

The CAR is organised into territorial communities based on the principle of decentralization in compliance with the spirit of national unity.<sup>134</sup> These territorial communities are regions and municipalities which are freely administered by bodies elected at the local level and have regulatory

<sup>127</sup> Law No 15.003 *portant creation, organisation et fonctionnement de la Cour pénale spéciale*, Article 3.

<sup>128</sup> For more on impunity and the conflict in the CAR, see International Commission of Inquiry on the CAR (S/2014/928), 22 December 2014, paras 34-35. See also Amnesty International, 'Central African Republic: Action Needed to Address Decades of Abuse' (Index: AFR 19/001/2011), 20 October 2011.

<sup>129</sup> Law No 15.003, note 128, Article 3.

<sup>130</sup> *Ibid*, Article 5.

<sup>131</sup> Col. Toussaint Mutanzini, from the Democratic Republic of Congo, was appointed in February 2017 (see *Décret No. 17.067 portant nomination du Procureur spécial près la Cour pénale spéciale*). Prior to his deployment in the CAR, he served for several years as Advocate General of the Armed Forces of the Democratic Republic of Congo.

<sup>132</sup> The two investigating judges are Dembele Adelaide from Burkina Faso (see *Décret No. 17.135 portant nomination d'un juge d'instruction internationale à la Cour pénale spéciale*) and Emmanuelle Ducos from France (see *Décret No. 17.135 portant nomination d'un juge d'instruction international à la CPS*).

<sup>133</sup> See Amnesty International, 'The Long Wait for Justice', January 2017, p 16.

<sup>134</sup> 2016 Constitution, Article 128.

power for the exercise of their competence.<sup>135</sup> This means that local communities have the right to govern themselves, except for judicial matters for which there is no delegation of power from the central government to the territorial communities.

The organic law on the territorial communities that is intended to determine the scope and level of implementation of the decentralization principles is yet to be enacted. At the moment, territorial administration in the CAR is composed of seven regions, of which there is Bangui, the capital city, with a particular status; sixteen prefectures; seventy-one sub-prefectures; two *postes de control administratifs*; 176 municipalities; and more than 8000 villages and quarters. The last municipal elections were organized in 1998 and since 1992, members of the municipal councils which serve as deliberative bodies have been appointed by the central government, with a president serving as mayor. This will no longer be the case once the organic law on the territorial communities is adopted, as members of the municipal councils will have to be elected.

The current conflict in the CAR has had a negative impact on the socio-economic and governance structures at the local level throughout the regions. Municipal councils, which play an important role in ensuring the implementation of democratic principles at the grassroots level, are crippled by a serious lack of financial and adequate human resources. Most of these councils do not have proper planning and development strategies.

## VI. Constitutional Adjudication

Constitutional justice in the CAR is entrusted to the Constitutional Court, established by Article 95 of the Constitution. The Constitutional Court is the highest court in constitutional matters and is competent, among other things, to examine the constitutionality of laws before or after their promulgation. It is also competent to entertain electoral disputes, to check compliance of international treaties with the Constitution, to resolve conflicts of competence between the executive and the legislative powers and between the state and the territorial communities, and to interpret the Constitution.<sup>136</sup> It is composed of nine members, of whom at least four are women. All members serve for a seven year term that is non-renewable. The Constitutional Court's members are appointed as follows: two magistrates are elected by their peers, of whom one is a woman; two lawyers are elected by their peers, of whom one is a woman; two law professors are elected by their peers, of whom one is a woman; one member is designated by the President of the Republic; one member is designated by the President of the National Assembly; and one member is designated by the President of the Senate.

Currently, the Court is functioning without its ninth member as the Senate is not yet established. Although Article 156 of the Constitution grants legislative powers to the National Assembly until the Senate is established, the National Assembly has found that these powers do not include administrative acts such as the designation of members of the Constitutional Court. In order to ensure the independence of the Court, the Constitution provides that the members of the Constitutional Court are irremovable during their term of office and cannot be prosecuted or arrested without authorization by the Constitutional Court.<sup>137</sup> Additionally, the fact that the

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<sup>135</sup> Ibid, Article 129.

<sup>136</sup> Ibid, Article 95.

<sup>137</sup> Ibid, Article 102.

President of the Republic and those of the two chambers of Parliament designate only one member each, while all the remaining members are elected by their peers, helps to strengthen the independence of that institution.

Without this independence from the executive in particular, there is no way the Court could in all objectivity fulfil its mandate, especially the settlement of electoral disputes. In some other African countries where similar institutions were created by the constitution but no safeguards were put in place to ensure their independence, their mandates to entertain complaints related to presidential elections and proclaiming election results have raised questions of conflict of interest where the incumbent was seeking another term or his party was seeking to retain the presidency.<sup>138</sup> That was the case in Ivory Coast during the 2011 elections, where the Constitutional Council proclaimed Laurent Gbagbo, the outgoing President, as the winner of the presidential elections while the Independent Electoral Commission and the international electoral observers declared his challenger, Alassane Ouattara, as the true winner.

The Constitutional Court is not part of the judiciary: it is an independent institution.<sup>139</sup> Its mandate does not include the protection of fundamental rights and freedoms and principles enshrined in the Constitution as the fundamental bases of Central African society. This role is mandated to the judiciary by Article 110 of the Constitution. The Constitutional Court is the highest court in constitutional matters and its decisions cannot be appealed against.<sup>140</sup>

The Constitutional Court can be seised directly by citizens but only with regard to the constitutionality of laws.<sup>141</sup> Citizens can also seize the Constitutional Court indirectly through an exceptional route (*exception d'inconstitutionnalité*), meaning that during the course of a case in which he or she is party, an individual can raise the unconstitutionality of a law to challenge the application of the law in the case.<sup>142</sup> If necessary, the judge is obliged to refrain from deciding the matter and seize the Constitutional Court, which must decide within one month on the constitutionality of the law in question. The timeframe is reduced to eight days in the event of urgency. If the law is declared unconstitutional, it will not be applied in the case where its constitutionality has been raised.

In practice, most of the parties bringing matters before the Constitutional Court are public institutions which, like citizens, should abide by its decisions. In Decision No 004/CCT/17 of 1 February 2017, the Constitutional Court took the view that Article 6 paragraph 2 of the Rules of Procedure of the National Assembly, which declares that the switching of a political party by a member of the National Assembly during the legislature should be considered as a resignation and

<sup>138</sup> Neldjingaye Kameldy, 'The Republic of Chad: Introductory Note', Oxford Constitutions of the World, available at <http://oxcon.oup.com/view/10.1093/law-ocw/law-ocw-cm935.document.1/law-ocw-cm935>, accessed on 19 May 2017.

<sup>139</sup> Article 107 of the 2016 Constitution states that 'Justice is administered on the territory of the Central African Republic in the name of the Central African people by the Court of Cassation, the Council of State (*Conseil d'Etat*), the Court of Audit, the Tribunal of Conflicts, the Courts and Tribunals'.

<sup>140</sup> *Loi No17.004 Portant organisation et fonctionnement de la Cour Constitutionnelle*. Articles 1 and 19.

<sup>141</sup> 2016 Constitution, Article 98.

<sup>142</sup> *Ibid.*



the concerned deputy should be replaced by his alternate, was a violation of Article 68 of the Constitution.<sup>143</sup>

Decisions of the Constitutional Court are beyond criticism as the Constitution clearly states that deputies are elected on behalf of the nation.<sup>144</sup> Interestingly, during its plenary session of 10 January 2017 the Chadian Constitutional Council, an institution with attributes similar to those of the Constitutional Court in the CAR, requested the resignation of the deputy Moussa Adoum Mahamat on the grounds that he had violated Article 6 of Organic Law No 025/PR/2009 of 31 August 2009, which stated that ‘any deputy who during his/her term willingly leaves the political party which endorsed him/her at the legislative elections is supposed to have resigned [from the national assembly]. The resignation is automatically pronounced by the Constitutional Council upon the request of the duly mandated representative of the concerned political party’. That decision of the Constitutional Council was based on a law that violated the Chadian Constitution, which declares in its Article 114 that a deputy is elected on behalf of the nation and any imperative mandate is null and void. Furthermore, it creates a situation where deputies are taken ‘hostage’ by their political parties, having blindly to follow their policies, even those which violate democratic principles or go against their political convictions. If, on the one hand, the Chadian Constitutional Council condoned the dismissal of deputies from the National Assembly based on their resignation from their political parties, it rejected applications for dismissal of deputies based on fantasist reasons, on the other.

Chad’s Constitutional Council declared itself incompetent in the case of Mamadou Maïndoh, from the *Rassemblement National des Démocrates Tchadiens* (RNDT-Le Réveil) party, which wanted to dismiss him from the National Assembly for ‘non-participation in the activities of the party, non-payment statutory contributions, refusal to comply with the commitment of the party and endorsement of a censure motion initiated by the deputies of the opposition’. The Constitutional Council opined that the case did not fall within the scope of Article 6 of Organic Law No 025/PR/2009 of 31 August 2009 and should be dealt with according to the international rules of the party. Ultimately, the deputy was dismissed from the RNDT-Le Réveil without losing his seat at the National Assembly. This placed him in a situation where at the end of the day he had the possibility to join the political party of his choice or continue his term as an independent member. The case of Mamadou Maïndoh is appealing, as the truth behind the application filed to request his resignation was that he supported a censure motion initiated by some deputies against the Prime Minister, who was the leader of the RNDT-Le Réveil, the party which endorsed him at the legislative elections.

The 2017 decision of the Constitutional Court that declared the switching of political parties to be unconstitutional has closed the door to pressures on deputies from their political parties and

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<sup>143</sup> *Decision No 004/CCT/17 of 1 February 2017 sur l’examen de conformité à la Constitution du 30 mars 2016 de la loi organique portant règlement intérieur de l’Assemblée nationale*, p18. Article 68 of the 2006 Constitution states that: ‘The Central African people elects by direct universal suffrage the citizens who compose PARLIAMENT and who carry the title of DEPUTY. Each Deputy is an elected representative (l’élue) of the Nation. The term of a deputy may not be reduced except by the dissolution of the National Assembly or the resignation, expulsion (la radiation) or death of the deputy in question.’

<sup>144</sup> 2016 Constitution, Article 68.

placed them in a situation which allows them to better exercise their mandate of national representation. A deputy, in essence, is supposed to be the representative of the nation.

Article 26 of the Organic Law on the Organisation and Functioning of the Constitutional Court requires all draft organic laws to be submitted to the Constitutional Court by the President of the Republic for examination of their compliance with the Constitution prior to their promulgation.<sup>145</sup> However, the law is silent on what will happen if an organic law is promulgated without having been submitted to the Constitutional Court. This was the case with the Law on the Military Justice Code, which was apparently promulgated without having been submitted to the Constitutional Court. One option is provided by Article 97 of the Constitution, which grants the possibility for the President of the National Assembly, the President of the Senate, the Prime Minister, or one-quarter of members of the Parliament to seize the Constitutional Court with a request for an opinion. In the event the Court finds that appropriate procedures have not been followed for the promulgation of a law (in this case, the Law on the Military Justice Code), the President of the Republic would have no other option than to take corrective measures. These could include a new decree to promulgate the Organic Law on the Military Justice Code after having referred it to the Constitutional Court.

## **VII. International Law and Regional Integration**

The Constitution provides that treaties and agreements duly ratified have, upon their publication, greater authority than that of other laws, provided they are implemented by the other party.<sup>146</sup> Like many other countries that have adopted the monist system, treaties ratified through regular procedures are directly incorporated into the domestic legal order. There is no need to enact a law for that purpose. Article 94 of the Constitution adds another requirement: for the treaty or agreement to be valid, it has to be implemented by the other party. This requirement applies to bilateral treaties and does not apply in principle to multilateral treaties or agreements, such as human rights treaties, which enter into force automatically once they are duly ratified according to the procedures set out by the Constitution. The CAR could not, for example, raise the fact that a human rights treaty was not implemented by a third country to claim its nullity in the country's domestic legal order.

Article 91 of the Constitution grants to the President of the Republic the powers to negotiate, sign, ratify, and denounce treaties and agreements. Treaties related to defense, trade, the environment and natural resources, international organizations, and the finances of the state; that modify provisions of a legislative nature, the status of persons, and fundamental rights; as well as those related to cession, the exchange, or the addition of territory are ratified or denounced only with prior authorization of the National Assembly.<sup>147</sup> Treaties involving cession, the exchange, or the addition of territory require referendum.<sup>148</sup> The President of the Republic and Parliament are to be informed of treaties that do not require ratification.

The Constitution is the supreme law of the CAR, and treaties and international agreements should comply with all of its provisions. The prerogative to seize the Constitutional Court regarding

<sup>145</sup> Law No 17.004 on the organization and functioning of the Constitutional Court.

<sup>146</sup> 2016 Constitution, Article 94.

<sup>147</sup> Ibid, Article 91.

<sup>148</sup> Ibid.

the constitutionality of an international commitment belongs to the President of the Republic, to the Presidents of the National Assembly and the Senate, as well as to one-third of the members of the National Assembly. In the event that a provision of a treaty is found to be unconstitutional, its ratification will occur only after amendment to the Constitution.

## VIII. Conclusion

Although the March 2016 Constitution is relatively new, the CAR has had a vibrant constitutional life, which started with the Constitutional Court of the Transition. The decisions rendered by that organ of the transition and those delivered so far by the Constitutional Court have been well received. The transparent manner in which the members of all the constitutional institutions, including the Constitutional Court, the High Court of Justice, the High Committee on Good Governance, and the High Council on Mediation have been designated and the profiles of these members provide reasons to hope for a better future for the CAR. In essence, the value of a law and, by extension, a constitution, is effectively measured by the quality of the men and women who have the responsibility to implement it.

The challenge now is for the CAR government to mobilize the necessary resources, both financial and human, to allow these institutions and the few others which are yet to be established (the Senate, territorial communities, etc.) to carry out their functions effectively. Above all, the efforts of these institutions should be complemented by vigorous efforts aimed at fighting impunity, and the decision of the national authorities to establish a Special Criminal Court is to be welcomed. This is so for the simple reason that one of main sources of instability in the CAR has been weak political governance, but also impunity for serious crimes, which has prevailed for too long. Notwithstanding these positive developments, there are serious challenges in the area of peace and security. If they are not addressed, they could erode the foundation for the peaceful and democratic society that is being built.

In the 57 years since the CAR's independence, the country has suffered 47 years of political instability. It is therefore important that in the context of the current political dialogue, political leaders place the national interest above personal ones. Sustainable peace will be difficult to achieve as long as some politicians continue to believe that they are the sacred portals for peace and social cohesion in the country.

## **Bibliography**

### **Books**

André Canabanis et Michel Louis Martin, *Les Constitutions d'Afrique francophone* (éditions Khartala, 1999).

Louisa Lombard, *State of Rebellion: Violence and Intervention in the Central African Republic* (Zed Books, 2015).

Roland Marchal, *Brève histoire d'une transition singulière: La République centrafricaine de janvier 2014 à mars 2016* (septembre 2016)

Stephen W Smith, 'CAR's History: the Past of a Tense', in Tatiana Carayannis and Louisa Lombard(eds), *Making Sense of the Central African Republic* (Zed Books, 2015).

## Articles

Pr. Danièle Darlan, 'RCA: la Charte constitutionnelle de transition du 18 juillet 2013, un compromis pour la paix ?', available at <http://juliette.abandokwe.over-blog.com/article-rca-la-charte-constitutionnelle-de-transition-du-18-juillet-2013-un-compromis-pour-la-paix-120183434.html>.

Doui Waway and Augustin Jérémie, 'Evolution Politique, Constitutionnelle et Institutionnelle de la République Centrafricaine', available at <http://thetimesofcentrafrique.over-blog.com/article-evolution-politique-constitutionnelle-et-institutionnelle-de-la-republique-centrafricaine-par-dou-107283936.html>.

## Materials and Reports

Amnesty International, 'Central African Republic: Action Needed to Address Decades of Abuse' (Index: AFR 19/001/2011), 20 October 2011.

Amnesty International, 'The Long Wait for Justice: Accountability in Central African Republic', January 2017.

International Commission of Inquiry on the CAR (S/2014/928), 22 December 2014.

International Crisis Group, Africa Report No 136, 'Central African Republic: Anatomy of a phantom state', 13 December 2007.

International Crisis Group, 'Central African Republic: Priorities of the Transition', June 2013.

International Crisis Group, 'Centrafrique: les racines de la violence', Rapport Afrique No 230, 21 September 2015.

Report of the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum, A/HRC/30/59, 24 July 2015.

The International Commission of Inquiry on the CAR (S/2014/928), 22 December 2014.

Report to the Secretary-General on the situation in the Central African Republic, S/2015/576, 29 July 2015, available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/576](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/576).

Special Report of the Secretary-General on the Strategic Review of the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic, S/2016/565, 22 June 2016, available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2016/565](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/565).