



**ANALYSIS OF DEPRIVATION OF LIBERTY IN THE CENTRAL
AFRICAN REPUBLIC: CURRENT SITUATION, CHALLENGES,
AND RESPONSES**

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List of acronyms	2
I. Introduction	3
II. Methodology.....	3
III. Context.....	4
IV. Legal framework	4
V. Situation concerning places of deprivation of liberty.....	5
VI. Overview of human rights violations	6
A. Illegal and/or arbitrary arrest and detention.....	7
B. Conditions of detention.....	9
i. Overcrowding.....	10
ii. Malnutrition and mortality risk	11
iii. Hygiene conditions and access to healthcare	12
iv. Torture and ill-treatment.....	13
v. Forced labour.....	14
vi. Consequences of poor detention conditions.....	15
C. Vulnerable groups	16
i. Women.....	16
ii. Children.....	17
iii. Persons with disabilities	18
VII. Causes of detention-related dysfunctions.....	18
A. Inadequate human resources and infrastructures	18
i. Lack of infrastructures	18
ii. Insufficient human resources	19
B. Failures of prison officers and judicial police officers	20
C. Challenges for the judicial and penal chain	21
D. Role of the state apparatus	22
VIII. Positive developments in places of deprivation of liberty	23
IX. Recommendations	24
A. To the Government	24
B. To the United Nations	25
C. To the technical and financial partners	25
X. Appendices	26
A. Map of the Central African Republic.....	26
B. Responses and comments from the Central African Government.....	27

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List of acronyms

FACA	<i>Forces Armées Centrafricaines</i> (Central African Armed Forces)
HRD	Human Rights Division
ICCPR	International Covenant on Civil and Political Rights
ISF	Internal Security Forces
JPO	Judicial Police Officer
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
OCRB	<i>Office Centrafricain de Répression du Banditisme</i>
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSP	Other Security Personnel
SRI	<i>Section des Recherches et d'Investigation</i>
TGI	<i>Tribunal de Grande Instance</i> (First Instance Court)
UDHR	Universal Declaration of Human Rights
UNPOL	United Nations Police

I. Introduction

1. The security and political context, as well as the situation of armed conflict that the Central African Republic has been experiencing for several years, has had a major impact on institutions and the presence of State authority in certain parts of the country. These tensions and violence, which persist to this day, pose challenges for the state apparatus with impact on persons deprived of their liberty. Despite the Government's efforts, the situation of persons in custody and detainees¹ remains worrying. Successive security crises have severely affected the penitentiary and judicial system, and all places of deprivation of liberty which have deteriorated as a result with inadequate trained staff and insufficient budgetary resources to remedy the situation.
2. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) monitors the situation of persons deprived of their liberty, and reports developments in respect of their rights in its public reports.² The illegal and/or arbitrary deprivation of liberty and conditions of detention documented by MINUSCA's Human Rights Division (HRD) in 2023 (including overcrowding, acute malnutrition, lack and/or inadequacy of health care, and deaths in custody), are not new phenomena.
3. This report presents the human rights situation in police and gendarmerie cells and prisons in the Central African Republic, as documented by the HRD between January and December 2023, in line with the mandate conferred on MINUSCA by the United Nations Security Council.³ It takes into account the political and socio-economic situation in the Central African Republic, and proposes specific recommendations to support the authorities in finding solutions to the challenges facing the judicial and penitentiary system.

II. Methodology

4. The HRD was able to collect figures on human rights violations in the various official places of deprivation of liberty, in accordance with the methodology developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁴ In 2023, through its 12 field offices,⁵ the HRD carried out 572 monitoring visits to official places of deprivation of liberty. These visits enabled regular assessments of the detention conditions and the respect of human rights for detainees and persons held in custody. These visits were followed by constant exchanges with the authorities responsible for these places and punctuated by advocacy efforts aimed at supporting national efforts regarding the respect, protection, and realization of human rights. The HRD also relied on allegations received, which were verified and corroborated through the OHCHR methodology, thanks to various testimonies from independent sources. The present report does not include allegations deemed by the HRD to be implausible or unrealistic, but only documented violations. The HRD has also drawn on the work carried out by other MINUSCA components. Lastly, this report was shared with the Central African Government prior to publication, and duly took into account its response, which is hereto appended.

¹ Article 4 of the 2016 decree on the organization and operation of prisons in the CAR states that “*Detainees include convicts, remand detainees and persons under indictment.*” Accused persons are held temporarily in prison while awaiting trial. Convicted detainees are in prison to serve their prison sentence. Conversely, *garde-à-vue* is a custodial measure taken by criminal investigation officers against a person suspected of having committed an offence. The latter are held in police and gendarmerie cells for the duration of the investigation.

² See MINUSCA reports on: <https://minusca.unmissions.org/rapports-droits-de-lhomme-rca-0> and [Secretary General Reports | MINUSCA \(unmissions.org\)](https://www.unmissions.org/fr/rapports-generaux)

³ Security Council Resolution 2709 (2023), S/RES/2709 (2023).

⁴ See the manual available on: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>

⁵ Bambari, Bangassou, Bangui, Berberati, Birao, Bossangoa, Bouar, Bria, Kaga-Bandoro, Ndele, Obo and Paoua.

III. Context

5. The situation of persons deprived of their liberty was monitored by MINUSCA during field missions. Through these missions, MINUSCA systematically documented and reported on violations of the right to liberty and personal integrity, and the right of persons deprived of their liberty to be treated humanely and with respect for their dignity. This report sheds light on the extent and practice of illegal and/or arbitrary deprivation of liberty, mainly due to breaches of the legal time limits for custody and pre-trial detention, the undignified conditions of detention within places of deprivation of liberty, and the increase in cases of malnutrition and subsequent deaths.
6. Aware of the challenges it faces, the Central African Republic embarked on a major reform process, notably by adopting in 2012, Law no. 12.003, on the fundamental principles of the prison system, followed by the adoption in June 2017 of the “National Strategy for the Social Reintegration of Detainees”, in January 2019, by the “National Strategy for the Demilitarization of Prisons”; strategies developed in particular with the support of MINUSCA. On June 12, 2023, on the occasion of the opening of the General Assembly of Magistrates and Judges for 2023, the Minister of State for Justice, Promotion of Human Rights and Good Governance, and Keeper of the Seals, delivered a speech in which he recalled the importance given to justice by the Government, placing it “*at the epicentre of its public policy*”, and recalling the existing priority of “*securing prisons and re-establishing the judicial and penitentiary apparatus throughout the country*”. The Minister of State recalled that one of the major challenges to be met remains “*prison overcrowding, linked to the placement of detainees under committal orders without carrying out the acts within the legal timeframe, which constitutes a violation of human rights*”.
7. While these measures have ensured continued Government commitment to addressing the structural and institutional challenges facing the prison and justice system, more comprehensive and coherent action is needed with the support of partners to find sustainable solutions.
8. In addition, prison surveillance and security functions are still co-managed by the Central African Armed Forces (FACA) and/or the Internal Security Forces (ISF), who do not have adequate training. This situation generates a high level of insecurity for inmates, compounded by a lack of qualified staff with often poor conditions of work and lack of consideration. Faced with such a challenge, the authorities responsible for custody, the prison system and the judicial system all have a direct and indirect role to play in protecting the human rights of all persons deprived of their liberty.

IV. Legal framework

9. Human rights relating to persons in custody and detainees are protected by various national texts: the Constitution adopted on 30 August 2023, the Penal Code and the Criminal Procedure Code adopted by *Laws n°10.001 and 10.002* of 6 January 2010, the aforementioned *Law n°12.003*, Decree *n°160090* on standard internal regulations applicable to prisons in the Central African Republic; Decree *n°160087* on the organization and operation of prisons in the Central African Republic and determining their internal regulations; and Decree *n°160088* redefining the framework of prison administration, all adopted on 16 February 2016. Lastly, *Law n°20.016* of 15 June 2020 on the Child Protection Code, strengthens the overall fabric to address child rights violations.
10. With regards to regional human rights standards, the African Charter on Human and Peoples' Rights, adopted on 27 June 1981 in Nairobi, and ratified by the Central African Republic on 27 July 1986, provides for the right to physical and moral integrity of the person (Articles 4 and 5), as well as the right of every individual to freedom and security (Article 6).
11. In terms of international standards, the Universal Declaration of Human Rights (UDHR) of 10 December 1948 recognizes the right to liberty and security of person (Article 3), and the right

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to physical integrity and the prohibition of torture and cruel, inhuman or degrading treatment or punishment (Article 5). The International Covenant on Civil and Political Rights (ICCPR), which came into force for the Central African Republic on 8 August 1981, guarantees the right to life (Article 6), the right to physical integrity and the prohibition of torture and cruel, inhuman or degrading treatment or punishment (Article 7), the right to liberty and security of person (Article 9) and the right to be treated with humanity (Article 10). The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 10 November 2016,⁶ guarantees the prohibition of torture (Article 2). The Central African Republic also acceded to the Optional Protocol to the above-mentioned Convention on 11 October 2016. The Convention on the Rights of the Child, ratified by the Central African Republic on 23 April 1992, states that any decision concerning a child must take full account of the child's best interests (Article 3); protects children from torture and cruel, inhuman or degrading treatment or punishment, and provides that the arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time (Article 37); and provides that judicial proceedings and institutionalization shall be avoided whenever possible (Article 40). The Convention on the Rights of Persons with Disabilities, ratified by the Central African State on 11 October 2016, guarantees the right to liberty and security of person (Article 14), and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 15).

12. As a party to these international and regional agreements, the Central African Republic and its deconcentrated and decentralized structures are bound to respect them, and to exercise the necessary diligence to prevent and address violations of these rights committed by its own security forces or other non-state actors. Finally, Central African Republic is bound to comply with customary international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules),⁷ which apply to all persons deprived of their liberty. Other international instruments also set standards for the detention and treatment of persons deprived of their liberty, notably the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders⁸ (Bangkok Rules) which addresses the different specific needs of women and girls; and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).⁹

V. Situation concerning places of deprivation of liberty

13. Prior to the political and security crisis of 2013, the Central African Republic had 38 prisons, i.e. detention centres under the authority of the Minister of Justice where sentences of deprivation of liberty and incarceration decisions handed down by the competent judicial authority are enforced.¹⁰ Since then, a number of jurisdictions and detention facilities have ceased to function, and the judicial institutions that are still operational have suffered major dysfunctions. At the time of the adoption of the National Strategy for the Demilitarization of Penitentiaries, the country had nine so-called “functional” penitentiaries, benefiting from infrastructure upgrades, the assignment of a minimum number of prison staff and FACA elements to ensure external security. There are three types of facilities in the Central African Republic: central prisons (*maisons centrales*), correction prisons (*maisons de correction*) and

⁶ United Nations General Assembly Resolution A/RES/39/46 (1984).

⁷ United Nations Standard Minimum Rules for the Treatment of Prisoners, General Assembly resolution A/RES/70/175 (2015).

⁸ United Nations General Assembly Resolution A/RES/65/229 (2011).

⁹ United Nations General Assembly Resolution A/RES/40/33 (1985).

¹⁰ Article 2 of the aforementioned decree n°160087 of 2016.

UNOFFICIAL TRANSLATION

remand prisons (*maisons d'arrêt*).¹¹ In practice, these different facilities are used without distinction

14. In January 2023, following rehabilitation work undertaken mainly with the support of the United Nations, 12 prisons were operational and under Government control (three in Bangui and nine in the provinces);¹² four prisons were rehabilitated but were not operational¹³ due to the absence of prison staff; and 20 prisons were neither operational nor rehabilitated.¹⁴ By the end of 2023, 15 prisons will be operational, due to the reopening of three other prisons rehabilitated by MINUSCA and other partners. Regarding the presence of prison staff, in January 2023, 73% were present at their posts (82 out of 108 permanent staff on duty). In December 2023, 90 prisons staff out of 108 regular staff were present (80% presence) at the regional directorates and central management level.
15. Regarding the presence of judicial personnel,¹⁵ at the start of 2023, 71% were present at their posts in Bangui, but only 52% in the provinces. In December 2023, the attendance rate was the same in Bangui, but had fallen to 49.1% in the provinces, with an unjustified absence rate of 24.5%. The absenteeism observed is due in particular to insecurity in certain localities where judicial and prison staff are deployed, their difficult working conditions, lack of transport and structural shortcomings that undermine the control, monitoring and accountability processes.

VI. Overview of human rights violations

16. Despite efforts to address the challenges facing the judicial and penitentiary systems, illegal and/or arbitrary detentions and poor conditions of detention require urgent and concrete action. Although the competent authorities (Prosecutors, Investigative Magistrates and judicial police officers) issue warrants for most cases of arrest, failure to comply with the time limit laid down in Article 40 of the Criminal Procedure Code amounts to illegal detention. It should be noted that, with the entry into force of the new Constitution on 30 August 2023, the Criminal Procedure Code needs to be harmonized with the Constitution, as the latter provides for a shorter period of police and gendarmerie custody than the Criminal Procedure Code. To date, the Criminal Procedure Code remains widely applied. In addition, the poor conditions of detention in places of deprivation of liberty, notably the lack of hygiene and sanitation, insufficient food, non-segregation of categories of detainees, and cases of torture, remain a cause for concern in that they do not meet the minimum standards (Mandela Rules) and other international provisions such as those of the ICCPR and the UDHR.

¹¹ Articles 11, 12 and 13 of the aforementioned decree n°160087 state that remand prisons are to house accused persons, defendants and defendants subject to pre-trial detention; houses of correction are to house persons sentenced to a fixed term of imprisonment; and central prisons are to house persons sentenced to hard labour for life, or to a term of more than one year.

¹² In Bangui: Camp de Roux detention centre, Ngaragba central prison and Bimbo women's prison. In the provinces: Bambari (Ouaka), Bangassou (Mbomou), Berberati (Mambere-Kadei), Bouar (Nana-Mambere), Bria (Haute-Kotto), Carnot (Mambere), Mbaiki (Lobaye), Nola (Sangha-Mbaere), and Paoua (Ouham-Pende) prisons.

¹³ Prisons of Bossangoa (Ouham), Bossembele (Ombella-M'Poko), Kaga-Bandoro (Nana-Gribizi) and Sibut (Kemo).

¹⁴ Prisons of Alindao (Basse-Kotto), Baboua (Nana-Mambere), Baoro (Nana-Mambere), Batangafo (Ouham-Fafa), Birao (Vakaga), Bocaranga (Ouham-Pende), Boda (Lobaye), Bouca (Ouham-Fafa), Bozoum and its women's prison Ouham-Pende), Dekoa (Kemo), Grimari (Ouaka), Ippy (Ouaka), Kembe (Basse-Kotto), Kouango (Ouaka), Mbres (Nana-Gribizi), Mobaye (Basse-Kotto), Mougoumba (Lobaye), Ndele (Bamingui-Bangoran), Obo (Haut-Mbomou).

¹⁵ Magistrates, clerks, secretaries of public Prosecutors' offices and data entry operators in courts and public Prosecutors' offices.

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A. Illegal and/or arbitrary arrest and detention

17. In 2023, MINUSCA documented 431 illegal and/or arbitrary arrest and detention by State agents,¹⁶ affecting 1,521 victims (including 61 women, 10 girls, 87 boys and two groups of collective victims¹⁷). Article 40 of the Criminal Procedure Code states that the period of police custody is 72 hours, renewable once. At the end of this period, the detainee is either brought before the Public Prosecutor or released immediately. Beyond this time, police and gendarmerie custody becomes illegal. The new Constitution adopted on 30 August 2023, provides for 48-hour police and gendarmerie custody only. However, the majority of authorities responsible for police and gendarmerie custody continue to observe the provisions of the Criminal Procedure Code, i.e. a 72-hour renewable period, rather than the new provisions of the Constitution. This practice raises the need to harmonise the Penal Code and the Criminal Procedure Code with the new Constitution.
18. MINUSCA also observed a persistent and worrying situation of illegal arrests and detentions by FACA and/or other security personnel (OSP), despite the absence of a national law authorizing this. While the FACA can contribute to law enforcement by arresting a civilian in *flagrante delicto*, this possibility is conditional on the immediate handover of the person to the competent custodial authorities, i.e. the judicial police officers,¹⁸ who are vested with the public authority to compel, arrest and detain a civilian. In 2023, MINUSCA documented 41 illegal arrest and detention by FACA acting alone, affecting 98 victims (including four women, three girls and 19 boys), and 25 violations by OSP acting alone, affecting 63 victims (including three women and two boys).
19. For example, in January 2023, a mentally ill man was arrested in Haute-Kotto by FACA elements. He was tied up and tortured before being handed over to the OSP, who transferred him to the Bria *gendarmerie*. In view of his condition, he was transferred to a care unit, where he suffered head trauma and several physical aftereffects. To date, no investigation has been launched. In May 2023, FACA elements illegally arrested and detained four civilians in Nana-Gribizi, took them to their base and held two civilians for interrogation. Due to ill-treatment, one of the detainees died and the other was transferred to the FACA base in Kaga-Bandoro after being forced to confess. It should be noted that Article 6 of the ICCPR requires the State to carry out an investigation to determine the causes of death in custody, in unnatural circumstances, and to demonstrate its lack of responsibility in such cases.
20. In August 2023, FACA elements illegally arrested and detained 11 men in Obo (Haut-Mbomou) following an attack on a FACA element, suspecting them of involvement. The victims were locked up in a container near the FACA base, where *gendarmes* came to interrogate them. The 11 men were subjected to inhumane treatment during their arrest and the five days they spent in the container. They had no access to toilets or sufficient water despite the intense heat of the container and were only able to receive food through the holes in the container by certain FACA elements who seemed to disassociate themselves from the treatment inflicted by their colleagues. Such acts are tantamount to torture, given their intensity. After five days, the 11 men were handed over to the Obo *Gendarmerie* on the instructions of the Bangui Public Prosecutor. The absence of any investigation to establish the responsibility of the perpetrators of such violations is of concern. It should be noted that the Convention against Torture does not authorize any derogation from the prohibition of torture, even in the event of an exceptional

¹⁶ State agents in this report include the FACA, the gendarmerie, the police, various specialized brigades such as the OCRB and the SRI, as well as the OSP and the administration.

¹⁷ A group of collective victims refers to a group of people, of undetermined or known gender or sex, who have suffered one or more violations under the same circumstances of time, place and intensity.

¹⁸ The authorities in charge of custody will be known as “judicial police officers”. Article 13 of the CPP states: “Judicial police officers are: Officers, brigade commanders and gendarmerie station commanders [...]; Controllers, directors of active police services, police commissioners and officers and senior inspectors [...].”

UNOFFICIAL TRANSLATION

situation or armed conflict. International human rights law¹⁹ and international humanitarian law²⁰ protect everyone from torture and oblige States to refrain from committing such acts. The authorities are obliged to take concrete measures and prosecute state agents implicated in such acts. With regard to documented conditions of detention, places of deprivation of liberty shall meet all hygienic standards and take into account, in particular, the climate, minimum floor space and ventilation, so that all persons are treated with humanity and dignity, as provided for in Article 10 of the ICCPR. Detaining an individual in a container does not meet these requirements.

21. It should be noted that in 2023, MINUSCA's advocacy for the respect of legal time limits for custody and procedure led to the release or regularization (discharge or committal order) of 261 individuals detained in places of deprivation of liberty. These advocacy efforts have also led to the improvement of detention conditions, the transfer of sick detainees to care centres, the placement of minors and women in separate cells, and the improvement of the judicial and penal chain through the arrival of magistrates at their posts.
22. Regarding prisons, the majority of these facilities are still occupied by detainees awaiting trial, who are therefore presumed innocent under the law. In January 2023, 2,196 people (including 75 women and 16 minors) were detained in the Central African Republic, of whom 1,630 (including 58 women and 16 minors) were awaiting trial (74%). In December 2023, a total of 2,678 people (including 104 women and 42 minors) were detained, of whom 1,749 (including 78 women and 36 minors) were awaiting trial (65%). This slight improvement is due in part to the criminal sessions held during the year and to MINUSCA's various advocacy initiatives.
23. Regarding the Ngaragba prison (Bangui), 77% of the 1,485 detainees were awaiting trial in January 2023 and 67% in December 2023 (out of a total of 1,546 detainees). In August 2023, at least 500 individuals were being held outside the legal time limits for pre-trial detention.²¹ MINUSCA documented the cases of 26 people held in provisional detention since 2016 and 2020, still in 2023, mostly under the jurisdiction of regional courts. Also, some detainees have been held in pre-trial detention for nearly six years, without having been brought before a magistrate following their detention order. Given the rate of overcrowding in the Central African Republic, which remains at 90% in December 2023,²² such systematic recourse to pre-trial detention must be analysed, as it has a major impact on the conditions of detainees.
24. The systematic use of detention orders seems to be carried out without adequate examination of the necessity and proportionality of the measure.²³ The Judge's review of the legality and appropriateness of continued detention seems to be insufficient. In this sense, the Criminal Procedure Code clearly enshrines the principle that freedom is the rule and detention the exception, whereas the current reality is the opposite. In addition, detainees transferred to other prisons are further affected by prolonged pre-trial detention, as they are unable to rely on their families to make up for the lack of food. In August 2023, some 250 detainees in the Ngaragba prison on awaiting trial came from the provinces and had served between one and seven years in pre-trial detention. While the seriousness of the alleged offences justifies such a placement,

¹⁹ The 1948 Universal Declaration of Human Rights (art. 5), the 1966 International Covenant on Civil and Political Rights (art. 7), the 1984 Convention against Torture, and the 1989 Convention on the Rights of the Child (art. 37 a).

²⁰ Article 3 common to the 1949 Geneva Conventions.

²¹ According to Articles 96 and 97 of the Criminal Procedure Code, in criminal cases, the maximum duration of pre-trial detention may not exceed four months, extendable once for a period of two months, and in criminal cases, it may not exceed one year, extendable once for a period of four months.

²² For information, 96% in January 2023.

²³ Article 91 of the Criminal Procedure Code governs deprivation of liberty in correctional cases, but not in criminal cases.

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the fact remains that, in view of the lack of infrastructure, overcrowding and the budget allocated to food, the situation needs to be reviewed and the legal time limits respected.

25. At Camp de Roux, a penitentiary facility in Bangui, MINUSCA regularly documented in 2023 the worrying situation of 20 people who were illegally deprived of their liberty for several years, including two people who had been detained for over six years under a simple incarceration order, the validity of which cannot exceed five days, and without ever having appeared before a magistrate. The latter have suffered ill-treatment in detention, with one of them developing mental disorders. Following MINUSCA's advocacy, their cases were examined at the second criminal session of 2023, during which they were acquitted by the Court of Appeal acquitted of all charges. The physical and moral damage suffered by the detainees as a result of their conditions of detention and the length of time in detention may be irreparable and should be denounced.
26. Finally, while it was noted that some OPJs are aware of their responsibilities to respect the legal time limits for custody, the difficulties encountered by the judicial and penal system have an impact on their ability to respect such time limits. Thus, in April 2023, due to the prolonged absence of the Prosecutor and the President of the *Tribunal de Grande Instance* (TGI) of Kaga-Bandoro (Nana-Gribizi) since January 2023, and in the absence of a prison, the police cells contained 28 men, including 17 in police custody, all in excess of the legal time limits of one to four months, as well as four convicts and seven under committal order. The gendarmerie cells in the same town held 32 men, 31 of whom were in police custody for periods of between one and six months, and one with a committal order. They were all mixed together in the same cells, which were neither designed nor intended for detainees.

B. Conditions of detention

27. Despite the efforts of the Government and other partners, conditions of detention in police and gendarmerie custody and prison facilities are adversely affected by a lack of human resources and infrastructure, operational difficulties and a lack of accountability and supervision. In the majority of cases, the authorities face real challenges in complying with minimum standards, notably those laid down in the ICCPR and the Mandela Rules, relating to accommodation (Rule n°12), separation of categories of detainees (Rule n°11), hygiene (Rule n°18), food (Rule n°22) and health (Rule n°24).
28. Thus, in 2023, conditions of detention remained particularly worrying throughout the country. MINUSCA documented 152 violations linked to conditions of detention which failed to meet minimum standards laid down by national and international law, affecting 250 victims (including 10 women, one girl, 41 boys, and 87 groups of collective victims). These are linked to overcrowding, inhumane conditions in custody or detention cells, non-segregation of detainees (by sex, adults/minors, convicts/detainees), lack of access to food, water, sanitation and basic health care.
29. The difficult conditions of detention are multifaceted. For example, in September 2023, following the death of a detainee due to anaemia brought on by acute malnutrition, MINUSCA documented that the Berberati prison (Mambere-Kadei) housed 129 detainees for a capacity of 60.²⁴ The detainees sleep on mats on the floor. The facility's toilets have been clogged for several months and are practically unusable, with detainees unclogging with their hands. The allocated food ration is insufficient in quantity and nutritional value. Some detainees have never appeared before the Judge in charge of their cases, after months in detention, and requests for provisional release remain unsuccessful. These difficulties and the feeling of abandonment expressed by the detainees have a heavy impact on their living conditions, to the detriment of

²⁴ Capacity is calculated by MINUSCA on the basis of the surface area of the dormitories, divided by 3.14 (3.14 sq. m is the recommended surface area for a detainee in a bunk bed).

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their most basic health and well-being. MINUSCA has also identified several other examples illustrating the current situation in places of deprivation of liberty.

i. Overcrowding

30. Overcrowding is a major challenge, contributing to poor conditions in custody cells and prisons. This is the case in eight of the 15 operational prisons in the Central African Republic. The table below gives an overview of prison overcrowding in December 2023, which is largely due to the systematic use of pre-trial detention. It should be noted that overcrowding in police and gendarmerie custody cells is difficult to fully analyse, given the number of existing cells.

PRISONS ²⁵	Total capacity	Number of detainees in December 2023	Overcrowding percentage
Bangui – Capital			
Ngaragba	260	1546	495%
Camp Roux	100	130	30%
Bimbo	45	37	0
Province			
Bambari (Ouaka)	85	243	186%
Berberati (Mambere-Kadei)	60	168	180%
Mbaiki (Lobaye)	67	97	45%
Bria (Haute-Kotto)	65	92	42%
Paoua (Ouham-Pende)	30	37	23%
Carnot (Mambere-Kadei)	15	18	20%
Bangassou (Mbomou)	80	63	0
Bouar (Nana-Mambere)	120	85	0
Nola (Sangha-Mbaere)	60	28	0
Bossembele (Ombella-M’Poko)	86	27	0
Sibut (Kemo)	138	62	0
Kaga-Bandoro (Nana-Gribizi)	150	45	0
Total	1406	2678	91 %

31. The Ngaragba prison illustrates this issue. It has been overcrowded for several years, and the situation has become so apparent that inmates try to find space wherever they can, even sleeping on roofs, in toilets, on the floor or in the courtyard. One of the prison's wards, the most densely populated, contained 503 inmates in August 2023, the majority awaiting trial. Within this ward, a cell designed for 6 to 10 people was occupied by 89 inmates. There are no beds left in the prison, with inmates using mats donated by various organizations or relatives. Overcrowding happens alongside poor hygiene conditions within the cells, a lack of ventilation and a lack of access to sanitary facilities.
32. It should be noted that some prisons are not affected by overcrowding, such as Bimbo prison, which will be discussed later.
33. Regardless, prison overcrowding compromises efforts to ensure compliance with the minimum standards of the Mandela Rules. In the case of the eight prisons mentioned above, overcrowding has an impact on accommodation conditions (Mandela Rules n°12), hygiene (n°13), sanitary conditions (n°15), personal hygiene (n°18) and food provisions (n°22).

²⁵ Prisons are ranked by overcrowding percentage from highest to lowest.

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ii. Malnutrition and mortality risk

34. Overcrowding has a multiplier effect on dysfunction within prisons, particularly in view of the inadequacy of the food budget allocated to prisons, which does not take into consideration the actual number of inmates.
35. MINUSCA has observed widespread malnutrition among persons deprived of liberty, particularly as a result of prolonged police and gendarmerie custody beyond the legal time limits. As custody is, by its very nature, for a short period, the Government makes no provision for a food budget in this respect. Malnutrition is exacerbated by the distance of persons in custody from their families.
36. In November 2023, a detainee died in front of the office of the Deans of Judges in Bangui as a result of his state of health, weakened by advanced malnutrition. He had been arrested by the OSP in Bossangoa and illegally detained for three days at their base. The OSP transferred him to the OCRB (Bangui)²⁶ where he was held for investigation for two weeks. With no relatives in Bangui, he could go three to four days without eating.²⁷ Despite his state of health, he was not transferred to a health centre but to Camp de Roux by the OCRB, with an incarceration order signed by the Dean of Judges. The next day, he was taken to the office of the Dean of Judges for a hearing. Unable to express himself due to his condition, he was heard through a fellow inmate. Following the hearing, he died in front of the Dean of Judges' office. The detainee's death was caused by the length of repeated and illegal police custody, his geographical remoteness, and the lack of diligence on the part of the entire judicial chain.
37. Also, given that the individual was under the responsibility of the competent authorities, they are obligated to ensure full respect for his rights. Articles 9 and 10 of the ICCPR require state agents to treat persons deprived of their liberty with dignity; otherwise, the state will be considered as not fulfilling its international obligations. In this case, the authorities should have acted diligently to ensure the individual's access to food and healthcare in order to preserve his life. Additionally, as previously mentioned (see para 19), the state is obligated to conduct an investigation to determine the causes of death and demonstrate its lack of responsibility regarding such cases.
38. In 2023, the situation of the *Section des recherches et d'investigation* (SRI) deteriorated, illustrating the issue of prolonged custody and the difficult conditions of those transferred from regions who cannot benefit from the assistance of their relatives. In April 2023, out of 122 individuals held in custody at the SRI, 98 were in situation of illegal detention, with several having been held for over a year. Since the SRI is not a detention facility, it does not have a food budget. This oversight led to cases of undernourishment and even acute malnutrition.
39. The absence of functional prisons in certain areas forces the JPO to keep detainees within their police and gendarmerie units without receiving any food budgets. This is the case in the Prefecture of Vakaga, which has had no functional prison for 20 years. In Boda (Lobaye), in the absence of a prison, detainees also remain in custody cells and only receive food once transferred to the prison in Mbaiki.
40. Regarding prisons, in January 2023, 356 cases of malnutrition were documented by MINUSCA, and 391 in December 2023, with a peak of 612 cases in October 2023. The food budget allocated by the Government remains insufficient to meet the needs of detainees and is not adapted to the reality of prisons. The majority of detainees in the Central African Republic receive only one meal a day, insufficient in quantity and quality. In May 2023, 326 cases of malnutrition were reported Ngaragba Central Prison (22% of the population). In August, 68 persons suffered from potentially deadly acute malnutrition at Ngaragba. In September, 41% of detainees at Ngaragba

²⁶ The OCRB is a special police unit created to combat banditry.

²⁷ Persons in custody and detainees tend to help each other by sharing food.

UNOFFICIAL TRANSLATION

were affected by malnutrition and 39% of detainees in Bangassou. In November 2023, despite the monitoring conducted by MINUSCA, 410 cases of malnourished detainees were recorded, including 296 at Ngaragba, 51 at Bambari (Ouaka), 33 at Bangassou (Mbomou), and 30 at Bouar (Nana-Mambere).

41. In December 2023, Bambari Central had an overcrowding rate of 186% (with a capacity of 85 detainees for a total of 243 detainees). The Bambari prison accommodates detainees from the Mobaye and Alindao jurisdictions due to the lack of functional prisons in these areas. The food budget allocated to Bambari amounts to 400,000 XAF per month (approximately 657 USD), which translates to 55 XAF per detainee per day (approximately 0.09 USD). These budgets do not take into account the current overcrowding or the aforementioned absorption of detainees, and therefore remain insufficient to prevent malnutrition.
42. Notably, malnutrition has been the cause of mutinies. In Bangassou, on 9 February 2023, detainees refused to perform prison tasks in protest against the reduction of food rations. On 18 February 2023, in Bangui, detainees at Ngaragba boycotted the meal served, protesting violently. Protests and attempted mutinies also took place in the prisons of Berberati and Bambari. In response, MINUSCA assisted the Director-General of Penitentiary Services in negotiating the purchase of food products on credit. The Mission allocated funds to the prisons of Bangassou, Paoua (Ouham-Pende), Berberati, and Bouar for the purchase of food items and implemented strategies to improve the quality and quantity of food, including the establishment of vegetable gardens and livestock farming.
43. However, these temporary solutions do not curb the cases of malnutrition that have provided a conducive environment for the emergence of several diseases resulting in deaths. In total, 34 deaths were recorded in 2023 in penitentiary facilities. The inadequacy of healthcare and inadequate hygiene conditions also worsen malnutrition and the onset of diseases.

iii. Hygiene conditions and access to healthcare

44. Under Article 10 of the ICCPR, and the Mandela Rules,²⁸ the state has an obligation to ensure that a person deprived of their liberty is treated with dignity and has access to facilities necessary for their health and cleanliness.
45. Hygiene conditions within places of detention are particularly poor and promote the emergence and spread of diseases, posing a public health risk at the national level. In September 2023, MINUSCA observed that the cells at the Bria gendarmerie (Haute-Kotto) were particularly dirty, and detainees were unable to go out to use the restroom. They were forced to relieve themselves in bags that they would be disposed of during visiting hours. This observation was made in several custody cells in different locations throughout the country.
46. In 2023, only four penitentiary establishments had a functional infirmary across the entire territory.²⁹ The lack of medical personnel prevents immediate care for all detainees. Thus, MINUSCA has documented several epidemics of tuberculosis and scabies, which, due to inadequate access to care and overcrowding, remain difficult to control to this day. On 17 April 2023, an outbreak of scabies affected about ten detainees at the SRI, while at the same time, several detainees at Ngaragba were suffering from tuberculosis. A few cases were also documented at Camp de Roux, Bambari, Bouar, and Bangassou. By the end of 2023, the scabies epidemic was still prevalent at the SRI due to overcrowding, poor detention conditions, and lack of access to care. On 26 June, 27 detainees suffering from tuberculosis were isolated at Ngaragba for treatment. Although Ngaragba has an infirmary, given its overcrowded conditions,

²⁸ See in particular Rules n°1 ensuring that prisoners are treated with dignity; n°18 on personal hygiene and n°24 on health services.

²⁹ Bimbo (Ombella-M'Poko), Bouar (Nana-Mambere), Camp de Roux (Ombella-M'Poko) and Ngaragba (Ombella-M'Poko).

UNOFFICIAL TRANSLATION

this unit is insufficient to meet all medical needs. Thus, only one section is evaluated per day, which amounts to every eight days. Requests are handled based on urgency, and it takes at least two weeks to see a doctor from the date of consultation at the infirmary. In Bambari, a mutiny broke out on 16 April 2023, following the death of a detainee. Despite being a central prison, there is no infirmary within the structure, whose sanitary conditions have been alarming for several years.

47. Furthermore, the lack of diligence by the actors responsible for detention impacts the health of persons in custody and detainees. In July 2023, MINUSCA documented the death of a detainee at the Paoua prison. The detainee needed to be transferred to the hospital, but the station commander, a member of the FACA demanded money as a condition for the transfer, despite instructions given by the President of the TGI. The detainee died two days later. Following MINUSCA's advocacy, a judicial inquiry was opened against this FACA member, who was accustomed to such practices of demanding money.
48. In July 2023, MINUSCA documented the deaths of two detainees at the Mbaiki prison (Lobaye) within four days of each other. The first detainee was in critical condition for over two weeks without the prison administration taking him to the hospital, despite various requests to do so. He was buried by fellow detainees near the prison without informing his family. The second detainee was taken to the hospital on the day of MINUSCA's visit, on the Prosecutor's instruction who funded the treatment. The detainee died a few hours later. Following this death and the presence of six seriously ill detainees, the Prosecutor initiated a process of releasing sick detainees for medical care to prevent further deaths in detention. However, in September 2023, MINUSCA conducted another visit during which the same difficulties were observed, including the inability to transfer sick detainees to the hospital. These deaths and the deterioration of detainees' health are linked to the absence of health facilities, essential medications, and a budget for the medical care of detainees.

iv. Torture and ill-treatment

49. As mentioned previously, under international human rights law, states are obligated to protect individuals against all forms of torture, even in exceptional situations or armed conflict.³⁰ Furthermore, the state has a duty to prevent such acts and to investigate their occurrence. Thus, the creation of a national mechanism for the prevention of torture should be urgently considered.
50. In 2023, MINUSCA documented 125 victims of torture and cruel, inhuman, or degrading treatment in detention, which in some cases resulted in the death of the individual deprived of liberty. These human rights violations are of exceptional gravity and require a strong response from authorities as well as judicial action to combat impunity for the perpetrators.
51. In January 2023, MINUSCA documented the illegal arrest and detention, as well as the ill-treatment and torture inflicted by FACA elements on four men in Mambere-Kadei. The FACA elements arrested them, beating them on the way to their base, where they were imprisoned. The FACA sprayed water, hit one of the detainees with their rifles and iron bars for hours. His condition required medical care upon release. In May 2023, MINUSCA documented a similar case within the same FACA base. At the time of reporting, no investigation had been initiated against them. MINUSCA continues to advocate with the FACA hierarchy regarding these cases.
52. In June 2023, a gendarme arrested a man accused of theft in Mbomou. During his custody, several gendarmes tied him up and subjected him to inhuman treatment for four days, amounting to torture, after which he succumbed in his cell. Also in June, three FACA elements arrested two men in Ouham-Pende. They were victims of torture in order for one of them to confess to bewitching a girl before being transferred to the Gendarmerie. The second victim died as a result

³⁰ See Article 14 of the ICCPR and Article 2 of the Convention against Torture.

UNOFFICIAL TRANSLATION

of the torture inflicted. Following MINUSCA's advocacy, the Commander of the implicated FACA detachment was handed over to the Gendarmerie.

53. In September, a 10-year-old boy was wrongly accused of stealing money in Ouham-Pende. He suffered mistreatment by the police during his arrest and was taken to the police station. In order to extract a confession from him, three JPOs punched and beat him with a stick, causing a wound on his foot that became infected. The acts inflicted were of such intensity that they amounted to torture. The perpetrators of the torture and illegal detention of this minor were not held accountable by their superiors. In addition to the ICCPR and the Convention against Torture, Article 37 of the Convention on the Rights of the Child obliges states to protect children against torture. It should be noted that Article 108 of the decree on the organization and functioning of penal institutions, mentioned above (See para. 9), provides that any child under the age of 14 benefits from an irrebuttable presumption of innocence in criminal matters.

v. Forced labour

54. In 2023, MINUSCA documented 24 cases of illegal forced labour in detention, affecting 67 victims (including five women, 14 boys, and four groups of collective victims). The work of detainees is addressed by the provisions of Article 8(3)(b) and (c)(i) of the ICCPR,³¹ as well as Articles 77 and other relevant provisions of the 2012 penitentiary law, which may include both daily tasks within a penitentiary establishment and the correctional nature of sentences. However, work of this nature is carried out under the supervision of the penitentiary administration or JPOs during custody and must not contravene dignity.
55. MINUSCA documented that the majority of these cases involved OSP. In 2023, OSP alone committed 17 cases of forced labour³² affecting 46 victims (including seven boys and three groups of collective victims), with a majority of cases occurring in Haute-Kotto (13 violations affecting 37 victims). This concentration can be explained by the military operations carried out by OSP in the said Prefecture, where MINUSCA had documented abuses committed by them against the civilian population in 2021 and 2022.³³ The majority of these violations occur within custody cells where persons in custody are extracted and taken to OSP bases. JPOs could no longer exercise de facto authority to refuse the illegal use of persons in custody by OSP.
56. In some cases, documented forced labour was combined with other human rights violations, including illegal arrest and detention, ill-treatment and even torture. In December 2023, two elements of the OSP, accompanied by a gendarme, in search of two anti-Balaka militiamen, illegally arrested six civilians in a village in the Nana-Mambere Prefecture, including four villagers taken at random and two community leaders. They were illegally detained at a FACA base. Every morning, the OSP transported the civilians from the FACA base to their base, with the exception of one of the community leaders, and subjected them to torture. The OSP tied them up, electrocuted them, asphyxiated them with a rubber bag, and in the case of two of them, poured a burning substance into their nostrils. They then subjected them to forced labour on their OSP base. To date, no investigation has been launched.
57. In March 2023, a man was taken to the Bria police station by local people accusing him of theft. The OSP took him away the next day, along with three other persons in custody, to carry out

³¹ Article 8 of the ICCPR provides in its Article 8.3(a) that no one shall be required to perform forced or compulsory labour; (b) Paragraph (a) of this paragraph shall not be interpreted as prohibiting, in countries where certain crimes may be punished by imprisonment with forced labour, the imposition of a sentence of forced labour by a competent court; (c) “*Forced or compulsory labour*” shall not include, for the purposes of this paragraph: (i) Any work or service not referred to in subparagraph (b) that is normally required of a person who is detained pursuant to a regular judicial decision or who, having been the subject of such a decision, is conditionally released.

³² Victims are usually required to perform a variety of tasks, including cleaning and maintenance.

³³ See MINUSCA reports on: <https://minusca.unmissions.org/rapports-droits-de-lhomme-rca-0> and [Secretary General Reports | MINUSCA \(unmissions.org\)](#).

UNOFFICIAL TRANSLATION

forced labour on their base. Having previously been tortured and mutilated by the OSP in October 2022, he escaped. The OSP caught him, tied a rope around his neck and dragged him to their base. Once there, they tied his hands and feet, before beating him for three hours with sticks, punches and kicks all over his body. He then had to return to his chores. The OSP frequently took persons in custody from the Bria police station to undertake forced labour. At the time of writing, not only has no investigation been launched, but such actions continue.

58. Minors are also affected by forced labour. In May 2023, MINUSCA noted that six persons in custody, including five boys, were absent from Bria police cells because they had been transferred to an OSP camp for work. These actions are also contrary to the letter of Article 32 of the International Convention on the Rights of the Child.³⁴

vi. Consequences of poor detention conditions

59. While poor conditions of detention violate the inherent human rights and dignity of every detainee, they also represent a risk to public order in the Central African Republic, in that they increase the risk of escape.
60. In 2023, MINUSCA recorded 50 escapes, mostly from prisons, as well as seven attempted escapes. In total, 94 detainees escaped and 19 were recaptured. Several of the escaped detainees were accused of serious crimes or even participation in an armed group, posing a real risk to the security of the population.
61. Several escapes occurred while detainees were carrying out work around the prison without adequate supervision, highlighting the lack of prison officers integrated into the prisons. In several cases, FACA elements were in charge of guarding prison exteriors and supervising inmates in their activities. The FACA's failure to comply with current security management principles poses a real threat to prison security. It should be noted that in May 2023, the TGI of Paoua ordered the arrest of a FACA element suspected of facilitating the escape of detainees while they were carrying out outdoor activities under his supervision.
62. Other escapes occurred because of damage to prison structures and were facilitated by a lack of guards and security perimeters. This was the case, for example, at Bangassou prison, which experienced 10 escapes and two attempted escapes in 2023. Four of these escapes took place through the roof or a window, illustrating the dilapidated state of infrastructures and the lack of surveillance.
63. Some escapes followed mutinies, as was the case in Bouar on 3 August 2023. Twenty-three inmates escaped through a hole dug in the wall of an unrehabilitated cell. There were several reasons for the escape: the prison's construction materials (terracotta); prison overcrowding, with a majority of inmates considered particularly dangerous because of their affiliation with armed groups; the inadequate budget for detainees care, i.e. 280,000 XAF per month (approx. 464 USD) or 95 XAF per inmate per day (0.16 USD), as well as a lack of staff. Out of a total of 99 inmates at the time, only two warders were responsible for internal security and four FACA for external security. These escapes compromise the Government's efforts to combat impunity and its commitment to building lasting peace, increase insecurity and reduce public confidence in the judicial system.

³⁴ Article 32 provides that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development”.

UNOFFICIAL TRANSLATION

C. Vulnerable groups

i. Women

64. In the Central African Republic, women represent a minority of those in police and gendarmerie custody and detention.³⁵ Nevertheless, their specific situation and needs tend not to be adequately taken into account by the criminal justice system. With regard to police and gendarmerie custody, in the absence of sufficient infrastructure within police stations and brigades, MINUSCA was able to observe that in the absence of specific cells for women, they tend to be held during the day in the outer courtyard, or on a bench within the infrastructure, in common areas. At nightfall, they are also kept outside the men's cells, under surveillance. This was observed in Bossangoa (Ouham), where, despite a specific cell for women in the gendarmerie brigade, none exists within the police station, where they are kept on the bench in the entrance hall.
65. With regards to detention in prisons, Mandela Rule 11 states that in a prison that houses both men and women, all facilities for women must be separate. To this end, and in compliance with the aforementioned rule, the Government has created a women's prison in Bangui (the Bimbo prison), which is now rehabilitated and operational. A second women's prison was set up in 2010 in Bozoum (Ouham-Pende) but has been neither rehabilitated nor operational since the events of 2013, when it was attacked and looted. With the support of MINUSCA, the authorities have begun building and rehabilitating separate quarters for women in most of the country's operational prisons, including the mixed prisons in Bambari, Bangassou, Berberati, Bouar, Bossangoa, Bossembele, Bria, Mbaiki, Nola, Paoua and Sibut.
66. At the Bangassou prison (Mbomou), MINUSCA rehabilitated an external building for women on one side and minors on the other, for which the official handover ceremony took place on 14 November 2022. The building is entirely separate from the men's building in line with international standards. However, although the facility is new, operational and ready to receive female and juvenile inmates, it cannot be used due to the lack of sufficient prison staff. As a result, no female staff have been deployed to Bangassou prison. Consequently, women are housed in separate cells from men, but in the same facility and yard, which is not in line with the Mandela Rules.³⁶
67. In this respect, it should be emphasized that only female prison officers should be authorized to supervise female detainees under the Mandela Rules.³⁷ It is worth recognizing that at the end of 2023, female prison officers and a female director (since September 2023) were assigned to the Bimbo prison. However, this is not the case for the rest of the mixed prisons in the Central African Republic.
68. In 2023, the Central African Republic had 49 female prison officers.³⁸ In view of the need for autonomous supervisory and management staff for each women's section attached to each prison, as well as for female staff to carry out searches on female visitors (even within prisons housing exclusively men), an average of 15 female officers per prison could be recommended.³⁹

³⁵ In December 2023, 104 women were detained in the Central African Republic (including 78 awaiting trial) out of a total of 2,678 detainees. However, it is difficult to put a figure on the number of women in custody, although in proportion to the number of detainees, they still represent a minority.

³⁶ Mandela Rule 11, a) "Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate".

³⁷ See Mandela Rule 81, which states that women's sections should be under the direction of a female staff member, and that only female staff members should supervise female prisoners.

³⁸ Taking into account the 295 new recruits in 2024, the female workforce will total 92.

³⁹ By 2023, with 15 prisons in operation, the Central African Republic will need 225 female prison officers.

UNOFFICIAL TRANSLATION

Thus, with the 295 newly integrated officers, including 43 female officers, it can be hoped that some will be deployed to manage and monitor prisons in the provinces.

69. Furthermore, in order to improve conditions for women in detention, Bangkok Rule 5 obliges the State to ensure that women are provided with acceptable hygiene conditions and feminine hygiene products. However, it has been observed that such products are not supplied by the administration, but by outside organizations, and often tend to be in limited supplies.
70. Lastly, with regard to mothers and their newborn babies, the aforementioned decree on the organization and operation of prisons (See para. 9) provides, in Articles 99 and 100, that prisoners who are pregnant or have newborn babies are entitled to appropriate treatment; if the mother is awaiting trial or has been sentenced, she is returned to prison with her child as soon as the condition of both permits, and if a nursery has been organized; if there is no nursery, the mother is transferred to an establishment that has one, or if she has been sentenced, she must benefit from sentence adjustment measures. Article 101 states that children may be left with their mother for up to 36 months, if this is in the child's best interests.
71. On several occasions, MINUSCA has observed the presence of mothers with their newborn babies in mixed prisons and in Bimbo prison, although no nursery facilities have been set up for this purpose. In addition, there are no measures in place for mothers who have been sentenced to prison and are still breastfeeding.⁴⁰ Judicial and administrative authorities can only be encouraged to ensure best interest of the child in all circumstances, and to provide mother and child with all the material, nutritional and hygienic resources necessary to guarantee the best possible state of health for the latter in a place of detention. The criminal justice system should consider individualized sentencing for mothers with newborn babies.

ii. Children

72. In December 2023, 42 children were detained in the Central African Republic, including 36 awaiting trial.⁴¹ The Child Protection Code provides for the best interests of the child to be the primary concern in all decisions and measures taken in his or her regard (Article 4). Moreover, Article 15 states that the detention of a child is prohibited and that the placement of a child in any centre may only be decided in accordance with the law and by a juvenile Judge, as a measure of last resort and for as short a time as possible. The aforementioned decree on the organization and operation of prisons (See. para. 9) states in Articles 96 and other relevant provisions that juvenile detainees are subject to a special regime essentially devoted to education and social reintegration, and that the diet of juveniles, compared with that of adults, must be improved.
73. MINUSCA has not been able to observe the adoption of such measures in prisons where minors are held. Although minors are generally housed in different cells from adults, they are usually subjected to the same conditions of detention as adults. The necessary measures to guarantee their right to education and to a diet adapted to their specific needs due to their age are therefore lacking.
74. MINUSCA also documented in 2023 that 10 girls and 87 boys were victims of illegal and/or arbitrary arrest and detention. In addition, one girl and 41 boys were victims of detention conditions that did not meet the minimum standards laid down by national and international law, mainly due to the lack of separation between adults and minors, but also for one girl and four boys due to detention conditions considered inhumane as contravening dignity. Lastly, 14 boys were victims of forced labour in 2023, most of them in Haute-Kotto (See para. 55).

⁴⁰ The Bangkok Rules n°49 and 52 state that the decision to allow a child to stay with his or her mother in prison must be based on an individualized analysis of the situation and must be guided by the best interests of the child, a principle established in Article 3.1 of the Convention on the Rights of the Child.

⁴¹ As with women, it's difficult to put a figure on the number of children in police custody, although in proportion to the number of children in prison, they still represent a minority.

UNOFFICIAL TRANSLATION

75. Detention of children should be a measure of last resort (Article 37 b, Convention on the Rights of the Child) and alternatives to detention should be prioritized (Beijing Rules 13.2 and 19.1).

iii. Persons with disabilities

76. Persons with disabilities⁴² are seriously impacted by the effects of imprisonment and even more so its dysfunctions, such as overcrowding or poor prison conditions, which can exacerbate existing physical or mental challenges.

77. While MINUSCA did not document any specific violations, discrimination or violence against people with disabilities in 2023, no specific measures were taken to adapt detention to persons with disabilities.

78. During its monitoring visits, MINUSCA observed on several occasions the presence of mentally ill people in the same custody or detention cells as others. Although the origin of the mental disorder usually predates the deprivation of liberty, this situation can not only further affect their mental health simply by virtue of the deprivation of liberty, but also represents a challenge in terms of preserving social cohesion between detainees, sometimes leading to conflict and animosity between individuals.

79. It is therefore necessary for the authorities to provide reasonable accommodation in police and gendarmerie cells and prisons in order to guarantee equality for persons with disabilities⁴³ and to preserve social harmony and peace in these places. Judicial authorities must also ensure that individuals who are not criminally responsible are not deprived of their liberty, including on the basis of their disability (Mandela Rules no. 109). If the authorities have only limited means at their disposal to manage such situations, alternative measures to detention must be implemented.

VII. Causes of detention-related dysfunctions

A. Inadequate human resources and infrastructures

i. Lack of infrastructures

80. The lack of functional prison facilities is the source of several dysfunctions. On the one hand, as mentioned in paragraph 39, JPOs are required to take charge of detainees in premises which are not designed for this purpose, and which do not allow for a compulsory separation between persons in custody and detainees on the one hand, and remand detainees and convicts on the other.

81. For example, because the Ndele prison (Bamingui-Bangoran) is not operational, the absence of a prison in the Prefecture, results to detainees being kept in police and gendarmerie cells as very few detainees are transferred to a prison in another locality. In Batangafo, where there is no prison, the Public Prosecutor (the President of the TGI is responsible for investigating and prosecuting cases) only processes the reports of the police and gendarmerie units and orders the release of suspects in custody. At the time of writing, the Public Prosecutor has been absent since September 2023. In Vakaga, where there has been no functional prison for over 20 years, detainees and convicts are held in JPO units, with no possibility of transfer to prison due to the lack of funds. In Mbomou, and its sub-prefectures of Bakouma, Rafai, Ouango and Gambo, the prisons are not operational and are *de facto* attached to the Bangassou prison. Detainees in these sub-prefectures are held in the gendarmerie until their cases are transferred to the public Prosecutor's office, or until the detainees can be transferred to the Bangassou public Prosecutor's office. In addition, some cells are unable to accommodate persons in custody, such as the OCRB

⁴² According to Article 1 of the Convention on the Rights of Persons with Disabilities, these are people with physical, mental, intellectual or sensory impairments which, together with attitudinal and environmental barriers, may prevent them from participating fully and effectively in society on an equal basis with others.

⁴³ See Articles 5.3 and 14.2 of the Convention on the Rights of Persons with Disabilities.

UNOFFICIAL TRANSLATION

in Gbangouma (Bangui). In the absence of functional cells, and despite the extreme heat, the persons in custody are held in a container.

82. While some prisons have been rehabilitated, they are yet to be staffed by prison officers or provided with a sufficient funds for their operation. For example, although the Bossangoa prison (Ouham) has been rehabilitated by MINUSCA, prison officers are refusing to accept detainees until their requests for food rations and transport costs have been met. In addition, the ISF do not have sufficient staff to ensure external prison security. In practice, remand and convicted detainees are held in the jurisdiction's custody cells, which are consequently overcrowded. This situation persists in the absence of the deployment of prison staff, impacting on the living conditions of persons in custody and detainees and creating a security risk.

ii. Insufficient human resources

83. Inadequate human resources prevent the efficient operation of places of detention. Consequently, there is a shortage of JPOs in certain areas. For example, in July 2023, MINUSCA noted the absence of officers from the Obo police station throughout the night, leaving persons in custody and detainees unattended and unprotected until the morning. Police officers explained this situation by the lack of staff and the absence of a prison in the Haut-Mbomou Prefecture.
84. Also, the National Strategy for the Demilitarization of Prisons approved by the Central African Republic in 2019, in partnership with MINUSCA and the non-governmental organization *Penal Reform International*, aimed to train prison officers to supplement FACA and ISF, in accordance with international law. In total, thanks to technical support from MINUSCA and UNDP, 295 new prison officers were trained between 2019 and 2022. However, it was not until February 2024 that they were formally integrated into the civil service,⁴⁴ and, at the time of writing, their deployment had not yet taken effect. In December 2023, 77 of the 295 agents irregularly responded for duty agreeing to work for free and benefiting from a few months' pre-salary. It should be noted that prison officers are impacted by the current situation with little consideration given to their plight, and difficult working conditions, sometimes made dangerous due to the lack of adequate human resources.
85. Despite MINUSCA's various pleas and the President of the Republic's official instruction on 7 June 2023 to the Minister of Justice to contact the Minister of Finance and the Minister of the Civil Service to examine the integration of prison officers as soon as possible, these officers⁴⁵ have still not been integrated or deployed in 2023.
86. It should be noted that such delays in the integration and deployment of trained officers lead to a loss of the knowledge acquired by these officers and have resulted in strikes. For example, prison officers assigned to Bangassou prison have been on strike since July 2022, demanding to be integrated into the civil service.⁴⁶
87. In 2023, the Bria penitentiary had just one staff member, the prison registrar. He has therefore chosen to use what he considers to be trusted inmates to help him manage the facility, which houses 92 inmates as of December 2023. MINUSCA has observed on several occasions that inmates are responsible for escorting fellow inmates to and from court. The choice made by the prison registrar presents a security risk and tends to create tensions between inmates. On 25 November 2023, a mutiny broke out in Bria prison as a result of poor prison conditions. In

⁴⁴ *Arrêté* n°006/MFPRA/DIRCAB/DGFP/DASCFAE/SSR.24 of the Ministry of Civil Service and Administrative Reform, integrating certain young graduates into Central African public service on behalf of the Minister of State for Justice, Promotion of Human Rights and Good Governance, 26 February 2024.

⁴⁵ Speech by His Excellency Professor Faustin-Archange Touadéra, President of the Republic, on the occasion of the start of the 2023-2024 judicial year, Bangui, 7 June 2023.

⁴⁶ Only two FACA are assigned to external security at Bangassou prison and have to provide security at the Bangassou court when hearings are held.

UNOFFICIAL TRANSLATION

particular, the inmates complained of ill-treatment at the hands of one of their fellow inmates, who had been appointed prison delegate.

88. Although assigned staff have been deployed to the Bambari prison, the numbers are still insufficient and inadequate. While the mutinies of 2023 (See para. 42 and 46) were brought under control without violence, it is worrying to note that an ISF team joined by OSP intervened during a mutiny triggered on 7 February 2024 following the death of a detainee.⁴⁷ The OSP fired point-blank at the inmates, killing two and wounding three others, one of them seriously. These various state agents are not trained to act appropriately in such situations, unlike prison officers. Detention conditions at the Bambari Central Prison are dehumanizing for inmates and continue to deteriorate due to overcrowding (half the inmates are awaiting trial), inadequate food supplies causing acute malnutrition, and lack of access to hygiene and healthcare. These conditions are at the root of the mutinies mentioned above. Additionally, in February 2024 MINUSCA documented regular physical violence against inmates by prison officers. While investigations are underway, the current dysfunctions require an appropriate response from the authorities to ensure dignified living conditions for inmates. With this in mind, MINUSCA has supported the National Commission for Human Rights and Fundamental Freedoms in its mission to observe and assess the events of 7 February 2024.
89. A competent, committed and sufficient number of prison staff is needed to ensure the security of prisons and the well-being of inmates. Prison staff should also reflect the composition of the different categories of inmates, taking into account the specific needs of women, children and people with disabilities.
90. Considering the future deployment of the 295 officers and the current prison population, the ratio of inmates to officers is around seven inmates to one prison officer. Although there are no penitentiary standards or regulations in the Central African Republic with regard to this ratio, the current number of officers, even after deployment of the 295 integrated officers, is not sufficient to ensure effective management and supervision of functional penitentiary establishments. This underscores the need to continue recruiting and training new prison officers to ideally bring the ratio between the number of inmates and officers down to an acceptable level, at the very least one officer for every four inmates. These new prison officers would also enable the reopening of new functional prisons.
91. It should be noted that in cases where FACA and ISF have been called in to support prison security, they should undergo full training and be closely supervised by the relevant authorities in order to avoid possible human rights violations.
92. A genuine political commitment to deploy such officers could reinforce the Central African State's current efforts to train new public servants, send a strong signal to the international community of its willingness to improve prison conditions and enable new prison rehabilitation projects, thereby curbing prison overcrowding and increasing detainees' proximity to their home jurisdiction.

B. Failures of prison officers and judicial police officers

93. The legal time limits for custody tend not to be respected by JPOs, notably due to a lack of material resources and poor record-keeping. MINUSCA has also noted that police and gendarmerie custody tends to be recorded in notebooks with hand-numbered pages, making it easy to falsify records and thus compromising effective case management and institutional response. In August 2023, MINUSCA documented the presence of three persons in custody in the security room of the Research and Investigation Brigade of Bouar without any mention in

⁴⁷ If the case documented is not part of the period under review, i.e. 2023, MINUSCA has considered that the seriousness of the event necessitates mentioning it in this report.

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the register, justifying this absence by the fact that they were under the jurisdiction of another service, of another sub-prefecture.

94. There are also delays in notifying the competent Public Prosecutor to decide whether the detainee should be released or prosecuted within the allotted time. This situation has been observed at the SRI. MINUSCA, through its visits and advocacy to the hierarchy, enabled the situation of 88 detainees to be regularized in August 2023 (through release or the issuing of a committal order). Nevertheless, at the same time, 53 new persons in custody were being held illegally, demonstrating the systemic nature of the level of dysfunction.

C. Challenges for the judicial and penal chain

95. Although the situation of several persons in custody and detainees has been regularized thanks to MINUSCA's lobbying of the Ministry of Justice and the relevant public Prosecutor's offices, the existing problem remains linked to shortcomings in the judicial and penal chain, particularly in the provinces, in terms of carrying out tasks and following up cases.
96. In August 2023, MINUSCA noted the illegal detention of four persons in custody in the cells of the Bossembele gendarmerie (Ombella-M'Poko). The illegal nature of the detention was due to the absence of a decision by the Investigating Judge. When a judicial investigation is opened, it is up to the Investigative Judge, after the first appearance, to issue a committal order in order to transfer the person in custody to detention, in this case the Bossembele prison.
97. In March 2023, MINUSCA documented the custody of a man for more than nine months at the OCRB in Bangui after he had been transferred from Bouar on the instructions of the Prosecutor. Presented before the Bangui Prosecutor, he declined jurisdiction. As a result, the person in custody has remained at the OCRB without being recorded in the registers, pending the Bouar Prosecutor's decision to release him or place him under a detention order.
98. In addition, the absence of the judicial and penal chain in certain regions has an impact on access to justice by the civilian population leading to regular violations of the right of detainees.
99. At the time of reporting, the Paoua Public Prosecutor had been absent from his post since June 2022. The President of the Paoua TGI is then in charge of all judicial matters. With the latter absent in December 2023, the cells of the gendarmerie and police units rapidly became overcrowded. At the Bozoum TGI, only the court clerk was present in December 2023, while the President and Prosecutor had been absent for two and four months respectively. In Bocaranga, the Public Prosecutor had been absent for more than six months. Between October and December 2023, no judicial actor was present at the Kaga-Bandoro TGI, the President having left his post in October 2023 without giving any reason and without setting a date for his return. The Public Prosecutor has not returned to his post since his appointment.⁴⁸ In Birao (Vakaga), since the rotation of Judges with Obo on 12 November 2023, the TGI has been awaiting the arrival of the President, who happens to be a single Judge, also acting as Investigating Judge and Prosecutor. As for the Obo TGI, the former President left in June 2023 and the new President, appointed in November, is still awaited at the time of writing. The prolonged absence of judicial authorities in Obo has led the civilian population to address their civil and criminal disputes with elements of the Azande Ani Kpi Gbe armed group. This situation is a major concern because perpetrators of human rights violations are not prosecuted.
100. Lastly, detainees transferred to other jurisdictions are subject to lengthy detention, as the competent magistrates in the locality of origin are unable to visit the prisons to which the detainees, under their responsibility, are transferred. The magistrates therefore unable to monitor the detainees from their jurisdiction (See *supra*, para. 24).

⁴⁸ Decree no. 23-246 of 9 October 2023 appointing and reassigning magistrates.

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101. The deployment of judicial personnel in the country must therefore continue to be encouraged, prioritized and accompanied by a guarantee of reinforced security in certain regions, in order to help improve conditions of detention and the effectiveness of the judicial system, contributing to the restoration of State authority. If several magistrates are noted for their prolonged absence from their assigned locations in the regions without legitimate justification, such shortcomings should be remedied by the State.
102. The challenges facing the judicial and penal system have been exacerbated by the lack of accountability for both human rights violations and misconduct by public officials. This situation has multiple repercussions on the public's perception of the judicial system. Various reports by *Peace, Justice and Security Polls Projects*⁴⁹ have shown that confidence in the formal justice system tends to be lower than confidence in informal justice mechanisms (local or alternative such as mediation). This lack of trust is linked to the perception that the formal justice system is corrupt or reserved for the wealthy.⁵⁰

D. Role of the state apparatus

103. It is possible to improve respect for the rights of persons in custody and detainees. However, this can only be achieved with a strong commitment from the state apparatus. In addition to the integration and deployment of trained prison officers, the budget allocated to the prisons needs to be reviewed in order to improve detention conditions, and reduce cases of malnutrition, deaths, as well as the risks of mutiny and escape. As a reminder, in September 2015, around 700 detainees, including anti-Balaka elements, escaped from Ngaragba, causing public disorder in the capital. This event prompted the executive, in conjunction with MINUSCA, to improve the situation at Ngaragba.
104. It should be noted that the annual budget allocation for detainees' food decreased by 6.8% in 2023 compared with 2022. In fact, 310,000,000 XAF (around 512,000 USD) were allocated in 2022 compared with 290,052,000 XAF (around 480,000 USD) in 2023. Also, in 2023, only 46,865,000 XAF (approx. 77,100 USD) is earmarked for food for all provincial prisons, with the remainder allocated to prisons in the capital. This decrease, combined with a 10% increase in the total number of detainees since July 2022 and rising food prices, has led to a severe shortage in detainees' food allowances.
105. The Kaga-Bandoro prison illustrates the need for greater state investment. After a 10-year wait, the *maison d'arrêt* (remand prison) was inaugurated in September 2023, reducing recurrent violations of detainees' rights, as detainees were previously held in police cells instead of prisons. Nevertheless, MINUSCA observed as early as October 2023 that food and water supply conditions were poor, despite the fact that only 46 people were being held out of a capacity of 100 detainees. The facility had only 20,000 XAF per week (around 33 USD) to operate, i.e. XAF 62 per inmate per day (around 0.1 USD). The facility has no water point facilities, and female inmates aged 45 to 82 are responsible for carrying water from outside. At the time, half of the inmates were suffering from influenza or skin diseases, with inadequate access to healthcare.

⁴⁹ These reports were initiated by the UNDP, in collaboration with the Harvard Humanitarian Initiative and MINUSCA.

⁵⁰ See the *Peace, Justice and Security Polls Projects* reports, published in May 2019 and November 2020 respectively: http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll4_Engl_Final.pdf; http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll5_ENG.pdf

VIII. Positive developments in places of deprivation of liberty

106. The holding of criminal sessions at the Bangui Court of Appeal has improved respect for human rights. The organization of three criminal sessions⁵¹ in 2023, supported by MINUSCA, reflected the commitment of the judicial chain to remedy the problem of prolonged detention by reducing the number of defendants awaiting trial. The Court of Appeal contributed to regularizing and decongesting the prison system, with 136 convictions and 29 acquittals. Some individuals had been in pre-trial detention for several years.
107. While it has been emphasized that MINUSCA's advocacy efforts have also led to the prosecution of public officials implicated in abuses committed against detainees, such advocacy has been successful thanks to the collaboration of the various actors in the judicial and penal chain. Such progress should be highlighted and encouraged, as it helps to distil good practices and increase popular confidence in public administration. MINUSCA also welcomes the return of the President of the TGI of Ndele in November 2023, after a long absence, as he also acts as Prosecutor.
108. The encouraging progress of the situation within the OCRB is noteworthy. In recent years, OCRB has experienced numerous human rights violations, including illegal detention, torture, ill-treatment, extrajudicial executions and inhumane detention conditions. MINUSCA suspended its support and collaboration in 2015, applying the United Nations Human Rights Due Diligence Policy.⁵² Following monitoring visits and capacity-building activities, the OCRB improved its respect for human rights to such an extent that MINUSCA resumed its collaboration in May 2022. Since then, there has been a marked improvement in respect for human rights in police cells, and this was still the case in 2023.
109. Furthermore, on 28 November 2023, in Bangui, the Minister-Counsellor in charge of human rights at the Presidency of the Republic, with the support of MINUSCA, organized a three-day workshop to assess the national mechanism for the prevention and protection of detainees' rights, and to discuss and explore solutions to the challenges linked to detention conditions and detainees' rights. Participants from national institutions, civil society organizations and bilateral partners recommended, among others, allocating sufficient resources to the judicial system, strengthening cooperation mechanisms between criminal justice institutions, and ensuring adequate monitoring and evaluation of the entire judicial chain.
110. National actors have also undertaken several initiatives to facilitate the deployment of Commissioners from the National Commission for Human Rights and Fundamental Freedoms and members of non-governmental and civil society organizations (*AUDH, PARSP-RCA and ACAT-RCA*) defending human rights, to undertake prison monitoring activities in Bangui and the provinces.
111. Finally, the Bimbo women's prison should be highlighted due to efforts to ensure the respect for human rights. Registers are updated with trained staff regularly present. The minimum conditions of detention, including hygiene, food, lighting, ventilation, bedding and minimum floor space per person, are sufficient to enable decent detention. The correctional aspect, i.e. reintegration into society, has also been taken into account by the prison administration. While there is still room for improvement in certain areas, the good practices observed in Bimbo prison can be replicated in other places of deprivation of liberty in the Central African Republic.
112. In addition, MINUSCA has provided a wide range of support to improve prison conditions through training, quick-impact projects and the use of programmatic funds. For example, a

⁵¹ The first ran from 6 February to 15 March, the second from 28 August to 28 September, and the third from 4 December 2023, extended to 17 January 2024.

⁵² This policy sets out the principles and measures for integrating human rights into the support provided by UN entities to non-UN defence and security forces.

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series of workshops and educational sessions have been organized to enhance the skills of prison staff, such as the popularization of the Prisoner Classification Manual and training in effective prison management for female staff. In addition, specialized programs, such as refresher courses on Rapid Intervention Techniques and workshops on negotiation techniques in times of crisis, as well as on preventing and combating hate speech, targeted key skills for emergency and conflict management, involving over 400 participants. Quick Impact Projects have played a crucial role, notably with the aforementioned rehabilitation and reopening of the Kaga-Bandoro prison, or the installation of armoured doors at the Bangassou prison to separate male and female inmates, thus reinforcing security and respect for human rights. Through programmatic funds, MINUSCA has supported rehabilitation and capacity-building initiatives in various facilities, including the construction of a reinforced security block in Bambari and projects improving access to healthcare for detainees. In addition, other projects have helped to strengthen prison infrastructure and administration support, including the construction of the Sibut prison and the partial rehabilitation of the Bossangoa prison. All these actions reflect the Government's commitment, in collaboration with MINUSCA, to strengthening the justice system in the Central African Republic.

IX. Recommendations

A. To the Government

- Establish a national independent prevention mechanism in accordance with Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Consider the creation of an independent prison observatory;
- Revise the Penal Code and Criminal Procedure Code to harmonize with the Constitution;
- Prosecute perpetrators of all documented human rights violations and investigate all documented deaths within places of detention;
- Deploy the 295 trained correctional officers, especially in the region and provide them with necessary equipment for their tasks;
- Train, integrate, and deploy new correctional officers to ensure effective management and surveillance of correctional facilities;
- Train, integrate, and deploy new female correctional officers to manage and supervise women's quarters and/or cells within correctional facilities;
- Ensure the continuation of the demilitarization strategy in the Central African Republic, particularly regarding external security of prisons;
- Ensure separation by category within places of detention between sexes, minors and adults, and between detainees and convicts;
- Ensure that women deprived of liberty have access to feminine hygiene products;
- Implement measures for the accommodation of sentences for mothers and their newborn, children, and persons with disabilities;
- Improve the proper maintenance of custody and detention registers;
- Ensure compliance with legal deadlines for custody;
- Adapt the use of pre-trial detention to the situation of the place of detention, and reduce its use in case of overcrowding;
- Ensure that pre-trial detention remains exceptional, justified by necessity, and proportionate to the circumstances;

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- Improve the efficiency of judicial procedures to reduce the number of detainees within correctional facilities;
- Strengthen the effective presence of the judicial chain in the provinces;
- Encourage the establishment of a coordination mechanism for cases transferred between Prefectures to facilitate follow-up by Prosecutors, investigating Judges, and competent courts;
- Adjust the food budget provided for prisons considering their specificity and the number of detainees;
- Allocate a food budget within custody cells when they accommodate detainees;
- Integrate a medical referent and/or a permanent infirmary in each prison with an associated health centre;
- Equip each prison's health centre and supply it with essential medicines;
- Allocate a budget line for the medical care of detainees;

B. To the United Nations

- Continue to support the Central African Government in promoting and protecting the rights of persons in custody and detainees;
- Support the Central African Government in limiting the use of pre-trial detention;
- Continue to build the capacity of authorities in charge of places of deprivation of liberty;
- Encourage the creation of an independent prison observatory;
- Undertake a visit to the Central African Republic by the Subcommittee for the Prevention of Torture, in order to continue assessing the situation, in accordance with Article 11 of the Optional Protocol.

C. To the technical and financial partners

- Support the proper maintenance of custody and detention registers;
- Support the deployment of prison officers in the provinces;
- Support reform of the Penal Code and the Criminal Procedure Code.

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B. Responses and comments from the Central African Government



Bangui, le 15 JUL 2024

N° 418 /MCJPDHBC/DIRCAB/ 24

A

Madame la Directrice de la Division des Droits de l'Homme de la
MINUSCA, Représentante du Haut-Commissaire aux Droits de
l'Homme

Bangui

Objet : Observations sur l'analyse de la privation des libertés en RCA : état
des lieux, défis et réponses.

Réf. HRD/2024/05/026 du 29 mai 2024

Madame la Directrice,

Le 29 Mai 2024, un rapport public conjoint de la Mission Multidimensionnelle
Intégrée des Nations Unies pour la Stabilisation en République Centrafricaine et
du Haut-Commissariat des Nations Unies aux Droits de l'Homme, analysant la
privation des libertés en République Centrafricaine, a été transmis au
Gouvernement.

Ce rapport appelle de la part du Gouvernement les observations suivantes :

**1. La question de la privation des libertés et des conditions de
détention, sont au centre des préoccupations du Gouvernement
comme peuvent en témoigner les avancées notables, rappelées,
à juste titre, dans le rapport public de la MINUSCA dont
l'économie se présente comme suit :**

- La tenue régulière des sessions criminelles de la Cour d'Appel de
Bangui qui a permis d'améliorer le respect des Droits de l'Homme ;
- Le déclenchement des poursuites contre certains agents de l'Etat
impliqués dans les exactions contre les détenus ;
- L'amélioration du respect des Droits de l'Homme au sein de l'Office
Central de Répression du Banditisme (OCRB) ;
- L'organisation d'un atelier d'évaluation du dispositif de prévention et
de protection des Droits des détenus ;
- La surveillance des activités en milieu carcéral à Bangui et en
provinces par les acteurs étatiques et de la société civile ;

[Signature]

- La mise aux normes de la Maison d'Arrêt pour femmes de Bimbo au sein de laquelle les Droits de l'Homme sont respectés ;
- L'amélioration des conditions de détention, à travers des formations, des projets à impact rapide et l'utilisation des fonds programmatiques pour le renforcement des capacités des acteurs pénitentiaires et la réhabilitation de certains établissements pénitentiaires.

2. En sus des avancées rappelées par la MINUSCA, il convient d'y ajouter :

- L'organisation de la conférence des parquets et des Officiers de Police Judiciaire (OPJ), pour une meilleure coordination des acteurs judiciaires, avec un focus sur le respect des délais de garde à vue ;
- Le déploiement des acteurs judiciaires et pénitentiaires ainsi que leur fidélisation aux sièges des juridictions et établissements pénitentiaires, à travers la lettre circulaire sur l'absence, et le déplacement des acteurs judiciaires ;
- L'engagement des poursuites disciplinaires pour violation de l'obligation de résidence et tenue du Conseil Supérieur de la Magistrature statuant en matière disciplinaire ;
- L'organisation des missions de contrôle de l'Inspection Générale des Services Judiciaires, et des Chefs de Cours d'Appel ;
- La révision du Code Pénal et du Code de la Procédure Pénale dont le processus est suffisamment avancé ;
- La formation et l'intégration de nouveaux agents pénitentiaires pour une gestion efficace des établissements pénitentiaires ;
- La poursuite de la politique de démilitarisation des prisons ;
- La mise en cohérence du cadre juridique national avec les normes et standards internationaux en matière de traitement des détenus, qui se traduit par l'adoption de la loi n°12.00 sur le régime pénitentiaire, et ses textes d'applications, notamment le décret n°16.0090, portant Règlement Intérieur type applicable aux établissements pénitentiaires, le décret n°16.0087, portant organisation et fonctionnement des établissements pénitentiaires de la RCA et déterminant leur régime intérieur, et le décret n°16.0088, portant redéfinition du cadre de l'administration pénitentiaire ;
- L'adoption de la stratégie nationale de réinsertion sociale des détenus (juin 2017), mise à jour en juin 2024 et intégrée dans le plan quinquennal de la politique nationale des droits de l'Homme ainsi que de la stratégie nationale de démilitarisation des établissements pénitentiaires ;

S

- L'adoption et la vulgarisation de la politique nationale de santé dans les Etablissements Pénitentiaires en collaboration avec le ministère de la santé, en 2018 ;
- La formation de certains cadres de l'administration Pénitentiaires en soins infirmiers, en 2023 ;
- L'adoption d'un guide d'information sur les droits et obligation des détenus.

3. La définition récente d'une politique pénale (le 07 mai 2024) qui précite les conditions du recours à la privation de liberté est un vecteur pour l'amélioration du dispositif judiciaire et pénitentiaire, au regard de la panoplie des mesures proposées :

- Le rappel de l'obligation de diligence et de célérité particulière, notamment pour le traitement des dossiers dans lesquels figurent des détenus provisoires, surtout s'ils sont mineurs, handicapés, des personnes âgées ou atteintes d'une maladie grave ou mentale, des femmes, en particulier des femmes allaitantes ou avec des nourrissons ;
- Le recours à la correctionnalisation pour au moins deux infractions récurrentes, à savoir le vol qualifié et les coups et blessures volontaires graves ;
- L'établissement des priorités dans les poursuites, en se référant, entre autres à l'engorgement des parquets, aux taux d'occupations des prisons, au coup de l'emprisonnement de protection contre les violations des Droits de l'Homme ;
- L'engagement des poursuites sans mandats de dépôt chaque fois que les indices ne sont pas graves et concordants, s'ils n'accablent pas le suspect et qu'il est possible qu'une autre personne soit l'auteur de l'infraction, si le préjudice est moyen et susceptible d'être réparé par le suspect ;
- Si le recours à la détention doit être l'unique moyen de : (1) conserver les preuves et les indices matériels ou empêcher, soit une pression sur le témoin ou les victimes, soit une concertation frauduleuse entre inculpés, coauteurs ou complices ; (2) préserver l'ordre public du trouble causé par l'infraction ; (3) protéger l'inculper ; (4) mettre fin à l'infraction ou prévenir son renouvellement ; (5) garantir le maintien de l'inculpé à la disposition de la justice ;
- Le recours à la mise en liberté provisoire sous caution si la personne mise en cause a remboursé, quand l'instruction est déjà avancée et qu'il n'y a plus de risque de collusion ;

- Le recours à des peines alternatives à l'incarcération, notamment des condamnations à des peines assorties de sursis, aux amendes et aux travaux d'intérêt général ;
- L'obligation pour les Magistrats du parquet et des Chambres d'Accusation de procéder à l'inspection des établissements pénitentiaires et, celle des lieux de garde à vue de leurs ressorts.

4. Parallèlement aux réformes du système judiciaire et pénitentiaire, un accent particulier est mis sur la réhabilitation des établissements pénitentiaires qui ont souffert de dysfonctionnement suite aux crises sécuritaires successives que le pays a connues.

5. Les appuis et soutiens multiformes des PTF, y compris la MINUSCA, pour la mise en œuvre de la Politique Sectorielle de la Justice, de la Politique Nationale des Droits de l'Homme, ainsi que la stratégie de démilitarisation des prisons et la réforme du système pénitentiaire dont les principaux axes stratégiques permettront de relever ensemble les défis et de trouver des solutions durables.

Parfaite considération.



Dr Arnaud DJOUBAYE ABAZENE,

Ministre d'État Chargé de la Justice la Promotion des Droits Humains et de la Bonne Gouvernance, Garde des Sceaux.

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