

AMNESTY INTERNATIONAL

PRESS RELEASE

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## Central African Republic: New Constitution should leave no space for impunity

Authorities in Central African Republic should amend clauses in a proposed new constitution that could undermine the fight against impunity, Amnesty International said ahead of a national reconciliation forum in Bangui.

In an open letter to delegates attending the Bangui Forum starting on 4 May, the organisation warns that the current draft constitution could allow any serving president immunity from prosecution for all charges except “high treason”. Likewise former presidents could be exempt due to their honorary membership of the Constitutional Court.

“Amnesties and immunities only perpetuate the cycle of conflict and injustice. The current draft constitution should be amended to recognize that everyone, no matter their position, can be held accountable for crimes under international law,” said Steve Cockburn, Amnesty International Deputy Regional Director for West and Central Africa.

“The population of CAR has clearly called for an end to impunity, and the CAR authorities have recently taken positive steps by establishing a new court to prosecute those suspected of crimes

under international law. Ensuring that a new constitution builds on this progress, rather than undermining it, would be a valuable legacy for the transitional authorities to leave.”

While CAR’s current Criminal Code appears to outlaw immunity for those suspected of war crimes, crimes against humanity or genocide, the draft constitution fails to prevent future parliaments from introducing immunity laws for these and other crimes.

In an open letter to the transitional authorities Amnesty International warns that justice must be at the heart of the reconciliation process, including by opening investigations on anyone suspected of serious human rights violations and supporting the newly created Special Criminal Court.

In a set of recommendations to forum delegates, Amnesty International also states that the Constitution should recognize that international law, including treaties ratified by CAR and customary international law, should be considered as superior to domestic legislation and the Constitution, in compliance with the Vienna Convention of the Law of the Treaties, to which CAR is a state party.

In nationwide grassroots consultations in advance of the Bangui Forum, ordinary citizens repeatedly said that without justice there will be no chance of reconciliation.

### Background

On 16 February 2015, CAR’s National Transitional Council adopted a draft of a new constitution that will replace the current transitional Charter. The Bangui Forum is a platform for delegates from a wide range of backgrounds including political actors,

armed groups, civil society and religious leaders to discuss the future of CAR, including the proposed Constitution. The Constitution would then be subject to a national referendum before elections currently scheduled to be held in July and August.

*Public Document*

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