

LAW NO. 2.0470 0 9 -

**ESTABLISHING, ORGANIZING AND
FUNCTIONING THE TRUTH,
JUSTICE, REPARATION AND RECONCILIATION COMMISSION (CI/JIIR)**

THE PRESIDENT OF THE REPUBLIC, HEAD OF STATE

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PROMULGATES THE FOLLOWING ACT

TITLE L^{er}
OF CREATION AND SIEGE

A Verite, Justice, Reparation and Reconciliation Commission is created in abridged **CVJRR** responsible for investigating, establishing the truth and locating responsibilities for serious national events since March 29 , 1959, the date of the disappearance of the Founding President Barthelemy BOGANDA, until December 31, 2019.

The mandate, composition, organization, operation and procedure shall be determined by this Law.

Art. 2 : The CVJRR enjoys administrative, financial, legal , technical autonomy and independence of action vis-à-vis the other Institutions of the Republic with which it maintains a frank collaboration.

The Commission has no judicial power.

Art. 3: The headquarters of the CVJRR is fixed in Bangui.

However, it may be transferred to any part of the territory of the Central African Republic.

TITLE II
OF THE MANDATE AND MISSIONS

Art. 4 : The duration of the mandate and missions of CVJRR is four (4) years from the date on which the Commissioners are sworn in.

The said mandate may be extended only once for a period not exceeding twenty-four (24) months. This extension shall be granted by Decret at the latest one (1) month before the expiry of his term of office.

Art. 5: In carrying out its mandate, the objectives of the CVJRR are:

the establishment of truth;
The search for justice;
the restoration of the dignity of the victims; and
national reconciliation.

Art. 6: The CVJRR's missions are to:

hear victims and witnesses;



- hear the alleged perpetrators of the violations complained of, possibly obtain their recognition of the facts and make recommendations on the fate to be reserved for them;
- elucidate serious violations of human rights, determine the nature, causes and extent of such violations by integrating the circumstances, factors, context and motives that led to them;
- establish the individual and/or collective non-judicial responsibilities of legal persons and private groups, such as moral, political, social and economic responsibilities, for the perpetration of violations falling within the provisions of the law in clarifying their causes and reasons so that they do not repeat themselves;
- propose the creation of a Special Fund for the Reparation of Victims;
- propose a national programme of reparations, both material and moral and symbolic;
- set up a programme of actions to promote forgiveness and reconciliation;
- use traditional and neo-traditional repair mechanisms and reconciliation; identify and propose measures to combat injustice, inequality of all kinds, corruption, tribalism, nepotism, exclusion and hatred in all its forms; to educate for peace, dialogue, social cohesion, the promotion of respect for differences, equality between the sexes, democratic values and the emergence of a national consciousness and the primacy of the general interest; work on the construction of a Memorial for the victims; facilitate the collection and archiving of remains and data on armed conflicts in CAR.

TITLE III DE LA COMPOSITION

- Art. 7:** The CVJRR is composed of eleven (11) members including at least four (4) women of Central African nationality enjoying their civil rights and who bear the title of Commissioner.
- Art. 8:** The Commissioners are personalities known for their notoriety, their commitment to peace, their moral integrity and their ability to transcend divisions of all kinds. They must have expertise in the fields of human rights protection, conflict resolution, history and anthropology, gender issues and child protection or a related field.
- Art. 9:** Candidates for the posts of Commissioner are proposed peer on civil society associations, professional organizations, the bar, the judiciary, the academic body, associations



religious, victims' associations, women's associations and youth representatives.

A Selection Commission composed of nine (9) personalities, designed as follows:

- National Assembly, two (02) Representatives, including one woman;
- Government, two (02) Representatives, including one woman;
- Civil society, three (3) Representatives, including at least one woman;
- African Union, one (1) Representative;
- United Nations, one (1) Representative.

The appointment of the members of the Selection Commission is entered by Decret on the report of the Minister in charge of Humanitarian Action .

Art. 10: The Selection Committee examines the application files, in taking into account the representation criteria of the seven (7) regions of the country, the parity as well as vulnerable groups (people living with disabilities, displaced persons and minorities);

The Selection Commission proposes after an investigation of morality, study of the files and deliberation, a list of eleven (11) personalities to the President of the Republic, Head of State who enters by Decret in a delai of thirty (30) days.

Art. Art. 11 : The Commissioner must:

- be of Central African nationality;
- be at least thirty-five (35) years old;
- enjoy their civil and political rights;
- not have committed or be involved in serious violations of human rights and international humanitarian law; be of good character and able to promote truth and reconciliation;
- be impartial in relation to the positions of diplomatic parties, armed rebellion groups, private organisations/societies and stranger states.

Art. Art. 12 : Before taking office, the Commissioners shall take the oath before the Court of Appeal of the following manner: *"I, (Name and surname), swear well and faithfully to temp& my mandate in all impartiality , dignite, independence and without discrimination quelconque, in the concern to establish the truth for the purpose of promoting justice, restoring the dignity of the victims and promoting national reconciliation. the commit me to*

,;---, _ observe discretion in the exercise of certain functions, to be consecrated

all my strengths for the consolidation of the rational unity, to be respected the Constitution and laws of the Republic and to behave as a worthy and loyal Commissioner."

The functions of Commissioners are incompatible with any public, private or political professional activity likely to influence their independence, honourability or dignity.

The Commissioners work full-time in the service of the CVJRR.

Art. Art. 14: The Commissioners shall enjoy immunity in the exercise of their functions and may not be arrested, detained or prosecuted for acts which fall within their mandate. The immunity of a Commissioner may be lifted only by decision of the CVJRR releasing to a majority of 2/3 of its members.

Art. Art. 15 : The Commissioners receive compensation during their term of office and other advantages determined by Decret taken in the Council of Ministers. **Art. 16:** The mandate of a Commissioner ends under the following conditions:

- loss of tune of the eligibility conditions ;
- failure to comply with the conditions of eligibility discovered after the appointment;
- indisponibility or prolonged absence from the work of the CVJRR under the conditions provided for by the internal regulations;

– resignation;

– deces;

physical or mental incapacity noted by a medical commission;
decision pronounced by the CVJRR ruling by a majority of two-thirds, following a failure provided for by the Rules of Procedure and after hearing the person concerned.

Art. 17: A Commissioner falls within the scope of Article 16 paragraphs 1 and 2 or who does not meet ('one of the required conditions is the subject of investigations by the CVJRR which must decide with a view to his replacement if the allegations are proved.

Art. Art. 18: In the event of a vacancy in the position of Commissioner, a new member meeting the same profile is designed in accordance with the provisions of this Act.

The CVJRR is assisted by an International Advisory Board composed of five (5) well-known personalities. This advice provides support and advice to strengthen the CVJRR in its mandate.

Art. 19 :



The International Advisory Board may meet at the request of the CVJRR or as necessary.

Art. 20: The modalities for setting up the International Advisory Board are concluded between the Government and its international partners. **TITLE IV**

ORGANIZATION AND FUNCTIONING

Art. Art. 21 :The organs of the CVJRR are:

- ('Plenary Assembly;
- the Bureau;
- subcommittees.

Art. 22: The Plenary Assembly is the organ of design, orientation and decision of the CVJRR. It is composed of ('all the Commissioners.

It determines the general policy of the CVJRR and deliberates on all matters within its remit.

It is competent in particular for:

adopt the Internal Regulation and the Rules of Procedure;
elect the members of the Bureau and set up the sub-committees;

- adopt the work schedule;
- recruit experts and all necessary staff;
- develop its strategy of communication and social mobilization; approve the CVJRR's programme of activities and budgetary forecasts;
- control the financial and administrative management of the CVJRR; to consider and approve the reports of the subcommittees;
- define the choices of orientations in terms of cooperation with the institutions of the Republic and national and international partners;
- adopt the procedures of the plenary sessions ;
- lift the immunities and authorize legal proceedings against the members.

Art. 23 : The Plenary Assembly of the CVJRR meets as of right within ten (10) working days from its implementation in order to draw up and a d o p t i t s I n t e r n a l R e g u l a t i o n .

Art. 24 : The Internal Regulations of the CVJRR can only enter into force after it has been declared in conformity with the Constitution by the Constitutional Court within a period of fifteen (15) days after its referral.

Art. 25 : The Plenary Assembly meets once a month and when needed whenever circumstances require.

Art. 26 : The quorum required to deliberate valid is two-thirds (2/3) members. Decisions shall be taken by consensus or by a majority of two-thirds (2/3) of the members present.

The deliberations of the CVJRR are confidential.

Art. 27 : The Office is responsible for coordinating the activities of the CVJRR with (assistance of a General Secretariat).

It includes:

- a President and;
- two (02) Vice-Presidents by their peers.

The Bureau executes and coordinates the policy of the CVJRR, administers the sub-committees and carries out any tasks required for the proper functioning of (a CVJRR).

It shall decide by decision on matters within its competence by consensus or failing the absolute majority of its members.

Art. 28: The President of the CVJRR convenes and presides over the meetings of the Plenary Assembly and the office.

He/she shall ensure the implementation of the decisions of the Plenary Assembly and the Bureau.

He/she manages the daily activities of the CVJRR with the support of the General Secretariat.

He/she may delegate some of his/her powers to the other members of the Bureau.

Art. 29 : The specific attributions of the other members are fixed by the Internal regulations.

Art. 30: The CVJRR is organized into thematic sub-commissions, corresponding to its four pillars which are:

- The Truth;
- Justice;
- Repair;
- Reconciliation.

Art. Art. 31 :The sub-committees are working groups of the CVJRR charged examine issues relating to each of its four (4) pillars.

Art. Art. 32: The CVJRR is equipped with support services coordinated by a Secretary General. The latter is recruited by the CVJRR by contract or detachment of the senior civil service on the basis of skills in public administration and finance and in the management of public companies.

Art. 33: Support services include

- administrative services;
- technical services;
- the services of national and international experts.

National experts may be recruited on a permanent basis for a limited period. They must be personalities with average expertise in the field of their intervention.


Art. 34: Multidisciplinary experts may be appointed to contribute has the search for truth and a good preparation of the hearings.

Art. Art. 35 : The experts appointed by Decret take an oath in writing before the Court of Appeal seton the following terms: *cje swears to carry out my mission with honor, conscience and fidelity in strict confidentiality and the protection of the information and data collected*),

Art. 36 : It is also set up by the CVJRR, a unit for the protection and assistance of victims and witnesses, composed of managers and agents on permanent duty with the CVJRR. It includes specialists in security, law, gender issues and psychosocial assistance.

Art. 37 : The Internal Regulation of the CVJRR determines the pecuniary status and Staff administration recruits for its services.

Staff from the public services are placed in a detached position and automatically re-enter their administration a ('expiry of the said detach.



Art. Art. 38 : In the accomplishment of its mandate, the CVJRR benefits from the collaboration of all national and international institutions, whenever necessary.

It collaborates with the Special Criminal Court and national courts in the search for truth and justice.

A framework for collaboration must be set up with a view to the effectiveness of their respective actions.

Art. 39: To be inclusive and involve the entire population in
In fulfilling its mandate, the CVJRR also collaborates with the National Commission on Human Rights and Fundamental Freedoms, grassroots communities, religious denominations, trade unions, women's associations, the media, socio-educational institutions and non-governmental organizations.

It also cooperates with other similar national, regional and international structures in order to participate in the consolidation of peace in the Central African Republic.

TITLE V OF RESOURCES

Art. 40 : The resources of the CVJRR consist of donations, legacies and a budgetary allocation entered in the State budget. It draws up each year its budgetary forecasts in accordance with the Finance Law.

A law determines the creation of a Reparation Fund whose sources of financing and management methods are fixed by Decree.

Art. Art. 41: Without prejudice to the independence of the CVJRR, the partners bilateral, multilateral and other may also contribute to the Commission's budget for its proper functioning.

Art. 42 : Are appointed by Decree auprès of the CVJRR, following a process selective, one (1) public accountant and one (1) financial controller under the personal and pecuniary responsibility for which financial transactions are carried out in accordance with the Act.

The CVJRR has a manual of administrative and financial procedures in accordance with national and international regulations.

Art. 43: The management of the finances of the CVJRR is subject to the control of the General Institute of State and court of auditors.

TITLE VI
OF THE PROCEDURE BEFORE THE CVJRR

Art. 44: Without prejudice to the right of everyone to attend the courses and Any natural or legal person, any group of persons tired of an individual, collective or massive violation of human rights may refer the matter to the CVJRR by lodging a complaint.

The CVJRR may seize itself ex officio and also be seized by a denunciation or a detailed and precise confession. It proceeds at all times to the guiding principle of security and protection of victims, witnesses and their personal data.

It takes into account the specific impact of violations on indirect victims, women, children and vulnerable and marginalised categories, including refugees.

Art 45: Any referral procedure is free of charge before the CVJRR.

Art. 46: The CVJRR adopts a procedural regulation.

The referral is made by filling in a form whose model is established by the CVJRR.

This sheet indicates, among other things:

the identity and quality of the declarant; the alleged perpetrator(s);

- A description of the type of violation committed;
- the possible temoins;

the compensation claimed.

It shall also specify whether the declarant is prepared to give his position in open court or in camera.

The dolt card shall bear the signature or fingerprint of the declarant.

However, the Commission may adopt any other procedure which it considers appropriate and which guarantees the authenticity and validity of the statements.

Art. 47: A schedule for the collection of declarations is established and published by the _____ _CVJ RR.