



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

List of issues in the absence of the report of the Central African Republic due under article 29 (1) of the Convention*

I. General

1. Please clarify the status of the Convention in domestic law, including the Constitution, and indicate whether the provisions of the Convention can be directly invoked before and applied by courts or other relevant authorities. Please provide examples of case law, if available, in which any of the provisions of the Convention have been invoked before or applied by courts or other relevant authorities.
2. Please report on the activities carried out by the National Human Rights and Fundamental Freedoms Commission in relation to the Convention and on the measures taken to ensure that it has the financial, technical and human resources necessary for the proper discharge of its functions. Please indicate whether the Commission has received any complaints concerning enforced disappearance since the entry into force of the Convention and, if so, describe the actions taken and the results thereof.
3. Please indicate whether the State party intends to make the declarations provided for in articles 31 and 32 of the Convention, which relate to the Committee's competence to receive and consider individual and inter-State communications (arts. 31 and 32).

II. Definition and criminalization of enforced disappearance (arts. 1–7)

4. Please describe the databases on disappeared persons that currently exist and indicate the type of information that is entered into them. Please specify whether this information overlaps with that appearing in other databases, such as the registers of persons deprived of liberty, and whether these databases are accessible to all interested persons. Please describe the methodology used to keep the existing databases up to date (arts. 1–3, 12 and 24).
5. Please provide updated statistical data, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on (a) the number of disappeared persons in the State party, specifying the date and place of disappearance and the number of those persons who have been located; (b) the number of persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention; and (c) the number of persons who may have been subjected to the acts described in article 3 of the Convention (arts. 1–3, 12 and 24).
6. Please indicate whether the State party plans to include protection from enforced disappearance in the Constitution. Please describe the legal or administrative measures that have been taken to ensure that exceptional circumstances cannot be invoked to derogate from the right not to be subjected to enforced disappearance. In this regard, please describe the

* Adopted by the Committee at its twenty-fifth session (11–29 September 2023).



measures taken by the State party, in view of the conflict by which it is beset, to ensure that its policies and actions are compatible with its obligations under the Convention (arts. 1, 12 and 24).

7. Please explain how article 153 of the Criminal Code, on crimes against humanity, under which enforced disappearance is made such a crime, is consistent with the definition of enforced disappearance enshrined in the Convention. Please indicate in which specific situations enforced disappearance constitutes a crime against humanity, what the legal consequences and penalties in such cases are and how cases of enforced disappearance that do not meet the definition of a crime against humanity are dealt with in domestic law. Please describe the measures that have been taken to incorporate enforced disappearance as an autonomous offence in domestic criminal legislation in accordance with the definition contained in article 2 of the Convention (arts. 2, 5 and 7).

8. Please indicate how many cases of alleged enforced disappearance have been tried by the courts, including the Special Criminal Court, on the basis of article 153 of the Criminal Code or other provisions of domestic criminal law and what penalties have been imposed (arts. 2, 4, 5, 7 and 24).

9. In view of the Committee's general comment No. 1 (2023) on enforced disappearances in the context of migration, please indicate the number of complaints that have been lodged concerning cases of disappearance that occurred in the context of trafficking in persons or migratory movements. Please also specify the number of complaints filed for disappearances allegedly committed by mercenaries, private military companies and members of paramilitary or self-defence groups. Please specify the measures that have been taken in all these cases to conduct investigations, bring the perpetrators to justice and provide the victims with appropriate protection and full reparation. Please also indicate the measures taken by the State party to prevent such disappearances (arts. 2, 3, 12 and 24).

10. In the light of reports of disappearances committed by armed groups in the context of intercommunal violence, including the Front populaire pour la renaissance de la Centrafrique, the Coalition des patriotes pour le changement and other such groups, please provide information on the efforts made to: (a) investigate the acts within the scope of article 2 of the Convention that are committed by these groups or any other group of persons acting without the authorization, support or acquiescence of the State and to bring the perpetrators of those acts to justice; (b) to search for and locate the disappeared victims; (c) to encourage and facilitate the reporting of such disappearances; (d) to offer the victims appropriate measures of reparation; and (e) to prevent those acts from occurring again in the future. Please indicate the results of those efforts and provide statistical information in this regard (arts. 3, 12 and 24).

11. Please describe the applicable legislation governing the conduct contemplated in article 6 (1) (a) and (b) of the Convention and explain how this legislation ensures that any person engaging in such conduct is held criminally responsible. Please also describe the legislation that addresses the prohibition on invoking an order or instruction by a public authority to justify an offence of enforced disappearance and indicate whether the notion of "due obedience" as a criminal law defence has any impact on the effective implementation of this prohibition. In this regard, and in the light of article 10 of the Criminal Code, please explain how the State party ensures that any person contemplated in article 6 (1) (a) of the Convention is held criminally responsible when he or she invokes a superior order to justify an enforced disappearance. Please also explain how domestic legislation guarantees that a person who refuses to obey orders or instructions that prescribe, authorize or encourage enforced disappearance will not be punished and provide information on any remedies available to subordinates for any potential disciplinary measures resulting from their refusal to carry out such orders (art. 6).

III. Judicial procedure and cooperation in criminal matters (arts. 8–15)

12. Please indicate whether the State party applies a statute of limitations in respect of enforced disappearance, and if so, please specify: (a) the term of limitation for criminal

proceedings; (b) the moment when that term of limitations commences; and (c) the measures taken to guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation (art. 8).

13. Please explain how the State party establishes its competence to exercise jurisdiction over the offence of enforced disappearance in the cases contemplated in article 9 (1) and (2) of the Convention (art. 9).

14. Please indicate the procedures in place to ensure that the persons alleged to have committed an offence of enforced disappearance appear before the authorities. Please report on the legal, administrative or judicial measures that are taken to carry out a preliminary inquiry or investigation to establish the facts should the State party take the measures referred to in article 10 (1) of the Convention (art. 10).

15. Please describe the legal framework enabling the domestic courts to exercise universal jurisdiction over the offence of enforced disappearance. Please explain how the jurisdictions of the various domestic courts, the Special Criminal Court and the International Criminal Court are linked with a view to the effective repression of cases of enforced disappearance. Please indicate whether cooperation with the International Criminal Court is envisaged as a means of combating impunity for the perpetrators of enforced disappearances. Please also indicate whether the military authorities are competent under domestic legislation to investigate or prosecute alleged cases of enforced disappearance and, if so, in which circumstances and under which legal provisions (art. 11).

16. Please provide information on the authorities responsible for receiving complaints and investigating cases of alleged enforced disappearance and describe the measures in place to ensure a prompt, thorough and impartial investigation, including in the absence of an official complaint. In this connection, please describe how the State party ensures that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation and indicate whether there are any mechanisms in place to ensure that law enforcement, security force or any other public officials, whether civilian or military, who are suspected of involvement in the commission of an offence of enforced disappearance do not participate in the investigation at any point. Please indicate what steps are taken to ensure that the competent authorities have: (a) the powers and resources necessary to effectively conduct investigations into allegations of enforced disappearance, including access to the documentation and other relevant information in this regard; and (b) access to any place of detention or any other place where there are reasonable grounds to believe that disappeared persons may be present. Please describe the mechanisms ensuring that complainants, their representatives, witnesses and any other persons, including judicial personnel, who are participating in the investigation, prosecution and trial are protected against all ill-treatment or intimidation (arts. 12 and 24).

17. Please indicate whether, in the absence of an autonomous crime of enforced disappearance, the offences under article 153 of the Criminal Code that may be invoked for the purposes of extradition to deal with cases of enforced disappearance may be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Provide information on any extradition agreements with other States parties that may have been concluded since the entry into force of the Convention and indicate whether enforced disappearance has been included in such agreements. Please also indicate whether: (a) any limitations or conditions could be applied in relation to requests for mutual legal assistance or cooperation under the terms of articles 14, 15 and 25 (3) of the Convention; and (b) the State party has made or received any requests for international cooperation in respect of cases of enforced disappearance since the entry into force of the Convention and, if so, please report on the measures taken (arts. 13–15 and 25).

IV. Measures to prevent enforced disappearance (arts. 16–23)

18. Please indicate whether domestic law explicitly prohibits the expulsion, return, surrender or extradition of a person where there are substantial grounds to believe that he or she would be in danger of being subjected to enforced disappearance. Please describe the legal framework and procedures applicable to the expulsion, return, surrender or extradition

of persons and provide information on the mechanisms and criteria applied in such contexts to evaluate and verify the risk that a person may be subjected to enforced disappearance. Please indicate whether it is possible to appeal a decision on expulsion, return, surrender or extradition and, if so, please indicate before which authorities, what the applicable procedures are and whether the appeal has suspensive effect (art. 16).

19. Please describe the legal provisions that expressly prohibit secret or unofficial detention. Please explain what provisions the Criminal Code contains to guarantee that, in a bid to prevent enforced disappearance, any person deprived of liberty by the competent authorities without a warrant is deprived of his or her liberty in a manner compatible with article 17 (2) (d) and (f) of the Convention. Please describe the measures taken to guarantee, in law and in practice, that, from the outset of the deprivation of liberty, all persons deprived of liberty, regardless of the offence of which they are accused, have access to a lawyer, can contact their relatives or any other person of their choice and, in the case of foreign nationals, can communicate with their consular authorities, including during the coronavirus disease (COVID-19) pandemic. Please indicate whether any restrictions may be applied to the above rights and whether there have been complaints regarding failures to observe these rights. If so, provide information about the proceedings carried out and their outcome. Please indicate which authorities, institutions and non-governmental organizations are authorized to carry out unannounced visits to all places of deprivation of liberty and how effect is given to this authorization (art. 17).

20. Please indicate whether one or more registers of persons deprived of liberty exist in the State party and describe the measures taken to ensure that these registers, regardless of the place of deprivation of liberty, include all the information listed in article 17 (3) of the Convention and are duly completed and kept up to date without delay. Please indicate whether there have been any complaints concerning the failure to record a deprivation of liberty or the recording of inaccurate information in registers concerning persons deprived of liberty. If so, please describe the measures taken to ensure that such omissions are not repeated, including any disciplinary proceedings, sanctions and training involving the personnel concerned. Please also provide information on the measures that have been taken to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released and assuring their physical integrity and their ability to exercise fully their rights at the time of release (arts. 17 and 21–23).

21. Please describe the measures taken to guarantee that any person deprived of liberty, and, in the case of a suspected enforced disappearance, that any person with a legitimate interest can take proceedings before a court to challenge the lawfulness of the deprivation of liberty. Please explain how the right of any persons with a legitimate interest to the information listed in article 17 (3) of the Convention is guaranteed and how the restrictions provided for in articles 19 and 20 are introduced. Please also describe the measures that are in place to prevent delaying and obstructing the provision of this remedy and to impose sanctions for delays or obstruction (arts. 17–20 and 22).

22. Please report on any specific training on the Convention provided to law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice. Please indicate the content and frequency of the training provided. Please explain what measures are taken to ensure the implementation of the right and duty of these persons, when they have reason to believe that an enforced disappearance has occurred or is planned, to report the matter to their superiors and, where necessary, to the appropriate authorities or bodies vested with powers of review or remedy (art. 23).

V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

23. Please provide the definition of victim in domestic legislation and show how it is compatible with article 24 (1) of the Convention. Please specify the forms of reparation and compensation provided for in the domestic legal system for victims of enforced

disappearance and indicate whether they include all those enumerated in article 24 (5) of the Convention. Please provide information on the work done under the mandate of the Truth, Justice, Reparation and Reconciliation Commission (art. 24).

24. In view of the large number of internally displaced persons, please describe the steps being taken to adopt an appropriate legal framework, in line with international standards, including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and the Guiding Principles on Internal Displacement. Please describe the measures taken to prevent enforced disappearance and to search for and locate missing persons and re-establish contact with their families (art. 24).

25. Please report on the measures taken to guarantee that the search for an alleged victim of enforced disappearance is initiated ex officio and as soon as the competent authorities are notified of the disappearance, even if no formal complaint has been made, and to ensure that the search continues until the fate of the disappeared person has been clarified. Please also report on the measures taken to systematically collect ante-mortem data related to disappeared persons and their relatives and to set up a national DNA database to identify victims of enforced disappearance (art. 24).

26. Please provide information about the legal situation under domestic law of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights (art. 24).

27. Please describe the measures taken to guarantee, in law and in practice, the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance (art. 24).

VI. Measures to protect children against enforced disappearance (art. 25)

28. Please describe the legislation that can be applied to prevent and punish the conduct described in article 25 (1) of the Convention and indicate whether any complaints have been received in that regard. If so, please indicate how many complaints have been received, how many investigations have been conducted and what sanctions have been handed down to punish the enforced disappearance of children and acts under article 2 of the Convention committed by persons or groups of persons acting with the authorization, support or acquiescence of the State, in particular in respect of disappearances occurring in the context of abductions followed by recruitment and use of children, sexual exploitation and other forms of trafficking in children, as well as disappearances following attacks on schools and hospitals. Please provide information on the measures that are taken to locate the children concerned and to prosecute and punish those responsible and on the outcome of those measures. Please also provide information on measures taken to improve birth registration in order to prevent any risk of wrongful removal of children (art. 25).

29. Please describe the system of adoption or other form of placement of children in the State party and indicate whether domestic legislation establishes any legal procedures to review and, where appropriate, annul any adoption, placement or guardianship arrangement that has originated in an enforced disappearance (art. 25).