

Report of the Consultative Group to the President of the Human Rights Council relating to the vacancy of the Independent Expert on the situation of human rights in the Central African Republic

8 August 2019

I. Background

1. In paragraph 47 of the annex to its resolution 5/1, the Human Rights Council decided to establish a Consultative Group comprised of Permanent Representatives identified by Regional Groups and serving in their personal capacity. The Consultative Group is mandated by the Council to propose to the President a list of candidates who possess the highest qualifications for the mandate in question and meet the general criteria and particular requirements. Recommendations to the President of the Human Rights Council are required to be made public and substantiated pursuant to paragraph 50 of the annex to resolution 5/1.

2. The members of the Consultative Group for the selection of mandate holders to be appointed at the forty-second session of the Human Rights Council (9 to 27 September 2019) are: H.E. Ms. Kadra AHMED HASSAN (Djibouti), Mr. Abbas Kadhom Obaid AL-FATLAWI (Iraq), H.E. Mr. Ernesto Massimo BELLELLI (Italy), Mr. Alejandro DÁVALOS (Ecuador) and H.E. Ms. Oxana DOMENTI (Republic of Moldova). The working cycle of the current Consultative Group commenced on 1 April 2019 and will end on 31 March 2020, pursuant to paragraph 1(b) of Council decision 30/115. The group held its initial organizational meeting on 30 May 2019.

3. The vacancy of the Independent Expert on the situation of human rights in the Central African Republic [HRC resolution 39/19] is the only mandate foreseen to be filled at the forty-second session of the Council. The selection process for this mandate is being conducted with the understanding that the appointment of the new Independent Expert will be made only provided that the mandate itself is renewed by the Council at its forty-second session.

II. Process

4. The application period for the submission of applications for the mandate was from 15 May to 26 June, extended to 1 July 2019 due to the initially limited number of applications received.

5. The Consultative Group considered nine individual applications from nine eligible candidates submitted for the aforementioned specific vacancy in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications of the eligible candidates were made public on the designated OHCHR web page¹ as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 (see annex I of this report).

6. In accordance with established practice, it was decided that each member of the Consultative Group would individually rank and propose a list of candidates for each vacancy drawing on the written applications received, reflecting on their stated qualifications, relevant experience, expertise, independence, impartiality, personal integrity, objectivity, availability and motivation in compliance with relevant provisions of Human Rights Council resolution 5/1, decision 6/102, resolution 16/21 and also Council resolution 39/19 relating to the specific mandate under consideration. As a result of this ranking exercise, the Group established a shortlist of candidates to be interviewed for the mandate.

¹ <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC42.aspx>

7. The Consultative Group held three formal meetings on 22 and 24 July 2019 to consider and interview candidates for the aforementioned vacancy.

8. In its organizational meeting of 30 May 2019, the Consultative Group decided that the chairing function for the interview and selection process would be equally shared among its five members on a rotational basis, rotating after every mandate, according to the overall number of mandates to be considered during the period 1 April 2019 to 31 March 2020. The chairing arrangements for the specific mandate under consideration are noted below.

9. The members of the Consultative Group took into full consideration the technical and objective requirements as stipulated in paragraphs 39-41, 44-46, 48, 50-51 of the annex to Human Rights Council resolution 5/1, decision 6/102 and paragraph 22 of resolution 16/21, and also Council resolution 39/19 relating to the specific mandate under consideration.

10. On gender balance, the Consultative Group duly took note of the Guidelines on Gender Parity² adopted by the 2015 Consultative Group, whereby a quota was established so as to list no more than three candidates out of five of the same sex. The current Consultative Group decided not to adopt these Guidelines formally but to take them into consideration during the interview process.

11. In connection with the aforementioned, the Consultative Group affirmed its commitment to ensuring that the most qualified candidates are recommended to the positions under consideration, that the process of selection is objective and transparent, ensures equal treatment of all candidates, and that the recommendations to the President are public and substantiated pursuant to Council resolutions 5/1 and 16/21.

12. The Consultative Group decided that regarding the actual or perceived conflict of interest that may arise when a member of the Group has the same nationality as an eligible candidate, or knows personally an eligible candidate, concerned members would recuse themselves completely from participating in the process of recommendation (i.e. shortlisting, interview and evaluation), but could be present and observing the whole process.

13. The Consultative Group discussed the issue of the impact of candidates lobbying members directly and decided to follow a self-disclosure procedure in situations where any member has been approached with regard to the applications of candidates. The Consultative Group decided to strongly discourage meetings of individual candidates with members of the Group, and inform candidates that this is the practice of the current Group. However, the Group decided that – if a meeting takes place – the candidate would be informed that its taking place and its contents would be shared with the other members of the Group. This principled position has been included in the frequently asked questions section on the OHCHR nomination and selection of special procedures website.³

14. In accordance with paragraphs 44 and 46 of the annex to Human Rights Council resolution 5/1, the Consultative Group sought to address consistently the potential for conflict of interest of all candidates holding decision-making positions in Government or in any other organization or entity as well as the principle of non-accumulation of human rights functions. These issues were clarified during interviews to ensure, inter alia, that if appointed, the candidate should state what steps he or she would be prepared to take with regard to any functions or duties that may give rise to an accumulation of human rights functions and/or any potential conflict of interest.

15. The Group held a total of five interviews with five shortlisted candidates for the aforementioned mandate (see annex II of this report for the list of interviewees). These interviews occurred on 24 July 2019, pursuant to paragraph 22 (c) of the annex to Human Rights Council resolution 16/21. Each

² Annex to the letter from the Consultative Group to the President of the Human Rights Council (dated 23 December 2015).

³ See <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>

candidate was asked similar questions based on the relevant provisions of Council resolution 5/1, decision 6/102, resolution 16/21 and Council resolution 39/19 relating to the specific mandate under consideration.

16. Shortlisted candidates were able to request in advance and make use of interpretation in one of the six official languages of the United Nations during their interviews, pursuant to the President's statement 29/1 of 3 July 2015. Fluency in one of the two working languages of the United Nations was also assessed by the members of the Consultative Group for all candidates.

17. The decisions of the Consultative Group were taken by consensus.

III. Candidates proposed by the Consultative Group to the President for the Independent Expert on the situation of human rights in the Central African Republic

18. The Consultative Group makes the below recommendations for the mandate of the Independent Expert on the situation of human rights in the Central African Republic with the understanding that the appointment will be made only provided that the mandate itself is renewed by the Human Rights Council.

19. Meetings held by the Consultative Group in relation to this mandate were chaired by the Permanent Representative of Djibouti. There were nine eligible candidates for this vacancy. Of the five candidates interviewed, the Consultative Group decided to recommend the following three candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

1. Yao AGBETSE (M) (Togo)

2. Alexander MAYER-RIECKH (M) (Austria)

3. Pacifique MANIRAKIZA (M) (Burundi)

20. **Yao Agbetse** is the International Advocacy Program Director to the United Nations and other Institutions of the International Catholic Child Bureau (BICE). He is former Africa Program Manager at BICE; former International Advocacy and Training Director and former Regional Programme Manager in Africa of Franciscans International. He holds a Masters in History, Human Rights and International Law from the University of Grenoble II, France, a Masters in International Human Rights Law and Practices of International Organizations from the Institute of Human Rights in Lyon, France, and two other Masters respectively in Law and Judiciary Careers and in Law and Business Law from the University of Lomé, Togo. He has experience in human rights at the national, regional and international level. In his human rights advocacy work he has engaged with United Nations human rights mechanisms including the Human Rights Council and treaty bodies and, at the regional level, with the African Commission on Human and Peoples' Rights. The Consultative Group noted the candidate's experience in technical cooperation in the field of human rights, in the civil society and national human rights institutions sectors, his knowledge of the situation of human rights in the Central African Republic and his commitment to promoting human rights and upholding international standards.

21. **Alexander MAYER-RIECKH** is one of the two independent key experts of the Facility on Justice in Conflict and Transition and an independent consultant in the field of human rights, transitional justice and security sector reform. He is former Director of the Security Sector Reform Programme of the International Center for Transitional Justice. He also worked as Chief of the Human Rights Office in the United Nations Mission in Bosnia and Herzegovina and Head of the Operations and Documentation Unit in the United Nations Human Rights Field Operation in Rwanda. He has published extensively mainly on transitional justice, security sector reform, vetting and guarantees of non-recurrence. He holds a Masters in Law from Vienna and Salzburg University, Austria, and a

Master of Divinity from Cambridge University, United States of America. He has experience in monitoring, investigating and reporting human rights violations as well as in working with human rights mechanisms, in particular with Special Rapporteurs of the Human Rights Council. The Consultative Group noted his experience in post-conflict context and emphasis on the prevention of future violations, as well as his knowledge of, and balanced approach to, the situation of human rights in the Central African Republic.

22. **Pacifique MANIRAKIZA** is Professor of Law at the University of Ottawa, Canada. He is former member of the African Union Commission of Inquiry on South Sudan and former Commissioner of the African Commission on Human and Peoples' Rights. He has authored many articles on the international criminal justice system and transitional justice mechanisms in Africa. The Consultative Group noted his experience at the national and regional level, notably with the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, and the Commission of Inquiry of South Sudan as well as his experience as peace negotiator in Burundi.

*Annex I - List of eligible candidates considered for the mandate⁴***Independent Expert on the situation of human rights in the Central African Republic**

First name	Last name	Nationality	Gender
Yao	AGBETSE	Togo	M
Germain	BARICAKO	Burundi	M
Osman	EL HAJJÉ	Lebanon	M
Roger Koussetogue	KOUDE	Chad	M
Vakhtang	MAISAIA	Georgia	M
Pacifique	MANIRAKIZA	Burundi	M
Alexander	MAYER-RIECKH	Austria	M
Irene	NJERI	Kenya	F
Alain	VALLIÈRES	Canada	M

*Annex II – List of shortlisted candidates interviewed by the Consultative Group⁵***Independent Expert on the situation of human rights in the Central African Republic**

First name	Last name	Nationality	Gender
Yao	AGBETSE	Togo	M
Roger Koussetogue	KOUDE	Chad	M
Pacifique	MANIRAKIZA	Burundi	M
Alexander	MAYER-RIECKH	Austria	M
Irene	NJERI	Kenya	F

⁴ The list of candidates is provided in alphabetical order.

⁵ The list of candidates is provided in alphabetical order.