

**CENTRAL AFRICAN
REPUBLIC
2003-2015**

**Report of the Mapping Project documenting
serious violations of international human rights law
and international humanitarian law committed within
the territory of the Central African Republic
between January 2003 and December 2015**

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LIST OF ACRONYMS

A2R	Alliance pour la renaissance et la refondation
ACAT	Action by Christians against torture
ACLED	Armed Conflict Location & Event Data Project
AFJC	Association des Femmes Juristes de Centrafrique
AHA	African Humanitarian Agency
AI	Amnesty International
AIDPSC	Association pour l'intégration et le développement social des Peuhls de Centrafrique
AIDS	Acquired Immune Deficiency Syndrome
APRD	Armée Populaire pour la Restauration de la Démocratie
BINUCA	United Nations Integrated Peacebuilding Office in the Central African Republic
BONUCA	United Nations Peacebuilding Support Office in the Central African Republic
CEMAC	Economic and Monetary Community of Central Africa
CEN-SAD	Community of Sahel Saharan States
COCORA	Coalition Citoyenne d'Opposition aux Rébellions Armées
CORI	Country of Origin Research and Information
CPJP	Convention des Patriotes pour la Justice et la Paix
CPSK	Convention Patriotique du Salut du Kodro
DDR	Disarmament, Demobilization and Reintegration
DDRR	Disarmament, Demobilization, Reintegration, and Repatriation
DRC	Danish Refugee Council
ECCAS	Economic Community of Central African States
EUFOR	European Union Force in Central African Republic
FACA	Forces Armées Centrafricaines
ANT	Armée Nationale Tchadienne
FAO	Food and Agricultural Organisation
FDPC	Front Démocratique du Peuple Centrafricain
FIACAT	Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture
FIDH	Fédération Internationale des Droits de l'Homme
FOMAC	Force Multinationale de l'Afrique Centrale
FOMUC	Multinational Force in the Central African Republic
FPR	Front Populaire pour le Redressement

FPRC	Front Populaire pour la Renaissance de la Centrafrique
FROCCA	Front pour le Retour à l'Ordre Constitutionnel
FURCA	Forces pour l'unification de la République centrafricaine
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDMC	The Internal Displacement Monitoring Center
IDP	Internally Displaced Persons
IPIS	International Peace Information Service
IRC	International Rescue Committee
IWPR	Institute for War and Peace Reporting
KNK	National Convergence Kwa Na Kwa
LCDH	Central African Human Rights League
LRA	Lord's Resistance Army
MICOPAX	Mission for the Consolidation of Peace in Central African Republic
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MISCA	African-led International Support Mission in the Central African Republic
MMPDC	Mouvement de la Marche Populaire pour la Démocratie Centrafricaine
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MLC	Movement for the Liberation of Congo
MLCJ	Mouvement des Libérateurs Centrafricains pour la Justice
MLPC	Mouvement de Libération du Peuple Centrafricain
MNSP	Mouvement National du Salut de la Patrie
MPC	Mouvement Patriotique pour la Centrafrique
MPRC	Mouvement Patriotique pour la Restauration de la République Centrafricaine
MPRD	Mouvement pour la Paix, la Reconstruction, et le Développement
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization

NRC	Norwegian Refugee Council
OCDH	Observatoire Centrafricain des Droits de l'Homme/Organisation Centrafricaine des Droits de l'Homme
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OCHA/HDPT	Humanitarian and Development Partnership Team
OCRB	Central Office for the Repression of Banditry
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIF	Organisation Internationale de la Francophonie
OPCAT	Optional Protocol to the Convention against Torture
RRR	Retour, Réclamation et Réhabilitation
RSF	Reporters Sans Frontières
RTF	African Union-led Regional Task Force
SERD	Security Investigation Division
SOFA	Status of Forces Agreement
SPLA	Sudan People's Liberation Army
SRI	Section de recherche et d'investigation
SSR	Security Sector Reform
UFDR	Union des Forces Démocratiques pour le Rassemblement
UFR	Union des Forces Républicaines
UNDP	United Nation Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCA	United Nations Regional Office for Central Africa
UNRIC	United Nations Regional Information Center for Western Europe
UPC	Union for Peace in the Central African Republic
UPDF	Uganda People's Defence Force
WFP	World Food Programme

EXECUTIVE SUMMARY

The 13-year period under consideration by this Mapping Project¹, 2003-2015, was marked by waves of major political crises characterized by conflicts between armed groups and Government forces and, sometimes, between rival armed groups. A large number of civilians were victims of extrajudicial executions and sexual and gender-based violence; many others were maimed, tortured or severely ill-treated, raped, forcibly displaced or disappeared. Thousands of children were recruited by armed groups. Many civilians had their property pillaged and homes destroyed, and were thus deprived of their economic, social and other fundamental human rights. Hundreds of thousands were internally displaced, while others fled to neighbouring countries. Civilians were too often denied access to humanitarian assistance and the ability to live in dignity.

For most of the time since the independence gained in 1960, the Central African Republic was ruled by soldiers who came to power by force of arms. Frequent and violent regime changes contributed to the institutionalization of corruption and nepotism, and violations and abuses of human rights, including repression of freedom of expression of political opinions and ideas. Successive governments neglected or simply failed to deliver services to the citizenry in an insatiable pursuit of personal enrichment. Political leaders, as well as their families and cronies, were involved in embezzlement of public funds, mismanagement of public corporations and illegal exploitation of precious minerals and other natural resources, while the vast majority of the people lived in abject poverty.²

Mapping serious violations of international human rights law and international humanitarian law committed in the Central African Republic between 2003 and 2015 presented various challenges. Confirming some of the violations that occurred over a 13-year period sometimes proved impossible due to the displacement of victims and witnesses and the multiple traumas they experienced. Moreover, given the number of violations committed and difficulties in accessing many areas where they occurred, the report is necessarily incomplete and cannot reconstruct the complexity of each situation or account for all of the victims. Nevertheless, the report endeavours at presenting as comprehensive a picture as possible of the situation in the entire country. In addition to highlighting the scale and the extreme nature of the violence that characterized the violations in some of the regions, this report covers less serious violations in seemingly less affected areas.

Mandate and Methodology

The idea of mapping serious violations of international human rights law and international humanitarian law committed in the Central African Republic and of assisting the authorities in prioritizing future investigations, emerged during an international seminar on the fight against impunity held in Bangui, in September 2015. The meeting was attended by the Minister of Justice

¹ The French translations of “mapping” – *cartographie, inventaire* or *état des lieux* – fail to reflect accurately the scope of the mapping exercise’s mandate, and it was decided by the team to retain the generic English term to designate this exercise in French.

² The 2015 Human Development Index, which measures a series of socio-economic indicators from 188 countries, ranks the CAR in the penultimate place. See Human Development Report Office, [Human Development Report 2015: Work for Human Development](#), 14 December 2015.

of the Central African Republic and the United Nations High Commissioner for Human Rights. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) subsequently developed the Mapping Project in 2016. The Security Council included this project in its resolution 2301 of 26 July 2016, which refers to the Mapping Project as one of the priority tasks to be undertaken by MINUSCA in the promotion and protection of human rights.

According to its terms of reference, the Mapping Project was mandated to compile “a mapping of serious violations of international human rights law and international humanitarian law since 2003 with a focus on the perpetrators of these violations. It should aim to gather basic information (...) and not be a substitute for thorough investigations into incidents discovered.” Specifically, the mandate and objectives of the Mapping Project were:

- To conduct a mapping of serious human rights and international humanitarian law violations committed on the territory of the Central African Republic since 1 January 2003;
- To identify existing transitional justice mechanisms; and to propose a strategy for the possible development of mechanisms for establishing the truth, reparations and guarantees of non-repetition; and
- To propose priority areas for future investigations by the Special Criminal Court on the basis of this mapping, including the identification of alleged perpetrators of such serious violations; and to contribute to the preparation of a prosecutorial strategy for the Special Criminal Court.

The Mapping Project was implemented in a ten months’ timeframe, from May 2016 to March 2017, by a team of eight members, supported on a part-time basis by a senior expert on methodology.³ Although the timeframe for the project was very short given the scale of the task at hand, it was necessary in order to meet the urgent need to gather available information on serious human rights and international humanitarian laws violations ahead of the establishment of the Special Criminal Court.

A mapping exercise of this nature seeks to generate information from a variety of reliable sources, with the aim of developing an overview of violent incidents that occurred in the country. For this report, priority was given to gathering basic information on serious incidents, chronologically and over the whole territory, rather than pursuing in-depth investigations. The Mapping Project team analysed information from more than 1,200 confidential and open sources contained in various documents such as United Nations reports, reports by national and international non-governmental organizations (NGOs), media reports, academic articles and books. In addition, selected field investigations were carried out in most regions of the country. The data presented in this report should therefore be understood as a synthesis drawn from a wide variety of sources. The team ensured that gender-related issues were given focused attention, in

³ The official version of the Mapping report is the English version.

particular in information gathering and analysis. A specific chapter is devoted to conflict-related sexual and gender-based violence.

A gravity threshold was used to identify the incidents revealing “serious violations of international human rights law and international humanitarian law” as requested by the terms of reference of the Mapping Project. Serious human rights violations include violations of the right to life and of the right to physical integrity (including sexual and gender-based violence, torture and other cruel, inhuman and degrading treatment) but also of other fundamental human rights, in particular when violations are systematic and motivated by forms of discrimination prohibited under international law. In international humanitarian law, violations are considered serious when they endanger protected persons and property, or when they violate important principles, such as distinction, proportionality and precaution.

The Mapping Project used the standard of proof of *reasonable suspicion* that an incident occurred. Reasonable suspicion is defined as “a reliable body of material consistent with other verified circumstances tending to show that an incident or event did happen”. In other words, the process involved verifying that the information was corroborated by witness testimonies or documents from sources other than the primary source that provided the original information. Incidents that had previously been investigated and corroborated by United Nations human rights personnel in the Central African Republic and reported in the OHCHR Human Rights Case Database have been directly included in this report. Violations adjudicated by the International Criminal Court (ICC) in the case against Jean-Pierre Bemba, were included in the report without requiring further corroboration. In some exceptional cases, the Mapping Project found that an incident documented by only one source was sufficient to meet the standard of proof of reasonable suspicion. In such cases, the Mapping Project’s assessment depended on the credibility of the source and the type of evidence presented (direct investigation of a case, number of testimonies collected and production of photos, etc.). In cases where the standard of proof was met, the incidents were included in the report and are described using the past tense, without the use of hypothetical formulations. As serious as they may be, uncorroborated incidents have not been included in this report.

In view of the standard of proof used in this exercise, the report does not seek to establish criminal responsibility but aims at identifying and synthesizing relevant information on significant human rights violations that will assist the authorities in future transitional justice efforts. Only the names of individuals holding official positions within governmental structures and leaders of armed groups are cited in the presentation of the political context. Alleged perpetrators are named when their identity has been publicly disclosed by available arrest warrants, judgements or when they are included in lists of sanctions of the United Nations Security Council.

Each verified incident is reported in a separate paragraph preceded by a bullet point (•). Each incident reveals the commission of one or more serious violations of international human rights law and/or international humanitarian law. Each incident is briefly described, including the place where they occurred and the date, the nature of the violations, the group or institution to which the alleged perpetrator(s) belonged, as well as information on the victims. When available, the approximate number of victims is provided as a means of assessing the scale of violations; however these figures are in no way intended to be definitive. As a general rule, the Mapping

Project used the lowest and most realistic assessment of victim numbers indicated by the various sources and sometimes resorted to estimates. Each paragraph describing an incident is followed by a footnote identifying the source(s) of the information reported.

Historical background and political context

The history of the Central African Republic, a large and sparsely populated country, has been marked by deep-rooted poverty, ethnic tensions, pervasive political instability, corruption and nepotism that led to a succession of armed conflicts. The country has also been affected by regional instability and internal conflict in neighbouring countries, which have resulted in movements of refugees, as well as arms and rebel groups across its porous borders.⁴

The 13 years covered by the mandate of the Mapping Project were marked by rebellions, fragile peace negotiations and extensive violations of international human rights law and international humanitarian law by numerous parties. A national dialogue launched in 2002 was interrupted when General François Bozizé replaced President Ange-Félix Patassé in the wake of a coup d'état, in March 2003. While Bozizé won presidential and legislative elections in May 2005, a first rebellion emerged in the Northwest, the stronghold of former President Patassé. In the spring of 2006, a second insurrection emerged, this time in the extreme northeast of the country – a region long neglected and forgotten by the Government - led by elements formerly associated with Bozizé who had turned against him.⁵ During that period, thousands of civilians were killed, tortured or raped, tens of thousands of houses burnt, and several hundred thousand persons fled their homes to live in desperate conditions deep in the bush in northern parts of the country.⁶

At the beginning of 2008, Uganda's Lord's Resistance Army (LRA) infiltrated into the southeast of the Central African Republic, opening a new zone of tension. The LRA, which has remained in the country ever since, carried out numerous attacks on the civilian population, resulting in the death, rape or abduction of many civilians, the destruction and looting of villages, and the displacement of thousands of persons. Children and women were particularly affected.⁷

It took two years of difficult negotiations interspersed with violence to prepare for an Inclusive Political Dialogue⁸ bringing together all key players in December 2008. The positive effects of the dialogue were however short-lived and intransigence on all sides led to the resumption of violence over the subsequent years in the northern regions characterized by extrajudicial killings, arbitrary arrests and detention, sexual and gender-based violence, and the destruction of homes and property. Violations and abuses were committed by Government forces, rebel movements and other armed groups, including self-defence groups and criminal gangs.⁹

⁴ [Report of the Secretary-General on Chad and the Central African Republic \(S/2006/1019\)](#), 22 December 2006, para. 17.

⁵ *Ibid*, paras. 20-21.

⁶ Human Rights Watch (HRW), [State of Anarchy: Rebellion and Abuses against Civilians](#), 14 September 2007.

⁷ [Report of the Secretary-General on the situation in the Central African Republic/BONUCA \(S/2008/410\)](#), 8 June 2008, paras. 13, 30-31 and 59; [Report of the Secretary-General on children and armed conflict \(A/63/785 – S/2009/158\)](#), 26 March 2009, paras. 23-26.

⁸ This dialogue is sometimes also referred to as Inclusive National Dialogue.

⁹ [Report of the Secretary-General on the situation in the Central African Republic/BONUCA \(S/2009/309\)](#), 12 June 2009, para. 33; International Crisis Group (ICG), [Keeping the Dialogue Alive](#), 12 January 2010.

To resolve conflicts between the four main armed groups which existed during this period and the Government, several peace agreements brokered by regional powers, were negotiated and signed between 2007 and 2012. The most significant agreement was the Global Peace Accord - signed in Libreville, Gabon, on 21 June 2008. It was first signed by two rebel groups: the *Armée populaire pour la restauration de la démocratie* (APRD) and the *Union des forces démocratiques pour le rassemblement* (UFDR). This agreement led to an Inclusive Political Dialogue held in late 2008, which brought together most of the key political stakeholders. The third armed group, the *Front démocratique du peuple centrafricain* (FDPC) adhered to the agreement in 2009. The fourth principal armed group active in this period, the *Convention des patriotes pour la justice et la paix* (CPJP), signed a ceasefire with the Government on 12 June 2011, and a peace agreement on 25 August 2012.

President Bozizé had lost most of his traditional supporters and found himself more and more isolated at a time when a new coalition was emerging in the northeast of the country. Indeed, by December 2012, several rebel movements had organized themselves into a loose alliance – the Séléka- whose ranks were swelled by Chadian combatants, fighters from Darfur, heavily armed poachers and diamond traders. On 22 March 2013, the Séléka closed in on the capital and their leader, Michel Djotodia, proclaimed himself President.¹⁰

The violent takeover of power by the Séléka plunged the country into a new security, political, human rights and humanitarian crisis. The violations and abuses committed by the Séléka triggered similar acts of violence during reprisal attacks by self-defence groups called the anti-Balaka¹¹ and other associated groups, including some elements of the disorganized and scattered former armed forces of the Central African Republic (known under the French acronym FACA for *Forces Armées Centrafricaines*). This explosion of violence resulted in thousands of civilians being killed, widespread sexual and gender-based violence and over 800,000 people displaced as well as several hundred thousand people fleeing to neighbouring countries.

On 13 September 2013 Michel Djotodia dissolved the Séléka, but the dissolution was only symbolic and the Séléka continued to exist de facto. From that date on elements of this armed group have commonly been referred to as ex-Séléka. After the ex-Séléka forces were ousted from power in January 2014, following the resignation of President Michel Djotodia on 10 January, a National Transitional Council was constituted on 27 January 2014, which in turn established a National Transition Government. This period was also marked by serious human rights violations and abuses, and serious unrest which erupted and escalated into a spiral of violence and reprisal attacks in Bangui and other towns of the country, in September and October 2015.¹² These political tensions and episodes of violence led to the postponement of the elections and the

¹⁰ Tatiana Carayannis and Louisa Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015, p. 41-42.

¹¹ *Balaka* means machete in the local Sango and Mandja languages, with anti-Balaka roughly translating as *machete-proof* or *invincible*. The term has reportedly been used since 2004 to describe local vigilante groups who formed in self-defence to protect communities from rebel abuses, bandits, cattle-raiders and poachers. See the Armed Conflict Location & Event Data Project (ACLED), *Country Report: Central African Republic*, January 2015.

¹² MINUSCA, *Report on the situation of human rights in the CAR 15 September 2014 - 31 May 2015*, 11 December 2015.

prolongation of the Transition until the end of March 2016, when a new elected Government was installed.

I. Mapping of serious violations of international human rights law and international humanitarian law committed in the Central African Republic from January 2003 to December 2015

The mapping of serious violations of international human rights law and international humanitarian law is presented in the Part One, chapters I to IV. It contains descriptions of 620 incidents which occurred within the territory of the Central African Republic between January 2003 and December 2015. It endeavours to cover the entire territory. It is presented in chronological order, in relation to four successive periods: from 1st January 2003 to 8 May 2005; from 9 May 2005 to 20 December 2008; from 21 December 2008 to 23 March 2013; and from 24 March 2013 to 31 December 2015. Chapter V provides an analysis of the conflict-related sexual and gender-based violence committed during these time periods in the Central African Republic based on cases documented in the first four chapters of the report as well as other more general reports.

Chapter VI sets out the legal framework applicable to the Central African Republic, while chapter VII provides a legal analysis of a selection of incidents documented in the chapters I to IV. Two caveats accompany this analysis. Firstly, the Mapping Project has not attempted to classify each individual incident documented in the report given the scale of that task and the time frame of the Mapping Project. Secondly, it is by definition preliminary, as definitive legal characterization of specific facts as crimes is a prerogative of the judicial process. Bearing in mind these caveats, the Mapping Project examined groups of incidents which occurred within the periods of violence, and endeavoured to situate them in the framework of international human rights law, international humanitarian law and international criminal law.

A. 1st January 2003 – 8 May 2005: From the fall of President Patassé to the election of Bozizé

The first period, from 1st January 2003 to 8 May 2005, describes violations committed in the last months of the regime of President Ange-Félix Patassé and the accession to power by force of arms of General François Bozizé, in March 2003, until his election as President on 8 May 2005.

The conflict during the first few months of 2003 between forces loyal to Patassé and Bozizé respectively, resulted in hundreds of acts of sexual and gender-based violence, numerous extrajudicial executions and other violations of international human rights law and international humanitarian law, as well as about 205,000 internally displaced persons (IDPs) and significant numbers of refugees in neighbouring countries. These serious violations of international human rights law and international humanitarian law were committed by the Movement for the Liberation of Congo (MLC) which was allied with the FACA in support of Patassé, and by fighters loyal to General Bozizé. After the coup d'état by Bozizé, some of the troops who had helped him to come into power became a constituent part of the security forces and of FACA. These security forces, notably the Presidential Guard and several notorious “*lieutenants*” of the FACA, carried out many extrajudicial executions as well as forced disappearances, acts of torture and sexual and gender-based violence. The Mapping Project team identified 32 incidents that

amount to violations of international human rights law and international humanitarian law during this period.

B. 9 May 2005 – 20 December 2008: Challenge to Bozizé's rule

The second period, from 9 May 2005 to 20 December 2008, covers multiple non-international armed conflicts. Several armed groups launched insurrections with the aim of overthrowing President Bozizé after his election in May 2005. These conflicts were marked by extensive international human rights law and international humanitarian law violations. Efforts to end these conflicts culminated in the signing of a comprehensive Peace Agreement in Libreville, on 21 June 2008, and the holding of an Inclusive Political Dialogue, from 8 to 20 December 2008, in Bangui.

The Mapping Project team identified 69 incidents that occurred during this period that amount to violations of international human rights law and international humanitarian law. These incidents occurred during the conflicts opposing the Government and rebel groups such as the APRD in the northwest and the UFDR in the northeast. Clashes between rebels and Government security forces entailed unlawful killings of unarmed civilians, sexual and gender-based violence, abductions, and caused the displacement of hundreds of thousands internally displaced or to neighbouring countries. FACA and the Presidential Guard responded to the rebellion by employing a scorched earth policy, especially in the northwest, burning to the ground entire villages near the locations targeted by rebel attacks. In Bangui, the period was marked by a crackdown on suspected opponents to the regime, extrajudicial executions by security forces and attacks against journalists and human rights defenders, in addition to other violations.

C. 21 December 2008 – 23 March 2013: Peace denied

During the third period, from 21 December 2008 to 24 March 2013, 158 incidents occurred which the Mapping Project team identified as amounting to violations of international human rights law and international humanitarian law. These violations took place during the non-international armed conflict which continued in the CAR's northern regions despite various peace agreements and the Inclusive Political Dialogue. These conflicts resulted in extrajudicial killings, arbitrary arrests and detentions, sexual and gender-based violence and in the destruction of homes and properties. Serious violations and abuses were committed by Government forces, rebel movements and other armed groups, including self-defence groups and criminal gangs. In addition, at the beginning of 2008, a new zone of tension emerged in the south east when the LRA infiltrated into that part of the country. The period ended with the descent of the Séléka on the capital. Upon entering villages and towns they captured, Séléka elements committed numerous unlawful killings, sexual and gender-based violence, including gang rape, unlawful detentions, torture, disappearances, abductions, attacks on schools, and widespread pillaging of homes, Government offices, private businesses and medical and religious facilities. The Séléka also recruited thousands of children.

D. 24 March 2013 – 31 December 2015: A new spiral of violence

The fourth and final period, from 24 March 2013 to 31 December 2015, is marked by violations committed during the Séléka regime and the retaliation by anti-Balaka militia, as well as

violations committed after Djotodia's departure from power, when a National Transitional Government headed by President Samba-Panza was in power. With 361 incidents identified by the Mapping Project, this period has the highest number of incidents documented during the 13-year period under examination.

The violent assumption of power by the Séléka was characterized by large scale unlawful killings, forced disappearances, torture, sexual and gender-based violence, cruel, inhuman or degrading treatments, arbitrary arrests, unlawful detentions as well as destruction of homes and other properties and pillaging. Within a few months, the first signs of organized and armed resistance to the Séléka began to emerge with the formation of semi-autonomous self-defence groups which were later to be known as "anti-Balaka". By September 2013, the anti-Balaka started attacking Séléka-held towns, targeting mostly the Muslim population in the western and central regions. The balance of power shifted after the simultaneous attacks by anti-Balaka groups on the ex-Séléka in Bangui and Bossangoa, on 5 December 2013.

From January 2014, following the resignation of the Djotodia Government, and under pressure from the French Sangaris force, the ex-Séléka began to retreat from their positions across the country. As they retreated – mostly northwards –, the anti-Balaka escalated attacks and human rights abuses against civilians from the Muslim community and against individuals known or perceived to be ex-Séléka supporters in Bangui and in the west of the country.

By December 2013, some 235,067 people had fled to neighbouring countries. The numbers of IDPs rose from 602,000 in December 2013 to 825,000 in January 2014. By August 2014, a majority of the Muslim population had been displaced within the Central African Republic or had left the country. Tens of thousands of Muslims were trapped in several enclaves in the western and central parts of the country and were repeatedly attacked by anti-Balaka.

The country broadly became divided into two, with much of the south and west in the hands of anti-Balaka and most of the north and east occupied by ex-Séléka. The extensive violations of international human rights law and international humanitarian law continued unabated throughout the country, in a climate of near total impunity. Meanwhile in Bangui, one of the few places where the State was still exercising some control, 2015 saw a rise of summary executions by the *Office central de répression du banditisme* (OCRB).

E. Conflict-related sexual and gender-based violence

The methodology used to document incidents – using mostly public secondary sources - in the first part of the report did not enable the Mapping Project to reflect appropriately the prevalence of sexual and gender-based violence by the armed forces and groups involved in the different conflicts in the Central African Republic. Indeed, sexual and gender-based violence have been underreported for various reasons. Even when such cases were reported, they often concerned individual cases, which were difficult to corroborate through a second secondary source. It was therefore decided from the outset to gather general information and documents, such as specific studies establishing that sexual violence was committed in certain contexts, rather than seeking to corroborate each individual case. This approach showed that, while the phenomenon has been underreported, sexual and gender-based violence was recurrent and widespread. These specific acts of violence thus require a particular attention from all future transitional justice mechanisms,

both judicial and non-judicial.

Information examined by the Mapping Project showed that nearly all parties to the successive armed conflicts in the Central African Republic between 2003 and 2015 committed sexual and gender-based violence. Perpetrators included members of the national security forces, rebel and armed groups, as well as foreign government forces. The victims were mainly women and girls but men and boys also suffered sexual violence, albeit to a much lesser extent. The age of the victims ranged from five years to 60 years and above. A high percentage of the rapes were gang-rapes committed in some instances by up to 20 perpetrators against a single victim. Particularly so when committed by armed groups as an element of intercommunal violence, rapes were often committed in public and/or in front of the victim's family members. In many instances, belligerents targeted victims who shared the same social, ethnic, or religious traits as members of opposing armed groups. Members of the African Union forces and peacekeeping forces mandated by the United Nations to protect civilians were also identified as committing sexual and gender-based violence.

The armed conflict provided an environment in which perpetrators of sexual and gender-based violence enjoyed unbridled impunity as a result of dysfunctional or collapsed institutions. In order to bring justice to the thousands of victims of this violence and ensure a future where women and girls can enjoy the rights accorded to them under international and national laws, it is incumbent on the authorities of the Central African Republic, with the support of the international community, to urgently adopt and implement judicial, political, psycho-social, economic and educational measures to protect and promote the rights of women and girls in the country.

F. Applicable legal framework applicable in the Central African Republic

This chapter refers to the treaties pertaining to international human rights law and international humanitarian law which have been ratified by the Central African Republic, as well as applicable national and international criminal law.

It also examines the three successive constitutions of the Central African Republic which were applicable during the reference period, namely the 1995 Constitution, the 2004 Constitution and the 2013 Transition Constitutional Charter. All three constitutions contain human rights guarantees and offer a basis for the application of international treaties ratified by the State, as the constitutions provide that once duly published in the official journal the treaties have the force of law.

G. Legal classification of acts of violence committed between January 2003 and December 2015

The Mapping Project documented 620 incidents of serious violations of international human rights law and international humanitarian law that occurred between 1st January 2003 and 31 December 2015. The vast majority of these incidents were attributed to Central African defence and security forces, the Séléka/ex-Séléka and the anti-Balaka.

During these 13 years covered by the mandate, there were periods in which multiple armed conflicts took place - sometimes simultaneously- on the territory of the Central African Republic.

These periods generated severe violations, which may constitute international crimes, if proven by a court of law. During these conflicts, Central African State defence forces (the FACA and the Presidential Guard) as well as to a lesser extent foreign armed forces operating in the country, committed serious violations of international humanitarian law which could constitute war crimes.

The report also highlights violations of international humanitarian law committed by armed groups which could constitute war crimes. Such armed groups were from both the Central African Republic (notably the APRD, the UFDR, the CPJP, the Séléka/ex-Séléka, the anti-Balaka) and from neighbouring countries [notably from the Democratic Republic of the Congo (the MLC), Chad (the *Front populaire pour le redressement*, known as FPR) and Uganda (the LRA)].

Outside the context of the armed conflicts, the Mapping Project identified numerous violations of international human rights law, especially against the political opposition and the media by some government institutions in the Central African Republic – including defence, intelligence, and law enforcement bodies. Based on its preliminary legal analysis, the report finds that the Government of the Central African Republic committed serious violations of civil, political, economic and social rights– both through its direct actions, and its failure to prevent third parties from committing violations and abuses. It also finds that some armed groups, which in some instances had effective control of parts of the national territory, committed serious human rights abuses and violations.

The report further assesses that a number of acts committed as part of widespread or systematic attacks against the civilian population, notably by Government forces (FACA and Presidential Guard), the MLC, the Séléka/ex-Séléka and the anti-Balaka could, if proven in court, constitute crimes against humanity.

The report also documents a significant number of attacks on international peacekeepers and on staff members of humanitarian organizations, some of which could amount to violations of international humanitarian law. While attacks against peacekeepers and humanitarian personnel are grave in their own right, the persistence of such attacks in total impunity impedes efforts to provide security and to deliver humanitarian assistance. The report also documents several incidents of violations of international law committed by some United Nations forces and non-United Nations forces deployed in the Central African Republic under a Security Council mandate.

Regarding the crime of genocide, the report examines waves of violent incidents, namely attacks by the Séléka against Christians and animists, and by the anti-Balaka against Muslims and Peulhs. Having regard to the caution required in inferring genocidal intent from surrounding facts and circumstances, the nature of information available to the Mapping Project, and the use of “reasonable suspicion” as the standard of proof, the report does not make a finding as to genocide. It does, however, identify facts which may warrant further investigation to determine whether the elements of the crime may have been met.

II. Strategy for transitional justice in the Central African Republic

This chapter presents the transitional justice policy framework which national actors in the Central African Republic, including the Government, armed groups, political actors and civil society, have developed in order to use transitional justice mechanisms to address past violations. It then identifies some contextual pre-conditions for effective transitional justice processes in the Central African Republic, namely improvements in the security environment and ensuring inclusion and the right to identity to enable all groups of persons (including IDPs and refugees) to participate in the process. With regard to the pre-condition of security, the report notes that some improvement will be required for transitional justice processes to function. However, through a sequential approach, some mechanisms could already be established as a first step, such as installing the Office of the Prosecutor of the Special Criminal Court and the development of a national approach to human rights vetting of security and defence forces (FACA, police and *gendarmerie*).

The chapter also examines each of the pillars of transitional justice - criminal justice, truth-seeking, reparations and guarantees of non-repetition - identifying challenges and required future actions, in order to optimize their chances of success in the Central African Republic.

On criminal justice, the chapter underscores the importance of prosecutions in providing accountability in a climate of persistent impunity and in attributing individual responsibility for the serious acts of violence committed in the country as a means to counter the prevailing collectivization of responsibility through which perpetrators were identified by group traits, such as religion. On truth seeking, the chapter examines the potential role of such a process in the Central African Republic. It recommends that an eventual Truth Commission be confined to its core mandate of providing to uncover the truth about past abuses, reveal the underlying causes of a conflict and enable victims to be heard, in a manner that cannot be achieved solely through the use of judicial processes. On reparations, the chapter calls for an integrated approach which takes into account the various components of reparations, namely: restitution (such as land, housing and property restitution), compensation (for economically assessable damage), rehabilitation (such as health care for victims) and satisfaction (for instance through memorials). The report notes the need for attention to how restitution of land and property may be implemented for the thousands of predominantly Muslim civilians who were forced to leave the Central African Republic, due to persecution on grounds of their religion. On guarantees of non-recurrence, the chapter underscores their legal basis, which lies in the State's obligation not only to repair specific harm done to individual victims, but also to take measures to ensure that such violations will not be committed against others in the future. The report specifically advises on the need for a nationally-owned process for human rights vetting of the security and defence forces (both existing members and applicants thereto). It notes that information generated by the Mapping Project and other resources would be helpful to inform such vetting processes.

The chapter lastly identifies key preparatory and programmatic activities that should be undertaken to prepare for future transitional justice processes. These include: strengthening documentation and archives on past violations and abuses; supporting victims' organizations as a constituency for transitional justice; strengthening the capacity of civil society organizations on transitional justice policy; developing the legal framework and capacity for victim and witness protection before starting criminal investigations and/or truth-seeking processes; and ensuring

meaningful national consultations and sensitization on transitional justice processes.

III. Suggested elements for a prosecutorial strategy for the Special Criminal Court and recommendations for priority areas for investigation

The final chapter of the report fulfils the third prong of the Mapping Project mandate. It examines the context of accountability through criminal justice for violations committed in the Central African Republic, advises on elements for a prosecutorial strategy for the Special Criminal Court.

The chapter first identifies the demand for justice following the conflicts in the Central African Republic, noting in particular the scale of the violations committed and the corresponding impossibility for any judicial system faced with such a number of crimes to try all the alleged perpetrators. This situation underscores the need for a prosecutorial strategy, which constitutes an overall framework for decision-making by the prosecution office of the Special Criminal Court. If properly communicated to the public, such a strategy will be an important tool to manage public expectations from the justice process, and will enable the Prosecutor to respond to expected public criticism, pressure and scrutiny of prosecutorial decisions by the Court.

The chapter highlights elements that could inform core parts of the strategy, such as the selection of cases, crimes and suspects, an indictment or charging policy and fundamental human rights principles. The chapter concludes by identifying some possible priority areas for investigation which could be pursued by the Prosecutor, in light of the incidents documented in the report.

CONCLUSION

The report concludes that the vast majority of the 620 incidents it lists constitute serious violations of international human rights law and international humanitarian law, and that these violations may also amount to international crimes, namely, war crimes and/or crimes against humanity. A further and more thorough expert investigation will be needed to fully investigate sexual and gender-based violence committed by all actors.

Faced with an overwhelming number of serious violations committed within the territory of the Central African Republic, the response of successive governments has often been highly inadequate and impunity has prevailed. This impunity has been a major factor fuelling the cyclical armed conflicts.

However, in recent years, the authorities of the Central African Republic have taken some important steps in the fight against impunity. In particular, they requested the ICC to open an investigation into the crimes committed in the Central African Republic since 1 August 2012, in addition to the investigation that they had also solicited on crimes committed in 2002 and 2003.¹³ Moreover, on 3 June 2015, the authorities promulgated a law creating a Special Criminal Court to

¹³ The ICC has opened two investigations on the situation in the Central African Republic: one on “Alleged war crimes and crimes against humanity committed in the context of a conflict in the Central African Republic since 1 July 2002, with the peak of violence in 2002 and 2003”, and another one on “Alleged war crimes and crimes against humanity committed in the context of renewed violence starting in 2012 in the Central African Republic”.

investigate, prosecute and try crimes resulting from serious violations of human rights law and international humanitarian law, notably war crimes, crimes against humanity and genocide, committed since 1 January 2003.

A key component of the fight against impunity is the design and implementation of a national architecture for security sector reform (SSR) and disarmament, demobilization, reintegration and repatriation (DDRR). If implemented in a manner that is inclusive, with civilian oversight, and in line with relevant international human rights norms and standards, these reform processes can constitute an important vehicle to combat impunity and prevent the recurrence of violations. Notwithstanding the adoption of the national DDRR strategy in October 2016 and recent progress on security sector reform, including the adoption of the national security policy, significant challenges remain. An immediate priority should be the development of a nationally owned vetting process that includes human rights background checks, including in the context of integration of demobilized armed group elements.

This Mapping Project report aims at assisting the Central African Republic authorities, the Special Criminal Court and civil society, as well as the United Nations and other stakeholders, in the fight against impunity. It should be seen as a tool to help define and implement a strategy that will enable thousands of victims to access their right to truth, to obtain some reparation and to ensure that those most responsible are held accountable. This would be a major step in the fight against the pervasive impunity that has characterized the history of the Central African Republic.

SUMMARY OF KEY RECOMMENDATIONS AND CONCLUSIONS

On overall transitional justice policy

- A working group including the relevant Government institutions and the United Nations, in consultation with civil society and key stakeholders, in particular victims, should periodically assess progress towards the benchmarks for the feasibility of a victim-centred and gender-sensitive transitional justice programme (which includes prosecutions, truth-seeking, reparations and guarantees of non-recurrence, including institutional reforms). The Steering Committee mandated mid-2016 to conceptualize a possible Truth, Justice, Reconciliation and Reparation Commission, could assume this enlarged role.
- A comprehensive strategy matrix and timeline on transitional justice should be developed by the above-mentioned working group, identifying which transitional justice mechanisms can be set up, when specific key benchmarks are achieved. Given the existing situation in the Central African Republic which prevents the immediate establishment of the full range of transitional justice processes and mechanisms, the benchmarks to be taken into account include: the disarmament of armed groups, the deployment of security forces, the reduction in security incidents against civilians, the possibility of secure travel and freedom of movement, and the establishment of a gender-sensitive victim and witness protection programme.
- The operationalization of the Special Criminal Court should begin with rendering operational the Office of the Prosecutor and the formulation and adoption of a gender-sensitive strategy for the prosecution of serious crimes in the Central African Republic, paying attention to complementarity with the ICC and possible jurisdiction-sharing with other national courts. The prosecutorial strategy should be communicated to the public before the commencement of investigations in order to enhance transparency regarding the functioning of the Special Criminal Court, and to manage public expectations regarding its work.
- A national legal framework regarding witness protection should be developed as a matter of priority. Support should also be provided to projects in the field of victim and witness protection in transitional justice processes, with particular attention to women and children.
- Capacity-building efforts for the regular judicial system should include strengthening its capacity to handle conflict-related crimes, including those that will not be prosecuted by the Special Criminal Court, in line with the latter's prosecutorial strategy. A special effort will be required to ensure that an eventual increase in demand for national legal expertise be met through increased capacity for training and education in legal careers by academic and other relevant institutions.
- The Government, civil society and victims, should start working, with the support of the international community, including the United Nations, on an effective victim-centred and gender-sensitive reparations programme. This should include the prospect of durable solutions for populations who remain internally displaced or are refugees in other

countries. The United Nations' human rights framework should be applied to ensure conflict-sensitive and gender-sensitive approaches to land, housing and property rights restitution.

- As part of a nationally-owned approach to vetting of the security forces, a database permitting ascertaining individuals' past conduct, specifically violations of international human rights law and international humanitarian law committed during their careers in the security services or their involvement in armed groups, should be developed. This report could constitute an important source of information for the database.
- A study should be commissioned by the United Nations on the relevance and appropriateness, including in relation to gender equality, of traditional mechanisms in the process of restorative justice and healing in communities. It should consider the potential inclusion of community-based traditional approaches to enabling perpetrators to gain re-acceptance and victims to gain a sense of closure.
- Substantial support should be provided to national human rights organizations to strengthen their archives and better document past and ongoing violations, and to strengthen their overall capacity. Victims' organizations as well as broader civil society should be consistently and meaningfully consulted and supported to form a stronger constituency for transitional justice, and to increase their ability to influence policy processes.

On the effective inclusion of sexual gender-based violence in transitional justice efforts

- The Central African Republic and its international partners should address the legacy of impunity in the country with a particular focus on perpetrators of conflict-related sexual violence and other forms of gender-based violence, including through transitional justice mechanisms.
- The Government of the Central African Republic should develop and implement comprehensive and structured policy frameworks through which sexual violence can be prevented and addressed, notably a victim-centred and multi-sectoral approach which includes targeted educational programmes. Parties to the conflict must also make concrete and time bound commitments, in line with resolutions 1960 and 2106 of the United Nations Security Council, to address sexual violence.

On the need for a prosecutorial strategy for the Special Criminal Court

A comprehensive and transparent prosecutorial strategy for the Special Criminal Court could ensure the independence and impartiality, as well as the efficiency of the prosecution office, and guarantee full respect of the obligations of the Central African Republic under international human rights law, international humanitarian law and international criminal law. The main reasons to adopt such a prosecutorial strategy are:

- The high number and specific nature of the crimes committed since 1st January 2003 calls for a selection of specific events, cases and crimes that should be investigated and prosecuted, and for a clear order of the process;
- The political, religious and ethnic dimensions of many of the crimes committed in the Central African Republic will reveal to some extent State, political or other organized groups' involvement, and will raise the profile of the Prosecutor's work. Criticism and pressure are to be expected from different groups. A public strategy would assist the Prosecutor in part to answer those questions.
- The high number of suspects involved, some within the country and others outside the country, which calls for an efficient screening and prioritization of cases in order to concentrate the limited prosecutorial resources on the persons who bear the greatest responsibility, as well as middle rank perpetrators, and who are not out of reach of the Special Criminal Court.

On the benefits of a prosecutorial strategy for the Special Criminal Court

- The strategy could enhance the efficiency of the Office of the Prosecutor by: (i) explaining the policies and goals of the Court to all stakeholders; (ii) facilitating the organization of the work of the Office of the Prosecutor; (iii) ensuring uniformity in prosecutorial decisions by all members of the Office of the Prosecutor; (iv) ensuring a good application of human rights and rule of law standards in the conduct of prosecutions; (v) ensuring control of the flow of cases that may come from direct requests by civil parties.
- The strategy could increase the independence and impartiality of the work of the prosecution by: (i) informing the public and victims of the criteria used in the selection of cases and suspects that will go to court, and in which order; (ii) providing prosecutors with objective criteria on which to make decisions to prosecute a person, and explaining these to the public; (iii) thwarting possible political interference or attempts to influence the Prosecutor to make decisions that are not based on criteria set by him and publically communicated.
- The strategy could also serve to guarantee full respect of the obligations of the Central African Republic under international human rights law, international humanitarian law and international criminal law.

On key elements of a prosecutorial strategy for the Special Criminal Court

It would be useful for prosecutorial strategy to set the objectives of the Prosecutor taking into account the applicable legal framework and the limited capacity (human and financial resources) of the office. Such a strategy could address the following:

- Selection of cases (such as most serious crimes, the most significant historically, and the most relevant with respect to the justice needs of the victims);

- Selection of crimes (such as most serious crimes, with a special emphasis on crimes targeting women and children, and crimes targeting particularly vulnerable groups);
- Selection of alleged perpetrators (such as individuals most responsible, in positions of leadership, or having played a key role in the execution of crimes, suspects with known whereabouts, capacity to apprehend suspects);
- Core legal and operational issues, including: (i) respect for the criminal law and procedure of the Central African Republic and for its obligations under international law, notably on issues of admissibility of cases before the ICC; (ii) an indictment or charging policy, including modes of responsibility; (iii) respect for human rights standards and fair trial guarantees; (iv) integration of the gender dimension in investigations and prosecutions; (v) security of prosecutors, of witnesses and suspects; and access to crime sites; (vi) definition of relations and cooperation with other courts and transitional justice mechanisms; and (vii) interaction with victims and witnesses, their families and communities.

On the inclusion of sexual gender-based violence in the work of the Special Criminal Court¹⁴

- The Rules and Procedures of the Special Criminal Court should provide that no corroboration of the victim's testimony is required in case of conflict-related sexual violence. The Rules should also prohibit the defence from eliciting evidence of consent if the victim was subjected to, threatened with, or had reason to fear violence, duress, detention or psychological oppression. The Rules and Procedures should also provide that evidence of prior sexual conduct of the victim should not be admitted.
- Proactive recruitment strategies should be put in place to ensure gender parity in the staffing at all levels in the Special Criminal Court.
- Appointing advisers on conflict-related sexual violence: The Office of the Prosecutor should appoint senior gender advisers, ensuring that their work is integrated into all key processes of the Office.
- Developing and implementing gender policies and operational guidelines for crimes of sexual violence crimes. A comprehensive gender policy should be developed from the beginning of the work of the office of the Prosecutor to overcome misconceptions and other barriers concerning sexual violence.
- Training all staff members of the Special Criminal Court on conflict-related sexual violence and on how to integrate a gender perspective in daily work. This could include

¹⁴ The following recommendations are drawn from a book written by international criminal law prosecutors, *Prosecuting Conflict-Related Sexual Violence at the ICTY*, 2016 (Serge Brammertz and Michelle Jarvis (editors)). The book offers clear and concrete recommendations to improve the effectiveness of the future investigations and prosecution of crimes of sexual violence based on lessons learned from prosecuting conflict-related sexual violence at the International Criminal Tribunal for the former Yugoslavia (ICTY).

mandatory trainings delivered by practitioners with extensive experience working on conflict-related sexual violence cases, and ensuring that managers are accountable for implementing gender policies and guidelines on conflict-related sexual violence.

- Crimes of sexual violence should always be prosecuted both as “stand alone” crimes (such as rape) and as the *actus reus* for crimes (such as torture, enslavement, persecution) in appropriate cases. To prove sexual violence as a crime against humanity, it is sufficient to show that an act of sexual violence formed *part of* a widespread or systematic attack against the civilian population, which involves the multiple commission of acts such as murder, extermination, deportation, or torture. It is not necessary to show the multiple commissions of acts of sexual violence.
- The Special Criminal Court should adopt a victim and witness-centred approach to create an enabling environment for victims of sexual violence, to provide the best evidence possible. To this end, provision should also be made to appoint relevant experts to provide psycho-social support to victims/witnesses before, during and after the trials.

On priority areas for investigations

The Prosecutor of the Special Criminal Court could consider the following priority areas for investigation:

- To identify the individuals who bear the greatest responsibility for the crimes committed since 2003. This can be achieved by undertaking an in-depth analysis of the chain of command of the armed groups and the State security forces, and by prosecuting senior commanders under the doctrine of command responsibility. Consideration might need to be given to investigating and prosecuting a number of mid-level perpetrators, especially at the regional level, who may provide key elements regarding the chain of command.
- The systematic participation of State institutions in the commission of serious violations. Such investigations would examine how State institutions were diverted from their constitutionally mandated functions, and used to commit serious violations against civilians. Entities such as the Presidential Guard, and specific police and intelligence units such as the Security Investigation Division (SERD, which later became SRI) and the OCRB may warrant particular attention.
- Specific waves of violence, such as the scorched earth campaign by Government troops during the armed conflict in the northwest of the country from 2006. These incidents are of particular concern due to the magnitude of the destruction of civilian property, and the flagrant disregard for the basic humanitarian law principle of distinction between civilians and combatants, as well as the principle of humanity, which requires that belligerents avoiding unnecessary suffering among the civilian population.
- Attacks targeting persons on the basis of their religion or ethnicity, by investigating emblematic cases of forcible transfers of population, and violations of the freedom of movement, notably of people confined in enclaves. Persecution on the basis of religious

affiliation was an extreme form of violation associated with the conflict and left a major scar on society. It will therefore be important to identify the planners and organizers of such acts.

- Sexual violence in all forms. Sexual violence, in particular rape, sexual assaults and sexual slavery, were committed during all conflicts covered by the report. The commission of these acts by multiple parties to these conflicts, including extreme forms of sexual violence (such as against girls and boys and gang rapes) will require a concerted investigation effort in order to combat impunity for sexual violence and ensure adequate protection measures for the victims.
- Recruitment of children by all parties to the conflict. Investigating those violations is of extreme importance, notably because, despite some efforts to stop and prevent the recruitment and use of children, many armed groups continue to have children in their ranks, and at times re-recruited children who had been demobilized. In addition, girls and boys were often subjected to acts of sexual violence and ill-treatment, and used by armed groups as human shields during attacks.
- Extensive campaigns of pillage by armed groups, including attacks on schools, hospitals and health centres. Extensive attacks aimed at appropriating or destroying valuable resources among already impoverished communities, had major repercussions as they deprived civilians of the enjoyment of fundamental economic and social rights (health, housing, food, shelter, education...). These incidents should also be viewed in the context of repeated attacks against protected objects under international humanitarian law, including educational institutions, health facilities, charities, religious buildings (churches and mosques) and the premises of humanitarian organizations.
- Attacks on fundamental public freedoms, including but not limited to freedom of expression and freedom of the media. Holding accountable those who created the repressive environment which enabled violations to take place, and who carried out reprisals against individuals who spoke out against them, can make an important contribution to understanding the mechanisms of repression in the Central African society. It can also help reaffirm the commitment of the State to the protection of fundamental public freedoms, which are essential to any functioning democracy.
- Attacks on international peacekeepers and on staff members of humanitarian organizations. While attacks against peacekeepers and humanitarian personnel are grave in their own right, the persistence of such attacks in total impunity, impedes efforts to provide security and to deliver humanitarian assistance.
- Investigations prioritized for their value in strategic litigation. Strategic litigation could contribute to breaking criminal patterns and structures that have permeated the State or society with the consequent benefit of strengthening the justice system and the rule of law. They could focus on cases that are representative and reveal systematic patterns of human rights violations. Through strategic litigation, the judicial process could have impacts on the wider society beyond the end results of the specific cases tried, by achieving regulatory, legislative, institutional and cultural changes.

INTRODUCTION AND METHODOLOGY

The Central African Republic is a country with vast geographical expanse, 623,000 square kilometres. It however has only a small population of 4.5 million people, resulting in one of the lowest population densities of any country in the world, at 7 inhabitants per square kilometre. For much of its history, the Central African Republic has experienced cyclical waves of violence characterized by serious human rights violations and abuses largely committed with impunity.

The history of the country is one of oppression, coercion, mass killings and dispossession.¹⁵ The colonial period was extremely predatory, and the conditions that the post-colonial Government inherited at independence in 1960 nurtured bad governance and consequential instability. After gaining independence, the Central African Republic was subjected to a succession of authoritarian regimes that committed, condoned and were unable to prevent serious violations of international human rights law and international humanitarian law, abuses and other forms of criminality. These cycles have weakened the country's human and institutional development, deepened inequalities and encouraged a general climate of impunity.

The international community, which has been present in the country over the last decades through a succession of peacekeeping, military, peacebuilding, and political missions (deployed by the United Nations, the African Union, the *Communauté des États sahélo-sahariens*, the *Communauté économique et monétaire des États de l'Afrique centrale*, the Economic Community of Central African States, and the European Union) as well as bilateral military interventions (by Chad and France), reacted to the most recent escalating violence and cycles of retaliatory attacks by deploying a new African-led mission on 19 December 2013.¹⁶ This International Support Mission in the Central African Republic (MISCA) was mandated, *inter alia*, to protect civilians, restore security and stabilize the country.¹⁷ On 10 April 2014, the Security Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and requested the Secretary-General to subsume the former United Nations mission – the *Bureau Intégré de l'Organisation des Nations Unies en Centrafrique* (BINUCA) - in the new mission. A transfer of authority from MISCA to MINUSCA took place on 15 September 2014.¹⁸

On 5 December 2013, the United Nations Security Council established an international commission of inquiry to investigate violations and abuses of human rights and international humanitarian law committed by all parties to the conflict since 1st January 2013.¹⁹ In its final report, the Commission concluded that all parties to the conflict had been involved in serious violations of international human rights law and international humanitarian law, including

¹⁵ Tatiana Carayannis and Louisa Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015.

¹⁶ For a historical account of the different missions, see Jeune Afrique, [La Centrafrique, championne du monde des interventions internationales](#), 30 April 2015. For a critical analysis of peacekeeping in the Central African Republic, see *A Concluding Note on the Failure and Future of Peacebuilding in the Central African Republic*, by Tatiana Carayannis and Louisa Lombard in *Making Sense of the Central African Republic*, 15 August 2015, pp. 329-341.

¹⁷ [Report of the Secretary-General on the Central African Republic \(S/2013/677\)](#) as well as [United Nations Security Council resolution 2127 \(2013\)](#).

¹⁸ [United Nations Security Council resolution 2149 \(2014\)](#).

¹⁹ [United Nations Security Council resolution 2127 \(2013\)](#).

murder, torture and sexual and gender-based violence. It stressed the long and tragic history of impunity in the Central African Republic and highlighted the extent of the challenge to fight this phenomenon which it described as follows:

“In a country that has seen persistent and vibrant impunity, the task of rebuilding and mobilizing a justice system that has almost never been able to hold powerful offenders to account will be a daunting one. But in devising an approach to overcome impunity in the future it is essential to understand both the mentality and the assumptions that have driven it in the past. The consistent use of pardons to ‘forgive’ those accused of serious crimes has not only meant that those individuals have escaped accountability, but it has sent a strong and consistent message to wrongdoers that they need not worry about being punished in the future.

(...) This self-defeating dynamic has been regularly reproduced in the wake of each of the country’s collapses from rampant corruption, the untrammelled exercise of both State and private power, and the abdication of proper governmental responsibilities. Each collapse is followed by an effort to put together a broad coalition of actors to help the country to recover, but the argument is always made that at least some of those responsible for egregious abuses will need to be included in the new coalition if it is to attract sufficient support from those who still wield power in the country in order to make it stick. Successive rulers in the Central African Republic have maintained authority largely by centralizing control where possible, and extended personal rule by dispensing patronage in return for political support, in particular by personally appointing to senior posts those who served in previous governments or trusted family members. This system has fostered division between the capital and the countryside, incubated the grievances of armed groups, and above all, created significant incentives to hijack the state through violence.”²⁰

Recently, the authorities of the Central African Republic have taken some important steps towards the fight against impunity, notably by requesting the ICC to open an investigation into the crimes committed in the country since 1st August 2012. Moreover, on 3 June 2015, the authorities promulgated a law creating a Special Criminal Court to investigate, prosecute and try crimes resulting from serious violations of human rights and international humanitarian law, notably war crimes, crimes against humanity and genocide, committed since 1st January 2003.

However, impunity continues to prevail. The Government and all domestic actors, with the assistance of the international community, must work together to break this cycle of impunity once and for all.

Origin and mandate of the Mapping Project

The idea of a mapping of serious violations of international human rights law and international humanitarian law committed in the Central African Republic to assist the national authorities in prioritizing future investigations emerged during an international seminar on the fight against

²⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 30-38.

impunity held in Bangui in September 2015. This meeting was attended by the United Nations High Commissioner for Human Rights.

In May 2016, MINUSCA and the Office of the United Nations High Commissioner for Human Rights (OHCHR) set up the Mapping Project. In its resolution 2301 of 26 July 2016, the United Nations Security Council, referred to the Mapping Project as one of the priority tasks of MINUSCA under its mandate to promote and protect human rights.

The Mapping Project team was composed of eight members: a Coordinator, a Legal Adviser, a Conflict-Related Sexual Violence Adviser, and five Human Rights Officers from the MINUSCA Human Rights Division (one international Human Rights Officer, two United Nations Volunteers and two national staff members). A Senior Expert on methodology contracted by the United Nations Development Programme (UNDP) undertook two missions to Bangui at critical stages of the project's implementation. The project also benefited from the support of the International Criminal and Humanitarian Law Clinic of Laval University (Canada) whose students assisted in research and analysis.

The terms of reference of the Mapping Project requested it to “produce a mapping of violations of international human rights law and international humanitarian law since 2003 with a focus on the perpetrators of these violations. It aimed to gather basic information (...) and not be a substitute for thorough investigations into incidents discovered.” Specifically, the mandate and objectives of the Mapping Project were:

- To conduct a mapping of serious international human rights law and international humanitarian law violations committed on the territory of the Central African Republic since 1 January 2003;
- To identify existing transitional justice mechanisms in the Central African Republic; to propose a strategy for the possible development of mechanisms to establish the truth, reparations and guarantees of non-repetition; and
- To propose priority areas for future investigations of the Special Criminal Court on the basis of this mapping, including the identification of alleged perpetrators of serious violations; and to contribute to the elaboration of the prosecutorial strategy of the Special Criminal Court.

The Mapping Project was implemented in a ten months' timeframe.²¹ The project started on 11 May 2016, with the arrival in the Central African Republic of the Coordinator and the Legal Adviser of the Mapping Project, which corresponded with the first official Remembrance Day for the victims of the conflicts in the Central African Republic. It ended on 31 March 2017. Although the timeframe for the project was very short for the scale of the task at hand, it was nonetheless necessary to adhere to it given the importance of gathering available documentation on international human rights law and international humanitarian law violations ahead of the establishment of the Special Criminal Court.

²¹ The official version of the Mapping report is the French version.

Methodology

The Mapping Project was rolled out in three phases:

- Phase one, from 11 May to 31 July 2016, aimed at ensuring the successful start-up of the Mapping Project, obtaining logistical support and developing the necessary methodological and legal tools for the implementation of the mandate. It also entailed **collecting and analysing** available information on the serious violations of international human rights law and international humanitarian law committed from January 2003 to December 2015.
- Phase two, from 1 August to 15 October 2016, was mainly devoted to conducting **field investigations, interviews and consultations** to fill some information gaps identified as priorities by the desk review of available documents. This second phase was also devoted to drafting thematic chapters on sexual and gender-based violence and on transitional justice. In this regard, it included the identification of existing transitional justice processes and the development of elements of a proposed strategy for possible mechanisms to ensure the truth would be established, reparations secured and guarantees of non-repetition provided.
- Phase three, from 15 October to 31 March 2017, consisted in the **drafting of the report**, its validation by MINUSCA and OHCHR, finalizing the compilation of data in the OHCHR Human Rights Case Database, digitalising and classifying all the archives, and closing down the project.

A mapping exercise of this nature consists in generating information from a number of reliable sources, in order to develop an overview of violent incidents which occurred in the country and, in particular, to disclose violations of international human rights law and humanitarian law requiring a transitional justice response. The Mapping Project focused on gathering basic information on serious incidents over the whole territory, chronologically. It did not seek to pursue in-depth investigations. The Mapping Project not only covers and analyses the violations themselves but also the context in which they were committed, either in a given region or across the entire country.

The Mapping team analysed information from over 1,200 confidential and public sources contained in different documents, such as reports by United Nations entities, national and international and Central African NGOs and media, academic articles and books. Some further analysis and research was conducted on additional sources, mainly national and international media, as well as on cases contained in the OHCHR Human Rights Case Database.

These documents were used to prepare an investigation plan on the basis of which the Mapping Project conducted selected field investigations in most regions of the Central African Republic to fill some information priority gaps identified by the desk review of the basic information. The investigators sought to verify, corroborate or invalidate some of the information through direct victim or witness testimonies. They visited numerous sites of incidents and conducted interviews with approximately 120 persons, including victims and witnesses of violations, as well as State

authorities, religious authorities, community leaders, human rights defenders and alleged perpetrators. In addition, they collected photographic evidence of incidents of violence. The field investigations helped to gather information on some previously undocumented violations. The data presented in this report should therefore be understood as a synthesis drawn from a wide variety of sources.

Moreover, during the entire duration of the project, its Coordinator held meetings with more than 30 actors working on the Central African Republic, in particular those involved in the promotion and protection of human rights and the fight against impunity (e.g. United Nations entities, national and international NGOs, religious groups, experts, scholars) to explain the objectives of the project and seek their support.²²

Each violation identified by the Mapping team was recorded in a chronology - divided by time periods and regions – which is 1,345-page-long and contains 1,293 incidents of various degrees of seriousness. Out of these, the Mapping team identified 620 incidents as being of most serious gravity and which could be corroborated, either by desk review or by undertaking investigations and thus included in the report. The team ensured that gender related issues were given focused attention, in particular in information gathering and analysis, and a specific chapter is devoted to conflict-related sexual and gender-based violence.

As a preliminary exercise intended to gather overview information on grave violations, the Mapping Project did not seek to gather evidence to be used as such in a court of law, but rather to “provide the basis for the formulation of initial hypotheses of investigation by giving a sense of the scale of violations, detecting patterns and identifying potential leads or sources of evidence”.²³ With regard to human rights and international humanitarian law violations, it provides a description of the violation(s), their nature and location in time and space, the victim(s) and their approximate number, and the group(s) to which the alleged perpetrators belong(ed) to, among others.

A document outlining the methodology to be followed by the Mapping Project was drafted on the basis of tools developed by the United Nations, in particular OHCHR and previous projects.²⁴ These tools define the following aspects: a gravity threshold for the selection of serious

²² For instance, the Coordinator held meetings with the independent Expert on the situation of human rights in the Central African Republic; the Coordinator and members of the United Nations Panel of Experts on the Central African Republic; a member of the Team of Experts on Rule of Law and Sexual Violence in Conflict; representatives of United Nations agencies, funds and programs, including the Office for the Coordination of Humanitarian Affairs (OCHA) and UNICEF; a representative of the ICC; experts and human rights practitioners from international NGOs, such as the International Crisis Group (ICG), Human Rights Watch (HRW), Amnesty International, Global Witness, the ENOUGH Project, the International Peace Information Service (IPIS), REDRESS; academics, such as Professor Sarah Knuckey (University of Columbia Law School) and Louisa Lombard (University of Yale), editor of the book “Making Sense of Central Africa”. Meetings were also held with a number of Central African NGOs, such as the *Observatoire Centrafricain des Droits de l’Homme*, the *Réseau des ONG de Défense des Droits de l’Homme (REONG)*, the *Réseau des Journalistes des Droits de l’Homme (RJDH)*, the *Commission Épiscopale Justice et Paix*, the *Association des Femmes Juristes de Centrafrique (AFJC)*, the *Ligue Centrafricaine des Droits de l’Homme (LCDH)* and the *Association des Victimes de la LRA*.

²³ OHCHR, [Rule-of-Law tools for post-conflict states: Prosecution initiatives](#), 2006, p.6.

²⁴ A training and brainstorming session was held in Bangui by the Senior Expert on methodology with all the members of the team from 6 to 10 June 2016.

violations; the standard of proof to apply; the identification of alleged perpetrators and groups; the identification of victims; confidentiality; interview and protection of witnesses, including specific guidelines when interviewing children and victims of sexual and gender-based violence.

A **gravity threshold** was used to identify the incidents revealing “serious violations of international human rights law and international humanitarian law” as requested by the terms of reference of the Mapping Project. Serious human rights violations include, for example, violations of the rights to life and to physical integrity, including sexual and gender-based violence as well as torture and other cruel, inhuman and degrading treatment, but also violations of other fundamental human rights, particularly when they were systematic and motivated by forms of discrimination prohibited under international law. In international humanitarian law, violations are considered serious when they endanger protected persons and property, or when they violate the important principles of distinction, proportionality and precaution.

A gravity threshold provides a set of criteria enabling the identification of incidents of sufficient gravity to be included in this report. No one criterion alone can be the decisive factor and all may be used to justify the decision to classify an incident as serious. The criteria used to select the incidents listed in this report fall into four categories:

- **Nature of the violations revealed by the incident:** based on the objective gravity threshold, violations of the right to life are considered the most serious, followed by violations of the right to physical and mental integrity, including all forms of sexual violence, grave violations and systematic denial of economic and social rights and attacks on property rights, the right to liberty and security of person, the right to freedom of expression.
- **Scale (number) of violations revealed by the incident:** each recorded incident reveals the commission of numerous violations resulting in many victims. The number of violations committed and the number of victims is taken into consideration when establishing the gravity of an incident.
- **Manner in which the violations were committed:** violations of a widespread or systematic nature, violations targeting a specific group (vulnerable groups, ethnic groups, religious groups, political groups, etc.), violations committed in a particularly horrendous manner (mutilation, burying people alive, etc.) and indiscriminate/disproportionate attacks causing many civilian victims, are all elements that contribute to raising the gravity level of an incident.
- **Impact of the violations committed:** besides the number of victims of the violations revealed, some incidents may have had a devastating impact, for instance by triggering conflict, threatening peace efforts, or preventing humanitarian relief efforts or the return of refugees or displaced persons.

Having been assigned to “gather basic information on incidents and not be substitute for thorough investigations into incidents discovered”, the Mapping Project team used **the standard of proof of reasonable suspicion** that an incident occurred instead of the higher standard of “being satisfied beyond all reasonable doubt” utilized to establish criminal responsibility in a court of law.

Reasonable suspicion is defined as “a reliable body of material consistent with other verified circumstances tending to show that an incident or event did happen”. In other words, the process involves verifying that the information was corroborated by at least another testimony or credible document from other sources than the source that provided the original information. This standard of proof was used by previous similar projects²⁵ and is in line with OHCHR’s manual on Commissions of inquiry and fact-finding missions on international human rights and humanitarian law.²⁶ Incidents that had previously been investigated and therefore corroborated by United Nations human rights personnel in the Central African Republic, and reported in the OHCHR Human Rights Case Database were included in this report. Violations adjudicated by the ICC in the case against Jean-Pierre Bemba were also included in the report without requiring further corroboration. In a few exceptional cases, the Mapping Project found that an incident documented by only one source was sufficient to meet the standard of proof of reasonable suspicion. In such cases, the Mapping Project assessment depended on the credibility of the source and the type of evidence presented (e.g. direct investigation of a case, number of testimonies collected and production of photos). The Mapping Project also interviewed the author of the primary source of information to assess the methodology used to gather it. In all cases where the standard of proof was met, the incidents were included in the report and are described using the past tense, without the use of hypothetical formulations.

The main objective of the Mapping Project was not to establish or to try to establish individual criminal responsibility of given actors, which is the prerogative of the ICC, the Special Criminal Court or other national or international judicial bodies. Considering the standard of proof used by the Mapping Project team to establish facts, as well as the principle of the presumption of innocence and the requirements of due process, it would have been contrary to well established human rights standards to seek to ascribe individual criminal responsibility. Such a determination would require application of a criminal law standard of proof of “beyond reasonable doubt”. However, the identity of the groups and institutions involved in the commission of serious violations of international human rights law and international humanitarian law was necessary in order to classify these violations.

²⁵ Several other projects applied this standard in their investigations. See for instance, the report of [the International Commission of Inquiry on Darfur to the United Nations Secretary-General pursuant to Security Council Resolution 1564 of 18 September 2004](#), 25 January 2006, para. 15 as well as the OHCHR [Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003](#), August 2010, para. 7.

²⁶ OHCHR, [Commissions of inquiry and fact-finding missions on international human rights and humanitarian law- Guidance and Practice](#), 2015, p.62.

Names of alleged perpetrators are only cited when their identity has been disclosed by available arrest warrants, judgements or sanctions by the United Nations Security Council. Moreover, references in the report to the political context include the names of political officials who made public statements encouraging or provoking the violations listed in this report. The **identification of alleged perpetrators** of some of the serious violations documented does not appear in this report but is held in the confidential OHCHR Human Rights Case Database.

In this report, each verified incident is reported in a dedicated paragraph preceded by a bullet point. Each reported incident reveals the commission of one or several serious violations of human rights law and/or international humanitarian law. Occasionally, a wave of individual violations (e.g. arbitrary arrests, unlawful detentions, summary executions...) is considered as one incident. Each incident is briefly described, identifying the nature of the violations and crimes committed, their location in time and space, the group/institution to which the alleged perpetrator(s) belonged, and providing information on the victims. Where available, the approximate number of victims is provided as a mean of assessing the scale of violations and are in no way intended to be definitive. As a general rule, the Mapping Project team used the lowest and most realistic assessment of victim numbers indicated by the various sources and has sometimes resorted to estimates. Each paragraph describing an incident is followed by a footnote identifying the source(s) of the information reported. While the Mapping Project has made all efforts to ensure the accuracy of each incident and information reported, it should be borne in mind that due to the expanse of its time-mandate and the breadth of information recovered, the report may not be free of error.

In order for the report to be a useful tool for the Central African Republic authorities, human rights practitioners and researchers, a USB device with all the supporting documentation (around 1,200 public sources) will be distributed with the printed version of the report in order to facilitate further research and investigations into violations committed in the Central African Republic between 2003 and 2015.

Challenges faced by the Mapping Project team

The Mapping Project team faced several challenges in implementing its mandate, particularly to conduct field investigations. It was notably limited by the prevailing insecurity in the Central African Republic, the inaccessibility of certain sites due to insecurity but also to remoteness, as well as the reduced capacity of the team, which only consisted of four investigators. The selection of priority areas for investigation and of the main incidents for verification was further influenced by the short timeframe allocated to the implementation of the project.

Yet, the Mapping Project team made an effort to cover incidents that took place in the whole territory of the Central African Republic for the entire period from January 2003 to December 2015 so as to present a comprehensive and balanced report of the many violations and abuses of human rights and international humanitarian law committed during the mandated period. Expectedly, investigating incidents of conflict-related sexual violence proved particularly difficult due to the under- or even non-reporting of such crimes, especially in the period 2003 to 2013 (with the exception of sexual violence committed by MLC elements in 2003) and the usual social stigma faced by both female and male victims.

Structure of the report

The report is structured in three parts: the first part presents a mapping of serious violations committed from 2003 to 2015. It covers the entire territory of the Central African Republic and is presented in chronological order, in relation to four key successive periods in the recent history of the country. This part also contains a specific chapter on conflict related sexual violence as well as sexual and gender-based violence. The last chapter of the first part presents the applicable legal framework and legal classification of the acts of violence listed.

The second part of the report identifies existing approaches, and recommends further mechanisms for transitional justice in the Central African Republic. Lastly, the third part highlights the need for a prosecutorial strategy of the Special Criminal Court, and proposed priority areas for its investigations.

PART I - MAPPING OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN LAW COMMITTED WITHIN THE TERRITORY OF THE CENTRAL AFRICAN REPUBLIC FROM JANUARY 2003 TO DECEMBER 2015

This part presents serious violations committed during four successive periods in the history of the country. It endeavours to cover the entire territory of the Central African Republic.

- The first period, from **1st January 2003 to 8 May 2005**, describes violations committed during the last months of the regime of President Ange-Félix Patassé and the seizure of power by force of General François Bozizé in March 2003 until his election as President on 8 May 2005;
- The second period, from **9 May 2005 to 20 December 2008**, covers violations committed during multiple rebellions contesting the power of President Bozizé until the Inclusive Political Dialogue, held from 8 to 20 December 2008 in Bangui;
- The third period, from **21 December 2008 to 24 March 2013**, was marked by attempts to end rebellions by negotiations and peace agreements which were punctuated by violations by the various protagonists. It ended with the seizure of power by the Séléka armed group coalition;
- The fourth and final period, from **25 March 2013 to 31 December 2015**, highlights violations committed during the Séléka regime and the retaliation by anti-Balaka militia, as well as violations committed after the departure of Michel Djotodia on 10 January 2014, and after the National Transitional Government, headed by President Samba-Panza, came into power.

CHAPTER I - JANUARY 2003 – MAY 2005: FROM THE FALL OF PRESIDENT PATASSÉ TO THE ELECTION OF GENERAL BOZIZÉ

By the end of 2002, the embattled Government of President Ange-Félix Patassé was struggling to stay in power after two coup attempts. The Government suspected forces loyal to former President André Kolingba²⁷ to have led the first coup, in May 2001, while the second coup in October 2002 was coordinated by rebels led by General François Bozizé (who previously served under Patassé as Army Chief of Staff). The rebels included former elements of the national army, the *Forces armées centrafricaines* (FACA) as well as Chadian fighters.

The two attempted coups occurred at a time when the army of the Central African Republic was disorganized, demoralized, underequipped and distrusted by President Patassé. These years were also marked by the first and only withdrawal by the Government of France of its military presence in the country in more than a century.²⁸ Several foreign military forces were however present in the country during this period. In December 2002, the Economic and Monetary Community of Central Africa (known under its French acronym CEMAC) established the Multinational Force in the Central African Republic (known under its French acronym FOMUC). Originally 200-men strong, FOMUC focused on securing Bangui and protecting President Patassé. Its mandate also included initiating disarmament, restructuring the military and monitoring the border of the Central African Republic with Chad as President Patassé suspected the Government of Chad of supporting the rebellion led by General Bozizé.²⁹

President Patassé also called upon Jean-Pierre Bemba, leader of the Movement for the Liberation of Congo (MLC), an armed group based in the Equateur province of the Democratic Republic of the Congo, and upon Libyan leader Colonel Qaddafi, to provide troops to reinforce the presence of FOMUC in the capital and its surrounding prefectures.³⁰ The intervention of these two players was instrumental in initially pushing back the rebels led by General Bozizé in late 2002 and early 2003.³¹

After his failed coup, General François Bozizé fled to neighbouring Chad where he reorganized his rebellion and recruited more fighters. The period between his coup attempt in October 2002 and his takeover of Bangui in March 2003 was qualified by the ICC as an armed conflict of an international character opposing the Central African governmental authorities, supported by foreign forces, including the MLC rebels, on the one hand, and the organized armed group of General Bozizé, composed of former FACA soldiers and some Chadian nationals, on the other.³²

²⁷ André Kolingba was President of the Central African Republic from 1981 until 1993, when he lost a multiparty election to Ange-Félix Patassé. He died in France in February 2010.

²⁸ International Crisis Group (ICG), [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

²⁹ See, Communauté Economique et Monétaire de l’Afrique Centrale, Protocole relatif au Mandat et au Statut de la Force Multinationale de la CEMAC (FOMUC) en République centrafricaine, 3 June 2003.

³⁰ The involvement of Jean-Pierre Bemba in the Central African Republic and the perpetration by his armed group of widespread and systematic human rights abuses eventually led to his indictment and conviction by the ICC in June 2016.

³¹ ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

³² ICC, [Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March 2016.

Due to the involvement of Jean-Pierre Bemba in politics in his own country, as well as stepped up military offensives by Bozizé's rebels, the MLC began to withdraw southwards and out of the Central African Republic in March.³³ Thus, when Bozizé's men launched their last attack on Bangui on 15 March 2003, they encountered no organized resistance. In the absence of President Patassé, who had left the country to participate in a summit of the Community of Sahel Saharan States (CEN-SAD), the FACA did not defend the city and MLC withdrew to the Democratic Republic of the Congo. Neither did FOMUC's presence halt the entry of Bozizé's rebels into Bangui.³⁴

On 15 March 2003, General Bozizé declared himself President, immediately suspended the Constitution, and dissolved the National Assembly. Between March and June 2003, he appointed a 28-member Government representing all political opinions, including the *Mouvement de Libération du Peuple Centrafricain* (MLPC), the party of the ousted President Patassé and representatives of trade unions. He also created a National Transition Council, a law-advisory body intended to re-establish the rule of law, in order to assist the presidency in drafting a new constitution, and prepare the country for multiparty elections in 2005.³⁵

In the aftermath of Bozizé's seizure of power, the African Union activated its policy not to acquiesce governments that come to power by force of arms.³⁶ The African Union consequently suspended the Central African Republic from its institutions. The Government of Chad, however, continued to support Bozizé. His personal security guard, which secured the presidential palace and accompanied him on official outings, was comprised of 80 Chadian military personnel from President Déby's own ethnic group, the Zaghawa.

In March and May 2005, two rounds of multiparty presidential and legislative elections ended two years of transitional rule by General Bozizé. National and international observers assessed the elections as generally free and fair and representative of the people's will, despite irregularities and accusations of fraud by candidates running against Bozizé.³⁷ General Bozizé won the presidential election in the second round, with 64.6 per cent of the vote, beating Martin Ziguélé, a former prime minister under President Patassé, who accepted his defeat and congratulated the winner. The National Convergence Movement ("Kwa Na Kwa") - a grouping of smaller parties, military officials, and political leaders supporting General Bozizé - won the largest number of seats in the National Assembly.

³³ The ICC estimated that the motivations of Jean-Pierre Bemba in withdrawing his armed group were only political and directly related to the negotiation of the Democratic Republic of the Congo peace agreements of Sun City. See ICC, [Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March 2016, para.730.

³⁴ ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

³⁵ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2003/661\)](#), 20 June 2003; United States of America, Department of State, [Country Reports on Human Rights Practices](#), 2003.

³⁶ The Constitutive Act of the African Union, signed 11 July 2000 provides under Article 30: 'Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union'.

³⁷ ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

A. The last months of Patassé's regime

The conflict that took place between 26 October 2002 to 15 March 2003 and the subsequent coup by General Bozizé resulted in hundreds of acts of sexual and gender-based violence, numerous deaths and human rights violations and abuses, and led to the displacement of about 205,000 people within the Central African Republic of significant numbers of refugees fleeing to neighbouring countries.³⁸ This whole period was marked by serious violations of international humanitarian law perpetrated by MLC and the FACA as they were fighting to resist Bozizé's advances, as well as by the armed elements supporting General Bozizé during their attack to oust President Patassé.

1. Serious violations committed by the MLC and security forces of the Central African Republic

As the President, Ange-Félix Patassé was the Supreme Commander of FACA. However, he distrusted them and suspected them of having taken part in the coup attempt against him in May 2001. He thus relied more on the *Unité de sécurité présidentielle*, which consisted of his personal guards, commanded by General Bombayaké. This unit was under the direct and sole authority of President Patassé, and was independent from FACA.³⁹

Several militias also fought on behalf of Patassé, including: a group of Central Africans and Chadians headed by a former Chadian rebel leader, Martin Koumtamadj, also known as Abdoulaye Miskine; a private security group called the *Société centrafricaine de protection et de surveillance*, led by Victor Ndoubabe; and armed elements run by a French mercenary, Captain Paul Barril.⁴⁰

However, the main elements who fought against Bozizé's rebels, were the elements of the MLC deployed to the Central African Republic, which was comprised of three battalions totalling around 1,500 men.⁴¹ Many civilians in the Central African Republic used the term "Banyamulengué" (or phonetically similar terms) to refer to MLC members. Civilians could identify them due certain characteristics, including language, weapons and uniforms.⁴²

In order to counter the advance of Bozizé rebels, MLC advanced through Bangui, to PK12 and PK22, and along the Damara-Sibut road during four and a half months, beginning on 26 October

³⁸ Between 19 to 23 February, the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Central African Republic and Chad registered at least 1000 people crossing into Chad every day. See IRIN, [Central African Republic: United Nations-NGO humanitarian mission to assess situation in north](#), 25 February 2003. According to UNHCR, around 40,000 people crossed the border between the Central African Republic and Chad between November 2002 and March 2003 See Enrica Picco, *From Being Forgotten to Being Ignored*, in *Making Sense of the Central African Republic*, by Tatiana Carayannis and Louisa Lombard (Editors), 15 August 2015, pp.219-243.

³⁹ ICC, [Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March 2016, para. 405-407

⁴⁰ Ibid, paras. 408-409.

⁴¹ Ibid, paras. 410-411.

⁴² Ibid, para. 563.

2002. Until their withdrawal in March 2003, MLC elements committed crimes, following a consistent *modus operandi* in each of the locations that fell under their control. They committed widespread acts of sexual and gender-based violence and pillaging, as well as killings of civilians over a large geographical area, including in and around Bangui, PK12, PK22, Damara, Bossembélé, Boali, Yaloké and Mongoumba.⁴³ President Patassé and his entourage recognized being aware of the crimes but argued that the presence of MLC was necessary to combat the rebellion.⁴⁴

The ICC described the crimes committed by MLC elements as particularly cruel and sadistic: They raped hundreds of women and girls, sometimes not older than 10 years old, as well as boys and men.⁴⁵ Most of the rapes were committed in public or in the presence of family members, and by at least two, often more, and in some cases over 20 MLC members, against one victim. Entire families – the elderly, men, women and children – were victimized during these attacks. In addition, MLC would systematically pillage the belongings of civilians. The consequences of these attacks were far-reaching, as victims were unable to pay for medical treatment and were usually left with nothing.

The Umbrella-M’Poko prefecture

After clashes in PK22, between 10 and 15 November 2002, General Bozizé’s rebels withdrew and fled in the direction of Damara. While advancing towards Damara, MLC fired projectiles towards the town throughout an entire night. On 7 December 2002, MLC, along with forces aligned with President Patassé, seized Damara. MLC controlled the area around the city until January or February 2003.

- From January to February 2003, MLC elements committed acts of murder and rape against civilians in Damara. During their stay, they pillaged the vast majority of the houses, shops and churches, looting everything, including beds, foam mattresses, motorcycles and electrical generators.⁴⁶

By February 2003, most of the fighting was taking place around Bossembélé and along the axis

⁴³ From the early days and throughout the MLC withdrawal in March 2003, national and international media outlets, particularly the Central African newspapers *Le Citoyen*, *L’Agence Centrafrique Presse* and *Le Confident*, as well as *Radio France Internationale* (RFI), the British Broadcasting Corporation (BBC), the Associated Press (AP), IRIN and the Voice of America, consistently reported allegations that MLC were committing acts of murder, rape and pillaging against civilians.

⁴⁴ In a very telling speech, the then Prime Minister, Martin Ziguélé argued that, “*quand il y a incendie à la maison, on n’a pas besoin de voir la couleur de l’eau pour l’éteindre* » (When the house is burning, there is no need to see the colour of the water to put out the fire), to justify the MLC intervention. See *Le Citoyen*, *Bossembélé: Silence! Les Nyamamulengues de Jean-Pierre Bemba démocratisent...*, 29 January 2003.

⁴⁵ When the Prosecutor of the ICC decided to open an investigation into crimes committed in the Central African Republic in 2002-2003, he estimated that more than 500 women had been victims of rape during that period. See Jeune Afrique, *Chronologie : retour sur le procès Jean-Pierre Bemba devant la CPI*, 17 March 2016. The FIDH documented 293 cases of rape, including 272 reported to have been committed by MLC and 21 by Bozizé’s elements. See FIDH, *The political transition closes against a backdrop of impunity: How will the ICC respond?*, ([full report](#) only in French), 4 March 2005; Amnesty International also gave some figures of sexual and gender -based violence in *Five months of war against women*, 10 November 2004.

⁴⁶ ICC, *Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba*, 21 March 2016, para. 525.

leading to Bossangoa (Ouham prefecture). MLC entered Bossembélé by 24 December 2002 and maintained a presence there until at least February 2003.

- From January to February 2003, MLC soldiers committed acts of murder, rape and looting against civilians in Bossembélé. The ICC cites an internal memorandum from the Defence Ministry of the Central African Republic, dated 2 December 2002, which reported that, as a result of repeated acts of pillaging by MLC at checkpoints in Bossembélé, truck drivers would no longer operate on that axis.⁴⁷

Ouham and Ouham-Pendé prefectures

- On 13 February 2003, troops loyal to President Patassé launched a major counter-offensive against Bozizé's rebels, during which they re-took control of several towns, including Bozoum (Ouham-Pendé) and Bossangoa (Ouham). In that context, they committed killings, arrests and destroyed property, targeting civilians of Chadian origin, Muslims, and individuals suspected of supporting the rebellion of Bozizé. As a result, 20,000 persons – Chadian nationals living in the Central African Republic as well as Central African Republic nationals – fled the north of the country and crossed the border into Chad. On 21 February 2003, the spokesperson of the Government described the pogroms against Chadian nationals as “collateral damages”.⁴⁸
- From January to March 2003, the militia under the command of Miskine committed summary executions, illegal arrests, and various acts of physical violence against civilians. It targeted in particular people from the Peulh ethnic group as well as Muslim traders, in various towns of Ouham prefecture.⁴⁹

The Kémo prefecture

From Damara, General Bozizé's rebels first withdrew to Sibut in January/February 2003. In the latter half of February 2003, MLC, armed with heavy weapons, including rockets and mortars, entered Sibut, setting up roadblocks and staying in the town for about two weeks during which they were the only armed force present.⁵⁰

⁴⁷ Ibid, para. 527; Another reference to the issue of roadblocks and illegal taxation by MLC and governmental soldiers can be found in a report from the [United Nations Resident and Humanitarian Coordinator for the Central African Republic](#) published on 7 March 2003.

⁴⁸ IRIN, [République Centrafricaine: Les troupes loyalistes reprennent une ville au nord-ouest \(Bossangoa\), affirme le président Patassé](#), 20 February 2003; IRIN, [Le gouvernement rejette les allégations liées aux violations de droits](#), 20 February 2003; IRIN, [CAR: UN-NGO humanitarian mission to assess situation in north](#), 25 February 2003; AFP, [Il y a un plan d'extermination des Tchadiens en Centrafrique \(Idriss Déby\)](#), 20 February 2003; AFP, [Exactions en RCA: vif regain de tension avec le Tchad](#), 20 February 2003.

⁴⁹ FIDH, [War crimes in the Central African Republic : When the elephants fight, the grass suffers](#), February 2003; Bangui Court of Appeals, [Order for Partial Dismissal of Charges and Committal for Trial before the ICC \(Case Against Patassé, Bemba, Miskine, Barril et al\)](#), 16 September 2004; Marielle Debos, [Quand les Libérateurs deviennent des bandits: Guerre et marginalisation sociale à la frontière tchado-centrafricaine](#), in Bazenguissa-Ganga Rémy, Makki Sami (Dir.), *Sociétés en guerre. Ethnographies des mobilisations violentes*, Paris, Éditions de la Maison des Sciences de l'Homme, 2012, pp. 93-110.

⁵⁰ ICC, [Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March

- During the second half of February 2003, in Sibut, MLC committed acts of murder and rape against civilians. They also looted from the central market to areas of Tomi, Adaman, Muslim 1, 2 and 3, Mbrés, Sara, Bimaba, Darba 1 and 2, Bala, Brazza and Koda. As a consequence, many of Sibut's residents fled into the bush.⁵¹

The Lobaye prefecture

At the beginning of March 2003, FACA soldiers in Mongoumba seized goods from MLC and detained some MLC elements. In retaliation, MLC attacked Mougoumba on 5 March 2003, at a time when FACA had left the city.

- On 5 March 2003, MLC members waged a punitive attack on Mongoumba. They liberated their fellows who had been detained by FACA, and killed several civilians, including a Muslim man who had refused to give them a sheep. The MLC elements fired several shots at him, and mutilated his body until he died. They also gang-raped several women. One victim, who testified before the ICC, was raped by a total of 12 soldiers. Before leaving on 5 or 6 March 2003, the MLC elements ransacked Mongoumba and looted many private properties in addition to the local hospital, the residences of a priest and of nuns, and the Mayor's house. At the *gendarmérie*, they ransacked all the administrative documents.⁵²

Bangui

Attacks against opponents to the Government of President Patassé and journalists

After the initial offensive by Bozizé's rebels in late 2002, relations between President Patassé and the opposition worsened. The President accused opposition leaders of colluding with the attackers while the opposition denounced the atrocities committed by MLC in support of the FACA. The opposition parties called on the Government to resign and on the President to appear before the Supreme Court on charges of treason and criminal abuse of office.⁵³

It is in this climate that the security forces loyal to Patassé targeted perceived opponents, as well as journalists and human rights defenders, in Bangui. Two illustrative cases of arbitrary arrests and unlawful detention are reported below:

- On 4 February 2003, security forces arrested 82 people, including Chadian citizens, accused of supporting the coup d'état attempt of October 2002. All were released on 17

2016, para. 531.

⁵¹ ICC, *Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba*, 21 March 2016, para. 531; IRIN, *CAR: UN food agency to assist vulnerable groups in recaptured towns*, 27 February 2003.

⁵² ICC, *Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba*, 21 March 2016, paras. 536-554 and 681.

⁵³ *Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA (S/2003/661)*, 20 June 2003.

February following the visit to Bangui of the President of Chad, Idriss Déby, on 15 February, in an effort to normalize the relations between the two countries.⁵⁴

- On 20 February 2003, police arrested Marthurin Momet, the editor of the private newspaper *Le Confident*, and held him in detention in the *commissariat du port*. He was accused of threatening internal security and "inciting hatred" after publishing articles earlier that month accusing MLC of committing human rights abuses and President Patassé of failing to control them. He was released on 15 March, following the coup by General Bozizé.⁵⁵

Shortly after General Bozizé took power, Ange-Félix Patassé was charged before the Criminal Court of the Central African Republic, together with Jean-Pierre Bemba, Martin Koumtamadji alias Abdoulaye Miskine, and other co-accused, for numerous crimes including murder, deadly blows, arbitrary arrests and detentions, torture, rape, theft, and destruction of third party property.⁵⁶ But on 16 December 2004, the Indictment Chamber of the Court of Appeal in Bangui, decided that, due to the seriousness of the crimes, the accused should rather be judged by the ICC.⁵⁷

Four years later, on 24 May 2008, the ICC issued a warrant of arrest against Jean-Pierre Bemba, while no charges were pressed against the other accused, including Ange-Félix Patassé, who died in April 2011, in Douala, Cameroun.⁵⁸ While Jean-Pierre Bemba was sentenced by the ICC to 18 years of imprisonment for command responsibility regarding war crimes and crimes against humanity of murder and rape, and for the war crime of pillaging, no other MLC element was prosecuted.

2. Serious violations committed by General Bozizé's rebel forces

General Bozizé's rebels consisted of approximately 500 to 600 men, including former FACA soldiers, former combatants in previous wars in Chad, and jobless or errant youths recruited from

⁵⁴ Mapping Project interview, Bangui, 3 November 2016; IRIN, [Government frees 82 prisoners, signals easing of tension with Chad](#), 27 February 2003.

⁵⁵ Mapping Project interview, Bangui, August 2016; BONUSCA, *Internal Human Rights Report on the Central African Republic*, May 2003; Le Citoyen, *Bossembélé: Silence! Les Nyamamulengues de Jean-Pierre Bemba démocratisent...*, 29 January 2003; Reporters Sans Frontières (RSF), [Un journaliste libéré par les forces du Général François Bozizé](#), 21 March 2003; Committee to Protect Journalists, [Attacks on the Press 2003 : CAR](#), 11 March 2004. One of the incriminated articles by Marthurin Momet is available in the Mapping Project library (available on a USB device) of open sources.

⁵⁶ Bangui Court of Appeal, *Order for Partial Dismissal of Charges and Committal for Trial before the ICC (Case Against Patassé, Bemba, Miskine, Barril and al)*, 16 September 2004. Charges against these individuals have been summarized by the International Committee of Red Cross (ICRC), [CAR: Practice Relating to Rule 161. International Cooperation in Criminal Proceedings](#) as well as by the FIDH in [La FIDH et la situation en RCA devant la CPI - L'Affaire Jean-Pierre Bemba Gombo](#), July 2008.

⁵⁷ Bangui Court of Appeals, [Arrêt d'infirmité partielle de non-lieu, de disjonction et de renvoi devant la cour criminelle de la chambre d'accusation](#), 16 December 2004.

⁵⁸ On 29 August 2006, Ange-Félix Patassé was tried in absentia in Bangui and sentenced to 20 years of forced labour for fraud, but not for other violations. See Le Monde, [L'ex-président centrafricain Patassé condamné à 20 ans de travaux forcés par contumace](#), 29 August 2006.

both the Central African Republic and Chad upon promises of substantial individual financial reward. General Bozizé and his allies referred to their fighters as “*libérateurs*” or “*patriotes*”, therefore for the purpose of this report the term “*libérateurs*” will be used to refer to soldiers and mercenaries, who assisted Bozizé in his rebellion.

The “*libérateurs*” were divided into command units and each had a commanding officer. General Bozizé’s son, Francis Bozizé, handled logistics and Parfait Mbay acted as the group’s spokesperson. General Bozizé’s rebels possessed military equipment, such as communications devices and weapons, some of which had been stolen from the FACA, and vehicles. Although some wore military uniforms, many were dressed in civilian clothing. The Government of Chad provided some logistical support to these men, including uniforms, arms, ammunition and vehicles. General Bozizé’s rebels were not paid, were undisciplined, and received minimal, if any, training.⁵⁹

From January to February 2003, before taking over Bangui on 15 March, Bozizé’s rebels gained control of cities in the centre and the northwest, such as Markounda (Ouham), Sibut (Kémo) and Damara (Ombella-M’Poko). During this period, Bozizé’s rebels were identified by numerous sources as being the perpetrators of killings and rapes of civilians, and of widespread looting.⁶⁰

- From January 2003, as Bozizé’s “*libérateurs*” began taking control of further locations in the Northwest, they killed an undetermined number of civilians and looted property in the areas around Markounda. Over 3,000 people consequently fled Markounda from January 2003 and were found by UNHCR in the bush.⁶¹
- In 2003, Bozizé’s “*libérateurs*” attacked and looted the religious institutions of Sibut, including the *Petit séminaire*, the *Sainte-Famille* congregation, and the Baptist Biblical Institute. The rebels shot at two sisters of the *Sainte-Famille* congregation and injured one member of the *Petit séminaire*. They stole all valuable goods they could find, including

⁵⁹ ICC, [Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March 2016, para. 450.

⁶⁰ United States of America, Department of State, [Country Reports on Human Rights Practices](#), 2003. In February 2003, Central African refugees coming from Makourda reported that they had to flee when rebels had taken the control of their region, killing and looting civilians at the same time. See AFP, [Des milliers de Tchadiens et Centrafricains fuient la RCA vers le Tchad](#), 21 February 2003. See FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond? \(Full report only in French\)](#), 4 March 2005; ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007. The report *Global Justice Meets Local Civil Society: The ICC’s Investigation in the CAR* notes that killings, maltreatment, pillage, destroying of already limited public infrastructure and burning of many villages were observed on both sides, namely on Bozizé’s and Patassé’s sides. See Marlies Glasius, *Global Justice Meets Local Civil Society: The ICC’s Investigation in the CAR*, Volume 33, No. 4, October-December 2008, p. 415.

⁶¹ AI, [Five months of war against women](#), 10 November 2004; FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), October 2006; AFP, [Exactions en RCA: vif regain de tension avec le Tchad](#), 20 février 2003; PANA, [Mgr Paulin Pomodimo nommé à la tête de l’archidiocèse de Bangui](#), 26 July 2003. Mgr Paulin Pomodimo, who was the Catholic Archbishop of Bossangoa during the attack on the town by Bozizé’s rebels was later appointed Archbishop of Bangui. During a courtesy visit by the new President Bozizé, Mgr Paulin Pomodimo explained that the Church needed compensation for the « very heavy price » paid during his rebellion, specifying that the entire Church dioceses had been pillaged and all their belongings systematically stolen off to Chad by Bozizé’s rebels.

vehicles, petrol, money and office supplies. They also pillaged the local pharmacy and threatened the local hospital staff.⁶²

Sexual and gender-based violence

From January to March 2003, Bozizé's elements raped an undetermined number of women and girls in the towns they had captured. The *Fédération internationale des droits de l'Homme* (FIDH) documented 293 cases of rape during this period, out of which 21 (7 per cent) were reported to have been committed by Bozizé's troops.⁶³

- For instance, in January and February 2003, Bozizé's rebels raped four women in Sibut. One of the victims was raped in front of her father, a senior Government official.⁶⁴
- Bozizé's "*libérateurs*" also raped an undetermined number of women in Damara after capturing the town in February 2003. Similar incidents were reported in Kaga-Bandoro (Nana-Gribizi) and Bossangoa (Ouham).⁶⁵

B. Serious violations committed following the 15 March 2003 coup d'état

After his coup on 15 March 2003, self-declared President Bozizé suspended the Constitution and dissolved the Government and the National Assembly. On 23 March, François Bozizé appointed Abel Goumba as Prime Minister. The latter appointed new ministers a week later.⁶⁶

On 16 March, the Government of Chad deployed soldiers in Bangui to support Bozizé. The Chadian soldiers then proceeded to the disarmament of the "*libérateurs*", seizing weapons and stolen vehicles from them. Some of the "*libérateurs*" while being notorious for carrying out extrajudicial executions as well as forced disappearances, torture and rape against a large number of civilians, became a constituent part of the national security forces, including the FACA, and were. The pervasive impunity the security forces benefitted from in the following years, notably the Presidential Guards and several renowned ex-rebels who had been integrated into the Army at the rank of lieutenants, seems to indicate that the highest Government authorities were informed and provided cover for their actions.

Those who were not integrated in the security forces were not properly demobilized. Instead, in April 2004, Bozizé ordered the disbursement of individual cash payments to them after which they were escorted from Bangui to the border with Chad, where they committed abuses against

⁶² Mapping Project interview, Sibut, Kémo, August 2016; BONUCA, *Internal Human Rights Report on the Central African Republic*, May 2003.

⁶³ FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond? \(Full report only in French\)](#), 4 March 2005.

⁶⁴ Mapping Project interview, Sibut, Kémo, August 2016; AI, [Five months of war against women](#), 10 November 2004.

⁶⁵ Mapping Project interview, Damara, 29 September 2016; AI, [Five months of war against women](#), 10 November 2004.

⁶⁶ FIDH, [Quelle justice pour les victimes de crimes de guerre?](#), 27 February 2004.

the population.⁶⁷ From that period on, Bozizé's inability to control the "ex-libérateurs" caused a deterioration of the security situation in the entire country.

During the period under review, detention conditions in the entire country amounted to cruel, inhuman and degrading treatment, and led to a large number of deaths. Prison cells in the entire country were overcrowded, and basic necessities, including food, clothing and medicine, were in short supply or were often confiscated by prison officials for their personal use. Prison conditions outside of Bangui were generally worse, and most of these prisons were completely destroyed during the fighting in 2002 and 2003.⁶⁸

1. Bangui

In March 2003, the "libérateurs" of General Bozizé attacked the northern suburbs of Bangui and occupied the neighbourhoods of Boy-Rabe, Fouh, Combattant, Galabadja 1, 2, 3, Miskine, Malimaka, Gobongo and Avenue des Martyrs between PK 4 et PK12. They captured the main road linking the residences of the President and the Prime Minister, as well as the headquarters of the ruling party, the *Mouvement de libération du peuple centrafricain* (MLPC).

Pillaging

Bozizé's accession to power was accompanied by a wave of pillaging, in what was apparently a form of reward for the war efforts of his supporters. Valuable booty was mostly taken northwards, especially across the border to Chad.⁶⁹

- In the days that followed the coup d'état of 15 March 2003, the "libérateurs", as well as civilians, committed widespread looting in Bangui targeting the residences of former authorities (Head of State, Prime Minister, Speaker of the Parliament, ministers), ministries (including the office of the Prime Minister) and utilities (the national telecommunications company, Socatel). They also looted offices of some United Nations agencies, funds and programmes [such as from the World Health Organization (WHO) and the World Food Programme (WFP)], residences of United Nations personnel [including those of the representatives of the United Nations International Children's Emergency Fund (UNICEF) and UNHCR and of five staff members of the *Bureau des Nations Unies pour la consolidation de la paix en République centrafricaine*

⁶⁷ Jeune Afrique, *François Bozizé dit tout (ou presque), Entretien accordé à François Soudan* 3 November 2004. In this interview, Bozizé acknowledges having personally made payments to the « ex-libérateurs » to settle their accounts for the war effort. Marielle Debos, *Fluid loyalties in a regional crisis: Chadian 'ex-liberators' in the CAR*, *African Affairs*, 107/427, 225–241 (2008), Marielle Debos, *Quand les Libérateurs deviennent des bandits: Guerre et marginalisation sociale à la frontière tchado-centrafricaine*, 2008.

⁶⁸ *Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA (S/2004/496)*, 16 June 2004 ; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA (S/2005/414)*, 27 June 2005; United States of America, Department of State, *Country Reports on Human Rights Practices, 2003, 2004 and 2005*.

⁶⁹ BONUCA, *Internal Human Rights Report on the Central African Republic (in French)*, May 2003; The ACLED database cites an article of the *Agence France Presse* (AFP) which reported: "Extensive civil unrest and looting in the wake of Bozizé's coup. Hospitals later report as many as 50 killed and hundreds wounded in the attack and ensuing unrest." See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

(BONUCA)]. Some diplomatic and consular missions as well as newspapers' headquarters were also targeted. Hundreds of vehicles belonging to the Government, companies and individuals were stolen and some were driven north.⁷⁰

- Around 20 March 2003, the “*libérateurs*” as well as civilians stormed the warehouse complex of the WFP and carried off 1,800 tons of food in one night. WFP subsequently suspended its food delivery into the country until July 2003 due to insecurity both on the roads and at distribution sites.⁷¹

Extrajudicial executions, forced disappearances, torture, rape, arbitrary arrests and detentions

There are numerous reports about violations of human rights committed by security forces during that period, notably by the *Office central de répression du banditisme* (OCRB), a special anti-banditry police squad and by the Security Investigation Division – the *Section d'enquête, de recherche et de documentation* (SERD)- a military intelligence unit which operated as part of presidential security services, as well as by the Presidential Guard. The following illustrative cases of are only a few examples of this pattern:

- During the 15 March coup, the “*libérateurs*” killed three Congolese soldiers from the FOMUC peacekeeping force at the residence of President Patassé, as well as five unidentified individuals. Several people were also injured.⁷²
- From March 2003 to May 2005, the police and other of the above-mentioned security forces killed an undetermined number of civilians and committed armed robbery. Family members of victims and human rights groups, such as the *Action des Chrétiens pour l'abolition de la torture* (ACAT) and the Central African Human Rights League (LCDH) denounced these acts and filed complaints regarding the death of several prisoners due to police abuses.⁷³
- From March 2003 to May 2005, members of the OCRB used the pretext of alleged involvement in banditry to target ordinary citizens in order to settle personal scores. They

⁷⁰ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2003/661\)](#), 20 June 2003; AFP, [La normalisation se poursuit à Bangui](#), 19 March 2003 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2003 ; RSF, [Rapport annuel 2004](#), 3 May 2004 ; Bruno Martinelli, [La mémoire de la violence en Centrafrique](#), 11 June 2014 ; ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

⁷¹ IRIN, [Hungry crowds loot WFP warehouses](#), 20 March 2003; IRIN, [WFP suspends food delivery to Bangui due to insecurity](#), 11 April 2003.

⁷² United States of America Department of State, [Country Reports on Human Rights Practices](#), 2003; AFP, [Trois soldats congolais de la force de la CEMAC tués à Bangui](#), 16 March 2003.

⁷³ The annual reports of the Bureau of Democracy, Human Rights and Labour, of the United States of America Department of State for the years [2003](#), [2004](#) and [2005](#) mention several reports by various human rights organizations, such as ACAT and LCDH, sharply criticizing “*the police and other security forces, and accused the security forces of terrorizing the population, killing civilians and committing armed robbery.*” In February 2005, LCDH reportedly “*published a list of abuses committed by security force members and accused Bozizé of indifference to the problem; this provoked justice minister Zarambaud Assingambi to order an investigation and legal pursuit of the perpetrators. But immediate results have been limited.*” The Mapping Project team tried on several occasion to find copies of these reports, without success.

imprisoned them without respecting the basic rights of the accused, and were responsible for several extrajudicial killings and deaths resulting from torture. OCRB elements committed such crimes with tacit Government support and some popular approval, partly because their actions were seen as an effective means of reducing crime. OCRB members would often apprehend suspected armed robbers, bandits and thieves after conducting informal, undocumented investigations. They transported some of their victims to Cattin, a town located five kilometres southwest of Bangui, where they shot and killed them. They then used open-air jeeps to drive the dead bodies through town in broad daylight (to exhibit the dead as a supposed deterrent to crime and to spread fear) before depositing the bodies at a morgue.⁷⁴

- On 16 March 2003, a student of the *Lycée Boganda*, who was a supporter of MLPC, the party of ousted President Patassé, was killed by security forces.⁷⁵ Several sources indicated that other MLPC party members or persons associated with the former regime, were harassed or assaulted by State agents in the weeks after the coup d'état.⁷⁶
- On 28 October 2003, five Presidential Guard elements gang-raped a woman at the barracks of the SERD, in Bangui. She had been apprehended in the street by patrolling security forces. Her husband, who went to the SERD barracks to request her release, was severely beaten and tortured. After the victim reported the rape to the media, the five men and two of their accomplices were arrested and dismissed from the army. The head of the Presidential Guard, Louis Mazangue, was dismissed but was named prefect of Haut-Mbomou. In January 2004, the permanent military tribunal sentenced the five former Presidential Guards to five years of imprisonment. However, some of them "escaped" while being held in police detention for questioning, or were freed by other soldiers or security agents, according to several human rights organizations.⁷⁷

On 12 November 2003, the Government announced the disbandment of the SERD claiming this was due to reported human rights violations. However, the SERD continued to exist as the *Section de recherche et d'investigation* (SRI) and its elements continued to commit serious

⁷⁴ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2003; FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond? \(Full report only in French\)](#), 4 March 2005 ; Small Arms Survey, [The Central African Republic and Small Arms - A Regional Tinderbox](#), December 2008 ; HRW, [Police Unit Killed 18 in Cold Blood - Investigate Former Commander Implicated in Abuses](#), 27 June 2016.

⁷⁵ BONUCA, [Internal Human Rights Report on the Central African Republic](#), May 2003; Le Citoyen, [La vie est-elle sacrée en Centrafrique ? Où sont passés les corps d'Apollinaire et Alfred ?](#), 13 September 2004.

⁷⁶ BONUCA, [Internal Human Rights Report on the Central African Republic](#), May 2003; IRIN, [CAR: Army promises crackdown on crime](#), 23 May 2003 ; Bureau of Democracy, Human Rights and Labour, United States of America Department of State, [Country Reports on Human Rights Practices](#), 2003 ; AFP, [Quatre des huit membres du MLPC arrêtés dimanche à Bangui remis en liberté](#), 9 juin 2003 ; AFP, [Un ex-ministre du président Patassé frappé et menacé par un fils Bozizé](#), 9 juin 2003.

⁷⁷ United States of America, Department of State, [Country Reports on Human Rights Practices](#), 2003 and 2004; AFP, [Cinq ans ferme pour cinq soldats centrafricains coupables de viol](#), 10 January 2004 ; IRIN, [Cinq anciens gardes présidentiels condamnés à cinq années de prison pour un viol collectif](#), 12 January 2004 ; FIDH, [Quelle justice pour les victimes de crimes de guerre](#), 27 February 2004, p. 51 ; AI, [Five months of war against women](#), 10 November 2004 ; IRIN, [The legacy of rape](#), 9 January 2007.

human rights violations.⁷⁸

- During the night of the 2 to 3 December 2003, SRI elements tortured and extrajudicially executed three members of a citizens' self-defence committee from Cattin Nord. The victims were arrested, with one or two additional individuals, after trying to apprehend suspected robbers in their neighbourhood. Their bodies were found in the Ndrès cemetery of Bangui. A fourth man was seriously wounded.⁷⁹
- In December 2003, SRI elements arbitrarily arrested and detained two brothers, army Colonel Danzoumi Yalo, Head of Bozizé's close protection team, and Sani Yalo. They were accused of involvement in a plot against the Government. They remained in detention until March 2004 and were released without charge.⁸⁰
- On 1 January 2004, bodyguards of first lady Monique Bozizé used disproportionate force and killed two persons and wounded several others. The bodyguards had been overwhelmed by the crowd as the first lady, who was visiting a hospital in Boy-Rabe, was distributing 500 CFA francs bills.⁸¹

At the beginning of January 2004, United Nations Secretary-General Kofi Annan stated that he was "gravely concerned" by the re-emergence of violations of the right to life, rapes and hold-ups in the hinterland of the Central African Republic and in Bangui.⁸² This concern was echoed by Central African civil society. On 13 January, in Bimbo, the Central African Conference of Bishops denounced multiple violations committed by Bozizé's armed men since his coup.⁸³ During 2004, the LCDH accused the security forces of terrorizing the population, killing civilians and committing armed robbery with impunity.⁸⁴ The following incidents illustrate this pattern:

- On 17 April 2004, security forces killed eight Chadian "*ex-libérateurs*". The ex-combatants had staged violent demonstrations, looted a dozen homes in a suburb of Bangui, and demanded payment from President Bozizé for their support during the

⁷⁸ IRIN, *Government disbands presidential intelligence unit*, 13 November 2003; Small Arms Survey, *The Central African Republic and Small Arms – A Regional Tinderbox*, December 2008.

⁷⁹ Le Citoyen, *La LCDH exige la traduction en justice des soldats terroristes et le retrait des éléments non conventionnels tchadiens*, 9 December 2003 ; Small Arms Survey report, *The Central African Republic and Small Arms – A Regional Tinderbox*, December 2008; AFP, *L'exécution de trois jeunes gens: un "acte ignoble" (gouvernement)*, 5 December 2003. The ACLED database cites two articles (by AFP and All Africa) regarding this incident. See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁸⁰ AFP, *Les frères Yalo "enlevés" et emmenés vers des lieux inconnus (avocat)*, 3 January 2004 ; La Lettre du Continent, *Les frères Yalo au camp de Roux*, 8 January 2004 ; AFP, *Le président Bozizé reçoit Danzoumi Yalo, ex-responsable de sa sécurité*, 23 avril 2004 ; AI, *Annual Report 2005*, 23 May 2005.

⁸¹ AFP, *La visite de Mme Monique Bozizé à Boy Rabe tourne au drame: 2 morts*, 5 January 2004 ; AFP, *Les évêques centrafricains dénoncent les exactions des "hommes en tenue"*, 13 January 2004. The ACLED database on the CAR cites two articles (Pan Africa News and Panapress) for this incident. See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>. Ironically, this incident happened hours after the new year's speech of President Bozizé, in which he proclaimed that 2004 would be the year of the revival of security ("*2004 sera l'année de la renaissance de la sécurité*").

⁸² IRIN, *Annan "gravely concerned" about rampant insecurity*, 7 January 2004.

⁸³ AFP, *Les évêques centrafricains dénoncent les exactions des "hommes en tenue"*, 13 January 2004.

⁸⁴ United States of America Department of State, *Country Reports on Human Rights Practices*, 2004.

rebellion. The President had promised each “*ex-libérateur*” the payment of premiums for their efforts as well as a “laissez-passer” allowing them to return to Chad.⁸⁵

- On 23 May 2004, members of the Presidential Guard beat a Chadian trader to death. The man had been arrested after threatening the police with a knife when they were trying to search him. The killing triggered demonstrations by Chadian traders in PK5 on the following day.⁸⁶

These incidents targeting Chadian nationals, in particular “*ex-libérateurs*”, reflected the tensions that existed between Central African nationals – both civilians and members of the security forces - and Chadian nationals, who were accused of committing repeated attacks against the population, by taking advantage of their presence in President Bozizé’s security apparatus.⁸⁷

- On 6 September 2004, members of the Presidential Guard tortured and executed two men, Alfred Mamadou and Appolinaire Marzanne, whose bodies were found on 16 September in M’Poko River, near Bangui. After the case was reported by the local media, the head of the Presidential Guard, Lieutenant Célestin Dogo, was arrested, and François Bozizé signed a decree dismissing him from the security forces. However, Dogo was released from detention and remained free. There are numerous credible reports that Dogo continued to serve in the security forces despite his official dismissal, and many organizations alleged he continued to commit violations against civilians.⁸⁸

Attacks against journalists

The right to freedom of expression was systematically curtailed by Bozizé’s Government. From 15 March 2003 to 21 June 2005, security forces harassed journalists and human rights activists,

⁸⁵ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2004/496\)](#), 16 June 2004 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2004 ; The ACLED database cites two articles (by BBC and All Africa) regarding this incident See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁸⁶ AFP, [Les Tchadiens ferment boutique à Bangui après la mort d'un des leurs](#), 24 May 2004 ; AFP, [La police tire en l'air pour disperser une manifestation de Tchadiens](#), 24 May 2004.

⁸⁷ Le Citoyen, [La LCDH exige la traduction en justice des soldats terroristes et le retrait des éléments non conventionnels tchadiens](#), 9 December 2003.

⁸⁸ United States of America Department of State, [Country Reports on Human Rights Practices, 2004](#) and [2005](#); Le Citoyen, [La vie est-elle sacrée en Centrafrique ? Ou sont passés les corps d'Appolinaire et Alfred ?](#), 13 September 2004 ; AFP, [Deux disparitions en RCA : un membre de la sécurité présidentielle arrêté](#), 14 September 2004 ; Panapress, [Arrestation d'un responsable de la sécurité présidentielle en RCA](#), 14 September 2004 ; FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond?](#), (full report only in French), 4 March 2005; RSF, [Un ancien membre de la garde présidentielle insulte et menace le correspondant de RSF](#), 6 January 2006 ; Le Confident, [15 mars 2003-15 mars 2006 : Situation catastrophique des droits de l'homme en RCA](#), 15 March 2006 ; HRW, [State of Anarchy](#), 14 September 2007 ; FIDH, [Forgotten, Stigmatised : the double suffering of victims of international crimes](#), 12 October 2006 ; ACAP, [Les obsèques de Jean-Célestin Dogo](#), 13 June 2006 ; Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013. In late May 2006, Dogo was killed by a rebel ambush during a military mission in the Vakaga Prefecture. The fact that President Bozizé attended his funeral triggered criticism by civil society against the Government for failing to ensure that Dogo had no longer operated in the security forces and for failing to combat impunity within the security forces. See United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006.

sometimes physically or verbally, using threats against them. Journalists faced stark challenges, including a harsh press law that allowed journalists to be criminally prosecuted for their writing. Based on this law, several journalists were arrested and subjected to prison sentences.⁸⁹

- On 18 May 2003, in the southwestern city of Mbaïki (Lobaye), police arrested and detained Michel Ngokpélé, publishing director of the privately-owned newspaper *Le Quotidien de Bangui*. The arrest followed the publication, earlier that month, of an article in *Le Quotidien de Bangui* detailing acts of corruption and embezzlement at the Mbaïki hospital with the complicity of a local prosecutor and a police commissioner. On 26 June, a court sentenced Ngokpélé to six months of imprisonment, with no parole, for defamation and "incitement to ethnic hatred."⁹⁰
- On 11 July 2003, security forces arrested Ferdinand Samba, publisher of the independent daily *Le Démocrate*, on accusations of inciting panic and disseminating "alarming and incorrect information." He was interrogated about an article published on 8 July which reported that rebels loyal to former President Patassé had launched an attack on the city of Kaga-Bandoro. Ferdinand Samba was released on 15 July 2003 and was not charged with any offence.⁹¹
- On 8 July 2004, security forces arrested Maka Gbossokotto, director of the independent newspaper *Le Citoyen* and correspondent for the NGO *Reporters sans Frontières* (RSF). Gbossokotto was charged with "insulting the head of State," and detained for one month. He was later sentenced to a one year suspended sentence.⁹² In protest against the arrest of Maka Gbossokotto, all private newspapers suspended their publications from 12 to 19 July 2004.⁹³

2. The Northwest

Between late 2003 and 2005, the former companions-in-arms of President Bozizé – the “*ex-libérateurs*”, who had been escorted to the north of the country, along the border with Chad, joined armed gangs engaged in armed highway banditry (“*coupeurs de route*”) and attacks against rural communities in the Ouham and Ouham-Pendé prefectures. Their arrival in the North, from late 2003, was associated with a steep rise in armed attacks by groups of bandits, as

⁸⁹ Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013.

⁹⁰ Mapping Project interview, Mbaïki, 22 September 2016; United States of America, [Country Reports on Human Rights Practices](#), 2003.

⁹¹ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2003 ; AFP, [Libération du directeur de publication du quotidien Le Démocrate](#), 15 July 2003 ; Committee to Protect Journalists, [Attacks on the Press in 2003 - CAR](#), February 2004 ; RSF, [Rapport annuel 2004](#), 5 May 2004.

⁹² RSF, [Maka Gbossokotto condamné à un an de prison avec sursis](#), 9 May 2004 ; *Le Citoyen*, [Maka-Gbossokotto aux arrêts à la SRI](#), 9 July 2004 ; Panapress, [Le procès du journaliste Maka Gbossokotto s'ouvre à Bangui](#), 16 July 2004 ; RSF, [Le parlement dépénalise les délits de presse](#), 26 November 2004.

⁹³ Panapress, [Newspapers in Senegal and the CAR suspended publication to protest the jailing of leading journalists](#), 14 July 2004 ; RSF, [Le parlement dépénalise les délits de presse](#), 26 November 2004.

well as cattle-rustling. During such attacks, an undetermined number of civilians were killed and wounded.

- In the Northwest, these groups of armed highway bandits organized attacks against the Peulh cattle-herding community, which resulted in the displacement of thousands of people. For instance, in April 2005, almost 3,000 cattle-rearing Peulh fled the Central African Republic to northern Cameroon.⁹⁴

3. The Northeast

The Bamingui-Bangoran prefecture

After 15 March 2003, President Bozizé deployed FACA elements to the Bamingui-Bangoran prefecture. While the Mapping Project team did not document many cases complying with the gravity scale it set, some serious incidents took place:

- For instance, in March 2003, six FACA soldiers raped a 15-year-old girl from the Artisan neighbourhood of Ndélé. The victim was subsequently taken care of by Senegalese staff of Ndélé's catholic mission.⁹⁵

The Vakaga prefecture

In September and November 2004, armed men believed to be members of the Sudan People's Liberation Army (SPLA) rebel group attacked the town of Birao, amidst recurrent tribal disputes between Sudanese poachers and herders, and inhabitants of the Vakaga.

- In September 2004, during their attack on the town of Birao, armed men believed to be members of SPLA killed approximately 20 civilians. The FACA subsequently intervened and regained control of the town.⁹⁶
- During the night of 19 November 2004, armed Sudanese men believed to be members of SPLA attacked FACA elements based in Birao, killed approximately four civilians and injured many others. It was reported that 16 SPLA fighters and one FACA element died. SPLA also seized arms, munitions and vehicles from FACA.⁹⁷

⁹⁴ IRIN, [République centrafricaine : Dossier spécial sur le DDR des anciens combattants](#), 9 December 2003; UNHCR, [CAR: Insecurity in the Region bordering Cameroon](#), June 2005; IRIN, [8 000 Centrafricains se réfugient au sud du Tchad](#), 16 June 2005.

⁹⁵ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016.

⁹⁶ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond?](#), (full report only in French), 4 March 2005; FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), October 2006.

⁹⁷ FIDH, [The political transition closes against a backdrop of impunity: How will the ICC respond?](#), (full report only in French), 4 March 2005, p. 7; AFP, [République Centrafricaine: Seize morts dans l'attaque de la ville de Birao](#), 21 Novembre 2004; Journal de Bangui, [Intégration - Comprendre la guerre civile en République centrafricaine](#), 18 January 2013.

CHAPTER II - 9 MAY 2005 – 20 DECEMBER 2008: CHALLENGE TO BOZIZÉ’S RULE

The period, from 9 May 2005 to 21 June 2008, covers multiple armed conflicts that followed the election of François Bozizé as President, in May 2005, as several armed groups launched insurrections with the aim of overthrowing him. During this period, extensive human rights and international humanitarian law violations and abuses took place. Efforts to end these armed conflicts culminated in the signing of a comprehensive Peace Agreement in Libreville, on 21 June 2008, and the holding of an Inclusive Political Dialogue from 8 to 20 December 2008, in Bangui.

On the political front, former President Patassé – in exile since he was ousted – was not allowed to participate in the presidential elections organized in May 2005. While multiple candidates were initially declared ineligible to take part in the poll by electoral and judicial bodies, only Ange-Félix Patassé was eventually barred from contesting on the basis that he had to respond for crimes committed during his presidency. The presidential elections of May 2005 were generally considered by international observers to be free and fair and resulted in the election of Bozizé.⁹⁸

Critics of Bozizé’s government were concerned that he failed to fulfil his pledge to make the judiciary independent, respect human rights, exercise power democratically and promote financial transparency as President Bozizé soon monopolized power by appointing family members and other close associates to key Government and security positions.⁹⁹ This nepotism contributed to providing excuses for some opponents to take up arms rather than trying to win a majority through democratic means. In turn, armed dissidence was used by the regime to justify the reliance of President Bozizé on his family and his Gbaya ethnic group.¹⁰⁰

Within six months of the election, a new rebellion started in former President Patassé’s northwestern stronghold of Ouham-Pendé prefecture. The rebellion included four armed groups: the *Union des forces républicaines* (UFR) of Lieutenant Florian Ndjadder, a former FACA officer; the *Armée populaire pour la restauration de la démocratie* (APRD), led by Lieutenant Jean-Jacques Larmassoum, who had deserted the FACA; the *Mouvement patriotique pour la restauration de la République Centrafricaine* (MPRC), led by Stève Guéret; and the *Front démocratique du peuple centrafricain* (FDPC) of Martin Koumtamadji (alias Abdoulaye Miskine), who had previously commanded a militia supporting President Patassé.¹⁰¹

In early 2006, another insurrection sprang up in the extreme northeast of the country, in the Vakaga prefecture, a region historically neglected by the authorities and with more ties with Chad and South Darfur. This insurrection was led by an armed group known as the *Union des forces démocratiques pour le rassemblement* (UFDR), led by Zacharia Damane, and comprised mainly

⁹⁸ The election was observed by 297 national and international observers working under the technical coordination of the *Organisation internationale de la francophonie*. In their joint report, the observers concluded that despite some shortcomings, the electoral process had been free, reliable, fair and transparent. However, during the electoral campaign, harassment, threats, intimidation and cases of abuse of authority by elements of law enforcement agencies were observed See [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2005/414\)](#), 27 June 2005, paras. 2 and 5.

⁹⁹ ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

¹⁰⁰ T. Carayannis and L. Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015, p. 5.

¹⁰¹ ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

of “*ex-libérateurs*”, former armed supporters of Bozizé whom he had discarded after seizing power. Many of these fighters were veterans of the conflicts in neighbouring Chad and the Darfur region of the Sudan.¹⁰²

During this period, clashes between rebels and Government security forces engendered a political, military, human rights and humanitarian crisis characterized by killings of unarmed civilians, sexual and gender-based violence, widespread banditry and abductions. Hundreds of thousands of civilians were internally displaced or fled to neighbouring countries due to this violence.¹⁰³ Government security forces perpetrated indiscriminate reprisals against civilians, especially in the northwest, where the population was accused of supporting rebels because they belonged to the same ethnic groups as the rebel leaders. Moreover, Government forces as well as rebel groups recruited children to serve as soldiers in the areas of armed conflict.¹⁰⁴

This sharp deterioration of the security and humanitarian situation was compounded by cross-border arms proliferation and instability in Chad and Darfur. Despite the presence of almost 400 peacekeeping soldiers from neighbouring member countries of the CEMAC, lawlessness persisted in large swaths of the country, particularly in the north, and analysts estimated that during this period only a small fraction of the territory was under State authority.¹⁰⁵

Military pressure from armed groups and calls by the international community to end the armed conflict forced President Bozizé to grudgingly agree to negotiate ceasefires and peace agreements with the armed groups. The first of these agreements was a peace accord signed in Birao, on 2 February 2007, with the FDPC. This was followed by a peace agreement signed with the UFDR on 13 April 2007. Over a year later, on 9 May 2008, the Government signed a ceasefire agreement with the APRD in Libreville. However, none of these agreements were effectively implemented, nor did they end the armed conflict. In virtually all cases, the signing of a peace agreement with an armed group led to the emergence of splinter factions within it, which would continue to wage war against the Government.¹⁰⁶

However, on 21 June 2008, the Government and two major armed groups – the APRD and the UFDR - signed a Comprehensive Peace Agreement in Libreville, which the FDPC subsequently adhered to. Sensing a weakened Bozizé, both the armed and political opposition demanded an inclusive national dialogue as a means to have a share in the political outcome, and possibly to remove Bozizé from power and establish a transitional Government of national unity.¹⁰⁷ Preparations for the dialogue came to an abrupt halt in August 2008 after the Government tabled three draft amnesty laws which the opposition deemed to aim at favouring and granting total impunity to the Government of President Bozizé and the national security forces.¹⁰⁸

¹⁰² ICG, *Central African Republic: Anatomy of a Phantom State*, 13 December 2007.

¹⁰³ *Report of the Secretary-General on Chad and the Central African Republic (S/2006/1019)*, 22 December 2006. It was reported that “sexual violence against women, but also men, seems to be a lasting legacy of the 2002 and 2003 rebellions (...)”. One reliable source reported tens of cases of sexual violence perpetrated in 2006 (para. 49).

¹⁰⁴ *Report of the Secretary-General on Chad and the Central African Republic (S/2006/1019)*, 22 December 2006, para. 50.

¹⁰⁵ United States of America Department of State, *Country Reports on Human Rights Practices*, 2007.

¹⁰⁶ ICG, *Untangling the Political Dialogue*, 9 December 2008.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Report of the Secretary-General on the Situation in the Central African Republic and the activities of BONUCA*

In October 2008, the National Assembly adopted an amnesty law covering all offences committed by all parties to the conflict between 15 March 2003 and 13 October 2008, except for “crimes of genocide, crimes against humanity and war crimes” or any crime “falling under the jurisdiction of the ICC”. This law specifically granted amnesty to former President Patassé, the head of the APRD, Jean-Jacques Demafouth, and to the leader of the FDPC, Martin Koumtamadji (alias Abdoulaye Miskine) for embezzlement of public funds and assassinations, killings and complicity in killings. The law also resulted in the release of persons who had been held in detention for participating in rebel groups. However the amnesty for rebel fighters was contingent upon the fulfilment of certain conditions, including the commencement of a disarmament, demobilization and reintegration process within 60 days following the promulgation of the law, which did not happen.

In October 2008, Sylvain Ndoutingaï, the Minister of Mines - and a nephew of President Bozizé - launched Operation Closing Gate, which was in principle an operation to close all illegal diamond trading centres and establish State control of the sector. However, the operation was a means to establish a monopoly for diamond traders close to the regime. This “State hold-up”, had a major impact on the sector and deepened the grievances of diamond collectors against the regime and their readiness to overthrow it. Some of the aggrieved diamond dealers later funded the Séléka rebellion while some miners joined in as combatants.¹⁰⁹

The Inclusive Political Dialogue (8-20 December 2008)

The Inclusive Political Dialogue, held from 8 to 20 December 2008 in Bangui, brought together almost 200 participants including representatives of six national entities: the presidential majority in the national assembly, rebel movements, opposition parties, non-aligned parties, the civil service and civil society. Also in attendance were national and international observers, representatives of the country’s major religions and other CAR personalities. Participants agreed on a broad set of recommendations to constitute a road map for better governance, improved security, revitalized economic growth and fair legislative and presidential elections in 2010 (which were later postponed to 2011).¹¹⁰

The amnesty law passed in October 2008 further entrenched impunity, which remained the rule during the period under consideration, with serious violations and abuses of human rights and international humanitarian law committed by armed groups and the security forces, particularly by members of the Presidential Guard, totally unpunished or sanctioned by perfunctory disciplinary measures.¹¹¹ The police, particularly elements of OCRB and SRI¹¹², also committed

[\(S/2008/733\)](#), 26 November 2008.

¹⁰⁹ ICG, [CAR: Priorities of the Transition](#), 11 June 2013.

¹¹⁰ ICG, [Keeping the Dialogue Alive](#), 12 January 2010.

¹¹¹ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2006/441\)](#), 27 June 2006; [Report of the Secretary-General on Chad and the Central African Republic](#), 22 December 2006, para. 50; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions-mission to the Central African Republic \(A/HRC/11/2/Add.3\)](#), 27 May 2009; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008.

¹¹² For a more detailed description of the OCRB structure, see Part I of this report.

extrajudicial killings, beatings, torture, rape as well as other abuses of suspects and detainees.¹¹³ Furthermore, Government officials often made threats against human rights defenders and independent journalists, especially those denouncing corruption by State agents.¹¹⁴

Between 9 May 2005 and 20 December 2008, the Government's use of arbitrary arrests and unlawful detentions against persons suspected of supporting the on-going rebellion in the north of the country increased significantly. Suspects would face prolonged pre-trial detention and denial of the right to a fair trial before an independent and impartial tribunal. Conditions in prisons and detention centres – both gazetted and ungazetted - remained harsh and life-threatening, with the situation outside Bangui being generally worse. Human rights monitors documented many instances of inhumane conditions of detention. For instance, detainees at police stations were kept chained to each other to prevent escapes. They were held in cells without access to water, aeration, or toilets, and without the possibility of getting external medical care. Moreover, people were arrested as a means to secure the surrender of their relatives who had evaded arrest.¹¹⁵

A. Bangui

Arbitrary arrests and illegal detention of political opponents

As a result of the armed conflict in the north of the country, security forces cracked down on persons suspected of being linked to the rebellion, against family members of leaders of the rebellion, and for other arbitrary reasons.

- Between February and May 2006, the authorities arbitrarily arrested more than 40 people, including relatives or personal friends of the Government's opponents living abroad, as well as members of former President Patassé's ethnic group or political party. Most of them were held incommunicado for several weeks, notably at SRI premises, without charge and without access to their families, lawyers or medical care. Many detainees were subsequently charged with endangering the internal security of the State and, for some, participation in armed groups. Some of the detainees were reportedly threatened with death.¹¹⁶

¹¹³ [Report of the Secretary-General on Chad and the Central African Republic \(S/2006/1019\)](#), 22 December 2006, para. 25 and 47; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2007/697\)](#), 5 December 2007, para. 47; HRW, *State of Anarchy*, 2007; Le Confident, *Le régime de Bangui bafoue les droits humains*, 26 January 2006 ; *Fédération internationale de l'action des Chrétiens pour l'abolition de la torture* (FIACAT) cites a report of the ACAT-RCA in an alternative report for second review report of the Central African Republic to the United Nations Human Rights Committee See : [Rapport alternatif au second rapport périodique de la RCA, Comité des droits de l'Homme 87ème session](#), June 2006.

¹¹⁴ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2005/831\)](#), 29 December 2005, para. 14; United States of America Department of State, *Country Reports on Human Rights Practices: 2005, 2006, 2007 and 2008*.

¹¹⁵ BONUCA, [Rapport public de janvier à avril 2008](#), 10 October 2008, United States of America Department of State, *Country Reports on Human Rights Practices: 2005, 2006, 2007 and 2008*; AI, [Government tramples on the basic rights of detainees](#), 2006.

¹¹⁶ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; AI, [Government tramples on the basic rights of detainees](#), 2006; AI, [Action urgente](#), 4 June 2006; AI, [Action urgente](#), 16

In February 2006, near Bangui, security forces arrested former army lieutenant Jean-Jacques Larmassoum, leader of the APRD rebels. Larmassoum, whose rebel group had claimed responsibility for several attacks in the Northwest, was charged with conspiring with former president Patassé to overthrow the Government and for leading attacks against the security forces.¹¹⁷ In August 2006, Jean-Jacques Larmassoum was sentenced to life imprisonment for endangering State security. He was also found guilty of complicity, rebellion, assassination, looting, theft, grievous bodily harm, destruction of property, possession of weapons and ammunition and desertion. Five of his eight co-defendants on trial for complicity were acquitted, including two members of the APRD.¹¹⁸ The trials of other individuals accused of endangering State security were held in August and September 2006.¹¹⁹

- On 13 September 2006, Presidential Guard forces unlawfully detained 14 persons who had just been acquitted by the Criminal Court. On 12 September 2006, the Court had concluded that the prosecution had failed to produce sufficient evidence to prove that the accused had supported the rebels. At the end of the trial, Presidential Guards prevented the release of the detainees. They unlawfully took them to Ngaragba prison in Bangui and, later in the evening, transferred them to the Bossembélé prison, in the Ombella-M'Poko prefecture. They were detained illegally for several days, including three days incommunicado in an overcrowded cell, without food. Following protests from several civil society groups, including a strike by members of the Bar Association, the detainees were returned to Bangui and released on 25 September 2006.¹²⁰ The other accused, including Jean-Jacques Larmassoum, were all released in October 2008 in accordance with the general amnesty law adopted earlier that month.¹²¹

Extrajudicial killings, beatings and other human rights violations

In addition to politically motivated human rights violations, members of the security forces committed extrajudicial killings, beatings and other violations, sometimes in relation to private disputes. The following incidents illustrate this pattern:

- On 4 January 2006, several elements of the Presidential Guard forcibly removed a FACA soldier, Staff Sergeant Jean-Claude Sanzé from a cell at SRI, and tortured, shot and killed him on the premises of the *gendarmérie*. They then mutilated his remains and displayed them to the public. The previous day, following a dispute, Sanzé had killed Lieutenant

February 2007; FIDH, [Forgotten, stigmatised: the double suffering of victims of international crimes](#), 12 October 2006.

¹¹⁷ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006 ; AI, [Government tramples on the basic rights of detainees](#), 2006.

¹¹⁸ All Africa, [Le chef rebelle Jean-Jacques Larmassoum condamné à la peine de perpétuité par la Cour Criminelle](#), 19 August 2006 ; Mail and Guardian, [CAR jails rebel leader for life](#), August 2006.

¹¹⁹ AI, [Government tramples on the basic rights of detainees](#), 2006.

¹²⁰ AI, [Action urgente](#), 15 September 2006; AI, [Action urgente](#), 28 September 2006 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; PANA, [La justice centrafricaine libère Raïkina et ses présumés complices](#), 25 September 2006.

¹²¹ FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008; AI, [Action urgente](#), 15 September 2006; AI, [Action urgente](#), 28 September 2006 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006.

Wilfrid Yango Kapita, a member of the Presidential Guard, in the Boy-Rabe neighbourhood of the 4th arrondissement of Bangui. After the killing, Sanzé took refuge at the BONUCA headquarters where he was allowed to spend the night. The following morning, at the request of the public prosecutor, a criminal investigations officer took custody of Sanzé, and the public prosecutor assured the BONUCA that he would be protected. However, Presidential Guard elements removed him from custody the same day and killed him. They then mutilated his remains and displayed them to the public. Although the Government informed BONUCA that an investigation into the killing of Sanzé had been ordered, no judicial or disciplinary action was ever taken against those responsible for his killing.¹²²

- Also on 4 January 2006, Presidential Guards ransacked and looted the residence of Nicolas Tiangaye, a lawyer and former president of the National Transition Council from 2003 to 2005, to whom Sanzé had periodically provided security.¹²³
- On 21 September 2006, Captain Achille Lakouama, a military surgeon and assistant doctor of Bozizé, shot and killed Pascal Bembé, director of the Presidential Protocol Office, outside Bembé's house, over a private dispute. After the incident, Lakouama reportedly took refuge at the residence of President Bozizé, who granted him special protection and confinement. After protests by civil society, the authorities arrested Achille Lakouama. While he was condemned in May 2008 to five years of imprisonment, this sentence was not enforced, and he was reintegrated in the Presidential Guard and deployed to Birao.¹²⁴
- On 23 October 2006, OCRB elements severely beat a member of the National Assembly and detained him. The member of the National Assembly had gone to the OCRB headquarters to demand the release of one of his relatives.¹²⁵
- On 6 April 2008, a member of the Presidential Guard killed five unarmed civilians and wounded several more following a quarrel during a funeral in Boy-Rabe.¹²⁶

For most of his rule, Bozizé continued to rely on his Chadian allies and fighters who had helped

¹²² [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2006/441\)](#), 27 June 2006, para. 18-20; FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), October 2006; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; L'Hirondelle, [Quand la Présidence de la République cherche à exhumer les vieux démons](#), 20-21 February 2006.

¹²³ Ibid.

¹²⁴ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006 and 2008; Le Confident, [Le film de l'assassinat de Pascal Bembé](#), 21 September 2006; Centrafrique Presse, [La mort du médecin-capitaine Achille Lakouama l'assassin de Pascal Bembé continue de poser problème](#), 13 December 2010. Lakouama, was killed on 24 September 2010, during a rebel attack in Birao.

¹²⁵ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2007; Centrafrique Presse, [Gestion scabreuse de l'Assemblée nationale : le député Christophe N'Douba remet une couche](#), 13 January 2012.

¹²⁶ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008; Le Monde, [CAR: Cinq personnes tuées par un soldat à une veillée mortuaire](#), 8 April 2008.

him to take power. Some Chadian elements, many of whom were members of his Presidential Guard, committed serious human rights violations, which remained unpunished. This led to tensions between them and Central African Republic nationals in the security forces and fostered deep resentment within the population against people of Chadian origin. The two incidents below illustrate this dynamic:

- On 7 December 2006, a Chadian member of the Presidential Guard stabbed and severely wounded a *gendarme* in PK12, north of Bangui. Following the attack, civilians stoned the Presidential Guard element to death. The incident triggered three days of riots by the population, as well looting in Bangui.¹²⁷
- On 13 February 2007, agents of the OCRB killed two Chadian men in the PK5 neighbourhood of Bangui. Thousands of Chadians responded by holding demonstrations to protest against the killings. The excessive use of force by the police to quell the demonstration - using live ammunition to disperse the crowd - resulted in at least seven people wounded.¹²⁸

Attacks against journalists and human rights defenders

Ministers and other senior officials would frequently threaten journalists who were critical of the Government, which led to strike action by the media. Moreover, security forces often harassed journalists as well as human rights defenders, sometimes physically and verbally threatening them. Several journalists were arrested and received prison sentences.¹²⁹ National and international NGOs denounced such attacks. The following are illustrative incidents of this pattern:

- In early January 2006, the managing editor of the newspaper *Le Citoyen*, Maka Gbossokotto, reported being threatened by Lieutenant Dogo, a Presidential Guard who, despite having been officially dismissed, continued to operate within the security forces.¹³⁰ Maka Gbossokotto had written an article about the killings of Kapita and Sanzé.¹³¹

¹²⁷ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; PANA, [Des violences intercommunautaires au nord de Bangui](#), 10 December 2006 ; PANA, [SOS des défenseurs des droits de l'Homme au patron de l'ONU](#), 14 December 2006.

¹²⁸ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2007; PANA, [Vive tension à Bangui après un drame impliquant la Police](#), 14 February 2007 ; HRW, [State of Anarchy](#), 14 September 2007; For this incident, the ACLED database cites three articles (by AFP, Reuters and BBC). See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

¹²⁹ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2005/831\)](#), 29 December 2005, para. 14; United States of America Department of State, Reports [2005](#), [2006](#), [2007](#) and [2008](#) ; FIACAT, [Lettre au président Bozizé concernant les violations des droits de l'homme](#), June 2010.

¹³⁰ See Part I of this report on Bangui.

¹³¹ RSF, [Un ancien membre de la garde présidentielle insulte et menace le correspondant de RSF](#); 6 January 2006 ; FIDH, [Mauvais traitements/ Menaces de mort](#), 2 February 2007; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006. The article of *Le Citoyen*, « *L'année 2006 commence dans la douleur et les larmes* », can be found in the library of open sources (available on a USB stick) published with this report.

- Between August 2006 and February 2007, the president of the *Organisation pour la compassion et le développement des familles en détresse* (OCODEFAD), an NGO for women victims of rape, as well as some of her children and several members of the NGO, were assaulted and/or threatened with death by Government and security agents. On 1 December 2006, the president's daughter was abducted for several hours and subjected to attempted rape. The landlord of the OCODEFAD premises received and succumbed to pressure by the authorities to evict the organization.¹³²
- On 22 November 2006, the Minister of Mines, Energy and Hydraulics threatened journalists with death in front of the Oubangui Hotel on account of their reporting. Press organizations imposed a strike of eight days in protest against the threats.¹³³

On 13 December 2006, five civil society organizations - *Action des Chrétiens pour l'abolition de la torture et de la peine de mort* (ACAT-RCA), *Association des Femmes Juristes de Centrafrique* (AFJC), *Ligue Centrafricaine des Droits de l'Homme* (LCDH), *Mouvement pour la Défense des Droits de l'Homme et d'Action Humanitaire* (MDDH) and *Observatoire Centrafricain des Droits de l'Homme* (OCDH) – issued a statement condemning the life-threatening conditions under which they and other human rights defenders were operating. They denounced the fact that on 1 December 2006, President Bozizé had described human rights defenders as protectors of criminals, enemies of the State and disguised politicians.¹³⁴

- On 25 August 2007, four unidentified armed men broke into *Radio Ndéké Luka* journalist Zephirin Kaya's house in the middle of the night and shot at his family, who hid in the back of the house, while he was not at home.¹³⁵
- From 11 January 2008 to June 2008, the authorities arrested several journalists and sentenced some of them to prison terms for defamation. For instance, in January 2008, Faustin Bambou, editor of *Les Collines de Bas-Oubangui*, was arrested after reporting that two ministers had embezzled almost seven billion CFA. In March, Patrick Agoudou, of the *La Plume* newspaper was arrested and detained for four days at the SRI premises for publishing an editorial on a controversy surrounding the national football federation. In June 2008, Ferdinand Samba, the editor of the *Le Démocrate* newspaper was

¹³² [Report of the Secretary-General on Chad and the Central African Republic 1706 \(2006\) \(S/2006/1019\)](#), 22 December 2006, para. 49 ; [Report submitted by the Special Representative of the Secretary-General on the situation of human rights defenders \(A/HRC/7/28/Add.1\)](#), 5 March 2008; FIDH, [Mauvais traitements/Menaces de mort](#), 2 February 2007; ACAT-RCA, [Appel urgent de l'observatoire pour la protection des défenseurs des droits de l'homme : Bruno-Hyacinthe Gbiegba et Mganatouwa Goungaye Wanfiyo](#), 29 September 2006.

¹³³ PANA, [Vers la fin de la grève des journaux centrafricains](#), 4 December 2006 ; PANA, [SOS des défenseurs des droits de l'Homme au patron de l'ONU](#), 14 December 2006 ; Le Monde (AFP), [La presse privée centrafricaine reconduit sa grève pour trois jours](#), 30 November 2006 (posted by [Centrafrique Infos](#)).

¹³⁴ PANA, [SOS des défenseurs des droits de l'Homme au patron de l'ONU](#), 14 December 2006.

¹³⁵ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2007; Centrafrique Presse, [Liberté de la presse : Des journalistes de Radio Ndéké Luka dans la ligne de mire des rejets de Bozizé](#), 26 November 2012.

summoned by SRI where he was questioned for three days about an article critical of the Minister of Justice. All three were eventually released.¹³⁶

- On 16 June 2008, Maître Goungaye Wanfiyo, a lawyer and president of the LCDH received death threats. The intimidation was thought to be related to the arrest of Jean-Pierre Bemba on 25 May 2008 following his indictment by the ICC. Wanfiyo was representing victims of the atrocities committed by Bemba's MLC fighters in the CAR at the end of 2002 and early 2003.¹³⁷

B. Northwest and Centre

A few months after the election of François Bozizé as President in May 2005, an incipient rebellion by the APRD developed in the northwest in the latter half of the year. Former army elements loyal to Ange-Félix Patassé were among those identified as orchestrating the rebellion. The political and security fallout of the regime change in Bangui contributed directly to the re-emergence of conflict in the north of the country, barely two years after the coup d'état of March 2003. As of January 2006, the APRD launched attacks in Paoua (Ouham-Pendé prefecture) the area of origin of former President Patassé.

In parallel, some of the “*ex-libérateurs*” who had fought to bring Bozizé to power and who had been sent back to the north of the country, were disgruntled by the low payments they had received for fighting in the war. Many turned to banditry and joined the armed gangs of road bandits known as Zaraguina. They committed acts of banditry and robbery, in the northwest.¹³⁸ In response to increased insecurity, local community militia emerged in the region, with the stated aim of protecting the population from attacks by the Zaraguina and other bandits. Members of this militia would constitute, initially, the core of the fighters of the APRD rebellion.

In addition to the armed conflict between the APRD and the Government, a number of concurrent conflicts were taking place, often taking a regional dimension. This included the conflict between the APRD and elements from Chad, in particular armed migrant herders – often acting with support of the Chadian national army, which itself, on occasion, engaged in direct confrontations with APRD rebels on the territory of the Central African Republic. There was a historic pattern of migratory movement of transhumant herders between the Central African Republic and some of its neighbouring countries, including Chad. During the dry season, herders would take cattle from arid Sahel zones in Chad southward, to the savannah regions in the Central African Republic for pasture. To prevent conflicts with local communities, transhumance needed to be regulated by agreements on migration periods and routes, including compensation for damage caused. However, the Governments of the Central African Republic and neighbouring States did not formally regulate this annual migratory pattern until 30 October 2012, when the Central African Republic-Chad Bilateral Agreement on Technical Cooperation pertaining to Cattle Transhumance

¹³⁶ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008; OCHA, [Bulletin d'Information Humanitaire](#), 14-21 January 2008; AI, [Bonne nouvelle Faustin Bambou, journaliste](#), 23 February 2008.

¹³⁷ OCHA, [News Bulletin](#), 16-23 June 2008; RFI, [Décès de Me Goungaye Wanfiyo](#), 28 December 2008. Me Wanfiyo died in a traffic accident in December 2008.

¹³⁸ African Union, [Brief on the security situation in the Central African Republic](#), 29 December 2005.

was signed.

1. The conflict opposing the APRD and the Government

Marking the start of its operations, the APRD rebel group launched several attacks against Government buildings and military barracks between July and December 2005. While the Government of Bozizé was reluctant to acknowledge that an armed conflict was emerging, it deployed its armed forces to the northwest of the country in July 2005 to quell the incipient rebellion.

The entry of the Presidential Guard into the conflict in the northwest to reinforce FACA contingents present in the region, led to the introduction of specific tactics to deal with the rebellion. The Presidential Guard employed a scorched earth policy, consisting of burning to the ground entire villages in the vicinity of where rebel attacks had taken place to punish the local population for, and to dissuade them from, hosting or supporting rebels. The mode of home construction in the northwest and other parts of the country, which consists of houses with grass-thatched roofs, facilitated the commission of these large scale acts of arson.

- Beginning in December 2005 and until mid-2007, the Presidential Guard, burnt thousands of homes, razing to the ground hundreds of villages in the Ouham and Ouham-Pendé prefectures as well as in Nana-Gribizi, including along the Kabo-Batangafu road (Ouham); along the road between Kabo (Ouham) and Ouandago (Nana-Gribizi); in the region of Markounda on the border with Chad (Ouham); in and around the town of Paoua (Ouham-Pendé); on the road between Bozoum and Paoua (Ouham-Pendé); as well as around Kaga-Bandoro (Nana-Gribizi).¹³⁹

An account contemporaneous with the events estimated that over 3,000 houses were burnt village after village in the triangular area between Kabo, Batangafu and Kaga-Bandoro (a stretch of several hundred kilometres), and that about 10,000 homes were torched by the Presidential Guard during its reprisal operations in all of the northwest.¹⁴⁰ These attacks provoked the displacement of tens of thousands of civilians.

Local officials such as the Governor of the Ouham prefecture (who was a serving General in FACA) indicated at the time that FACA had attempted to stop the burnings by the Presidential Guard. However, due to the fact that President Bozizé directly relied on the Presidential Guard for sensitive military operations to the detriment of the regular army, the Presidential Guard conducted these parallel military operations without consulting them.¹⁴¹

¹³⁹ AI, *Civilians in peril in the wild north*, 19 September 2007; Internal Displacement Monitoring Centre and Norwegian Refugee Council, *Déplacements internes en RCA : une crise de protection*, 26 January 2007 ; MSF, *Just the sound of a car makes people fear for their lives - violence in CAR*, 19 April 2006; Refugees International, *Army House burnings continue in tense northwest*, 15 March 2007; United States of America Department of State, *Country Reports on Human Rights Practices*, 2006.

¹⁴⁰ HRW, *State of Anarchy*, 14 September 2007.

¹⁴¹ Ibid.

The scorched earth war tactic, and reprisals against the population by all belligerents for perceived collaboration with the enemy caused widespread displacement of civilians, leading them to live in precarious, life-threatening conditions. Visiting the Central African Republic in February to March 2007, the United Nations Special Representative of the Secretary-General on Internally Displaced Persons estimated that one-fourth of the population had been displaced in the northwest of the Central African Republic.¹⁴²

- Between July and August 2005, in the village of Kadjama, located south-east of Markounda, Ouham prefecture, armed assailants attacked and killed an undetermined number of civilians. Over 2,000 people fled the area and sought refuge in Chad.¹⁴³

On 28 December 2005, about 100 rebels of APRD attacked the village of Bodjomo, located in the vicinity of Markounda.

- On the day following the rebel attack, on 29 December 2005, FACA soldiers and the Presidential Guard arrived in the area of Bodjomo where they killed seven civilians. They also set ablaze several villages in the vicinity of Bodjomo, burning over 500 homes. This riposte constituted the beginning of the scorched earth policy as a war tactic by the security forces intended to punish the local population for, and to dissuade them from, hosting or supporting the rebels.¹⁴⁴
- From 19 August 2006 to the end of January 2007 approximately, FACA soldiers and Presidential Guards burnt down over 2,500 huts in about 30 villages around Kaga-Bandoro, including 150 huts in Nana Outa (August 2006), two residences in Kia (October 2006), 13 homes in Futa and 84 in Ngoumourou (between October and December 2006), 14 houses in Boskoubé and 75 in Boskoubé Moderne (November 2006), 40 homes in Patcho (December 2006), 54 homes in Yamuvé, 176 homes in Yamissi and Ngoulekpa, 52 homes in Inguissa, 106 homes Pougaza and Béré, 44 homes in Kpokpo and 10 in Gazao (January 2007). FACA soldiers and Presidential Guards would usually shoot in the air to scare the population away, then loot houses before setting the village ablaze. The looted goods would then be loaded in trucks and brought to the FACA base in Kaga-Bandoro.¹⁴⁵

In some instance, FACA soldiers and Presidential Guards killed people who were trapped inside their houses:

¹⁴² [Report of the Special Representative of the Secretary-General on the human rights of IDP in the Central African Republic \(A/HRC/8/6/Add.1\)](#), 18 April 2008.

¹⁴³ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2005; IRIN, [RCA-Tchad : De nouvelles vagues de réfugiés centrafricains arrivent au Tchad](#), 29 July 2005; IRIN, [Des milliers de Centrafricains fuient les combats et se réfugient au Tchad](#), 3 August 2005.

¹⁴⁴ FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), Octobre 2006; HRW, [State of Anarchy](#), 14 September 2007.

¹⁴⁵ OCHA, [Inter-Agency Mission to Birao Report](#), 30 January, 2007, IRIN, [Tens of thousands of villagers on the run](#), 19 December 2006, HRW, [State of Anarchy](#), 14 September 2007; ICG, [Anatomy of a Phantom State](#), 13 December 2007.

- For instance, on 3 December 2006, FACA soldiers killed two elderly men while setting fire to their homes during a counter-offensive against the APRD in Zoumebeti. FACA soldiers burnt down the village after looting the belongings of its inhabitants. They used mortars and rockets against civilians.¹⁴⁶
- On 11 February 2006, in reprisal for the APRD attack of 29 January, Presidential Guards driving in three vehicles launched an attack on several villages in the vicinity of Paoua, along the road linking Nana-Barya, Boguila, Beboura and Bemal. They indiscriminately shot at civilians and killed at least 30 civilians in several villages along the above-mentioned road.¹⁴⁷

In its war against Government forces, the APRD frequently attacked State institutions, such as army bases, police stations, customs posts and offices of the local administration. They also attacked and killed civilian Government administrators, personifying their attack against State institutions. On 29 January 2006, APRD elements attacked the town of Paoua. They raided the police headquarters and the FACA base, seizing weapons from both facilities.

- On the night of 7 to 8 March 2006, APRD rebels shot and killed the mayor of Bossangoa while he was driving his vehicle. They later claimed responsibility for the killing.¹⁴⁸
- During the night of 15 to 16 March 2006, armed men believed to be from the APRD killed the mayor of Korom-M'Poko, a locality in Ouham prefecture, and his son, in their home.¹⁴⁹

During the armed confrontations between the Presidential Guard and FACA and the APRD, civilians found themselves trapped between two opposing forces, who often accused them of supporting the adversary and dispensed punitive measures against communities to dissuade them from any further cooperation with the enemy. As both Government forces and the APRD rebellion expected civilians to report the presence of their enemy to them, they exposed them to reprisals.

- In May and June 2006, in and around Gbazara, on the road between Batangafo and Kabo, APRD elements killed a man alleged to be a FACA informant. Reacting to the rebels' return to the area, FACA soldiers burnt down a large number of homes there during May

¹⁴⁶ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; IRIN, [Blame game as villages burn](#), 19 December 2006.

¹⁴⁷ FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), October 2006; HRW, [State of Anarchy](#), 14 September 2007; AI, [Civilians in peril in the wild north](#), 19 September 2007; Union des Journalistes de Centrafrique, [Rapport de Mission sur Paoua](#), 21 March 2006.

¹⁴⁸ FIDH, [Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes](#), October 2006; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006; Afrique Centrale Infos, [Obsèques nationales pour Jean-Bruce Guénéfèï](#), 18 March 2006.

¹⁴⁹ Ibid.

and June 2006. The region of Kabo continued to undergo intense anti-insurgent activity until the end of 2006.¹⁵⁰

- From September to December 2006, in Ouandago (Nana-Gribizi prefecture), FACA soldiers and Presidential Guards killed eight civilians, raped an undetermined number of women and girls, tortured civilians, pillaged and destroyed with fire over 1,050 homes, 60 warehouses and 19 shops. They also burnt down the local *gendarmerie* of Ouandago. The peak of the fighting between the APRD and FACA soldiers and Presidential Guards occurred in early and mid-October 2006.¹⁵¹

In 2007, the armed conflict continued between the APRD and the FACA and the Presidential Guard, notably in the Ouham-Pendé and Nana-Gribizi prefectures.

- On 5 January 2007, at the market of Kaga-Bandoro, FACA soldiers and Presidential Guards publicly executed two civilian men they believed to be members of armed rebel groups. FACA then took pictures of the corpses which they paraded around town.¹⁵²
- Also on 5 January 2007, in Kaga-Bandoro, FACA soldiers and Presidential Guards executed a demobilized fighter in his field, although he had shown his demobilization certificate. FACA soldiers and Presidential Guards arrived at the funeral of the victim and started shooting in the air to disperse people. Some of the attendees were arrested and released shortly after.¹⁵³
- That same day, near the Kaga-Bandoro market, FACA soldiers and Presidential Guards killed two women they accused of supplying the rebels.¹⁵⁴
- In January 2007, APRD rebels launched an attack on Paoua during which they committed acts of pillage, apparently targeting people of Peulh ethnicity.¹⁵⁵
- As APRD withdrew from the area following this attack, FACA arrived and pursued the retreating rebels. During this operation, they started firing at communities. They killed an undetermined number of civilians, executing them by shooting at close range, on suspicion that they had supported the rebels. They also tortured several people, and burnt houses in villages on the road between Paoua and Bozoum, Ouham-Pendé prefecture.¹⁵⁶

The APRD rebels continued their tactic of attacking Government installations in northwestern

¹⁵⁰ FIDH, *Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes*, October 2006; HRW, *State of Anarchy*, 14 September 2007.

¹⁵¹ *Report of the Secretary-General on Chad and the Central African Republic (S/2006/1019)*, 22 December 2006, para. 23-24, 41 and 48; United States of America Department of State, *Country Reports on Human Rights Practices*, 2006; HRW, *State of Anarchy*, 14 September 2007; ICG, *Anatomy of a Phantom State*, 13 December 2007; AFP, *Accrochage dans le nord de la RCA, un sous-officier tué*, 6 October 2006.

¹⁵² HRW, *State of Anarchy*, 14 September 2007; AI, *Civilians in peril in the wild north*, 19 September 2007.

¹⁵³ *Report of the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons A/HRC/8/6/Add.1*, 18 April 2008; HRW, *State of Anarchy*, 14 September 2007.

¹⁵⁴ *Ibid.*

¹⁵⁵ HRW, *State of Anarchy*, 14 September 2007; AI, *Civilians in peril in the wild north*, 19 September 2007.

¹⁵⁶ *Ibid.*

Central African Republic during the first months of 2007. Although APRD did not necessarily launch large-scale attacks against civilians during the operations, they committed targeted killings of local Government officials. From mid-April 2007, APRD and Government forces were engaged in several skirmishes in the area of Ngaoundaye, Ouham-Pendé prefecture, at the intersection of the tri-border area between the Central African Republic, Chad and Cameroon.

- On 29 May 2007, APRD rebels attacked the town of Ngaoundaye where they killed the State official in charge (*sous-préfet*) of Ngaoundaye sub-prefecture.¹⁵⁷
- Between 30 May and 1 June 2007, continuing the pattern of punitive expeditions in localities where APRD had conducted operations, Presidential Guards and FACA conducted a blind reprisal operation on the town of Ngaoundaye which they completely burnt down. They razed to the ground over 450 houses, and attacked the population, killing and injuring an undetermined number of civilians, and causing the entire population to flee the town.¹⁵⁸
- On 12 January 2008, the commander of the Presidential Guard units deployed to the northwest ordered the arrest of the mayor of Markounda and his transfer to Bossangoa. The same commander eventually extracted the mayor and had him transferred to the detention centre in Bossembélé, known to be a torture centre.¹⁵⁹ The reason for the arrest was that the mayor had alerted the population of Markounda to flee before the arrival of the Presidential Guard in January 2008. He was released without charge on 7 February 2008.¹⁶⁰

Recruitment and use of children

Several parties to the conflict in the northwest recruited boys and girls, including children under the age of 15, to take part in hostilities. Observers noted the lack of educational and other opportunities as a factor that facilitated the recruitment of children into armed groups. Armed groups tended to recruit boys and young men who had previously been associated with community “self-defence” militias, formed at local level by villagers to defend themselves against armed bandits or other external security threats.

- APRD started recruiting and using children as soon as it was formed, from late 2005. A significant number of these children were recruited in the area of Paoua. Some of the children within its ranks were as young as nine years old, while children under the age of 15 years were engaged in actual fighting.¹⁶¹

¹⁵⁷ [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic, \(A/HRC/11/2/Add.3\)](#), 27 May 2009; OCHA, [Bulletin 20](#), May to June 2007.

¹⁵⁸ Ibid.

¹⁵⁹ On the Bossembélé detention centre, see the incidents in this report for Ombella-M’Poko during the 2008-2013 period.

¹⁶⁰ BONUCA, [Rapport public de janvier à avril 2008](#), 10 October 2008; AI, [Annual Report, 2009 – CAR](#), 28 May 2009; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

¹⁶¹ [Report of the Secretary-General on Children and armed conflict \(A/64/742–S/2010/181\)](#), 13 April 2010; [Report of the Secretary-General on Children and Armed Conflict in the Central African Republic \(S/2011/241\)](#), 13 April 2011;

Attacks against humanitarians and denial of humanitarian assistance

The deteriorating security situation in the northwest led to the interruption of humanitarian access in a region where social services, such as health, educational and agricultural support facilities were already scarce, with the local population relying heavily on relief provided by humanitarian organizations. In addition, humanitarian organizations came under armed attacks, resulting in casualties among humanitarian staff and the interruption of humanitarian work in conflict-affected areas.

- In November 2006, the FACA ordered all humanitarian organizations operating in the north-west to suspend their activities, therefore depriving the populations in and around Paoua of humanitarian assistance. The Government accused humanitarian organizations of providing rebels with medical help and food supplies following an attack against FACA by the APRD, using a vehicle stolen from a humanitarian organization.¹⁶²
- On 11 June 2007, a clearly-marked vehicle of the humanitarian organization Médecins Sans Frontières (MSF), which was transporting its personnel to conduct a health assessment, came under fire from APRD rebels near the village of Bong, near Ngaoundaye. APRD, which was present in the area, had been informed in advance of this humanitarian mission. Elsa Serfass, a 27-year old French nurse working for MSF, died from gun-shot wounds. APRD admitted shortly thereafter that its elements had committed the attack, claiming it was done in error.¹⁶³

The scale of the human rights violations committed by the Presidential Guard and the FACA in the northwest attracted condemnation by national and international organizations, many of which reported on the war tactics, particularly the killings and scorched earth policy used by the Presidential Guard. The authorities were aware of these violations: Several United Nations Special Rapporteurs who visited the Central African Republic at the time raised these violations with President Bozizé.¹⁶⁴ In June 2006, Prime Minister Elie Dote visited Paoua and, in June 2007, following the killing of Elsa Serfass, President Bozizé visited Ngaoundaye and noted the extent of the damage done during the reprisal operation conducted by FACA and the Presidential Guard. Visiting Bocaranga, a few hundred kilometres south of Ngaoundaye, in October 2007, President Bozizé publicly apologized for the violations committed by Government forces in the locality.¹⁶⁵ He promised that those responsible would be held to account, and his French military adviser

[Report of the Secretary-General on Children and armed conflict \(A/67/845*-S/2013/245*\)](#), 15 May 2013.

From 2008 and through 2011, APRD released 1,300 children it had recruited. It eventually adopted an plan of action with the United Nations, in line with Security Council resolutions 1539 (2004) and 1612 (2005), with a view to ending grave violations involving children in armed conflict, including their recruitment into armed groups

¹⁶² FIDH, [Urgence d'une intervention en RCA](#), 23 November 2006; IRIN, [CAR: Aid agencies told to suspend activities in Paoua town](#), 20 November 2006.

¹⁶³ HRW, [State of Anarchy](#), 14 September 2007; Communiqué de MSF, [Précisions sur les circonstances de la mort de notre collègue Elsa Serfass en RCA](#), 4 April 2008.

¹⁶⁴ [Report of the Special Representative of the Secretary-General on the human rights of IDP in the Central African Republic \(A/HRC/8/6/Add.1\)](#), 18 April 2008; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic. \(A/HRC/11/2/Add.3\)](#), 27 May 2009.

¹⁶⁵ Refugees International, [CAR: Fragile gains](#), 22 January 2008.

indicated that those responsible would be prosecuted.¹⁶⁶

However, the perpetrators of these large-scale campaigns of violence that struck civilians in the northwest between 2006 and 2007 were not brought to justice. The commander of the Presidential Guard who led the operations in northwest was retained in the Presidential Guard and promoted, thereby ensuring impunity for the perpetrators of grave violations.¹⁶⁷

In late 2007, President Bozizé withdrew the Presidential Guard from the Northwest and the extent of severe violations targeting civilians declined substantially thereafter.¹⁶⁸

2. Serious violations committed in the absence of State authority in the Northwest

The inability of the State to assume its sovereign duties to ensure law and order, address crime and guarantee the right to safety of the population created an environment in which rebels groups created parallel administrations and committed violations, while armed bandits committed crimes, such as killings, torture, sexual violence and gender-based violence as well as extortions.

Violations committed by the APRD

- As from 2006, the APRD established a parallel system of “justice” in an attempt to hold accountable people in areas under its control who were suspected of crimes such as banditry. However, none of the guarantees of a fair trial were respected in these proceedings, which were conducted in an expedited manner. Between June and October 2008, at least 16 individuals who had been tried before such APRD ‘tribunals’ were found guilty, sentenced to death and executed immediately thereafter by APRD elements.¹⁶⁹

From 2006 to 2008, APRD rebels would frequently beat, kidnap and harass the local population in areas under their control, as punitive measures for collaboration or suspected collaboration with Government authorities or to dissuade any such cooperation. APRD would also extort money from the population, including imposing illegal taxes, offering them protection from attacks of the Zaraguina. For example:

¹⁶⁶ HRW, *State of Anarchy*, 14 September 2007; FIDH, *Déjà-vu Peace (dis)agreements that are detrimental to victims*, 4 December 2008; Refugees International, *CAR: Fragile gains*, 22 January 2008.

¹⁶⁷ *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic, (A/HRC/11/2/Add.3)*, 27 May 2009; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA (S/2010/584)*, 19 November 2010; FIDH, *Déjà-vu Peace (dis)agreements that are detrimental to victims*, 4 December 2008.

¹⁶⁸ *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic, (A/HRC/11/2/Add.3)*, 27 May 2009. Based on witness testimony gathered during his mission, the Special Rapporteur discarded some assertions by Government officials that the house burnings were self-inflicted arsons, committed by inhabitants who were opposed to the regime, with a view to blaming the national security forces.

¹⁶⁹ FIDH, *Déjà-vu Peace (dis)agreements that are detrimental to victims*, 4 December 2008; ICG, *Untangling the political dialogue*, 9 December 2008.

- During this period, on the Ouandago-Batangafu and Kaga-Bandoro-Ouandago axis, Nana-Gribizi prefecture, the APRD abducted many civilians in exchange for a ransom, beat and injured many civilians, looted many homes and perceived illegal taxes.¹⁷⁰
- In one instance, on 21 and 22 August 2008, the APRD kidnapped two women, in Tale, 35 kilometres from Bozoum (Ouham-Pendé prefecture). Following the kidnapping, they were attacked by a community militia from the area.¹⁷¹

Attacks against civilians due to activities of the Zaraguina (groups of armed bandits)

The Zaraguina (also known as *coupeurs de route*) were groups of armed bandits who caused severe harm to the civilian population in the north of CAR, in particular as from 2005. Their members include former fighters from historical wars in Chad and the Central African Republic, as well as unemployed youth. In addition to armed banditry, the Zaraguina engaged in armed attacks against civilians, mostly people from the Peulh ethnic group. The most reported violations by the Zaraguina were kidnappings (including of small children) for ransom, murder, torture and sexual and gender-based violence.

The Peulh are comprised of sedentary (urbanized), semi-sedentary and nomadic communities. The last two sub-groups are heavily engaged in cattle-rearing, moving large herds of cattle within and across borders in a vast area of the Sahel and equatorial regions of Africa.¹⁷² They migrate seasonally in search of pasture and water sources (*transhumance*). With extensive vegetation and low population density, the Central African Republic offers good conditions for cattle-rearing. Over 90 per cent of the cattle trade in the Central African Republic was handled by the Peulh community.¹⁷³

- Between 2005 and 2008, the Zaraguina engaged in a large-scale and systematic campaign of attacks against civilians across a large part of the Northwest. The most predominant armed activity of the Zaraguina was kidnapping. During the period, hundreds of Peulh, in particular children, were abducted and taken to hideouts in the bush. The Zaraguina demanded ransoms to release the captives, with amounts ranging from several hundred, to tens of thousands of US dollars. Families would usually surrender cattle to the kidnappers or sell cattle to pay ransoms. The Zaraguina killed several captives due to their family's failure to pay a ransom.¹⁷⁴

¹⁷⁰ HRW, [State of Anarchy](#), 14 September 2007; IRC, [Protection Analysis, Nana-Gribizi Prefecture: Kaga-Bandoro-Ouandago Axis](#), September 2007; BBC, [Rare audience with a CAR Rebel](#), 19 December 2008 (BBC interview with Colonel Maradas Lakoué of the APRD).

¹⁷¹ OCHA, [Bulletin. 74](#), 18 August 2008 to 1 September 2008; ICG, [Untangling the Political Dialogue](#), 9 December 2008; HRW, [State of Anarchy](#), 14 September 2007; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008; BBC, [Rare audience with CAR rebel](#), 19 December 2008.

¹⁷² ICG, [The Security challenges of pastoralism in the Central African Republic](#), 1 April 2014.

¹⁷³ For background on the Fulbe (also known as Peulh) communities of Central and West Africa, see: Victor Azarya, [Aristocrats Facing Change: The Fulbe in Guinea, Nigeria, and Cameroon](#), University of Chicago press, 1978; AIDPSC, [Les Peulh Mbororo de Centrafrique - une communauté qui souffre](#), June 2015; For data on the cattle sector in the Central African Republic and the role therein of the Mbororo Peulh Community, see Food and Agriculture Organization, [Enquête sur la transhumance après la crise de 2013-2014 en RCA](#), February 2015

¹⁷⁴ [Report of the Secretary-General on Children and armed conflict in the Central African Republic \(S/2009/66\)](#), 3

- Between 2005 and 2008, the Zaraguina committed grave acts of violence against children. They kidnapped children, sometimes as young as five years old in order to force their parents to pay ransoms. They attacked schools in order to kidnap children, including in the area of Bozoum, thereby dissuading parents from putting their children in school.¹⁷⁵
- The Zaraguina also kidnapped humanitarian workers, leading to a reduction of humanitarian access to the affected areas.¹⁷⁶
- Between 2005 and 2008, the Zaraguina also committed acts of sexual and gender-based violence, including rape and sexual servitude.¹⁷⁷
- Between 2005 and 2008, the Zaraguina tortured an undetermined number of individuals while extorting money or possessions from them, or in a bid to extract from them the highest ransoms possible.¹⁷⁸
- In January 2008, armed Zaraguina kidnapped over 25 people in a village called “RCA” Gbaya, located along the *Route Nationale n°. 11*, linking Baoro (Nana-Mambéré prefecture) to Carnot (Mambéré-Kadéï prefecture) and demanded ransoms. During a military intervention, FACA soldiers and Presidential Guards secured the release of some of the hostages.¹⁷⁹
- On 15 to 16 January 2008, elements of the Presidential Guard extrajudicially executed three persons suspected to have been among the Zaraguina hostage-takers.¹⁸⁰
- On 26 February 2008, in the town of Kouï (de Gaulle), Ouham-Pendé prefecture, close to the border with Cameroon, the Zaraguina kidnapped the Mayor of Kouï and four other individuals. They freed two of the hostages after their relatives paid a ransom of 300,000 CFA but killed the three others in March as their families could not raise enough money.¹⁸¹

February 2009; AI, [Civilians in peril in the wild north](#), 19 September 2007; WriteNet Report for UNHCR, [CAR: Insecurity in the Region bordering Cameroon](#), June 2005; IRIN, [CAR: Open season for bandits](#), 31 March 2008.

¹⁷⁵ [Report of the Secretary-General on Children and armed conflict in RCA, \(S/2009/66\)](#), 3 February 2009; AI, [Civilians in peril in the wild north](#), 19 September 2007; IRIN, [CAR : villagers flee kidnappers demanding huge ransoms](#), 5 March 2007.

¹⁷⁶ [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009; AI, [Civilians in peril in the wild north](#), 19 September 2007; IRIN, [CAR: NGO suspends activities in northwest after health workers abducted](#), 23 May 2007.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ BONUCA, [Rapport public de janvier à avril 2008](#), 10 October 2008; OCHA, [Bulletin d'information du 14-21 janvier 2008](#), 21 January 2008 ; OCHA, [Bulletin 51](#), 10 to 17 March 2008 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

¹⁸⁰ Ibid.

¹⁸¹ OCHA, [Bulletin 48](#), 18 to 25 February 2008; AFP, [RCA: trois personnes enlevées ont été tuées par les coupeurs de route](#), 15 March 2008.

Between 2005 and 2008, attacks, kidnappings and persecution by the Zaraguina led to massive displacement of the Peulh community from the northwest. Tens of thousands fled into exile as refugees to neighbouring Cameroon. Initial waves of refugees from the Central African Republic fleeing the Zaraguina numbered over 15,000 in 2005, and steadily rose to over 45,000 in 2007. The loss of their cattle herds meant the loss of livelihoods and their uprooting, which led to their dependence as refugees.¹⁸²

- Between 2005 and 2008, in the context of anti-banditry/Zaraguina operations, FACA soldiers or soldiers-in-training committed extrajudicial executions. For instance, on 19 March 2008, a group of FACA soldiers who were in training at the army's training school in Bouar, paraded in the town with decapitated human heads, stating that they were those of road bandits killed during operations on the *Route Nationale n° 3* leading to the border with Cameroon.¹⁸³

Attacks along the Central African Republic's border with Chad

Beginning in 2006, the national army of Chad, the *Armée Nationale Tchadienne* (ANT), conducted several incursions into the Central African Republic. Some of these incursions and even military operations were formally acknowledged by the Government of the Central African Republic as taking place within the framework of cooperation between the two States to address common security concerns, in particular the activity of insurgent groups on both territories.¹⁸⁴ On other occasions, the presence of Chadian troops on Central African Republic territory was not formally acknowledged.¹⁸⁵

- On 10 July 2006, ANT soldiers aboard trucks carried out a raid on the village of Betoko (Ouham-Pendé prefecture). During this operation, they fired indiscriminately, causing the population to flee. They also raped five women, including at least one who was pregnant.¹⁸⁶

Migrant pastoralists from Chad would cross the border into the Central African Republic equipped with modern weapons, ammunition and satellite phones (*Thurayas*), ostensibly to protect their cattle during their sojourn in the Central African Republic. With the force of arms,

¹⁸² UNHCR, [UNHCR chief puts spotlight on Central African refugees in Cameroon](#), 5 March 2010; IRIN, [CAR refugees in Cameroon fear returning home](#), 29 November 2007; German Society for Threatened Peoples, "Ethnic Cleansing" in CAR?, 7 June 2005 (translation from the German version: <https://www.gfbv.de/de/news/ethnische-saeuberungen-in-der-zentralafrikanischen-republik-2799/>); WriteNet Report for UNHCR, [CAR: Insecurity in the Region bordering Cameroon](#), June 2005.

¹⁸³ BONUCA, [Rapport public de janvier à avril 2008](#), 10 October 2008; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

¹⁸⁴ AFP, [Un contingent de 150 soldats tchadiens en renfort en RCA](#), 21 November 2006. This article quotes the spokesperson of the Government, Cyriaque Gonda, expressing appreciation to the Government of Chad for the deployment of its army.

¹⁸⁵ IRIN, [CAR: Living with rape, harassment in the northwest](#), 22 February 2007.

¹⁸⁶ HRW, [State of Anarchy](#), 14 September 2007; IRIN, [CAR: Living with rape, harassment in the northwest](#), 22 February 2007.

they flouted existing arrangements for peaceful transhumance.¹⁸⁷ The Chadian authorities did not prevent these armed elements crossing into the Central African Republic. Instead, on several occasions, ANT soldiers lent support to the armed Chadian herders during deadly armed confrontations waged in the Central African Republic. The Government of the Central African Republic did not deploy national security forces to guarantee the right to safety of the population close to the borders with Chad. Consequently, local communities organized into militias, or turned to the APRD rebellion, which was based at the border area and purported to protect them.¹⁸⁸

The confrontations between armed migrant herders from Chad - often backed by Chadian army elements - and local Central African Republic communities, frequently supported by the APRD, resulted in several incidents during which serious human rights violations and abuses were committed. The Government of the Central African Republic did not intervene to protect the population.

Between 2006 and 2008, armed Chadian cattle-herders, acting with the support of ANT soldiers, engaged in armed confrontations against local communities in Ouham prefecture. In June 2006, in the region of Markounda, a series of killings and revenge killings by Chadian herders, again acting with the support of ANT elements, resulted in the death of nine people.

- Between January and February 2008, ANT troops attacked several villages on the road between Markounda and Maitoukoulou (Ouham prefecture), and in areas north of Paoua (Ouham-Pendé prefecture). Acting together with armed Chadian herders, they fired indiscriminately into villages along the Markounda–Maitoukoulou road, killing civilians, burning hundreds of homes and looting property.¹⁸⁹

C. The Northeast

The Vakaga prefecture

The prefecture of the Vakaga, in the far northeast of the Central African Republic, bordering Chad and Darfur, is an extremely underdeveloped region, where the Gula, Runga and Kara are the major ethnic groups. The region is inaccessible by road from Bangui for half of the year, during the rainy season, which cuts the area off from the rest of the country. For decades, the prefecture has been neglected by the State whose presence in the region has been limited to its most simple expression. Vakaga has no tarmac roads and hardly any health infrastructure or schools. It therefore has always had closer ties with Chad and South Darfur than with Bangui. Borders are close and porous, allowing armed groups and bandits to easily enter the territory of

¹⁸⁷ IPIS, [Mapping Conflict Motives: CAR](#), February 2009; ICG, [The Security challenges of pastoralism in the Central African Republic](#), 1 April 2014; and République du Tchad, Colloque national, [Réflexion sur l'évolution de la mobilité des pasteurs nomades au Tchad](#) and [La politique sectorielle du pastoralisme au Tchad : Quelles orientations](#), 1-3 March 2011. This document examines the behaviour of new salaried nomads or « neo-herders » engaged in commercial migrant transhumance.

¹⁸⁸ Afrique Contemporaine, [Organisation du territoire rebelle dans le nord-ouest de la République centrafricaine 2005 à 2012](#), without date.

¹⁸⁹ AI, [Civilians in peril in the wild north](#), 19 September 2007; HRW, [State of Anarchy](#), 14 September 2007.

the Central African Republic and nomads in search of pasture to migrate with their livestock.¹⁹⁰

Rebellions in this region prospered from the discontent among the people and merchants of the northeast against the central authorities. In March 2003, the Governments of the Sudan and the Central African Republic had reached an agreement for payment of compensation to Gula populations for the murder, in 2002, by Sudanese pastoralists of an important Gula chief and spiritual leader, Yaya Ramadan. This agreement was never implemented and the Gula populations suspected the Government of the Central African Republic of having embezzled the compensation money paid by the Sudanese authorities.¹⁹¹ This left a legacy of bitterness, all the more so as the Gula considered themselves to have been especially ostracized by the central Government. As of 2004, the Gula therefore entered into rebellion and launched attacks against FACA units stationed in the Vakaga.¹⁹²

In early 2006, Chadian rebels opposed to the President of Chad, and supported by the Government of the Sudan, established bases in the predominantly ethnic Gula towns of Tiroungoulou and Gordil (centre south of the Vakaga) from which, in April 2006, they launched an unsuccessful offensive on N'Djamena.¹⁹³ During the period from 2005 to 2008, two separate Chadian rebel groups were based in the region: the *Mouvement pour la paix, la reconstruction et le développement* (MPRD) and the *Front uni pour le changement* (FUC).¹⁹⁴

On 25-26 April 2006, an Antonov aircraft, believed to have come from the Sudan, made two round trips to Tiroungoulou, where it unloaded military supplies, boxes of ammunition and approximately 50 armed men. The Sheikh of Tiroungoulou, a Gula, informed the Central African Republic authorities of this supply of arms to the Chadian rebels.¹⁹⁵ FACA soldiers and Presidential Guards under the command of Lieutenant Jean-Célestin Dogo were subsequently deployed to the area. Fighting emerged between them on the one hand, and MPRD, FUC and Chadian fighters on the other, over a period of approximately three months.¹⁹⁶ In the course of these hostilities, all parties committed violations against the civilian population:

- In May 2006, in Tiroungoulou, FACA soldiers and Presidential Guards killed seven civilians believed to have allegiances to FUC and MPRD, and set fire to over 50 houses. Many civilians were consequently displaced to the bush and surrounding villages.¹⁹⁷

¹⁹⁰ ICG, [Anatomy of a Phantom State](#), 13 December 2007.

¹⁹¹ ICG, [Central African Republic: The roots of violence](#), 21 September 2015.

¹⁹² ICG, [Anatomy of a Phantom State](#), 13 December 2007.

¹⁹³ HRW, [State of Anarchy](#), 14 September 2007.

¹⁹⁴ Ibid. Adoum Rakis was captured in N'Djamena during the failed April 2006 offensive. At the time, both of these Chadian groups were associated with FUC leader Mahamat Nour.

¹⁹⁵ ICG, [Anatomy of a Phantom State](#), 13 December 2007.

¹⁹⁶ HRW, [State of Anarchy](#), 14 September 2007; ICG, [Anatomy of a Phantom State](#), 13 December 2007; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006. Dogo was killed in May 2006 by a rebel ambush during a military mission in the Vakaga.

¹⁹⁷ Mapping Project interview, Birao, Vakaga, September 2016; OCHA, [InterAgency Mission report to Birao](#), January 2007; FIDH, [Forgotten, stigmatised: the double suffering of victims of international crimes](#), October 2006, p. 58 ; AI, [Civilians in peril in the wild north](#), 19 September 2007; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006.

- On 3 June 2006, elements of FUC and MPRD attacked Birao and killed at least two civilians, including the region's member of Parliament.¹⁹⁸
- On 25 and 26 June 2006 in Gordil, fighting between FACA soldiers (supported by FOMUC) and Chadian rebels of FUC and MPRD resulted in the killing of many civilians, including women and children.¹⁹⁹

In September 2006, a rebel movement, the *Union des forces démocratiques pour le rassemblement* (UFDR) was created in the Vakaga prefecture, and consisted of several hundred elements led by Zacharia Damane. From October to December 2006, they seized military control of the major towns of the Vakaga and Bamingui-Bangoran prefectures.²⁰⁰

The UFDR rebellion had its roots in the deep marginalization of the northeast. Elements from the Gula ethnic group, many of them trained militarily as anti-poaching units, were at the core of the rebellion, citing grievances such as discrimination against their community and the alleged embezzlement by the Central African Republic authorities of compensation funds received from the Government of the Sudan in 2003. As the rebellion grew, the UFDR was associated with the Gula, leading to the Gula population fleeing areas controlled by the Government in fear of retaliation.²⁰¹ The ranks of the UFDR were also swollen by “*ex-libérateurs*”, who accused Bozizé of betraying his promises and failing to pay them for their support.²⁰²

From November 2006 to March 2007, FOMUC and the French army supported the FACA to defeat the UFDR. French military planes bombarded UFDR strategic points and towns in the Vakaga.²⁰³ During the FACA descent and their fighting with the UFDR, both parties committed many violations against the civilian population, notably:

- On 30 October 2006, after the UFDR had attacked and occupied Birao, some of its elements pillaged the local hospital. Under threat, the medical staff was forced to treat injured UFDR elements.²⁰⁴
- In November 2006, hundreds of UFDR elements attacked and occupied the town of Ouanda-Djallé for three weeks. They fired sporadically in the air when taking over the town, killing one civilian and the head of a local militia. During their occupation of Ouanda-Djallé, the UFDR pillaged and burnt down homes and the public markets, stole food, cattle and supplies, destroyed and looted all State institutions, including the police station, military barracks, tribunals, offices and residences of the *préfet* and *sous-préfet* and the offices of the Ministry of Water and Forests. The UFDR also attacked and

¹⁹⁸ Mapping Project interview, Birao, Vakaga, September 2016; IRIN, [33 die in army-rebel fighting](#), 29 June 2006.

¹⁹⁹ HRW, [State of Anarchy](#), 14 September 2007; FIDH, [Forgotten, stigmatised: the double suffering of victims of international crimes](#), October 2006.

²⁰⁰ [Report of the Secretary-General on Children and armed conflict in the Central African Republic \(S/2009/66\)](#), 3 February 2009, para. 14; HRW, [State of Anarchy](#), 14 September 2007.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ HRW, [State of Anarchy](#), 14 September 2007.

²⁰⁴ Mapping Project interview, Birao, Vakaga, September 2016; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008.

pillaged the Catholic Church and local hospital, stealing medicines, instruments, files, beds and tables.²⁰⁵

- In November 2006, when the UFDR attacked Ouanda-Djallé, they forcibly recruited many child soldiers from the age of 15 years old. Many armed children were seen among their ranks during the fighting.²⁰⁶
- From November to December 2006, UFDR attacked and occupied the town of Birao, looting and destroying residences. Many civilians fled the town and were consequently displaced due to the fighting between UFDR and FACA and Presidential Guards.²⁰⁷
- On 11 December 2006, FACA soldiers and Presidential Guard soldiers killed seven people and burnt 57 houses in Ouandja. They also burnt a local clinic, a school, a mayor's office and a *gendarmerie* station.²⁰⁸
- On 3 and 4 March 2007, in reprisal against the UFDR occupation of Birao, FACA soldiers killed at least four civilians and set fire to over 600 houses (approximately 70 per cent of the residences of Birao).²⁰⁹
- Also on 3 and 4 March 2007, the UFDR burnt down several homes in Birao during fighting with the FACA. They targeted pro-Government supporters and State officials, and they attacked and looted the hospital, stealing medicine, files and furniture.²¹⁰
- From March to May 2007, in Birao, the UFDR recruited approximately 400 boys and girls, some aged between 12 to 17 years old. During their forced enrolment, girls were subjected to sexual and gender-based violence, including multiple rapes. Other children were beaten, forced to work and lift heavy objects and deprived of their liberty. Those who refused to fight on behalf of UFDR would be severely beaten and detained for several days.²¹¹

²⁰⁵ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Chad and the Central African Republic \(S/2006/1019\)](#), 22 December 2006, paras. 23-24, 41 and 48; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008; HRW, [State of Anarchy](#), 14 September 2007; ICG, [Anatomy of a Phantom State](#), 13 December 2007.

²⁰⁶ Ibid.

²⁰⁷ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Chad and the Central African Republic S/2007/488](#), 10 August 2007, para 17; HRW, [State of Anarchy](#), 14 September 2007; IRIN, [La ville de Birao désertée par ses habitants](#), 23 Mars 2007 ; ICG, [Anatomy of a Phantom State](#), 13 December 2007; MSF, [Trapped and Abandoned. Lack of Humanitarian Access and Assistance for CAR's most vulnerable](#), November 2007 ; ONG Survie, [RCA: Jours tranquilles à Birao - Enquête à Birao, théâtre de violents affrontements au printemps dernier](#), Septembre 2007.

²⁰⁸ HRMP Interview, Birao (Vakaga), September 2016; HRW, [State of Anarchy](#), 14 September 2007; ICG, [Anatomy of a Phantom State](#), 13 December 2007; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ [Report of the Secretary-General on Children and armed conflict \(A/62/609-S/2007/757\)](#), 21 December 2007, para 28; [Report of the Secretary-General on Children and armed conflict in the Central African Republic \(S/2009/66\)](#), 3

Sexual and gender-based violence

From December 2006 to June 2007, many incidents of sexual and gender-based violence were reported to have been perpetrated by the FACA and the UFDR, notably:

- In December 2006, in Birao, after FACA drove UFDR out of town, several soldiers raped a 54-year-old Gula woman whom they accused of having cooked for UFDR rebels.²¹²
- Between December 2006 and June 2007, in Birao, UFDR elements gang-raped three girls aged 11, 15 and 17 years old.²¹³
- On 3 March 2007, in Birao, five UFDR elements raped a 22-year-old woman who was on her way to the local market.²¹⁴

Violations by Chadian and Sudanese rebel elements

In addition to the fighting between UFDR and FACA/Presidential Guards, Sudanese and Chadian rebels and soldiers attacked several villages in the Vakaga prefecture, notably:

- On 14 February 2007, Sudanese rebels killed 56 people in the village of Massabo.²¹⁵
- On 15 March 2008, 13 Chadian soldiers attacked Boromata under the command of the former chief of defence of the UFDR. Boromata was the home of Zakaria Damane, leader of the UFDR. During the skirmish, the UFDR and the FACA killed five attackers and four houses were burnt. The FACA took four prisoners to Bangui. Some 500 inhabitants of Boromata fled to the bush. Several other attacks followed in April 2008 in surrounding villages, including Gordil and Tiringoulou, causing further displacements of civilians.²¹⁶

The Bamingui-Bangoran prefecture

The Bamingui-Bangoran prefecture is a remote area in the northeast of the Central African Republic which, as the Vakaga prefecture, has for many years been marginalized by the central Government. It is ethnically diverse, with the Runga and the Banda constituting the majority of the population. However, many smaller groups also played an important role in the history of the region, namely the Gula, Sara, Kara, Haoussa and Doka. The Runga dominate Ndélé, the

February 2009, para. 51; IRIN, [Démobilisation des enfants soldats](#), 22 May 2007.

²¹² OHCHR Human Rights Case Database.

²¹³ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009, para. 39.

²¹⁴ Mapping Project interview, Birao, Vakaga, September 2016; HRW, [State of Anarchy](#), 14 September 2007.

²¹⁵ Mapping Project interview, Birao, Vakaga, September 2016; HRW, [State of Anarchy](#), 14 September 2007; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

²¹⁶ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2008/410\)](#), 8 June 2008, para. 28; OCHA, [Bulletin 54](#), 31 March to 7 April 2008.

prefecture's main town, with a Sultan who reigns over the region. Formal State presence is scarce in the prefecture and has been impeded by the *de facto* rule of many armed groups.

During the period from 2005 to 2008, the UFDR systematically attacked Ndélé and other towns in Bamingui-Bangoran, seeking to control the area. The FACA would retaliate after each attack.

- On 25 November 2006, the UFDR attacked and took control of Ndélé where they looted many residences and State buildings. As the UFDR entered the town, they fired sporadically in the air and attacked FACA barracks. They killed a *gendarme* and captured one FACA soldier. Civilians fled to surrounding areas.²¹⁷
- In December 2006, in retaliation for the UFDR attack on Ndélé, FACA soldiers and Presidential Guards killed Gula civilians, burnt down, destroyed and looted residences. The FACA also captured five UFDR elements whom they executed. It was estimated that over 7,000 Gula civilians fled the area and were displaced as a consequence of the attacks.²¹⁸
- In January 2008, FACA burnt houses and other buildings in all the villages along the Ndélé-Garaba road, in an area considered sympathetic to a nascent insurrection by the *Convention des patriotes pour la justice et la paix* (CPJP) rebel group.²¹⁹

On 1 April 2007, a peace agreement was signed in Birao between the UFDR and the Government, in a bid to end hostilities between the two parties. The Agreement made provision for an amnesty, the disarmament, demobilisation and reintegration of former UFDR combatants into the regular army, and UFDR's participation in the Central African Republic's political institutions: UFDR's leader, Zacharia Damane, was appointed as an Adviser to President Bozizé. The agreement would however lead to the splintering of the UFDR, with new factions emerging still opposed to the Government.

²¹⁷ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; OCHA, [InterAgency Mission report to Birao](#), January 2007; HRW, [State of Anarchy](#), 14 September 2007.

²¹⁸ Ibid.

²¹⁹ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009.

CHAPTER III - 21 DECEMBER 2008 – 23 MARCH 2013: PEACE DENIED

While it took two years of difficult negotiations, interspersed with armed conflict, to prepare the Inclusive Political Dialogue, which was held in December 2008, President Bozizé's "show of political openness" came to an abrupt end in early 2009.²²⁰ In January 2009, he appointed a new Government as loyal to him as its predecessor, made unilateral changes to the electoral law to favour his re-election in 2011 and refused to implement some of the recommendations of the Dialogue.²²¹

Three rebel groups which had engaged in the Dialogue, the *Mouvement des libérateurs centrafricains pour la justice* (MLCJ), led by Abakar Sabone, the *Front démocratique du peuple centrafricain* (FDPC), led by Abdoulaye Miskine, and the *Convention des patriotes pour la justice et la paix* (CPJP), led by Charles Massi, resumed hostilities after the holding of the dialogue in December 2008. An increase in violence resulted in massive displacement of the population in the northern regions.²²²

Moreover, at the start of 2008, a new zone of human rights violations and abuses and humanitarian crisis had emerged in the southeast of the country, when the Lord's Resistance Army (LRA) armed group originating from Uganda launched attacks on the local population. LRA, which has maintained its presence in the Central African Republic ever since, carried out numerous attacks on civilians, including killings, sexual and gender-based violence, abduction, destruction and looting of villages, and the displacement of thousands of people. Children and women have been particularly affected.²²³

The period from 2009 to 2012 was marked by tentative peace agreements with rebel groups and successive failed disarmament and demobilization attempts. With peace agreements having failed to end the armed conflict and the mounting danger of losing power to armed opposition, President Bozizé and his entourage appeared to have chosen to eliminate some Government opponents. One such opponent was Hassan Ousman, leader of the *Mouvement national du salut de la patrie* (MNSP) rebel group. In December 2009, he disappeared while he and several other armed group leaders were living in Bangui - under the protection of the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX) - to pursue talks on Disarmament, Demobilization and Reintegration (DDR) with the Government. That same month, Charles Massi was arrested in Chad and handed over to the Central African authorities without any extradition procedures being followed. In January 2010, he was tortured to death at Bossembélé prison.

Armed conflict and attendant human rights violations notwithstanding, the Government moved ahead with plans to hold presidential and legislative elections. After several delays, they were held in January and March 2011. Bozizé was re-elected with 64 per cent of the votes, and his

²²⁰ ICG, [Keeping the Dialogue Alive](#), 12 January 2010.

²²¹ Ibid.

²²² [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2009/309\)](#), 12 June 2009, para. 17.

²²³ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2008/410\)](#), 8 June 2008, paras. 13, 30-31 and 59.

political party – the National Convergence Kwa Na Kwa - won the majority of seats at the National Assembly. Although members of opposition parties challenged the results, citing irregularities, the Constitutional Council ruled in favour of President Bozizé. Many family members and close associates of the President were elected to Parliament, including his wife, Monique Bozizé, and one of his sons, Socrate Bozizé. In addition, President Bozizé surrounded himself with a close circle of members of his ethnic community, the Gbayas, who entered politics and strengthened the family's grip on power.²²⁴

By 2012, President Bozizé had lost most of his traditional foreign supporters – in particular France and Chad – and found himself more and more isolated. Increasingly embattled, he instead tended to repress the political opponents he was supposed to make peace with. For example, several leaders of armed groups, including a vice-president of the programme of the DDR and the leader of the APRD, Jean-Jacques Demafouth, were detained in January 2012, accused of plotting against the Government. Political leaders and other civil society actors called for their release, expressing concern that their detention would derail the DDR and peace processes. They were released in April 2012 without any formal charges. However, political tensions did not dissipate.

In August 2012, an amorphous grouping of combatants from different movements, without a centralized chain of command or ideology, emerged under the name of Séléka (a Sango word which means alliance). This coalition was composed of the UFDR, the then newly created *Convention patriotique du salut du Kodro*, and the CPJP-Fondamentale (a breakaway faction of CPJP), as well as the UFR and the FDPC.²²⁵ Chadian combatants, fighters from Darfur, poachers and even Zaraguina swelled the ranks of this coalition. Diamond traders who resented the regime for the 2008 Closing Gate Operation joined Séléka, notably as funders.²²⁶ The coalition was mainly composed of Muslim fighters, many of whom did not speak Sango and had difficulty communicating with the Sango-speaking population.²²⁷

In December 2012, the main Séléka member group, the UFDR, occupied the towns of Ndélé, Ouadda and Sam Ouandja. Within a matter of weeks, Séléka was on the verge of capturing Bangui when leaders of ECCAS, of which the Central African Republic is a member, called for a halt to the fighting and urged the protagonists to negotiate a political settlement. The Government and Séléka leaders reached a power-sharing agreement on 11 January 2013. In February 2013, one of the leaders of the Séléka, Michel Djotodia, was appointed Deputy Prime Minister and Minister of Defence. However, in March 2013, the two sides resumed fighting, which culminated in the capture of Bangui and the overthrow of Bozizé and his Government by the Séléka on 24 March 2013.²²⁸

Main human rights violations and abuses

²²⁴ For a detailed analysis of Bozizé's "ethnic-family power system" see ICG, *Priorities of the Transition*, 11 June 2013.

²²⁵ *Report of the Secretary-General on the situation in the Central African Republic (S/2013/261)*, 3 May 2013.

²²⁶ ICG, *Priorities of the Transition*, 11 June 2013; T. Carayannis and L. Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015, pp. 41-42.

²²⁷ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, para. 43.

²²⁸ *Ibid*, para. 169.

During the period from the end of the Inclusive Political Dialogue, on 21 December 2008, and the overthrow of Bozizé, on 24 March 2013, the human rights situation was characterized by extrajudicial executions, torture, sexual and gender-based violence and other forms of cruel, inhuman or degrading treatment, arbitrary arrests, unlawful detentions and imprisonment without trial. All parties to the conflict were responsible for these violations and abuses. Among the security forces, those most notorious for committing human rights violations were Presidential Guards, the OCRB and the SRI.²²⁹ Towards the end of 2012, when Séléka launched its war against the Government, Muslims were suspected by pro-Bozizé elements of supporting the Séléka and became the targets of serious human rights violations, including extrajudicial executions. In addition, the final months of the Bozizé Government saw a sudden surge in hate speech by its acolytes, especially against Muslims and/or people of Chadian origin.²³⁰

The long-standing problems of impunity and corruption, including within the judiciary, continued.²³¹ Parts of the country, notably the southwest, continued to be plagued by banditry and other forms of criminality, including mob justice, depicting a general breakdown of law and order and decline in the population's trust in State institutions. The State was failing to protect citizens, and numerous persons, mostly young girls and elderly women were subjected to serious harm, sometimes even to lynching by armed groups or crowds who accused them of witchcraft.²³² The continued weakness and absence of effective administrative and security institutions beyond the capital resulted in the armed groups establishing parallel justice and administration systems in several regions, including in Bamingui-Bangoran, Nana-Gribizi, Ouham, Ouham-Pendé and Vakaga.²³³ Recruitment and use of children by armed forces and groups escalated and sexual and gender-based violence was widespread.

The already very precarious human rights and humanitarian situation worsened during the march of the Séléka towards Bangui in February and March 2013. Upon entering and capturing villages and towns during their descent towards the capital, Séléka elements committed numerous unlawful killings and sexual violence, including gang rape – often in front of victims' children, husbands and other family members. In addition, they conducted extensive pillaging, plundering of homes, offices, businesses, and medical and religious facilities. Thousands of houses were burnt or destroyed, and some Christian churches were targeted.²³⁴ Other grave violations included

²²⁹ [Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad \(S/2008/601\)](#), 12 September 2008, para. 62; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2009/309\)](#), 12 June 2009, para. 34; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2010/584\)](#), 19 November 2010, 51; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2011/739\)](#), 28 November 2011, para. 61; United States of America Department of State, *Country Reports on Human Rights Practices, 2008, 2009, 2010, 2011 and 2012*.

²³⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 43.

²³¹ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2009/309\)](#), 12 June 2009, para. 34.

²³² [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2010/584\)](#), 19 November 2010.

²³³ *Ibid.*

²³⁴ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 44.

arbitrary arrests and unlawful detentions, torture, disappearances, abductions and attacks on schools.²³⁵ The Séléka also recruited thousands of children whom they used as fighters and/or spies or carriers.²³⁶

Armed conflict, mismanagement, corruption and poor infrastructure resulted in harsh and sometimes life-threatening prison conditions in the whole territory of the Central African Republic.²³⁷ Police, *gendarme* and Presidential Guards assigned as prison warders subjected inmates to torture and other forms of cruel, inhuman and degrading treatment. In 2009, the United Nations Secretary-General reported that the prisons in the Central African Republic did not meet the minimum standards required under the United Nations Standard Minimum Rules for the Treatment of Prisoners.²³⁸

A. The final years of Bozizé's regime

1. Bangui and Ombella-M'Poko

The period from 21 December 2008 to 23 March 2013 was marked by renewed armed conflict in the North between rebels and the FACA which, in Bangui, led to a crackdown on people accused of supporting armed groups, especially towards the end of 2012 and in early 2013. FACA, particularly the Presidential Guard, committed extrajudicial killings, detained and tortured civilians, and some of the victims died as a result of cruel, inhuman and degrading treatment. The below cases illustrate this pattern:

- In December 2009, the leader of the rebel movement *Mouvement national du salut de la patrie* (MNSP), Hassan Ousman, who was in talks with the Government over demobilization of his armed group disappeared from the Bangui base of MICOPAX, where he was supposed to be protected. It was widely suspected that he was abducted and possibly killed by government security forces.²³⁹
- On 6 January 2012, the SRI arrested the leaders of four armed groups involved in the DDR process. Jean-Jacques Demafouth, President of the APRD and Vice-president of the DDR Steering Committee, Herbert Gontran Djono Ahaba, Member of Parliament and leader of the UFDR, Mahamat Abrass from the same rebel group and a former Member of Parliament, and Abdel Kader Kalil, also from UFDR and a member of the DDR Steering

²³⁵ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, paras. 38 and 43; ICG, [Priorities of the Transition](#), 11 June 2013.

²³⁶ In November 2013, there were still 3500 children in the ranks of the ex-Séléka, See [Report of the Secretary-General on the Central African Republic \(S/2013/677\)](#), 15 November 2013, para. 10.

²³⁷ [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic, A/HRC/11/2/Add.3](#), 27 May 2009; United States of America Department of State, *Country Reports on Human Rights Practices 2008, 2009, 2010, 2011, and 2012*.

²³⁸ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2009/309\)](#), 12 June 2009, para. 41.

²³⁹ [Report of the Secretary-General on the situation in the Central African Republic/ BINUCA \(S/2010/295\)](#), 10 June 2010, para. 36, Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013.

Committee, were all accused of conspiring against national security. On 11 April 2012, Mr. Demafouth and the three UFDR leaders were granted provisional release and were never formally charged.²⁴⁰

- On 2 February 2012, in Bangui's 7th district, a member of the Presidential Guard killed a Peulh herdsman suspected of belonging to the *Front populaire pour le redressement* (FPR). Another Peulh herdsman was seriously wounded and a third was reported missing. The incident occurred in the context of, and at the same time, as a joint FACA/ANT offensive which was launched in January 2012 against the FPR in the centre-north part of the country.²⁴¹
- On 11 July 2012, Jean Bianga, the driver of the former Minister of Finance, Sylvain Ndoutingaï, was arrested by the OCRB for unknown reasons, and later disappeared from police custody. A nephew of Bozizé, the Minister had been dismissed in June 2012 over suspicion of fomenting a coup. Jean Bianga has since remained missing.²⁴²

From late 2012 to 24 March 2013, the Government pursued a strategy of targeting members of the opposition as well as other civilians suspected of having links with the Séléka. Many of those targeted were subjected to extrajudicial killings, arbitrary arrests and enforced disappearances by the Presidential Guard, FACA soldiers and young militiamen belonging to the *Coalition citoyenne d'opposition aux rébellions armées* (COCORA). Extrajudicial executions were sometimes carried out in the presence and with the knowledge of State authorities. The COCORA was a militia created late in 2012, to mobilize urban youth in Bangui to help defend President Bozizé from the Séléka rebellion. It was founded by Levi Yakété, a former youth affairs adviser to President Bozizé.

- At the end of 2012, national security forces arrested 150 suspected supporters of the Séléka and tortured them. These people had been arrested on suspicions of an imminent coup d'état. The alleged coup ring leader was taken to the detention centre in Bossembélé (Ombella-M'Poko) and subjected to torture for a whole day in the presence of a senior Government agent who was close to President Bozizé. Other suspects were imprisoned at the Camp de Roux military headquarters in Bangui and subjected to torture and other forms of cruel, inhuman or degrading treatment.²⁴³

²⁴⁰ [Report of the Secretary-General on the situation in the Central African Republic and on the activities of BINUCA \(S/2012/374\)](#), 29 May 2012, para. 6-7.

²⁴¹ *The Guardian*, [Military offensive in CAR adds to humanitarian crisis](#), 7 March 2012; *La Coordination internationale des forces vives tchadiennes en exil*, [Tchad-RCA : Au secours à la communauté Peul persécutée !](#), February 2012.

²⁴² *United States of America Department of State*, [Country Reports on Human Rights Practices, 2012](#); *Radio Ndéké Luka*, [La famille du chauffeur de Ndoutingaï porte plainte contre X](#), 20 July 2012 ; *HRW*, [Police Unit Killed 18 in Cold Blood - Investigate Former Commander Implicated in Abuses](#), 27 June 2016.

²⁴³ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras. 30 and 31; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 115-151; France 24, [Témoignage exclusif d'un ancien prisonnier "personnel" de Bozizé](#), 31 March 2013. See also articles by AFP, AP and Xinhua News cited in the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

- On 23 March 2013, in Bangui, one day before the Séléka overran the capital, a FACA soldier killed between 13 and 17 people suspected of supporting the rebellion in the Ndrès cemetery.²⁴⁴
- From January to March 2013, Presidential Guards and FACA units looted public and private properties, including the Bank of Africa, as well as properties of international humanitarian organizations. On 8 January 2013, soldiers stormed the house of a magistrate who had sent a letter to the Minister of Justice, calling on him to publicly condemn the looting of public and private property by FACA and Presidential Guards.²⁴⁵

The period leading up to the fall of Bozizé saw a surge in the number of hate speeches emanating from the President and members and supporters of his Government directed at minority groups, such as people from the Peulh ethnic group, as well as other Muslims. Staunch supporters of Bozizé used the national radio, and especially popular programmes, to defend the Government and to encourage attacks on opponents and others accused of conniving with the Séléka.

- In a speech on 15 March 2013, President Bozizé urged Central Africans in the different neighbourhoods of Bangui to be “vigilant”, especially in relation to ‘foreigners’. He identified areas of the city that required greater vigilance, namely the banks of the River Oubangi, Mougoumbo, Damala, Boeing and the 8th arrondissement. He placed special emphasis on the M’Poko neighbourhood in which many foreigners were alleged to be living. It was widely believed that the targets were members of the Muslim community, a large proportion of whom were living in the aforementioned areas. In his speech, President Bozizé purported to grant special authority to ordinary civilians to “arrest members of the opposition and those with close ties with the Séléka, and to hand them over to the police or *gendarmerie*”.²⁴⁶
- From late 2012 to 24 March 2013, Levy Yakété, the leader of the COCORA, used political rallies and the national radio to make public statements that sought to provoke sectarian violence. His statements focused on violent propaganda which called for community vigilance, and promoted hate and discrimination against one segment of the national community. Another founder of the COCORA also contributed significantly towards the mobilization of youth groups in the name of ‘vigilance’. He also personally arrested several people accused of conniving with the Séléka.²⁴⁷

²⁴⁴ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013.

²⁴⁵ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 32; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 137-140.

²⁴⁶ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 157. The reports cites several open sources, such as Le Confident, *Bozizé invite le peuple à la vigilance*, 3 January 2013 ; Le Confident, *Des éléments de l'UPC sèment la panique à Bangui*, 25 January 2013, AI, [Human rights crisis spiraling out of control](#), 29 October 2013, pp.15-16 ; Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013.

²⁴⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para.

In addition to politically-motivated human rights violations, members of the security forces committed extrajudicial killings, beatings and other violations sometimes linked to private disputes. Such cases include:

- From 21 December 2008 to 23 March 2013, members of Bozizé's family, in particular those holding official positions, mistreated numerous civilians, including through arbitrary arrests, torture and beatings, mostly over personal disputes.²⁴⁸
- On 5 March 2009, three members of the Presidential Guard severely beat a Commissioner of Police, Daniel Sama, in the Miskine neighbourhood following a dispute over his right to carry a firearm while off duty. Daniel Sama later died from severe head injuries in hospital. His death triggered a large-scale demonstration which the army dispersed by firing live rounds. Between seven and 13 people consequently sustained bullet wounds and were treated in hospital.²⁴⁹
- On 9 June 2010, security forces unlawfully arrested and detained 12 persons for several months on the grounds that they were close to Symphorien Balemby, president of the Central African Bar Association, and Jean Daniel Ndengou, first vice-president of the Economic and Social Council. These two men, who were involved in a dispute against a businessman who was close to the President, had fled the country after having been publicly accused by Bozizé of being responsible for the burning of the Rayan supermarket. The 12 men were transferred without due process to the Bossembélé detention centre. They were reported to have been charged with arson, inciting hatred and criminal conspiracy. The Central African Bar Association went on strike in protest against the arrests and the President's interference with the judiciary. A few months later, the detainees were released without trial.²⁵⁰

161-164; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 34. On 9 May 2014, the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, imposed sanctions against Levy Yakété, including for having recruited young militiamen to attack opponents to Bozizé's regime with machetes. See <http://www.un.org/press/fr/2014/SC11389.doc.htm>. Levy Yakété died in a traffic accident in France, on 15 November 2014.

²⁴⁸ HRW, ["I Can Still Smell the Dead", the Forgotten Human Rights Crisis in the CAR](#), 18 September 2013; United States of America Department of State, [Country Reports on Human Rights Practices 2010](#) and [2011](#); Radio Ndéké Luka; [Teddy Bozizé jaloux, a failli enterrer vivant 2 jeunes à Bangui](#), 29 December 2011; Radio Ndéké Luka, [Joseph Bozizé fait encore torturer 4 centrafricains à Bangui](#), 12 November 2012; Centrafrique Presse Info, [Liste des étrangers emprisonnés par François Joseph Bozizé au camp de Roux depuis plus de 16 mois sans procès](#), 19 November 2012; Centrafrique Presse, [Rodrigue Bozizé menace de tuer le correspondant de Radio Ndéké Luka à Bozoum](#), 19 November 2012; Centrafrique Presse, [Liberté de la presse : Des journalistes de Radio Ndéké Luka dans la ligne de mire des rejets de Bozizé](#), 26 November 2012; Ministry of Justice of the Central African Republic, [Indictment against Bozizé \(Crime graves commis sous le règne de l'ex-Président Bozizé\)](#), 30 April 2013.

²⁴⁹ OCHA/ Humanitarian and Development Partnership Team (HDPT), [News Bulletin 98](#), 2 to 9 March 2009, United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009; AFP; [Vive tension dans un quartier de Bangui, après des violences](#), 6 March 2009; AFP, [Soldiers clash with protestors in CAR](#), 6 March 2009.

²⁵⁰ AI, [Action needed to end decades of abuse](#), 20 October 2011; Centrafrique Presse Info, [Supermarché RAYAN : quand un incendie volontaire devient source d'enrichissement](#), 11 April 2012.

- In November 2010 a member of the Presidential Guard shot and killed a 13-year-old boy in Bangui's 8th arrondissement after a night guard who was watching a neighbour's house claimed the boy was trying to break into a bar owned by the soldier. The soldier was arrested but released a week later. The murder triggered protests and riots against police, who fired on the demonstrators, injuring at least three people, and arrested some journalists.²⁵¹
- On 7 August 2012, a young woman died from injuries sustained after being shot by an army captain. The latter had opened fire at a crowd protesting against his attempt to arrest civilians he accused of involvement in a violent incident in Bangui. The soldier had a long-standing reputation for committing human rights abuses with impunity.²⁵²
- On 26 September 2012, in the PK12 neighbourhood, a Chadian element of the Presidential Guard threw a hand grenade into a crowd following an argument with a herdsman, killing up to three people. The Presidential Guard element, the herdsman and another person died from the explosion while 11 people were injured.²⁵³
- During the night of 30 September to 1 October 2012, in the PK12 neighbourhood, a confrontation between *gendarmes* and Chadian members of the Presidential Guard resulted in the death of up to four people while several others were injured. The incident reportedly started when two drunken Chadian soldiers harassed a young woman in a bar. When a crowd, including *gendarmes*, intervened to protect the woman, the soldiers called colleagues who opened fire on the crowd.²⁵⁴

During this period, tensions between the Muslim community, especially of Chadian descent, and other Central African communities intensified and sometimes led to riots by the Muslim community in Bangui.²⁵⁵ In such instances the security forces often failed to prevent or effectively respond to intercommunal violence, for example:

- In June 2011, Bangui was plagued by weeks of riots that led to the death of at least 11 people, mostly Muslims, who were attacked by the population in retaliation for the

²⁵¹ United States of America Department of State, *Country Reports on Human Rights Practices*, 2010; Radio Ndéké Luka, *Un officier de la garde présidentielle abat un jeune à Bangui*, 15 November 2010 ; AFP, *3 blessés lors d'une manif après la mort d'un jeune à Bangui*, 14 November 2010.

²⁵² Radio Ndéké Luka; *Le Capitaine Ngaïkoïssat refait surface avec un meurtre au dos*, 8 August 2012 ; United States of America Department of State, *Country Reports on Human Rights Practices*, 2012; AI, *Annual Report: Central African Republic*, 2013; The ACLED database on the Central African Republic cites an article of AFP on this incident See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

²⁵³ OCHA/HDPT, *Bulletin d'information 203*, 11 September to 9 October 2012 ; United States of America Department of State, *Country Reports on Human Rights Practices*, 2012; Afrique News Info, *6 personnes dont 2 « GP » tuées au PK12*, 1 October 2012.

²⁵⁴ Ibid.

²⁵⁵ *Report of the Secretary-General on the situation in the Central African Republic and on the activities of BINUCA (S/2012/374)*, 29 May 2012 para. 9; See also two articles from AFP from January 2012 cited in the ACLED database at <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

alleged murder of two children by a Muslim man (the bodies of the children were found in the trunk of this man's car). Several Mosques were torched in the process.²⁵⁶

Attacks on journalists

The right to freedom of expression was systematically curtailed by the Bozizé Government. Ministers and other senior officials would threaten journalists and magistrates who were critical of the Government. Several journalists were arrested and subjected to prison sentences, leading to protests and strike action by the media and the Union of Magistrates. Many journalists were regularly threatened, attacked and/or imprisoned, notably for denouncing corruption in the State apparatus.²⁵⁷

- On 27 May 2011, two newspaper journalists, Cyrus Sandy (*Média Plus*) and Faustin Bambou (*Les Collines de Bas-Oubangui*) were arrested and imprisoned following a series of editorials that accused Delegate Minister of Defence and one of the President's sons, Francis Bozizé, of misappropriating public funds intended for the pensions of military retirees. The authorities claimed the editorials had sparked protests by military retirees and charged the two journalists with inciting hatred and violence. After nearly two months in prison, and following protests by diplomats as well as by national and international organizations, they were tried and found guilty of the civil offence of defamation. They were released and each was ordered to pay a fine of 300,000 CFA.²⁵⁸
- On 26 January 2012, a court in Bangui sentenced Ferdinand Samba, editor of the daily newspaper *Le Démocrate*, to 10 months of imprisonment and a heavy fine in damages following a defamation complaint lodged by former Finance Minister Sylvain Ndoutingai. The newspaper was also ordered to shut down for a year. The court also sentenced *in absentia* Patrick Agoundou, the publisher of *La Plume* newspaper, to one year of imprisonment in connection with the same offence. Ferdinand Samba was pardoned by the President on 3 May 2012, World Press Freedom Day, which his colleagues had decided to boycott in protest against his imprisonment.²⁵⁹
- In 2012, one of the sons of President Bozizé threatened several journalists, notably from the Ndéké Luka Radio, prompting some to leave the country.²⁶⁰

²⁵⁶ OCHA/HDPT, *Bulletin d'information No. 170*, 24 May -7 June 2011 ; United States of America Department of State, *Country Reports on Human Rights Practices*, 2011; The ACLED database cites one article by AFP on this incident <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

²⁵⁷ *The International Commission of Inquiry on the CAR (S/2014/928)*, 22 December 2014, paras. 152-155.

²⁵⁸ RSF, *Faustin Bambou, accusé "d'incitation à la violence et à la haine" pour avoir relaté une affaire de détournement de fonds*, 8 June 2011 ; Radio Ndéké Luka, *Verdict d'apaisement, les deux journalistes sont libres*, 11 July 2011 ; AFP, *Centrafrique: libération de deux journalistes en prison depuis un mois*, 11 July 2011.

²⁵⁹ RSF, *Le journaliste Ferdinand Samba libéré : Reporters sans frontières salue le geste du président Bozizé*, 4 May 2012 ; Centrafrique Presse, *Le FARE-2011 condamne l'emprisonnement de Ferdinand Samba et exige sa libération*, 8 February 2012.

²⁶⁰ Centrafrique Presse, *Rodrigue Bozizé menace de tuer le correspondant de Radio Ndéké Luka à Bozoum*, 19 November 2012 ; Centrafrique Presse, *Liberté de la presse : Des journalistes de Radio Ndéké Luka dans la ligne de mire des rejets de Bozizé*, 26 November 2012 ; Global Journalist, *Central African reporter loses family, home after flight*, 10 December 2014.

The Bossembélé detention centre (Ombella-M'Poko)

During Bozizé's tenure, the Bossembélé military training centre, which included a private residence of the President, was used by the Presidential Guard as a torture centre and was commonly known as "Guantanamo". The presidential villa was flanked by two concrete standing cells in which individuals were often left until they died.²⁶¹

- During Bozizé's tenure, especially during the years 2009 to 2013, Presidential Guards arbitrarily detained more than 200 prisoners. The victims, who often were political opponents, were held incommunicado for months and even years, in conditions of near starvation and constant ill-treatment. They were tortured, sometimes by high level officials, often leading to their death or extrajudicial execution.²⁶²

Several individual cases are listed below:

- In January 2010, Presidential Guards, under direct orders from high level officials, tortured to death Charles Massi, a former Minister of Mines and leader of the rebel movement CPJP. As previously indicated, he had been arrested in December 2009 in Chad and delivered to the Presidential Guards of the Central African Republic in an undetermined location in the Nana-Mambéré prefecture. The Government considered Charles Massi as a spoiler, notably for refusing several offers to participate in the Inclusive Political Dialogue. President Bozizé confirmed the death of Massi but dismissed criticism from human rights and opposition groups who were demanding an international investigation.²⁶³
- From August 2012 to March 2013, Presidential Guards tortured and inflicted other cruel, inhuman or degrading treatments to Serge Venant Magna, an official in the Ministry of Finance, who had been arrested in Bangui on 14 August for undisclosed reasons.²⁶⁴

²⁶¹ HRW, *I Can Still Smell the Dead*, 18 September 2013. The report contains pictures of the torture centre, including of the two concrete standing cells.

²⁶² *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24/Add.6)*, 28 May 2010; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA (S/2010/584)*, 19 November 2010; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA (S/2012/956)*, 21 December 2012; *Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights (A/HRC/24/59)*, 12 September 2013; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014; AI, *Human rights crisis spiraling out of control*, 29 October 2013; HRW, *I Can Still Smell the Dead*, 18 September 2013.

²⁶³ BINUCA, *Internal report on Charles Massi*, January 2010; *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24/Add.6)*, 28 May 2010; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA (S/2010/584)*, 19 November 2010; *Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights (A/HRC/24/59)*, 12 September 2013; HRW, *I Can Still Smell the Dead*, 18 September 2013.

²⁶⁴ United States of America Department of State, *Country Reports on Human Rights Practices*, 2012; Centrafrique Presse, *Lettre de remerciements de Venant Serge MAGNA, rescapé du "Guantanamo" de Bozizé de Bossembélé*, 25 April 2013.

- At the end of 2012, Presidential Guards under direct orders of, or together with high level officials, tortured and executed an undetermined number of people suspected to be supporters of the Séléka. As the Séléka advanced towards Bangui, the beatings, torture and executions by national security forces increased.²⁶⁵

When the Séléka took over Bossembélé in March 2013, all prisoners were released.

2. The Northwest

In the northwest of the country, the period from 2009 until March 2013 was marked by a continuation of armed conflict despite the signing of the Global Peace Agreement in June 2008 and the Inclusive Political Dialogue in December 2008. Several factors accounted for the continuation of the armed conflict. While the Government withdrew the Presidential Guard from the region, it replaced them with community-based “self-defence” militia who acted as proxy forces for the Government to fight the APRD. This escalated armed confrontations and drew children, in ever higher numbers, into the various fighting forces. Furthermore, systemic conflicts on the border with Chad continued, particularly due to incursions by armed Chadian herders and ensuing confrontations with APRD.

New armed actors entered the conflict, including a Chadian rebel group, the FPR, which set up its bases in the Ouham and Nana-Gribizi prefectures from which it planned to stage attacks against Chad. FPR was a Chadian rebel group led by a deserter from the Chadian *gendarmérie*, Baba Laddé. It was composed of several hundred Chadian fighters and some Central Africans.²⁶⁶ In committing violations against communities in areas where it was based, FPR came into confrontation with existing rebellions in Ouham prefecture, namely the APRD and the FDPC of Abdoulaye Miskine.

The dislodging of FPR by a joint military operation by the Governments of the Central African Republic and Chad, in January and February 2012, and the dissolution of the APRD rebellion in May 2012, changed the dynamics of conflict in the region, by ending the armed activities of the two main rebel groups active in the Northwest.²⁶⁷

The Ouham prefecture

During the period from 2009 to 2012, the conflict in Ouham prefecture intensified, in particular due to the presence and activity of the APRD, FPR and FDPC, which began fighting. The APRD strongholds were within the triangles between Markounda, Boguila and Paoua (straddling the Ouham and Ouham-Pendé prefectures) and between Kabo, Batangafo and Ouandago (straddling

²⁶⁵ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras. 30 and 31; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 115-151; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

²⁶⁶ ICG, [Keeping the Dialogue Alive](#), 12 January 2010.

²⁶⁷ AFP, [Centrafrique: auto-dissolution de la principale ex-rébellion APRD](#), 17 May 2012.

the Ouham and Nana-Gribizi prefectures).²⁶⁸ The FDPC remained active in its historical base around Kabo, Ouham prefecture. From around 2008, the FPR joined the conflict in this same area between Ouham and Nana-Gribizi prefectures.²⁶⁹

During the same period, confrontations continued between Central African rebel groups and militia and armed migrant herders from Chad, without the State intervening to protect the population. This situation resulted in serious violations.

- In February 2010, APRD rebels killed 18 Chadian herders, including four minors, in the village of Taley, near Markounda.²⁷⁰
- On 12 or 13 March 2010, APRD rebels killed two Chadian herders during an attack on the herders' temporary settlement, near Batangafo.²⁷¹
- In retaliation, between 14 and 17 March 2010, Chadian migrant herders – who had obtained reinforcements from the Chadian army – attacked local residents in Batangafo, killing at least 17 people, wounding several others, burning several villages to the ground, and displacing the local population.²⁷²
- Similar incidents occurred later in 2010 and through 2011 in the Ouham and Ouham-Pendé prefectures. In June 2010, armed Chadian migrants looted and burnt villages in Nana-Barya, Ouham prefecture and, in May 2012, killings occurred following confrontations between armed Chadian herders and local populations in Bongonon (Ouham) and Bozoum (Ouham-Pendé).²⁷³

As part of confrontations between them, armed groups carried out reprisals against the civilian population:

- On 26 December 2011, rebels of FDPC and FPR engaged in an armed confrontation in the region of Kabo during which two FPR combatants were killed. In reprisal, on 28 December 2011, several hundred FPR fighters descended on the town of Kabo and launched an indiscriminate attack against the population. As a result, an undetermined

²⁶⁸ Afrique Contemporaine, [Organisation du territoire rebelle dans le nord-ouest de la République centrafricaine 2005 à 2012](#), without date.

²⁶⁹ [Report of the Secretary-General on Children and Armed Conflict in the Central African Republic \(S/2011/241\)](#), 13 April 2011; OCHA/Humanitarian and Development Partnership Team, [Bulletin 184](#), 6 to 20 December 2011; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2011.

²⁷⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2010/295\)](#), 10 June 2010; [Report of the Secretary-General on Children and Armed Conflict in the Central African Republic \(S/2011/241\)](#), 13 April 2011; AI, [Action needed to end decades of abuse](#), 20 October 2011.

²⁷¹ UNHCR, [Fresh violence forces 1,500 civilians to flee in CAR](#), 25 March 2010; AFP, [RCA: 20 morts dans des affrontements entre habitants et éleveurs tchadiens](#), 17 March 2010.

²⁷² Ibid.

²⁷³ OCHA/ Humanitarian and Development Partnership Team, [Bulletin 148](#), 31 May 2010 to 7 June 2010; OCHA/ Humanitarian and Development Partnership Team, [Bulletin 194](#), 1 to 15 May 2012.

number of civilians were killed and a large number of houses were burnt down. Moreover, FPR pillaged several hundred heads of cattle and other property items.²⁷⁴

In June 2011, a tripartite agreement was signed between the Governments of the Central African Republic and Chad, and the FPR for the cessation of its armed activities in the Central African Republic and the repatriation of several hundred of its combatants of Chadian origin. However, FPR reneged on this agreement, which was condemned by the United Nations Security Council in December 2011.²⁷⁵ In January 2012, the Governments of the Central African Republic and Chad agreed to launch a joint military operation – the *Opération Araignée* – to dislodge the FPR fighters from the north of the Central African Republic, which was conducted from 23 January to 2 February 2012. It involved the deployment of several hundred Chadian infantry troops to the Ouham and Nana-Gribizi prefectures, as well as Chadian air force reinforcements. During this operation, serious violations were committed by elements of the Chadian and Central African armed forces and by the FPR.

- Between 21 January and 7 February 2012, FACA soldiers killed at least five civilians in Bogama and Batangafo. Some were killed apparently because they wore turbans and were therefore suspected of belonging to the FPR.²⁷⁶
- On 21 January 2012, in Batangafo, in reprisal for the arrest by the *gendarmerie* of several women who were “wives” of FPR leader Baba Laddé, the FPR staged an attempt to forcibly release them. During this operation, they kidnapped seven women and a child whom they held in captivity for 10 days. FPR raped at least two of the women and a 17-year-old girl and forced them to work as servants.²⁷⁷
- On 28 January 2012, elements of ANT committed acts of enforced disappearance in Kabo. They broke into the *gendarmerie* detention centre and seized some of the people who had been detained there, including a former FPR rebel. These persons have not been seen thereafter.²⁷⁸

The presence of multiple armed groups in the area of Kabo, Batangafo and Ouandago led to an increase in attacks against humanitarian convoys and personnel. Such attacks, which continued to occur in October and November 2012, were often intended to loot humanitarian convoys or seize vehicles. Incidents of sexual and gender-based violence by armed group elements were also reported in the area of Batangafo, Ouham prefecture.²⁷⁹

²⁷⁴ IRIN, [RCA : Vide sécuritaire dans le nord du pays](#), 11 January 2012; Le Confident, *l'insécurité sévit à Kabo et à Damara*, 7 January 2012.

²⁷⁵ [United Nations Security Council Resolution 2031 of 21 December 2011 \(S/RES/2031\)](#) expressed concern that FPR “threatens peace and security in the Central African Republic and the sub-region”, and condemned human rights violations perpetrated by FPR (preamble and para. 13).

²⁷⁶ BINUCA, *Rapport des missions d'établissements des faits concernant les viols et autres violations des droits de l'homme commises lors de l'opération militaire conjointe FACA-FANT contre le FRP (internal report)*, March 2012.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012.

The Ouham-Pendé prefecture

Following the withdrawal of the Presidential Guard from the Northwest in mid-2007, and although the APRD signed the Global Peace Accord of June 2008, there was a surge in the activity of armed community ‘self-defence’ militia in the region. Observers began noting an increase in recruitment of adults and minors by these militia as of 2008.²⁸⁰ The phenomenon would continue and expand in 2009 and thereafter. Whereas the community self-defence militia that had developed in the region since 2005 to combat widespread banditry following Bozizé’s coup in 2003 were aligned with the APRD rebellion, the self-defence militia that emerged in 2009 were proxy forces recruited by local and central Government authorities to counter the APRD. State involvement in the formation of these militia is an important fact, as following the overthrow of President Bozizé in March 2013, many were reconstituted to form the nucleus of the anti-Balaka, who would proceed to launch attacks against Séléka and commit pogroms against the Muslim population.²⁸¹

From late 2008, and with increasing consistency from 2009, the Government, acting through local officials in the prefectures of the northwest (especially in Ouham-Pendé) and central Government officials, supported the creation of these local community “self-defence” militia.²⁸² This amounted to arming civilians. In Ouham-Pendé, the coordinator of the local militia indicated that in 2009, his region’s militia had 2,092 elements; in some villages as much as 10 to 15 per cent of the population joined these militia.²⁸³ There was evidence of involvement of State authorities in constituting these militia. For instance, village authorities identified individuals eligible to join the militia, and would transmit their names to the *sous-préfet* and local police authorities who would in turn transmit them to the Ministries of the Interior and Defence. Furthermore, United Nations agencies seeking to access these militia in Ouham-Pendé in order to separate minors from their ranks, needed to obtain the authorization of the Ministry of Defence.²⁸⁴

- From late 2008 and 2009 when they were created, the self-defence militias in the Northwest recruited a substantial number of children. United Nations teams observed boys within the militia and estimated that as many as one-third of these “self-defence militia” consisted of individuals below the age of 18. From 2009 until 2012, the Special Representative of the Secretary-General on Children in Armed Conflict listed “self-

²⁸⁰ [Report of the Secretary-General on Children and armed conflict in the Central African Republic \(S/2009/66\)](#), 3 February 2009. See also United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009. The report notes that the “self-defence committees” were established to combat armed groups and bandits in areas where FACA or *gendarmes* were not present, thus acting as proxy forces for the Government.

²⁸¹ OCHA/Humanitarian and Development Partnership Team, [Bulletin 169](#), 10 to 24 May 2011, reporting that a joint mission by United Nations and NGO protection actors to Bavara, Bowe, and Taley (Ouham-Pendé prefecture), on 13 May 2011 was informed that these militia, already known at the time as “anti-Balaka”, had been constituted since 2006, to fight against road bandits and APRD.

²⁸² United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009.

²⁸³ [Report of the Secretary-General on Children and armed conflict \(A/63/785-S/2009/158\)](#), 26 March 2009.

²⁸⁴ [Report of the Secretary-General on Children and armed conflict \(A/63/785-S/2009/158\)](#), 26 March 2009 and [Report of the Secretary-General on Children and armed conflict \(A/64/742-S/2010/181\)](#), 13 April 2010.

*defence militias supported by the Government of the Central African Republic” among parties to the conflict who recruited or used children.*²⁸⁵

After 2009, in the Northwest, humanitarian organizations continued to suffer from attacks, kidnappings and acts of extortion committed by armed groups.

- From 2009 onwards, APRD committed kidnappings and extorted money from humanitarian organizations operating in the northwest. For instance, on 30 January 2011, APRD kidnapped two staff members of MSF-Spain whom they released 12 days later.²⁸⁶

As the State remained unable to assume its sovereign duty to ensure law and order, the APRD continued to fill this vacuum after 2009, which resulted in serious violations and abuses.

- From 2009, APRD committed serious violations against individuals accused of practicing witchcraft. They arrested, detained, tortured, carried out parody trials and, in some instances, executed these people. In May and October 2010, and November 2011, in Ouham-Pendé and other northern areas, the APRD tortured an undetermined number of people, including women suspected of witchcraft, and executed some suspects found to have practiced witchcraft, after determinations by “tribunals” instituted by the APRD.²⁸⁷
- On 4 and 5 March 2009, following conflict that emerged between these community self-defence militias and the APRD in the Ngaoundaye sub-prefecture, the APRD launched an indiscriminate attack against the population of Bezéré and Bordoul (Ouham-Pendé prefecture). Over 75 homes were burnt and approximately 1,000 people were displaced who could only return to their village nine months later.²⁸⁸
- APRD fighters also often committed violations related to private disputes or settling scores. For instance, on 24 April 2009, an APRD rebel killed the head of the Cattle Herders’ Association of Paoua, Ouham-Pendé prefecture.²⁸⁹

In 2010 and 2011, the work of humanitarian organizations continued to reveal the extent of sexual and gender-based violence committed in the northwest, especially in Ouham-Pendé. Some

²⁸⁵ [Report of the Secretary-General on Children and armed conflict \(A/63/785-S/2009/158\)](#), 26 March 2009, Annex 1; [Report of the Secretary-General on Children and armed conflict \(A/64/742-S/2010/181\)](#), 13 April 2010, Annex 1; [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011, Annex 1; [Report of the Secretary-General on Children and armed conflict \(A/66/782-S/2012/261\)](#), 26 April 2012, Annex 1.

²⁸⁶ [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011; AI, [Action needed to end decades of abuse](#), 20 October 2011; Radio Ndéké Luka, [2 expatriés espagnols de MSF enlevés par l’APRD libérés](#), 13 February 2011.

²⁸⁷ AI, [Action needed to end decades of abuse](#), 20 October 2011; United States of America Department of State, [Country Reports on Human Rights Practices, 2010 and 2011](#).

²⁸⁸ OCHA/Humanitarian and Development Partnership Team, [Bulletin 139](#), 15 to 30 March 2010; [Report of the Special Representative of the Secretary-General on IDP on the Central African Republic](#), April 2011.

²⁸⁹ [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Follow-up to the report on the mission to the Central African Republic \(A/HRC/14/24/Add.5\)](#), 19 May 2010; AI, [Action needed to end decades of abuse](#), 20 October 2011; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009.

reports included incidents of rape of women, men and children, including gang-rape. Perpetrators included APRD, FACA and unidentified armed groups. Few victims were able to get any redress. In some instances, traditional “mediations” resulted in the case not being pursued by local law enforcement authorities. Where APRD was in control, it would mete out its own localized form of justice, such as caning the alleged perpetrators.²⁹⁰

3. The Centre-North and Northeast

The Nana-Gribizi prefecture

APRD continued to maintain an important presence and exercise control in the region around Kaga-Bandoro. At the same time, following the arrest of FPR leader Baba Laddé, on 3 October 2009²⁹¹, his supporters threatened to wage a jihad against the Government of the Central African Republic, as well as against MICOPAX whom they blamed for facilitating the arrest of their leader.²⁹²

APRD continued to commit violations against civilians. For instance, they killed and tortured civilians accused of witchcraft by the local population, notably near Kaga-Bandoro.

- On 20 June 2009, the APRD tortured a man accused of bewitching his nephew. Under torture, the man named two individuals who helped him bewitch his nephew. The APRD arrested them and beat them to death.²⁹³
- In April 2010, the APRD arrested and tortured a man for allegedly practicing witchcraft. They tied him to a tree, beat him and cut off two of his toes to force a confession. As the man escaped, the APRD arrested his mother and tortured her.²⁹⁴
- In May 2010, the APRD arrested a man for witchcraft. When he managed to flee, they arrested his mother, stripped her naked, beat her, and forced her to pay a fine of 100,000 CFA before releasing her.²⁹⁵

Opération Araignée was conducted in both the north-west and centre-north parts of the Central African Republic. In the Centre-North, it was deployed in the areas of Ouandago and Gondava

²⁹⁰ United States of America Department of State, *Country Reports on Human Rights Practices*, [2010](#) and [2011](#).

²⁹¹ In October 2009, the Government of the Central African Republic declared Baba Laddé *persona non grata*. On 3 October, he was arrested following clashes between FPR and Chadian forces in the northern border town of Sido, and was deported to Chad.

²⁹² [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2009/627\)](#), 8 December 2009.

²⁹³ United States of America Department of State, *Country Reports on Human Rights Practices*, 2009; Réseau des Journalistes Centrafricains pour les Droits de l’Homme (RJDH), [Kaga-Bandoro–Baba Laddé un problème national selon le député Sylvestre Zama](#), 16 November 2011.

²⁹⁴ United States of America Department of State, *Country Reports on Human Rights Practices*, 2010; RJDH, [Kaga-Bandoro–Baba Laddé un problème national selon le député Sylvestre Zama](#), 16 November 2011.

²⁹⁵ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2007/697\)](#), 5 December 2007; United States of America Department of State, *Country Reports on Human Rights Practices*, 2010; RJDH, [Kaga-Bandoro–Baba Laddé un problème national selon le député Sylvestre Zama](#), 16 November 2011.

(Nana-Gribizi prefecture).

- Following a joint attack on FPR positions on 24 January 2012, an estimated 22,000 people were displaced and violations against civilians were committed by all parties. The city of Kabo (Ouham prefecture) was severely destroyed.²⁹⁶ Chadian soldiers killed 12 civilian men suspected of being FPR members. In addition, 29 women and four girls were reported to have been victims of sexual and gender-based violence committed by either FACA, ANT or FPR elements. The FACA also arbitrarily arrested approximately 50 men (it was unclear whether they were fighters or civilians) and injured at least 40 civilians.²⁹⁷

The Kémo prefecture

During the period, various armed groups launched incursions into the Kémo prefecture, which resulted in serious violations and abuses due to the inability of the State to meet its responsibility to protect civilians and ensure law and order.

- On or around 10 September 2012, a 14-year-old girl returning from school in Sibut was confronted by five unidentified uniformed armed men in a small forest near the hospital in Rue Henri Maïdou in Sibut. Some spoke Sango, others Arabic. One of the Arabic speakers raped her.²⁹⁸
- On 15 September 2012, a group of unidentified armed men attacked Dékoa where they looted the Catholic mission and attempted to steal the vehicles. They were believed to be former elements of the Presidential Guard, undisciplined and uncontrolled members of FPR and members of CPJP opposed to the peace agreement signed by their leaders on 27 August 2012.²⁹⁹

The Ouaka prefecture

The CPJP armed group, from its principal bases around Ndélé in Bamingui-Bangoran prefecture, on occasion extended its operations to prefectures further south, including the Ouaka. In addition, as pressure mounted on the FPR early in 2012, in the wake of the *Opération Arazignée*, FPR elements dispersed from the north-centre prefectures of Nana-Gribizi and Kémo and moved southwards to the Ouaka prefecture, where they continued to commit violations. These FPR elements in Ouaka prefecture (approximately 500 FPR rebels) were repatriated back to Chad late

²⁹⁶ BINUCA, *Internal human rights report*, March 2012; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012; IRIN, [Military offensive in CAR adds to humanitarian crisis](#), 7 March 2012.

²⁹⁷ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2012/374\)](#), 29 May 2012; BINUCA *Internal human rights report*, March 2012; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012; Slate Afrique, [Centrafrique: affrontements meurtriers entre militaires et rebelles tchadiens](#), 25 January 2012; IRIN, [Military offensive in CAR adds to humanitarian crisis](#), 7 March 2012.

²⁹⁸ Mapping Project interview, Sibut, Kémo, August 2016.

²⁹⁹ Mapping Project interview, Sibut, Kémo, August 2016; OCHA/Humanitarian and Development Partnership Team, [Bulletin d'information 203](#), 11 September – 9 October 2012.

in 2012.³⁰⁰

- On 15 and 16 October 2010, CPJP elements attacked and occupied the towns of Ippy and Bakala. They killed a civilian, looted several stores and destroyed official buildings. Following the attacks, hundreds of civilians fled to Bambari. In response to this attack, the Government deployed 150 FACA to secure the area.³⁰¹
- From 19 February to 18 March 2012, FPR elements attacked civilians in Kagbi, Wigbi Bakala, Grimari, Ippy and Kouango. They killed at least five civilians, looted most homes and robbed villagers, including diamond traders. Approximately 450 villagers were consequently displaced, fleeing to the bush, and more than 700 were left homeless. FPR reportedly acted in revenge of the *Opération Araignée*.³⁰²
- On 12 January 2012, in the villages of Kissa, Poundourou and Awaté, a dozen FPR elements took 12 Peulh children (eight girls and four boys) as hostages, demanding a ransom. During this kidnapping, they stole 38 cows from the villagers.³⁰³
- On 7 May 2012, FPR elements attacked and ransacked the village of Affrotcho, situated 72 kilometres from Bambari. They demanded one million CFA to leave the area.³⁰⁴

The Bamingui-Bangoran prefecture

From early 2009, FACA launched a series of counter-offensives against the CPJP in Ndélé and surrounding areas. The fighting resulted in killings, injuries, torture, displacement, arbitrary arrests and detentions,³⁰⁵ notably:

- In January 2009, civilians from the villages north of Ndélé were massively displaced as a consequence of fighting between the FACA and the CPJP: over 2,500 people were reported to have fled to southern Chad.³⁰⁶

³⁰⁰ Mapping Project interview, Bambari, Ouaka, October 2016; Radio Ndéké Luka, [500 ex-rebelles de Baba Ladé seront extradés au Tchad dès 3 octobre 2012](#), 30 September 2012.

³⁰¹ [Report of the Secretary-General on Children and Armed Conflict in the Central African Republic \(S/2011/241\)](#), 13 April 2011; OCHA/HDPT, [Bulletin 156](#), 12-26 October 2010; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010; For this incident, the ACLED database cites an article by Crisis Watch, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>; Radio Ndéké Luka, [Calme précaire à Ippy, après l'attaque de la CPJP](#), 26 October 2010.

³⁰² OCHA/Humanitarian and Development Partnership Team, [Bulletin d'information 191](#), 13-27 March 2012 ; RJDH, [Bakala : Deux villages attaqués par les éléments de Baba-Laddé](#), 21 February 2012.

³⁰³ Mapping Project interview, Bambari, Ouaka, October 2016; JournaldeBangui.com, [Centrafrique: Enlèvement des enfants Peulh dans l'Ouaka](#), 3 February 2012.

³⁰⁴ Mapping Project interview, Bambari, Ouaka, October 2016; OCHA/HDPT, [Bulletin d'information 194](#) 1-15 May 2012.

³⁰⁵ [Report of the Special Representative of the Secretary-General on the human rights of internally displaced persons, mission to the Central African Republic \(A/HRC/16/43/Add.4\)](#), 18 January 2011, para 8.

³⁰⁶ OCHA/Humanitarian and Development Partnership Team, [Bulletin 93](#), 26 January to 2 February 2009; OCHA/HDPT, [Bulletin 95](#), 2 February to 9 February 2009; UNCHR, [Influx of CAR refugees to south-eastern Chad](#), 6 February 2009.

- On 3 February 2009, the FACA attacked the village of Sokoumba and killed at least 19 men, including the village chief. In the villages of Akoursoubak and Zobosinda, the soldiers killed at least 21 civilians. They tied them to trees, some naked, and shot some in the head, stabbed others to death and decapitated at least one man. The bodies were buried in a mass grave near Sokoumba. About 18,000 civilians from this area fled to Chad where most of them remained until 2012. The village of Sokoumba remains abandoned.³⁰⁷
- On 7 November 2009, CPJP elements attacked the village of Zoukoutouniala, abducted a civilian man, and looted and burnt down a dozen homes and stores.³⁰⁸ Later that month, the FACA counter-attacked the CPJP in Zoukoutouniala and burnt down most of the villagers' homes. The population fled to the bush.³⁰⁹
- On 26 November 2009, the CPJP launched an attack on Ndélé where it killed and injured many civilians, pillaged the Catholic mission and stole vehicles. The CPJP targeted Government installations, including the headquarters of the Presidential Guard, the *gendarmerie* and the residence of the *préfet*. They hit targets with rocket propelled grenades and light arms, occupied and looted Government buildings, and left at noon, when the FACA began their counter attack. As a consequence of the fighting, civilians were displaced and entire neighbourhoods emptied.³¹⁰
- The same day, in Ndélé, the FACA counter-attacked CPJP fighters with a rocket-launcher and killed several civilians, including two children. They also captured an undetermined number of CPJP fighters whom they executed.³¹¹
- On 7 December 2009, the FACA attacked the village of Bangbali, situated along the Chadian border, and abducted the chief of the village. They used him as a guide in order to track the presence of CPJP in the region. He was later brought to Ndélé and detained for several weeks.³¹²

³⁰⁷ Mapping Project interview, Sokoumba, Bamingui-Bangoran, October 2016; [Report of the Special Representative of the Secretary-General on the human rights of internally displaced persons, mission to the Central African Republic \(A/HRC/16/43/Add.4\)](#), 18 January 2011, para. 8; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions : Follow-up to the report on the mission to the Central African Republic \(A/HRC/14/24/Add.5\)](#), 19 May 2010; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009.

³⁰⁸ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; IRIN, [Clash in northern town of N'délé prompts security fears](#), 31 November 2009, and IRIN, [Retour difficile pour les déplacés de Ndélé](#), 6 March 2012.

³⁰⁹ Ibid.

³¹⁰ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; OCHA/HDPT, [Bulletin d'information 131](#), 23 November to 7 December 2009.

³¹¹ Ibid.

³¹² Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions : Follow-up to the report on the mission to the Central African Republic \(A/HRC/14/24/Add.5\)](#), 19 May 2010; OCHA/HDPT, [Bulletin d'information 132](#), 7 December to 28 December 2009 (available in the Mapping Project's library of open sources); ICG, [Keeping the Dialogue Alive](#), 12 January 2010.

- On 8 December 2009, the FACA attacked CPJP in Akrousoulbak and burnt down many homes. Two children were killed by stray bullets.³¹³

Minority ethnic groups, such as the Haoussa, were often the target of various armed elements, based on assumption of allegiances to either armed groups or Government forces:

- On 26 March 2010, CPJP elements attacked a village known under the name Haoussa - and mainly populated by Haoussa - 12 kilometres from Ndélé. They killed a pregnant woman and abducted her husband, the director of the local school. CPJP elements also looted and burnt down homes. Villagers fled to surrounding areas as a result of this attack.³¹⁴
- The CPJP conducted another attack on the village on 4 May 2010, and kidnapped and tortured the chief of the village because he had ordered residents to flee.³¹⁵
- The Special Representative of the Secretary-General on the human rights of Internally Displaced Persons reported that the CPJP would systematically rape Haoussa women and girls (as young as 12) who were not able to flee.³¹⁶ From March to June 2010, CPJP elements raped more than 20 women, including young girls in the villages of Gozbaïda and Zoukoutouniala.³¹⁷
- On 9 April 2010, in Ndélé, the Central African Republic authorities arrested a lieutenant of the Department of Water and Forestry on accusations of complicity with the CPJP. The FACA tortured him before transferring him to the SRI prison in Bangui, where he spent two months until his release on 10 June 2010.³¹⁸
- Around mid-April 2010, the CPJP attacked the town of Mbollo, killed the village chief, and burnt more than 100 houses.³¹⁹
- On 22 April 2010, CPJP elements attacked the town of Ndélé and the villages of Akrousoulbak and Zoukoutouniala and pillaged three medical centres, forcing civilians to flee.³²⁰

³¹³ Ibid.

³¹⁴ IDMC/Watchlist, *Un avenir incertain ? Enfants et conflit armé en République centrafricaine*, May 2011 ; Radio Ndélé Luka, *Grève des enseignants à Ndélé*, 1 April 2010.

³¹⁵ Ibid.

³¹⁶ *Report of the Special Representative of the Secretary-General on the human rights of internally displaced persons, mission to the Central African Republic (A/HRC/16/43/Add.4)*, 18 January 2011.

³¹⁷ *Report of the Secretary-General on Children and Armed Conflict in the Central African Republic (S/2011/241)*, 13 April 2011; United States of America Department of State, *Country Reports on Human Rights Practices*, 2010.

³¹⁸ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; United States of America Department of State, *Country Reports on Human Rights Practices*, 2010.

³¹⁹ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; United States of America Department of State, *Country Reports on Human Rights Practices*, 2010.

³²⁰ *Report of the Secretary-General on Children and Armed Conflict in the Central African Republic (S/2011/241)*, 13 April 2011; *Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA (S/2010/295)*, 10 June 2010.

- On 23 April 2010, a FACA detachment arbitrarily arrested, threatened with death, and tortured a civilian in Zoukoutouniala, near Ndélé, on allegations that he was a member of the CPJP. They transferred him to the SRI in Bangui where he spent three months before being sent to the Ngaragba prison for about six months.³²¹
- On 3 May 2010, CPJP elements attacked the village of Gadaye and killed the patriarch because he had ordered villagers to flee the area.³²²
- On 13 and 14 May 2010, while searching for food and supplies, the CPJP invaded the village of Diki, where they killed the chief of the village, injured many civilians, and pillaged and burnt several houses.³²³
- On 21 May 2010, FACA soldiers and Presidential Guards attacked the village of Gozbaïda, killed many civilians, burnt down the majority of the houses and fields, and pillaged civilians' belongings.³²⁴
- On 24 May 2010, FACA soldiers and Presidential Guards attacked the village of Bangbali, inhabited principally by the Runga ethnic group (whose members formed the majority of the CPJP rebel group). During this attack, they injured many civilians, killed at least one villager, tortured the village chief, and looted and burnt down all homes. State forces suspected the villagers to be supporters of the CPJP because of their ethnic group.³²⁵

On 19 May 2010, the CPJP issued a statement rejecting the accusations that criminal acts and attacks on civilians were committed by elements under their command. They reiterated their availability to defend the population and to collaborate with the FACA to secure the area.³²⁶ Nevertheless, many violations by the CPJP continued to be documented, for instance:

- On 2 July 2010, in the village of Takara, the CPJP attacked and looted the residence of a local civil servant. Villagers fled as the CPJP had threatened to kill civilians who would collaborate with the FACA.³²⁷
- On 26 October 2010, the CPJP looted the village of Kpata and burnt approximately 150 houses. During this attack, they killed a 16-year-old girl.³²⁸

³²¹ Ibid.

³²² Ibid.

³²³ Ibid.

³²⁴ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; CPJP, [Les exactions de la grade présidentielle dans la préfecture du Bamingui-Bangoran](#), 2 June 2010.

³²⁵ Ibid.

³²⁶ CPJP, *La CPJP quitte Ndélé*, 19 May 2010.

³²⁷ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; AI, [Action needed to end decades of abuse](#), 20 October 2011.

³²⁸ [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011, para. 65; OCHA/HDPT, [Bulletin 157](#), 26 October 2010 to 9 November 2010; AI, [Action needed to end decades of abuse](#), 20 October 2011, p. 10; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010.

In November 2010, the FACA requested the support and intervention of the ANT to overcome the CPJP rebellion in Birao. At the time, the ANT were stationed in Sido, in Chad, along the border with the Central African Republic.³²⁹ In March 2011, fighting continued between the CPJP, the FACA and the UFDR. The CPJP signed a ceasefire with the Government of the Central African Republic on 12 June 2011 and a peace agreement on 25 August 2012. Two CPJP commanders, Nouredine Adam and Mohamed Moussa Dhaffane, opposed the peace deal. Dhaffane left the CPJP in 2012 to form his own rebel group, the *Convention patriotique du salut du Kodro* (CPSK).³³⁰

- On 20 March 2011, the CPJP attacked the village of Lemena where they killed two civilians and set fire to 26 homes. Hundreds of civilians were displaced as a consequence of this attack.³³¹
- On 22 March 2011, the CPJP attacked the village of Gozbaïda, which had been attacked a year earlier by the FACA. They killed at least five civilians. More than 120 homes were burnt and hundreds of civilians were displaced.³³²
- From 2 to 5 February 2012, in Ndélé, ANT elements raped an undetermined number of women (some of them aged 15 to 17 years). They broke into several houses and gang raped the women in front of their relatives. They also raped women in the *auberge* “Saline”. They also injured and threatened several civilians.³³³

Attacks on humanitarians

Several armed groups attacked humanitarians and took advantage of the absence of State authorities in the area to pillage humanitarian premises.

- In early May 2010, on the Bangoran-Bangui road, armed men allegedly affiliated to the Zaraguina attacked a humanitarian convoy of three vehicles of the *Comité national de lutte contre le sida*. They kidnapped a driver, injured a member of the convoy and stole some computers and money. The driver was released a few days later.³³⁴

³²⁹ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013.

³³⁰ [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009, para. 16; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

³³¹ OCHA/HDPT, [Bulletin 165](#), 15 March to 29 March 2011; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2011; AFP, [RCA; combats meurtriers entre armée et rébellion de la CPJP au nord](#), 24 March 2011.

³³² Ibid.

³³³ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013; BINUCA, *Internal report*, March 2012; RFI, [Pour les autorités tchadiennes, le FPR n'a aucune représentativité politique](#), 14 February 2008.

³³⁴ OCHA/HDPT, [Bulletin 144](#), 3 May to 10 May 2010 ; Centrafrique-Presse, [RCA – Insécurité : Un véhicule du CNLS attaqué par les coupeurs de route à Ndélé](#), 3 May 2010.

- On 23 May 2011, unidentified armed men attacked and looted the offices of the Danish Refugee Council and of *Solidarité Internationale* in Ndélé.³³⁵
- On 25 November 2011, unidentified armed men attacked a convoy of the International Committee of the Red Cross (ICRC) in the north of Ndélé. They abducted two humanitarian workers and stole two vehicles. The two workers were never seen again.³³⁶

The Vakaga prefecture

By mid-2007, the UFDR withdrew from Birao and signed a peace agreement with the central Government in Bangui. The signing of this agreement, under which the UFDR leader Zacharia Damane (a Gula) became an adviser to President Bozizé, however led to UFDR's splintering, with the newly-splintered factions (especially made up of non-Gula) resuming armed struggle against the Government.

In 2008, the Kara, an indigenous ethnic group of the region, took arms under the command of Ahamat Mustapha, a local leader of Birao. Their intention was to take revenge on the Gula, retain control of Birao - known as their place of origin - and trade with the Sudan.³³⁷ From 2008 to 2009, the UFDR continued its attacks on several villages in the Vakaga Prefecture. Since UFDR was now aligned with FACA, the fighting pitted the UFDR and the FACA against the Kara. :

- On 29 September 2008, a dissident branch of UFDR, the *Forces pour l'unification de la République centrafricaine* (FURCA) attacked the town of Am Dafock, at the border with the Sudan.³³⁸ The rebels looted several homes, which forced civilians to flee.³³⁹
- From 6 to 21 June 2009, fighting which opposed Kara elements to the UFDR and the FACA, along the road from Delembe to Sergobo, and in the town of Birao, led to the killing and injuring of civilians and the destruction of civilian properties.³⁴⁰ Humanitarian organizations were also looted. These incidents occurred following the murder, on 5 June

³³⁵ OCHA/HDPT, [Bulletin 169](#), 10 to 24 May 2011; Radio Ndéké Luka, [Deux villages occupés à Bambari par les rebelles de Babe Ladé](#), 5 August 2011.

³³⁶ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; OCHA/HDPT, [Bulletin 183](#), 22 November to 6 December 2011.

³³⁷ ICG, [Keeping the Dialogue Alive](#), 12 January 2010.

³³⁸ The dissident branch of UFDR was commanded by Oumar Sodiam and Yekoua Kette. OCHA/HDPT, [Bulletin 79](#), 29 September to 6 October 2008; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008.

³³⁹ OCHA/HDPT, [Bulletin 79](#), 29 September to 6 October 2008; FIDH, [Déjà-vu Peace \(dis\)agreements that are detrimental to victims](#), 4 December 2008.

³⁴⁰ [Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad \(S/2009/359\)](#), 14 July 2009, para 16 ; OCHA/HDPT, [Bulletin 106](#), 27 April to 4 May 2009 ; ICG, [Dangerous little stones: diamonds in the Central African Republic](#), 16 December 2010; ICG, [Keeping the Dialogue Alive](#), 12 January 2010; IRIN, [Birao: Pris au piège par les événements du 6 juin](#), 26 August 2009 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2009; AFP, [RCA: près de 30 morts samedi dans l'attaque armée à Birao](#), 8 June 2009.

2009, of a child from the Kara ethnic group by elements from the Gula group, and the kidnapping of the *préfet* of Vakaga by UFDR during the same period.³⁴¹

Abakar Sabone, known as one of the UFDR founders, split from UFDR in 2009 and set up the *Mouvement des libérateurs centrafricains pour la justice* (MLCJ), which initially consisted of no more than a few dozen poorly equipped armed elements. However their numbers grew over time as rivalries between Gulas and non-Gula led many of the latter, who felt stigmatized and discriminated against, joining armed groups.³⁴²

- On 24 November 2010, the CPJP attacked the town of Birao, targeting the FACA barracks and the airport. They killed the doctor and a medical civil servant. Following this attack, the Government requested Chad to intervene militarily. The Chadian army was deployed to Birao for several weeks.³⁴³ At the end of 2016, there was still no medical doctor in Birao.
- In November 2010, the CPJP recruited children to use them in the frontline. The UFDR and the MLCJ also continued recruiting children during the period.³⁴⁴
- In November 2011, the FACA targeted many civilians believed to belong to the CPJP and the MLCJ, which led to arbitrary arrests, detentions and ill-treatment. Some civilians were transferred to Bangui by the Presidential Guard and detained in inhumane conditions for periods of 10 to 20 days.³⁴⁵

Attacks against humanitarian actors

During the period, armed groups reportedly targeted humanitarian workers operating in the Vakaga Prefecture, stopping their vehicles and robbing them. The region was occasionally inaccessible to NGOs due to instability and fighting between rebels and the military. As a consequence, civilians were deprived of humanitarian assistance.³⁴⁶

³⁴¹ Mapping Project interview, Birao, Vakaga, September 2016; OHCHR Human Rights Case Database; [Report of the Secretary-General on the activities of the United Nations Mission in the Central African Republic and Chad \(S/2009/359\)](#), 14 July 2009, para 14 ; OCHA/HDPT, [Bulletin 106](#), 27 April to 4 May 2009 ; ICG, [Dangerous little stones: diamonds in the Central African Republic](#), 16 December 2010.

³⁴² [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009, para. 16.

³⁴³ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Children and armed conflict \(A/64/742-S/2010/181\)](#), 13 April 2010; [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011, para 64 ; ICG, [Dangerous little stones : diamonds in the Central African Republic](#), 16 December 2010.

³⁴⁴ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Children and armed conflict \(A/64/742-S/2010/181\)](#), 13 April 2010; [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011, para 64 ; ICG, [Dangerous little stones : diamonds in the Central African Republic](#), 16 December 2010.

³⁴⁵ OHCHR Human Rights Case Database.

³⁴⁶ Mapping Project interview, Birao, Vakaga, September 2016; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

- On 22 November 2009, unidentified armed men abducted two international humanitarian aid workers of the NGO *Triangle génération humanitaire* and also attempted to abduct medical staff from the NGO *Comité d'aide médicale*. They looted both organizations and stole three vehicles, a motorbike and computers.³⁴⁷
- On 3 May 2011, UFDR attacked a humanitarian convoy organized by the International Medical Corps. They highjacked the vehicle with its five occupants. At dusk, they released them 22 kilometres from the nearest village and drove away with the vehicle, a satellite phone and approximately 150,000 CFA.³⁴⁸
- On 22 May 2011, unidentified armed men attacked and looted the ICRC logistic base in Birao, where they stole a vehicle.³⁴⁹

4. The Southeast and the Vakaga: a fertile soil for incursions by the Lord's Resistance Army

The Haut-Mbomou, Mbomou and Haute-Kotto prefectures in eastern Central African Republic have historically been neglected, poorly administered and left without protection by successive Governments. This has made the area vulnerable to internal armed groups and/or foreign attackers. The sparse population in this region had little or no contact with the central Government and survived with little State interference or help. It is within this virtual absence of the State and the proliferation of armed groups that the LRA infiltrated eastern Central African Republic where they perpetrated horrendous human rights abuses.

The LRA is an armed group originating from northern Uganda where it had been fighting the Government forces and committing extensive and large scale human rights abuses since 1988. Unable to withstand a concerted military offensive by the Uganda People's Defence Force (UPDF, the Ugandan army), and largely rejected by the civilian population, the LRA moved to southern Sudan and the northeast of the Democratic Republic of the Congo in 2005. LRA leaders are under investigation by the ICC for crimes committed in Northern Uganda. At the present time, only one accused, Dominic Ongwen, is being tried by this court, charged with war crimes and crimes against humanity committed in northern Uganda, but not for any crimes he reportedly committed in the Central African Republic³⁵⁰.

The rebel group first entered and conducted attacks in the southeast of the Central African Republic as of February 2008. They entered the country from their bases in southern Sudan and

³⁴⁷ [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011; OCHA/HDPT, [Bulletin 130](#), 16 to 23 November 2009 ; Triangle Génération Humanitaire (GH), [Récit d'un Enlèvement](#), July 2010.

³⁴⁸ OCHA/HDPT, [Bulletin 168](#), 26 April to 10 May 2011; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2011.

³⁴⁹ OCHA/HDPT, [Bulletin 169](#), 10 to 24 May 2011; Centrafrique Presse, [L'antenne du CICR à Birao attaquée par des hommes armés](#), 23 May 2011.

³⁵⁰ ICC, [Pre-Trial Chamber II confirms the charges against Dominic Ongwen and commits him to trial](#), 23 March 2016.

the Democratic Republic of the Congo. From 2010 onwards, the prefectures mostly affected by LRA attacks were Haut-Mbomou, Mbomou, Haute-Kotto and the Vakaga. The LRA attacks in the Central African Republic escalated at the end of 2008 and during 2009 after the Ugandan army launched an aerial bombardment on a LRA base in the Garamba National Park, in the Democratic Republic of the Congo, in December 2008. Many LRA fighters and their captives fled, including to the southeast of the Central African Republic.³⁵¹

In March 2009, the Government of Uganda reached an understanding with the Government of the Central African Republic to deploy the UPDF to the southeast of the Central African Republic in order to track down LRA fighters. There is however no indication that a formal agreement was signed between the two Governments that would authorize and define the mandate of the UPDF, which has repercussions on accountability for human rights violations committed by the UPDF in the country.

During subsequent months, the UPDF, with a small contingent of the FACA, launched operations to track, capture or eliminate LRA fighters in the Central African Republic. Several LRA elements were killed, including one of its commanders, Okot Odhiambo, who was killed in August 2009. The intervention of the UPDF in the Central African Republic appeared to have reduced the number and frequency of LRA attacks there. In February 2010, under pressure from the UPDF, the LRA was forced to move further west-ward into the country from its traditional bases in Haut-Mbomou prefecture, in search of supplies of food and clothing which it pillaged from the local population. However, attacks persisted and led civilians to flee their villages and take refuge near UPDF bases.³⁵² The area between Mboki and the border with the Sudan were thus virtually emptied of its population.

Unable to obtain protection from the national security forces, inhabitants in the prefectures of Mbomou, Haut-Mbomou and Haute-Kotto resorted to forming “self-defence groups” to counter LRA attacks. Fighting between them and the LRA resulted in numerous casualties on both sides, including an undetermined number of civilian fatalities.³⁵³

During the latter half of 2012, LRA incursions further westward into the Central African Republic appeared to have subsided. This was at the same time as the build-up of the Séléka coalition in the Northeast.

- By December 2012, in the southeast of the Central African Republic, the LRA had carried out about 48 attacks during which at least 24 people were killed and 85 abducted. Unlike in previous years, when abductees were held for long periods, those abducted were generally held for brief periods, apparently because the LRA ranks had diminished and it no longer had the capacity to keep large numbers of people.³⁵⁴

The repeated attacks by the LRA on civilians in 2012 forced 21,000 people to internal

³⁵¹ LRA Crisis Tracker, *The state of the LRA in 2016*, March 2016.

³⁵² *Report of the Secretary-General on the situation in the Central African Republic (S/2010/295)*, 10 June 2010.

³⁵³ *Report of the Secretary-General on the situation in the Central African Republic (S/2010/584)*, 19 November 2010; Human Security Baseline Assessment (HSBA) *Lord's Resistance Army*, November 2010.

³⁵⁴ United States of America Department of State, *Country Reports on Human Rights Practices*, 2012; *LRA Crisis Tracker*, research undertaken for the year 2012.

displacement and 2,400 others to flee to neighbouring countries.³⁵⁵

The Haut-Mbomou prefecture

- In February and March 2008, LRA elements vandalized, pillaged and burnt hundreds of houses and granaries, as well as two health centres, in the Obo area. They also abducted many women and children whom they used as sex slaves, porters, labourers and combatants.³⁵⁶
- Also during February and March 2008, in an attack on the areas of Bambouti, Gbassigbiri, Ligoua and Obo, the LRA abducted about 100 people whom they used to transport looted property. About 40 adults among the abductees were released, but the LRA kept approximately 40 boys and 15 girls in their custody.³⁵⁷
- On 6 March 2008, the LRA abducted several civilians, including one woman, at a funeral ceremony, in the Sikotoka neighbourhood, near Obo. They forced the woman and other abductees to carry heavy loads and walk long distances up to Nabanga, in the Democratic Republic of the Congo. During her period in captivity, the LRA used the woman as a sex slave and she later gave birth to a baby with whom she escaped in November 2012.³⁵⁸
- On 1 May 2008, the LRA abducted about 100 children around Obo.³⁵⁹
- On 15 May 2008, the LRA attacked the town of Obo and abducted 73 people. Twenty-nine of those abducted returned. The majority of the victims were under 18 years old.³⁶⁰
- On 24 June 2008, LRA elements attacked the town of Obo, looted property, killed some residents and abducted more than 100 people before returning to their base in the DRC.³⁶¹
- In May 2009, the LRA killed at least 10 civilians in Kouroukou village, near Obo.³⁶²

³⁵⁵ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2012/956\)](#), 21 December 2012.

³⁵⁶ [Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA \(S/2008/410\)](#), 23 June 2008.

³⁵⁷ ICG, [Keeping the Dialogue Alive](#), 12 January 2010; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

³⁵⁸ Mapping Project interview, Obo, 12 August 2016.

³⁵⁹ USA today, [Ugandan official says rebels have taken 130 kids](#), 20 May 2008; International Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), [DRC: Massive displacement and deteriorating humanitarian conditions](#), 12 August 2009.

³⁶⁰ Enough Project, [On the heels of Kony: The untold Tragedy unfolding in the CAR](#), 24 June 2010, [Institute for War and Peace Reporting](#), [DRC: War against LRA looms in Congo](#), 24 Jun 2008.

³⁶¹ International War and Peace Reporting (IWPR), [DRC: War against LRA looms in Congo](#), 24 June 2008; IDMC and NRC, [DRC: Massive displacement and deteriorating humanitarian conditions](#), 12 August 2009.

³⁶² ICG, [LRA: A regional strategy beyond killing Kony](#), 28 April 2010; COOPI-RCA: [Rapport d'évaluation de la situation humanitaire dans les sous-préfectures d'Obo et Bambouti Préfecture du Haut-Mbomou](#), Novembre 2010.

- On 20 June 2009, the LRA attacked the villages of Ligoua, Kouroukou, Gassimbala, Koubou, Gouggbéré, Dindiri, Kanou and Ndigba, near Obo, and caused the displacement of over 3,000 civilians. Many found refuge in schools and churches, while others sought shelter with local families. During the attack, the LRA damaged or destroyed property belonging to residents and traders.³⁶³
- On 21 and 22 July 2009, repeated attacks by the LRA on the villages they had attacked on 20 June, resulted in the killing of at least 50 civilians and the displacement of about 4,000 people. They abducted at least 13 people from Ligoua.³⁶⁴
- During July and August 2009, the LRA attacked numerous areas in the southeast of the Central African Republic. Areas attacked included Dindiri, Ligoua and Mboki. During one attack on a lorry belonging to the Italian NGO COOPI, the LRA killed two staff and wounded two others. They subsequently pillaged food and medical stores, abducted men, women and children, and killed and raped civilians.³⁶⁵
- On 26 July 2009, the LRA attacked Maboussou, near Zémio, and looted property belonging to the inhabitants as well as the health centre.³⁶⁶
- On 3 and 5 August 2009, the LRA attacked Goubéré village, near Obo, killing at least one person and abducting at least five others. The attack resulted in the displacement of at least 1,000 residents, many of whom sought shelter in schools, while some 100 were housed by local families.³⁶⁷
- On 5 August 2009, the LRA attacked the Ngouli village, and assembled and herded inhabitants into a house which they set on fire. An undetermined number of people were burnt to death.³⁶⁸
- On 19 August 2009, the LRA attacked Ligoua and abducted an undetermined number of people, including children. They also killed three traders among the abductees after holding them for 10 days.³⁶⁹

³⁶³ COOPI-RCA, *Rapport d'évaluation de la situation humanitaire dans les sous-préfectures d'Obo et Bambouti Préfecture du Haut-Mbomou*, Novembre 2010 ; IRIN, *The LRA - not finished yet*, 1 October 2009.

³⁶⁴ United States of America Department of State, *Country Reports on Human Rights Practices*, 2010; ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010; SouthWorld, *LRA-nightmare not completed in CAR*, 2015; *LRA Crisis Tracker*, researches undertaken for the year 2009.

³⁶⁵ *Report of the Secretary-General on the situation in the Central African Republic (S/2009/627)*, 8 December 2009; COOPI-RCA, *Assessment report on the humanitarian situation in the sub-prefectures of Obo and Bambouti Prefecture of Haut-Mbomou*, November 2010. ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010 ; United States of America Department of State, *Country Reports on Human Rights Practices*, 2009.

³⁶⁶ ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010; Le Confident, *Le Haut-Mbomou asphyxié par les rebelles de la LRA*, 21 September 2009.

³⁶⁷ ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010; OCHA/HDPT, *Bulletin d'information 119*, 27 July-3 August 2009; *LRA Crisis Tracker*, researches undertaken for the year 2009.

³⁶⁸ Le Confident, *Le Haut-Mbomou asphyxié par les rebelles de la LRA*, 21 September 2009; *LRA Crisis Tracker*, researches undertaken for the year 2009.

³⁶⁹ *Report of the Secretary-General on the situation in the Central African Republic (S/2009/627)*, 8 December 2009; ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010.

- On 25 August 2009, the LRA conducted a series of attacks on Guli, Nguilnguili and Maboussou, and abducted at least 14 people.³⁷⁰
- On 26 August 2009, the LRA abducted six people from Djéma.³⁷¹
- On 26 August 2009, the LRA abducted five hunters from Maboussou and forced them to walk five kilometres from the area. The following day, they attacked Maboussou again, killed three people, seriously injured one, raped one woman, and abducted 14 people, including a 12-year-old boy.³⁷²
- On 7 September 2009, LRA elements killed a woman and her husband some 20 kilometres from Obo as the couple were walking to their fields. They abandoned the bodies on the path. On the same day, the LRA killed a former mayor of Obo while he was riding to Mboki on a motorcycle. The LRA also took 30 bulls from Peulh herders.³⁷³
- On 18 November 2009, the LRA attacked areas around Djéma and killed at least 11 people.³⁷⁴

By December 2009, there were 10,850 internally displaced persons in Haut-Mbomou prefecture and some 3,500 refugees who had fled LRA attacks in the north of the Democratic Republic of the Congo.³⁷⁵

- On 20 and 21 March 2010, the LRA attacked Mboki, killed the chief of Mboki 3 neighbourhood, injured an undermined number of people and abducted at least six others.³⁷⁶
- On 21 April 2010, the LRA attacked Gouete, situated about 45 kilometres from Zémio, killed six people, abducted three, and looted private houses and shops.³⁷⁷
- On 29 April 2010, the LRA killed 11 people and abducted 13 others at Kitessa and Taotai.³⁷⁸

³⁷⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2009/627\)](#), 8 December 2009; [LRA Crisis Tracker](#), researches undertaken for the year 2009.

³⁷¹ Ibid.

³⁷² Ibid.

³⁷³ Sangonet, [le cauchemar n'est pas terminé en RCA](#), 2 October 2009; Le Confident, [Le Haut-Mbomou asphyxié par les rebelles de la LRA](#), 21 September 2009.

³⁷⁴ [Report of the Secretary-General on Children and armed conflict \(A/64/742-S/2010/181\)](#), 13 April 2010; ICG, [LRA: A regional strategy beyond killing Kony](#), 28 April 2010.

³⁷⁵ ICG, [Keeping the Dialogue Alive](#), 12 January 2010; Sangonet, [Témoignages sur les exactions commises par les rebelles Ougandais de la LRA semant terreur et mort dans les populations sans défense à l'Est de RCA](#), 2010.

³⁷⁶ COOPI-RCA, [Assessment report on the humanitarian situation in the sub-prefectures of Obo and Bambouti Prefecture of Haut-Mbomou](#), November 2010; [LRA Crisis Tracker](#) researches undertaken for the year 2010.

³⁷⁷ Enough Project, [On the Heels of Kony, The Untold Tragedy Unfolding in the CAR](#), 24 June 2010; [LRA Crisis Tracker](#) researches undertaken for the year 2010.

³⁷⁸ Ibid.

- Between 20 March and 6 May 2010, the LRA conducted 10 attacks around Obo, killing at least 36 people and burning many houses. About 10,000 people fled the area, including around 400 to the Democratic Republic of the Congo.³⁷⁹
- Between 15 July and 20 November 2010, the LRA repeatedly attacked Ngouyo, situated 85 kilometres north of Zémio, killed at least eight people and burnt at least 35 houses. They also abducted at least four people they had used to carry assets collected from looted properties.³⁸⁰

During the latter months of 2010, some violations were also committed by the UPDF during their presence in the area for the purpose of military operations against the LRA, as indicated below. While the UPDF continued military operations against the LRA, violations by the armed group continued from late 2010 until 2012, as documented further below.

- In September 2010, a UPDF soldier shot and killed a civilian in Nzara.³⁸¹
- On 5 October 2010, a UPDF soldier shot a young man dead and injured his father. While a UPDF Field Court Martial in Obo sentenced the soldier to death on 17 August 2011, his fate remained unknown as of November 2016.³⁸²
- On 19 October 2010, the LRA attacked Guerekindo, abducted six people and destroyed or looted property. They forced an undetermined number of women and men from around Mboki to carry assets collected from looted properties before releasing them.³⁸³
- Between 21 and 30 December 2010, the LRA attacked areas between Zémio and Mboki, and killed at least four people and abducted 19 others.³⁸⁴
- Between January and October 2011, the LRA conducted numerous attacks in and around Zémio, killing more than 83 people and abducting over 370.³⁸⁵
- On 7 May 2011, the LRA abducted 15 people from Tamboura and released them later that day after using them as carriers of looted assets.³⁸⁶

³⁷⁹ [UNHCR field offices reporting rise in LRA attacks, displacement in CAR](#), 14 May 2010; Enough Project, [On the Heels of Kony, The Untold Tragedy Unfolding in the CAR](#), 24 June 2010.

³⁸⁰ [Report of the Secretary-General on the situation of children and armed conflict affected by the Lord's Resistance Army \(S/2012/365\)](#), 25 May 2012; [LRA Crisis Tracker](#) researches undertaken for the year 2010; HSBA, [Lord's Resistance Army](#), September 2010.

³⁸¹ Uganda radio network, [Two Civilians Killed By UPDF in CAR](#), 5 Oct 2010; Radio Ndéké luka, [Peine de mort par pendaison pour le sergent ougandais à Obo](#), 17 August 2011.

³⁸² MINUSCA, [Internal Human Rights Report on the Central African Republic](#), May 2016; Uganda Radio Network, [Two Civilians Killed by UPDF in CAR](#), 5 October 2010.

³⁸³ COOPI- RCA, [Assessment report on the humanitarian situation in the sub-prefectures of Obo and Bambouti Prefecture of Haut-Mbomou](#), November 2010; HSBA, [Lord's Resistance Army](#), September 2010.

³⁸⁴ [LRA Crisis Tracker](#), researches undertaken for the year 2010; HSBA, [Lord's Resistance Army](#), September 2010.

³⁸⁵ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2011; [LRA Crisis Tracker](#), researches undertaken for the year 2011.

- On 6 June 2011, the LRA shot and killed the Regional Health Director for Mbomou and his driver on the road between Zémio and Rafaï. They also looted and burnt the vehicle the victims were travelling in.³⁸⁷
- Between June and August 2011, LRA elements abducted at least 12 children of Peulh herders near the Mboko River and released them only after their families had paid ransoms. In February 2012, a report of the Secretary-General documented 536 cases of abductions by the LRA between July 2009 and February 2012 in the Central African Republic, the Democratic Republic of the Congo and South Sudan.³⁸⁸
- On 9 March 2012, LRA elements abducted five women and one man in Ngouyo. They looted property before leaving the area.³⁸⁹
- In the first half of 2012, about 20 LRA attacks were recorded in areas around Zémio, Rafaï, Obo and Bambouti, which resulted in at least six reported deaths and 39 abductions of civilians.³⁹⁰
- In July 2012, the LRA abducted and raped Peulh girls aged between six and 12 years.³⁹¹
- By 2013, LRA elements had abducted 36 people during six attacks around Zémio. They had also abducted 13 hunters on the road to Djéma, near Derbissaka.³⁹²

The Mbomou prefecture

- At the end of October 2009, the LRA attacked Derbissaka, situated 120 kilometres north of Rafaï, looted and burnt granaries and houses, and abducted 28 people who were forced to carry looted assets.³⁹³
- On 9 February 2010, the LRA attacked Nzako, killing two people and abducting about 40.³⁹⁴

³⁸⁶ Le Confident, *Le Haut-Mbomou asphyxié par les rebelles de la LRA*, 21 September 2009; *LRA Crisis Tracker*, researches undertaken for the year 2011.

³⁸⁷ *Report of the SG on the situation of children and armed conflict affected by the LRA (S/2012/365)*, 25 May 2012; United States of America Department of State, *Country Reports on Human Rights Practices*, 2012; Africa Info, *Centrafrique : la LRA fait de nouvelles victimes civiles*, 13 juin 2011 ; For this incident the ACLED database cites an article of AFP, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

³⁸⁸ *Report of the Secretary-General on the situation of children and armed conflict affected by the LRA (S/2012/365)*, 25 May 2012; Le Confident, *Le Haut-Mbomou asphyxié par les rebelles de la LRA*, 21 September 2009.

³⁸⁹ HRW, *CAR: LRA Attacks Escalate*, 20 April 2012; *LRA Crisis Tracker*, researches undertaken for the year 2012.

³⁹⁰ *Report of the Secretary-General on the situation in the Central African Republic (S/2012/374)*, 29 May 2012.

³⁹¹ *La Voix de paix 2012*, June to September 2012 ; Andreas Mehler, Henning Melber, Klaas van Walraven, *Africa Yearbook Volume 10: Politics, Economy and Society South of the Sahara in 2013*, 2014, p.214.

³⁹² *Report of the Secretary-General on the activities of BINUCA and on the LRA affected areas (S/2013/671)*, 14 November 2013; *LRA Crisis Tracker*, researches undertaken for the years 2012 and 2013.

³⁹³ Le Confident, *Le Haut-Mbomou asphyxié par les rebelles de la LRA*, 21 September 2009; ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010.

³⁹⁴ ICG, *LRA: A regional strategy beyond killing Kony*, 28 April 2010; Le Confident, *Le Haut-Mbomou asphyxié par*

- On 19 February 2010, the LRA killed two people, injured 14 and abducted about 40 in Rafai.³⁹⁵
- On 21 March 2010, the LRA attacked Agoumar where they killed 10 people, severely injured five, and abducted 40.³⁹⁶
- Between February and April 2010, the LRA led at least 12 attacks against civilians in the prefecture, leading to at least 23 deaths and over 60 abductions. For instance, on 21 March, the LRA attacked Agoumar and killed at least 14 villagers with machetes and axes.³⁹⁷
- On 25 March 2010, the LRA attacked Karmadar and Dembia, causing the displacement of over 400 inhabitants.³⁹⁸
- On 28 and 29 March 2010, the LRA looted properties in Guerekindo and abducted 14 people. On 3 April 2010, they returned to the village and killed seven people.³⁹⁹
- On 12 and 13 June 2010, the LRA abducted 16 people around Rafai, and killed a woman and her two year-old baby.⁴⁰⁰
- On 3 April 2010, LRA elements killed five people and injured four others travelling on a lorry, at Guerekindo. They looted and burnt the lorry.⁴⁰¹
- On 7 June 2010, the LRA killed at least one person, abducted at least 30 people, and pillaged many houses in Fode and Bakouma.⁴⁰²
- In early September 2012, LRA elements abducted at least 55 people - 41 in Balifondo and 14 in Zombembari. About half of the victims were girls. The LRA killed at least two of the abductees.⁴⁰³

[les rebelles de la LRA](#), 21 September 2009.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ [Report of the Secretary-General on the situation in the Central African Republic \(S/2010/295\)](#), 10 June 2010; Enough Project: [On the Heels of Kony The Untold Tragedy Unfolding in the CAR](#), 24 June 2010; [LRA Crisis Tracker](#), [LRA Crisis Tracker](#), researches undertaken for the months of February to April 2010.

³⁹⁸ [Report of the Representative of the Secretary-General on the human rights of IDP \(A/HRC/16/43/Add.4\)](#), 18 January 2011; ICG, [LRA: A regional strategy beyond killing Kony](#), 28 April 2010, For this incident the ACLED database cites an article of the AFP, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

³⁹⁹ ICG, [LRA: A regional strategy beyond killing Kony](#), 28 April 2010; Le Confident, [Le Haut-Mbomou asphyxié par les rebelles de la LRA](#), 21 September 2009.

⁴⁰⁰ HRW, [CAR/DR Congo: LRA Conducts Massive Abduction Campaign](#), 11 August 2010.

⁴⁰¹ ICG, [LRA: A regional strategy beyond killing Kony](#), 28 April 2010; Le Confident, [Le Haut-Mbomou asphyxié par les rebelles de la LRA](#), 21 September 2009.

⁴⁰² HRW, [CAR/DR Congo: LRA Conducts Massive Abduction Campaign](#), 11 August 2010; [LRA Crisis Tracker](#), researches undertaken for the year 2010.

The Haute-Kotto prefecture

- On 10 February 2010, the LRA attacked and pillaged the offices of the *Agency for the Safety of Air Navigation in Africa and Madagascar* (ASECNA) and of the SAFARI Tour Company, as well as some 200 houses, in and around Yalinga town. They also abducted 45 men, women and children whom they used to carry the loot. Two days later, the insurgents freed 41 of the abductees, but two men and a girl disappeared.⁴⁰⁴
- On 26 February 2010, the LRA returned to Yalinga and abducted 25 more people.⁴⁰⁵
- On 2 December 2012, the FACA killed 28 unarmed civilians in Sam-Ouandja.⁴⁰⁶

The Vakaga prefecture

From September 2010, the LRA began attacking villages in the Vakaga prefecture, killing, looting and abducting civilians. For example:

- On 5 September 2010, the LRA attacked Ouanda-Djallé and killed approximately a dozen civilians while abducting approximately 44. They also destroyed and burnt down hundreds of homes. Hundreds of civilians were left homeless and fled the area. The UFDR retaliated against the LRA and many UFDR fighters were killed in combat.⁴⁰⁷
- On 4 October 2010, the LRA attacked a UFDR base in Tiringoulou, near the town of Birao. Four LRA fighters and one UFDR element were killed in combat. The LRA abducted a girl during this attack and later forced her to marry an LRA fighter. The abductee and her child were reunited with her family in 2016, with the assistance of the ICRC.⁴⁰⁸
- On 10 October 2010, the LRA attacked Birao where they abducted nine children (eight girls and one boy) and looted and destroyed the main local market.⁴⁰⁹

⁴⁰³ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012; [LRA Crisis Tracker](#), researches undertaken for the year 2012.

⁴⁰⁴ OHCHR Human Rights Case Database.

⁴⁰⁵ [Report of the Special Rapporteur on human rights of internally displaced persons \(A/HRC/16/43\)](#), 20 December 2010; Sangonet, [Nouvelle attaque de la LRA en Centrafrique](#), 3 March 2010.

⁴⁰⁶ Mapping Project interview, Birao (Vakaga), September 2016; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2012/956\)](#), 21 December 2012.

[Report of the Secretary-General on the United Nations mission in CAR and Chad \(S/2010/529\)](#), 14 October 2010, para. 45 ; [Report of the Secretary-General on Children and armed conflict \(A/65/820–S/2011/250\)](#), 23 April 2011; OCHA/HDPT, [Bulletin 154](#), 2 August to 27 September 2010 ; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010.

⁴⁰⁸ Mapping Project interview, Birao, Vakaga, September 2016; HSBA, [Lord's Resistance Army](#), 2010.

⁴⁰⁹ Mapping Project interview, Birao, Vakaga, September 2016; [Report of the Secretary-General on Children and armed conflict \(A/65/820–S/2011/250\)](#), 23 April 2011; HSBA, [Lord's Resistance Army](#), 2010; AFP, [Enlèvements dans une nouvelle attaque de la LRA à Birao](#), 12 October 2010.

- In September 2011, the LRA attacked Birao despite the presence of the United Nations Mission in the Central African Republic and Chad (MINURCAT). They abducted a dozen girls and five boys.⁴¹⁰

Attacks on humanitarians by the Lord's Resistance Army

- On 5 September 2010, during the attack on Ouanda-Djallé, the LRA abducted two humanitarian workers. They also looted the local medical clinic ran by the International Medical Corps.⁴¹¹
- During September and October 2010, the LRA took a dozen people, including two employees of the NGO *Triangle*, as hostages. One of the NGO employees was killed while the other escaped.⁴¹²

B. The Séléka's takeover of the Central African Republic

When the Séléka movement started in mid-2012, the vast majority of its members were from the northeast of the country, and most were Muslim fighters from UFDR, the *Convention patriotique du salut du Kodro* (CPSK) and the CPJP-Fondamentale (a breakaway faction of CPJP), as well as the *Alliance pour la renaissance et la refondation* (A2R) and the FDPC.⁴¹³ This “heterogeneous consortium of malcontents”⁴¹⁴ was joined by Chadian combatants, and fighters from Darfur, poachers and Zaraguina. Among its financial backers were diamond traders who resented the regime of Bozizé for the 2008 Closing Gate Operation, which closed several diamond trading houses. Many Séléka elements did not speak Sango or French.⁴¹⁵

The Séléka accused the Government of failing to respect the 2007 Birao Peace Agreement with the UFDR and the recommendations of the 2008 Inclusive Political Dialogue. In particular, they denounced the failure to implement the DDR programme for armed groups in the Northeast. As they were advancing towards the capital in December 2012, the rebels increased their demands, radicalized their discourse, and called for the departure of President Bozizé.

In December 2012, the main Séléka member group, UFDR, occupied the towns of Ndélé, Ouadda and Sam Ouandja. From that moment on, the Séléka engaged in a systematic takeover of territory

⁴¹⁰ Mapping Project interview, Birao, Vakaga, September 2016; OCHA/HDPT, [Bulletin 169](#), 10 to 24 May 2011.

⁴¹¹ [Report of the Secretary-General on the United Nations mission in the Central African Republic and Chad \(S/2010/529\)](#), 14 October 2010, para. 45 ; [Report of the Secretary-General on Children and armed conflict \(A/65/820–S/2011/250\)](#), 23 April 2011; OCHA/HDPT, [Bulletin 154](#), 2 August to 27 September 2010 ; HSBA, [Lord's Resistance Army](#), November 2010; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010.

⁴¹² [Report of the Secretary-General on the situation in the Central African Republic \(S/2010/584\)](#), 19 November 2010; HSBA, [Lord's Resistance Army](#), November 2010.

⁴¹³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, ICG, [Priorities of the Transition](#), 11 June 2013.

⁴¹⁴ ICG, [Priorities of the Transition](#), 11 June 2013.

⁴¹⁵ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 43.

as they advanced from the northeast closer to Bangui, capturing major towns along the way. After seizing control of the towns, they would cut off electricity and phone lines (especially by destroying cellular phone transmission masts) in order to better control the area.

In the towns under their control, the Séléka would immediately start by pillaging homes; those who tried to resist were threatened, injured or killed. The Séléka also killed scores of civilians whom they caught trying to flee. Their violence prompted whole communities to flee into the bush.

Séléka fighters committed widespread acts of sexual and gender-based violence against women and girls. Many of the rapes were gang rapes, involving up to 10 fighters. The armed group attacked human rights defenders, journalists and all those who opposed or denounced their violations. They systematically occupied schools and pillaged humanitarian organizations, places of worship, mostly churches, and public institutions, such as hospitals.⁴¹⁶ On the main roads linking Kaga-Bandoro, Batangafo and Bossangoa alone, an account contemporaneous with the events documented the destruction of more than 1,000 homes, schools and churches in at least 34 villages.⁴¹⁷ In their descent to the capital, in every town they took over, the Séléka recruited many children to reinforce their ranks.⁴¹⁸

- On 10 December 2012, the Séléka attacked Ndélé where several elements gang raped at least one young girl.⁴¹⁹ They pillaged most administrative buildings and institutions, including the schools (*école préfectorale* and *Ndélé lycée*) and the hospital. They used the elementary school (*école préfectorale*) as their military base, and burnt the furniture as firewood.⁴²⁰ Once their base was set up, they started to recruit many children in Ndélé.⁴²¹

The Nana-Gribizi prefecture

As of December 2012, the Séléka coalition seized control of many towns and villages in Nana-Gribizi, including Kaga-Bandoro, before progressing towards Bangui. They occupied schools and pillaged humanitarian organizations and public institutions, such as hospitals. They allegedly also

⁴¹⁶ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 78.

⁴¹⁷ HRW, [I Can Still Smell the Dead](#), 18 September 2013.

⁴¹⁸ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras 43-44; HRW, [I Can Still Smell the Dead](#), 18 September 2013; Times, [We Were Killing Kids](#), 31 March 2013; Mail and Guardian, [SA soldiers shocked over killing child soldiers in CAR](#), 31 March 2013.

⁴¹⁹ [Report of the Secretary-General on children and armed conflict \(A/67/845*-S/2014/245*\)](#), 15 May 2013; FIDH, [They must all leave or die](#), June 2014.

⁴²⁰ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; [Report of the Secretary-General on children and armed conflict in the Central African Republic \(S/2016/133\)](#), 12 February 2016; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 45; [Report of the Secretary-General on the situation in the Central African Republic and the activities of BINUCA \(S/2012/956\)](#), 21 December 2012; FIDH, [They must all leave or die](#), June 2014.

⁴²¹ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; [Report of the Secretary-General on Children and armed conflict \(A/67/845*-S/2013/245*\)](#), 15 May 2013.

committed acts of sexual and gender-based violence.⁴²²

- From December 2012 to January 2013, the Séléka occupied schools and pillaged hospitals in Kaga-Bandoro. They destroyed the elementary school, and removed all doors, furniture, windows and metallic roofing before evacuating the premises.⁴²³
- From January to June 2013, Séléka fighters pillaged the warehouses of many humanitarian organizations in Kaga-Bandoro.⁴²⁴
- On 7 March 2013, the Séléka tortured and mistreated many civilians at illegal checkpoints and in various detention centres they had set up in Kaga-Bandoro. They wanted to obtain information regarding the location of arms, money and other valuables in the area. Sixteen Séléka fighters arrested a woman whom they tortured during several hours, beating her with arms and kicking her in the stomach repeatedly. Her injuries were so severe that she was transported to a hospital in Bangui where she remained for two months.⁴²⁵

The Kémo prefecture

The Séléka attacked the main towns of the Kémo prefecture during their descent towards Bangui. They took control of Dékoa on 28 December 2012, and of Sibut shortly after.⁴²⁶ They committed many violations against the civilian population, for example:

- Between December 2012 and March 2013, the Séléka attacked and occupied Sibut. They notably occupied one of the schools, the *lycée moderne de Sibut*, where they removed all windows, doors and steel sheets before evacuating the building. They also occupied elementary schools and destroyed a few homes.⁴²⁷
- On 11 February 2013, Séléka fighters attacked the civilian population in Dékoa. They killed four civilians, severely injured eight, and burnt down more than 210 houses.⁴²⁸

The Ouaka prefecture

The Séléka coalition entered Bambari on 23 December 2012. During their occupation of Bambari

⁴²² ICC, [Situation in the Central African Republic II](#), 24 September 2014.

⁴²³ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; ICC, [Situation in the Central African Republic II](#), 24 September 2014.

⁴²⁴ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013

⁴²⁵ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013

⁴²⁶ Mapping Project interview, Dékoa, Kémo, August 2016.

⁴²⁷ Mapping Project interview, Sibut, Kémo, August 2016; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013

⁴²⁸ Mapping Project interview, Dékoa, Kémo, August 2016; FIDH, [They must all leave or die](#), June 2014; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

and surrounding areas, they committed many violations against the population.

- From 23 to 31 December 2012, the Séléka attacked and pillaged churches and other Christian religious institutions in Bambari and surrounding villages, including Grimari and Kouango, namely the Cathedral, the *Saint-Jean* Parish and the *Saint-Christophe* Parish. They stole the priests' vehicles, a dozen computers, solar energy panels, and a dozen motorbikes. In addition, they looted homes and ransacked the Bambari pharmacy.⁴²⁹
- In late 2012, the Séléka systematically pillaged the warehouses of humanitarian organizations in the Ouaka prefecture. WFP reported then that 220 tons of food supplies had been stolen, thus hindering delivery of humanitarian aid for civilians in need.⁴³⁰
- In 2013, the Séléka killed at least 28 civilians in Grimari, tortured one man who consequently died, and gang raped at least 28 women and girls, acting each time in groups of four or five. The Christian population of Grimari sought refuge in the bush, fearing further atrocities. The Séléka also stole cattle belonging to the local Christian population.⁴³¹
- On 9 January 2013, Séléka fighters abducted, tortured and severely injured a community journalist of the *Radio Be Oko*, in Bambari. She had reported on violence by the rebels and was therefore targeted. She was evacuated to Bangui to receive medical treatment, and died in hospital on 22 June 2014 of complications from her injuries.⁴³²
- On 2 February 2013, Séléka fighters attacked civilians in Bambari where they abducted and tortured a human rights defender during five days. The victim managed to escape a few days later. He had been targeted for having previously assisted the population attacked by the armed group.⁴³³
- On 3 February 2013, the Séléka attacked Bambari and surrounding villages, including Liwa, and killed 20 civilians, looted homes, and flogged the village chief to get him to reveal where villagers were hiding their possessions.⁴³⁴

⁴²⁹ Mapping Project interview, Bambari, Ouaka, October 2016; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; FIDH, [They must all leave or die](#), June 2014

⁴³⁰ Mapping Project interview, Bambari, Ouaka, October 2016; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012

⁴³¹ Mapping Project interview, Bambari, Ouaka, October 2016; FIDH, [They must all leave or die](#), June 2014

⁴³² United States Department of State, [Country Reports on Human Rights Practices](#), 2013 and [Country Reports on Human Rights Practices](#), 2014; RFI, [RCA mort d'une journaliste blessée à Bambari](#), 23 June 2014. Regarding this incident, the ACLED database cites an article of Xinhua News, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁴³³ ICC, [Situation in the Central African Republic II](#), 24 September 2014; FIDH, [They must all leave or die](#), June 2014

⁴³⁴ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident the ACLED database cites a press release of the UNHCR, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- On 15 February 2013, in Bambari, six Séléka fighters gang raped a woman during three hours.⁴³⁵

The Basse-Kotto prefecture

- In early January 2013, Séléka fighters invaded the village of Satéma soon after the FACA departed from the area. There, they abducted a woman, injured her, and pillaged the homes of numerous villagers as well as State institutions and the Catholic Church.⁴³⁶
- At the end of January 2013, Séléka fighters attacked the Catholic mission in Alindao, and pillaged the residences of the priests where they stole vehicles and money, and severely beat the priests.⁴³⁷
- At the end of January 2013, and again on or about 7 February 2013, Séléka fighters attacked the town of Mobaye where they killed at least five civilians, systematically gang raped numerous women and girls, including pregnant women, tortured and abducted civilians, destroyed and looted many homes. Two young girls, aged 11 and 12, were raped by 10 Séléka fighters in front of their house. The Séléka ransacked the Catholic Church, stole the priests' cassocks and drank the mass wine. They also pillaged the town's hospital, pharmacy, police station, *gendarmerie*, tribunal and humanitarian organizations, including the local Red Cross, as well as the residences of the doctor, the *préfet* and the *sous-préfet*. They attacked the Catholic mission in retaliation for the priests' reports on atrocities committed by the Séléka in the region. As a consequence of these attacks, most of the Christian population, an estimated 18,000 persons, fled to the Democratic Republic of the Congo, crossing the Oubangui River.⁴³⁸
- On 7 February 2013, Séléka fighters attacked Mobaye and recruited children in the town and surrounding villages, including Sango and Mbougou. They also recruited girls to join their ranks. Once integrated into the armed group, many girls and young women were forced to marry Séléka fighters and were raped.⁴³⁹
- In January and February 2013, Séléka insurgents erected many barricades in the surrounding areas of Mobaye to illegally tax civilians.⁴⁴⁰

⁴³⁵ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites a report of FIDH, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁴³⁶ Joint BINUCA and MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013.

⁴³⁷ Ibid.

⁴³⁸ Mapping Project interview, Bambari, Ouaka, October 2016; *Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights (A/HRC/24/59)*, 12 September 2013; Joint BINUCA and MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013; ICC, *Situation in the Central African Republic II*, 24 September 2014; FIDH, *They must all leave or die*, June 2014; JournaldeBangui.com, *Centrafrique Séléka contrôle la ville de Mobaye*, 8 February 2013.

⁴³⁹ Joint BINUCA and MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013.

⁴⁴⁰ Ibid.

- From January to March 2013, Séléka fighters gang raped at least 12 women and girls in the village of Satéma.⁴⁴¹
- On 28 February 2013, Séléka fighters again attacked the village of Satéma. They pillaged the hospital, taking away medicines and archives, as well as the *gendarmerie* post, where they destroyed all archives. The population fled across the Oubangui River to the Democratic Republic of the Congo. During the crossing, several children drowned.⁴⁴²
- In March 2013, the Séléka attacked the village of Zamba, where they raped and beat up a woman, and looted many homes.⁴⁴³

The attacks of the Séléka in this region caused significant displacements of the population towards the Democratic Republic of the Congo.

The Ombella-M’Poko prefecture

- On 13 March 2013, Séléka elements tied up and beat at least one person to death in the village of Vangué, near Damara. They also ill-treated and tortured many others.⁴⁴⁴
- On 22 to 23 March 2013, the Séléka used children in combat and as human shields during a battle against South African soldiers in Damara. The Government of South Africa had deployed troops to the Central African Republic as part of a bilateral agreement with the Government of President Bozizé. These troops were sent to Damara, the last strategic town before Bangui, in order to secure the capital. During the battle of Damara, the Séléka forces killed 13 South African soldiers.⁴⁴⁵

⁴⁴¹ Ibid.

⁴⁴² Ibid.

⁴⁴³ Ibid.

⁴⁴⁴ Mapping Project interview, Damara, 29 September 2016; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 38.

⁴⁴⁵ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, pars 43-44; HRW, [I Can Still Smell the Dead](#), 18 September 2013; Times, [We Were Killing Kids](#), 31 March 2013; AFP, [RCA : des soldats sud-africains choqués d'avoir tué des enfants-soldats](#), 31 March 2013.

CHAPTER IV - 24 MARCH 2013 – 31 DECEMBER 2015: A NEW SPIRAL OF VIOLENCE

The violent arrival of the Séléka to power plunged the Central African Republic into a new security, political, humanitarian and human rights crisis. The civilian population paid the heaviest price as many suffered from a pattern of extensive violations including unlawful killings, forced disappearances, torture, sexual and gender-based violence and other forms of cruel, inhuman or degrading treatments, as well as arbitrary arrests, unlawful detentions, destruction of homes and other properties, and pillaging. The Séléka also recruited thousands of children into their ranks.⁴⁴⁶ After the fall of Bangui, hundreds of unidentified bodies were recovered from different parts of the capital.

After François Bozizé fled the country, Michel Djotodia, a key Séléka leader, proclaimed himself President on 24 March 2013 and maintained Nicolas Tiangaye as Prime Minister. The Constitution was suspended and the National Assembly, the Constitutional Court and the Government of National Unity were dissolved. A National Transitional Council, comprising 135 members, was announced as the new legislature.

On 25 March 2013, the United Nations Security Council and the African Union condemned the unconstitutional seizure of power by the Séléka. The African Union suspended the Central African Republic from the organization and issued targeted sanctions against seven senior Séléka leaders: Michel Djotodia, Mohamed Moussa Dhaffane, Christophe Gazam Betty, Amalas Amias Aroune, André Ruingi Le Gaillard, Noureddine Adam and Éric Massi.⁴⁴⁷

Many opposition parties and civil society organizations criticized the legitimacy of the National Transitional Council on the grounds that its establishment lacked transparency and representability.⁴⁴⁸ On 13 June 2013, a new Government of National Unity, composed of 34 members, was formed. It included nine Ministers from the Séléka, eight from the former political opposition to ousted President Bozizé, and one close to the latter. The remaining 16 portfolios were assigned to civil society representatives and smaller political parties. Michel Djotodia became Minister for Defence, as well as President of the National Transitional Council (the interim legislature). On 18 August 2013, he was officially sworn in as Head of State.⁴⁴⁹

The new regime was characterized by a total breakdown of law and order and extensive human rights violations to the extent that, on 15 May 2013, the Special Representative of the Secretary-General to the Central African Republic, Margaret Aderinsola Vogt, declared to the Security

⁴⁴⁶ In November 2013, there were still 3500 children in the ranks of the ex-Séléka, See [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/677\)](#), 15 November 2013, para. 10.

⁴⁴⁷ ICC, [Situation in the Central African Republic II](#), 24 September 2014, para. 23.

⁴⁴⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 13.

⁴⁴⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 6; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 10.

Council that the country had plunged into a “state of anarchy”.⁴⁵⁰ In the ensuing months, efforts to quarter and disarm marauding Séléka fighters remained largely unsuccessful and insecurity continued to prevail throughout the country. Tensions started to emerge between different Séléka factions, at times leading to violent clashes between them.⁴⁵¹

The breakdown in law and order also favoured a rise in cross-border criminal activities, small arms trafficking, unlicensed mining and smuggling of precious minerals, and poaching. During that time, the LRA also spread to new areas in Haut-Mbomou prefecture.⁴⁵²

Starting in June 2013, the supporters of Bozizé and other opponents of the Séléka held meetings outside the country to plan the overthrow of the Djotodia regime. The group included politicians and former members of the national security forces. Former President Bozizé reportedly participated in at least two meetings and travelled to some African countries, looking for support.⁴⁵³ These meetings culminated in the formation of semi-autonomous self-defence groups, which were later to be known as ‘anti-Balaka’ which translated as ‘anti-machete’ in Sango.

Under international pressure to stop the many violations committed under Séléka rule, Michel Djotodia tried to carry out some reforms of the security forces but these remained superficial and did not have a noticeable impact on the conduct of the fighters or their worsening human rights record.⁴⁵⁴ On 13 September 2013, Michel Djotodia dissolved the Séléka, but this was only symbolic and the Séléka continued to exist.⁴⁵⁵ From that date on, former members of the Séléka have been commonly referred to as ex-Séléka, which is also the case in this report.

By September 2013, the anti-Balaka had launched a war in the western and central regions to oust the Séléka. Their attacks rapidly took a sectarian character with anti-Balaka targeting Muslims and anyone else known or perceived to be associated with the Séléka. The Séléka continued to mainly target non-Muslims.⁴⁵⁶ Mediation and appeals by religious leaders had little and, in most cases, no impact.⁴⁵⁷

On 10 October 2013, the United Nations Security Council adopted Resolution 2121, which strengthened and broadened the mandate of the BINUCA. By then, more than 100,000 displaced non-Muslims had sought refuge around Bangui’s international airport, and an estimated 1.5 million civilians – a third of the country’s population – had been chased from their homes while

⁴⁵⁰ See address to the United Nations Security Council by the Special Representative of the Secretary-General for the Central African Republic, [CAR descends into ‘State of Anarchy’, SRSR tells Security Council, urging sanctions against ‘Architects’ of Violations](#), 15 May 2013.

⁴⁵¹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para.34; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/470\)](#), 5 August 2013, para. 3.

⁴⁵² [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 13-14.

⁴⁵³ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras 280-292.

⁴⁵⁴ ICC, [Situation in the Central African Republic II](#), 24 September 2014, para. 14; ICG, [Central African Republic: Better late than never](#), 2 December 2013.

⁴⁵⁵ Ibid.

⁴⁵⁶ ICC, [Situation in the Central African Republic II](#), 24 September 2014, para. 12-13.

⁴⁵⁷ ICG, [Central African Republic: Better late than never](#), 2 December 2013.

hundreds had been killed.

On 5 December 2013, in a bid to stem the escalating human rights and humanitarian crisis, the Security Council passed Resolution 2127 authorizing the expansion and strengthening of the mandate of MICOPAX and its transformation into an African Union force, the MISCA. The MISCA was to be supported by a French expeditionary force, Operation Sangaris, with the mandate to re-establish public order and protect the civilian population. Less than a year later, the MISCA had not been able to effectively achieve its mission and, on 10 April 2014, the Security Council Resolution 2149 decided to replace it with the MINUSCA, which was established in September 2014.⁴⁵⁸ In another resolution, the Security Council established an international commission of inquiry to investigate violations and abuses of human rights and international humanitarian law committed by all parties to the conflict since 1 January 2013.⁴⁵⁹

On 5 December 2013, anti-Balaka launched two simultaneous attacks on Bossangoa and Bangui. In the capital, the ex-Séléka forces reacted and eventually forced the assailants to retreat after prolonged exchanges of gunfire. During the days that followed, systematic house searches and killings took place in various neighbourhoods of Bangui.⁴⁶⁰ Muslims targeted Christians and Christians targeted Muslims as the country descended into chaos.⁴⁶¹ Overall, it was estimated that, in Bangui alone, some 1,000 people were killed and 214,000 became internally displaced from 5 to 6 December 2013.⁴⁶² In this context, large scale sexual and gender-based violence was committed.⁴⁶³

In December 2013, in order to curb the violence, Sangaris and MISCA tried to quarter and disarm the fighters, especially ex-Séléka, in the streets of Bangui. Taking advantage of the disarming of ex-Séléka, anti-Balaka pursued attacks on both ex-Séléka and members of the Muslim civilian community. Many Muslims were internally displaced or fled to neighbouring countries, especially to Chad and Cameroon. Similar attacks and counter-attacks by both armed groups spread throughout the country.⁴⁶⁴

Under pressure from the anti-Balaka attacks and having been requested to do so by a summit of Central African leaders in the capital of Chad, N'Djamena, Michel Djotodia resigned on 10 January 2014. On 20 January 2014, a new transitional president, Catherine Samba-Panza, was chosen by the National Transitional Council to succeed him. Her Government was tasked with

⁴⁵⁸ T. Carayannis and L. Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015, p. 43-46.

⁴⁵⁹ [Security Council Resolution 2127 \(2013\)](#), 5 December 2013.

⁴⁶⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, paras. 2-3.

⁴⁶¹ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, paras. 3-7; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 303.

⁴⁶² [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 2; [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014, p. 3; Amnesty International has estimated that the Séléka alone killed almost 1,000 non-Muslim men in two days following the anti-Balaka attack in Bangui on 5 December: AI, [War crimes and crimes against humanity in Bangui](#), 19 December 2013.

⁴⁶³ United Nations Regional Information Centre for Western Europe (UNRIC), [CAR: Number of sexual violence cases astronomical](#), 20 January 2014; IRIN, [Little help for CAR rape survivors](#), 15 July 2014.

⁴⁶⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 4; ICC, [Situation in the Central African Republic II](#), 24 September 2014, para. 15.

stabilizing the country and organizing elections.⁴⁶⁵

After the change of Government, most of the 7,000 ex-Séléka fighters who had been regrouped since December 2013 in cantonment sites in Bangui, left those sites, retreating northwards. As more ex-Séléka retreated, anti-Balaka escalated attacks and human rights abuses against members of the Muslim community and any other individuals known or perceived to be ex-Séléka supporters, in Bangui and in the west of the country. Abuses committed by the anti-Balaka included killings and targeted assassinations of unarmed civilians, public lynching and, in some cases, mutilation of victims' bodies, sexual and gender-based violence, looting and destruction of property.

As the violence spread, civilians became increasingly involved in attacks, and mob violence reached unprecedented levels⁴⁶⁶. Attacks were publicly referred to by individuals claiming to represent anti-Balaka elements as “cleansing operations” and in some cases anti-Balaka leaders used television and radio to incite hatred and violence against Muslims and other people they perceived as enemies.⁴⁶⁷

Between December 2013 and March 2014, anti-Balaka attacked civilians in villages which had been vacated by ex-Séléka across most of southern and western Central African Republic. They hunted down and killed members of the Muslim population, including those who were fleeing. Sometimes they only killed males, including minors. During this period, hundreds of Muslims were killed and hundreds of thousands were forcibly displaced.⁴⁶⁸ The impact of these waves of violence on children, who represented an estimated 50 per cent of the IDPs, was dramatic.⁴⁶⁹ Children were drawn into a spiral of violence and retaliation and suffered serious violations of human rights, including sexual and gender-based violence, particularly girls. In December 2013, children associated with armed groups in the Central African Republic were estimated to be as many as 6,000.⁴⁷⁰

With most members of the security forces in hiding or having joined armed groups, the transitional Government had no control over the country. The State was absent in most of the country outside Bangui. The Central African Republic broadly became divided into two, with much of the South and West in the hands of anti-Balaka and most of the North and East occupied by ex-Séléka.⁴⁷¹

Due to the deterioration of the security situation, foreign countries organized the evacuation of their nationals. Every week, several thousand Muslims, including Central Africans, were

⁴⁶⁵ T. Carayannis and L. Lombard (Editors), *Making Sense of the Central African Republic*, 15 August 2015, pp. 43-46.

⁴⁶⁶ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, para. 4.

⁴⁶⁷ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, para. 8; ICC, *Situation in the Central African Republic II*, 24 September 2014, para. 15.

⁴⁶⁸ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 294.

⁴⁶⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 42.

⁴⁷⁰ *Ibid.*

⁴⁷¹ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, para. 24.

evacuated from the country by plane, taxi and truck to safety. Most of those evacuated had never lived outside the Central African Republic. A transit site for Muslims was established by members of the Chadian army in Bangui, while heavily armed units of the Chadian army escorted convoys of Muslims from Bangui and the west of the country to Chad. Some of the convoys were attacked by anti-Balaka and/or their sympathizers, resulting in injuries or even deaths. Chadian troops at times used disproportionate lethal force and killed unarmed civilians suspected of wanting to attack evacuees.

By December 2013, some 235,067 people had fled to neighbouring countries. The numbers of IDPs rose from 602,000 in December 2013 to 825,000 in January 2014. In November 2014, the number of refugees had reached 423,296, most of whom were in Cameroon and Chad, with others in the Republic of the Congo and the Democratic Republic of the Congo.⁴⁷² Humanitarian actors faced the dilemma of encouraging people to stay in their communities where their lives were in danger, or assisting them to flee and thereby indirectly contributing to the ethnic cleansing sought by the anti-Balaka.⁴⁷³

In April 2014, humanitarian actors facilitated the relocation of 1,352 IDPs, mostly Muslims, from Bangui to Bambari, Kabo and Moyon Sido in the northern part of the country. Despite being escorted by international forces, the convoys were often attacked and some people were killed.⁴⁷⁴ By August 2014, a majority of the country's Muslim population had been displaced or had left the Central African Republic. Tens of thousands were trapped in enclaves in the western and central parts of the country and were repeatedly attacked by anti-Balaka. Due to the risk of death from anti-Balaka attacks if they left the enclaves, they were often deprived of access to food, water, sanitation and other basic survival commodities.⁴⁷⁵

United Nations agencies, funds and programmes as well as the MISCA and French Sangaris peacekeepers supported evacuations in late 2013 and early 2014, helping thousands of Muslims to seek safety, including in Cameroon. On 27 April 2014, United Nations agencies helped organize the evacuation of 1,300 Muslims from the PK12 neighbourhood of Bangui under the protection of African Union peacekeepers. Halfway through the three day journey to northern parts of the country, anti-Balaka elements attacked the convoy, killing two Muslims and wounding several others.⁴⁷⁶ The Central African authorities reacted strongly to this incident, highlighting that they had not approved the evacuation. From that date on, the authorities opposed the transfer of people by international organizations to other countries, arguing that they did not wish more Muslim residents to flee the country for fear of being seen as assisting ethnic cleansing.⁴⁷⁷ Thereafter, in some instances such as in Yaloké, United Nations and African Union peacekeepers forcefully prevented Muslims who were seeking to leave their enclaves.⁴⁷⁸ On 1st

⁴⁷² [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 438.

⁴⁷³ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, para. 12-13.

⁴⁷⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/562\)](#), 1 August 2014, para. 7.

⁴⁷⁵ *Ibid*, para. 3.

⁴⁷⁶ HRW, [Muslims trapped in enclaves](#), 22 December 2014.

⁴⁷⁷ HRW questioned the authorities' argument in its report [Muslims trapped in enclaves](#), 22 December 2014.

⁴⁷⁸ HRW, [Muslims trapped in enclaves](#), 22 December 2014; HRW, [Trapped in CAR's conflict zone](#), 20 January 2015; AIDPSC, [Les Peulh Mbororo de Centrafrique - une communauté qui souffre](#), June 2015.

April 2015, the United Nations Secretary General reported that prevention of relocation by the authorities was in violation of international human rights and humanitarian law, of legally binding principles on internal displacement and of Central African law.⁴⁷⁹

Whereas in subsequent months the situation in some areas of Bangui was improving, the remaining Muslim communities continued to be largely confined to enclaves, mainly in Bangui's PK5 neighbourhood, which has historically hosted a large Muslim population. They were encircled by anti-Balaka who regularly attacked them with firearms and grenades and prevented them from receiving food and medical supplies.

In the rest of the country, the overall security situation remained highly volatile. Serious violations of international human rights law and international humanitarian law continued unabated and on a large scale, and in a climate of total impunity. The violations included forced displacement of the civilian population; violations of the right to life, freedom of movement, and to security and physical integrity; cruel, inhuman and degrading treatment; abductions; the recruitment and use of children as combatants; attacks against schools and hospitals; denial of humanitarian assistance; and the destruction of property. The United Nations Panel of Experts on the Central African Republic established that various perpetrators had killed 3,003 persons between December 2013 and October 2014.⁴⁸⁰

All belligerents committed sexual and gender-based violence against women and girls, as well as against some men and boys. Such violence included rape, gang rape, forced marriage and sexual slavery. From December 2013 to July 2014, the Panel of Experts on the Central African Republic documented that between December 2013 and July 2014, some 651 victims of sexual violence were women, 107 were girls under 16 years, five were men and four were boys.⁴⁸¹ In addition, individuals accused of practicing witchcraft – many of them women and girls – continued to be killed or subjected to cruel, inhumane or degrading treatment in total impunity.⁴⁸²

With a view to building a national consensus for curbing violence, the authorities, with the support of the international community, organized the Bangui Forum on National Reconciliation, which was held from 4 to 11 May 2015. The event brought together around 600 representatives of political and civil society organizations, including some 120 women. The delegates discussed peace and security; governance; justice and reconciliation; and economic and social development. In the closing stages of the Forum, on 10 May, nine armed groups signed an agreement on the principles of Disarmament, Demobilization, Reintegration and Repatriation (DDRR) of combatants.⁴⁸³

⁴⁷⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/227\)](#), 1 April 2015, para. 13.

⁴⁸⁰ [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014, para. 203.

⁴⁸¹ *Ibid.*, para. 211.

⁴⁸² [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/562\)](#), 1 August 2014, paras. 2-4 and 17; [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014, para. 2; [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/227\)](#), 1 April 2015, para. 40.

⁴⁸³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015, paras. 1-3.

However, the Bangui Forum did not bring about a return to peace. Violence erupted again in September and October 2015, especially in Bangui and Bambari. The fighting was triggered by the discovery of the decapitated body of a Muslim young man in Bangui, on 26 September, followed by clashes between anti-Balaka and ex-Séléka.⁴⁸⁴ Despite this renewed violence, the country held a constitutional referendum on 13 December and legislative and presidential elections in December, February and March 2016.⁴⁸⁵

A. Ten months of violent rule by the Séléka

1. Bangui

During the weeks and months that followed the 24 March 2013 coup d'état, the Séléka committed extensive human rights abuses, including extrajudicial executions, enforced disappearances, torture and sexual and gender-based violence. The local Red Cross reported that at least 119 people were killed and at least 835 injured people, including some 403 people with bullet wounds who were admitted to a Bangui hospital. The number of deaths reported by the Red Cross does not represent the total number of killings for that period since, in many cases, families are believed to have buried their relatives privately, without informing the authorities or humanitarian agencies.⁴⁸⁶

Members of the national security forces – FACA, *gendarmes* and police – were particularly targeted, as were former officials and supporters of the Bozizé regime.⁴⁸⁷ In Bangui, most members of the former Government took refuge at the MICOPAX base.

The Séléka committed numerous rapes, including gang rapes, in what appeared to be a widespread pattern of sexual and gender-based violence.⁴⁸⁸ Reports show that at least 140 rapes were committed by Séléka members between January and June of 2013, and UNICEF partners reported some 300 cases of rape and sexual assault in November and December 2013, but with no disaggregation by perpetrators.⁴⁸⁹ These numbers most likely represent only a fraction of the

⁴⁸⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/918\)](#), 30 November 2015.

⁴⁸⁵ RFI created a website with visuals and broadcasts from key political events and human rights violations from December 2012 until the Forum de Bangui. See RFI, [Centrafrique: Sortir de l'Abîme](#). Amnesty International also created a comprehensive web-story with photographs, analyzes, audio and video documentaries. See AI, [Centrafrique, les ravages de la haine](#).

⁴⁸⁶ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 39; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013 paras. 13-14; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

⁴⁸⁷ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 38; 2013; BINUCA, [Internal human rights report](#), 7 May 2013; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

⁴⁸⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013; HRW, [I Can Still Smell the Dead](#), 18 September 2013; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; FIDH, [CAR: A country in the hands of Séléka war criminals](#), 23 September 2013.

⁴⁸⁹ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras. 40 and 65; IRIN, [Little help for CAR rape survivors](#), 15

actual number of cases, since it is believed that fear of reprisal and/or stigmatization prevented many victims from reporting rapes. Information gathered by the International Commission of Inquiry demonstrates that most of the sexual violence was committed in March to April, August and December 2013, which coincides with a surge of conflict during these months.⁴⁹⁰

The Séléka arbitrarily arrested, unlawfully detained and tortured -sometimes to death- people. Much of the ill-treatment took place at detention facilities of the *Comité extraordinaire de défense des acquis démocratiques* (CEDAD) security service, the SRI, the OCRB and the Camp de Roux. The victims were detained in deplorable conditions. They were forced to stand up or sit in the same position for long periods and/or handcuffed. Cells were overcrowded and detainees were given very little food and water.⁴⁹¹ Many people were arrested because of their alleged relationship with the Bozizé family or were accused of planning a rebellion against the Djotodia regime. Séléka also tortured civilians to extort money.

In a pattern already familiar in areas seized by the rebellion since December 2012, the Séléka engaged in organized and widespread pillaging of hundreds of private homes, shops, offices, businesses and medical facilities and relief aid depots, as well as carjacking and armed robberies. Often, non-Muslims were systematically targeted, especially in the Boy-Rabe, Rafaïor and Fouh neighbourhoods of Bangui, where former Bozizé regime officials resided. Muslims were generally spared or protected from pillaging. This situation exacerbated resentment in Christian communities and contributed to fuelling tensions between the Christian and Muslim communities.⁴⁹²

The Séléka usually arrived in a particular area in large numbers, with many cars, sometimes under the guise of conducting “disarmament” operations. They often started by shooting in the air in order to intimidate the population before starting to pillage, moving from door to door. They would break down doors and smash windows to enter closed houses. They would then pillage all valuable properties while threatening the occupants and neighbours. In many instances, the Séléka would kill male residents of the houses and would rape women and girls. According to survivors, the looters, who often only spoke Arabic, were usually dressed in military attire and wore turbans which often covered their faces.⁴⁹³ Séléka pillaged nearly all offices and warehouses of the United Nations and international humanitarian organizations. They also ambushed humanitarian workers and hijacked their vehicles.⁴⁹⁴

July 2014.

⁴⁹⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 464-473.

⁴⁹¹ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 239-240 and 264-266, FIDH, [They must all leave or die](#), 24 June 2014; RJDH-RCA, [Bangui : Un sous-officier des FACA torturé et arrêté par des éléments de la Séléka](#), 15 May 2013.

⁴⁹² [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 42; ICG, [From Predation to Stabilisation](#), 17 June 2014.

⁴⁹³ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 267-279.

⁴⁹⁴ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 79.

The Séléka continued to recruit and use child soldiers, including those who had previously been separated by the United Nations from various armed groups. Séléka used some of the children to identify places to pillage.⁴⁹⁵

The alleged specific serious violations and abuses of human rights are too numerous to be listed in their entirety. Therefore, only several illustrative incidents are reported below.

- On 27 March 2013, Séléka elements killed 17 people in the Damala neighbourhood of Bangui's 8th arrondissement, adjacent to the International Airport. The attack began when four Séléka elements entered the neighbourhood and assaulted a local official while trying to steal a truck. The official called for help from his neighbours who killed one of the Séléka. Séléka reinforcements soon arrived at the scene aboard a four-wheel-drive vehicle mounted with a machine gun. They chased the people and killed them.⁴⁹⁶
- From April to November 2013, Séléka/ex-Séléka elements shot and killed several drivers of taxis (motorbikes and car), as well as some passengers. Some of the victims were killed because they had refused to surrender their vehicles, failed to stop, or were driving too slowly. The killing of a motorcyclist, on 10 April 2013, triggered a demonstration in front of the Hotel Ledger where Séléka Michel Djotodia was residing.⁴⁹⁷
- On 13 April 2013, Séléka elements killed up to 18 unarmed civilians in the area surrounding the Ngaragba Bridge (7th arrondissement). After a Séléka vehicle struck and injured three individuals during a funeral procession, the residents staged a protest. Within minutes, additional Séléka elements arrived and began shooting indiscriminately at civilians who were trying to flee the area.⁴⁹⁸
- On 13 and 14 April 2013, the Séléka stormed Bangui's Boy-Rabe neighbourhood under the pretext of looking for arms caches, and killed around 30 people and raped numerous women. They entered Boy-Rabe in trucks, firing indiscriminately at civilians. Amongst

⁴⁹⁵ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 41. Numerous organizations, including the ICG, reported the presence of child soldiers in the Séléka and in other armed groups. The *Economist* reported Séléka gun-toting boy recruits, some as young as 12, riding in the back of light trucks in their oversized uniforms and extorting money from anyone travelling on the roads. BINUCA observed many children on Séléka pickups during patrols and serving as guards at OCRB. They reported that UNICEF assisted 149 children (134 boys and 15 girls) between the ages of 12 and 17 whom the Séléka had recruited. Interim President Djotodia transferred 55 of the children to the care of UNICEF between 27 and 30 June. Human rights and humanitarian organizations, including UNICEF, estimated that as of August, 3,500 children remained in the ranks of the Séléka. See United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013.

⁴⁹⁶ HRW, [I Can Still Smell the Dead](#), 18 September 2013; For this incident the ACLED database cites an article of Africa Info See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁴⁹⁷ BINUCA, [Internal human rights report](#), 7 May 2013; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para 25 ; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 52; RCAinfos, [Un taxi moto a été tué par les rebelles Séléka à Boy-Rabe](#), 26 November 2013.

⁴⁹⁸ BINUCA, [Internal human rights report](#), 7 May 2013; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, para. 52; HRW, [I Can Still Smell the Dead](#), 18 September 2013; For this incident, the ACLED database cites an article by RFI, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

the victims were a young unarmed man who was fleeing the rebels; a man who refused to let Séléka enter his house; and a woman with her 18-month-old child who protested against Séléka taking her husband's truck. Many women and girls were raped, sometimes by up to five men, often in front of their relatives.⁴⁹⁹

- On 14 April 2013, during mass in the *Église des Frères* at the Cité Jean XXIII in Bangui, Séléka elements threw an explosive device into the church, killing seven people and seriously injuring 30 others. Four children injured during this incident had to have their legs amputated.⁵⁰⁰
- On the afternoon of 28 June 2013, Séléka in the Gobongo neighbourhood fired live bullets at protesters, killing six people and injuring many others. People in the area, most of them youths, had erected barricades across roads in protest against the abduction and killing by Séléka of a young man whose body was later found at the morgue of the *Hôpital Communautaire*. The Séléka looted shops and homes in the neighbourhood until MICOPAX intervened, killing and injuring some of the Séléka elements.⁵⁰¹
- On 13 July 2013, Séléka elements abducted around 10 people travelling in a taxi. Several days later, the bodies of some of the men bearing torture marks were found floating in a nearby river. The abductions took place after the Séléka found a bag containing T-shirts with Bozizé's picture in the taxi.⁵⁰²
- On the night of 20 to 21 August 2013, Séléka elements once again stormed Boy-Rabe under the pretext of looking for arms caches, and killed at least 13 people and injured more than 30 others. The Séléka also looted private property in the area. The violence forced thousands of residents to flee to M'Poko International Airport - which was perceived as a safe place due to the presence of French troops - and occupied its runway.⁵⁰³ The United Nations Security Council Sanctions Committee for the Central

⁴⁹⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para 25; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; HRW, [I Can Still Smell the Dead](#), 18 September 2013; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; FIDH, [CAR: A country in the hands of Séléka war criminals](#), September 2013.

⁵⁰⁰ BINUCA, [Internal human rights report](#), 7 May 2013; [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013 ; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; FIDH, [CAR: A country in the hands of Séléka war criminals](#), September 2013.

⁵⁰¹ FIDH, [CAR: A country in the hands of Séléka war criminals](#), September 2013; HRW, [I Can Still Smell the Dead](#), 18 September 2013.

⁵⁰² AI, [Human rights crisis spiraling out of control](#), 29 October 2013; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013 ; For this incident, the ACLED database cites an article from Africa News See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵⁰³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 26; 2013. FIDH, [CAR: A country in the hands of Séléka war criminals](#), 2013; FIDH, [They must all leave or die](#), 24 June 2014; Jeune Afrique, [A Bangui, les seigneurs de guerre ont encore frappé](#), 21 August 2013.

African Republic identified Nourredine Adam, Minister for Security, as one of the key figures behind this operation in Boy-Rabe.⁵⁰⁴

Following advocacy by civil society organizations and the international community, the Government arrested 24 Séléka elements in connection with the Boy-Rabe events of August 2013, and put them on trial. On 11 September 2013, they were found guilty of looting, theft and destruction of private property, and sentenced to prison terms of up to eight years.

- From 27 to 29 September 2013, ex-Séléka gunmen helped 31 inmates to escape from Ngaragba central prison, including 13 of those convicted earlier in the month for the violence in Boy-Rabe.⁵⁰⁵
- A similar incident occurred in May 2013, when armed Séléka broke into Ngaragba prison and freed 23 of their fellows, some of who had been sentenced to one to five years of imprisonment on charges of looting. The Séléka had threatened to kill the prison director if he did not release them.⁵⁰⁶

Arbitrary arrests and detention, torture and extrajudicial executions

On 22 August 2013, Nourredine Adam was replaced as the Minister for Security and appointed head of the CEDAD, a parallel intelligence and security service established by Séléka. While CEDAD had no formal powers of arrest or detention,⁵⁰⁷ it carried out numerous arbitrary arrests and illegally detained people who were often tortured in the CEDAD unofficial detention centre.⁵⁰⁸

Extrajudicial executions, arbitrary detention, torture, beatings and other abuses of suspects and prisoners were also common in other places of detention. Victims were usually arbitrarily arrested while they were at home or walking in the street. The perpetrators were at times in civilian clothes or in police uniforms aboard white pick-up trucks with dark-tinted windows or in four-wheel Toyota Land cruisers. Those who carried out the arrests mostly spoke Arabic, although some spoke Sango and French, and were armed with pistols and Kalashnikovs. In a typical scenario, the victims were forced into a car, a hood was put on their head and their hands were cuffed behind their backs. The perpetrators usually drove around for about an hour, probably to disorientate their victims, before taking them to a detention facility. While being

⁵⁰⁴ The Security Council Committee established pursuant to [Resolution 2127 \(2013\)](#) and extended pursuant to [Resolution 2262 \(2016\)](#) concerning the Central African Republic oversees the sanctions measures imposed by the Security Council. Security Council Committee on the Central African Republic, [Narrative summaries of reasons for listing - Nourredine Adam](#), 13 May 2014.

⁵⁰⁵ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 51.

⁵⁰⁶ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 51; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013.

⁵⁰⁷ Jeune Afrique, [Remaniement gouvernemental en Centrafrique : Nourredine Adam remplacé, Demafouth revient](#), 23 August 2013. Presidential decree n°13.297 of 22 August 2013.

⁵⁰⁸ Security Council Committee on the Central African Republic, [Narrative summaries of reasons for listing - Nourredine Adam](#), 13 May 2014.

driven around, the victims were threatened with execution if they did not confess to committing a crime. The cases reported below are illustrative of a widespread practice during the rule of the Séléka.

- Between September and December 2013, numerous people were tortured and killed at the CEDAD building in Bangui, sometimes in the presence of a very senior ex-Séléka member. Detainees were beaten with sticks, cables, cords and belts, and/or burnt with hot irons. Their hands and feet were tied for hours. After being tortured, detainees were left under the sun with their heads covered with dark cloth. They sometimes were threatened with death if they did not confess to committing offences they were accused of – generally that they were supporting the anti-Balaka. Some victims claimed that fellow inmates were taken away on a daily basis, never to be seen again, and were feared to have been executed. Generally, the detention conditions amounted to inhumane and cruel treatment.⁵⁰⁹
- From March to November 2013, various sources reported killings, enforced disappearances and torture of several FACA soldiers by Séléka/ex-Séléka. In one instance, sometime between March and April 2013, Séléka elements stopped six men who were walking on the street and accused them of being FACA coming from the Boy-Rabe neighbourhood. A woman dressed in a military uniform shot them.⁵¹⁰ Around 17 April 2013, the Séléka executed an undetermined number of FACA, whose bodies were found at the Sceaux Bridge, in an area known as PK15. The victims' bodies were collected by the local Red Cross.⁵¹¹
- On 16 November 2013, ex-Séléka elements killed a senior magistrate, Martineau Modeste Bria, in the vicinity of a bar in Bangui.⁵¹²

Widespread human rights violations, the murders of several FACA soldiers and the murder of Martineau Modeste Bria triggered large-scale protests against Michel Djotodia in the second half

⁵⁰⁹ OHCHR, *Pillay warns violence in Central African Republic may spin out of control*, 8 November 2013; *Report of the Secretary-General on the situation in the Central African Republic (S/2013/787)*, 31 December 2013, para. 39; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, paras. 238-253; FIDH, *They must all leave or die*, 24 June 2014; Radio Ndéké Luka, *Bangui : une prison secrète où les droits humains sont bafoués*, 13 November 2013 ; Al Jazeera, *The broken heart of Africa :Torture, killings and looting have become widespread as the Central African Republic slides into chaos*, 23 November 2013.

⁵¹⁰ *Report of the Secretary-General on the situation in the Central African Republic (S/2013/787)*, 31 December 2013, para. 29; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, paras. 185-186 ; RJDH-RCA, *Bangui : Un sous officier des FACA torturé et arrêté par des éléments de la Séléka*, 15 May 2013 ; RCAinfos, *Dernier avertissement des FACAS à DJOTODIA et aux SÉLÉKA*, 15 November 2013 ; FIDH, *Central African Republic: A country in the hands of Séléka war criminals*, September 2013. The ACLED database contains three article by RJDH-RCA for incidents reported on 17 July, 16 September and 10 November 2013 See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵¹¹ BINUCA, *Internal human rights report*, 7 May 2013; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, para. 191; HRW, *I Can Still Smell the Dead*, 18 September 2013.

⁵¹² *Report of the Secretary-General on the situation in the Central African Republic (S/2013/787)*, 31 December 2013, para. 29; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, para. 184. See also the photo-slideshow by William Daniels in Amnesty International's web-story: AI, *Centrafrique, les ravages de la haine*.

of November 2013, including an incident in Bangui where rocks were thrown at his motorcade. The protests were violently repressed by the ex-Séléka. End of November 2013, Michel Djotodia accepted to dissolve CEDAD, in compliance with an earlier request by the National Transitional Council.⁵¹³ Torture in detention centres nevertheless continued.

- From November 2013 to January 2014, ex-Séléka extrajudicially executed, arbitrarily arrested, illegally detained and tortured many persons at Camp de Roux, where Michel Djotodia and the Chief of the Armed Forces resided at the time. Detainees were repeatedly beaten with electric cables and sticks. Some survivors said some fellow inmates were executed with machetes either inside the Camp de Roux or at the *Colline des Panthères*. On 8 December 2013, several detainees were brought before Michel Djotodia in the presence of the international media – some showing visible torture marks on their faces.⁵¹⁴ Other people present on that day were a prosecutor, the Director of CEDAD, Nourredine Adam, the Director of Presidential Security and other senior military officers. Some of the detainees who had been presented to the media later testified that most people in the group were killed on the direct instructions of Séléka commanders after having being presented to the media.⁵¹⁵

From September 2013 to January 2014, the Séléka took inmates from the CEDAD facility, Camp de Roux and other detention centres in Bangui and executed them at the *Colline des Panthères* and other areas. When the detainees were taken to be killed, the Séléka would usually tie their hands behind their back according to the *arbatachar* practice. Based on the evidence gathered, the international commission of inquiry concluded that very senior ex-Séléka officials were aware of and had in fact aided and abetted the commission of these violations, and did nothing to prevent them or punish the perpetrators.⁵¹⁶ After the ex-Séléka lost control of Bangui, several mass graves were found in different locations:

- On 24 December 2013, 31 bodies were discovered in a valley at the *Colline des Panthères*. They were later buried by the Central African Red Cross in a mass grave at the Zila cemetery in the district of Bimbo, about 12 kilometres south-west of Bangui.⁵¹⁷
- On 9 February 2014, the bodies of 13 men – some with hands tied – were discovered in a septic pit next to the residence of a Séléka member, inside a military camp known as « 200 villas » in central Bangui. With the help of MISCA soldiers, their decomposing bodies were removed from the pit, which had been closed with a concrete slab.⁵¹⁸

⁵¹³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 29.

⁵¹⁴ Canal Plus documentary, ‘Special Investigation’ by Canal plus from January 2014 shows Djotodia addressing some detainees at Camp de Roux showing visible signs of torture, 8 December 2013 – minute 11:30

<https://www.youtube.com/watch?v=D2ggvjB0QjE>

⁵¹⁵ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 173-180; FIDH, [They must all leave or die](#); 24 June 2014; AI, [Time for accountability](#), 10 July 2014.

⁵¹⁶ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 173-180; 2014. FIDH, [They must all leave or die](#), 24 June 2014; AI, [Time for accountability](#), 10 July 2014.

⁵¹⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 173-180; RCAinfos, [Centrafrique : Une découverte macabre à la colline des panthères](#), 27 December 2013.

⁵¹⁸ FIDH, [They must all leave or die](#), 24 June 2014 ; AI, [Time for accountability](#), 10 July 2014; RFI, [RCA :](#)

- On 13 February 2014, 13 bodies were found in a mass grave at Camp Béal, not far from the *Bataillon de soutien et des services* (BSS) military camp in Bangui. The Red Cross reburied them at the Zila cemetery in Bimbo. The bodies showed signs of torture, with the victims' hands tied behind their backs. Some of the victims had reportedly been killed and thrown into the grave, whereas others had been tied up and thrown alive into the grave where they later died. Camp Béal had been occupied by the Séléka/ex-Séléka since March 2013. The Séléka/ex-Séléka commanders at Camp Béal reportedly executed their victims and threw their bodies into either the BSS fuel cellar or into a mass grave inside Camp Béal.⁵¹⁹

Attacks on journalists and threats against human rights defenders

Despite statements by Michel Djotodia that the transitional Government would respect freedom of expression and freedom of the press, many of its officials threatened the media and others perceived as critics. The Séléka/ex-Séléka intimidated both State and private-sector journalists, notably by forcibly searching and looting their offices. Premises of several media organizations were looted and ransacked after the Séléka captured Bangui on 24 March 2013. Several leaders of human rights organizations went into hiding and others fled the country after they received death threats from Séléka/ex-Séléka elements. On 29 April 2013, private journalists and media workers observed a general strike to protest against the threats and intimidation to which they were being subjected by the Séléka.⁵²⁰

- Following the Séléka's takeover of Bangui, several newspaper headquarters and radio stations, including *Le Confident*, *Radio nationale*, private *Radio Ndéké Luka* and *Radio Néhémie*, as well as Roman Catholic church-owned *Radio Notre Dame*, were looted.⁵²¹
- In early June 2013, the minister responsible for media, Christophe Gazam Betty, turned up at the headquarters of the daily *Le Confident* in the company of armed men who ransacked the files and threatened the journalists.⁵²²
- In August 2013, *Reporters Sans Frontières* (RSF) reported an increase in threats and violence against journalists, including by government officials. On 2 August, the

[Ouverture de la fosse commune découverte à Bangui](#), 17 February 2014.

⁵¹⁹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 181-183;

FIDH, [They must all leave or die](#), 24 June 2014; France 24, [Les anti-Balaka défient la présidente Samba-Panza](#), 13 February 2014.

⁵²⁰ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras 80-82; IMS - PANOS, [Des journalistes Centrafricains témoignent: Histoires de courage](#), April 2015.

⁵²¹ RSF, [Call for compensation after rebels ransack and loot Bangui media](#), 27 March 2013; Afrique Expansion Magazine, *Centrafrique : "Journée sans médias" pour dénoncer menaces et pressions*, 29 April 2013, cited by Country of Origin Research and Information (CORI), [Country Report Central African Republic](#), October 2013; IMS - PANOS, [Des journalistes Centrafricains témoignent: Histoires de courage](#), April 2015.

⁵²² RSF, [Security climate worsens for journalists](#), 8 August 2013; IMS - PANOS, [Des journalistes Centrafricains témoignent: Histoires de courage](#), April 2015.

prosecutor general summoned Davy Kpenouwen, managing editor of the daily *Le Pays*, and threatened him with arrest due to his coverage of the “Badica affair”.⁵²³ The journalist, along with others, had claimed that the leading diamond-buying office had financed the Séléka’s ousting of former President Bozizé. On the same day, reporters and publishers who had taken part in *Radio Ndéké Luka*’s “Press Club” programme, on 2 August, reported having received threats by telephone. On 3 August, Geoffroy Dotte, managing editor of the weekly *Dernières Minutes*, was kidnapped by Séléka elements in Bangui’s Miskine neighbourhood after being seen with a copy of a press release issued by supporters of former minister Mohamed Moussa Dhaffane, who had been on hunger strike since 11 July. Dotte was blindfolded and taken to an unknown location where the Séléka interrogated him for two hours. The Séléka released him in the evening and ordered him to say nothing about what had happened.⁵²⁴

- In September and October 2013, the editors of three Bangui-based dailies – Julien Bella of *Centrafrique Matin*, Maka Gbossokotto of *Le Citoyen* and Ulrich Landry Ngopkele of *Quotidien de Bangui* – were interrogated and threatened with death after publishing stories denouncing human rights violations by the CEDAD. The three journalists were forced to publish retractions in their respective newspapers and continued to be harassed and threatened by CEDAD members after their release.⁵²⁵

2. The North and Southwest

The Séléka also committed several serious violations of humanitarian and human rights law in the centre and northwestern parts of the country, including numerous unlawful killings, forced disappearances, torture, sexual and gender-based violence and other forms of cruel, inhuman or degrading treatment with dire consequences, arbitrary arrests, unlawful detention, destruction of homes and other property, and pillaging.

A few months into the start of the rule by the Séléka under Michel Djotodia, the first signs of organized and armed resistance to this regime began to emerge. The western part of the Central African Republic, in particular the prefectures of Ouham (area of origin of ousted President Bozizé), Ouham-Pendé and Nana-Mambéré, was the epicentre of the development of this movement. The armed groups that emerged in opposition to Séléka were a re-creation of community “self-defence” militia which had historically been operating in the northwest and had fought against the gangs of marauding armed bandits (the Zaraguina) and the armed Chadian herders who often crossed into the Central African Republic for transhumance, causing conflicts with local communities. These armed groups used a combination of blunt weapons (machetes, spears, clubs and knives) and locally-made rifles but started acquiring more sophisticated

⁵²³ Badica has been placed on the United Nations Security sanctions list due to its suspected support for the ex-Séléka.

⁵²⁴ RSF, *Security climate worsens for journalists*, 8 August 2013; IMS - PANOS, [Des journalistes Centrafricains témoignent: Histoires de courage](#), April 2015.

⁵²⁵ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 265; RSF, *Séléka disbanded but journalists still threatened*, 18 October 2013; IMS - PANOS, [Des journalistes Centrafricains témoignent: Histoires de courage](#), April 2015.

weapons when former FACA elements joined them, from the latter half of 2013.

These self-defence groups, which were later to be known as “anti-Balaka”, started to organize themselves and to launch attacks against civilians they suspected of supporting Séléka and, to a lesser extent, directly against Séléka elements. The presence of Peulh individuals in the ranks of the Séléka sparked amalgams and caused a cycle of bloody reprisals against this community by anti-Balaka elements. This perception was exacerbated by longstanding resentments between herders (who were mostly Peulh) and farmers in rural areas.⁵²⁶ In retaliation, Séléka elements or groups affiliated to them, such as armed Peulh groups, targeted individuals whom they suspected of any activities to oppose them.

The Ouham prefecture

During their takeover of power and in the period that followed, the Séléka/ex-Séléka committed serious violations in the Ouham prefecture, including in its main city, Bossangoa. The capture of towns in the prefecture was marked by acts of looting and pillaging of infrastructure, such as community radio stations functioning in the area. Entire villages were also burnt down, often in retaliation for resistance or attacks by the local population or other armed actors against the advancing Séléka or their allies - such as armed cattle herders of Chadian origin.

- During March 2013, Séléka elements looted and destroyed two radio stations in Bossangoa. The premises of *La Voix de l’Ouham* were pillaged and destroyed, and *Radio Maria Beafrika*, run by the Catholic diocese of Bossangoa, was pillaged. Both stations interrupted their programmes as a result of the attacks.⁵²⁷
- Between 10 and 14 April 2013, the Séléka and armed Chadian herders burnt over 300 houses during attacks on villages located on the road between Gbadene and Banda. This attack was allegedly spurred by the killing of a Chadian herder in the village of Kadi. The Séléka shot indiscriminately as they arrived in the towns, forcing inhabitants to flee. They then looted and burnt down houses in Gbadene (100 houses), Gbobafio (over 40 houses), Kadi (88 houses), Sikardi (52 houses), Katanga (12 houses), Bogoro (72 houses) and Banda (100 houses).⁵²⁸

In the Northwest, entrenched patterns of conflict merged with the dynamics of the Séléka’s takeover of power. In particular, the Chadian herders historically had conflicts with local communities in the area over lack of respect for the rules on transhumant pastoralism. Chadians bringing large cattle herds into the Central African Republic for pasture were accused of destroying crops owned by local villagers (who predominantly engaged in agriculture) without compensation. After the Séléka rebellion, there was a rapprochement between Séléka elements and armed Chadian herders, who would often join the Séléka in launching attacks against the population.

⁵²⁶ ICG, *The Security challenges of pastoralism in CAR*, 1 April 2014; ICG, *CAR’s hidden conflict*, 12 December 2014.

⁵²⁷ RSF, *Les médias centrafricains au cœur de la tourmente*, 7 May 2015; Afronline : The Voice of Africa, *Joy greets relaunch of Voix de l’Ouham radio after a year of silence*, 5 April 2014.

⁵²⁸ OHCHR Human Rights Case Database; HRW, *I Can Still Smell the Dead*, 18 September 2013.

- On 1 May 2013, Séléka elements and armed Chadian herders attacked the village of Ouin, on the road between Batangafo and Kambakota. They killed 10 civilians and injured one. The attack was conducted in retaliation for the killing of a Chadian herder by villagers from Kolo (three kilometres from Ouin) a few days before, following a dispute over a stolen cow. Sensing the likelihood of a revenge attack, the population of Kolo fled to Ouin for safety. At Ouin, a well-known individual associated with the Séléka deceived the population to come forward, assuring that they would not be harmed by the Séléka.⁵²⁹

Between May and June 2013, Séléka attacks in the Ouham prefecture continued along the road between Batangafo and Bouca. After the burning of houses between Gbadene and Banda in April 2013 (on the northern stretch of the road, closer to Batangafo), Séléka attacks continued further south, along the Batangafo-Bouca road towards the area of Yangoumara and Zamboutou, and to the town of Bouca itself.

- Between May and June 2013, elements of the Séléka shot and killed an undetermined number of civilians in the area of Bouca. They also committed acts of torture and extortion. On 2 June 2013, Séléka elements attacked the villages of Yangoumara and Gbi-Gbi, north of Bouca, killing at least one woman who was fleeing. They totally destroyed the village of Yangoumara and burnt down 34 homes in Gbi-Gbi. The Séléka attack on these locations was a retaliation against the population after a Séléka soldier was killed by a villager in Yangoumara as he was trying to seize one of his cows. This pattern of attacks and burning of villages continued along the Batangafo-Bouca road, adding to the tally of hundreds of homes torched by Séléka elements, causing the population to flee their villages.⁵³⁰

From August 2013, anti-Balaka fighters began gathering in towns and villages around Bossangoa. At the time, Séléka had concentrated their troops in Bossangoa town, leaving only a handful of elements to guard a number of outposts in the communes surrounding the town. These outposts, located in the communes of Bir Zambé, Zéré, Soumbé, Ouham-Bac and Koro M'Poko, became the first targets of attacks by the anti-Balaka as they were poorly guarded. Several of these locations were comprised of trading centres and markets, where members of the Muslim and non-Muslim community would engage in trade. They were surrounded by some herder settlements, where Peulh cattle herders lived. These settlements would also come under severe attacks by anti-Balaka.

- On 6 September 2013, a large group of anti-Balaka fighters attacked the locality of Zéré, an important trading centre, located on the eastward road linking Bossangoa to Bouca. They quickly overpowered the five Séléka elements protecting the locality and launched an attack on the Muslim quarter of the town, killing at least 55 civilians, including Muslims living in the town and Peulh residing in the herder settlements near the town. They also burnt at least 300 homes, and some people who were inside.⁵³¹

⁵²⁹ Ibid.

⁵³⁰ HRW, [I Can Still Smell the Dead](#), 18 September 2013; FIDH, [RCA: Un pays aux mains des criminels de guerre de la Séléka](#), September 2013.

⁵³¹ HRW, [They Came to Kill, Escalating Atrocities in the CAR](#), 18 December 2013; FIDH, [They must all leave or die](#).

- During the first week of September 2013, anti-Balaka elements killed a large but undetermined number of civilians, predominantly Peulh herders, during attacks on herder settlements located in the communes surrounding Bossangoa, particularly Bir Zambé, but also Zéré, Soumbé, Ouham-Bac and Koro M’Poko. They committed killings both by gun-shots and with knives used to slit victims’ throats. They also looted thousands of cattle.⁵³²

Early in September 2013, anti-Balaka effectively encircled the town of Bossangoa. After attacks at Zéré, they launched attacks in rapid succession to the south of Bossangoa, on the road to Bossembélé, to the west of Bossangoa, on the road to Ouham-Bac, and to the northeast of Bossangoa, in the direction of Ben Zambé. Localities in which these attacks took place include Gbakora and Votovo on the Bossangoa-Bossembélé road, and Ouham-Bac on the Bossangoa-Bozoum road. The scale of the attacks, the *modus operandi*, and the presence of fighters in uniform and with modern weapons, lends credence to the belief that former FACA soldiers were involved, alongside the community-based anti-Balaka militia who fought with more rudimentary weapons.⁵³³

Following the anti-Balaka attacks of 6 and 7 September 2013, Michel Djotodia dismissed the head of the army and, on 8 September, Séléka reinforcements under the leadership of General Issa Yahya were deployed from Bangui to counter the large-scale anti-Balaka operation that was taking place around Bossangoa.

- On 17 September 2013, the anti-Balaka attacked Bossangoa town. In ensuing fighting between ex-Séléka and anti-Balaka, hundreds of homes were burnt in the region. Civilians fled to locations deemed safe in the town, including the Catholic diocese (*Évêché*), where close to 40,000 people took refuge, the *École Liberté* and Borro (where the Imam resided).⁵³⁴
- As from the second week of September 2013, ex-Séléka troops deployed to the region of Bossangoa committed serious abuses. During house to house searches for people suspected to be part of the anti-Balaka militia, they killed and tortured an undetermined number of individuals in Bossangoa town. They raided the neighbourhoods of Bossangoa inhabited by people of Gbaya ethnicity who were considered to form the majority of the anti-Balaka militia. They shot indiscriminately and killed civilians who were unable to flee. The bodies of some victims were buried, while other bodies later emerged from the River Ouham in which they had been thrown.⁵³⁵

June 2014.

⁵³² HRW, [They Came to Kill, Escalating Atrocities in the CAR](#), 18 December 2013; AIDPSC, [Les Peulh Mbororo de Centrafrique - une communauté qui souffre](#), June 2015, pagep. 40.

⁵³³ Confidential internal United Nations correspondence based on a mission to Bossangoa, on 11 September 2013 (on file).

⁵³⁴ OCHA, [Situation de populations déplacées et autres personnes vulnérables de la ville Bossangoa, préfecture de l’Ouham](#), 11 October 2013 ; HRW, [They Came to Kill, Escalating Atrocities in the CAR](#), 18 December 2013.

⁵³⁵ BINUCA, [Internal report from a Mission to Bossangoa](#), 23 September 2013 ; HRW, [They Came to Kill, Escalating Atrocities in the CAR](#), 18 December 2013; Le Monde, [En RCA, Bossangoa face à ses démons](#), 2 October 2013.

- In mid-September 2013, following an armed confrontation between ex-Séléka elements and the anti-Balaka militia in the locality of Ndjoh, ex-Séléka elements committed acts of pillage, including of medical facilities. The area of Ndjoh witnessed intense fighting between the anti-Balaka and ex-Séléka on 16 September 2013, including an anti-Balaka ambush of the ex-Séléka.⁵³⁶
- In mid-October 2013, ex-Séléka troops advanced on the westward road linking Bossangoa to Bozoum. In villages along that stretch, including at the locality of Ouham-Bac, which separates the Ouham and Ouham-Pendé prefectures, ex-Séléka elements shot indiscriminately, killing numerous civilians, and burnt a large number of homes.⁵³⁷

Early in September 2013, as part of their campaign to launch multiple, simultaneous attacks in various locations in the Ouham prefecture, with Bossangoa as the epicentre, the anti-Balaka staged an attack on Bouca, located approximately 100 kilometres east of Bossangoa.

- Early in the morning of 9 September 2013, anti-Balaka elements attacked the town of Bouca where they killed 27 Muslims, including seven children. Five of the children were hit with machetes on their head. The anti-Balaka did not attack the Séléka who had regrouped in their base camp at the office of the *sous-préfet*. Instead, they shot their way towards the neighbourhood where Peulh and Muslims lived and set houses on fire, in some cases with the occupants inside. Several Muslims and Peulh were shot as they attempted to escape. The anti-Balaka threw their bodies into the houses already on fire. They also burnt 22 houses belonging to Peulh. A well-known anti-Balaka commander, who is currently in detention in Bangui pending trial, led the attack on Bouca. The anti-Balaka attack in Bouca lasted until about 10 a.m. that morning, when they began to withdraw due to their ammunition running out. As they retreated, the ex-Séléka elements in town, accompanied by Peulh, began a revenge attack against non-Muslim communities in Bouca. They were better armed than the anti-Balaka, having automatic weapons and rocket-propelled grenades. They were also well organized and dressed in military camouflage attires.⁵³⁸
- Beginning late in the morning of 9 September 2013, and for about 10 days thereafter, the Séléka, under the command of a General who was a native of Bouca, carried out a campaign of killings and burning of homes in Bouca. They systematically went from house to house, shooting and killing non-Muslim civilians. They burnt a large number of homes, in some cases with the occupants inside. During this attack, the Séléka killed at least 115 non-Muslims, although some estimates refer to 147 fatalities. They also burnt over 1000 houses in Bouca.⁵³⁹

Following the attack and counter-attack by the anti-Balaka and Séléka respectively, corpses of

⁵³⁶ HRW, *They Came to Kill, Escalating Atrocities in the CAR*, 18 December 2013; Caritas Centrafrique, *Rapport de Mission à Bossangoa*, 17 September 2013.

⁵³⁷ Ibid.

⁵³⁸ Mapping Project interview, Bouca, Ouham prefecture, 6 September 2016.

⁵³⁹ Mapping Project interview, Bouca, Ouham prefecture, 6 September 2016.

victims were visible in Bouca: in burnt out homes, on the streets and in the bushes. The town was largely emptied of its population, but for some civilians who took refuge at an IDP site created on the Catholic Church premises.

The escalation of the conflict in and around Bossangoa led humanitarian organizations working in the region to initiate evacuation procedures for their staff, in order to relocate them to safer zones. In the process, some of them were attacked by belligerents and killed.

- On 7 September 2013, Séléka elements killed two staff of the humanitarian NGO ACTED at a roadblock three kilometres from Bossangoa. The victims were returning to the ACTED base in Bossangoa as part of an evacuation procedure set in place for its staff. They had been working on a project to build schools and re-furbish health centres and potable water points. They were clearly identifiable as humanitarian workers.⁵⁴⁰

In November 2013, the situation in Bossangoa continued to deteriorate, as the anti-Balaka continued to commit attacks in various locations around the town, and ex-Séléka continued attacking and killing individuals suspected to be anti-Balaka.

- On 18 November 2013, ex-Séléka elements captured seven non-Muslim men in Bossangoa. They tied them up and, upon the orders of senior Séléka officers, threw them alive into the river Ouham. Two of the men were able to untie themselves and escaped drowning. In the following days, three bodies were recovered from the Ouham river bank. The other two men were never found and are presumed to have drowned.⁵⁴¹

The situation in Bossangoa remained tense from the end of November to December 2013. The town had in effect been divided into two: almost 40,000 non-Muslims had taken refuge in the Catholic Diocese compound (*Évêché*) while Muslim IDPs were at a school, the *École Liberté*. Access to areas outside of these camps became dangerous for civilians on either side, as they would fall victim to attacks from either ex-Séléka or anti-Balaka elements.

The Umbrella-M'Poko and Lobaye prefectures

- In mid-September 2013, anti-Balaka elements started attacking and killing an undetermined number of ex-Séléka elements in the Bossembélé area, in reaction to the violence previously committed by this group.⁵⁴²

⁵⁴⁰ BINUCA, Internal report of a Mission to Bossangoa, 23 September 2013; ACTED, [Deux travailleurs humanitaires centrafricains d'ACTED tués en RCA le 7 septembre 2013](#), 9 September 2013. The Séléka apparently believed they were spies because they held a satellite telephone, a device commonly used by humanitarian workers in areas without regular telephone coverage.

⁵⁴¹ OHCHR Interviews, Bossangoa, December 2013; HRW, [They Came to Kill, Escalating Atrocities in the CAR](#), 18 December 2013; *Bossangoa: alerte rouge. Chronique d'une semaine de peur et de sang*, 17 to 22 November 2013 (Document prepared by two priests of Bossangoa Diocese, on file).

⁵⁴² La Nouvelle Tribune, [6 morts et 7 blessés dans des combats près de Bossémbélé](#), 18 September 2013; The ACLED database cites a press release from UNCHR regarding incidents that took place on 14, 15 and 16 September 2013, <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- Around 9 October 2013, anti-Balaka elements attacked the mining village of Gaga (around 35 kilometres away from Yaloké), targeting ex-Séléka as well as Muslim civilians. They killed between 12 and 32 civilians and injured many others.⁵⁴³
- Around 13 October 2013, ex-Séléka elements, in retaliation, killed an undetermined number of civilians in Gaga.⁵⁴⁴
- On 30 and 31 October 2013, an officer of the ex-Séléka killed at least four individuals in the Bossembélé area on suspicion of their involvement with anti-Balaka groups.⁵⁴⁵
- In October or November 2013, in Boali, anti-Balaka launched a “punitive operation” against Peulh, during which many were killed.⁵⁴⁶
- On 10 November 2013, ex-Séléka fighters attacked the Camp Bangui village, near Gaga, and killed at least three individuals, pillaged the centre of the town, and burnt the vast majority of homes which had housed 300 to 400 families. The attack was ordered by an ex-Séléka commander posted in the Ombella-M’Poko prefecture, who had regrouped his men, including child soldiers (some as young as eight years old), in the town of Gaga to attack anti-Balaka elements at Camp Bangui.⁵⁴⁷
- On 2 December 2013, in Boali, towards 6 p.m., around 40 anti-Balaka militiamen armed with machetes, knives and guns attacked a camp of Peulh herders, and killed at least 12 and severely injured many others, including at least 14 children. They also destroyed many houses.⁵⁴⁸
- On 3 and 4 December 2013, in Boali, in retaliation for the previous attack, ex-Séléka elements killed at least five men considered to be anti-Balaka, including one traditional

⁵⁴³ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 41; Africartime, [RCA: attaque des Anti-Balaka au village de Gaga](#), 8 October 2013; TV5 Monde, [Massacre dans la ville minière de Gaga](#), 5 December 2013.

⁵⁴⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 41. ; ICG, [L'intervention de la dernière chance](#) ; 2 December 2013; TV5 Monde, [Massacre dans la ville minière de Gaga](#), 5 December 2013.

⁵⁴⁵ Mapping Project interview, Bossembélé, 4 October 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013; The ACLED database cites an article by RJDH and one by Xinhua for this incident <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵⁴⁶ ICG, [CAR's hidden conflict](#), 12 December 2014; AIDPSC, [Les Peulh Mbororo de Centrafrique - une communauté qui souffre](#), June 2015.

⁵⁴⁷ Mapping Project interview, Bangui, 6 September 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 41; HRW, [War Crimes by Ex-Séléka Rebels](#), 24 November 2013; HRW, [My Meeting with the General](#), 25 November 2013; HRW, [What a War Crime Looks Like from Space](#), 26 November 2013.

⁵⁴⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 42; FIDH, [They must all leave or die](#), June 2014 ; Le Monde, [En RCA, massacres et représailles entre chrétiens et musulmans](#), 5 December 2013.

chief. The ex-Séléka also targeted the homes of those who were identified by local Muslim residents as anti-Balaka and Christians.⁵⁴⁹

- Around mid-December 2013, in Boali, ex-Séléka elements killed an undetermined number of people, including by torturing them to death.⁵⁵⁰
- The Séléka/ex-Séléka also committed serious human rights violations and abuses in the Lobaye prefecture, however to a lesser extent than elsewhere. From around March 2013 to December 2013, several reports mention that Séléka/ex-Séléka elements were responsible for committing crimes against the non-Muslim population, such as killings, sexual violence and acts of torture including against the Pygmy population.⁵⁵¹

The Ouham-Pendé prefecture

- On 14 April 2013, Séléka elements pillaged the premises of the International Rescue Committee (IRC) in Bocaranga.⁵⁵²
- On 25 April 2013, in a village located 70 kilometres from Bozoum, Séléka elements killed a teacher and seized two vehicles belonging to a local Catholic priest and a trader.⁵⁵³
- In June 2013, in Bossemptélé, Séléka elements tortured a civilian by tying his hands for weeks, preventing blood circulation and leading to the paralysis of both hands. Such acts of torture were committed during the search for people working at mines in the area, who were expected to have objects of value.⁵⁵⁴
- On 20 September 2013, an ex-Séléka element killed a boy in the village of Herba. This provoked a revolt by the inhabitants the same day. On 21 and 22 September, ex-Séléka elements razed the village in reprisal, burning down most of the houses.⁵⁵⁵
- At an undetermined date in 2013, in the area of Bozoum, Séléka elements caught, tortured, and killed an individual from Tattale village who had come to Bozoum to buy

⁵⁴⁹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 216; [First Progress Report of the Commission of the African Union on the situation in the Central African Republic](#), 7 March 2014.

⁵⁵⁰ Mapping Project interview, Boali, 3 October 2016. The ACLED database cites an article by RJDH concerning an incident that occurred on 14 December 2013. See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵⁵¹ Mapping Project interview, Bangui, 16 September 2016; BINUCA, *Internal compilation of human rights violations since the 24 March 2013*, 7 May 2013; [Situation of human rights in the CAR: Report of the UN High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013; [Midterm report of the Panel of Experts on CAR \(S/2014/452\)](#), 1 July 2014; AI, [Life in the midst of horror in the CAR](#), 18 February 2014.

⁵⁵² BINUCA, *Internal compilation of human rights violations since 24 March 2013*, 7 May 2013; ICG, [Priorities of the Transition](#), 11 June 2013.

⁵⁵³ Ibid.

⁵⁵⁴ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

⁵⁵⁵ Ibid.

cartridges for hunting. They threw his body – wrapped in a plastic bag – into the Ouham River.⁵⁵⁶

- The area of Bohong, located mid-way on the road between Bouar (Nana-Mambéré prefecture) and Bocaranga (Ouham-Pendé prefecture), was one of the areas where anti-Balaka were set up to resist Séléka rule, around July to August 2013. The Séléka arrested the leader of the Bohong anti-Balaka group, took him to their base, and subjected him to torture.⁵⁵⁷
- In late August or early September 2013, during an attack on Bohong, anti-Balaka elements killed an undetermined number of civilians and forced Séléka out of the locality.⁵⁵⁸
- Early in September 2013, Séléka reinforcements arrived to the region. They attacked Bohong in order to take the locality back from the anti-Balaka, and killed a large number of civilians, estimated at close to 50 people, and wounded many others. They also burnt down most of the town, including at least several hundred houses, sometimes with the occupants inside. The entire non-Muslim population of Bohong fled after this incident.⁵⁵⁹

In the area of Bozoum, where the ex-Séléka had a significant base during the period, they committed serious violations against individuals they held in detention and whom they had often arrested on illegal or discriminatory grounds.⁵⁶⁰

- On 4 November 2013, in Bozoum, ex-Séléka elements arrested a man on the grounds that he was a supporter of former President Bozizé because he was from the same tribe (Gbaya). The day after his arrest, he was severely tortured, with burning polythene bags dropped on his body, and his tendons severed. He was released after paying a ransom.⁵⁶¹

The Mambéré-Kadéï prefecture

Following the rapid descent of the Séléka into Bangui on 24 March 2013, FACA soldiers and elements of Bozizé's Presidential Guard fled from Bangui and other locations to the southern part of the country. As former President Bozizé, many of them fled through the west to Cameroon, and committed serious violations on their way.⁵⁶² As they were fleeing, the Séléka were close behind, advancing to capture key towns in the south and west. Upon arrival in these towns, they also committed violations against civilians. When the local population protested against their

⁵⁵⁶ Ibid.

⁵⁵⁷ [Letter from the Secretary-general to the President of the Security Council \(S/2013/557\)](#), 16 September 2013; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; La Nouvelle Tribune, [Centrafrique : Désastre des éléments de Séléka au village Bohong](#), 8 September 2013; CARnews, [Le Chef des AntiBalaka de Bouar Parle](#), 29 October 2013.

⁵⁵⁸ Ibid.

⁵⁵⁹ Ibid.

⁵⁶⁰ AI, [Time for accountability](#), 10 July 2014.

⁵⁶¹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

⁵⁶² RFI, [Yaoundé désarme les soldats centrafricains réfugiés au Cameroun](#), 13 April 2013; Centrafrique Presse Info, [Recrutement des combattants du FROCCA de Bozizé au domicile d'un de ses lieutenant à Yaoundé](#), 14 August 2013.

conduct, the Séléka often violently quelled the demonstrations.

- Between 14 March 2013 and 7 May 2013, former FACA soldiers who were fleeing from the advancing Séléka forces committed extensive looting and pillage in the town of Berberati. They seized any valuables they could find, such as vehicles and backup power generators, and extorted money from forest logging companies.⁵⁶³
- After arriving in Berberati in late March and early April 2013, Séléka elements committed extensive acts of pillage and extortion. They imposed an arbitrary tax on all businesses and individuals, stating that such payments were required to ensure the protection of the population. They also pillaged and looted State and administrative buildings, as well as fuel stations and banks in Berberati.⁵⁶⁴
- On 6 April 2013, in Berberati, the Séléka violently interrupted a public demonstration organized to protest against acts of killing, looting and other abuses committed by the Séléka in the town. In dispersing the demonstration, Séléka elements shot and killed between five and 10 unarmed protesters and injured several others.⁵⁶⁵
- Between March and December 2013, Séléka/ex-Séléka elements in Berberati committed several serious violations, including rapes of women, killing civilians who were fleeing from Séléka patrols and checkpoints, use of live ammunition to quell public protests, and extortion.⁵⁶⁶

The Nana-Mambéré prefecture

The Séléka arrived in the Nana-Mambéré prefecture in late March 2013 and sought to track down any Bozizé loyalists remaining in the area. Elements of the FDPC rebel movement of Abdoulaye Miskine were also present in the area around Baboua, bordering Cameroon. Due to an early disagreement between the new Séléka regime and FDPC – which had initially been a member of the Séléka coalition – the two groups clashed in Nana-Mambéré prefecture in April 2013. As elsewhere in the Central African Republic, the rule of the Séléka was marked by serious human rights violations. Some acts of sexual and gender-based violence were reported.⁵⁶⁷

⁵⁶³ BINUCA, *Internal compilation of human rights violations since 24 March 2013*, 7 May 2013; AFP, *Centrafrique: troubles dans l'ouest du pays, une faction rebelle dissidente menace*, 3 April 2013.

⁵⁶⁴ BINUCA, *Internal compilation of human rights violations since 24 March 2013*, 7 May 2013; Jeune Afrique, [RCA: chasse aux faux et vrais rebelles pilleurs](#), 10 April 2013; RJDH, [Berberati: La vie semble reprendre dans la ville](#), 10 April 2013.

⁵⁶⁵ RJDH, [Berberati : Des personnes tuées pendant une marche de protestation contre les exactions de la Séléka](#), 6 April 2013; Aleteia, [Centrafrique: une missionnaire dénonce les massacres qui se poursuivent](#), 12 December 2013.

⁵⁶⁶ RJDH, [Berberati: Un enfant tué et trois personnes blessées par les éléments de la Séléka](#), 22 April 2013; Le Journal du Dimanche, [Centrafrique: les preuves de sœur Elvira](#), 7 December 2013.

⁵⁶⁷ RJDH, [Bouar: Une jeune femme violée par un élément de la Séléka](#), 30 March 2013; RJDH, [Bouar: Une Aide-accoucheuse violée par des hommes armés](#), 5 April 2013.

- On 24 April 2013, Séléka elements abducted, tortured and killed two former FACA soldiers at the firing range of the Military Training School (*Centre d'instruction militaire*) in Bouar.⁵⁶⁸
- Between March 2013 and the end of 2013, Séléka/ex-Séléka elements committed acts of grave physical violence against civilians in and around the town of Baoro. In one instance, they killed a person by publicly executing him; in another, they burnt a person alive after they had extorted money and unprocessed gold from him.⁵⁶⁹ In August 2013, the Séléka set ablaze a man they had carjacked on the road from Bouar to Baoro. In September 2013, in Bouar, following an altercation over a stolen motorcycle, Séléka elements shot and killed a motorcycle rider.⁵⁷⁰
- From late March 2013 until the end of 2013, Séléka elements also committed multiple acts of pillage, as well as the ransacking and destruction of administrative buildings in Bouar. They looted the WFP compound, taking away 2,000 litres of diesel fuel, and hundreds of litres of vegetable oil, destined for needy populations in the area. They also looted the fuel-filling station, ransacked administrative buildings, and looted the SUCAF sugar factory. They pillaged the convent of religious Sisters at Niem Yelewa, 70 kilometres northeast of Bouar, and attacked the *Notre Dame de Fatima* Catholic premises in Bouar at gun-point, molested the religious workers, and seized valuable items. In Bouar, they pillaged the health dispensary of *Quartier Herman*.⁵⁷¹

Like other prefectures in the West, the Nana-Mambéré prefecture witnessed a rise in the anti-Balaka phenomenon towards the end of 2013. In this region neighbouring Cameroon, the anti-Balaka appear to have included former FACA soldiers who had fled to Cameroon after the coup d'état of March 2013.⁵⁷²

- On 26 October 2013, anti-Balaka elements attacked Bouar, which led to a confrontation with ex-Séléka elements. During these incidents, at least 20 civilians were killed, and thousands sought refuge at the Catholic diocese compound.⁵⁷³

⁵⁶⁸ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Human rights crisis spiraling out of control](#), 29 October 2013.

⁵⁶⁹ [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014.

⁵⁷⁰ RJDH, [Bouar : Encore des cas vol des éléments de la Séléka](#), 13 May 2013; Radio Siriri, [Centrafrique: Des éléments Séléka continuent de prouver qu'ils sont intouchables : un commerçant de voitures d'occasion brûlé vif](#), 8 August 2013.

⁵⁷¹ RJDH, [Bouar: Des cas d'exactions signalés après l'invasion de la ville par les hommes de la Séléka](#), 28 March 2013; RJDH, [Bouar/Berberati: Reprise timide des activités après l'arrivée des éléments de la Séléka](#), 1 April 2013; RJDH, [Bouar: Une Aide-accoucheuse violée par des hommes armés](#), 5 April 2013; Communauté Betharam, [Pillages des rebelles de la Séléka dans la Mission Notre Dame de Fatima à Bouar - R.C.A.](#), 30 September 2013.

⁵⁷² RFI, [Yaoundé désarme les soldats centrafricains réfugiés au Cameroun](#), 13 April 2013; RFI, [L'ex-président centrafricain François Bozizé a quitté le Cameroun pour le Kenya](#), 4 June 2013; Centrafrique Presse Info, [Recrutement des combattants du FROCCA de Bozizé au domicile d'un de ses lieutenant à Yaoundé](#), 14 August 2013. This article indicates former President Bozizé may have visited his supporters in the border area in May/June 2013.

⁵⁷³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/87\)](#), 31 December 2013; FIDH, [They must all leave or die](#), June 2014. For this incident, the ACLED Database cites an article of AFP dated 26 October 2013 See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- Later in the day, ex-Séléka elements fired heavy and light artillery in the Christian neighbourhood of Gogo, killing at least 18 civilians and wounding many more.⁵⁷⁴
- On 11 December 2013, in Loh village, ex-Séléka elements arrested and executed a man. In retaliation, on the same day, anti-Balaka killed at least 25 people (including ex-Séléka and Muslim civilians) and injured 33. Following these killings, ex-Séléka and Muslim civilians shortly thereafter reportedly attacked the Christian population in Loh and surrounding villages.⁵⁷⁵

3. The Northeast

The Nana-Gribizi prefecture

As in other parts of the country, the Séléka/ex-Séléka committed numerous violations while they were in control of towns and villages in the Nana-Gribizi prefecture. Anti-Balaka militia responded to such violations with often violent reprisals which severely affected civilians.

In April and May 2013, the Séléka systematically attacked villages in the Kaga-Bandoro area, unlawfully killing and injuring civilians, and burning and pillaging their homes. They targeted mainly the Christian towns and would eliminate anyone they believed to be associated with the local self-defence groups that could be mounting a resistance to Séléka.

- Between 10 and 14 April 2013, Séléka fighters indiscriminately attacked the civilian population of villages surrounding Kaga-Bandoro, including Maorka, Ndanika, Maraomba, Zaïre, Bogoro, Sirkadi, Kadi, Gbobafio and Banda. The Séléka killed civilians during these attacks, mutilated the dead bodies and threw them in the bush. They also pillaged and destroyed more than 272 homes, and chased the survivors. Some people died while hiding in the bush due to lack of adequate food and access to medicines. These attacks were perpetrated in reprisal for the earlier killing of a Séléka fighter in Kaga-Bandoro.⁵⁷⁶
- On 22 April 2013, Séléka fighters killed 27 civilians in Mbres, injured approximately 60 others, and burnt down more than 500 houses.⁵⁷⁷

⁵⁷⁴ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/87\)](#), 31 December 2013; RFI, [RCA: 18 personnes tuées et 12 blessées dans une maison, à Bouar](#), 8 November 2013.

⁵⁷⁵ OHCHR, [Preliminary Findings: OHCHR Monitoring Mission in the Central African Republic](#), 14 January 2014.

⁵⁷⁶ HRW, [I Can Still Smell the Dead](#), 18 September 2013; FIDH, [CAR: A country in the grip of Séléka rebels: The international community urgently needs to mobilise to protect the population](#), 17 July 2013.

⁵⁷⁷ BINUCA, [Internal report: compilation of information on human rights in the Central African Republic from 24 March 2013 to 7 May 2013](#), 2013; ICC, [Situation in the Central African Republic II](#), 24 September 2014; AI, [Briefing on the Human Rights Situation in the CAR](#), 14 May 2013; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013; For this incident, the ACLED database cites an article by Xinhua, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

- From April 2013 to June 2013, Séléka fighters killed at least 40 civilians and destroyed more than 1000 houses in 34 villages in the Kaga-Bandoro area.⁵⁷⁸

The Kémo prefecture

From March to October 2013, Séléka/ex-Séléka elements particularly targeted the town of Ndjoukou where they killed civilians, attacked religious institutions and destroyed the property of many villagers.

- In March and April 2013, Séléka elements occupied the town of Ndjoukou where they killed many civilians, burnt down houses and looted villagers' goods. They also pillaged the local hospital.⁵⁷⁹
- On 28 September 2013, an ex-Séléka commander attempted to kill the priest of Ndjoukou whom the villagers helped escape.⁵⁸⁰
- On 7 October 2013, an ex-Séléka commander abducted a hunter and his wife in Ndjoukou. They also stole their motorbike and looted their home. The hunter eventually hit the Séléka commander with his gun.⁵⁸¹
- On 10 October 2013, ex-Séléka elements attacked the town of Ndjoukou where they killed two civilians and burnt down at least 16 homes. The attack was in reprisal of the hunter injuring a Séléka member.⁵⁸²

The Ouaka prefecture

In 2012 and 2013, Séléka fighters and anti-Balaka militia recruited children in the prefecture. Children joined the armed groups both voluntarily and by force. Children were initially used for small tasks and services to incite them to eventually take arms. Some children recruited by anti-Balaka took arms to avenge killings or other atrocities committed by Séléka fighters. Others would also join armed groups for economic reasons, seeing it as the only means to earn a living. Girls recruited by these armed groups have reported that they were sexually exploited and raped.⁵⁸³

- From 2012 and 2013, anti-Balaka and Séléka elements recruited 357 children to join their ranks, including young girls who were oftentimes raped and sexually exploited.⁵⁸⁴

⁵⁷⁸ ICC, *Situation in the Central African Republic II*, 24 September 2014.

⁵⁷⁹ FIDH, *They must all leave or die*, June 2014; Radio Ndéké Luka, *Kouango et Djoukou sous le choc de la séléka*, 5 November 2013; for this incident the ACLED database on the CAR cites an article of AFP, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵⁸⁰ Mapping Project interview, Bangui, October 2016; FIDH, *They must all leave or die*, June 2014.

⁵⁸¹ Ibid.

⁵⁸² Ibid.

⁵⁸³ Mapping Project interview, Bambari, Ouaka, October 2016; UNICEF, *RCA: 357 enfants soldats libérés*, 15 May 2015.

⁵⁸⁴ Ibid.

In the course of 2013, Séléka/ex-Séléka elements committed violations against the civilian population in the region. They slowly took control of the main towns in Ouaka including Bambari, and executed those who opposed their presence.

- In 2013, Séléka/ex-Séléka elements arbitrarily killed many individuals they detained. For instance, in Bambari, they arrested several people and placed them in an empty gasoline tank, resulting in at least one man dying due to gas inhalation. In addition, Séléka members working as prison guards subjected inmates to torture and other forms of inhuman, cruel and degrading treatment.⁵⁸⁵
- From 28 July 2013 to August 2013, Séléka elements ransacked all public buildings in Bambari making it impossible to deliver public services in the region.⁵⁸⁶
- On 12 September 2013, Séléka elements killed two civilians in Bambari, a woman and a man.⁵⁸⁷
- On 22 September 2013, two ex-Séléka elements raped a 16-year-old girl in Bambari. She found refuge in the bush several days and eventually received medical services from a local NGO.⁵⁸⁸

The Basse-Kotto prefecture

Séléka fighters also committed violations against the civilian population in Basse-Kotto. Anti-Balaka also committed attacks in the region in reaction to the atrocities attributed to the Séléka/ex-Séléka. Events which occurred in the Basse-Kotto remain largely undocumented notably due to the scarce presence of MINUSCA forces and humanitarian actors in the area.

- At the end of March 2013, Séléka fighters abducted and tortured civilians in Mobaye. One of the victims had kept in his possession a vehicle belonging to the hospital which the Séléka wanted to steal. Another victim had kept medicine and other hospital stocks he had been able to rescue from the attack in February 2013. Séléka fighters beat and tortured him until he disclosed the location of the medical supplies.⁵⁸⁹
- In early April 2013, Séléka elements attacked the village of Tendja, 30 kilometres from Satéma, and burnt down many of the villagers' homes.⁵⁹⁰

⁵⁸⁵ Mapping Project interview, Bambari, Ouaka, October 2016; United States of America Department of State, *Country Reports on Human Rights Practices*, 2013.

⁵⁸⁶ Mapping Project interview, Bambari, Ouaka, October 2016; BINUCA, *Confidential and internal note: ASG Ivan Simonovic's visit to the Central African Republic*, 28 July-2 August 2013.

⁵⁸⁷ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites an article by RJDH, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁵⁸⁸ Mapping Project interview, Bambari, Ouaka, October 2016; FIDH, *They must all leave or die*, June 2014.

⁵⁸⁹ Joint BINUCA/MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013.

⁵⁹⁰ Ibid.

- In early April 2013, a group of eight Séléka elements gang raped a woman in Tendja and raped 10 girls under 18 years old.⁵⁹¹
- In May 2013, in Mbilima, Séléka elements looted many civilians' homes and severely injured villagers who tried to defend their property.⁵⁹²
- On 1 July 2013, Séléka elements attacked a diamond mining zone in Dimbi and Kembé where they killed an undetermined number of civilians and pillaged the premises.⁵⁹³

4. The Southeast and the Vakaga

After the Séléka seized power, there were tensions between the Séléka-led Government on the one hand and the African Regional Task Force against the LRA, composed of some 150 FACA soldiers and 700 UPDF soldiers. The Séléka was seeking to take control of the area in which the Task Force was operating.⁵⁹⁴ These tensions paralyzed counter-insurgency operations against the LRA for several months.

- On 24 May 2013, a new armed group which called itself *Mouvement de la marche populaire pour la démocratie centrafricaine* (MMPDC) launched an attack on Obo. The group was reported to include fighters from the Central African Republic and from South Sudan. FACA and UPDF soldiers in Obo fought off the attack and captured 42 of the insurgents. Nine of them died in custody in circumstances that have not been elucidated thus far.⁵⁹⁵

Following a joint mission by United Nations and African Union envoys, in early June 2013, to the Central African Republic, Uganda and South Sudan, tensions between Séléka and the African Union Task Force diminished. On 18 June, Michel Djotodia signed a statement supporting the Task Force.

In the meantime, there had been an upsurge of LRA activity, including further north, in the Vakaga prefecture and along the Bria - Ouadda - Sam Ouandja axis.

- During such an attack on 13 June 2013, 16 people, including four insurgents, were killed during a clash near Bria between fighters believed to belong to the LRA and local villagers. LRA decapitated six of the 11 villagers it killed. They also burnt 15 houses in nearby Mouka.⁵⁹⁶

⁵⁹¹ Ibid.

⁵⁹² Ibid.

⁵⁹³ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites an article from AFP, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁵⁹⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/470\)](#), 5 August 2013.

⁵⁹⁵ Ibid.

⁵⁹⁶ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/470\)](#), 5 August 2013; [LRA Crisis Tracker](#), researches undertaken for the year 2013.

- On 14 and 15 July 2013, the LRA attacked two villages in Haut-Mbomou. In one of the villages, where two local people were killed, the villagers had gathered at a funeral for a victim of the LRA. The insurgents abducted 30 people and burnt numerous houses in Yangouchi, Ramara and Zouangadji villages.⁵⁹⁷

Although the African Union Task Force operations resumed in August 2013, they had no immediate noticeable impact on LRA activities. The LRA increased attacks, especially in the mineral-rich Haute-Kotto prefecture.

- Between May and October, the LRA killed at least 17 people, abducted 79, and caused the displacement of over 300.⁵⁹⁸ OCHA reported on 29 October 2013 that 21,008 local people and 6,304 refugees had been displaced by LRA attacks. In November and December 2013, further LRA attacks were reported in Derbissaka, Mboki and Obo, causing the displacement of hundreds of local residents.⁵⁹⁹

B. The 5 December 2013 anti-Balaka attacks in Bangui and Bossangoa and their aftermath

1. Bangui

On 5 December 2013, in the early morning, around a thousand anti-Balaka militia men and former elements of FACA soldiers conducted a coordinated attack against the Séléka in Bangui. The attack began in the Ngaragba and Boeing neighbourhoods where the ex-Séléka had a base, at Camp Kassai, but also in places of strategic significance that included the National Assembly and areas where the anti-Balaka had greater support (the Boy-Rabe and Fouh neighbourhoods).⁶⁰⁰ Men were particularly targeted but women and children were also killed. Many of the victims had their limbs cut out, including testicles or breasts.⁶⁰¹ Mosques as well as houses and businesses owned by Muslims were looted or destroyed.

The ex-Séléka forces reacted and eventually forced the assailants to retreat after prolonged exchanges of fire. During the days that followed, systematic house searches and killings took place in different neighbourhoods of Bangui. Violations and abuses that may amount to international crimes became widespread. These included serious violations of the rights to life, physical integrity and property, sexual violence and rape, grave violations against children (including their recruitment and use as combatants, killing and maiming of children, and sexual violence), as well as arbitrary arrests and detention.

⁵⁹⁷ Ibid.

⁵⁹⁸ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013; [Report of the Secretary-General on the Central African Republic and on the LRA affected areas \(S/2014/319\)](#), 6 May 2014; [LRA Crisis Tracker](#), researches undertaken for the year 2014.

⁵⁹⁹ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013; [LRA Crisis Tracker](#), researches undertaken for the year 2013.

⁶⁰⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 298-303; [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014, Annex 5; FIDH, [They must all leave or die](#), 24 June 2014.

⁶⁰¹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 298-303.

In all of these actions, Muslims targeted Christians and Christians targeted Muslims.⁶⁰² Overall, some 1,000 people were estimated to have been killed on 5 and 6 December 2013 and 214,000 internally displaced in Bangui alone.⁶⁰³ The acts of violence committed during that period are too numerous to list individually, therefore only some illustrative cases are reported below.

- On 5 December 2013, a group of ex-Séléka killed around 14 men at the *Hôpital de l'Amitié*, in the 4th arrondissement. The ex-Séléka arrived at approximately 9 a.m. at the hospital, some then entered the building and started searching room by room saying that they were looking for anti-Balaka. They picked out around 14 men, took them outside the iron gates of the hospital, and shot them dead in the street. Most of the victims were aged between 18 and 25 years old. The ex-Séléka also killed a young man who was carrying an injured person in a stroller (*pousse-pousse*) to the hospital.⁶⁰⁴
- On 5 December, in the 3rd and 4th arrondissements of Bangui, ex-Séléka elements killed an undetermined number of people and destroyed houses. Armed men in military uniform in a pick-up entered the different neighbourhoods of this area, sometimes shooting from the vehicle and then came on foot, breaking down doors.⁶⁰⁵
- On 5 December 2013 and on the days that followed, ex-Séléka elements killed an undetermined number of people and destroyed shops and houses in PK12, PK13 and PK14. In some instances, the local Muslim population participated in the killings and in the looting of properties.⁶⁰⁶

Sexual and gender-based violence

During that period, sexual and gender-based violence was widespread. An overall increase in reports of rape following the anti-Balaka attack on Bangui was noted by UNICEF local partners, with some 781 cases of rape and sexual assault reported in January and February 2014. UNFPA confirmed 1,186 cases of sexual violence from December 2013 to January 2014. A high percentage of reported rapes were gang rapes. For example, one organization providing support to women recovering from violence in Bangui indicated that a majority of some 400 women and girls survivors of rape whom they had assisted between January and July 2014 were raped by multiple offenders.⁶⁰⁷ Some illustrative cases are reported below:

⁶⁰² [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014, paras. 3-7; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 303.

⁶⁰³ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/787\)](#), 31 December 2013, para. 2; [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014, p. 3; Amnesty International has estimated that Séléka alone killed almost 1,000 non-Muslim men in two days following the anti-Balaka attack in Bangui on 5 December: AI, [None of us are Safe](#), 19 December 2013.

⁶⁰⁴ [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 576-579; FIDH, [They must all leave or die](#), 24 June 2014; AI, [Time for accountability](#), 10 July 2014,

⁶⁰⁵ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 469, 471 and 472; FIDH, [They must all leave or die](#), 24 June 2014; AI, [Time for accountability](#), 10 July 2014.

⁶⁰⁶ [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014; AI, [None of us are Safe](#), 19 December 2013 ; FIDH, [They must all leave or die](#), 24 June 2014.

⁶⁰⁷ United Nations Regional Information Centre for Western Europe (UNRIC), [CAR: Number of sexual violence](#)

- On 5 December 2013, three ex-Séléka elements repeatedly gang raped a 14-year old girl at the *Église Ali*. They threatened to kill her if she screamed. On 26 September 2015, the same girl was gang raped by five anti-Balaka elements.⁶⁰⁸
- On 5 December 2013, ex-Séléka fighters raped and gang raped an undetermined number of women and at least one man, often in front of the victims' family members, notably in the Boy-Rabe neighbourhood.⁶⁰⁹
- On 9 December 2013, three civilian men associated with the ex-Séléka gang raped a woman in the Fondo neighbourhood. The victim had been living in the IDP site in M'Poko since the 5 December attack and had come back to collect some personal belongings.⁶¹⁰
- From 20 to 23 December 2013, anti-Balaka elements raped/gang raped at least two women in the Gondrou and Combattant neighbourhoods.⁶¹¹

In December 2013, the Sangaris force and the MICOPAX were able to canton and initiate the disarmament of some armed groups, mostly ex-Séléka. This was followed by a wave of revenge crimes by anti-Balaka groups and civilians against people associated with the ex-Séléka, mainly Muslim civilians.⁶¹²

Violence in the capital reached gruesome levels of cruelty: armed groups and civilians mutilated corpses in public, with dismemberments and beheadings taking place in total impunity.⁶¹³ Targeted attacks by anti-Balaka groups prevented Muslims from moving out of the few neighbourhoods, such as PK5, where they were trapped. Ex-Séléka elements also continued to commit human rights violations. For example, it was reported that during January 2014, ex-Séléka elements attacked, killed and injured several people in various areas of Bangui.⁶¹⁴

cases astronomical, 20 January 2014; IRIN, *Little help for CAR rape survivors*, 15 July 2014.

⁶⁰⁸ OHCHR Human Rights Case Database.

⁶⁰⁹ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, paras. 469, 471 and 472; FIDH, *They must all leave or die*, 24 June 2014.

⁶¹⁰ OHCHR Human Rights Case Database.

⁶¹¹ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, paras. 477-478.

⁶¹² *Report of the Secretary-General on the situation in the Central African Republic (S/2013/787)*, 31 December 2013, para. 3.

⁶¹³ *Report of the Secretary-General on the Central African Republic (S/2014/142)*, 3 March 2014, para. 7; AI, *Ethnic Cleansing and Sectarian Killings in the CAR*, 12 February 2014; BBC, *CAR cannibal tells BBC: I ate man in revenge attack*, 13 January 2014; BBC, *CAR: 'Scene of absolute horror'*, 30 January 2014.

⁶¹⁴ *Interim report of the the Panel of Experts on the Central African Republic (S/2014/452)*, 1 July 2014; HRW, *Séléka Fighters Regroup in North*, 5 February 2014; See also incidents on 13 and 14 January 2014, in the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- From 12 to 15 December 2013, anti-Balaka elements and civilians killed an undetermined number of Muslim civilians, including Chadians. In several instances the bodies of the victims were mutilated and left in the streets.⁶¹⁵
- From 20 to 24 December 2013, anti-Balaka elements attacked different areas in Bangui where Muslims had gathered, notably the PK5, Fatima, Gondrou, Combattant, Ngongonon, Boeing and Bahia Doumbia neighbourhoods, and killed an undetermined number of people. The President of the Central African Red Cross reported having received at least 29 bodies following an attack on 20 December while MSF announced that they had treated around 200 injured people between 20 and 24 December.⁶¹⁶
- On 25 December 2013, anti-Balaka elements attacked several areas, such as the PK5, PK12, Ben-Zvi and Gobongo neighbourhoods, and killed an undetermined number of people. On that day and the local Red Cross announced having collected 44 bodies of civilians.⁶¹⁷
- Also on 25 December 2013, anti-Balaka elements killed five Chadian MISCA soldiers in the Gobongo neighbourhood. The soldiers were attacked as they were trying to remove road blocks erected by anti-Balaka in the area.⁶¹⁸ The Chadian forces were particularly targeted by anti-Balaka as there were numerous allegations of collusion between some Chadian MISCA elements and ex-Séléka.⁶¹⁹
- On 26 December 2013, at around 10 p.m., ex-Séléka elements opened fire on a MISCA patrol, near the Camp de Roux, killing two police officers of the Republic of the Congo and injuring four others.⁶²⁰
- During the month of January 2014, anti-Balaka elements, as well as civilians, attacked, killed and injured an undetermined number of Muslims, either on the street or during attacks on Muslim neighbourhoods or enclaves, such as PK5 and PK12, often mutilating their bodies, including by cutting limbs and genitals off. One of the victims was a former Minister, killed with machetes on 24 January, in the city centre of Bangui. At times these killings happened in the presence of international forces and the media.⁶²¹

⁶¹⁵ [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014; AI, [None of us are Safe](#), 19 December 2013; See articles by AFP, dated 15 December 2013, in the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁶¹⁶ MSF, [RCA : Depuis le 20 décembre, une nouvelle vague de blessés et de déplacés à Bangui](#), 24 December 2013 ; FIDH, [They must all leave or die](#), 24 June 2014; Reuters, [Les milices chrétiennes attaquent des musulmans à Bangui](#), 20 décembre 2013 ; Le Monde, [Centrafrique : « On ne veut plus de l'islam dans ce pays »](#), 21 December 2013.

⁶¹⁷ FIDH, [They must all leave or die](#), 24 June 2014; RFI, [RCA: Bangui compte ses morts](#), 26 December 2013.

⁶¹⁸ FIDH, [They must all leave or die](#), 24 June 2014; Le Nouvel Obs, [RCA : L'embarrassant allié tchadien](#), 26 December 2013 ; France 24, [Six soldats tchadiens ciblés à Bangui](#), 26 December 2013.

⁶¹⁹ [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014; HRW, [Séléka Fighters Regroup in North](#), 5 February 2014; Le Nouvel Obs, [RCA: L'embarrassant allié tchadien](#), 26 December 2013.

⁶²⁰ [Le Représentant spécial de l'Union africaine en RCA condamne l'attaque perpétrée contre une unité de police de la MISCA](#), 28 December 2013 ; RFI, [RCA: retour au calme précaire à Bangui](#), 27 December 2013.

⁶²¹ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014; [Interim report of](#)

Following the resignation of Michel Djotodia and his replacement by Catherine Samba-Panza as President of a new transitional Government, the ex-Séléka troops withdrew from Bangui. At the beginning of February 2014, new episodes of violence and looting erupted, leaving at least 11 people dead, including several Muslims who were lynched. On 1 April 2014, OHCHR estimated that at least 60 people had been killed in Bangui since 22 March, mainly in a series of clashes between anti-Balaka and Muslims.⁶²² During that period, excessive use of force by MISCA soldiers, notably by the Chadian contingent, that caused the death of numerous civilians, was reported. Following such reports, on 3 April, the Government of Chad announced that it would withdraw its infantry battalion of 850 soldiers from MISCA.⁶²³

- On 5 February 2014, uniformed FACA officers publicly lynched a man they suspected of being an ex-Séléka fighter, immediately after the new president, Catherine Samba-Panza, had addressed thousands of regrouped military officers, expressing her pride in the reconstituted army. Despite the fact that the killing occurred publically and in front of national and international journalists who recorded the scene, the authorities undertook no investigation into the killing.⁶²⁴
- On 9 February 2014, unidentified armed attackers, believed to be close to the anti-Balaka, gunned down a member of the National Transitional Council (interim parliament), Jean-Emmanuel Ndjaraoua, in a drive-by shooting. The day before, Mr. Ndjaraoua, who was the representative of the Haute-Kotto, had condemned the violence against Muslim residents of his district before the interim Parliament.⁶²⁵
- During the month of February 2014, anti-Balaka elements killed, raped and injured an undetermined number of people, especially when launching attacks against Muslim neighbourhoods, such as PK5 and PK12. The Central African Red Cross reported having collected 11 bodies at PK5 after one attack on the area on 25 February.⁶²⁶

the the Panel of Experts on the Central African Republic (S/2014/452), 1 July 2014; HRW, *Muslims forced to flee*, 12 February 2014; HRW, *CAR: Justice Needed for Lynching*, 5 February 2014; AI, *Ethnic Cleansing and Sectarian Killings in the CAR*, 12 February 2014; IRIN, *Public killings highlight power shift in CAR*, 21 January 2014 ; Le Nouvel Obs, *Escalade de la violence en Centrafrique, un ex-ministre tué*, 24 January 2014 ; Le Monde, *La Centrafrique plongée dans une spirale de représailles*, 25 January 2014 ; MSF, *RCA : « Séquestrés dans le camp de transit de PK12 »*, 7 March 2014. See also incidents on 22, 29 and 31 January 2014, in the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁶²² OHCHR, *Press briefing note on Central African Republic*, 1 April 2014 ; RFI, *RCA: affrontements meurtriers à Bangui*, 23 March 2014.

⁶²³ *Report of the Secretary-General on the situation in the Central African Republic (S/2014/562)*, 1 August 2014, para. 6; *Final Report of the Panel of Experts on the Central African Republic(S/2014/762)*, 29 October 2014; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014; FIDH, *They must all leave or die*, 24 June 2014; AI, *Time for accountability*, 10 July 2014.

⁶²⁴ HRW, *Justice needed for lynching*, 5 February 2014; AI, *Ethnic Cleansing and Sectarian Killings in the CAR*, 12 February 2014; FIDH, *They must all leave or die*, 24 June 2014; The Irish Times, *Soldiers lynch man at army ceremony in CAR*, 5 February 2014 ; Le Monde, *Scène de lynchage à Bangui, après une cérémonie militaire officielle*, 6 February 2014 ; AFP, *Et tout à coup, la cérémonie dérape dans l'horreur*, 6 February 2014.

⁶²⁵ FIDH, *They must all leave or die*, 24 June 2014; AI, *Time for accountability*, 10 July 2014.

⁶²⁶ *Report of the Panel of Experts on the Central African Republic(S/2014/452)*, 1 July 2014, Annex 30; FIDH, *They must all leave or die*, 24 June 2014; For the attack on the convoy on 20 February, the ACLED database cites a press release of UNHCR See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- Between 18 February and 5 March 2014, in at least four instances, Chadian soldiers of the MISCA killed numerous people, mostly when escorting Muslims and Chadians fleeing violence in Bangui.⁶²⁷
- On 14 March 2014, six anti-Balaka elements kidnapped, beat and gang raped a woman in Galabadja Sinistré. The victim was taken by force to a house occupied by the anti-Balaka. She was freed after her mother paid a ransom of 30.000 CFA.⁶²⁸
- On 22 March 2014, anti-Balaka elements entered PK5 in the morning but were repelled by MISCA and Sangaris forces. They returned in the afternoon and they launched another attack during which they killed four people.⁶²⁹
- On 22 March 2014, anti-Balaka elements attacked and seriously wounded several MISCA soldiers, notably from the Congolese and Rwandan contingents, in the Combattant and Foh neighbourhoods of Bangui.⁶³⁰
- In March 2014, MISCA soldiers, mostly from the Burundian contingent, used excessive force during at least three confrontations with anti-Balaka elements, leading to the death of several of them.⁶³¹
- On 29 March 2014, Chadian soldiers of MISCA fired into a crowd at the market of PK12, killing at least 28 civilians and injuring numerous others. It is not clear whether the soldiers were retaliating after having been attacked, partly due to two very contradictory versions of the events.⁶³²
- In May 2014, anti-Balaka elements killed an undetermined number of civilians in different areas of Bangui. In one instance, around 26-27 May 2014, suspected anti-Balaka elements brutally killed three Muslim youths on their way to an intercommunal reconciliation football match.⁶³³

⁶²⁷ [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014; AI, [Time for accountability](#), 10 July 2014; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2014; See an incident reported by RFI on 5 March 2014, cited by the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁶²⁸ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 479.

⁶²⁹ [Report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014, para. 47; RFI, [RCA: affrontements meurtriers à Bangui](#), 23 March 2014; Reuters, [UN aims to evacuate 19,000 Muslims under threat in CAR](#), 1 April 2014.

⁶³⁰ Ibid.

⁶³¹ [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014; For 26 March, the ACLED database cites an article of RDJH, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁶³² [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/562\)](#), 1 August 2014, para. 6; [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; FIDH, [They must all leave or die](#), 24 June 2014; AI, [Time for accountability](#), 10 July 2014.

⁶³³ [Report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014; [Report of the](#)

- On 28 May 2014, ex-Séléka elements – apparently in retaliation for the killing of the three Muslim youths - threw grenades into the Church of *Notre Dame de Fatima* where thousands of displaced people had taken shelter, killing 11 people, including a priest, and wounding 24; three people later succumbed to their injuries.⁶³⁴

These incidents triggered popular demonstrations against the perceived inaction to restore security by both the transitional authorities and the international forces, who while based close to the IDP camp, arrived at the scene only hours after the attack. Bangui was paralyzed for three days and dozens more people were reported to have been killed.

- On 30 May 2014, Burundian soldiers of MISCA used excessive force when they opened fire on people protesting against the government and international forces, killing at least two individuals and injuring several others.⁶³⁵
- From July to September 2014, anti-Balaka elements committed several rapes, including gang-rapes, and killed at least one person whose body was later mutilated.⁶³⁶

Attacks on journalists

- On 29 April 2014, a group suspected to be armed Muslims tortured and shot Désiré Sayenga, a journalist for the newspaper *Le Démocrate*, as he was returning home.⁶³⁷
- On the same day, in the evening, another journalist, René Padou (from *Radio protestante La Voix de la Grâce*), was killed following a targeted grenade attack by unknown perpetrators.⁶³⁸

Journalists held a one-day strike to protest at the killings of their colleagues amid clashes between Muslims and Christians, and over 100 journalists staged a protest march through Bangui, accusing the Government and the international forces of failing to live up to their responsibility to protect the population.

Secretary-General on the situation in the Central African Republic (S/2014/562), 1 August 2014, par. 8; *Final Report of the Panel of Experts on the Central African Republic (S/2014/762)*, 29 October 2014; The ACLED database cites an incident on 2 May, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁶³⁴ *Report of the Secretary-General on the situation in the Central African Republic (S/2014/562)*, 1 August 2014, par. 8; HCR, *At least 17 killed and 27 missing after attack on Bangui church sheltering the displaced*, 30 May 2014; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014; AI, *Time for accountability*, 10 July 2014; BBC, *CAR Séléka rebels kill many in Bangui church attack*, 28 May 2014.

⁶³⁵ OHCHR Human Rights Case Database.

⁶³⁶ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014, paras 480-481; MINUSCA Human Rights Division, *Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015*, 11 December 2015.

⁶³⁷ FIDH, *They must all leave or die*, 24 June 2014; AI, *Time for accountability*, 10 July 2014; IMS et PANOS, *Des Journalistes Centrafricains Témoignent, Histoires de Courage*, avril 2015; Reuters, *CAR journalists protest murders of colleagues*, 7 May 2014.

⁶³⁸ Ibid.

Attacks on convoys of IDPs

From December 2013 onwards, Muslims mainly lived in enclaves, under constant fear of attack by anti-Balaka elements. For instance, in Bangui, approximately 1,400 Muslims and Peulh had gathered in an enclave located near the mosque of the PK12 IDP camp. They lived under extremely insanitary conditions and were often unable to receive humanitarian assistance or get access to health services due to fear of being killed if they left the enclave.⁶³⁹

Some Muslims attempted to leave by flying out from M’Poko airport. Many more tried to escape the violence by travelling to neighbouring countries in road convoys. But, very often, these convoys were attacked and many of their passengers were killed. Sometimes those convoys were escorted by international forces, but others travelled unprotected and tried to reach the border on their own. Although no general statistics are available concerning the number of attacks that took place and the number of victims, it is worth mentioning that MSF, using only testimonies collected in refugee camps in Chad, stated that 251 out of 322 people who died during their journey out of the Central African Republic, died due to violence.⁶⁴⁰

- From January 2014 onwards, anti-Balaka systematically targeted and killed Muslims who tried to leave the country in convoys or long cross-country treks through the bush. In one instance, on 20 February 2014, anti-Balaka elements attacked a convoy leaving Bangui, killing at least 21 people.⁶⁴¹
- In February and March 2014, anti-Balaka elements robbed, killed and sometimes mutilated several Muslims on the road to the international airport in Bangui.⁶⁴²

In April 2014, UNHCR announced that it would try to urgently evacuate 19,000 Muslims from Bangui and other parts of the country who were surrounded by anti-Balaka threatening their lives, explaining that it did not want “to stand by and watch people being slaughtered”.⁶⁴³

⁶³⁹ [Report of the Secretary-General on the Central African Republic \(S/2014/142\)](#), 3 March 2014; [Interim report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014; HRW, [CAR: Justice Needed for Lynching](#), 5 February 2014; HRW, [Muslims forced to flee](#), 12 February 2014; AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; IRIN, [Public killings highlight power shift in CAR](#), 21 January 2014. Le Nouvel Obs, [Escalade de la violence en Centrafrique, un ex-ministre tué](#), 24 January 2014 ; Le Monde, [La Centrafrique plongée dans une spirale de représailles](#), 25 January 2014 ; MSF, [RCA : « Séquestrés dans le camp de transit de PK12 »](#), 7 March 2014. See also incidents on 22, 29 and 31 January in the ACLED database on the Central African Republic, <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁶⁴⁰ MSF, [CAR Refugees in Chad and Cameroon: “Suitcase or Coffin”](#), 16 July 2014. See also the documentary by MSF on the same issue https://www.youtube.com/watch?v=pchXGbK_uCE

⁶⁴¹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; FIDH, [They must all leave or die](#), 24 June 2014; BBC, [CAR: convoy of terror](#), 20 February 2014 ; MSF, [CAR Refugees in Chad and Cameroon: “Suitcase or Coffin”](#), 16 July 2014.

⁶⁴² Ibid.

⁶⁴³ Reuters, [UN aims to evacuate 19,000 Muslims under threat in CAR](#), 1 April 2014.

Pillaging and destruction of property and buildings dedicated to religion

The period from December 2013 also witnessed pillaging and destruction of private property and building dedicated to religion, as anti-Balaka elements, as well as civilians, attacked and destroyed about 20 mosques in Bangui. Mosques were sometimes targeted because they were makeshift IDP sites in which Muslims took refuge. However, mosques which were not hosting Muslims IDPs were also pillaged and destroyed. In Bangui, most of the town's 23 mosques were destroyed, with the exception of the central mosque in PK5 and the mosques of Lakouanga, Bazanga and PK12.⁶⁴⁴

Based on an assessment by the United Nations Institute for Training and Research's Operational Satellite Applications Programme (UNOSAT), from December 2013 to March 2014, 1,872 structures were destroyed in and around Bangui, namely 1,341 structures in the 8th arrondissements and 531 in the surrounding area. A second UNOSAT assessment, dated 2 July 2014, established that between 22 February and 6 June 2014, 871 houses were destroyed. These assessments confirm the scale of the damage to property in Bangui during the period between December 2013 and mid-2014.⁶⁴⁵

It is important to mention that civilians were also often involved in looting, in the context of opportunistic crimes. Since the majority of the anti-Balaka did not wear military uniforms, it was very difficult to differentiate between them and civilians who looted properties after the Muslims had to take refuge in IDP or refugee camps.⁶⁴⁶

October 2014 violence

Bangui witnessed a new outbreak of violence from 7 to 17 October 2014 as a new wave of reprisal attacks left 11 civilians dead and 229 injured among the Christian and Muslim communities. The MINUSCA, the European Union Force in the Central African Republic and the French Operation Sangaris were also targeted. An additional 7,500 people were displaced during the fighting, with 1,600 refugees crossing into the Democratic Republic of the Congo. Some children reportedly took an active part in the violence in Bangui in October, for instance participating in violent demonstrations and setting up roadblocks together with anti-Balaka elements.⁶⁴⁷

- On 7 October, a suspected member of the ex-Séléka threw a hand grenade into a crowded market area and was later lynched by the crowd. On the same day, other armed men, also

⁶⁴⁴ [OHCHR Monitoring Mission in the Central African Republic - Preliminary Findings](#), 14 January 2014; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 383-386; FIDH, [They must all leave or die](#), 24 June 2014; AI, [None of us are Safe](#), 19 December 2013.

⁶⁴⁵ See [Damage assessments by UNOSAT on the Central African Republic](#), 6 June 2014.

⁶⁴⁶ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 396-400; AI, [None of us are Safe](#), 19 December 2013. See also the photo-slideshows by William Daniels and Michael Zumstein in Amnesty International's web-story: [Centrafrique, les ravages de la haine](#), September 2014.

⁶⁴⁷ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014, paras. 3-4 and 43. AI, [Impunity is fueling violence](#), 11 December 2014.

Muslims, killed a taxi driver and his passenger. These incidents led to clashes between armed groups during the following night.⁶⁴⁸

- On 9 October 2014, armed men presumed to be anti-Balaka killed a Pakistani peacekeeper and injured seven others in an ambush on a MINUSCA convoy in PK11, during which six MINUSCA and other United Nations vehicles were shot at.⁶⁴⁹
- On 11 October 2014, a MINUSCA intervention pre-empted an attack by some 100 armed anti-Balaka elements on the residence of the Head of State of the Transition, Catherine Samba-Panza.⁶⁵⁰
- On 10 and 17 October 2014, in the Yakité locality of Bangui, anti-Balaka elements shot dead four civilians whom they accused of spying for the ex-Séléka.⁶⁵¹

The security situation progressively improved after October 2014. Sporadic violent incidents however continued to take place, such as on 17 January 2015, when MINUSCA arrested a prominent anti-Balaka leader, Rodrigue Ngaïbona, also known as Andilo, which triggered several kidnappings by anti-Balaka elements.

- From 19 to 25 January 2015, anti-Balaka elements kidnapped several people: a French humanitarian worker, on 19 January, who was released on 23 January; an international MINUSCA staff member, on 20 January, who was released the same day; and on 25 January, the Minister of Youth and Sport, Armel Sayo, who was released on 10 February.⁶⁵²

The September and October 2015 violence

After months of relative calm and positive political developments towards national reconciliation and reconstruction, serious unrest erupted in Bangui in September 2015, and escalated into a spiral of violence and reprisal attacks through October 2015. In the midst of this crisis, a series of attacks targeted State institutions, which the Transitional Authorities described as an attempted coup d'état.⁶⁵³

⁶⁴⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014, paras. 3-4; Le Monde, [RCA : la peur règne sur le PK5, quartier des derniers musulmans de Bangui](#), 10 October 2014.

⁶⁴⁹ MINUSCA Human Rights Division, [Report on the situation of human rights in the Central African Republic 15 September 2014 - 31 May 2015](#), 11 December 2015.

⁶⁵⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014, paras. 3-4; [Report of the Independent Expert on the situation of human rights in the Central African Republic \(A/HRC/30/59\)](#), 24 July 2015.

⁶⁵¹ MINUSCA Human Rights Division, [Report on the situation of human rights in the Central African Republic 15 September 2014 - 31 May 2015](#), 11 December 2015.

⁶⁵² [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/227\)](#), 1 April 2015, para. 5; Le Monde, [RCA: une employée de l'ONU libérée, l'humanitaire française toujours otage](#), 19 January 2015; RFI, [RCA: les dessous de la libération d'Armel Sayo](#), 11 February 2015.

⁶⁵³ MINUSCA, [Violations and Abuses of International Human Rights and Humanitarian Law committed in Bangui between 26 September and 20 October 2015](#), 9 December 2015 (hereafter MINUSCA Bangui report).

The violence of September and October 2015 erupted following the discovery in Bangui on 26 September 2015 of the mutilated body of Amin Mahamat, a Muslim teenager, aged 16 or 17 years old, who worked as a motorcycle taxi driver.⁶⁵⁴ The following days, there were clashes between large groups of armed men, presumed to be ex-Séléka and anti-Balaka, in different arrondissements of the capital, especially in the 1st and 3rd arrondissements, including in PK5. The violence resulted in the killing of civilians and the burning of homes. MINUSCA forces came under attack from armed elements in areas across Bangui.⁶⁵⁵

The Panel of Experts on the Central African Republic estimated that 79 civilians were killed and 512 injured in September and October 2015. The Human Rights Division of MINUSCA verified 41 civilian fatalities (28 men and 13 women), including at least two boys under 18 years old. At least 18 of the civilians were killed in targeted attacks.⁶⁵⁶ The MINUSCA Child Protection Section, in collaboration with UNICEF, reported that 25 children (23 boys and two girls) were killed and 31 (24 boys and seven girls) injured during that period. They concluded that out of the 25 fatalities, four were targeted based on religious grounds while the 21 other victims were killed by stray bullets of unknown origin. In addition, hundreds of children were used to erect barricades alongside armed adults, and to hit MINUSCA and NGO vehicles with stones. MINUSCA forces reported that on numerous occasions, suspected anti-Balaka elements surrounded themselves with children and shot at MINUSCA forces, apparently using children as human shields.⁶⁵⁷

During this period, the national defence and security forces, particularly the FACA, failed to protect civilians. Some even actively participated in criminal activities. This was illustrated by the role of FACA elements in the escape from Ngaragba prison of around 700 prisoners, on 28 September 2015.⁶⁵⁸

The following incidents are an illustration of the extensive violence that occurred during that period, as reported by the Human Rights Division of MINUSCA, which conducted a thorough investigation into these events:⁶⁵⁹

- From 27 September to 31 October 2015, ex-Séléka elements or individuals sympathetic to this group killed at least 32 civilians (19 men and 13 women) and injured at least five women and one man.⁶⁶⁰ Ex-Séléka generally burst into houses in Christian areas and

⁶⁵⁴ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁶⁵⁵ [MINUSCA Bangui report](#), 9 December 2015, p.8.

⁶⁵⁶ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁶⁵⁷ [MINUSCA Bangui report](#), 9 December 2015 p.19.

⁶⁵⁸ [MINUSCA Bangui report](#), 9 December 2015 p. 8.

⁶⁵⁹ The reported incidents are based on investigations conducted by the MINUSCA Human Rights Division into the violence, based on 204 interviews with victims, witnesses, detainees and other sources as well as visits of sites of incidents. The Human Rights Division of MINUSCA highlighted that if faced difficulties in accessing areas where most of Muslim population of Bangui is concentrated and cautioned against drawing hasty conclusions from the low number of confirmed killings by anti-Balaka and their sympathizers, compared with the much higher number of confirmed killings committed by ex-Séléka and their supporters

⁶⁶⁰ [MINUSCA Bangui report](#), 9 December 2015 p.11.

asked for any men present. If no man could be found, they would harass and intimidate the women and children, and sometimes rape the women and girls.⁶⁶¹

- From 27 September to 31 October, ex-Séléka elements abducted at least four Christians (three women and a man) from various locations in Bangui, and transported them to a holding area at Bangui's Central Mosque, in the 3rd arrondissement. Some abductees were discreetly allowed to escape by perpetrators who apparently did not want to become accomplices to killings. Others were freed by the FACA.⁶⁶²
- From 26 September to 31 October 2015, anti-Balaka elements, or individuals sympathetic to this group, killed at least six civilians, including four children. For instance, on 26 September, they killed a Muslim boy in the 8th arrondissement. On the same day, members of an armed Christian group beat and killed a Muslim civilian man who was walking in the Sara neighbourhood (5th arrondissement). Credible sources indicate that the bodies of 22 Muslims were buried during that period.⁶⁶³
- Between 26 and 28 September 2015, anti-Balaka or individuals sympathetic to this group looted and sometimes destroyed private property as well as assets of United Nations agencies and NGOs.⁶⁶⁴
- Between 26 September and 20 October 2015, FACA soldiers, acting in support of, or in direct affiliation with, anti-Balaka elements killed at least three civilians, including two boys aged 16 or 17 years, in the 3rd and 5th arrondissements of Bangui.⁶⁶⁵
- On 17 October 2015, at approximately 5 a.m., FACA soldiers killed a 19-year-old man who was on his way back from the Central Mosque, in the 3rd arrondissement. He was evacuated by the Central African Red Cross to a hospital in Bangui where he died from his injuries.⁶⁶⁶
- On 17 October 2015, a member of a self-defence group affiliated with the anti-Balaka and three accomplices shot dead three Muslim children who were playing in the Yakité neighbourhood. Also, on 17 October, several anti-Balaka attacked and killed a Christian male civilian in the Ben-Zvi neighbourhood.⁶⁶⁷

Following the events of September 2015, the transitional Head of State invited a number of politico-military actors for individual consultations. However, in October 2015, a delegation of former Séléka of the *Union pour la paix en Centrafrique (UPC)* faction, who had travelled to

⁶⁶¹ [MINUSCA Bangui report](#), 9 December 2015 p.12.

⁶⁶² [MINUSCA Bangui report](#), 9 December 2015 p.13.

⁶⁶³ [MINUSCA Bangui report](#), 9 December 2015 pp. 15-16.

⁶⁶⁴ [MINUSCA Bangui report](#), 9 December 2015 p.17.

⁶⁶⁵ [MINUSCA Bangui report](#), 9 December 2015, pp.17-18.

⁶⁶⁶ [MINUSCA Bangui report](#), 9 December 2015, p.18.

⁶⁶⁷ [MINUSCA Bangui report](#), 9 December 2015, pp.15-18.

Bangui in response to the invitation, was attacked. This incident further aggravated intercommunal tensions.

- On 26 October 2015, suspected anti-Balaka elements attacked a UPC delegation, resulting in the injury of one member and the disappearance of two others, who have been presumed dead. This attack triggered a cycle of reprisal attacks between Christian and Muslim communities in Bangui's 3rd and 6th arrondissements, during which an estimated 26 people were killed, scores injured and 2,000 displaced. The destruction of property was severe.⁶⁶⁸

Sexual and gender-based violence

The outbreak of violence in Bangui was also marked by conflict-related sexual violence by ex-Séléka and anti-Balaka. These attacks were typically carried out against women and girls, both Christian and Muslim, – who were in a vulnerable position (such as in an isolated location or pregnant). From 26 September to 13 December 2015, 25 cases of rape were documented in the city.⁶⁶⁹ The figures probably significantly underrepresent incidents of sexual violence, which are often not reported due to shame, stigma or fear of retaliation.

- On 26 and 27 September 2015, in the 1st and 3rd arrondissements anti-Balaka elements, or individuals sympathetic to this group raped/gang raped at least three women and five girls aged between 12 and 17 years old. Five of the victims were Christians and three were Muslims. In all cases, the victims were vulnerable due to the absence of other relatives or adults at the time of the attack, or the inability of the latter to assist.⁶⁷⁰ One of the victims had already been gang raped by three ex-Séléka elements on 5 December 2013.⁶⁷¹
- From 27 September to 31 October 2015, ex-Séléka elements or individuals sympathetic to this group raped at least two young Christian women and at least four girls.⁶⁷²
- On 5 December 2015, two anti-Balaka elements gang raped a 16-year-old girl in Mandaba, in the Boy-Rabe neighbourhood. She was later accused by other anti-Balaka elements of witchcraft and was tied up and beaten.⁶⁷³

Attacks against and pillaging of NGOs, United Nations, religious, and private properties

- During the escalation of violence, from September to October, 20 attacks targeting United Nations premises and staff, 12 attacks against international NGOs' guesthouses and offices, and seven attacks against national NGOs' offices were recorded. These attacks

⁶⁶⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/918\)](#), 30 November 2015, para. 20.

⁶⁶⁹ [MINUSCA Bangui report](#), 9 December 2015, pp.13-14; 2015; HRW, [CAR: Amid Conflict, Rape](#), 17 December 2015.

⁶⁷⁰ [MINUSCA Bangui report](#), 9 December 2015, p.16.

⁶⁷¹ OHCHR Human Rights Case Database. The incident is listed earlier in this report.

⁶⁷² [MINUSCA Bangui report](#), 9 December 2015, p.14.

⁶⁷³ OHCHR Human Rights Case Database.

and subsequent looting hampered the urgent assistance that many among the population needed. Private property was also extensively looted during that period.⁶⁷⁴

- On 19 October, MINUSCA Human Rights investigators counted four churches and 172 houses looted, and 153 houses burnt down (in some cases after looting) during a visit conducted in a small area of Bangui, on the southern edge of the 5th arrondissement.⁶⁷⁵

Extrajudicial killings and other human rights violations by the Central Office for the Repression of Banditry (OCRB)

While OCRB has been implicated in many cases of unlawful arrest and detention, torture as well as extrajudicial killings in the previous years (see the incidents in earlier parts of this report on Bangui), the year 2015 saw a rise of such violations by this unit, sometimes with direct involvement of its most senior officials. Members of OCRB also extorted money from detainees, held prisoners while demanding payment from their families, intimidated witnesses in criminal cases, prevented victims of crimes from filing complaints and otherwise ill-treated people.⁶⁷⁶

The Human Rights Division of MINUSCA investigated killings by OCRB in 2015 and raised the issue repeatedly, both informally and in official correspondence, with transitional authorities and, later, with the new Government.⁶⁷⁷ On 7 June 2016, the Head of the OCRB was removed from his position but no investigation was conducted into the alleged violations committed by members of the institution. Some of the serious violations of human rights committed by the OCRB are illustrated below:

- During the week of 9 March 2015, the OCRB arrested and beat 21 street children, after a senior Government official was the victim of a theft reportedly committed by street children. The children were detained for two days, then released.⁶⁷⁸

⁶⁷⁴ [MINUSCA Bangui report](#), 9 December 2015, p.8; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; HRW, [Chaos Returns to Bangui](#), 2 October 2015; IOM, [IOM Condemns Weekend Violence, Looting of Office in Bangui](#), 29 September 2015. According to lists compiled by OCHA and the MINUSCA Child Protection Section, the following organizations had their offices or buildings either attacked, destroyed or looted: the ICRC, the WFP, the IOM, Association Centrafricaine pour le Bien-Etre Familial, Agency for Technical Cooperation and Development, Action contre la Faim, Agency for Muslims of Africa, Agence humanitaire africaine, Association missionnaire des gagners d'âmes, Caritas, Cordaid, Echelle appui au développement, French Red Cross, Integrated Community Development International, IDEAL internationale, Invisible Children, Médecins du Monde, MSF (France), Mercy Corps, NDA, Plateforme confession religieuse, Première urgence/Aide médicale internationale, Save the Children, War Child.

⁶⁷⁵ [MINUSCA Bangui report](#), 9 December 2015, p.14.

⁶⁷⁶ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015](#), 11 December 2015; [Midterm report of the Panel of Experts on the Central African Republic \(S/2016/694\)](#), 11 August 2016, paras 38-41; HRW, [Police Unit Killed 18 in Cold Blood](#), 27 June 2016.

⁶⁷⁷ HRW also investigated OCRB and raised these issues with the transitional authorities, see HRW, [Police Unit Killed 18 in Cold Blood](#), 27 June 2016.

⁶⁷⁸ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015](#), 11 December 2015; Diaspora Magazine, [L'OCRB débarrasse le centre-ville de Bangui des bandits et délinquants](#), 5 March 2015.

- On 27 May 2015, three OCRB elements in charge of the detention centre severely beat a 28-year-old male detainee. The victim was later released and had to be hospitalized.⁶⁷⁹
- On 13 July 2015, OCRB elements ill-treated a 47-year old detainee, causing fractures to his arms. He was also kept in a cell for four days without food or water, and was later transferred to Ngaragba prison.⁶⁸⁰
- On 24 October 2015, members of OCRB killed two men as well as a 14-year-old boy, whom they had detained. A woman who had been arrested with the two men was beaten and then forced to witness their execution. She was later asked to lie on their corpses and received death threats.⁶⁸¹
- On 28 October 2015, OCRB elements killed a man who was among those who had escaped from the Ngaragba Prison on 28 September. He was identified by people while he was drinking in a bar in Lakouanga and notified to the police who came to arrest him. The man's friends followed him to the police station in the 2nd arrondissement and saw him being put into an OCRB vehicle. OCRB elements then drove him to the periphery of the 7th arrondissement, to the "*Jardin des fleurs*," and executed him.⁶⁸²
- On 10 November 2015, OCRB elements killed a man in his twenties who had been arrested by the police before being taken to the director of OCRB. The man was ordered by OCRB members to lie in a gutter and then shot publicly at Poukandja.⁶⁸³
- From August to December 2015, OCRB members arbitrarily arrested and detained at least 12 people who were never brought before a judge or prosecutor.⁶⁸⁴

Prison breaks - the persistence of impunity

During 2014 and 2015, anti-Balaka elements, in collusion with members of the national security forces, including prison staff, attacked the Ngaragba central prison in Bangui and other premises on numerous occasions with a view to enable the escape of their members who were in detention in connection with crimes they had committed. Such repeated actions constituted significant setbacks for the transition authorities in their efforts to restore law and order and to fight impunity, in a context of lack of adequate capacity and staff in the prisons. Here are some examples of prison breaks:

- On 23 January 2014, anti-Balaka forces attacked the Ngaragba prison, killed four detained ex-Séléka members and freed all the other inmates.⁶⁸⁵

⁶⁷⁹ OHCHR Human Rights Case Database.

⁶⁸⁰ OHCHR Human Rights Case Database.

⁶⁸¹ OHCHR Human Rights Case Database; HRW, [Police Unit Killed 18 in Cold Blood](#), 27 June 2016.

⁶⁸² [Midterm report of the Panel of Experts on the Central African Republic \(S/2016/694\)](#), 11 August 2016, Annex 11;

HRW, [Police Unit Killed 18 in Cold Blood](#), 27 June 2016.

⁶⁸³ OHCHR Human Rights Case Database.

⁶⁸⁴ OHCHR Human Rights Case Database (several cases).

⁶⁸⁵ ICC, [Situation in the Central African Republic II](#), 24 September 2014.

- On 17 May 2015, six *gendarmes* helped Eugene Ngaïkosset, a prominent anti-Balaka leader, to escape from the custody of the *gendarmerie*.⁶⁸⁶ Eugene Ngaïkosset, known as the “butcher of Paoua” for crimes committed in the northwest during the Bozizé regime, had been arrested by the police in Bangui on 12 May 2014, upon his arrival by plane from Brazzaville.
- On 20 August 2015, a crowd composed of KNK supporters and anti-Balaka elements freed Bertin Béa, the secretary general of KNK and a senior anti-Balaka military commander, who was being presented to the Bangui court. Béa had been arrested five days earlier by the Central African authorities at Bangui International Airport.⁶⁸⁷
- On 28 September 2015, FACA elements helped 700 prisoners, including individuals wanted for serious crimes, to escape from the Ngaragba prison.⁶⁸⁸

Sexual and gender-based violence, sexual exploitation and abuse by international forces

Some members of the United Nations and other forces deployed in the Central African Republic committed sexual and gender-based violence, sexual exploitation and abuse, including against children.

- The United Nations documented allegations of sexual violence including against children, which took place between December 2013 and December 2015, involving international members of the MISCA and the MINUSCA. At the end of 2014, the United Nations and other organizations further documented allegations of sexual violence against boys, girls and women committed at the Bangui M’Poko IDP camp by soldiers of the French Sangaris force and MISCA forces. On 31 July 2014, the Government of France opened a judicial inquiry into allegations against Sangaris elements. However in January 2017, the investigating judges declared that they had found no evidence to warrant further investigation.⁶⁸⁹ Regarding MISCA forces, some the Member States took measures against their nationals guilty of such crimes (see Chapter V).⁶⁹⁰
- From 2014 to 2015, soldiers of the European Union Military mission, the French Sangaris force and MINUSCA military contingents from different nationalities engaged in sexual

⁶⁸⁶ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015, para. 22; RFI, [RCA: enquête ouverte sur l'évasion d'Eugène Ngaïkosset](#), 20 May 2014.

⁶⁸⁷ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; RJDH, [Bertin Béa libéré de force par les partisans du KNK](#), 20 August 2015.

⁶⁸⁸ [MINUSCA Bangui report](#), 9 December 2015, p.8.

⁶⁸⁹ Le Monde, [La justice écarte des accusations contre les soldats de « Sangaris » - Plusieurs enquêtes ont été closes sans poursuite, tandis que de nouvelles accusations de viols émergent](#), 5 January 2017 ; BBC, [No charges' for French troops over CAR child sex allegations](#), 4 January 2017.

⁶⁹⁰ OHCHR Human Rights Case Database (several cases in 2014 and 2015); [Report of the Secretary-General on Children and armed conflict \(A/67/845*-S/2013/245*\)](#), 5 June 2015; [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015. According to this report, the information obtained indicated that the violations were probably not isolated incidents; HRW, [CAR: Rape by Peacekeepers, 4 February 2016](#).

exploitation of children through sexual intercourse in exchange for cash payments or in kind items. Some girls became pregnant as a result of such abuse.⁶⁹¹

2. The South and Northwest

In December 2013, following the simultaneous attacks by anti-Balaka groups in the south and northwest, and due to military pressure from the French peacekeeping forces, the ex-Séléka withdrew from western areas. As they withdrew, Muslims were increasingly exposed to anti-Balaka attacks, since Muslims were perceived as being associated with Séléka. In this context, Muslim civilians began to seek refuge in Catholic parishes, military bases of African Union and French peacekeepers, and in Muslim neighbourhoods or enclaves. In enclaves in the western part of Central African Republic, Muslims were protected by peacekeepers, such as in Yaloké, Boda, Carnot, and Berbérati, but many had faced extreme violence before arriving at the enclaves and thousands had died.

Many Muslims who sought to escape the violence decided to travel to neighbouring countries in convoys. United Nations agencies, as well as MISCA and French Sangaris peacekeepers supported some of these evacuations in late 2013 and early 2014, helping thousands of Muslims to seek safety, especially in Cameroon, until April 2014. But, anti-Balaka elements attacked such convoys and killed many of those who were trying to leave the Central African Republic even when they were being escorted by international military forces and even when the convoys were less than 50 kilometres from the border with Cameroon⁶⁹².

Other Muslims also tried to escape through the forest in order to reach Cameroon or Chad. Many had to walk for four to five weeks in the bush before being able to cross the border. Anti-Balaka elements would chase them in what appeared to be a clear pattern to kill as many as possible. Between December 2013 and March 2014, anti-Balaka elements deliberately attacked and killed an undetermined number of Muslims fleeing through the forest near Baoro and Baoui (Nana-Mambéré), Boda and Bougéré (Lobaye), Bossangoa and Boguera (Ouham), Bossemptélé, Tattale, Bohong, Bocaranga and Ngoutéré (Ouham-Pendé), Bossembélé, Damara, Gaga, Zawa and Yaloké (Ombella-M'Poko) and Carnot and Guen (Mambéré-Kadéï).⁶⁹³

The presence of Peulhs in the ranks of the Séléka led to amalgams and caused a cycle of bloody reprisals against the Peulh community by anti-Balaka elements.⁶⁹⁴ As the Peulh community at

⁶⁹¹ OHCHR Human Rights Case Database; MINUSCA, *Internal human report on sexual exploitation and abuse*, January 2016; HRW, [CAR: Rape by Peacekeepers](#), 4 February 2016.

⁶⁹² Mapping Project interview, Bossembélé, 4 October 2016; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014: The Commission received information from 13 witnesses concerning attacks by the anti-Balaka against such convoys; MINUSCA, *Internal report joint Protection of Civilian mission to Yaloké*, May-June 2016; MSF, [CAR Refugees in Chad and Cameroon: Suitcase or Coffin](#), 16 July 2014; BBC, [CAR: convoy of terror](#), 20 February 2014.

⁶⁹³ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; MSF, [CAR Refugees in Chad and Cameroon: Suitcase or Coffin](#), 16 July 2014.

⁶⁹⁴ ICG, [The Security challenges of pastoralism in CAR](#), 1 April 2014; ICG, [The CAR's hidden conflict](#), 12 December 2014.

large came under attack from anti-Balaka, groups of Peulhs took up arms and, acting on their own or jointly with ex-Séléka elements, attacked anti-Balaka or civilians associated with them.

By mid-2014 and in 2015, the anti-Balaka became the principal armed group present in certain locations in the south and the northwest. During that time they committed violations against the population. Of particular gravity is the fact that anti-Balaka elements abducted, enslaved and committed acts of sexual violence, including gang rapes, and other abuses against many Peulh women, notably in the Ombella-M'Poko and Mambéré-Kadéï prefectures.

The Ouham prefecture

On 5 December 2013, simultaneously with the attack in Bangui, the anti-Balaka launched an attack in the town of Bossangoa.

- Early in the afternoon of 5 December 2013, during the attack in Bossangoa, anti-Balaka targeted in particular the predominantly Muslim neighbourhood of Borro and killed at least 11 civilians (men and women). The victims were killed near the home of the Imam, to which they were heading for safety. Those killed included people who were injured or otherwise unable to flee. A battle ensued between anti-Balaka and ex-Séléka in Bossangoa on 5 December 2013.⁶⁹⁵

On 6 December 2013, ex-Séléka approached the *Évêché* IDP site housing non-Muslims in Bossangoa, and threatened to attack the camp, which was hosting tens of thousands of IDPs, claiming that anti-Balaka elements were inside the camp. The Republic of the Congo contingent of FOMAC that was present in Bossangoa negotiated with the ex-Séléka, thus averting the attack.⁶⁹⁶

The arrival of the Sangaris force early on 7 December 2013, and the measures taken upon their deployment, including the cantonment and withdrawal of ex-Séléka from various locations in the south and west, was exploited by the anti-Balaka to escalate their attacks against Muslim civilians. During the multiple attacks by the anti-Balaka against Muslim communities, the ex-Séléka and, to some extent, regional peacekeeping contingents, helped to provide a layer of security to the Muslim community, guarding the IDP camps and other enclaves. However they could not protect all Muslims, as the number and geographical spread of anti-Balaka attacks increased.

From September 2013 to April 2014, Muslims in Bossangoa were compelled to live at the *École Liberté*, with limited access to water, food, basic health and educational facilities as well as restricted livelihood activities. They were unable to move outside the camp for fear of being killed. From early 2014 until April 2014, the Muslim population of Bossangoa began leaving the town in military-escorted convoys to seek refuge in Chad. Within the first few months of 2014, the Muslim population of Bossangoa decreased from over 8,000 Muslims to less than 1,000.⁶⁹⁷

⁶⁹⁵ HRW, [CAR - Tragedy at the Imam's House](#), 7 December 2013, Mgr Nestor Désiré Nongo Aziagbia Sma, [Message de Noel de l'Evêque de Bossangoa](#), 10 December 2013.

⁶⁹⁶ Ibid.

⁶⁹⁷ WFP, [A Bossangoa, les musulmans déplacés à l'école Liberté comptent les jours et les vivres](#), 19 March 2014; IRIN, [Analyse: Le dilemme de l'évacuation en RCA](#), 28 February 2014.

During this period, ex-Séléka elements also committed abuses against civilians, including hostage taking and attacks against medical facilities and personnel. Such attacks resulted in a disruption of medical and humanitarian services for communities already gravely affected by the conflict.⁶⁹⁸

- On 16 April 2014, in Batangafo, ex-Séléka elements took the Catholic Bishop of the Diocese of Bossangoa and three priests of his Diocese as hostages while they were entering the town of Batangafo. Following intense negotiations by Catholic religious authorities with the ex-Séléka leadership, the victims were released on 17 April 2014 in Kabo, Ouham prefecture.⁶⁹⁹
- On 26 April 2014, a group of armed individuals alleged to be ex-Séléka combatants attacked the principal hospital in Boguila, which was run by MSF. The attack occurred while the hospital staff were holding a meeting with 40 local chiefs and community leaders on access to health services in the region. At gunpoint, the combatants took away valuables from the hospital, and shot and killed at least 16 unarmed civilians who were gathered for the meeting, including three MSF staff. They wounded many others.⁷⁰⁰

Following this attack, MSF suspended its operations in the area of Boguila. MSF was the only humanitarian organization operating medical services in the area, providing assistance to a community of about 45,000 inhabitants. MSF resumed its operations in Boguila later in the year, but with only half of its previous staff and much reduced services.⁷⁰¹

As the ex-Séléka retreated and anti-Balaka forces gained in strength and conducted multiple attacks to increase their zone of coverage from which they could expel Muslims, ex-Séléka riposted through various strategies to resist the anti-Balaka advance.

- In July 2014, ex-Séléka, accompanied by armed Peulhs, conducted multiple attacks on 10 IDP camps and sites located in the outskirts to the south and east of Batangafo town. Ex-Séléka elements physically assaulted IDPs, fired gunshots in the air, and destroyed makeshift shelters in order to disperse the residents. Thousands of IDPs consequently fled to seek alternative shelter. At the time, the ex-Séléka were in control of the town of Batangafo, and feared a possible anti-Balaka attack from the outskirts of the town, in particular from Bouca, located to the south. The dispersal of IDPs enabled them to create a buffer zone to prevent an anti-Balaka advance. The anti-Balaka attacked Batangafo

⁶⁹⁸ Other violations, such as underage marriage of women, were documented. In one such case in Kambakota, Ouham prefecture, in July 2014, a 16-year old girl followed a Séléka fighter into marriage in circumstances that reveal elements of duress. Source: OHCHR Human Rights Case Database.

⁶⁹⁹ AI, [Time for accountability](#), 10 July 2014; Caritas, [L'évêque de Bossangoa relâché après son kidnappage en RCA](#), 18 April 2014.

⁷⁰⁰ MSF, [RCA: trois employés de MSF tués à l'hôpital de Boguila](#), 28 April 2014; Radio Ndéké Luka, [Attaque d'hommes armés assimilés aux ex-Séléka à Nanga-Boguila](#), 28 April 2014.

⁷⁰¹ 20 Minutes, [RCA: Après l'attaque de Boguila, MSF suspend ses activités](#), 28 April 2014; MSF, [CAR: Population and MSF staff still under threat six months after deadly attacks](#), 27 October 2014.

nonetheless on 30 July 2014, leading to deadly confrontations with ex-Séléka, and to an eventual intervention by Sangaris in August 2014.⁷⁰²

Ex-Séléka forces continued to reinforce their positions in towns and villages in the northern part of the Ouham prefecture in the latter months of 2014.

- On 2 September 2014, ex-Séléka elements attacked the town of Nana Bakassa where they killed five civilians and committed acts of pillage and destruction.⁷⁰³

In May 2014, the border between the Central African Republic and Chad was officially closed by the Government of Chad. In order to enforce this decision, Chadian border guards used lethal force to prevent Central Africans attempting to cross into Chad illegally, and shot at people attempting to cross the border. Consequently, on 19 May 2015, the Minister of Security of Chad issued an official statement declaring that while the border remained “strictly” closed, no instruction had been given by the Government of Chad to border patrol agents to “shoot systematically” at all people who would approach the border.⁷⁰⁴

- Between 12 May 2014 and December 2015, Chadian border security guards shot an undetermined number of people who were trying to cross the border. They would often shoot indiscriminately in order to deter persons from crossing. Some people were also illegally detained, harassed and robbed while crossing the border from and to Chad.⁷⁰⁵ For instance, on 10 May 2015, less than two kilometres from Markounda, Chadian border security guards shot and killed a 31-year-old man who was trying to cross the border, and attempted to kill a 22-year-old man who was accompanying him.⁷⁰⁶

As the ex-Séléka withdrew from parts of the south and west of the country and consolidated their positions in the northern prefectures, they continued to commit grave violations against civilians.

- On 9 June 2015, in Kabo, an ex-Séléka element raped a 9-year-old boy who was grazing cattle with other children. He threatened to stab him with his bayonet if he raised the alarm. The boy was taken to hospital where the rape was confirmed and he received medical attention. The perpetrator was arrested by ex-Séléka leaders but later released.⁷⁰⁷

⁷⁰² Cluster Protection RCA, *Flux des Déplacements dans la zone de Batangafo*, 15 to 30 July 2014; Le Monde, [RCA: nouveaux combats entre miliciens malgré l'accord de paix](#), 1 August 2014 ; Ministère de la Défense (France), [Sangaris: Prises à partie par des groupes lourdement armés dans le Nord de la RCA](#), 7 August 2014.

⁷⁰³ [Final Report of the Panel of Experts on the Central African Republic\(S/2014/762\)](#), 29 October 2014; ENCA, [5 killed in CAR attack](#), 4 September 2014; Al Jazeera, [Central African town stormed by gunmen](#), 3 September 2014.

⁷⁰⁴ Message from the Chadian Minister of Security, communicated by telex states: « *Par la présente, le gouvernement confirme la fermeture de la frontière Tchad – RCA. Par contre, aucune instruction n'a été donnée pour tirer systématiquement sur tous ceux qui approchent la frontière* ». See: [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), Annex 4.28, 21 December 2015.

⁷⁰⁵ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), Annex 4.28, 21 December 2015.

⁷⁰⁶ OHCHR Human Rights Case Database.

⁷⁰⁷ OHCHR Human Rights Case Database.

- On an unspecified date in August 2015, in Kagoué II, located 21 kilometres from Kambakota, two ex-Séléka elements entered the house of a couple and raped a 19-year-old woman.⁷⁰⁸
- On 24 July 2015, in the locality of Marazé, near Bouca, ex-Séléka elements of the faction of General Al-Khatim killed two individuals and committed extensive acts of arson, burning down 113 houses. They also pillaged property belonging to civilians.⁷⁰⁹
- On 11 November 2015, in Batangafo, in retaliation for the killing of two ex-Séléka elements, a group comprising a local Imam and armed ex-Séléka members entered the Nago I IDP camp and set fire to the huts of the community which they suspected of having killed the two ex-Séléka. During this attack, the ex-Séléka shot and killed three civilians. At least two other civilians were killed when the ex-Séléka set ablaze their huts as they were too old to escape the flames. Other civilians in the camp were wounded.⁷¹⁰
- On 13 November 2015, in the Nago neighbourhood of Batangafo, two armed ex-Séléka elements wearing uniforms raped a 12-year-old girl who was walking back to her home in an IDP camp.⁷¹¹

Attacks on humanitarians

As the conflict in the northwest continued into 2015, both ex-Séléka and anti-Balaka elements committed attacks against humanitarian actors and interrupted the delivery of humanitarian assistance. These attacks ranged from killings of humanitarian workers to looting and pillage of humanitarian supplies and convoys.

- On 23 July 2015, anti-Balaka elements robbed and killed a community focal point for MSF-*Hollande* in Karakouri village, Nana-Bakassa district.⁷¹²
- On 16 September 2015, a group of around 30 anti-Balaka intercepted vehicles carrying WFP aid intended for distribution in villages of Ouham-Bac. They held the convoy for 24 hours while seeking to extort the relief items they were transporting. They subsequently extorted two tons worth of humanitarian relief items from the convoy.⁷¹³
- On 21 October 2015, five ex-Séléka elements ambushed a vehicle of the Danish Refugee Council, attacked the staff, and took away all their valuables and work items.⁷¹⁴

⁷⁰⁸ OHCHR Human Rights Case Database.

⁷⁰⁹ OHCHR Human Rights Case Database ; Organisation Centrafricaine des Droits de l'Homme, *Rapport d'activité 2014-2015*, 2015.

⁷¹⁰ OHCHR Human Rights Case Database.

⁷¹¹ OHCHR Human Rights Case Database.

⁷¹² OHCHR Human Rights Case Database.

⁷¹³ OHCHR Human Rights Case Database.

⁷¹⁴ OHCHR Human Rights Case Database.

- On 27 November 2015, six anti-Balaka elements intercepted two trucks transporting WFP food for distribution by the NGO Caritas in Kouki village, Nana Bakassa sub-prefecture. The assailants seized all the 25 tons of food assistance. The anti-Balaka in Nana Bakassa had apparently issued an order that no humanitarian convoys would be allowed to deliver assistance in their area without giving them a share of the humanitarian aid items.⁷¹⁵

The Umbrella-M'Poko prefecture

- On 8 January 2014, around 300 anti-Balaka elements attacked the mosque in the town of Boyali, killing at least 36 people, including women and children, and injured many others. The attack started around 10 a.m. and lasted several hours. The bodies of the victims were brought by the ex-Séléka to Boali and Bossembélé to be buried. Twenty-six of the victims were identified.⁷¹⁶
- On 9 January 2014, following the attack on the mosque, ex-Séléka fighters returned to Boyali and killed several people, including the protestant pastor of the village. They also burnt hundreds of houses, with some people trapped inside.⁷¹⁷
- On 14 January 2014, anti-Balaka elements attacked a convoy of Muslims trying to leave the town of Boyali and killed at least six people, including three young children from the same family. The anti-Balaka had stopped the truck, ordered all passengers to disembark and killed the victims with machetes and knives in front of the mosque.⁷¹⁸

On 17 January 2014, Sangaris troops arrived in the town of Boali to clear the road and disarm the ex-Séléka and the anti-Balaka. A small number of ex-Séléka agreed to be disarmed, but the majority, around 30, went to the bush.

- On that day, after the ex-Séléka left Boali, around 300 armed anti-Balaka entered the town, killed at least four Muslim civilians, wounded around 20 and pillaged and destroyed three mosques.⁷¹⁹
- On 4 February 2014, Chadian elements of MISCA, coming from Yaloké and Bossembélé to pick up their nationals, spread terror by shooting at the Christian population, and killed at least three civilians.⁷²⁰

⁷¹⁵ OHCHR Human Rights Case Database.

⁷¹⁶ AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; FIDH, [They must all leave or die](#), June 2014; HRW, [Muslims forced to flee](#), 12 February 2014.

⁷¹⁷ HRW researchers went to Boyali in February and interviewed many victims, see HRW, [Muslims forced to flee](#), 12 February 2014.

⁷¹⁸ AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; FIDH, [They must all leave or die](#), June 2014; MSF, [CAR Refugees in Chad and Cameroon: "Suitcase or Coffin"](#), 16 July 2014.

⁷¹⁹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; [First Progress Report of the Commission of the African Union on the situation in the Central African Republic](#), 7 March 2014; AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; FIDH, [They must all leave or die](#), June 2014.

⁷²⁰ [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014; AI, [Time for](#)

- On 24 March 2014, anti-Balaka elements attacked a MISCA vehicle near the Boali market. They killed a MISCA peacekeeper from the Republic of the Congo and injured at least two others.⁷²¹
- That same day, MISCA soldiers from the Republic of the Congo committed acts of enforced disappearance, torture and extrajudicial killings against 12 people. After the death of their comrade earlier that day, a group of Congolese peacekeepers had gone to the residence of an anti-Balaka leader, arrested him along with 11 other people, including women and at least one child, and took them to the Congolese MISCA base. A witness who was at the base at the time reported hearing cries, screaming and gunshots at the premises occupied by the Commander of the Congolese contingent. None of the 12 people were ever seen again. The unit of the Republic of the Congo army implicated in these killings was repatriated by the African Union in 2014, before the transfer of authority from MISCA to MINUSCA in September. MINUSCA conducted three investigations into the incident and, jointly with OHCHR, advocated with the African Union and the authorities of the Republic of the Congo for criminal investigations to be launched. In June 2015, the Human Rights Division of MINUSCA shared the findings of its own investigations with the Government of the Republic of the Congo and the Central African authorities. In June 2016, MINUSCA issued a statement regretting the lack of progress by the Republic of the Congo in the investigation into this case.⁷²² As of November 2016, the investigation remained open, further to a request for judicial assistance from the Congolese to Central African judicial authorities earlier in 2016 to undertake additional investigative action.

As the ex-Séléka were retreating from Bangui, and as Chadian troops escorted Chadian nationals to Chad they passed through several villages on the road to Damara where they committed human rights violations and abuses.

- At the end of January 2014, ex-Séléka fighters passing on the Bangui-Damara-Sibut road killed an undetermined number of civilians, abducted others and forced them to show them the road and to carry munitions and luggage. Such incidents were reported in the villages of Pata, Vangué and Ngupe.⁷²³
- On 4 February 2014, Chadian troops came to Bossembélé to take Chadian nationals to Bangui, and indiscriminately fired at civilians (death toll unknown) and burnt an

accountability, 10 July 2014; For this incident, the ACLED database cites on article by RJDH

<http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁷²¹ *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014 ; Union Africaine, *La MISCA condamne fermement le meurtre d'un soldat de la paix dans la ville de Boali*, 25 March 2014.

⁷²² MINUSCA, *La MINUSCA prend acte du rapport de Human Rights Watch sur des violations des droits humains en Centrafrique*, 9 June 2016 ; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014; OHCHR, *Press briefing notes on justice for rights abuses in Nigeria, CAR and Bahrain*, 5 June 2015; FIDH, *They must all leave or die*, June 2014; HRW, *CAR : Murder by peacekeepers*, 7 June 2016.

⁷²³ Mapping Project interview, Bangui, 26 September 2016; HRW, *Séléka Fighters Regroup in North*, 5 February 2014.

undetermined number of houses.⁷²⁴

- On 18 February 2014, Chadian troops travelling in several pick-ups and trucks to Bangui to take Chadian and Muslim civilians to Chad, killed at least eight people, including children, when they indiscriminately opened fire on a crowd in Damara.⁷²⁵

In mid-January 2014, as the ex-Séléka forces were retreating from Bossembélé, anti-Balaka elements attacked the Muslims who had not managed to leave the city.

- On 16 January 2014, anti-Balaka elements attacked Muslims who had sought refuge in the mosque of Bossembélé and killed around 40 people, including women, children and babies. According to the Central African Red Cross, most of the victims were killed with machetes and knives.⁷²⁶
- In mid-April 2014, anti-Balaka elements based at Ngoukomba village on the road to Damara tortured at least two persons, one to death while the other one was left for dead. They accused the victims of complicity with the Séléka during their rule.⁷²⁷
- From December 2013 onwards, anti-Balaka elements, as well as civilians, attacked and destroyed around 20 religious buildings in the Ombella-M'Poko prefecture. In Boali and Bossembélé for instance, they destroyed almost all the mosques.⁷²⁸
- In January 2014, anti-Balaka elements attacked the towns of Gaga, Zawa and Békadili looking for ex-Séléka elements but could not find any. During these attacks, they killed an estimated 40 civilians.⁷²⁹
- In January and February 2014, anti-Balaka elements attacked the town of Yaloké on at least two occasions, killing an undetermined number of people and pillaging Muslim properties. All the dead were buried in the vicinity of one of the mosques in Yaloké. During an attack in February, just after the ex-Séléka had left Yaloké, the anti-Balaka targeted the mosque and many victims were killed outside its entrance. They also tried to destroy the mosque, but international forces arrived at that moment. After leaving the area, the anti-Balaka continued their attacks in other parts of the town and burnt several houses.⁷³⁰

⁷²⁴ FIDH, *They must all leave or die*, June 2014; AI, *Time for accountability*, 10 July 2014; For this incident, the ACLED database cites an article from RJDH and one from RFI <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁷²⁵ AI, *Time for accountability*, 10 July 2014; FIDH, *They must all leave or die*, June 2014; See also a tweet by deceased journalist Camille Lepage on the incident: <https://twitter.com/camillelep/status/435758679535927296>

⁷²⁶ Mapping Project interview, Bossembélé, 4 October 2016; FIDH, *They must all leave or die*, June 2014; AI, *Ethnic Cleansing and Sectarian Killings in the CAR*, 12 February 2014; MSF, *CAR Refugees in Chad and Cameroon: Suitcase or Coffin*, 16 July 2014.

⁷²⁷ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014.

⁷²⁸ AI, *None of us are Safe*, 19 December 2013; FIDH, *They must all leave or die*, June 2014.

⁷²⁹ Mapping Project interview, Yaloké, 4 October 2016; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014.

⁷³⁰ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014;

- From December 2013 to July 2015, anti-Balaka elements kept Muslims trapped in the Yaloké enclave, subjected them to life threatening living conditions, including around 500 Peulh confined in dilapidated Government buildings in the centre of the town. From April 2014 to April 2015, representatives of the enclave’s inhabitants recorded the death of around 43 Peulhs, many of them children, from malnutrition and respiratory and other diseases. In one instance at least, on 7 or 8 November 2014, anti-Balaka elements attacked two MSF trucks transporting medical supplies intended for IDPs in the enclaves between the towns of Yaloké and Bossembélé.⁷³¹ In some instances, international peacekeepers from both the African Union and United Nations forces prevented Muslims from leaving the Yaloké enclave, against these people’s right to freedom of movement.⁷³²

On 20 May 2015, following the good offices of the MINUSCA, UNHCR, UNICEF and OCHA, the Prime Minister of the Central African Republic visited Yaloké and publicly confirmed the right to free movement for all Central Africans. Following this visit, MINUSCA coordinated protection and rescue teams involving United Nations agencies, NGOs and local authorities to facilitate the departure from Yaloké of an estimated 300 Peulhs. In early July 2015, 61 other Peulhs requested to be relocated by UNHCR to Cameroon while 281 others chose to remain in Yaloké.⁷³³

Enslavement of Peulh and sexual and gender-based violence

- From December 2013 onwards, anti-Balaka elements abducted, enslaved and committed acts of sexual violence, including gang rapes, and other abuses against at least 100 Peulhs, mostly girls and women, in the Ombella-M’Poko prefecture. In April and May 2015, following a rescue operation by the United Nations, local authorities, and NGOs in the Ombella-M’Poko and Mambéré-Kadéï prefectures, the anti-Balaka released 91 Peulhs who they had unlawfully detained or enslaved.⁷³⁴

The Lobaye prefecture

- In January 2014, anti-Balaka elements attacked the town of Bouguéré (65 kilometres from Mbaïki) and killed at least 20 civilians. At the time, a few ex-Séléka were still present in

MSF, *CAR Refugees in Chad and Cameroon: Suitcase or Coffin*, 16 July 2014.

⁷³¹ Mapping Project interview, Yaloké, 4 October 2016; *Report of the Secretary-General on the situation in the Central African Republic (S/2015/227)*, 1 April 2015, para. 13; HRW, *Muslims trapped in enclaves*, 22 December 2014; HRW, *Trapped in CAR’s conflict zone*, 20 January 2015; AIDPSC, *Les Peulh Mbororo de Centrafrique - une communauté qui souffre*, June 2015.

⁷³² Ibid.

⁷³³ *Report of the Secretary-General on the situation in the Central African Republic (S/2015/576)*, 29 July 2015, para. 31.

⁷³⁴ *Report of the Secretary-General on the situation in the Central African Republic (S/2015/576)*, 29 July 2015, para. 31; OCHA, *CAR Situation Report No.53*, 14-28 April 2015; HRW, *Muslims Held Captive, Raped*, 22 April 2015; Le Monde, *Témoignages de Peuls réduits en esclavage par les anti-Balaka*, 28 April 2015.

town. The anti-Balaka first killed the ex-Séléka commander (which led the other ex-Séléka to run away) and then targeted Muslim residents.⁷³⁵

- In February 2014, anti-Balaka elements launched another attack on Bouguéré and killed around 30 people, including by using machetes and burning them inside their houses. Two days after the attack, the population came back and buried 33 Muslims (including women and children) next to the mosque.⁷³⁶
- Following the above-mentioned attack in Bouguéré, anti-Balaka elements pursued and killed an undetermined number of Muslims who had fled to the forest. Among the victims were three members of the same family, and an Imam. Many other dead bodies were found in the bushes near-by, including those of women and children.⁷³⁷
- In February 2014, after the attack on Bouguéré, anti-Balaka elements attacked the village of Boboua and killed at least three Muslims.⁷³⁸

From February 2014 onwards, despite the deployment of French forces, anti-Balaka elements repeatedly threatened the Muslims in Mbaïki, one of the towns with the largest Muslim population in the Central African Republic. On 6 February, Chadian forces transferred to Bangui almost the entire Muslim community of Mbaïki in 20 large military trucks, carrying at least 4,000 Muslim residents of the town.⁷³⁹ On 12 February, Catherine Samba-Panza and Jean-Yves Le Drian, the French Defence Minister, visited Mbaïki to advocate for reconciliation.

- On 28 February 2014, in Mbaïki, civilians and anti-Balaka elements chased and killed the deputy Mayor, who was, together with his family, the only remaining Muslim in town. The deputy Mayor had refused to leave the town despite ongoing attacks on the Muslim population. As he was running to the *gendarmerie* seeking protection, and despite the presence of international forces in the town, anti-Balaka decapitated him and further mutilated his body. MISCA troops later arrested several suspects and handed them over to the police but all were set free the same day.⁷⁴⁰

On 28 January 2014, ex-Séléka left Boda, leaving a vacuum of power that triggered new violence. The Muslim community – between 9,000 and 11,000 persons – was compelled to live in the centre of town around the mosque, with no freedom of movement, limited access to water,

⁷³⁵ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Life in the midst of horror in the CAR](#), 18 February 2014; AIDPSC, [Les Peulh Mbororo de Centrafrique - une communauté qui souffre](#), June 2015.

⁷³⁶ Ibid.

⁷³⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Life in the midst of horror in the CAR](#), 18 February 2014.

⁷³⁸ AI, [Life in the midst of horror in the CAR](#), 18 February 2014; HRW, [Escape from a nightmare](#), 15 December 2014; La Voix du Nord, [Les forces internationales n'ont pas été là où il le fallait, quand il le fallait](#), 17 February 2014.

⁷³⁹ HRW, [Muslims forced to flee](#), 12 February 2014.

⁷⁴⁰ AI, [Time for accountability](#), 10 July 2014; Le Monde, [RCA : La mort de Saleh Dido, le dernier musulman de Mbaïki](#), 3 March 2014; Daily Mail, [CAR town turns on Muslim leader](#), 5 March 2014.

food and basic health and educational facilities, restricted livelihood activities and, under continuous threats from anti-Balaka who surrounded the centre and partially controlled the town and its surroundings.⁷⁴¹

- On 29 January 2014, clashes between the Muslim and non-Muslim population erupted in town. Both communities were armed at that time. At least 60 civilians, mostly Christians, were killed, approximately 850 houses and shops were burnt and destroyed, and more than half of the population in Boda was displaced. It remains unclear who exactly was responsible for the start of the violence, destruction of property and killing of civilians.⁷⁴² One or two days after the incidents, a group of about 50 young men from the non-Muslim community left Boda and went to be “trained” by an anti-Balaka commander from the town of Pama (around 40 kilometres north of Boda). They returned to Boda shortly thereafter, partially took control of the town, and led revenge attacks. The Sangaris force was deployed to Boda on 5 February 2014 in order to decrease the violence.⁷⁴³
- From 30 January to August 2014, anti-Balaka elements repeatedly attacked, killed and injured Muslims in the Boda enclave and those who were trying to leave the area, including women and children. In several cases, anti-Balaka snipers killed people by shooting them from a distance. In February 2014, anti-Balaka burnt down the main Muslim market.⁷⁴⁴

At the end of August 2014, Boda witnessed a series of reprisal attacks by both communities. On 27 August, international forces started initiating dialogue with the different parties, which resulted in an agreement on a pacification programme, on 1 September 2014, between the two communities.

- On 20 or 21 August 2014, anti-Balaka elements shot at least one Muslim boy close to the ‘red line’ separating the Muslim enclave of Boda.⁷⁴⁵

⁷⁴¹ [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015](#), 11 December 2015.

⁷⁴² AI, [Time for accountability](#), 10 July 2014; FIDH, [They must all leave or die](#), June 2014; BBC, [CAR clashes 'kill 75' in Boda town](#), 3 February 2014.

⁷⁴³ [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014; FIDH, [They must all leave or die](#), June 2014; Voice of America, [CAR: les musulmans bloqués à Boda](#), 1 April 2014; RFI published a radio feature on the anti-Balaka, including interviews of anti-Balaka members from Boda: [Qui sont les anti-Balaka ?](#)

⁷⁴⁴ Mapping Project interview, Bangui, 11 November 2016; HRW researchers went to Boda just after the January-February attacks and interviewed many Muslims and anti-Balaka elements see HRW, [Muslims forced to flee](#), 12 February 2014; [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014; The Panel of Experts conducted a comprehensive investigation into the Boda violence by interviewing sources and visiting the town of Boda, on 19 April 2014. The ACLED database contains several entries reporting attacks by anti-Balaka elements on Muslims in 2014, such as on 7 February (DSS Sitrep), 6 and 14 May (RJDH and AFP respectively), 23 June (OCHA), and 23 July (Radio Ndéké Luka), see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁷⁴⁵ [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014; The ACLED database cites an article of *La Nouvelle Centrafrique* dated 27 August 2014 on this incident, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- From 20 August to 1 September 2014, in retaliation, armed Muslims killed at least 10 Christians, both anti-Balaka elements and civilians, mostly those residing at the IDP site of the Saint Michel church, and injured many others.⁷⁴⁶
- From 20 August to 1 September 2014, anti-Balaka elements repeatedly attacked and shot at the Muslim enclave. Several of these attacks were repelled by armed Muslims and resulted in the killing of several assailants.⁷⁴⁷
- During the same period, anti-Balaka threatened to kill several staff members of international NGOs as they were providing humanitarian aid to the Muslim population. Consequently, almost all international NGOs present in Boda evacuated their staff to Bangui, which led to a severe reduction of humanitarian assistance.⁷⁴⁸
- From February to September 2014, anti-Balaka elements in and around Boda attacked and looted trucks from humanitarian organizations, threatened humanitarian workers and otherwise hindered the distribution of humanitarian aid to the Muslim enclave. For instance, in February, anti-Balaka elements threatened a team from an international NGO and forced them to stop the distribution of non-food items to the Muslim IDPs. On 21 August 2014, anti-Balaka attacked the *Agence Humanitaire Africaine* base at Boda under the pretext that there was a Muslim in the base, threatening to cut him up into pieces. After this incident the personnel of the *Agence Humanitaire Africaine* was evacuated from Boda. Subsequently the anti-Balaka looted all the food that WFP had stored in the base of the *Agence Humanitaire Africaine*. During the same period, anti-Balaka threatened to kill a staff member of the International Organization for Migration (IOM) working in an IDP camp in Boda. On 11 September 2014, anti-Balaka elements stopped an IOM convoy coming from Bangui at the entrance to the town, accusing IOM of supplying food to the Muslim enclave and threatening to kill the personnel if they continued to do so.⁷⁴⁹

The Ouham-Pendé prefecture

The town of Bohong, a major cattle-producing area located mid-way on the road from Bouar to Bocaranga, had been controlled by the ex-Séléka since September 2013. The armed group cohabited with the Muslim population of the town, while all non-Muslims had fled.

⁷⁴⁶ [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

⁷⁴⁷ Ibid.

⁷⁴⁸ Ibid.

⁷⁴⁹ Mapping Project interview, Bangui, 11 November 2016; [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; See also an incident on 12 October 2014 (OCHA) cited in the ACLED database <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

- On the morning of 12 December 2013, the anti-Balaka attacked Bohong, and killed at least 27 civilians, mostly Muslims who were praying at the mosque or were near the mosque. They also committed other acts of grave physical violence. For instance, they threw one person into a burning house and, when the victim managed to escape, threw him into a pit. The Muslim population fled Bohong as the anti-Balaka threatened to continue killing them to ensure they would all leave the area.⁷⁵⁰

The escalation of conflict between the anti-Balaka and ex-Séléka that had started on 5 December 2013 extended to the town of Bozoum which, like many other locations, had been under the control of the Séléka for several months. As in virtually all major towns of the western and southern prefectures, the number of anti-Balaka militiamen had steadily been increasing in the area of Bozoum. Ex-Séléka elements were in control of Bozoum town centre, while a large group of at least several hundred armed anti-Balaka were stationed a few kilometres outside the town. The anti-Balaka sent frequent warnings that the ex-Séléka should leave Bozoum, or else they would attack the town.

- On 6, 23, 25 and 31 December 2013, anti-Balaka elements staged armed attacks on the town of Bozoum, where they engaged in combat with the ex-Séléka. During these repeated attacks, the anti-Balaka killed approximately 50 civilians, mainly Muslims and Peulhs. An additional number of civilians were also killed during the ensuing fighting and exchanges of gunfire between the anti-Balaka and the ex-Séléka who fought to repel each anti-Balaka attack. Red Cross volunteers helped clear the streets of Bozoum which were strewn with corpses.⁷⁵¹
- On 7 December 2013, anti-Balaka attacked the village of Mboko-Tatale, located to the northeast of Bozoum, on the road to Bocaranga. In a typical pattern, anti-Balaka staged the attack early in the morning and killed and wounded an undetermined number of Muslim civilians.⁷⁵²
- On 31 December 2013, in retaliation for the above mentioned attacks, ex-Séléka elements attacked the village of Bata, located seven kilometres east of Bozoum, on the road to Ouham-Bac. They killed 24 civilians (non-Muslims), including several adolescents and children, some as young as 10 years old.⁷⁵³

After the resignation of Michel Djotodia on 10 January 2014, ex-Séléka in various locations

⁷⁵⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; United Nations News Centre, [Over 600 killed, 159 displaced in CAR – UN](#), 13 December 2013. Following the anti-Balaka attack on 12 December 2013, there was likely an ex-Séléka retaliatory attack against non-Muslims in Bohong, during which an undetermined number of civilians were killed.

⁷⁵¹ France24, [Loin des caméras, le récit d'un week-end meurtrier en Centrafrique](#), 9 Decembre 2013; BFMTV, [Centrafrique: reportage à Bozoum, avec le général Soriano](#), 18 December 2013; Rev. Father Aurelio Gazzera, En direct depuis Bozoum (Blog), [Bonne année](#), 31 December 2013.

⁷⁵² [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; Rev. Father Aurelio Gazzera, En direct depuis Bozoum (Blog), [Bonne année](#), 31 December 2013.

⁷⁵³ AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; Rev. Father Aurlio Giazzerza, En direct depuis Bozoum (Blog), [Un mois "en réfugiés."](#) January 2014; Radio Ndéké Luka, [RCA: Situation sécuritaire tendue à Bozoum](#), 4 January 2014; L'express, [RCA: Quelques lueurs dans la nuit noire](#), 5 February 2014.

across the west started to withdraw from their positions. Disgruntled with having to leave towns and villages they had controlled since September 2013, they committed extensive acts of arson, destruction, and looting. Knowing that any Muslim civilians and Peulhs who would stay behind would be defenceless, the anti-Balaka took the opportunity of the ex-Séléka retreat to attack and kill them. At the time, the Sangaris and MISCA forces had not fully deployed to secure these towns. In the fighting between ex-Séléka and anti-Balaka in Bozoum, in January 2014, close to 100 people were killed, according to the Central African Republic Red Cross estimates.⁷⁵⁴

- Beginning from 8 and 9 January 2014, the ex-Séléka elements in Bozoum began withdrawing from the town. In doing so, they engaged in extensive acts of arson, burning homes in the town and surrounding villages. According to estimates made at the time, about 1,000 houses were burnt. The arsons took place in the presence of a senior ex-Séléka leader who had apparently been dispatched to Bozoum to coordinate the withdrawal from the area. After this destruction, ex-Séléka combatants left Bozoum in convoys, taking along with them most of the Muslim civilian population, including Peulhs, who feared for their safety.⁷⁵⁵
- In January 2014, following the withdrawal of the ex-Séléka from Bozoum, anti-Balaka elements started attacking members of the Muslim community and Muslim traders in Bozoum. They killed and harassed an undetermined number of Muslim civilians. The violence decreased with the deployment of MISCA peacekeepers in the town.⁷⁵⁶
- On 18 January 2014, anti-Balaka elements attacked Bossemptélé and began killing members of the Muslim population who had remained in the town. Some of the Muslims were armed but most were unarmed civilians. Anti-Balaka elements killed approximately 100 people – men and women – mostly Muslims (armed and unarmed) and wounded many others. Victims had their limbs cut off, were shot in the mouth, or stoned to death. The anti-Balaka also burnt down the mosque in Bossemptélé and killed the Imam who was inside. The anti-Balaka burnt down the homes of hundreds of Muslims but also the houses of some non-Muslims. They attacked and killed Peulh, some of whom had fled their cattle herding settlements in the suburbs to seek refuge in Bossemptélé town.⁷⁵⁷

As the ex-Séléka continued their retreat in January 2014 from the towns and villages they occupied in western and southern CAR, they repeated the same scenario of indiscriminate attacks against the civilian population. Their withdrawal also drew in attacks by the anti-Balaka, who were taking advantage of their departure.

⁷⁵⁴ AI, [Time for accountability](#), 10 July 2014; Le Nouvel Observateur (AFP), [RCA: massacre dans le nord-ouest du pays](#), 13 January 2014 ; France 24, [RCA: À Bozoum, la Misca dépassée par les anti-Balaka](#), 18 January 2014.

⁷⁵⁵ France24, [RCA: En prefecture, la Séléka passe à une "stratégie de la terre brûlée."](#) 13 January 2014; Le Nouvel Observateur (AFP), [RCA: massacre dans le nord-ouest du pays](#), 13 January 2014; France 24, [Centrafrique : À Bozoum, la Misca dépassée par les anti-Balaka](#), 18 January 2014; UNOSAT, [Destructions dans la zone de Bozoum, Ouham-Pendé](#), 13 February 2014.

⁷⁵⁶ AI, [Time for accountability](#), 10 July 2014; Le Nouvel Observateur (AFP), [RCA: massacre dans le nord-ouest du pays](#), 13 January 2014 ; France 24, [RCA: À Bozoum, la Misca dépassée par les anti-Balaka](#), 18 January 2014.

⁷⁵⁷ [The International Commission of Inquiry on the CAR \(S/2014/928\)](#), 22 December 2014; AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014.

- From 15 to 17 January 2014, following fighting between ex-Séléka and anti-Balaka elements in Bocaranga, anti-Balaka elements committed acts of pillage in the town, targeting humanitarian organizations. The fighting between anti-Balaka and ex-Séléka also left an undetermined number of civilians dead.⁷⁵⁸
- On 21 January 2014, a group of ex-Séléka combatants retreating from Bouar arrived in Bocaranga. Upon entering the town, they shot indiscriminately at civilians and killed at least 10, including a woman. They also attacked the Catholic Church compound where a large number of civilians had taken refuge, and fired gunshots in the compound, killing some people and seriously injuring others. They also attempted to commit rape at gunpoint, and subsequently pillaged various items of value belonging to the Catholic mission in Bocaranga.⁷⁵⁹
- During the first half of February 2014, ex-Séléka elements in their northward retreat, along with elements of the Chadian FPR rebel group,⁷⁶⁰ attacked several villages located to the south of Ngaoundaye, in the border area between the Central African Republic, Chad and Cameroon. For instance, on 5 February 2014, ex-Séléka and FPR elements attacked the village of Nzakoun, southeast of Ngaoundaye, and killed 22 civilians, and pillaged and burnt houses. In another attack, from 13 to 16 February, in the town of Bang, southwest of Ngaoundaye, they killed 14 civilians.⁷⁶¹

Subsequently in 2014, ex-Séléka elements then based in the northern parts of the Ouham-Pendé prefecture, and often acting together with armed Peulhs, continued to commit grave human rights violations and abuses against civilians. Continuing a pattern where the emergence of armed elements within a group would draw reprisal attacks against civilians of the same group, the anti-Balaka and the *Révolution et Justice* armed group began launching attacks against communities of Peulh civilians, often women and young children, who were not taking part in the armed conflict. Having been dispersed from their usual abodes in cattle herding settlements, the Peulh women and children were often tracked down by anti-Balaka while travelling.

- On 17 April 2014, ex-Séléka combatants and armed Peulhs killed a Catholic priest at the village of Tale, 35 kilometres from Paoua. The priest was traveling to Paoua from the nearby town of Boguila when he was attacked.⁷⁶²

⁷⁵⁸ Missionnaires Capucin (Blog), *Mardi 21 janvier: Apocalypse en Centrafrique*, 12 February 2014; For this incident, the ACLED database cites a UNDSS Sitrep of 22 January 2014, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁷⁵⁹ Ibid.

⁷⁶⁰ The Chadian FPR rebel group was active in the north of the Central African Republic until it was expelled through a military operation in January-February 2012. Some elements of FPR later joined the Séléka.

⁷⁶¹ FIDH, *They must all leave or die*, June 2014; MSF, *Central African Refugees in Chad and Cameroon: "Suitcase or Coffin"*, 16 July 2014; France 24, *Au nord-ouest de la RCA, la ville de Bang incendiée*, 21 February 2014. Early in February 2014, Séléka troops were also amassed in the area around Mbere, close to the river Mbere, at the border area with Cameroon: some sources also reported killings and burning of the village of Mbere.

⁷⁶² AI, *Time for accountability*, 10 July 2014; Xinhua, *RCA : un prêtre tué à Paoua et quatre autres détenus par les ex-rebelles de la Séléka à Batangafo*, 19 April 2014.

- In late April 2014, and during the first two weeks of May 2014, ex-Séléka combatants and armed Peulhs conducted attacks against civilians in the area of Paoua and in the border town of Markounda, signalling the intensification of their attacks in the most northern part of western Central African Republic. They killed 55 persons in Paoua and 20 in Markounda.⁷⁶³
- During the month of March 2014, anti-Balaka and *Révolution et Justice* elements attacked and killed Peulh civilians, including women and children, either in their temporary camps, or while they were fleeing along roads in the Ouham-Pendé prefecture. These attacks took place in Betokomia 1, near Paoua, and in villages located on the road between Bozoum and Bocaranga (such as Mboko-Tatale), where the Peulh civilians were located. For instance, on or around 24 March 2014, anti-Balaka elements tracked down a group of Peulh women and children who had fled recent attacks in the village of Kaké, 30 kilometres southeast of Bocaranga, on the road to Bozoum, and killed four women and four children.⁷⁶⁴

Due to the surge in attacks against them, Muslims began fleeing to the Central African Republic-Cameroon border, in order to seek refuge in Cameroon. These perilous journeys required that they travel either on roads where anti-Balaka had road-blocks and mounted ambushes, or attempt to make the journey on foot through the bush, where anti-Balaka would also try to track them. The fact that these Muslims were fleeing the country – an outcome which the anti-Balaka often stated they wished – did not deter these attacks against road convoys or persons fleeing through the bush.

- After January 2014, anti-Balaka tracked down through the bush a group of Muslims that had fled Bossemptélé and killed seven people, including four children of one woman.⁷⁶⁵

Following their deployment to several locations across the Central African Republic early in 2014, MISCA forces increasingly came into confrontation with anti-Balaka elements:

- On 8 July 2014, MISCA soldiers of the Cameroon contingent shot and killed a young man in the town of Bozoum following an altercation after MISCA soldiers had asked young men playing cards to disperse. Late that day, in retaliation, young men associated with the anti-Balaka in Bozoum killed a Cameroonian peacekeeper and threw his body into a pit which they covered with stones and bricks.⁷⁶⁶

⁷⁶³ *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014, para. 15; Centralafricanrepublicnews (Blog), *Les ex- Séléka commettent de terribles exactions à Paoua*, 16 April 2014; JournaldeBangui.com, *Centrafrique: au moins 75 tués en 10 jours dans le Nord-Ouest*, 5 May 2014; Radio Ndéké Luka, *28 personnes tuées à Mala au centre, 74 à Paoua au nord de la RCA*, 6 May 2014.

⁷⁶⁴ For this incident, the ACLED database cites articles and reports of UNDSS Siterep, 5 March 2014; an CARITAS, 20 March 2014; OCHA, 20 and 24 March 2014, See <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>; Rev. Father Aurelio Gazzera, En direct de Bozoum (Blog), *Ciao Bozoum*, March 2014.

⁷⁶⁵ *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014.

⁷⁶⁶ Rev. Father Aurelio Gazzera, En direct de Bozoum (Blog), *Mariages, manifestations, arrivages et BAC*, July 2014; Corbeau News, *Centrafrique: un soldat camerounais de la MISCA tué à Bozoum*, July 2014.

- On 12 July 2014, MISCA soldiers of the Cameroon contingent shot and killed an anti-Balaka commander known as the “*Américain*”, at a checkpoint outside of Bossemtélé. Having been alerted that a dangerous individual, against whom an arrest warrant was pending, was approaching the checkpoint, the MISCA contingent ordered the “*Américain*” – who was armed – to descend from his vehicle and Cameroonian soldiers shot him. It has not been elucidated whether he had resisted arrest. The persons accompanying him were subjected to inhumane treatment by the MISCA contingent, and accused of being anti-Balaka and acolytes of those who had killed their fellow Cameroonian in Bozoum a few days earlier.⁷⁶⁷

In late 2014 and early in 2015, as they became the principal armed group in certain locations in the northwest, the anti-Balaka committed violations against civilians.

- During the last week of September 2014, in the Élevage and Koyale localities, Bozoum, the anti-Balaka committed acts of grave physical violence against individuals accused of witchcraft. They cut the tendon of one victim’s foot, and cut off the ear of another victim.⁷⁶⁸
- On an unspecified date in March 2015, in Loura, northeast of Bocaranga, in the direction of Paoua, 10 suspected anti-Balaka fighters – identified as such by their distinctive amulets – entered the home of a Muslim couple. They killed the man and beat and raped his 24-year-old wife, who was pregnant.⁷⁶⁹

The Mambéré-Kadéï prefecture

Following the resignation of Michel Djotodia in January 2014, ex-Séléka in the west progressively began to leave Mambéré-Kadéï prefecture. As they had vacated most of the prefecture in late January to early February 2014, attacks by the anti-Balaka began.

- Early in February 2014, upon arriving in Berberati, the anti-Balaka began tracking down Muslims and killed approximately 17. They also looted and destroyed houses in the neighbourhoods where the Muslim population used to reside. Some of the assailants were wearing FACA uniforms. Following this incident, several Muslims sought refuge at the Catholic Diocese compound in Berberati.⁷⁷⁰

In February 2014, anti-Balaka elements arrived in the town of Carnot, looking for Muslims. Fearing their arrival, over 1,000 Muslims of Carnot had fled to the local Catholic parish for

⁷⁶⁷ [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014, Annex 69, paras. 196-198. In another such confrontation pitting MISCA against anti-Balaka and allied groups, the MISCA contingent in Paoua killed a local commander of the *Révolution et Justice* armed group near Paoua, in August 2014. See [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014.

⁷⁶⁸ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015](#), 11 December 2015.

⁷⁶⁹ OHCHR Human Rights Case Database.

⁷⁷⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; FIDH, [They must all leave or die](#), June 2014; Jeune Afrique, [Centrafrique: échanges de tirs entre anti-Balaka et force africaine à Berberati](#), 01 March 2014.

safety. Muslims from the region who were fleeing for safety towards Cameroon were also transiting through Carnot.

- On 7 February 2014, anti-Balaka elements in Carnot attacked a compound in which 86 Muslim IDPs were living. They killed seven men and wounded others with machetes, including a 12-year-old boy.⁷⁷¹
- During February 2014, anti-Balaka elements in Carnot attacked medical facilities in the town. They killed patients inside the hospital, in particular people of Peulh ethnicity. On 9 February 2014, while the MSF personnel was attempting to evacuate critically-wounded patients, anti-Balaka elements blocked the runway at Carnot airstrip, and only cleared it after intense negotiations.⁷⁷²
- In November 2014, at night, in Carnot, the anti-Balaka killed a man of Peulh ethnicity by slitting his throat. The man was trying to leave the town with his wife.⁷⁷³
- On 25 November 2014, in Carnot, the anti-Balaka lynched to death a man who was trying to leave the Muslim enclave located in the Catholic parish.⁷⁷⁴

As of May 2015, Muslim civilians continued to be trapped in enclaves which they could not leave for fear of danger to their lives, in the towns of Berberati (370 people) and Carnot (584 people). They could therefore not resume their livelihoods or movement due to the risks of attacks by anti-Balaka.⁷⁷⁵

Attacks by anti-Balaka and counter-attacks by Peulhs

The Mambéré-Kadéï prefecture includes areas with rich pastures for cattle-grazing. As a result, significant communities of Peulh pastoralists, who are predominantly Muslim, have historically inhabited the area, living in cattle herding settlements. When the anti-Balaka started attacks against Muslims, many of the victims were of Peulh ethnicity. Groups of Peulhs took up arms and, sometimes acting on their own or jointly with ex-Séléka elements, attacked the anti-Balaka or civilians considered as associated with them.

- In February 2014, the anti-Balaka twice attacked the village of Guen, near Gadzi, along the *Route Nationale n° 6*, midway between the towns of Boda (Ombella-M'Poko) and Carnot (Mambéré-Kadéï). Some of the Muslims in Guen were Peulh from neighbouring cattle herding settlements. In a first attack, on 1 February 2014, anti-Balaka killed at

⁷⁷¹ MSF, [RCA: extrêmes violences et tensions à Carnot](#), 11 February 2014; RJDH, [Berberati: Les milices anti-Balaka sèment la terreur dans la ville de Carnot](#), 8 February 2014.

⁷⁷² MSF, [RCA: extrêmes violences et tensions à Carnot](#), 11 February 2014; RFI, [Les attaques se poursuivent dans l'ouest de la Centrafrique](#), 4 February 2014.

⁷⁷³ HRW, [Muslims trapped in Enclaves](#), 22 December 2014.

⁷⁷⁴ Ibid.

⁷⁷⁵ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015](#), 11 December 2015.

least 27 Muslim civilians, which led a large group of Muslim families to escape and hide in the compound of a local resident.⁷⁷⁶

- On 5 or 6 February 2014, the anti-Balaka conducted a second attack in Guen, searching for the Muslim residents who were hiding in the village. When the anti-Balaka located them, they separated the older men and grown-up boys from the women, young children and infants. They took all the men and grown-up boys (at least 45) outside of the compound, made them lie on the ground, and killed them.⁷⁷⁷

Several hundred Muslims who fled from the anti-Balaka attacks in Guen arrived at the nearby village of Djomo, 10 kilometres from Guen, and sought refuge in the Catholic Church compound. However, the anti-Balaka followed them.

- On 6 March 2014, in the village of Djomo, anti-Balaka elements entered the Catholic Church compound. After physically assaulting the Catholic priest who tried to stop them, they took out the Imam who had been hiding in the compound, shot him and mutilated his body.⁷⁷⁸

Further to the west of the Mambéré-Kadéï prefecture, close to the border with Cameroon, armed Peulh elements staged attacks in response to the killings of members of their community by the anti-Balaka. During these ripostes, they targeted local communities from which they suspected anti-Balaka militias had attacked them.

- On 22 March 2014, in the village of Godawa, located 70 kilometres northwest of the town of Gamboula, armed Peulh cattle herders killed 12 civilians and burnt 30 homes.⁷⁷⁹
- On 28 and 29 March 2014, armed Peulh elements conducted similar attacks on villages in the periphery of Gamboula, killing over five civilians and burning dozens of houses.⁷⁸⁰
- In the first half of May 2015, armed Peulh elements attacked villages in the area between Amada-Gaza and Gamboula, and killed dozens of civilians and wounded several others.⁷⁸¹

⁷⁷⁶ *Midterm report of the Panel of Experts on the Central African Republic (S/2014/452)*, 1 July 2014; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014; HRW, *Massacres in remote villages*, 3 April 2014; MSF, *CAR Refugees in Chad and Cameroon "Suitcase or Coffin"*, 16 July 2014.

⁷⁷⁷ *Midterm report of the Panel of Experts on the Central African Republic (S/2014/452)*, 1 July 2014; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014; HRW, *Massacres in remote villages*, 3 April 2014; MSF, *CAR Refugees in Chad and Cameroon "Suitcase or Coffin"*, 16 July 2014. One source reports that later in February 2014, in Yakongo, a village located 30 kilometres southwest of Guen, off the principal road between Boda and Carnot, Séléka and armed Peulh herders attacked a local community, killing approximately 20 people. See HRW, *Massacres in remote villages*, 3 April 2014.

⁷⁷⁸ HRW, *Massacres in remote villages*, 3 April 2014.

⁷⁷⁹ For this incident, the ACLED database cites two articles by RJDH (22 March 2014 and 26 March 2014) and an UNDSS Sitrep 28 March 2014, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁷⁸⁰ Ibid.

Enslavement of Peulhs and sexual and gender-based violence

Across parts of the Mambéré-Kadéï prefecture, anti-Balaka militiamen who were then heavily present in towns and villages, committed multiple grave violations, including acts of sexual and gender-based violence, targeting Peulhs.

- Between October and November 2014, in the village of Zaoro-Yanga-Ngombe, west of Gadzi, the 50-year-old anti-Balaka commander of the village raped a 33-year-old Peulh woman repeatedly, often beating her to break her resistance. During this period, he held his victim captive in a room in his house.⁷⁸²
- Around November 2014, in Pondo, north of Gadzi, several anti-Balaka fighters held a 20-year-old woman captive for several months, raping her repeatedly. They released her when she became pregnant.⁷⁸³

The anti-Balaka attacks committed against Muslims were of particular intensity in a triangular area of Mambéré-Kadéï prefecture between Gadzi (to the south), Carnot (to the west) and Yaloké (to the east). This area witnessed fierce tracking down by anti-Balaka of Muslim Peulh in cattle herding settlements, along the roads from Gadzi to Carnot (where the above-mentioned attacks on Guen and Djomo took place) and from Yaloké to Carnot.

- Between February and June 2014, anti-Balaka elements attacked Peulh cattle herding families in the Gadzi-Carnot-Yaloké triangle, killing men and capturing their wives as well as children (often members of the same family). Women were held in several villages in this triangular area, including Bondo, Mbaina, Zaoro-Yanga-Ngombe and Gadzi. The anti-Balaka asked for ransom to release the captives. During their captivity from mid-2014 to April 2015, the women were reduced to sexual slavery and repeatedly raped, some by different anti-Balaka combatants. Some became pregnant as a result of the rapes and were expecting children when they were rescued. At least one sexual violence victim died during her captivity as did her child. During their captivity, the anti-Balaka threatened to kill them.⁷⁸⁴ Many of these women and children were held in captivity for over 12 months by anti-Balaka elements, and only freed from their captors due to a joint rescue intervention by local authorities, NGOs and UN agencies.⁷⁸⁵

⁷⁸¹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015; RJDH, [Gamboula: des villages environnants de la ville, attaqués par des hommes armés](#), 21 May 2015.

⁷⁸² OHCHR Human Rights Case Database.

⁷⁸³ OHCHR Human Rights Case Database.

⁷⁸⁴ HRW, [CAR Muslims held captive raped](#), 22 April 2015; AIDPSC, [Les Peulhs Mbororo de Centrafrique, une communauté qui souffre](#), June 2015; Le Monde, [En Centrafrique, témoignages de Peuls réduits en esclavage par les anti-Balaka](#), 28 April 2015.

⁷⁸⁵ HRW, [CAR Muslims held captive raped](#), 22 April 2015; AIDPSC, [Les Peulhs Mbororo de Centrafrique, une communauté qui souffre](#) June 2015; Le Monde, [En Centrafrique, témoignages de Peuls réduits en esclavage par les anti-Balaka](#), 28 April 2015. A total of 91 Peulh (Fulani) who had been held in captivity by the anti-Balaka in

- In June 2015, in Amada-Gaza, two Peulh boys aged 8 and 11 years old, whose parents had disappeared or fled as a result of a confrontation between anti-Balaka and Peulh elements, were captured by anti-Balaka elements who asked for a ransom to release them.⁷⁸⁶

The Nana-Mambéré prefecture

The town of Baoro witnessed some of the worst attacks at the hands of departing ex-Séléka forces, on 20 January 2014, and the anti-Balaka who took the opportunity to attack Muslim civilians.

- On 22 and 29 February 2014, anti-Balaka elements staged attacks on Baoro during which they killed at least 130 Muslims. They targeted men as well as boys over the age of eight to 10 years old. A small number of women may also have been killed. The anti-Balaka burnt down around 1,000 houses belonging to Muslims. Following this attack, some Muslims of Baoro took refuge in the town's Catholic Church compound.⁷⁸⁷
- Also between 22 and 29 February 2014, in retaliation for the anti-Balaka killings, ex-Séléka elements, accompanied by members of the Muslim population, attacked non-Muslim communities in Baoro and they killed a large but undetermined number of members of the Christian community.⁷⁸⁸

Attacks on convoys transporting Muslims

Due to the surge in attacks against Muslims by the anti-Balaka in Nana-Mambéré and other prefectures in the west, Muslims in the region began fleeing towns and villages, most of them aiming at seeking refuge in Cameroon. While many anti-Balaka elements publically stated that they wanted the entire Muslim population to leave the Central African Republic, they nevertheless attacked people trying to flee the country.

- On 16 or 17 January 2014, near the villages of Dokou and Vakap, on the road from Bohong (Ouham- Pendé) to Bouar (Nana-Mambéré), anti-Balaka ambushed a vehicle transporting a large number of Muslims. They killed at least 10 civilians and inflicted serious bodily injuries on dozens of others, including minors and women.⁷⁸⁹

Mambere Kadéï and Ombella M'Poko prefectures were rescued in April and May 2015. See [Report of the SG on the situation in the CAR \(S/2015/576\)](#)

, 29 July 2015.

⁷⁸⁶ OHCHR Human Rights Case Database.

⁷⁸⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014; AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; MSF, [CAR Refugees in Chad and Cameroon "Suitcase or Coffin."](#) 16 July 2014.

⁷⁸⁸ AI, [Ethnic Cleansing and Sectarian Killings in the CAR](#), 12 February 2014; FIDH, [They must all leave or die](#), June 2014.

⁷⁸⁹ Ibid.

- Between January and February 2014, anti-Balaka elements committed several attacks against road convoys or Muslims fleeing through the bush, attempting to reach the Cameroon border. During attacks in the forest near Baoro and Carnot, over 20 persons were killed.⁷⁹⁰
- On 16 February 2014, at Beloko, along the *Route Nationale n° 3*, close to the border with Cameroon, anti-Balaka elements attacked a road convoy of 89 vehicles transporting many people fleeing the conflict. The convoy was escorted by MISCA forces. Some anti-Balaka shot at the MISCA peacekeepers while others attempted to mount onto vehicles to harm passengers. During the incident, 12 passengers were wounded. MISCA peacekeepers reacted to the attack, killing 11 anti-Balaka.⁷⁹¹

In 2015, anti-Balaka elements who remained armed and active in the Nana-Mambéré prefecture continued to commit serious human rights violations, including rapes, and facilitated the escape of anti-Balaka prisoners.

- On the night of 4 to 5 May 2015, at a farm near Bouar, three anti-Balaka elements raped a 14-year-old girl after breaking into the house and threatening the parents of the victim.⁷⁹²
- On 29 September 2015, a large group of anti-Balaka attacked two *gendarmerie* posts in Bouar. As a result, several dozen detainees escaped, including 19 anti-Balaka.⁷⁹³
- On 26 December 2015, in Kella Doukou, on the Bouar-Bohong road, anti-Balaka elements raped two girls aged 12 and 14.⁷⁹⁴

The Sangha-Mbaéré prefecture

In Sangha-Mbaéré, as in other prefectures of the west, anti-Balaka committed serious violations against Muslim communities, including Peulhs. In addition, MISCA and MINUSCA peacekeepers deployed to the region committed grave violations against civilians in the prefecture.

- During 2014, in Nola, anti-Balaka killed at least 17 Muslims, including at least 12 Peulhs and one woman.⁷⁹⁵

⁷⁹⁰ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

⁷⁹¹ African Union, [La MISCA riposte a une attaque d'éléments armés sur un convoi et démantèle un barrage routier à Beloko](#), 18 February 2014; PANA, [Tirs nourris contre un convoi de soldats rwandais de la MISCA en Centrafrique](#), 18 February 2014.

⁷⁹² OHCHR Human Rights Case Database.

⁷⁹³ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015; [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014.

⁷⁹⁴ OHCHR Human Rights Case Database.

⁷⁹⁵ Mapping Project interview, Nola, September 2016; AIDPSC, [Les Peulhs Mbororo de Centrafrique, une communauté qui souffre](#), June 2015.

- On 26 February 2014, in Mambéré, MISCA peacekeepers from the Republic of the Congo contingent publicly executed two men whom they accused of being anti-Balaka.⁷⁹⁶
- On 10 June 2015, in Mambéré, MINUSCA peacekeepers of the Republic of the Congo contingent, illegally arrested and severely tortured four men for two hours, beating them with sticks and bayonets. One of the victims died a few minutes thereafter, and another died six days later at hospital. The peacekeepers had been intervening at the request of a local resident. MINUSCA referred the case to the Congolese authorities who sent an investigative team to the Central African Republic in June 2015. The United Nations decided to repatriate 18 soldiers. In 2016, the Congolese authorities opened a judicial investigation against one Commander and 17 subordinates.⁷⁹⁷ The United Nations is following-up with the authorities of the Republic of the Congo on results of judicial prosecutions.

3. The Centre and Northeast

During the period from 2013 to 2015, and notably from early 2014 as the ex-Séléka withdrew from the southern and western part of the country, the prefectures in the centre of the country, including the Basse-Kotto, Ouaka, Kémo and Nana-Gribizi became the frontline of the conflict pitting the ex-Séléka and anti-Balaka. Since 2014, the ex-Séléka have dominated in the north of the country, their traditional strong-holds from where the rebellion originated (the Vakaga and Bamingui-Bangoran prefectures), while the anti-Balaka generally control territory around Bangui and to the south and west of the Central African Republic. Therefore, the centre of the country (and the Ouham and Ouham-Pendé prefectures in the Northwest) were the scene of turf battles over control between ex-Séléka and anti-Balaka. These battles have resulted in serious violations committed against the civilian population by both sides.

After their departure from Bangui, the ex-Séléka established their *de facto* headquarters in Bambari, Ouaka prefecture. However internal squabbling between ex-Séléka factions has been persistent in the area, resulting in further civilian casualties. The anti-Balaka in the region are also not under a single cohesive command, leading to squabbling between the factions.

Furthermore, the centre of the country – especially Ouaka prefecture – is an area of significant presence of the Peulh community, comprised essentially of migrant pastoralists. The perceived association of the Peulh community with the ex-Séléka, and anti-Balaka attacks against Peulh cattle herder settlements in the region have given rise to a cycle of attacks and counter-attacks between armed Peulh and anti-Balaka, as well as other local communities in the region.

The Nana-Gribizi prefecture

After the dissolution of the Séléka coalition on 13 September 2013, FPRC and the *Mouvement patriotique pour la Centrafrique* (MPC) were the two main ex-Séléka factions that shared control

⁷⁹⁶ Mapping Project interview, Berberati, September 2016; HRW, [CAR: Murder by peacekeepers](#), 7 June 2016.

⁷⁹⁷ OHCHR Human Rights Case Database; HRW, [CAR: Murder by peacekeepers](#), 7 June 2016.

of Nana-Gribizi prefecture. Both groups committed serious international human rights and humanitarian law violations against the civilian population during the period, including killings, sexual and gender-based violence, pillaging, and destruction of property. Anti-Balaka groups, who controlled parts of the prefecture, also committed many human rights abuses. In addition, the LRA conducted incursions into the area, abducting children and raping girls.

MPC and FPRC committed violations against civilians, oftentimes targeting humanitarian organizations, Christians, anti-Balaka supporters, or the general population whom they accused of hindering the movements of migrant Peulh pastoralists. From June 2014 to June 2015, ex-Séléka insurgents also raped women and children.

- On 18 June 2014, ex-Séléka elements pillaged the warehouse of a humanitarian organization in Kaga-Bandoro and attempted to loot another warehouse on the same night.⁷⁹⁸
- On 27 January 2015, ex-Séléka/FPRC elements killed 11 civilians in Botto, near Kaga-Bandoro.⁷⁹⁹
- On 21 June 2015 in Ndomété, two ex-Séléka fighters armed with knives raped a 19-year-old woman who was travelling to visit relatives. They accused her of belonging to a family affiliated with the anti-Balaka.⁸⁰⁰

Conflicts between the Peulh and local communities, including the participation of armed Peulh in attacks alongside ex-Séléka elements, resulted in serious violations.

- On 10 May 2014, ex-Séléka and armed Peulh men killed 13 civilians during an attack on Dissikou, Nana-Gribizi prefecture. The civilians were burnt to death in their homes which were set on fire by the ex-Séléka.⁸⁰¹
- In May 2015, conflict between Peulh herders and members of the local community in Kaga-Bandoro resulted in the death of nine civilians and the displacement of approximately 1,500.⁸⁰²

From August to December 2015, anti-Balaka and ex-Séléka armed men took advantage of the prevailing insecurity to commit acts of sexual violence against girls and women.

⁷⁹⁸ [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014.

⁷⁹⁹ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁰⁰ OHCHR Human Rights Case Database.

⁸⁰¹ ACAPS, [Global emergency overview: CAR conflict, food insecurity, insecurity](#), May 2014. For this incident, the ACLED database cites a UNDSS siterep dated 13 May 2014, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>; Jeune Afrique, [RCA: 13 personnes brûlées vives à Dissikou](#), 13 May 2014.

⁸⁰² [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2015.

- On 6 August 2015, in the forest between Dere and Domodo, anti-Balaka elements abducted and raped a woman and her 14-year-old sister.⁸⁰³
- In September 2015, in the village of Ndanika, an anti-Balaka leader accompanied by some bodyguards, forced his way into a house where a 17-year-old girl was sleeping and raped her in the presence of her uncle. The following morning, the perpetrator declared that the girl was now his wife, took her with him and held her in sexual slavery. He threatened to kill her if she tried to escape. On 5 January 2016, the victim managed to flee and join her family in Kaga-Bandoro.⁸⁰⁴
- On 23 September 2015, in Kaga-Bandoro, two uniformed armed men who were believed to be ex-Séléka fighters, stopped a 12-year-old girl returning from the market. They dragged her to a spot near the hospital and prefectural school and raped her.⁸⁰⁵
- On 29 December 2015, in Déré, a dozen ex-Séléka fighters raped two women. The victims were sisters, aged 20 and 21, who were travelling on a motorbike taxi when the armed men stopped them. The perpetrators ordered the taxi driver to lie on the ground while they marched the women into the bush, where they were raped by five of the ex-Séléka.⁸⁰⁶

Between July and September 2014, the LRA often attacked the villages on the Mbres-Kaga-Bandoro axis, abducting children, raping them and using them as sex slaves. For example:

- On an unspecified date between July and September 2014, in Mbres, a group of 30 LRA fighters abducted a 14-year-old girl and took her to a temporary camp where she was raped, sexually abused and held in conditions of near-slavery. The LRA fighters that held her captive shuttled between Central African Republic and the Sudan. The girl eventually escaped somewhere in the Sudan, made her way to the Central African Republic border over a period of four months, and was eventually handed over to Central African Republic authorities by the Sudanese police.⁸⁰⁷
- On 8 February 2015, in the villages of Mbambi and Morobanda, LRA fighters abducted at least 16 boys and girls whom they raped. Humanitarian organizations and ICRC were able to reunite five or six of these children with their families.⁸⁰⁸

Anti-Balaka also committed serious violations, including executions of persons accused of witchcraft.

⁸⁰³ OHCHR Human Rights Case Database.

⁸⁰⁴ OHCHR Human Rights Case Database.

⁸⁰⁵ OHCHR Human Rights Case Database.

⁸⁰⁶ OHCHR Human Rights Case Database.

⁸⁰⁷ OHCHR Human Rights Case Database.

⁸⁰⁸ Mapping Project interview, Kaga Bandoro, Nana Gribizi, September 2016; MINUSCA, *Joint protection mission report on Kaga Bandoro-Mbres-Graval axis and Mbres-Bakal axis, from 20 to 22 August 2015*; LRA Crisis Tracker, [L'état de la LRA en 2016](#), March 2016.

- On 23 March 2014, the anti-Balaka in Kaga-Bandoro killed two civilians by machete. The victims had been accused of using witchcraft to cause the death of a young man.⁸⁰⁹

The Kémo prefecture

During this period, anti-Balaka militia had a significant presence across large parts of Kémo prefecture, especially in Sibut, and engaged in clashes with the FPRC and MPC who were seeking to gain control of the prefecture. Fighting among these armed groups affected the civilian population, as the belligerents killed civilians, looted property and public institutions, and burnt down villagers' homes, causing massive population displacement.

- On 16 January 2014, ex-Séléka members executed three anti-Balaka elements and 16 civilians, who had been convened for what was supposed to be a reconciliation meeting between the anti-Balaka and ex-Séléka in Sibut. Despite having given their word not to attack anti-Balaka leaders who would come to the meeting, the ex-Séléka went ahead to kill them.⁸¹⁰
- From 23 to 31 January 2014, in Sibut, ex-Séléka elements killed an undetermined number of civilians, injured many and tortured others. They also looted and burnt down many houses. During the same period, they attacked surrounding villages and destroyed more than 500 homes in Ngbondo, Kohoro, Bac, Possel, Zenda, Pangbi, Kroma, Palingui, Lenge, Bango, Féré and Mabo.⁸¹¹

Ex-Séléka insurgents reached Dékoa in March 2014, after advancing along the Sibut-Dékoa axis, where they attacked the population, including humanitarian workers and IDPs.

- In March 2014, ex-Séléka elements opened fire on the inhabitants of Dékoa and killed two volunteers of the Red Cross. They also severely injured another civilian.⁸¹²
- During the first week of April 2014, fighting between anti-Balaka and ex-Séléka elements in Dékoa resulted in the killing of over 30 civilians.⁸¹³
- On 10 October 2014, ex-Séléka fighters attacked an IDP camp in Dékoa, killing nine civilians, including three women and two minors.⁸¹⁴

⁸⁰⁹ For this incident, the ACLED database cites a UNDSS siterep dated 23 March 2014 as well as an article by RJDH, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁸¹⁰ Mapping Project interview, Sibut, Kémo, September 2016; HRW, *Des combattants de la Séléka se regroupent dans le nord*, 5 February 2014.

⁸¹¹ Mapping Project interview, Sibut, Kémo, September 2016; AI, *Ethnic Cleansing and Sectarian Killings in the CAR*, 12 February 2014; HRW, *Des combattants de la Séléka se regroupent dans le nord*, 5 February 2014.

⁸¹² Mapping Project interview, Dékoa, Kémo, September 2016; *Midterm report of the Panel of Experts on the Central African Republic (S/2014/452)*, 1 July 2014.

⁸¹³ *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014, AI, *Time for accountability*, 10 July 2014; BBC, *CAR: Violence leaves 30 dead*, 9 April 2014.

⁸¹⁴ Mapping Project interview, Dékoa, Kémo, September 2016; AI, *Urgent Action Needed to Tackle Escalating Violence in the Central Regions*, 6 November 2014; Radio Ndéké Luka, *Kouango et Djoukou sous le choc de la*

The Ouaka prefecture

The Ouaka prefecture was the scene of extreme violence opposing mainly anti-Balaka militia and ex-Séléka fighters for control of the region. The main town of the Ouaka, Bambari, was a major regional town and cross-roads and one of the principal hotspots of conflict in the Central African Republic, with ex-Séléka factions competing amongst themselves and with the anti-Balaka, for control of the region. Ex-Séléka, mainly UPC, led by Ali Darrassa, and anti-Balaka fighters operated in the same geographical area, resulting in a cycle of reprisal killings. In addition, there were animosities between Arab and Peulh factions of UPC, and among anti-Balaka factions that were either aligned with anti-Balaka leader Edouard Ngaïssona (operating under Gaëtan Bouadé), Maxime Mokom (operating under Omer Beba and Thierry Madibo) or were independent (operating under “Fally”).⁸¹⁵ These armed groups committed killings, abductions, sexual and gender-based violence, recruited child soldiers, repeatedly attacked vulnerable displaced civilians, and destroyed civilian property.

In January 2014, the ex-Séléka officially established their national headquarters in Bambari and, joined by local Muslims from various parts of north-eastern CAR, began attacking Christians. Thereafter, anti-Balaka militia launched several attacks against Muslims in reprisal.

- In March and April 2014, ex-Séléka fighters supported by armed Peulh men killed three civilians and injured many during an attack in Grimari.⁸¹⁶
- In March and April 2014, in Grimari, ex-Séléka elements killed up to 27 people and wounded many others.⁸¹⁷

Sexual violence during the period was also widespread in the Ouaka prefecture. In Grimari alone, ex-Séléka and anti-Balaka elements raped more than 28 women and girls.⁸¹⁸ Ex-Séléka targeted mainly Christian women and girls while anti-Balaka targeted mainly Muslims.

- On 15 March 2014, six ex-Séléka elements gang raped a 34-year-old woman in Bambari.⁸¹⁹
- On 19 April 2014, an ex-Séléka/UPC officer raped a 12-year-old girl in Lihoto.⁸²⁰

Séléka, 5 November 2013.

⁸¹⁵ *Midterm report of the Panel of Experts on the CAR (S/2016/694)*, 11 August 2016.

⁸¹⁶ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites a UNDSS siterep, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁸¹⁷ Mapping Project interview, Bambari, Ouaka, October 2016; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014; RFI, *RCA: Accrochage à Bambari entre la Séléka et Sangaris*, 22 May 2014; La Croix, *En Centrafrique, tension entre l'armée française et la séléka à Bambari*, 22 May 2014.

⁸¹⁸ Mapping Project interview, Bambari, Ouaka, October 2016; FIDH, *They must all leave or die*, June 2014.

⁸¹⁹ Ibid.

⁸²⁰ MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015; *Final report of the Panel of Expert on the Central African Republic (S/2015/936)*, 21 December 2015.

- On 14 May 2014, three ex-Séléka fighters raped and beat a woman in Grimari. The victim consequently contracted HIV and was abandoned by her husband.⁸²¹

The period from April to September 2014 was particularly violent and required the intervention of the French Sangaris force. Parties to the conflict committed killings, torture, injuries, abductions and indiscriminate attacks on civilians.

- On 4 April 2014, anti-Balaka elements destroyed homes in Wawa village, 70 kilometres from Grimari, whose population was composed in majority of Muslims.⁸²²
- On 12 and 13 April 2014, ex-Séléka/UPC fighters, with the support of armed Peulh men, killed many civilians in Ouagambe, 22 kilometres from Grimari.⁸²³
- On 14 May 2014, anti-Balaka elements killed four Peulh men and stabbed another in Awatché.⁸²⁴
- Between May 2014 and February 2015, anti-Balaka elements attacked the town of Lihoto at least nine times. In the course of these attacks, they killed at least 11 civilians and injured five others. At least 63 houses and the mosque were burnt down during an attack on 26 November 2014, which reportedly occurred while the Sangaris were present in the village.⁸²⁵
- On 2 June 2014, ex-Séléka/UPC elements attacked the villages of Bakala and Saboyombo, and the mining sites of Louba, killing 50 civilians. They also raped an 11-year-old girl. The armed group then disposed of the corpses of the victims in the nearby river.⁸²⁶
- On 9 June 2014, ex-Séléka elements associated with armed members of the Peulh ethnic group attacked the largely Christian village of Liwa, near Bambari, and killed 10 residents. They also burnt down 169 houses.⁸²⁷
- On 23 June 2014, in retaliation for the 9 June 2014 attack in Liwa, a group of armed persons identified as anti-Balaka attacked Ardondjobdi, a Peulh village, and killed 20 inhabitants, including women and children.⁸²⁸

⁸²¹ Ibid.

⁸²² Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites an article by RJDH, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁸²³ Mapping Project interview, Bambari, Ouaka, October 2016; AI, *Time for accountability*, 10 July 2014.

⁸²⁴ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites a UNDSS siterep dated 15 May 2014, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

⁸²⁵ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸²⁶ Mapping Project interview, Bambari, Ouaka, October 2016; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014.

⁸²⁷ United States of America Department of State, *Country Reports on Human Rights Practices*, 2014; HRW, *World report 2015: CAR events of 2014*, 2015.

⁸²⁸ Ibid.

- On 23 June 2014, a group of approximately 50 anti-Balaka elements killed 18 Peulh civilians, including one woman and three children, in the surrounding areas of Bambari. Anti-Balaka mutilated a number of the corpses.⁸²⁹
- On 25 June 2014, in Bambari, anti-Balaka elements killed a young civilian man with machetes and knives and then gang raped three women, including a 13-year-old girl. The anti-Balaka also stole valuables from the victims' house.⁸³⁰
- On 7 July 2014, ex-Séléka fighters attacked the Saint Joseph Parish in Bambari, where thousands of persons had sought shelter, and killed at least 27 people, including 20 children, and injured at least four civilians.⁸³¹
- On 8 September 2014, three ex-Séléka fighters invaded the evangelical church in Ngakobo village, and shot and killed nine people, including the pastor. The attackers stole everything from people present at the Church.⁸³²
- On 22 September 2014, ex-Séléka fighters shot and killed the Mayor of Ngakobo.⁸³³

The conflict in Ouaka prefecture was also marked by confrontations between armed Peulh herders and other communities. The armed Peulh reacted to killings of members of their ethnic group (often accused of association with ex-Séléka) by committing deadly attacks against other communities.

- At the end of September 2014, in the Djimbété cattle herder settlement close to Bambari, anti-Balaka elements killed six Muslim Peulh of the same family, including two children and one woman. Following this attack, Peulh civilians escaped to the bush and returned the next day to bury the bodies.⁸³⁴

⁸²⁹ ICC, *Situation in the Central African Republic II*, 24 September 2014; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014.

⁸³⁰ Mapping Project interview, Bambari, Ouaka, October 2016; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014.

⁸³¹ Mapping Project interview, Bambari, Ouaka, October 2016; *Report of the Secretary-General on Children and armed conflict (A/67/845*-S/2013/245*)*, 5 June 2015, HRW, *World report 2015: CAR events of 2014*, 2015; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014; ICC, *Situation in the Central African Republic II*, 24 September 2014; France 24, Les Observateurs, *Attaque sanglante de l'évêché de Bambari : « Pour fuir, on s'est déguisé en femmes »*, 9 September 2014.

⁸³² Mapping Project interview, Bambari, Ouaka, October 2016; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014

⁸³³ *Report of the Secretary-General on the situation in the Central African Republic (S/2014/857)*, 28 November 2014; United States of America Department of State, *Country Reports on Human Rights Practices*, 2014.

⁸³⁴ Mapping Project interview, Bambari, Ouaka, October 2016; AI, *Urgent Action Needed to Tackle Escalating Violence in the Central Regions*, 6 November 2014

- In late September 2014 or early October 2014, armed Peulh men killed 30 non-Muslim civilians in Liwa, about 20 kilometres from Bambari, in reprisal for the attack at the Djimbété cattle herder settlement.⁸³⁵
- In October 2014, in Bambari, anti-Balaka elements conducted several attacks against civilians, in particular Peulh communities, leaving dozens of civilians dead and hundreds of households displaced.⁸³⁶
- On 1 October 2014, in Bambari, ex-Séléka/UPC and other armed Muslim/Peulh men attacked the IDP camp situated close to the MINUSCA base, and killed three civilians and injured many. This attack was in reprisal for the death of a Muslim merchant allegedly killed by anti-Balaka elements in a nearby village, on 29 September 2014.⁸³⁷
- On 4 October 2014, ex-Séléka/UPC elements shot dead a civilian man while he was talking to a relative by phone, describing the security situation in Bambari. The assailants suspected him to be an anti-Balaka informant.⁸³⁸
- In October 2014, at Batobadja locality, armed Peulh men killed 21 civilians, including at least 10 women and one boy. They also injured at least 11 civilians, including three women, two boys and one girl.⁸³⁹
- On 8 October 2014, in Ndassima, near Bambari, anti-Balaka elements killed in an ambush seven Muslims they believed to be ex-Séléka/UPC members.⁸⁴⁰
- On 14 October 2014, anti-Balaka elements abducted a man believed to be Muslim, and brought him to Zouhougou, 11 kilometres from Lihoto, on the Bambari axis. They extrajudicially executed him and reportedly threw his body into a latrine.⁸⁴¹
- On 15 October 2014, in Bambari, ex-Séléka/UPC elements killed three civilians, including one woman and two children. The victims were believed to be supporters of the anti-Balaka.⁸⁴²

⁸³⁵ Mapping Project interview, Bambari, Ouaka, October 2016; ICG, *The CAR's hidden conflict*, 12 December 2014.

⁸³⁶ Mapping Project interview, Bambari, Ouaka, October 2016, [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015

⁸³⁷ Mapping Project interview, Bambari, Ouaka, October 2016; AI, [Urgent Action Needed to Tackle Escalating Violence in the Central Regions](#), 6 November 2014.

⁸³⁸ Mapping Project interview, Bambari, Ouaka, October 2016; For this incident, the ACLED database cites an article by RJDH, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁸³⁹ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015.

⁸⁴⁰ Mapping Project interview, Bambari, Ouaka, October 2016; AI, [Urgent Action Needed to Tackle Escalating Violence in the Central Regions](#), 6 November 2014.

⁸⁴¹ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁴² Mapping Project interview, Bambari, Ouaka, October 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014.

- On the same day, in Kouango, ex-Séléka/UPC elements killed two young civilian men whom they suspected to be supporters or members of the anti-Balaka.⁸⁴³
- On 18 October 2014, ex-Séléka/UPC elements killed two civilians in Bangao, suspecting they were supporters or members of the anti-Balaka.⁸⁴⁴
- From 20 October until 25 October 2014, during attacks in Bakala, Tchimanguéré, Matchika, Yamalé and Bagoa, in the surrounding areas of Bambari, a group of armed Peulh men killed at least 30 civilians perceived to be associated with anti-Balaka. They also injured many villagers.⁸⁴⁵

Following these attacks, most of the civilian population of the area fled to the Democratic Republic of the Congo.⁸⁴⁶

Between 6 October and 21 November 2014, anti-Balaka elements attacked at least six villages on the Pendé-Gbima-Dagba road, some of them several times. At least 36 identified people (including seven women and five children), Peulh herders and non-Muslim farmers, were killed during these attacks, and an undetermined number were injured. Some were compelled to carry looted items to the anti-Balaka strongholds. Each of the attacks provoked a displacement of population towards Kouango as well as to Gbima, which hosts the main market in the area. The violence culminated with the attack of four villages, including Gbima, on 21 November 2014.⁸⁴⁷

- On 6 October 2014, anti-Balaka attacked Toko Ippy where they looted and burnt down 21 houses. The village chief of Mbalango was reportedly killed in this attack.⁸⁴⁸
- On 28 October 2014, anti-Balaka clashed with armed herders who had remained in Toko Ippy. One 40 year-old herder was reportedly killed during these events.⁸⁴⁹

While mainly operative in the eastern part of the Central African Republic, the LRA nonetheless managed to attack the town of Ippy twice in 2014, and abducted children whom they later raped.

- In October 2014, in the village of Dalanga, close to Ippy, a group of approximately 12 LRA fighters abducted a woman aged about 20 years old, as well as her fiancé, two other men and a girl. The men were released two days later; the girl was left with another LRA group when the abductors split into two units. As for the woman, she was held for 15 months, was forced to cook for the LRA and to carry heavy loads (water, looted items).

⁸⁴³ Ibid.

⁸⁴⁴ Ibid.

⁸⁴⁵ ICG, *The CAR's hidden conflict*, 12 December 2014; AI, *Urgent Action Needed to Tackle Escalating Violence in the Central Regions*, 6 November 2014; BBC Afrique, *Attaque meurtrière en Centrafrique*, 23 October 2014.

⁸⁴⁶ HRMP interview, Bambari, Ouaka, October 2016; *Report of the SG on the situation in the CAR (S/2014/857)*, 28 November 2014.

⁸⁴⁷ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015*, 9 December 2015.

⁸⁴⁸ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015

⁸⁴⁹ Ibid.

During her captivity, she was raped several times by a 30-year-old LRA commander who threatened to execute anyone else who would sexually abuse the woman. On 13 December 2015, the woman, who was pregnant at the time, managed to escape.⁸⁵⁰

- In October 2014, LRA fighters abducted at least three children in Ippy.⁸⁵¹

From November 2014 onwards, anti-Balaka and ex-Séléka insurgents continued fighting over control of the region while committing serious violations against civilians. They also attacked humanitarian workers and pillaged their warehouses.

- On 10 November 2014, ex-Séléka/UPC elements attacked the villages of Bolo I and II. Some 10 civilians were killed, including three older women who were burnt alive in their houses.⁸⁵²
- On 13 November 2014, anti-Balaka elements attacked Bolo II and burnt down and looted 20 houses.⁸⁵³
- On 18 November 2014, on the Bambari-Grimari axis, anti-Balaka elements attacked and pillaged many humanitarian convoys transporting medicines and first necessity humanitarian goods, thus depriving the civilian population of humanitarian aid.⁸⁵⁴
- On 21 November 2014, anti-Balaka elements attacked Gbima, Mbalango, Finikodro and Ndagba, where they looted and burnt down all homes. In Gbima, where the attack appeared to have started around 5 a.m., anti-Balaka killed 22 people, including one “chef de groupe”, a Peulh herder, and 18 members of his family and extended family, including five children aged 1 to 10 and four women. Another three non-Muslim women were killed in their house. Most houses were looted and burnt and cattle was stolen.⁸⁵⁵
- On 21 November 2014, anti-Balaka elements killed four men, including three relatives of the “chef de groupe” of Kolo, and burnt down most houses in Mbalango. The same day, in Finikodro, anti-Balaka killed one man who was fleeing towards Kolo and a part of the village was set on fire. In Ndagba, anti-Balaka burnt down several houses. They used a machete to cut the ankles of a man who owned a pirogue because they wanted to cross the Ouaka River.⁸⁵⁶

⁸⁵⁰ OHCHR Human Rights Case Database.

⁸⁵¹ Mapping Project interview, Bambari, Ouaka, October 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014, LRA Crisis Tracker, [L'état de la LRA en 2016](#), March 2016.

⁸⁵² Mapping Project interview, Bambari, Ouaka, October 2016; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁵³ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁵⁴ Mapping Project interview, Bambari, Ouaka, October 2016; ICG, [The CAR's hidden conflict](#), 12 December 2014.

⁸⁵⁵ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁵⁶ Ibid.

- On 22 November 2014, in Gbima, anti-Balaka elements killed six men, two women and six children.⁸⁵⁷
- On 26 November 2014, in Bambari, anti-Balaka abducted a woman and her two children. The victims have not been seen since.⁸⁵⁸
- Between 12 and 14 November 2014, armed Peulh men attacked the Pendé locality, killing seven people, including four children.⁸⁵⁹
- In December 2014, fighting between armed Peulh men and anti-Balaka elements in Kouango caused the death of 10 civilians in the villages of Rembé Kouzou, Gofro and Uмба, and forced approximately 20,000 civilians to flee to the Democratic Republic of the Congo.⁸⁶⁰
- On 3 December 2014, in Bambari, armed Peulh men believed to be affiliated with ex-Séléka/UPC killed 13 civilians, injured at least 33 others, and looted and burnt 33 homes, in a reported revenge attack related to the killing of a Muslim by anti-Balaka elements.⁸⁶¹
- On 12 December 2014, near Lihoto, anti-Balaka elements abducted the wife and two children of a village chief. The victims were released after two months of captivity.⁸⁶²
- On 5 and 6 January 2015, in the vicinity of Ngakobo village, ex-Séléka/UPC elements shot and killed seven civilians, including a six-month-old baby and a 13-year-old child.⁸⁶³
- On 11 March 2015, in Bambari, ex-Séléka/UPC elements held and subjected to cruel and inhuman treatment two men whom they accused of being affiliated with the anti-Balaka. The victims were kept naked throughout their captivity, until 20 March 2015, with their arms tied tightly behind their back, above the elbows. They were subjected to lashing and had cigarette burn marks on their bodies.⁸⁶⁴

⁸⁵⁷ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015.

⁸⁵⁸ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁵⁹ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015.

⁸⁶⁰ Mapping Project interview, Bambari, Ouaka, October 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/227\)](#), 1 April 2015.

⁸⁶¹ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015.

⁸⁶² Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁶³ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2015.

⁸⁶⁴ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015.

- During the evening of 15 March 2015, seven anti-Balaka elements abducted and killed a nurse at the health centre located at the IDP site in Bambari known as “Sangaris”. The perpetrators shot him and then slit his throat.⁸⁶⁵

Sexual and gender-based violence

Members of armed groups, including individuals holding command positions at the regional level within armed groups, committed acts of sexual and gender-based violence, mostly against women and young girls from the communities of their known or perceived opponents. Several illustrative cases are reported below:

- On 3 March 2015, in Boubala and Kouanga, an ex-Séléka/UPC commander raped two girls aged 13 and 16 years, respectively.⁸⁶⁶
- On 15 April 2015, in Ngakobo, an ex-Séléka/UPC commander raped a 13-year-old girl.⁸⁶⁷
- On 19 April 2015, in Gandjia, an ex-Séléka/UPC commander raped a 12-year-old girl and forced her into marriage.⁸⁶⁸
- On 1 May 2015, a group of six anti-Balaka elements abducted a 13-year-old girl near Bambari. They brought her to a nearby village where she was tortured and raped.⁸⁶⁹
- On 15 May 2015, in Bambari, an anti-Balaka element raped a 14-year-old girl. As she was returning home from her brother’s residence, she was forced to follow five men to the house of the perpetrator who held her by force and raped her. He tried to give her 5000 CFA afterwards, which she refused.⁸⁷⁰
- On 8 June 2015, in a field some five kilometres from Bambari, an unidentified, uniformed ex-Séléka man raped a 30-year-old Christian woman.⁸⁷¹
- On 3 December 2015, in the Gonguere neighbourhood in Bambari, two armed Peulh men raped an 11-year-old girl.⁸⁷²

During 2015, the region continued to be the centre of disputes over control between the armed

⁸⁶⁵ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015

⁸⁶⁶ MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁶⁷ OHCHR Human Rights Case Database; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁶⁸ Mapping Project interview, Bambari, Ouaka, October 2016; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁶⁹ OHCHR Human Rights Case Database.

⁸⁷⁰ OHCHR Human Rights Case Database; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

⁸⁷¹ OHCHR Human Rights Case Database

⁸⁷² OHCHR Human Rights Case Database.

groups.

- At the end of April 2015 or beginning of May 2015, 32 civilians were killed as a consequence of fighting between ex-Séléka/UPC and anti-Balaka elements over the control of Kouango. The parties to the conflict also destroyed many villages in the area.⁸⁷³
- On 7 May 2015, a group of anti-Balaka reportedly coming from a base located in Ouza attacked, looted and burnt 25 houses at the periphery of Bianga. The attack resulted in the death of three civilians, including one woman, two ex-Séléka fighters as well as six anti-Balaka combatants. A young man was also reportedly abducted.⁸⁷⁴
- On 1 and 2 August 2015, ex-Séléka elements attacked Vondja, where many IDPs had fled, and killed three civilians. They also abducted 23 civilians.⁸⁷⁵
- On 1 and 3 August 2015, anti-Balaka elements attacked the Peulh camp in the village of Goya, killed 11 civilians and injured 10 others. They looted and burnt down over 70 houses.⁸⁷⁶
- In August 2015, ex-Séléka men attacked the town of Goya and captured for several days 20 civilians whom they suspected of being anti-Balaka. They then transferred them to an ex-Séléka camp in Bambari where MINUSCA discovered them and arranged for their transfer to the *gendarmerie* in the centre of Bambari. The captives claimed they had been deprived of food and water while held by the ex-Séléka. They also alleged to have been beaten and ill-treated. In addition, they reported witnessing extrajudicial executions and other killings by ex-Séléka of five of their co-detainees while in Goya. Most of the killings were allegedly preceded by acts of torture and ill-treatment; some were said to have been killed for the purpose of silencing witnesses and destroying evidence.⁸⁷⁷
- On 20 August 2015, anti-Balaka elements killed a 19-year-old Muslim youth, triggering reprisal attacks by young Muslims and ex-Séléka rebels in the Christian neighbourhood of Bambari. At least 10 people were killed and others injured as a result of the fighting. Youths from the Muslim and Christian communities erected barricades to protect themselves from gunfire, and the transitional Government sent two Ministers to appease tensions.⁸⁷⁸

⁸⁷³ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015.

⁸⁷⁴ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Kouango sub-prefecture (Grimari-Lihoto-Kouango axis, Kouango-Bianga axis and Kouango town)*, 7-11 May 2015.

⁸⁷⁵ OHCHR Human Rights Case Database

⁸⁷⁶ OHCHR Human Rights Case Database.

⁸⁷⁷ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint protection Mission report, Bambari*, 26 to 28 August 2015.

⁸⁷⁸ Mapping Project interview, Bangui, October 2016; [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/918\)](#), 30 November 2015; United States of America Department of State, [Country Reports on Human Rights Practices](#), 2015; [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015.

- On 23 and 24 August 2015, ex-Séléka/UPC fighters shot dead two men at the “Lapago” checkpoint, close to Bambari.⁸⁷⁹
- On 28 September 2015, ex-Séléka/UPC young fighters attacked MINUSCA troops in Bambari. They also pillaged and burnt down 22 houses in the Christian neighbourhood of Bambari.⁸⁸⁰
- On 10 October 2015, anti-Balaka killed a 50-year-old woman in Kanga village, located west of Boykotta. The victim, who was apparently suspected of witchcraft, was beaten with a club and then decapitated with a machete in public.⁸⁸¹
- On 7 November 2015, at a market in Goya, two ex-Séléka/UPC elements killed a 22-year-old Christian salesman from Boykotta because he was unable to pay the tax this group had imposed on citizens.⁸⁸²
- On 7 November 2015, ex-Séléka/UPC elements killed the chief of Sakwa II village (two kilometres from Goya, on Ngakobo-Goya road) and six other civilians. The body of the chief was found by MINUSCA on 20 November 2015, one kilometre away from Ngakobo.⁸⁸³
- On 11 and 12 November 2015, ex-Séléka/UPC elements attacked the IDP camp called “Sangaris”, in Bambari, where they killed at least one civilian and burnt down many huts.⁸⁸⁴
- On 9 November 2015, in Liwa, the anti-Balaka abducted four young girls, all sisters, aged from six to 14 years old. They were in a vehicle when the armed group attacked them.⁸⁸⁵
- From 11 to 14 November 2015, anti-Balaka elements attacked a Peulh camp in Ngakobo, killing two men and injuring three others.⁸⁸⁶
- On 17 November 2015, anti-Balaka elements, led by the anti-Balaka from Boykotta and neighbouring villages, attacked Goya, in retaliation for the above-mentioned killing of a man on 7 November 2015. The anti-Balaka killed a 40-year-old Peulh cattle herder who was trying to flee. They also chopped off the arm of another Muslim who later died from the injury. The anti-Balaka also looted parts of the town.⁸⁸⁷

⁸⁷⁹ OHCHR Human Rights Case Database.

⁸⁸⁰ OHCHR Human Rights Case Database.

⁸⁸¹ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, *Joint Protection Team, Mission report, Ngakobo, Goya, Boykotta*, 16-21 January 2016.

⁸⁸² OHCHR Human Rights Case Database; MINUSCA, *Joint protection Mission report, Ngakobo, Goya, Boykotta*, 16-21 January 2016.

⁸⁸³ Ibid.

⁸⁸⁴ OHCHR Human Rights Case Database.

⁸⁸⁵ Mapping Project interview, Bambari, Ouaka, October 2016; OHCHR Human Rights Case Database.

⁸⁸⁶ MINUSCA, Human Rights Division, *Mission Report: Bambari-Ngakobo*, 7 to 11 December 2015.

⁸⁸⁷ OHCHR Human Rights Case Database.

- On 20 November 2015, anti-Balaka elements attacked the villages of Danda and Umba where they killed three Peulh women, and abducted another whom they later raped, killed and reportedly cut into three pieces. They also cut off the arm of a woman and stabbed another one in the stomach.⁸⁸⁸
- On 20 November 2015, ex-Séléka/UPC elements attacked the village of Boykotta where they killed 20 civilians and destroyed and looted most of the homes. The civilian population fled to the bush and then to the IDP camp in Ngakobo where they stayed for several months.⁸⁸⁹
- On 24 November 2015, in Ippy, ex-Séléka/UPC elements killed two civilians believed to be anti-Balaka members.⁸⁹⁰
- On 30 November 2015, anti-Balaka elements from Ngakobo attacked the village of Galabourouma and killed 10 civilians, including at least three Christians and three Peulhs. They also destroyed the ex-Séléka/UPC post and civilian houses.⁸⁹¹
- On 3 December 2015, ex-Séléka/UPC elements attacked the IDP camp in Ngakobo, killing eight civilians and injuring others. MINUSCA troops reacted vigorously to the incident through a robust, dissuasive military operation against ex-Séléka/UPC positions.⁸⁹²
- On 4 December 2015, in a reprisal attack, ex-Séléka/UPC attacked the Ngakobo IDP site, killing six civilians, including four children, and injuring five others.⁸⁹³

Sexual and gender-based violence attributed to international forces

- In March 2014, in Bouca (Ouham), three Chadian members of the MISCA forces reportedly raped a woman. A subsequent medical examination revealed that she had suffered injuries and she showed signs of psychological trauma.⁸⁹⁴
- On 5 August 2014, MISCA soldiers from Gabon were accused of committing sexual violence acts against some women in IDP camps in the Bambari area. They enter their

⁸⁸⁸ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, Human Rights Division, *Mission Report: Bambari-Ngakobo*, 7 to 11 December 2015.

⁸⁸⁹ OHCHR Human Rights Case Database; MINUSCA, *Joint protection Mission report, Ngakobo, Goya, Boykotta*, 16-21 January 2016.

⁸⁹⁰ OHCHR Human Rights Case Database.

⁸⁹¹ OHCHR Human Rights Case Database; MINUSCA, Human Rights Division, *Mission Report: Bambari-Ngakobo*, 7 to 11 December 2015.

⁸⁹² *Ibid.*

⁸⁹³ *Ibid.*

⁸⁹⁴ [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), Annex 68, 29 October 2014.

huts at night demanding sexual acts. Sometimes forced, sometimes for as little as 500 CFA or a biscuit.⁸⁹⁵

- In August 2015, MINUSCA peacekeepers belonging to the Democratic Republic of the Congo contingent in Bambari were accused of raping two women and a girl.⁸⁹⁶ MINUSCA referred the allegations to the authorities of the Democratic Republic of the Congo who investigated the matter. However, the United Nations is still awaiting information on the results of this national investigation and continues to follow-up accordingly. Days later, United Nations military personnel stationed in Bambari (Ouaka) who were primarily from the Republic of the Congo and the Democratic Republic of the Congo, raped, gang raped and threatened displaced women and girls. They also sexually exploited others in exchange for food and money.⁸⁹⁷ The military contingent of the Democratic Republic of the Congo was eventually withdrawn from the Central African Republic, as a result of these allegations and others.⁸⁹⁸

The Basse-Kotto prefecture

The human rights situation in the Basse-Kotto prefecture remains largely undocumented due to the thin presence of MINUSCA forces and humanitarian actors in the area.

- On 1 and 3 August 2015, anti-Balaka elements attacked the villages of Zanbga, Vunji and Djama, killing many civilians and burning down villagers' homes.⁸⁹⁹

The Bamingui-Bangoran prefecture

- On 29 November 2014, in Ndélé, ex-Séléka/FPRC fighters attempted to murder members of an official delegation from the Ministry of Territorial Administration at the *préfet's* residence. Two members of the delegation were severely injured.⁹⁰⁰
- On 15 August 2015, in Ndélé, several ex-Séléka/FPRC fighters abducted a 14-year-old girl from her home and took her to an FPRC base (location unknown). They beat her, sexually abused her and raped her with objects. Since this incident, she has been forcibly married to an unidentified member of FPRC.⁹⁰¹

⁸⁹⁵ Mapping Project interview, Bambari, Ouaka, October 2016; [Final Report of the Expert Group on the Central African Republic \(S/2014/762\)](#), 29 October 2014.

⁸⁹⁶ US Department of State, [Country Reports on Human Rights Practices](#), 2015; France 24, [Viol en Centrafrique: trois casques bleus comparaissent en RD Congo](#), 5 April 2016.

⁸⁹⁷ HRW, [CAR: Rape by peacekeepers](#), 4 February 2016.

⁸⁹⁸ MONUSCO, [Accountability for Human Rights Violations and Abuses in the DRC: Achievements, Challenges and Way forward \(1 January 2014 - 31 March 2016\)](#), October 2016 ; France 24, [Viols en Centrafrique: trois casques bleus comparaissent en RD Congo](#), 5 April 2016 ; Reuters, [Congo starts trial of soldiers accused of sexual abuse in CAR](#), 31 March 2016.

⁸⁹⁹ Mapping Project interview, Bambari, Ouaka, October 2016; OHCHR Human Rights Case Database.

⁹⁰⁰ OHCHR Human Rights Case Database.

⁹⁰¹ OHCHR Human Rights Case Database.

- On an unspecified date in 2015 in Ndélé, at least three ex-Séléka/FPRC fighters raped a 40-year-old woman. She had earlier been accused of witchcraft, arrested by FPRC and detained for several days. One night, she was removed from her cell and raped. FPRC elements inserted objects in her vagina, including wood sticks and herbs.⁹⁰²

Attacks on humanitarians

During the period from 2013 to 2015, several armed groups continued to systematically attack humanitarians, taking advantage of the lack of State presence in the area to loot their premises, thus further depriving the civilian population of humanitarian assistance.

- On 11 February 2014, ex-Séléka elements apprehended and killed an aid worker at a checkpoint in Miamani because he had no money on him. The victim had clearly identified himself as an aid worker.⁹⁰³
- On 8 March 2014, during an attack in Ndélé, ex-Séléka fighters forced their way into the Catholic mission where four ICRC members were residing, and killed an ICRC worker.⁹⁰⁴
- During 2014 and 2015, unidentified armed men attacked and looted several humanitarian organizations and hospitals, including ICRC, MSF, *Première Urgence Internationale* and the *Danish Refugee Council*, and threatened humanitarian aid workers. They stole valuable goods and material, including vehicles. In 2014, the United Nations Panel of Experts on the Central African Republic attributed one of these attacks to Janjaweed fighters from the Sudan. On 25 April and in May 2014, unidentified armed men attacked the Ndélé hospital, looted medical material, and threatened medical staff.⁹⁰⁵
- From 19 July until the end of August 2014, customary local authorities in Bamingui-Bangoran stopped and seized items from many humanitarian convoys from the Sudan transporting humanitarian supplies of first necessity.⁹⁰⁶

4. The Southeast

The takeover of power by the Séléka in Bangui complicated UPDF operations against the LRA in the south-eastern part of the country, since the UPDF had been collaborating with FACA in these operations, and was deployed to the Central African Republic under ousted President Bozizé. Due to the UPDF military presence in the south-east prefectures, Séléka elements did not

⁹⁰² Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016.

⁹⁰³ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014.

⁹⁰⁴ [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014, annex 22, para. 14-25; ICRC, *RCA: un collaborateur du CICR tué dans le nord du pays*, 8 March 2014; For this incident, the ACLED database cites an article by AFP, see <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>.

⁹⁰⁵ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016; [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014, p.26, 39; [Final Report of the Panel of Experts on the Central African Republic \(S/2014/762\)](#), 29 October 2014, p.51.

⁹⁰⁶ [Midterm report of the Panel of Experts on the Central African Republic \(S/2014/452\)](#), 1 July 2014, p.53.

establish a presence in those prefectures in the same manner as elsewhere in the country. Nonetheless, the civil war that engulfed much of the Central African Republic in late 2013 and during 2014, appeared to have emboldened the LRA, and to sources in the region reported that ex-Séléka factions appeared to be collaborating with LRA insurgents.⁹⁰⁷

In January 2015, when LRA commander Dominic Ongwen surrendered himself to ex-Séléka who handed him over to United States of America military advisers. The latter handed Ongwen to UPDF who then handed him on to MINUSCA who ensured his safe transport out of the country and into the custody of the ICC, at the end of January 2015. In some instances, the LRA and the ex-Séléka acted jointly.

- On 29 June 2014, a combined force of the LRA and ex-Séléka fighters attacked a UPDF position at Bakouma, in Mbomou prefecture. One UPDF soldier and two ex-Séléka fighters were killed in the attack. The following day, ex-Séléka clashed with the UPDF at Nzako, also in Mbomou prefecture. At least 15 ex-Séléka were reportedly killed in the attack.⁹⁰⁸

By the start of 2015, the LRA appeared to have been weakened and to be operating in smaller, uncoordinated groups. However, they continued to commit serious human rights abuses and to cause population displacement.

- The LRA also increased its activities in the Yalinga area of the Haute-Kotto prefecture. During the first half of 2015, they abducted 42 people in southeastern Central African Republic and the north of the Democratic Republic of the Congo. Many of the abductees were reportedly released soon after as it appeared that LRA fighters mainly wanted to use them to carry looted goods. With diminishing numbers, and forced to be constantly mobile to evade detection and/or attack, the LRA appears to have realized that they did not have the capacity to keep large numbers of abductees, particularly adults, against their will.⁹⁰⁹

The Haut-Mbomou prefecture

- On 24 May 2013, 42 members of a hitherto unknown armed group, the *Mouvement de la marche populaire pour la démocratie centrafricaine* (MMPDC), attacked Obo and were captured by the UPDF. Nine of the attackers died in custody in circumstances that UPDF

⁹⁰⁷ [Final report of the Panel of Expert on the Central African Republic \(S/2015/936\)](#), 21 December 2015; LRA Crisis Tracker, [The state of the LRA in 2015](#), February 2015.

⁹⁰⁸ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/562\)](#), 1 August 2014; Sangonet, [Behind the headlines: UPDF clashes with Séléka in eastern CAR](#), 2 July 2014; Streamafrika, [Ugandan Army Clashes with Séléka in CAR](#), 15 November 2016.

⁹⁰⁹ [Report of the Independent Expert on the situation of human rights in the Central African Republic \(A/HRC/30/59\)](#), 24 July 2015; [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015; [LRA Crisis Tracker](#), researches undertaken for the year 2015.

has not explained to date. The fate of the remaining 33 insurgents also remained unclear.⁹¹⁰

- In February 2015, LRA elements abducted at least 25 people around Zémio, Kpangbayanga.⁹¹¹
- From March 2013 to December 2015, UPDF soldiers raped and sexually assaulted an undetermined number of women and girls (more than 18). Many cases took place in and around the town of Obo. Several women and girls reported they had been taken from their villages by UPDF members and forced to become prostitutes or sex slaves, or to marry Ugandan soldiers.⁹¹² On 4 June 2014, for example, a UPDF soldier raped a 14-year-old girl in Mboki. In 2015, he took her to Uganda without informing her parents after she became pregnant. The parents did not know her whereabouts at the start of 2016.⁹¹³

The Mbomou prefecture

- On 19 April 2013, in Ouango, Séléka elements abducted and killed three local chiefs. They also killed five other persons and burnt about 200 houses. Earlier the same day, they had looted a hospital and a number of villages surrounding Ouango.⁹¹⁴
- On 23 April 2013, six Séléka elements raped a young woman in Ouango.⁹¹⁵
- On 5 October 2013, Peulh cattle herders who had previously been armed by ex-Séléka attacked Selim (35 kilometres from Rafai), killing eight people and burning over 100 houses.⁹¹⁶
- In November and December 2013, the LRA attacked Derbissaka, abducted 79 people and displaced at least 300 others.⁹¹⁷

⁹¹⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/470\)](#), 5 August 2013; Andreas Mehler, Henning Melber, Klaas van Walraven, *Africa Yearbook Volume 10: Politics, Economy and Society South of the Sahara in 2013*, Leiden, Boston 2014, p.214.

⁹¹¹ [Report of the Independent Expert on the situation of human rights in the Central African Republic \(A/HRC/30/59\)](#), 24 July 2015; LRA Crisis Tracker, [The state of the LRA in 2015](#), February 2015; Union Européenne, [Règlement d'exécution \(UE\) 2016/354 du Conseil](#), 11 March 2016.

⁹¹² OHCHR Human Rights Case Database; OHCHR, [Zeid warns of risk of re-escalation of violence in CAR](#), 4 juillet 2016.

⁹¹³ OHCHR Human Rights Case Database.

⁹¹⁴ Mapping Project interview, Obo (Haut-Mbomou), 12 August 2016; United Nations, *Internal Report of joint mission in Gbadolite (DRC) refugee camp*, 23 May 2016 ; RJDH, [Ouango-Bangassou : Pillage systématique en signe de représailles par des éléments de la Séléka](#), 23 April 2013

⁹¹⁵ Ibid.

⁹¹⁶ RJDH, [Ouango-Bangassou: Pillage systématique en signe de représailles par des éléments de la Séléka](#), 23 April 2013 ; ACTED & MercyCorps, [Rapport d'Évaluation, Rapid Response Mechanism-RRM Sélém, Sous-préfecture de Rafai, Préfecture du Mbomou](#), 28 October to 2 November 2013.

⁹¹⁷ [Report of the SG on the CAR \(S/2013/787\)](#), 31 December 2013; [LRA Crisis Tracker](#), researches undertaken for the year 2013.

- During the first quarter of 2014, the LRA conducted 24 attacks in Mbomou and Haut-Mbomou, during which it abducted at least 45 people.⁹¹⁸

The Haute-Kotto prefecture

- In May and June 2013, the LRA carried out attacks in Bria and Sam Ouandja, especially along the Bria-Ouadda-Sam Ouandja axis. During fighting with local people, the LRA killed 16 people at Mouka, near Bria, and decapitated 11 of the victims. The LRA also burnt at least 25 houses in the area.⁹¹⁹
- Between May and October 2013, the LRA killed 17 people, abducted 79 and displaced 300 others in the mineral-rich areas.⁹²⁰
- On 2 December 2013, the LRA abducted dozens of people in Yangoukaga.⁹²¹
- On 11 December 2013, the LRA killed several people, abducted 11, and burnt many houses around Ouadda and Maikaga.⁹²²
- On 5 January 2014, ex-Séléka fighters tortured and killed a guard at a school in Yindjiama. After an earlier attack on the school by the ex-Séléka, the guard had been collecting school property strewn in the compound.⁹²³
- On 19 June 2014, ex-Séléka elements arrested and severely beat eight women from Made 2 neighbourhood in Bria.⁹²⁴
- In September and October 2014, the LRA abducted 22 women and children, and killed one person in Lima.⁹²⁵
- In November 2014, ex-Séléka elements in Bria arrested, tortured and executed a man who had gone to them to complain about the abduction of his 13-year-old daughter by ex-

⁹¹⁸ [Report of the Secretary-General on the BINUCA and on the LRA affected areas, S/2014/319](#), 6 May 2014; [LRA Crisis Tracker](#), research undertaken for the year 2014.

⁹¹⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/470\)](#), 5 August 2013; [LRA Crisis Tracker](#), research undertaken for the year 2013.

⁹²⁰ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013; LRA Crisis Tracker, [The state of the LRA in 2015](#), February 2015.

⁹²¹ LRA Crisis Tracker, [The state of the LRA in 2015](#), February 2015; [LRA Crisis Tracker](#), research undertaken for the year 2013.

⁹²² [LRA Crisis Tracker](#), research undertaken for the year 2013; LRA Crisis Tracker, [The state of the LRA in 2015](#), February 2015.

⁹²³ OHCHR Human Rights Case Database.

⁹²⁴ OHCHR Human Rights Case Database.

⁹²⁵ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014.

Séléka fighters. The girl was reportedly kept as a sex slave by an ex-Séléka commander, and her mother learned that she was pregnant.⁹²⁶

- In early July 2015, the LRA attacked villages in southern Haute-Kotto where they pillaged and burnt many houses. They also abducted an undetermined number of people, ostensibly to use them to carry looted goods.⁹²⁷
- On 25 September 2015, the LRA abducted seven people, including one woman and a seven-year-old girl, in Batayi, near Bria.⁹²⁸
- On 9 October 2015, LRA elements abducted five men from Yangou Gardin.⁹²⁹
- On 23 December 2015, the LRA tortured five men in Malatcha village, near Bria. One of the men, aged 43, died from his injuries.⁹³⁰
- On 24 December 2015, the LRA killed a 50-year-old man and his nine-year-old son at Ndjé, 130 kilometres from Bria. Another son of the man, aged 22, was severely injured.⁹³¹
- Between January and August 2015, ex-Séléka in Bria killed at least 10 people, including an eight-month-old baby.⁹³²

⁹²⁶ OHCHR Human Rights Case Database.

⁹²⁷ LRA Crisis Tracker, *The state of the LRA in 2015*, February 2015; Union Européenne, *Règlement d'exécution (UE) 2016/354 du Conseil*, 11 March 2016.

⁹²⁸ OHCHR Human Rights Case Database.

⁹²⁹ OHCHR Human Rights Case Database.

⁹³⁰ OHCHR Human Rights Case Database.

⁹³¹ OHCHR Human Rights Case Database.

⁹³² OHCHR Human Rights Case Database.

CHAPTER V - CONFLICT-RELATED SEXUAL AND GENDER-BASED VIOLENCE

As defined by the United Nations Secretary-General, conflict-related sexual violence refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men or children that is directly or indirectly linked (temporally, geographically or causally) to a conflict. This link with conflict may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim (who is frequently a member of a persecuted political, ethnic or religious minority), the climate of impunity, which is generally associated with the collapse of the State, cross-border consequences (such as displacement or trafficking in persons), and/or violations of the terms of a ceasefire agreement.⁹³³

As evidenced in this report, nearly all parties to the successive armed conflicts in the Central African Republic between 2003 and 2015 committed these various forms of sexual violence. The perpetrators were members of the security forces, rebel and armed groups, foreign government forces and civilians. However, despite the widespread nature of the phenomenon, sexual crimes have been systematically underreported and under-investigated, if investigated at all.

The victims were mainly women and girls but men and boys were also subjected to sexual violence, albeit to a lesser extent. The age of the victims ranged from as young as five years to 60 years and over. A high percentage of the rapes were gang rapes, committed by up to 20 perpetrators against a single victim, and often in public and/or in front of their family members. In many instances, the victims were targeted because they were perceived or known to have social, ethnic, religious or other relations with people from the groups opposed or perceived as opposed to the perpetrator(s).

Armed groups also used women and girls captured from their known or perceived opponents as sex slaves. The perpetrators at times further compounded the abuse suffered by their victims and their families by demanding ransoms for their release. Some of the sexually enslaved women and girls bore children from rape. The stigma attached to - and the exclusion of - children born of rape, is perpetuated by the lack of adequate measures to support their integration into their families and communities.

Thousands of women and girls in the Central African Republic were survivors of conflict-related sexual violence and many suffered double jeopardy: being raped, enslaved and/or forced to be married, and then ostracized or rejected by their community, sometimes even by their own families. The trauma experienced was often aggravated by the fact that the perpetrators also looted their properties. The victims were thus deprived of the means to cater for their own recovery and livelihood or that of other people under their care.

Throughout the period examined by this report, elements among foreign troops and peacekeepers deployed to the country to protect civilians were themselves involved in rape and other forms of sexual violence against women, girls and boys. Abuses by foreign troops also included the

⁹³³As defined in the [Report of the Secretary-General on conflict-related sexual violence \(S/2016/361\)](#), 20 April 2016.

formation of prostitution rings as well as sexual exploitation in exchange for meagre amounts of money or items in kind. Despite gradual improvements, the United Nations zero tolerance policy against sexual exploitation and abuse has not achieved its intended goal of deterring peacekeepers from perpetrating sexual violence. While reporting of allegations has improved within and by MINUSCA following the adoption of a policy of public openness on sexual exploitation and abuse in June 2015, the governments of troop contributing countries have yet to consistently and effectively take measures to prevent their forces from carrying out acts of sexual exploitation and abuse, to bring perpetrators to justice, and grant reparations to victims.

Conflict-related sexual violence is a manifestation of the more general discrimination, marginalization and violence suffered by women and girls in the Central African Republic. As such, women and girls in the country are the main targets for torture and other forms of ill-treatment by various armed groups, as well as murder, on the basis of accusations of witchcraft and charlatanism. Women and girls in the Central African Republic also continue to be subjected to female genital mutilation, which violates many of their human rights, including physical and mental integrity.

The armed conflicts in the Central African Republic have provided an environment in which perpetrators of sexual violence enjoy unbridled impunity as a result of widespread insecurity and dysfunctional or collapsed institutions, a situation which persists to date. In order to bring justice to the thousands of survivors of such crimes and ensure a future where women and girls can enjoy their fundamental human rights, the national authorities, with the support of the wider international community, have to urgently institute and implement judicial, political, psychosocial, economic and educational measures to promote and effectively protect the rights of women and girls in the Central African Republic.

A. Context

Customs and tradition relegate females to an inferior position and lead to or create conditions in which the rights of women and girls are violated. As such, women and girls are often excluded from decisions that affect their lives and livelihood. Sexual and gender-based violence and discrimination is thus widespread and marked by a general lack of will by the authorities and armed groups to address the issue. In 2015 alone, service providers in the Central African Republic recorded 29,801 cases of women who had survived gender-based violence, including rape, sexual assault and sexual slavery. Of them, 27,977 were women and girls, and 1,824 were men and boys. Forty-four per cent of rape cases involved gang rapes, often committed in front of family members.⁹³⁴

While the Central African Republic possesses a generally adequate legal framework for the investigation and prosecution of sexual violence crimes, there are numerous obstacles to

⁹³⁴ [Report of the Secretary-General on conflict-related sexual violence \(S/2016/361/Rev.1\)](#), 22 June 2016, para. 26. During that year, MINUSCA verified 79 cases of conflict-related sexual violence, including 36 involving the rape of minors, committed by former Séléka, anti-Balaka and LRA; armed youth and self-defence groups; as well as gendarmes and police officers. This figure is low ostensibly due to the United Nations standard which requires having sufficient detail and corroboration by a second source for a case to be considered verified.

accessing justice. These are practical and procedural hurdles to filing criminal complaints, including limited financial and geographical access to the justice system. In 2013, according to the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, there were fewer than 200 magistrates running 37 courts – 24 of which were tribunals of first instance – covering 622,984 square kilometres. These courts had 10 prosecutors, only one of whom was a woman. Many citizens lived and still live more than 50 kilometres from the nearest court of law in a country awash with armed groups and gangs, and with very poor road and communication infrastructure. At the time, there were 32,000 judicial files, including some relating to sexual violence, which had not been disposed of by the courts since the mid-1990s and most had not yet been investigated.⁹³⁵ This situation has deteriorated further following the armed conflict, with the displacement of law enforcement and judicial personnel, and the collapse of public institutions in most parts of the country.

Shame and stigma usually faced by survivors of sexual violence also precludes many from reporting, as the social and economic consequences of doing so can be severe. Far too often, survivors of sexual violence are ostracized by society and treated as if they were to blame for the crimes committed against them. The stigmatization and discrimination by society is in the majority of cases extended to the spouses of survivors who often abandon their partners. Victims generally face a life of rejection and exclusion by their families and communities in addition to the virtually insurmountable difficulty of getting (re)married.

The perpetrators of sexual violence still enjoy almost total impunity in a country where judicial, security and political institutions have been, even at the best of times, ill-equipped to deal with an avalanche of conflict-related sexual violence. Leaders of armed groups and high level officials of national security forces have encouraged such acts, failed to prevent them as commanders or were in some cases directly involved in sexual violence. While some of the peace and/or amnesty agreements⁹³⁶ reached between rebel forces and the Government included the recognition that rape was a crime and that perpetrators should not enjoy impunity, hardly any action has been taken to prosecute such crimes.⁹³⁷

On 12 December 2012, during a visit to Bangui, the Special Representative of the Secretary-General on Sexual Violence in Conflict signed a Joint Communiqué with the Government to prevent and respond to conflict-related sexual violence. This communiqué was a political expression of the Government's acknowledgement of the issue and of its willingness to work with the United Nations in addressing sexual violence in a holistic and multi-sectoral manner. The Government also committed to enhancing support to survivors of sexual violence. A specific

⁹³⁵ [Report of the United Nations Team of Experts on Rule of Law – Sexual Violence in Conflict](#), 24 February to 2 March 2013.

⁹³⁶ One such amnesty law, *Loi portant amnistie générale à l'endroit des personnalités, des militaires, des éléments et responsables civils des groupes rebelles*, was adopted on 29 September 2008 and promulgated by President Bozizé on 13 October 2008. The law excludes from amnesty those responsible for violent crimes, including rape.

⁹³⁷ For instance, while Jean-Pierre Bemba was sentenced by the ICC to 18 years of imprisonment for command responsibility regarding war crimes and crimes against humanity of murder and rape, no other MLC element was prosecuted. Former President Patassé, who had asked Jean-Pierre Bemba to fight against the rebellion led by General Bozizé, was sentenced to 20 years of imprisonment for fraud, but not for other violations, in a trial *in absentia* on 29 August 2006 in Bangui.

communiqué was also signed with a Steering Committee which will oversee the DDR process.⁹³⁸ However, these commitments were never implemented due to renewed conflict which eventually led to the overthrow of President Bozizé.

B. Legal framework

Domestic and international laws or treaties to which the Central African Republic is a party guarantee the rights of women and prohibit their violation. However, in order to be effective and benefit women and girls, these laws need to be widely known by Government and law enforcement officials as well as by the general public. Above all, they must be consistently and persistently enforced.

1. Domestic law and practice

The most recent Constitution of the Central African Republic was adopted on 14 December 2015 and promulgated on 27 March 2016. It provides for equality of men and women, as well as for the protection of the rights of women and children.

Article 1 of the Constitution states that human beings are sacred and inviolable, and that all agents of the State have an absolute obligation to protect and respect this right. Article 3 states that everyone has a right to life and physical integrity, and that no one shall be subjected to torture, rape or other forms of cruel, inhuman, degrading or humiliating treatment. Article 5 of the Constitution states that all human beings are equal before the law without discrimination based on race, ethnic origin, region, religion, sex, political affiliation or social status. Article 6 specifies that the protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical abandonment are obligations of the State and other public bodies.

The 2010 Penal Code of the Central African Republic prohibits and penalizes gender-based violence, including rape and other forms of sexual violence. Article 86 penalizes molestation of children while Article 87 penalizes rape, including child molestation which it considers as rape, by imprisonment, but without specifying the maximum sentence to be served by the perpetrator. According to Article 88, rape is punishable by death if the victim dies as a result of it, or if it has been aggravated by torture, abduction or other barbaric acts.⁹³⁹ In addition, Article 117 prescribes forced labour for life if the rape was committed against a woman particularly vulnerable due to pregnancy or disability; or when committed under threat of a weapon or by more than two individuals, a progenitor, or a person who abused his or her authority. Article 90 of the Penal Code outlaws and penalizes procurement and encouragement of, or benefitting from prostitution by another person. Articles 112 to 116 penalize traditional practices, including female genital mutilation.

⁹³⁸ [Communiqué of the DDR Steering Committee \(Comité de Pilotage\) of the CAR, Bangui](#), 12 December 2012.

⁹³⁹ The Central African Republic is de facto an abolitionist State. The last known execution ordered by a court of law took place in 1981.

In line with the Rome Statute of the ICC, which the Central African Republic ratified in 2001, the Penal Code includes rape and other forms of sexual violence among war crimes and crimes against humanity when committed as part of a widespread or systematic attack against civilians.

Other legislative measures established to combat sexual violence in the Central African Republic include the Government's issuing, on 8 January 2015, a decree establishing a rapid response unit within the police and the *gendarmerie* with the mandate to prevent and prosecute all forms of sexual violence.⁹⁴⁰ The unit is tasked with responding rapidly to alleged cases of sexual violence by collecting and preserving evidence, interviewing victims, documenting cases and referring survivors to service providers. This unit is in the process of being established, and is to be composed of 15 police officers and 15 *gendarmes*.

In 2015, a law was enacted establishing a Special Criminal Court, with jurisdiction to investigate and try the most serious human rights and international humanitarian law violations, such as war crimes and crimes against humanity, including rape and other forms of sexual violence, committed in the Central African Republic since 2003. The Court will comprise of international and Central African personnel, including judges and other legal experts, and will be supported by the United Nations. The Court should work closely and cooperate with the ICC.

In practice

In practice, survivors of sexual violence face numerous obstacles to accessing justice. Chief among these are a variety of practical and procedural hurdles to filing criminal complaints, including: the difficulty and cost to reach authorities; the control of *commissariats* and *gendarmerie* posts by the very armed groups which may be responsible for the crimes; as well as the total unavailability of protective measures for survivors. In the rare cases where a survivor, or their relatives, overcome these challenges to file complaints – often with the assistance of non-governmental organizations – this is unlikely to result in any criminal proceedings, convictions or penalties.⁹⁴¹

Filing a criminal complaint does not automatically trigger an investigation as, in practice, it is usually necessary to file a “public action”, which entails legal fees and filing costs that are beyond the financial reach of most people in the Central African Republic. Without a medical report and the identity of the perpetrator being known, cases are very unlikely to proceed. Even in cases where such evidence is available, nothing may happen for years. The personal and financial costs are high and the prospects of a trial and conviction so low, that few survivors take this step. In fact, it appears that the most common practice in dealing with sexual violence cases is for police or community leaders to deal with it outside the criminal justice system, by mediating between families and perpetrators for some compensation – irrespective of whether this would redress the harm caused to the victim.⁹⁴²

⁹⁴⁰ Décret No. 15007 du 8 janvier 2015 portant création d'une Unité mixte d'intervention rapide et de répression des violences sexuelles faites aux femmes et aux enfants.

⁹⁴¹ Commission for International Justice & Accountability, *CAR: Strengthening capacity for documentation, investigation and prosecution of sexual violence - Baseline Assessment (internal document)*, October 2016.

⁹⁴² *Ibid.*

In the few cases the State took actions against members of security forces documented in this report, perpetrators either received derisory sentences, escaped from prison or were posted outside Bangui. This was for instance the case after five Presidential Guards were sentenced by the permanent military tribunal to five years of imprisonment, in January 2004, for the gang rape of a woman. However, most of them "escaped" while being held in police detention for questioning, or were freed by other soldiers or by security agents.⁹⁴³ And while the head of the Presidential Guard at the time, Louis Mazangue was sacked he was later named prefect of Haut-Mbomou.

The prevention and prosecution of conflict-related sexual violence in the Central African Republic is more generally hampered by lack of a functional penal chain, including police and related social services, judiciary, and penitentiary services. The country formally has 28 ordinary courts of law – 24 courts of first instance, three courts of appeal and one court of cassation. However, the courts and supporting infrastructure have been looted and/or destroyed during successive armed conflicts. The number of police personnel, their equitable deployment across the country, and the resources available to them, considering the country's vast geography, are wanting. Magistrates appointed to courts in many of the provinces and other judiciary personnel often choose to remain in Bangui because of insecurity and lack of amenities for their work and welfare. Virtually all the country's lawyers are based in Bangui, and both complainants and defendants outside the capital often lack representation.

2. International law relating to conflict-related sexual violence

Rape and other forms of sexual violence can constitute a breach of the rules of international humanitarian law⁹⁴⁴ and of international and regional human rights standards contained in a series of specific instruments adopted by the Central African Republic.⁹⁴⁵

The recognition of rape and other acts of sexual violence as crimes under international law has

⁹⁴³ United States of America Department of State, *Country Reports on Human Rights Practices*, 2003 and 2004; AFP, *Cinq ans ferme pour cinq soldats centrafricains coupables de viol*, 10 January 2004 ; IRIN, *Cinq anciens gardes présidentiels condamnés à cinq années de prison pour un viol collectif*, 12 January 2004 ; FIDH, *Quelle justice pour les victimes de crimes de guerre*, 27 February 2004, p. 51 ; AI, *Five months of war against women*, 10 November 2004 ; IRIN, *The legacy of rape*, 9 January 2007.

⁹⁴⁴ The Central African Republic has ratified the four Geneva Conventions and their Additional Protocols. Common Article 3 of the Geneva Conventions, among other things, prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; [...]; c. outrages upon personal dignity, in particular humiliating and degrading treatment; [...]". The fourth Convention, relative to the protection of civilian persons in time of war, includes specific provisions on sexual violence and states that "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault."

⁹⁴⁵ The African Charter on Human and Peoples' Rights, which the Central African Republic ratified in 1986, prohibits rape and other forms of sexual violence in its articles 4 and 5. In 2008, it signed – but has not ratified – the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in 2003. The States party to this Protocol are specifically required, under Article 11, to protect women in armed conflicts "against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction". The Central African Republic is a party to the Convention on the Elimination of All Forms of Discrimination against Women.

been confirmed by their inclusion in the statutes of the different international courts and tribunals and in their legal interpretations, which all list rape, and other expressly stated forms of sexual violence, as crimes under international law.⁹⁴⁶ The case law of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) over the years demonstrates that acts of sexual violence may also be considered as acts of genocide,⁹⁴⁷ of direct and public incitement to commit genocide,⁹⁴⁸ of torture,⁹⁴⁹ of persecution,⁹⁵⁰ of slavery,⁹⁵¹ of inhuman acts,⁹⁵² of cruel⁹⁵³ or inhuman⁹⁵⁴ treatment in the context of crimes against humanity, and as outrages upon personal dignity⁹⁵⁵ or slavery⁹⁵⁶ in the context of war crimes. Moreover, even an individual case of serious sexual violence may be prosecuted as a crime against humanity if it was committed as an integral part of a widespread or systematic attack against a civilian population.⁹⁵⁷

Two recent decisions, in the Jean-Pierre Bemba and Hissène Habré cases, reinforced the existing jurisprudence concerning hierarchical responsibility for acts of sexual violence and failing to prevent them as a commander. In March 2016, the ICC convicted Jean-Pierre Bemba for rapes, killings and looting committed by his subordinates, finding that he was aware of the actions of his troops and that he had the means to stop them.⁹⁵⁸ On 30 May 2016, the Extraordinary African Chambers in the Senegalese courts sentenced former President of Chad Hissène Habré to life imprisonment for several crimes, including rape and forced sexual slavery as crimes against humanity, also under the principle of command responsibility. In addition, Hissène Habré was

⁹⁴⁶ See the statutes of the [International Criminal Tribunal for the former Yugoslavia \(ICTY\)](#), the [International Criminal Tribunal for Rwanda \(ICTR\)](#), the [Special Panels for Serious Crimes in East Timor](#), the [Special Court for Sierra Leone](#), the [Special Tribunal for Cambodia](#), the [Extraordinary African Chambers in the Senegalese courts](#) and the [Rome Statute of the International Criminal Court](#).

⁹⁴⁷ Decision [The Prosecutor v. Akayesu](#), (ICTR-96-4-T), 2 September 1998; Decision [The Prosecutor v. Muhimana](#), (ICTR-95-1B-T), 28 April 2005.

⁹⁴⁸ Decision [The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze](#), (ICTR-99-52-T), 3 December 2003.

⁹⁴⁹ Decision [The Prosecutor v. Kvočka et al.](#) (IT-98-30/1-T), 2 November 2001; Decision [The Prosecutor v. Delalić et al.](#) (IT-96-21-T), November 1998. In this case, commonly known as the Celebici case, rape was considered to have formed an act of torture.

⁹⁵⁰ Decision [The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze](#), (ICTR-99-52-T), December 2003.

⁹⁵¹ Decision [The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vuković](#), (IT-96-23-T and IT-96-23/1-T), 22 February 2001, which convicted Kunarac and Kovac of slavery as a crime against humanity.

⁹⁵² Decision [The Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu](#), (SCSL-04-16-A), 22 February 2008, para 202.

⁹⁵³ In the ICTY first case, Decision [The Prosecutor v. Tadić](#), (IT-94-1-T), 7 May 1997, it was decided that acts of sexual aggression committed against men, including mutilation, fellation, and indecent assault, constituted inhuman and cruel treatment as war crimes and inhuman acts as crimes against humanity.

⁹⁵⁴ Decision [The Prosecutor v. Tadić](#), (IT-94-1-T), 7 May 1997.

⁹⁵⁵ Decision [The Prosecutor v. Anto Furundžija](#), (IT-95-17/1-T), 10 December 1998, in which the accused was convicted of enforcing nudity and humiliation, in addition to acts of rape; Decision [The Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu](#), (SCSL-04-16-A), 22 February 2008, paras. 1068/1188.

⁹⁵⁶ Decision [The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vuković](#), (IT-96-23-T and IT-96-23/1-T) 22 February 2001.

⁹⁵⁷ According to the decision issued by ICTY in the Kunarac case, it is sufficient to show that the act took place in the context of a series of acts of violence which, individually, could vary enormously in their nature and severity, para. 419.

⁹⁵⁸ ICC, [Situation in the CAR in the Case of the Prosecutor v. Jean-Pierre Bemba](#), 21 March 2016.

found to have personally committed rapes.⁹⁵⁹

International human rights law also establishes a prohibition of acts of sexual violence in armed conflicts. In its General Recommendations n°19 and n°30, the United Nations Committee on the Elimination of Discrimination against Women recognized that gender-based violence, which impairs or nullifies the enjoyment by women of individual rights and fundamental freedoms, constitutes discrimination within the meaning of Article 1 of the Convention on the Elimination of Discrimination against Women. These rights and freedoms include the right to equal protection, according to humanitarian standards, in time of international or internal armed conflict. In addition, with the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the definition of gender-based violence includes a prohibition of all violence against women, in any political dimension and at any time, including armed conflict or war.⁹⁶⁰

In 2000, the United Nations Security Council adopted Resolution 1325, the first in a series of resolutions on the Security Council's Women, Peace and Security agenda, which reaffirmed the conclusions of the Beijing Declaration⁹⁶¹ and underscored General Recommendation n° 19 of the Committee on the Elimination of Discrimination against Women.⁹⁶² Six subsequent resolutions of the Security Council address the continuing prevalence of sexual violence in conflict and highlight the connection between such violence, women's exclusion from peace and transitional processes, and continuing insecurity.⁹⁶³ These resolutions have set the conceptual framework and provided the tools through which conflict-related sexual violence can be understood and addressed. They highlight the use of sexual violence as a tactic of warfare and recognize it as a matter of international peace and security which thus requires an international peace, security and justice response. In addition, the resolutions articulate the mechanisms within the international peace and security architecture to prevent and respond to conflict-related sexual violence, as well as measures to ensure accountability for perpetrators.

Mirroring the Women, Peace and Security suite of Security Council Resolutions, Security Council Resolution 1882 (2009) called on United Nations Member States to “take decisive and immediate action against persistent perpetrators of violations and abuses committed against children in situations of armed conflict”, including bringing to justice those responsible “through national justice systems and, where applicable, international justice mechanisms and mixed criminal courts and tribunals, with a view to ending impunity” for such violations.⁹⁶⁴

⁹⁵⁹ Chambres africaines extraordinaires d'Assises, [Ministère public contre Houssein Habré](#), Jugement, 30 May 2016.

⁹⁶⁰ See Art. 1 of the [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women](#), adopted at Maputo, on 11 July 2003.

⁹⁶¹ [Beijing Declaration and Platform for Action](#), 1995, e.g., para 133.

⁹⁶² The analysis that follows is taken from Rosenthal, in *the 1949 Geneva Conventions, A Commentary*, Andrew Clapham, Paola Gaeta, and Marco Sassòli (Editors), 2015.

⁹⁶³ United Nations Security Council Resolutions [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#), and [2122 \(2013\)](#).

⁹⁶⁴ United Nations Security Council [Resolution 1882 \(2009\)](#), para 16.

C. Sexual and gender-based violence: a widespread but underreported phenomenon

The methodology used to document incidents – using mostly public sources - in the first part of the report did not enable the Mapping Project to reflect appropriately the prevalence of sexual violence by the armed forces and groups involved in the different conflicts in the Central African Republic. Indeed, sexual violence has been systematically underreported for various reasons. Even when reported, they often documented individual cases, which were difficult to corroborate through a second source. The Mapping Project team therefore decided to gather information and documents establishing that sexual violence was committed in certain contexts (such as reprisal attacks, attacks against the civilian population) rather than seeking to corroborate each individual case. This approach showed that, while sexual violence has been extremely underreported, the documented cases were most probably not isolated incidents and indicate that the phenomenon was recurrent and widespread.

Information collected by the Mapping Project, as well as by United Nations agencies, human rights and humanitarian organizations since 2003, demonstrate that nearly all parties to the conflict – Government forces of the Central African Republic and neighbouring states, rebel and other armed groups - committed rape and other forms of sexual violence throughout the country. The fact that some major incidents are not mentioned in this chapter certainly does not imply that they were not accompanied by sexual violence.

The perpetrators may differ in their political or military objectives but they all shared extreme disregard for, and deliberate infringement of the dignity and of the physical and mental integrity of their victims. In some instances, victims were raped several times, by different perpetrators, during the successive conflicts. The victims had in the vast majority of cases no recourse to protection or justice by the authorities.

1. Sexual and gender-based violence by the *Mouvement de Libération du Congo* (MLC) and other forces loyal to President Patassé

Coming from the Democratic Republic of the Congo, Jean-Pierre Bemba's MLC entered the Central African Republic around October 2002, at the request of President Ange-Félix Patassé, to counter General François Bozizé's rebels who were overwhelming the FACA forces. Almost immediately after their arrival, MLC went on the rampage raping women and girls. Many of the victims were targeted because they were Muslims, who were suspected of supporting General Bozizé. Rape was thus used as a weapon of war. The sexual violence included rape in public, in front of family members and communities, gang rapes and rape of young girls, some as young as 10 years old. Rapes were often committed in conjunction with other crimes, such as pillaging, and the violence of the act was often exacerbated by beatings and threats with weapons.

During an attack on Mongoumba (Lobaye) on 5 March 2003, MLC fighters gang-raped several women. One victim who testified before the ICC was raped by a total of 12 soldiers, who penetrated her vagina, anus and mouth with their penises. MLC soldiers also raped and gang

raped boys and men.⁹⁶⁵

There is no doubt that President Patassé and other high-ranking officials were aware of the crimes committed by the foreign elements he had called upon to defend his regime.⁹⁶⁶ In addition, several sources indicate that FACA troops who were fighting alongside MLC were also involved in the commission of sexual violence, although they do not provide specific information.⁹⁶⁷ One year and a half after Bozizé took power, Patassé was charged, together with Jean-Pierre Bemba, Martin Koumtamadji alias Abdoulaye Miskine, Victor Ndoubabe, Paul Barril and Lionel Gane-Befio, with numerous crimes, including rape.⁹⁶⁸ However, on 16 December 2004, the Indictment Chamber of the Court of Appeal in Bangui, decided that, due to the seriousness of the crimes, the accused should rather be judged by the ICC.⁹⁶⁹ While Jean-Pierre Bemba was sentenced by the ICC to 18 years of imprisonment for command responsibility regarding war crimes and crimes against humanity of murder and rape, no jurisdiction, not even the ICC, has brought to justice other MLC commanders or elements, FACA soldiers or Central African authorities in connection with sexual and other forms of violence perpetrated in late 2002 and early 2003.⁹⁷⁰

2. Sexual and gender-based violence by General Bozizé's rebel fighters

Before General Bozizé took power in March 2003, his fighters, known as “*libérateurs*”, who included many Chadian nationals, reportedly committed rape and other forms of sexual violence in the central northern areas of the Central African Republic as they descended from Chad towards Bangui.⁹⁷¹

⁹⁶⁵ FIDH, *Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes*, October 2006.

⁹⁶⁶ In a speech delivered on 29 November, Ange-Félix Patassé stated that “he knew about the numerous crimes committed and that he would establish a commission to “assess all that”. Le Citoyen, *Bossembélé: Silence! Les Nyamamulengues de Jean-Pierre Bemba démocratisent...*, 29 January 2003.

⁹⁶⁷ See FIDH, *Rule of Law, respect of human rights, fight against impunity: the essential acts that still have to be taken*, July 2004; AI, *Government tramples on the basic rights of detainees*, 30 November 2006; Le Citoyen article, dated 8 November 2002, contains information on crimes allegedly committed by MLC and Miskine's armed group in the Central African Republic, including rapes, killings, and pillaging. According to a report published by the Human Rights Quarterly review, members of FACA, including the Presidential Guard, committed crimes such as rape, manslaughter and the burning of houses. See Marlies Glasius, *What Is Global Justice and Who Decides? Civil Society and Victim Responses to the International Criminal Court's First Investigations*, in Human Rights Quarterly Vol.31, May 2009.

⁹⁶⁸ See Cour d'appel de Bangui, *Arrêt d'infirmité partielle de non-lieu, de disjonction et de renvoi devant la cour criminelle de la chambre d'accusation*, 16 décembre 2004 ; Cour d'appel de Bangui, *ordonnance de non-lieu et de renvoi partiel du 16 septembre 2004 (procédure contre Patassé, Bemba, Miskine, Barril et autres)*, 16 septembre 2004. The charges were summarized by ICRC *CAR: Practice Relating to Rule 161. International Cooperation in Criminal Proceedings* as well as by the FIDH in *La FIDH et la situation en RCA devant la CPI - L'Affaire Jean-Pierre Bemba Gombo*, juillet 2008.

⁹⁶⁹ FIDH, *Forgotten, Stigmatised: the Double Suffering of Victims of International Crimes*, October 2006, p. 38.

⁹⁷⁰ On 29 August 2006, Patassé was tried *in absentia* in Bangui and sentenced to 20 years of imprisonment with forced labour for fraud, but not for other violations. See Le Monde, *L'ex-président centrafricain Patassé condamné à 20 ans de travaux forcés par contumace*, 29 August 2006.

⁹⁷¹ FIDH documented 293 cases of rape, out of which 21 (7 per cent) were reported to having been committed by Bozizé's rebels. See FIDH, *The political transition closes against a backdrop of impunity: How will the International Criminal Court respond?* (Full report only in French), January 2005. The report *Global Justice Meets Local Civil Society: The International Criminal Court's Investigation in the CAR*, notes that killings, maltreatment, pillage, the destruction of already limited public infrastructure, and the burning of many villages, were committed both by Bozizé's rebels and Patassé's supporters See: Marlies Glasius, *Global Justice Meets Local Civil Society: The*

Focusing on the widespread crimes committed by MLC, human rights defenders did not exercise the same level of vigilance with regard to François Bozizé's armed group. However, some reliable sources, such as Amnesty International and the FIDH, reported several cases of rape, forced pregnancies and sexual slavery, notably in Kaga-Bandoro (Nana-Gribizi), Bossangoa (Ouham), Sibut (Kémo) and Damara (Ombella-M'Poko). FIDH reported having extremely important testimonies about sexual violence committed from October 2002 to March 2003 by Bozizé's men, but decided not to release them for security reasons.⁹⁷² Many of these men became a constituent part of the national security forces, including the FACA, following Bozizé's coup.

3. Sexual and gender-based violence by the national security forces under the President Bozizé

Several cases of gang rape by soldiers were reported in the first weeks and months that followed the coup d'état of General Bozizé.⁹⁷³ One such case, the gang rape in Bangui, in October 2003, of a woman by five Presidential Guards, attracted much media attention as the victim spoke out publically. Although they were sentenced to five years of imprisonment, the five perpetrators never fully served their sentences.⁹⁷⁴ Rapes as well as attempted rapes by security forces continued to be reported especially in Bangui, in the following years.⁹⁷⁵

Incidents of rape and other forms of sexual violence that were perpetrated by Government forces in and around Bangui were indicative of what was believed to be happening in areas of the country that were closed to independent scrutiny. Between 2005 and 2013, the FACA and the Presidential Guard were waging a war against several armed groups in the northwest and northeast of the country and committed numerous human rights abuses in that context. However, the insecurity prevailing in these areas made it virtually impossible for victims to report about sexual violence and for human rights and humanitarian organizations to gather information from victims and witnesses.

Over the years, only a few cases outside Bangui were documented. For instance, in March 2003, six FACA soldiers gang-raped a 15-year-old girl in Ndélé's Artisan neighbourhood.⁹⁷⁶ FACA soldiers also raped women as a punishment for alleged support to rebels. For instance, in December 2006, in Birao, several FACA soldiers raped a 54-year-old Gula woman whom they

International Criminal Court's Investigation in the CAR, Volume 33, No. 4, October-December 2008, p. 415.

⁹⁷² AI, *Five months of war against women*, 10 November 2004; FIDH, *The political transition closes against a backdrop of impunity: How will the ICC respond? (Full report only in French)*, 4 March 2005.

⁹⁷³ Fédération internationale de l'action des chrétiens pour l'abolition de la Torture (FICAT), *Rapport alternatif au second rapport périodique de la République Centrafricaine, Comité des droits de l'Homme, 87ème session*, June 2006 ; United States of America Department of State, *Country Reports on Human Rights Practices*, 2003.

⁹⁷⁴ United States of America Department of State, *Country Reports on Human Rights Practices, 2003 and 2004*; AFP, *Cinq ans ferme pour cinq soldats centrafricains coupables de viol*, 10 January 2004 ; IRIN, *Cinq anciens gardes présidentiels condamnés à cinq années de prison pour un viol collectif*, 12 January 2004.

⁹⁷⁵ *Report by the Special Representative of the Secretary-General on human rights defenders (A/HRC/7/28)*, 31 January 2008; United States of America Department of State, *Country Reports on Human Rights Practices*, 2005; IRIN, *The legacy of rape*, 9 January 2007.

⁹⁷⁶ Mapping Project interview, Ndélé, Bamingui-Bangoran, October 2016.

accused of having cooked for UFDR rebels. The UFDR, a predominantly ethnic Gula armed group, had previously occupied Birao and were driven out by the FACA.⁹⁷⁷ Around October 2006, in the northwest of the country, where the FACA were fighting APRD rebel forces, FACA soldiers raped an undetermined number of women, notably in and around the village of Ouandago, near the city of Kaga-Bandoro (Nana-Gribizi).⁹⁷⁸ Similar patterns occurring in different parts of the country indicate that such incidents were most probably not isolated ones.

In fact, both governmental forces and rebel groups used rape to terrorize the population. In August 2007, reportedly over 200 survivors of rape came forward in the area around Kaga-Bandoro alone.⁹⁷⁹ In 2007, in his report on children and armed conflict, the Secretary-General highlighted that owing to the heavy presence of rebel groups in the areas of the Batangafo-Kabo-Ouandago “triangle”, a 75 per cent increase in sexual and gender-based violence had been reported compared to 2006. UNICEF reported during the same period that 15 per cent of women and girls in the northern region of the country had been raped. United Nations partners also reported that between Batangafo and Bokamgaye, many young girls were forcibly taken as wives for rebels, while others were sexually abused in exchange for movement across the numerous checkpoints set up by these groups.⁹⁸⁰

From February through November 2009, an international NGO reported that 128 cases of gender-based violence had been brought to its attention in the Nana-Gribizi and Ouham-Pendé prefectures. The reports included rape of women, girls, men and boys, as well as gang rapes. In 27 cases, the victim knew the perpetrator, and in 18 cases, the perpetrator was armed. Of the 128 cases, two victims identified a member of APRD as the perpetrator, another identified a member of FACA as an assailant, and one referred to an unspecified armed entity.⁹⁸¹

From January through August 2011, an international NGO reported that 34 cases of gender-based violence had been brought to its attention in the Ouham-Pendé area. Fifty per cent of the victims were against minors, including boys. The NGO reported that many of the victims had not reported the abuses to the authorities for fear of reprisals by the perpetrators.⁹⁸²

4. Sexual and gender-based violence by armed groups opposing the Government

While in most cases of documented sexual violence, the victims did not or could not identify the perpetrators, in a few instances, the perpetrators were known.

Several reports document acts of rape and other forms of sexual violence by **UFDR elements**. The UFDR coalition was formed in November 2006 in the Vakaga and Haute-Kotto prefectures and was mainly composed of individuals from the Gula ethnic group. The armed group was later one of the founding members of the Séléka coalition, and many of its members became Séléka

⁹⁷⁷ Mapping Project interview, Birao, Vakaga, September 2016; OHCHR Human Rights Case Database.

⁹⁷⁸ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006.

⁹⁷⁹ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2008.

⁹⁸⁰ [Children and armed conflict, Report of the Secretary-General \(S/2007/757\)](#), 21 December 2007, para. 32.

⁹⁸¹ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010.

⁹⁸² United States of America Department of State, [Country Reports on Human Rights Practices](#), 2011.

leaders, such as Michel Djotodia.⁹⁸³ A UFDR commander known as Captain Yao reportedly admitted at a public meeting in November 2006, in Ouadda (Haute-Kotto), that his fighters had committed abuses, including rape.⁹⁸⁴ However, he does not appear to have taken any action against those responsible for such abuses, which continued during the following years.

Between December 2006 and June 2007, three girls aged 11, 15 and 17 years reported to United Nations human rights officers that they had been repeatedly raped by one or more UFDR fighters.⁹⁸⁵ In March 2007, a UFDR fighter raped a 22-year-old woman at the Birao central market in front of her daughter.⁹⁸⁶ At least 10 rapes by UFDR fighters were subsequently reported in Ouada-Djallé and 35 in Ouadda.⁹⁸⁷ At the start of March 2007, 15 children recruited by UFDR reported that they had been sexually harassed and some had been raped in Birao.⁹⁸⁸ During 2008, particularly in March, UFDR fighters raped women and girls, some of them as young as 11 years. Some of the victims were reportedly gang raped.⁹⁸⁹

Elements of CPJP operating in the Bamingui-Bagoran prefecture also committed acts of sexual and gender-based violence against civilians. CPJP was formed in 2008, in the northeast of the country, and was led by Abdulaye Hissène. Mainly composed of Runga, CPJP included Central African nationals in its ranks, as well as Chadians and Sudanese. It often opposed UFDR along ethnic lines. Some CPJP commanders joined the Séléka.⁹⁹⁰ CPJP elements often attacked minority ethnic groups who they believed had allegiances to other armed groups or to the Government. In such instances, rape was used as a punishment for the victim's supposed support to their enemies. For instance, during the CPJP attack on a village of the Haoussa minority ethnic group (12 kilometres from Ndélé), on 26 March 2010, it was reported that its elements systematically raped all Haoussa women that were unable to flee, including girls as young as 12.⁹⁹¹ During the attack, CPJP also killed a pregnant woman.⁹⁹² From March to June 2010, CPJP elements raped over twenty women, including young girls, in the villages of Gozbaïda and Zoukoutouniala, north of Ndélé.⁹⁹³ In 2012, CPJP fighters reportedly forced women and girls in the Vakaga prefecture to marry them. When the United Nations launched a process to demobilize and remove minors from the armed group, the men holding girls refused to release them claiming they were their wives.⁹⁹⁴

⁹⁸³ ICG, *Central African Republic: The roots of violence*, 21 September 2015.

⁹⁸⁴ HRW, *State of Anarchy*, 14 September 2007.

⁹⁸⁵ [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009.

⁹⁸⁶ HRW, *State of Anarchy*, 14 September 2007.

⁹⁸⁷ HRW, *State of Anarchy*, 14 September 2007.

⁹⁸⁸ [Report of the Secretary-General on Children and armed conflict in the Central African Republic, \(S/2009/66\)](#), 3 February 2009.

⁹⁸⁹ HRW, *State of Anarchy*, 14 September 2007.

⁹⁹⁰ ICG, *Central African Republic: The roots of violence*, 21 September 2015.

⁹⁹¹ [Report of the Special Representative of the Secretary-General on the human rights of Internally Displaced Persons \(A/HRC/16/43/Add.4\)](#), 18 January 2011, p.9.

⁹⁹² IDMC/Watchlist, *An uncertain future? Children and armed conflict in CAR*, May 2011 ; Radio Ndéké Luka, *Grève des enseignants à Ndélé*, 1 April 2010; For this incident, the [ACLEDD database](#) cites an article by AFP.

⁹⁹³ [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011; United States of America Department of State, *Country Reports on Human Rights Practices*, 2010.

⁹⁹⁴ [Report of the Secretary-General on sexual violence in conflict \(A/67/792-S/2013/149\)](#), 14 March 2013.

5. Sexual and gender-based violence by the Séléka/ex-Séléka

When the Séléka armed group coalition launched a war in December 2012 to overthrow President Bozizé, its fighters committed extensive acts of sexual and gender-based violence as they captured major towns and villages along the way to Bangui. In the towns under their control, Séléka fighters forcibly broke into houses, hospitals and schools, and systematically raped women and girls they would find. Many of the rapes were gang rapes, involving up to 10 Séléka fighters, such as in Nana-Gribizi,⁹⁹⁵ Basse-Kotto (in the villages of Satéma and Zamba)⁹⁹⁶ and Ouaka (in the towns of Bambari and Grimari), where they gang raped at least 28 women and girls.⁹⁹⁷ In Mobaye (Basse-Kotto), at the end of January 2013, and again on or about 7 February 2013, Séléka fighters systematically gang raped many women and girls, including pregnant women. Two young girls aged 11 and 12 years old were raped by 10 Séléka fighters in front of their house.⁹⁹⁸

After capturing Bangui, on 23 March 2013, Séléka fighters more systematically attacked civilians they knew or perceived to be supporters of former President Bozizé or belonging to his Gbaya ethnic group.⁹⁹⁹ Despite repeated condemnation of the violence by human rights and humanitarian organizations inside and outside the Central African Republic, the Séléka leadership did little to nothing to stop the scourge and bring the perpetrators to justice. On the contrary, Michel Djotodia and other Séléka leaders denied that the group's fighters had committed any abuses.¹⁰⁰⁰

In Bangui, Séléka fighters particularly targeted the neighbourhoods considered to be supportive of former President Bozizé, such as Boy-Rabe, in the 4th arrondissement. In many instances, the perpetrators ordered residents to open their houses under the pretext of searching for combatants and/or weapons and proceeded to rape the female occupants, usually subjecting males to, or threatening them with violence.¹⁰⁰¹ In some instances, Séléka fighters reportedly kidnapped women and took them to one of their bases to rape them.¹⁰⁰²

The Séléka also perpetrated widespread rape and other forms of sexual violence in the northern prefectures, targeting people with an ethnic affiliation to François Bozizé's Gbaya ethnic group,

⁹⁹⁵ ICC, *Situation in the Central African Republic II*, 24 September 2014.

⁹⁹⁶ Mapping Project interview, Bambari, Ouaka, October 2016; Joint BINUCA and MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013.

⁹⁹⁷ Mapping Project interview, Bambari, Ouaka, October 2016; FIDH, *They must all leave or die*, June 2014

⁹⁹⁸ Mapping Project interview, Bambari, Ouaka, October 2016; *Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights (A/HRC/24/59)*, 12 September 2013; Joint BINUCA and MONUSCO human rights investigations, *Confidential and internal interview notes in the DRC*, May-June 2013; ICC, *Situation in the Central African Republic II*, 24 September 2014; FIDH, *They must all leave or die*, June 2014; JournaldeBangui.com, *Centrafrique Séléka contrôle la ville de Mobaye*, 8 February 2013.

⁹⁹⁹ ICC, *Situation in the Central African Republic II*, 24 September 2014.

¹⁰⁰⁰ IRIN, *Terror grips Central African Republic*, 17 October 2013.

¹⁰⁰¹ *Report of the Secretary-General on the situation in the Central African Republic (S/2013/261)*, 3 May 2013, para 25; *Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights (A/HRC/24/59)*, 12 September 2013; *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014; HRW, *I Can Still Smell the Dead*, 18 September 2013; AI, *Human rights crisis spiraling out of control*, 29 October 2013; FIDH, *CAR: A country in the hands of Séléka war criminals*, 2013.

¹⁰⁰² *The International Commission of Inquiry on the Central African Republic (S/2014/928)*, 22 December 2014

such as in Ouham.¹⁰⁰³ Between March and May 2013, Séléka fighters in Bangui and other parts of the country reportedly forced many women to marry them.¹⁰⁰⁴

The Séléka committed numerous rapes, including gang rapes, in what appeared to be a pattern of sexual and gender-based violence.¹⁰⁰⁵ Reports show that at least 140 rapes were committed by Séléka members between January and June of 2013 while UNICEF partners reported some 300 cases of rape and sexual assault in November and December 2013 alone (with no disaggregation by perpetrators however).¹⁰⁰⁶ These numbers most likely represent only a fraction of actual cases, since it is believed that fear of reprisal and/or stigmatization prevented many victims from reporting rapes. Information gathered by the International Commission of Inquiry on the Central African Republic demonstrates that most of the sexual violence was committed in March, April, August and December 2013, which coincided with a surge of conflict during these months.¹⁰⁰⁷

After the attack in Bangui, on 5 December 2013, by anti-Balaka militia men and former FACA soldiers, the ex-Séléka reacted and eventually forced the assailants to retreat. During the following days, they undertook systematic house searches, killing and raping/gang raping a large number of civilians, such as a young girl in the *Église Ali*.¹⁰⁰⁸ They also raped and gang raped an undetermined number of women, often in front of the victims' family members, in the Boy-Rabe neighbourhood, in PK9 and in Fondo.¹⁰⁰⁹

During the weeks following the December 2013 attack, sexual violence was widespread. An overall increase in reports of rape was noted by the local partners of UNICEF, with some 781 cases of rape and sexual assault reported in January and February 2014. UNFPA confirmed 1,186 cases of sexual violence from December to January 2014. A high percentage of reported rapes were gang rapes. For example, one organization providing support to women recovering from violence in Bangui indicated that a majority of some 400 women and girls whom they had assisted between January and July 2014 were raped by multiple offenders.¹⁰¹⁰

In general terms, Séléka/ex-Séléka fighters took advantage of the situation of violence and chaos to rape women. For instance, during fighting that erupted in Bangui between 26 September and 20 October 2015, ex-Séléka elements or individuals sympathetic to this group raped at least two young Christian women and at least four girls.¹⁰¹¹

¹⁰⁰³ ICC, *Situation in the Central African Republic II*, 24 September 2014.

¹⁰⁰⁴ BINUCA, *Internal human rights report*, 7 May 2013.

¹⁰⁰⁵ [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, HRW, [I Can Still Smell the Dead](#), 18 September 2013; AI, [Human rights crisis spiraling out of control](#), 29 October 2013; FIDH, [CAR: A country in the hands of Séléka war criminals](#), 23 September 2013.

¹⁰⁰⁶ [Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights \(A/HRC/24/59\)](#), 12 September 2013, paras. 40 and 65; IRIN, [Little help for CAR rape survivors](#), 16 July 2014.

¹⁰⁰⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 464-473.

¹⁰⁰⁸ OHCHR Human Rights Case Database.

¹⁰⁰⁹ OHCHR Human Rights Case Database; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras. 469, 471 and 472; FIDH, [They must all leave or die](#), 24 June 2014.

¹⁰¹⁰ UNRIC, [CAR: Number of sexual violence cases astronomical](#), 20 January 2014; IRIN, [Little help for CAR rape survivors](#), 16 July 2014.

¹⁰¹¹ [MINUSCA Bangui report](#), 9 December 2015, p.14.

The Séléka/ex-Séléka included many child soldiers within their ranks and continuously recruited more, including those who had previously been demobilized by the United Nations.¹⁰¹² Many of the girls recruited have reported that they were raped, often gang raped, or sexually exploited by the Séléka/ex-Séléka fighters.¹⁰¹³

Although Séléka elements usually targeted women for rape and other forms of sexual violence, cases of rape of young men and boys were also reported. A young man reported that he had been detained, drugged and taken to PK9, in northern Bangui, where he was repeatedly raped by a Séléka fighter.¹⁰¹⁴ In another incident, on 9 June 2015, an ex-Séléka fighter in Kabo (Ouham-Pendé prefecture) raped a nine-year-old boy who had been in the bush with other children grazing cattle.¹⁰¹⁵

6. Sexual and gender-based violence by anti-Balaka groups

Anti-Balaka fighters who launched attacks in late 2013 to overthrow the Séléka committed numerous and grave human rights abuses, including sexual violence. Women and girls were targeted in their homes and in other places where they hid. Anti-Balaka took some women as hostages and used them as sex slaves. Some women were forced to marry their abductors. Although Muslim women and other women who were known or perceived to have relationships with Muslim men were mainly targeted for abuse, Christian and other non-Muslim women were also among the victims.

On 23 December 2013, during an anti-Balaka attack on Muslims in Bangui's Combattant neighbourhood, two fighters gang-raped a woman, holding a machete to her neck. When she was interviewed by a United Nations team in 2014, the victim was still in bad health.¹⁰¹⁶ In the subsequent months anti-Balaka elements raped and gang-raped an undetermined number of women in Bangui.¹⁰¹⁷

In some cases, anti-Balaka abducted victims, raped them and demanded a ransom from families

¹⁰¹² [Report of the Secretary-General on the situation in the Central African Republic \(S/2013/261\)](#), 3 May 2013, para. 41. Numerous organizations, including the ICG, reported the presence of child soldiers in the Séléka and in other armed groups. The *Economist* reported Séléka gun-toting boy recruits, some as young as 12, riding in the back of light trucks in their oversized uniforms. BINUCA observed many children on Séléka pickups during patrols and serving as guards at the OCRB. They reported that UNICEF assisted 149 children (134 boys and 15 girls) between the ages 12 and 17 whom the Séléka had recruited. Between 27 and 30 June 2013, Interim President Djotodia transferred 55 of these children to the care of UNICEF. Human rights and humanitarian organizations, including UNICEF, estimated that as of August 2013, 3,500 children remained in the ranks of the Séléka. See United States of America Department of State, [Country Reports on Human Rights Practices](#), 2013.

¹⁰¹³ Mapping Project interview, Bambari, Ouaka, October 2016; UNICEF, [RCA: 357 enfants soldats libérés](#), 15 May 2005.

¹⁰¹⁴ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

¹⁰¹⁵ OHCHR Human Rights Case Database.

¹⁰¹⁶ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014.

¹⁰¹⁷ MINUSCA, [Report on the situation of human rights in the Central African Republic, 15 September 2014-31 May 2015](#), 9 December 2015; [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras 480-481.

for the release of the victims. For example, the mother of a victim paid 30,000 CFA for the release of her daughter who had been gang raped by six anti-Balaka in Bangui's Galabadja neighbourhood, in March 2014.¹⁰¹⁸

Anti-Balaka subjected some of their victims to sexual slavery, which would last from a few days to many months, especially Peulh girls and women. One of the most harrowing cases was that of a Peulh family of 13 members who were held for 14 months by anti-Balaka at Pondo (Mambéré-Kadéi). Anti-Balaka reportedly killed two boys and raped three young women and girls. One of the women died in captivity from an illness and her 12-month baby subsequently died from malnutrition. Surviving members of the family were released in April 2015 after the intervention of MINUSCA and local authorities. Two other young women were held captive by two anti-Balaka who forced them to become their sex slaves and reportedly subjected them to beatings and other forms of ill-treatment.¹⁰¹⁹ Similar cases were reported in other prefectures. In November 2013, anti-Balaka fighters in Boali (Ombella-M'Poko) captured 10 Peulh women and girls and used them as sex slaves. Some of the girls as young as 14 years reportedly became pregnant.¹⁰²⁰ In 2014, in the prefecture of Mambéré-Kadéi, anti-Balaka detained at least 30 Peulh women and girls and used them as sex slaves for as long as one year.¹⁰²¹ In the Zoro Yanga village, near Gadzi, an anti-Balaka commander raped a 33-year-old Peulh woman and used her as a sex slave. He repeatedly beat her when she resisted.¹⁰²²

Anti-Balaka also used rape, including gang rape, as punishment against women who did not cooperate with them or were perceived or known to have a relationship or to collaborate with Muslims. For example, on 27 September 2015, an anti-Balaka gang stopped six women at a road barricaded south of an IDP camp adjacent to Bangui-M'Poko International Airport. The gang accused the women of dealing with the enemy by selling vegetables to Muslims. Members of the gang raped the women for several hours. Some of the women were raped by several members of the gang. A victim identified one of the perpetrators as a member of a gang loyal to an anti-Balaka leader living in the camp. Humanitarian workers said that anti-Balaka gangs exercised a reign of terror in the camp and repeatedly raped women at will and with no one in authority to stop them or protect the women and girls.¹⁰²³

Some of the women were raped by anti-Balaka members who accused them of having Muslim partners or husbands. However, in some cases it appeared that the accusation was only used to justify the sexual violence. For example, on 10 November 2014, a 19-year-old woman was raped by two anti-Balaka who found her collecting firewood at her abandoned family home, near a Muslim-dominated neighbourhood. They accused her of sleeping with Muslims. They tied her

¹⁰¹⁸ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 479.

¹⁰¹⁹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015, para. 31; OCHA, [CAR Situation Report No.53](#), 14-28 April 2015; HRW, [Muslims Held Captive, Raped](#), 22 April 2015; Le Monde, [Témoignages de Peuls réduits en esclavage par les anti-Balaka](#), 28 April 2015.

¹⁰²⁰ AIDPSC, [Les Peulh Mbororo de RCA - une communauté qui souffre](#), June 2015.

¹⁰²¹ HRW, [CAR Muslims held captive raped](#), 22 April 2015; AIDPSC, [Les Peulhs Mbororo de Centrafrique, une communauté qui souffre](#) June 2015; Le Monde, [En Centrafrique, témoignages de Peuls réduits en esclavage par les anti-Balaka](#), 28 April 2015.

¹⁰²² OHCHR Human Rights Case Database.

¹⁰²³ HRW, [CAR: Amid conflict, rape](#), 17 December 2015.

hands behind her head and two of them raped her in turns. In late 2014, she was suffering from abdominal pain but had not seen a doctor because she was concerned that people would get to know that she had been raped.¹⁰²⁴ On 29 September 2015, a 20-year-old Christian woman married to a Muslim was raped by two anti-Balaka men while on her way to M’Poko market with her baby. After the men had raped her in turns, they took her property and threatened to kill her if she ever returned to the area.¹⁰²⁵

The anti-Balaka also committed rape and acts of sexual violence against child combatants within their ranks. In 2012 and 2013, anti-Balaka militia recruited hundreds of child soldiers in Ouaka. Children joined the armed groups both by force and voluntarily, for various reasons. Many of the children recruited by anti-Balaka took arms to avenge killings or other atrocities committed by Séléka fighters but also because they saw this as the only means to earn a living. Some girls reported that they were sexually exploited and raped.¹⁰²⁶ In Lobaye, a 17-year-old girl described the extent to which she and two other girls were sexually abused by an anti-Balaka commander. She said she had decided to join the anti-Balaka to avenge the murder of her father by Séléka fighters in Bangui. Soon after she joined the armed group, she was subjected to sexual advances by an anti-Balaka commander. She felt that she had no choice but to cede, and she became one of three girls whom the commander used as his wives.¹⁰²⁷

In the aftermath of the fighting in Bangui between 26 September and 20 October 2015, the Human Rights Division of MINUSCA confirmed seven cases of rape and one case of attempted rape by anti-Balaka and their sympathizers. Victims included three women and five girls aged between 12 and 17 years. The victims were particularly vulnerable due to the absence of adult relatives at the time or because the latter were unable to assist. It is likely that more women and girls were subjected to rape and other forms of sexual violence during that period but the incidents remained unreported because the victims feared reprisals or stigmatization.¹⁰²⁸

In some of the most horrific cases involving rape, anti-Balaka fighters mutilated and/or killed their victims. On 20 November 2015, anti-Balaka in Dauda and Uмба villages, along the Kouango axis (Ouaka prefecture), raped a Peulh woman and cut her body in three. They also cut off the arm of another woman they had raped and stabbed another woman victim in the stomach.¹⁰²⁹

7. Sexual and gender-based violence by foreign armed groups

As documented in this report, a number of foreign armed groups have taken advantage of the country’s porous borders to set up bases in the Central African Republic. Two such armed groups

¹⁰²⁴ Ibid.

¹⁰²⁵ HRW, [CAR: Amid conflict, rape](#), 17 December 2015.

¹⁰²⁶ Mapping Project interview, Bambari, Ouaka, October 2016; UNICEF, [RCA: 357 enfants soldats libérés](#), 15 May 2005.

¹⁰²⁷ Mapping Project interview, Bangui, September 2016.

¹⁰²⁸ [MINUSCA Bangui report](#), 9 December 2015, p.16.

¹⁰²⁹ Mapping Project interview, Bambari, Ouaka, October 2016; MINUSCA, Human Rights Division, *Mission Report: Bambari-Ngakobo*, 7 to 11 December 2015.

are the FPR from Chad, and the LRA from Uganda. Elements from both groups committed acts of sexual violence in the CAR.

Front populaire pour le redressement

Around 2009, FPR, a Chadian rebel group led by Baba Laddé, set up its bases in the Ouham and Nana-Gribizi prefectures, from which it planned to stage attacks against Chad.

FPR fighters conducted frequent raids on local populations, during which they raped women and girls. One such raid was carried out during the night of 21 and 22 January 2012, in the Ouandago area of Nana-Gribizi. FPR fighters moving in pairs forced doors of houses, beat the men and forced them out of the houses. One of the fighters raped a woman who was hiding inside one of the houses as the other stood guard.¹⁰³⁰ Around the same period, in Bocaranga, in reprisal for the arrest by the gendarmerie of women who were “wives” of the FPR leader, the group staged an attempt to forcibly release them. During this operation, seven women and a child were kidnapped. During their 10 days of captivity, FPR elements raped at least two of the women and a 17-year-old girl, and forced them to work as servants for them.¹⁰³¹

At the end of 2012, after a joint offensive by the Chad and Central African Republic armies, during which many Peulh were attacked, Baba Laddé returned to Chad with other FPR combatants. However, many FPR combatants and commanders remained in the Central African Republic and joined the Séléka coalition or other militias.¹⁰³²

The Lord's Resistance Army

Perhaps more than any other armed group in the Central African Republic, the LRA systematically abducted women and girls into sexual slavery. It had a long experience perpetrating this form of atrocity by the time its fighters entered the Central African Republic in early 2008. Soon after arriving in the country, they abducted as many as 150 people. Many of the victims were women and girls, some aged 15 years or younger. After they had been released or escaped, a number of the victims reported having been repeatedly raped by LRA fighters, often by several men.¹⁰³³

Very often, LRA fighters targeted children whom they abducted and subjected to rape and other forms of sexual violence. For example, the United Nations Secretary-General reported that in 2010, the LRA had abducted 138 children from the Mbomou, Haut-Mbomou and Haute-Kotto prefectures. Several of the children either escaped or were released by the LRA, but many others remained in captivity. Of 282 children who escaped from LRA captivity in 2010, 96 stated they had been sexually exploited.¹⁰³⁴

¹⁰³⁰ BINUCA, *Internal Report*, March 2012.

¹⁰³¹ BINUCA, *Internal human rights report on fact-finding, Operation FACA-FANT against FPR*, January to February 2012.

¹⁰³² ICG, *Central African Republic: The roots of violence*, 21 September 2015.

¹⁰³³ BONUCA, *Rapport public de janvier à avril 2008*, 10 October 2008.

¹⁰³⁴ [Report of the Secretary-General on Children and armed conflict \(A/65/820-S/2011/250\)](#), 23 April 2011.

Many of the girls abducted by the LRA suffered the additional burden of early and forced pregnancies and motherhood. Under-age mothers received little or no assistance to look after the babies, in addition to the stigma of having children borne out of rape, and whose fathers were responsible for other atrocities.¹⁰³⁵

In 2005, LRA leader Joseph Kony and several of his commanders were indicted by the ICC for crimes including rape and other forms of sexual violence. However, to date, only one of his commanders, Dominic Ongwen, has been arrested. He is now standing before trial at the ICC for crimes committed in northern Uganda.¹⁰³⁶

8. Sexual and gender-based violence by Zaraguina

The Zaraguina phenomenon started in the early 1980s, composed of former members of failed rebellions in the Central African Republic and in Chad. These were later joined by criminals from within and from outside the Central African Republic, beyond the reach of the State, who were a mercenary reserve of lawless fighters for armed groups. The Zaraguina engaged in armed banditry, in particular by attacking road travellers and stealing their property. They also engaged in armed attacks against the civilian population, mostly targeting Peulh ethnic group, especially kidnappings – including of young children – for ransom, murder, torture and rape. Armed groups – such as General Bozizé’s rebels, in 2002 and 2003, and the Séléka, in 2012 and 2013 appear to have recruited these bandits into their ranks only for these recruits to wreak even more havoc on populations.

Due to the multiplicity and mobility of armed groups, especially in areas outside Bangui, it was often difficult to identify the perpetrators of sexual violence with any degree of certainty. In numerous cases, victims and witnesses believed or assumed that the attackers were Zaraguina because of their *modus operandi*, such as looting, robbery and torching houses.

During 2009, men believed to be Zaraguina elements perpetrated rape and other forms of sexual violence in the central northern region. Witnesses reported that Zaraguina abducted and sexually abused very young girls, aged from 8 to 12 years.¹⁰³⁷ A study funded by UNICEF established that 25 per cent of the victims of sexual violence by Zaraguina in 2010 were children.¹⁰³⁸

Whereas rape and other forms of sexual violence by Zaraguina, reprehensible as they are, may not fall within the strict definition of violations of international human rights law and international humanitarian law, they nevertheless exposed a failure of the State to protect its citizens over a long period. To the knowledge of the Mapping Project, the Government never

¹⁰³⁵ [Report of the Secretary-General on the situation of children and armed conflict affected by LRA \(S/2012/365\)](#), 25 May 2012.

¹⁰³⁶ ICC, [ICC, Pre-Trial Chamber II confirms the charges against Dominic Ongwen and commits him to trial](#), 23 March 2016.

¹⁰³⁷ [Report of the Secretary-General on Children and armed conflict in the Central African Republic \(S/2009/66\)](#), 3 February 2009.

¹⁰³⁸ [Report of the Secretary-General on Children and Armed Conflict in the Central African Republic \(S/2011/241\)](#), 13 April 2011.

prosecuted any cases of sexual violence committed by apprehended Zaraguina.

9. Sexual and gender-based violence by international forces

Elements among the foreign troops and peacekeepers deployed to the Central African Republic to protect civilians were themselves involved in rape and cases of sexual exploitation and abuses against women, girls and boys. The widespread poverty in which many people in the country have been plunged as a result of the successive crises, coupled with power imbalance of the perpetrators and deeply entrenched discriminatory gender stereotypes, have created a situation of vulnerability to exploitation and abuse for the majority of the population, particularly women, girls and boys. The military power of some of the perpetrators has also increased the vulnerability of the victims and the risks of exploitation.

Sexual violence by United Nations forces and other non-United Nations international forces under a Security Council mandate

In 2015, the international media reported incidents of sexual violence against children by non-United Nations international forces deployed in the Central African Republic under a Security Council mandate and the failure of the United Nations system to adequately handle the situation.¹⁰³⁹ The events related to allegations that were documented by the United Nations in the country in 2013 and 2014.

From December 2013 to June 2014, the United Nations documented allegations of sexual violence, including against children, involving soldiers of the MISCA¹⁰⁴⁰, the French forces¹⁰⁴¹, and the European Union Forces (EUFOR RCA)¹⁰⁴² deployed under authorization of Security Council Resolutions 2127 and 2134, but who were not under United Nations command.

At the end of 2014, allegations that sexual violence against boys, girls and women was committed by soldiers of the French Sangaris forces and MISCA forces at the Bangui M'Poko

¹⁰³⁹ The Guardian, [Sex abuse poses 'significant risk' to UN peacekeeping, says leaked report](#), 24 March 2015; Le Monde, [Quatorze soldats français soupçonnés d'abus sexuels sur des enfants en Centrafrique](#), 29 April 2015; The Guardian, [UN aid worker suspended for leaking report on child abuse by French troops](#), 29 April 2015; HRW, [Dispatches: Will Shocking Stories Force the UN to Act?](#) 13 August 2015; AI, [CAR: UN troops implicated in rape of girl and indiscriminate killings must be investigated](#), 11 August 2015.

¹⁰⁴⁰ [MISCA](#) was established on 5 December 2013 and comprised soldiers from Gabon, Chad, the Republic of the Congo and Cameroon.

¹⁰⁴¹ The Sangaris Operation was launched on 5 December 2013.

¹⁰⁴² The [EUFOR RCA](#) was established on 10 February 2014.

IDP camp were further documented by the United Nations and other organizations.¹⁰⁴³

On 15 September 2014, there was a transfer of authority from the MISCA to the MINUSCA.¹⁰⁴⁴ After the establishment of MINUSCA, cases of sexual exploitation and abuse continued to be reported to the United Nations. In 2015, 22 allegations of sexual exploitation and abuse involving MINUSCA personnel were reported, out of a total of 47 allegations reported for that year for all peace operations.¹⁰⁴⁵ All allegations and the response of the United Nations or concerned member States have been detailed in the annual report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse.¹⁰⁴⁶

On 3 June 2015, the United Nations Secretary-General appointed an external independent review panel “to conduct an independent external review of the response of the United Nations to allegations of sexual abuse of children by foreign military forces not under the command of the United Nations in Central African Republic.”¹⁰⁴⁷

In December 2015, the independent review panel found that the “manner in which the United Nations had responded to the allegations was seriously flawed”. It portrayed the response as being fragmented and bureaucratic and as having failed to satisfy the United Nations core mandate to address human rights violations. The Panel made a number of recommendations that it felt would address the weaknesses that it had identified.¹⁰⁴⁸

In his reports on special measures for protection from sexual exploitation and sexual abuse,

¹⁰⁴³ OHCHR Human Rights Case Database (several cases), [Report of the Secretary-General on Children and armed conflict](#), 5 June 2015; United States of America Department of State, [Country Reports on Human Rights Practices, 2015](#). [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015, page 36. According to this report, the information obtained indicated that “the allegations were not isolated incidents”. It cites several examples, such as the fact that “some of the children described witnessing the rape of other children (who were not interviewed by the MINUSCA Human Rights Officer); others indicated that it was known that they could approach certain Sangaris soldiers for food, and would be compelled to submit to sexual abuse in exchange. Information reported by the children indicated that in some cases soldiers were cooperating and coordinating in the abuse, including by bringing children onto the base and past guards, where they were not authorized to be”.

¹⁰⁴⁴ [Report of the Secretary-General on the situation in the Central African Republic \(S/2014/857\)](#), 28 November 2014.

¹⁰⁴⁵ [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015; [Report of the Secretary-General on protection from sexual exploitation and sexual abuse \(A/70/729\)](#), 16 February 2016.

¹⁰⁴⁶ [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/70/729\)](#), 16 February 2016. General information on allegations for MINUSCA is included in the main body of the report, while additional information regarding each allegation is provided in annexes III, IV and V of the report. An update on the status of those allegations is also provided in a supplementary document issued with the following report of the Secretary-General and available from the Conduct and Discipline Unit website.

¹⁰⁴⁷ [Secretary-General to set up external review to examine United Nations handling of sexual abuse allegations in Central African Republic](#), (United Nations Press Release) 3 June 2015; [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015,

page 7.

¹⁰⁴⁸ [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015; [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/70/729\)](#), 16 February 2016.

issued in 2014,¹⁰⁴⁹ 2015¹⁰⁵⁰ and 2016¹⁰⁵¹, the Secretary-General announced and started with the implementation of a series of strengthened measures to address sexual exploitation and abuse in field missions. For example, in 2016, the Secretary-General started naming the countries whose troops are allegedly involved in sexual exploitation and abuse.¹⁰⁵² Another major development was the decision, on 4 February 2016, to repatriate the contingents of the Republic of the Congo and the Democratic Republic of the Congo, whose elements had committed sexual violence while deployed in Bambari between 17 September and 14 December 2015.¹⁰⁵³ Since the issuing of the report of the independent review panel, several additional steps have been taken to follow up on the recommendations and to strengthen the United Nations responses to sexual exploitation and abuse.¹⁰⁵⁴ A number of measures have also been taken to strengthen coordination in providing assistance and support to victims, although they still remain insufficient and are yet to be addressed in accordance with the new Secretary General's strategy to improve the Organization's system-wide approach to preventing and responding to sexual exploitation and abuse.¹⁰⁵⁵ These reforms aim at pursuing a victim-centred approach, in respect of the principles of "do-no-harm," confidentiality and informed consent, as well as the best interests of the victim.¹⁰⁵⁶

While challenges remain regarding the responses to, and prevention of cases of sexual exploitation and abuses, several countries have taken some measures in this regard such as stepping up pre-deployment training and actions in connection with specific allegations of sexual exploitation and abuse, actions to strengthen investigations, and in particular in connection with paternity and child support.¹⁰⁵⁷ For example, as of February 2017, Bangladesh investigated and substantiated an allegation. A court martial was conducted and the contingent member was dismissed from service and received a sanction of one year's imprisonment. Egypt also conducted a court martial and a sanction of five years' imprisonment was imposed on the contingent member. Gabon also imposed a sanction of 45 days' imprisonment on a contingent member.¹⁰⁵⁸ Additional information on results of investigations into allegations by United Nations personnel and measures taken in relation to substantiated allegations is made available in annual reports of the Secretary-General on special measures for protection from sexual

¹⁰⁴⁹ [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/68/756\)](#), 14 February 2014.

¹⁰⁵⁰ [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/69/779\)](#), 13 February 2015.

¹⁰⁵¹ [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse \(A/70/729\)](#), 16 February 2016.

¹⁰⁵² United Nations News Centre, [United Nations officials name countries whose troops are accused of sexually abusing minors in the Central African Republic](#), 29 January 2016.

¹⁰⁵³ MINUSCA, [De nouvelles accusations d'abus sexuels portées contre les casques bleus de la MINUSCA](#), 4 February 2016.

¹⁰⁵⁴ On 8 February 2016, the Secretary-General announced the appointment of Jane Holl Lute as Special Coordinator on improving the United Nations response to sexual exploitation and abuse.

¹⁰⁵⁵ The Guardian, [Broken promises for the children of Bangui abused by peacekeepers](#), 28 March 2017. See [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse: a new approach, A/71/818](#), 28 February 2017, on putting the rights and dignity of victims first, pages 8-10.

¹⁰⁵⁶ See [Report of the Secretary-General on Combating sexual exploitation and abuse, A/71/97](#), 23 June 2016 and [Resolution adopted by the General Assembly on 17 June 2016](#).

¹⁰⁵⁷ See [Report of the Secretary-General on Special measures for protection from sexual exploitation and abuse: a new approach, A/71/818](#), 28 February 2017, pages 28-31.

¹⁰⁵⁸ *Ibid*, see annex 2 on *Allegations reported to the Office of Internal Oversight Services in 2016 involving military personnel in peacekeeping and special political missions, by mission (as of 31 December 2016)*.

exploitation and sexual abuse, as well as provided on a United Nations public website.¹⁰⁵⁹ Regarding France, the public prosecutor's office on Paris opened three preliminary investigations, one of which resulted in a judicial investigation. However, in January 2017 the Investigating Judges declared they had found no evidence to warrant further investigation in one of the three investigations.¹⁰⁶⁰ In March 2016, 20 soldiers from the Democratic Republic of the Congo went on trial before a military court in their country for alleged rape and other crimes committed while serving as United Nations peacekeepers in the Central African Republic. However, the current status and outcome of these trials are unknown.¹⁰⁶¹

Sexual and gender-based violence by other non-UN international forces deployed to the Central African Republic

For many years, elements of the *Armée Nationale Tchadienne* (ANT) have been present in the Central African Republic, sometimes at the invitation of the Central African authorities, or in pursuit of Chadian rebels based in the country and, in other cases, in support of nomads who were in conflict with Central African farmers. During this period, members of the ANT were allegedly involved in sexual violence.

For example, during the 10 July 2006 raid that ANT soldiers conducted on the village of Betoko (Ouham-Pendé prefecture), located close to the border with Chad, they raped five women, including at least one who was pregnant during the rape.¹⁰⁶² In early February 2012, members of Chadian forces raped numerous women in the town of Ndélé (Bamingui-Bongoran prefecture) when engaging in joint operations with FACA against Chadian FPR rebels. The rapes occurred either at the victims' homes or in a bar known as "Auberge Saline". At least 33 women and girls, some aged between 15 and 17, were reported to have been raped. Many more women and girls are believed to have been raped but would not talk about their ordeal, fearing stigmatization or being abandoned by their husbands or partners.¹⁰⁶³

Elements of the Uganda People's Defence Forces (UPDF) deployed in the Haut-Mbomou prefecture to combat the LRA reportedly committed numerous rapes and other forms of sexual violence against women and girls. In 2016, United Nations human rights officers reported that several women and girls told they had been subjected to sexual violence and harassment by UPDF soldiers. Some cases of rape, some involving child victims, were also reported. All cases took place in and around the town of Obo, in the eastern prefecture of Haut-Mbomou. Several women and girls reported they had been taken from their villages by UPDF members and forced

¹⁰⁵⁹ See the Conduct and Discipline Unit [website](#).

¹⁰⁶⁰ MediaPart, [Les exactions impunies de l'opération Sangaris](#), 3 January 2017 ; Le Monde, [La justice écarte des accusations contre les soldats de « Sangaris » - Plusieurs enquêtes ont été closes sans poursuite, tandis que de nouvelles accusations de viols émergent](#), 5 January 2017.

¹⁰⁶¹ MONUSCO, [Lutte contre l'impunité pour des violations des droits de l'homme en RDC: accomplissements, défis et recommandations](#), October 2016 ; France 24, [Viols en Centrafrique: trois casques bleus comparaissent en RD Congo](#), 5 April 2016 ; Reuters, [Congo starts trial of soldiers accused of sexual abuse in CAR](#), 31 March 2016.

¹⁰⁶² HRW, [State of Anarchy](#), 14 September 2007; IRIN, [CAR: Living with rape, harassment in the northwest](#), 22 February 2007.

¹⁰⁶³ [Report of the Secretary-General on the Central African Republic \(S/2013/787\)](#), 31 December 2013; BINUCA, [Internal Report](#), March 2012; Centrafrique Presse, [Pour les autorités tchadiennes, le FPR en RCA n'a aucune représentativité politique](#), 14 February 2012.

to become prostitutes or sex slaves, or to marry Ugandan soldiers.¹⁰⁶⁴

In June 2016, the United Nations Secretary-General and the High Commission for Human Rights raised these allegations with the Ugandan authorities and appealed for an investigation with a view to establishing responsibility and bringing the perpetrators to justice.¹⁰⁶⁵

D. Other forms of gender-based violence exacerbated by the armed conflict

In addition to conflict-related sexual violence, women and girls in the in the Central African Republic have also been suffering from other forms of gender-based violence, such as violence resulting from cultural belief in witchcraft and the practice of female genital mutilation.

1. Witchcraft

The belief in witchcraft is firmly entrenched in the psyche of many citizens of the Central African Republic and the law punishes offences of “witchcraft and charlatanism”, which are punishable by up to life imprisonment with hard labour if they “caused” death. This is of deep concern, because of the obvious questions it raises in terms of evidence and the extreme severity of penalties.

Many of those accused of witchcraft and charlatanism are women and children, and a large number end up in prison. When MINUSCA officers visited the Bimbo women’s prison in Bangui, in early 2017, 21 out of 46 women detainees were accused of witchcraft.¹⁰⁶⁶ Some of the accused are sometimes tried, convicted and sentenced by the courts. For example, in September 2009, the Criminal Court of Bangui found four people – including two children aged 10 and 13 years – guilty of witchcraft and charlatanism.¹⁰⁶⁷

Various armed groups have used accusations of witchcraft as a means to impose their authority, at best to intimidate and extort money, but also to dispense punishments, including death. For instance, in October 2010, APRD elements killed four women accused of witchcraft in Mberenguili village (Ouham-Pendé).¹⁰⁶⁸ Other groups have declared themselves judges in areas they control. For example, in May 2012, members of UFDR in Sam Ouandja (Haute-Kotto) beat to death a woman who had been accused by a family of killing their young son by witchcraft. Two days later, two women in the same area were accused of responsibility for the unproductivity of a local diamond mine. Elements of UFDR beat both women; one died from her

¹⁰⁶⁴ OHCHR, [Zeid warns of risk of re-escalation of violence in CAR](#), 4 July 2016.

¹⁰⁶⁵ Ibid.

¹⁰⁶⁶ MINUSCA, *Internal report*, 1 February 2017. In 2005, the percentage of women detainees accused of witchcraft was also around 50 per cent. See: United States of America Department of State, [Country Reports on Human Rights Practices](#), 2006.

¹⁰⁶⁷ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2010. The length of their prison term was not reported. People found guilty of witchcraft were typically sentenced to between one and five years of imprisonment.

¹⁰⁶⁸ AI, [Action needed to end decades of abuse](#), 20 October 2011; United States of America Department of State, [Country Reports on Human Rights Practices](#), [2010](#) and [2011](#).

injuries, and the other required treatment at a nearby clinic.¹⁰⁶⁹

Many individuals have been subjected to torture and other forms of violence, such as burning. For example, in June 2009, a 15-year-old girl was burnt by the parents of a boy who had drowned in the Oubangui River, accusing her of having killed their boy by witchcraft. The torture was reportedly authorized by a court clerk. The following month, while being held at Mobaye prison in Basse-Kotto prefecture, a prison official accused the same girl of causing his wife's death. He ordered prisoners to pour kerosene on her arms and set them on fire. She was severely burnt and required hospital treatment.¹⁰⁷⁰

In February 2015, the United Nations Independent Expert on the situation of human rights in the Central African Republic was informed that anti-Balaka elements had tortured and murdered several people, including children, in Bouar (Nana-Mambéré). In May 2015, the Human Rights Division of MINUSCA reported that 85 people accused of witchcraft – including 30 women, five girls and one boy - had been tortured, and 12 had consequently died. Anti-Balaka also extorted money from some of the accused.¹⁰⁷¹

On all these and many other incidents of serious abuses against persons accused of witchcraft, the authorities were either complicit or did nothing to stop the abuses. In all the cases, those responsible for the serious abuses against people accused of witchcraft were not brought to justice.

2. Female genital mutilation

Female genital mutilation of any type has been recognized as a harmful practice and a violation of the human rights of girls and women. The practice violates a series of well-established human rights principles, norms and standards, including the principles of equality and non-discrimination on the basis of sex, the right to life when the procedure results in death, and the right to freedom from torture or cruel, inhuman or degrading treatment or punishment.¹⁰⁷²

A 1966 law banned female genital mutilation and the practice is also criminalized in the 2010 Penal Code. However, UNICEF and WHO estimate that up to 40 per cent of girls in the Central African Republic are subjected to female genital mutilation. Reportedly, the practice mostly takes place in the provinces but also in Bangui. There is no known case of anyone prosecuted for practicing, aiding or abetting female genital mutilation. With the breakdown of law and order in much of the country due to the prolonged armed conflict, the practice is likely to gain ground, further delaying its eradication.

¹⁰⁶⁹ United States of America Department of State, [Country Reports on Human Rights Practices](#), 2012.

¹⁰⁷⁰ [Report of the Special Rapporteur on violence against women, its causes and consequences, \(A/HRC/14/22/Add.1\)](#), 2 June 2010.

¹⁰⁷¹ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/576\)](#), 29 July 2015.

¹⁰⁷² For a detailed legal analysis regarding female genital mutilation, see [Eliminating Female genital mutilation - An interagency statement OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO](#), 2008.

E. Consequences of sexual and gender-based violence on victims

Rape was used by fighters to dehumanize their victims and relegate them to objects of use and abuse. Perpetrators showed a total disregard for the physical and psychological harm inflicted on the victims. Many women and girls were raped in front of their loved ones and/or members of their community. This was not only a deliberate attempt to humiliate the victims but also to permanently damage their dignity. In the majority of the cases, commanders approved and/or showed no inclination towards the disapproval or prevention of these or other atrocities against unarmed civilians.

Survivors of rape and other forms of sexual violence face medical, psycho-social, material and societal consequences. Victims firstly sustain severe physical and psychological trauma. In the Central African Republic, medical and psycho-social services are extremely limited. In many cases, rape was preceded or followed by looting of the victims' property. The victims, who were often poor, therefore were left without any means. Most of the victims were unable or lacked the means to seek timely medical care, notably when they contracted sexually transmitted diseases, such as HIV.

Facing precarious health conditions and a vulnerable situation, most victims had difficulties in supporting their families. They also feared stigmatization by society. Victims of rape and other forms of sexual violence therefore generally suffered in silence to avoid bringing public shame on themselves, their spouses and other members of their families. When the rape was disclosed or happened in public, many victims were abandoned by their spouse (often the breadwinner) but left with the children. Due to stigmatization, many survivors of sexual violence have had little or no prospect of receiving family or community support or starting new relationships.

In addition, many victims were pregnant from rape and bear the burden of bringing up the child of their torturer, without receiving any material or psychological support. Many of the children are rejected by their mother's immediate family and community. Children born out of rape bear an indelible stigma.

This multifaceted plight is exacerbated by the knowledge that in most cases the perpetrators will enjoy impunity and that the victims may never receive justice or reparations. The authorities in the Central African Republic have shown little political will to provide victims with material, psychological and moral support, including educating the public that victims were not responsible for the violations committed against them and that they need and deserve compassion and support.

Conclusion

Rape and other forms of conflict-related sexual violence that thousands of women, girls and some boys and men have endured in the Central African Republic are an indelible human rights stain on the country. Whilst most of the acts of sexual violence examined in this report could amount to crimes in national law, as well as serious violations under human rights and international humanitarian law, the level of impunity is overwhelming. Even in times of peace, very few cases of sexual violence ever reached the justice system, few resulted in decisions, and even fewer in convictions. The notable exception is the judgement of the ICC against Jean-Pierre Bemba. The

Office of the Prosecutor of the ICC is also conducting ongoing investigations into crimes committed by the Séléka/ex-Séléka and the anti-Balaka since 2013, both of which may include a focus on crimes of a sexual nature.

While the Government of the Central African Republic and the international community have denounced these violations, victims urgently need tangible assurances that their plight is being addressed. Acts of sexual violence require specific attention from all future transitional justice mechanisms, both judicial and non-judicial. The victims particularly need a functioning, effective and gender-responsive judicial system and other mechanisms to bring the perpetrators to justice and to be afforded reparations. Moreover, it is critical to adopt measures and establish mechanisms to end sexual violence and related impunity.

Legal and other reforms, as well as education, are also urgently required to end gender-based violence. These include ensuring that the law penalizing female genital mutilation is fully implemented and that anyone who perpetrates violence or other abuses against people accused of witchcraft is promptly brought to justice. The Government should also prioritize the abolition of the law that punishes the perceived crime of witchcraft as this legislation is based on superstition and has no basis in international legal standards.

Ultimately, reparations - individual as well as collective - will have to be provided to victims of conflict-related sexual violence. Such reparations programmes should be victim-based and transformative in design, implementation and impact, and seek to subvert instead of reinforce pre-existing gender hierarchies and inequality that enabled the violations to occur.¹⁰⁷³

National ordinary jurisdictions and the Special Criminal Court will need to prioritize investigations into sexual and gender-based violence and ensure protection for victims and witnesses of such violence. As in other international or hybrid tribunals, there is a risk that evidence of sexual violence would be overlooked in the investigation phase due to the overwhelming volume of all violations and the large degree of discretion resting upon individual investigators to determine how to commence investigation, what crimes to prioritize, which perpetrators to pursue, and what evidence to collect. The Hissène Habré case shows that although sexual violence was widespread and committed by the highest ranking officials, it was initially ignored by investigators and prosecutors. The indictment against Hissène Habré did not include any charges of rape, sexual enslavement or other forms of sexual violence of comparable gravity. Thanks to the courage of victims and their lawyers, supported by NGOs, these forms of sexual and gender based violence were eventually recognized as independent and international crimes, and Hissène Habré was sentenced to life imprisonment, including for rape and forced sexual slavery as crimes against humanity.¹⁰⁷⁴

¹⁰⁷³ [Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence](#), 2014.

¹⁰⁷⁴ The Guardian, [‘I told my story face to face with Habré’: courageous rape survivors make history](#), 18 September 2016.

Recommendations for the effective inclusion of sexual gender-based violence in transitional justice efforts

- The Central African Republic and its international partners should address the legacy of impunity in the country with a particular focus on perpetrators of conflict-related sexual violence and other forms of gender-based violence, including through transitional justice mechanisms.
- The Government of the Central African Republic should develop and implement comprehensive and structured policy frameworks through which crimes of sexual violence can be prevented and addressed, notably a victim-centred and multi-sectoral approach which includes targeted educational programmes. Parties to the conflict must also make concrete and time bound commitments, in line with resolutions 1960 and 2106 of the United Nations Security Council, to address crimes of sexual violence.

On the inclusion of sexual gender-based violence in the work of the Special Criminal Court¹⁰⁷⁵

- The Rules and Procedures of the Special Criminal Court should provide that no corroboration of the victim's testimony is required in case of conflict-related sexual violence. The Rules should also prohibit the defence from eliciting evidence of consent if the victim was subjected to, threatened with, or had reason to fear violence, duress, detention or psychological oppression. The Rules and Procedures should also provide that evidence of prior sexual conduct of the victim should not be admitted.
- Proactive recruitment strategies should be put in place to ensure gender parity in the staffing at all levels in the Special Criminal Court.
- Appointing advisers on conflict-related sexual violence: The Office of the Prosecutor should appoint senior gender advisers, ensuring that their work is integrated into all key processes of the Office.
- Developing and implementing gender policies and operational guidelines for crimes of sexual violence. A comprehensive gender policy should be developed from the beginning of the work of the office of the Prosecutor to overcome misconceptions and other barriers concerning sexual violence.
- Training all staff members of the Special Criminal Court on conflict-related sexual violence and on how to integrate a gender perspective in daily work. This could include mandatory trainings delivered by practitioners with extensive experience working on

¹⁰⁷⁵ The following recommendations are drawn from a book written by international criminal law prosecutors, *Prosecuting Conflict-Related Sexual Violence at the ICTY*, 2016 (Serge Brammertz and Michelle Jarvis (editors)). The book offers clear and concrete recommendations to improve the effectiveness of the future investigations and prosecution of crimes of sexual violence based on lessons learned from prosecuting conflict-related sexual violence at the International Criminal Tribunal for the former Yugoslavia (ICTY).

conflict-related sexual violence cases, and ensuring that managers are accountable for implementing gender policies and guidelines on conflict-related sexual violence.

- Crimes of sexual violence should always be prosecuted both as “stand alone” crimes (such as rape) and as the *actus reus* for crimes (such as torture, enslavement, persecution) in appropriate cases. To prove sexual violence as a crime against humanity, it is sufficient to show that an act of sexual violence formed *part of* a widespread or systematic attack against the civilian population, which involves the multiple commission of acts such as murder, extermination, deportation, or torture. It is not necessary to show the multiple commission of acts of sexual violence.
- The Special Criminal Court should adopt a victim and witness-centred approach to create an enabling environment for victims of sexual violence, to provide the best evidence possible. To this end, provision should also be made to appoint relevant experts to provide psycho-social support to victims/witnesses before, during and after the trials.

CHAPTER VI - APPLICABLE LEGAL FRAMEWORK IN THE CENTRAL AFRICAN REPUBLIC

In order to fulfil the mandate of the Mapping Project it was necessary to conduct a preliminary legal classification of acts of violence committed between 2003 and 2015. This first required ascertaining the legal framework applicable during the period examined by the Mapping Project. This chapter identifies the bodies of law applicable in the Central African Republic, both under its international obligations and under domestic law.¹⁰⁷⁶

During the mandate period, the Central African Republic was governed by three different Constitutions, namely: the Constitution of 14 January 1995, which was in force until 15 March 2003; the Constitution of 27 December 2004, which was in force until 24 March 2013; and the Transitional Constitutional Charter of 18 July 2013, which was in force until the end of 2015, and was replaced by the current Constitution, adopted on 14 December 2015 and promulgated on 27 March 2016.¹⁰⁷⁷ All three Constitutions stipulated, with respect to treaties contracted by the Central African Republic that: (i) the ratification of treaties related to human rights (among other subjects) require the authorization of the legislative arm of government, and that (ii) duly ratified international treaties shall, *following their publication in the official gazette*, have higher authority than domestic legislation, provided that each treaty or agreement be applied by the other contracting party.¹⁰⁷⁸

This chapter first presents the obligations of the Central African Republic in the areas of international human rights law, international humanitarian law and international criminal law. It then examines the country's substantive domestic law, in particular provisions which punish misconduct that constitute human rights violations, and those incorporating definitions of crimes under international law. Finally, the chapter looks into the application of international treaty law and customary international law.

A. Obligations under international human rights treaties

Most of the core international human rights treaties, as well as the African Charter on Human and Peoples' Rights, were ratified by the Central African Republic before 2003 and were therefore applicable throughout the period examined by this report. Other international human rights treaties were ratified by the Central African Republic in late 2016 and were not applicable to this period, such as the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. Of note, the Central African Republic is yet to ratify the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which commits

¹⁰⁷⁶ The next chapter of the report provides a preliminary legal assessment of the incidents documented by the Mapping Team, in the light of this applicable legal framework.

¹⁰⁷⁷ Between 15 March 2003 and 26 December 2004, the Central African Republic was governed by the *Acte Constitutionnel No. 2*, adopted immediately following the coup d'état which brought Bozizé to power. It was a summary text that did not fundamentally alter the statute of treaties contracted by the State. From 24 March until 18 July 2013, the Djotodia administration suspended the previous December 2004 Constitution and ruled without a substantive Constitution, until it promulgated the Transitional Constitutional Charter, on 18 July 2013.

¹⁰⁷⁸ Articles 66 and 69, 1995 Constitution; Articles 69 and 72, 2004 Constitution; Articles 96 and 97, 2013 Transitional Constitutional Charter.

signatory States to prevent and punish genocide. It has however ratified the Rome Statute of the ICC, which punishes the crime of genocide, war crimes, and crimes against humanity.

The human rights treaties and conventions ratified by the Central African Republic are presented in the table below:

Human Rights Convention or Treaty	Ratification / Accession
<i>Conventions applicable in Central African Republic between 2003 and 2015</i>	
International Covenant on Civil and Political Rights	08-05-1981
Optional Protocol to the International Covenant on Civil and Political Rights	08-05-1981
International Covenant on Economic, Social and Cultural Rights	08-05-1981
International Convention on the Elimination of All Forms of Racial Discrimination	16-03-1971
Convention on the Rights of the Child	23-04-1992
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	24-10-2012 *
Convention on the Elimination of All Forms of Discrimination against Women	21-06-1991
Convention related to the Status of Refugees	24-09-1962
African Charter on Human and Peoples' Rights	26-04-1986
Convention Governing the Specific Aspects of Refugee Problems in Africa	23-07-1970
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	20-12-2010 *
<i>* These Conventions were only applicable during part of the mandated period</i>	
<i>Conventions applicable after the 11 October 2016</i>	
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	11-10-2016
Optional Protocol of the Convention against Torture	11-10-2016
Convention for the Protection of All Persons from Enforced Disappearance	11-10-2016
Convention on the Rights of Persons with Disabilities	11-10-2016

Some of the human rights protected by the treaties ratified by the Central African Republic (specifically under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights) which were extensively violated are: the right to life, the right to physical integrity, the right to liberty and security of the person, the right to property, and freedom from torture.

B. Obligations under international humanitarian law and international criminal law treaties

As the Central African Republic ratified the 1949 Geneva Conventions and their Additional Protocols of 1977 in 1984, these core international humanitarian law treaties were applicable to the period examined by the Mapping Project. In particular, since the armed conflicts that occurred from 2003 to 2015 were of a non-international character, Article 3 Common to the Geneva Conventions of 1949, and Additional Protocol II to the Geneva Conventions (both of which set forth rules of humanitarian law for non-international armed conflicts) were applicable.

In 2001, the Central African Republic ratified the Rome Statute of the ICC which punishes the crimes of genocide, crimes against humanity and war crimes. It should be noted that following this ratification, and pursuant to two referrals made by the authorities of the Central African Republic to the Prosecutor of the ICC, in 2004 and 2012 respectively, the Court has opened two investigations into the Central African Republic. The first investigation pertains to the events of 2002 to 2003, for which Congolese rebel leader Jean-Pierre Bemba was convicted and sentenced. The second investigation, which is ongoing, pertains to the situation that has prevailed since August 2012.

The below table lists the main international humanitarian law and international criminal law treaties and conventions ratified by the Central African Republic:

International Humanitarian Law Convention or Treaty	Ratification / Accession
The 1949 Geneva Conventions on the protection of victims of armed conflicts	01-08-1966
Additional Protocol I to the Geneva Conventions (of 1977)	17-07-1984
Additional Protocol II to the Geneva Conventions (of 1977)	17-07-1984
Anti-Personnel Mine Ban Convention (of 1997)	08-11-2002
Rome Statute of the ICC	03-10-2001

C. Provisions under domestic law

Constitutional protection of human rights

The three successive constitutions of the Central African Republic (of 1995, 2004 and 2013) which were in force during the period examined by the Mapping Project contained provisions guaranteeing fundamental human rights. The preamble to all three Constitutions reiterated the commitment to international human rights principles and to international and regional obligations (namely the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights). The first chapter of these constitutions enunciated human rights protections under the Title: 'Fundamental Principles of Society'.

Illustratively, the Constitution of 27 December 2004 (in force until 24 March 2013, thus covering the larger portion of the period examined by the Mapping Project), enshrined the right to life and to physical integrity (Article 3, paragraph 1), freedom from rape, torture, cruel, inhuman and degrading treatment, and the punishment of all persons, including State entities or agents, responsible for their commission (Article 3, paragraph 2), freedom from arbitrary arrest and detention (Article 3, paragraph 3), equality before the law (Article 5), the right to education (Article 7), freedom of conscience and religion and the prohibition of religious fundamentalism and intolerance (Article 8), freedom of expression and opinion (Article 13), protection of the right to property (Article 14) and the right to reparation for victims of violations of any of the above-mentioned constitutionally protected rights (Article 17). These provisions were substantially carried forward in the Transitional Constitutional Charter in force from 18 July 2013 until the end of 2015, which also introduced the State's obligation to ensure the right to health and medical protection (Article 12).

National criminal law: The Penal Code of 2010

From 2003 to 2015, two successive Penal Codes were in force in the Central African Republic. First, from 1 January 2003 until 5 January 2010, the substantive criminal law in force was the Penal Code of 1961, enacted by Law No. 61.239 of 18 July 1961. Adopted shortly after the Central African Republic became an independent State, this Penal Code was in force until it was replaced by a new one, enacted by Law No. 10.001 of 6 January 2010. Prior to the adoption of the 2010 Penal Code, domestic criminal law did not contain provisions incorporating the international law crimes of genocide, crimes against humanity and war crimes into national law.

Under the 1961 Penal Code, substantive offences criminalizing acts that could constitute serious violations of international human rights law and international humanitarian law included: murder, fatal wounding, malicious wounding, arbitrary arrest, rape, pillaging and destruction of property.¹⁰⁷⁹ However, prosecuting these offences in the future – if handled as regular criminal law offences, and not as international crimes – could be prevented by the 10-year statute of limitations under domestic law, unless a progressive judicial interpretation of the law, as read with the country's international treaty obligations and international custom, establishes that the underlying acts could be classified as international crimes, for which no statute of limitations would apply.

The Penal Code applicable as of 6 January 2010 introduced in the domestic law of the Central African Republic the definitions of international crimes, although the provisions of the law are not always in exact conformity with accepted definitions of these crimes under international law. The provisions of the law defining international crimes are cited below, with the major areas of variance from international law highlighted *in italics*.

Article 152 of the 2010 Penal Code defines the crime of **genocide** as:

¹⁰⁷⁹ See *inter alia*, Articles 38, 70, 73, 56, 59(4), 50-5, 99, 100, 101, 108, 167, 168, 169, 174(4), 175, 184, 191(1), 197, 205, 209, 227, 228, 229, 271, 281 and 368 of the Criminal Code of the Central African Republic of 18 July 1961.

“Violations of the provisions of the Rome Statute of the ICC,¹⁰⁸⁰ and particularly, committing or enabling the commission of any of the following acts, *in pursuance of a concerted plan*,¹⁰⁸¹ with the intention of destroying in whole or in part, a national, ethnic, racial, or religious group, *or any group determined on the basis of arbitrary criteria*¹⁰⁸²”:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group”.

Article 153 of the 2010 Penal Code defines **crimes against humanity** as:

“Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder;
- Extermination;
- Deportation or forcible transfer of population;
- Enslavement;
- *Summary executions carried out on a massive and systematic scale*;¹⁰⁸³
- Enforced disappearance of persons;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- Torture and *other inhumane acts*;¹⁰⁸⁴
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- Persecution against any identifiable group or collectivity *on political, racial, national, ethnic, cultural, religious*, or other grounds that are universally recognized as impermissible under international law, *in line with the provisions of the Rome Statute*;¹⁰⁸⁵

¹⁰⁸⁰ This provision is too broad as it subsumes other crimes under the Rome Statute which do not amount to genocide into the definition of the crime.

¹⁰⁸¹ The requirement of pursuance of a concerted plan is an additional requirement, at variance with internationally-accepted definitions of genocide.

¹⁰⁸² The expansion of the targeted group to any group determined on the basis of arbitrary criteria is an expansion from the internationally-accepted definitions of target groups for purposes of the crime of genocide.

¹⁰⁸³ This prohibited act is a novelty introduced into the law of the Central African Republic, and does not feature in other international definitions of crimes against humanity.

¹⁰⁸⁴ International instruments, such as the Rome Statute of the ICC, punish as a separate crime against humanity, ‘other inhumane acts’ (of a character similar to other prohibited acts constituting crimes against humanity) which intentionally cause great suffering, or serious injury to body or to mental or physical health. *See* Article 7 (1) (k), Rome Statute. However, ‘inhumane acts’ as linked to torture is a novel introduction in the law of the Central African Republic.

¹⁰⁸⁵ This definition omits ‘gender’ as a ground for persecution (different from the Rome Statute), and the Article does not link persecution to the commission of another prohibited act which constitutes a crime against humanity.

- The crime of apartheid;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

Finally, Articles 154 to 157 of the 2010 Penal Code define **war crimes** as:

- “Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the acts considered to constitute such grave breaches when they target persons or property protected under the provisions of the relevant Geneva Convention (Article 154);
- Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law (Article 155);
- In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause (Article 156)”;
- The Code extends the application of Article 156 above to prolonged armed conflicts on the territory of the Central African Republic between the Government of the Central African Republic and organized armed groups, or between such organized armed groups (Article 157).¹⁰⁸⁶

Articles 118 to 120 of the Penal Code also punish **torture** and cruel, inhuman and degrading treatment as a separate offence.

D. The application of international treaty and customary law in the Central African Republic

The legislation establishing the Special Criminal Court provides that it shall have jurisdiction over serious violations of human rights and international humanitarian law as defined in the Penal Code and under international treaty instruments ratified by the Central African Republic (Article 3.1). It further provides that the Court may refer to ‘*internationally established substantive norms*’ (a formulation which would include settled customary international law) where national law is silent on a specific issue; where uncertainty exists as to the interpretation or the application of a rule of the domestic law; or where a question of compatibility of the domestic law with international norms arises (Article 3.4). These provisions enable recourse to both international treaties (such as the Rome Statute of the ICC) and custom by the Special Criminal Court. The requirements of legality and fairness in criminal proceedings require that the elements of principal offences within the jurisdiction of the Court – namely genocide, crimes against humanity and war crimes – be spelt out in advance, so there is clarity as to what must be proven

¹⁰⁸⁶ The Code does not enumerate the specific acts that constitute war crimes under each of the above categories (articles 154 to 156), and appears in Article 155 to take an expansive approach by including all serious violations of laws and customs applicable *in international armed conflict* (it will need to be determined if it textually expands these violations to non-international armed conflicts, which Article 156 seems to restrict). Also, although Article 156 includes serious violations of Common Article 3 of the Geneva Conventions applicable to non-international armed conflicts, it does not expand the list of war crimes in such conflicts. *See* Article 8 (2) (e), Rome Statute.

at trial, and to enable preparation by the defence. As such, recourse to international treaties or custom by the Special Criminal Court may be confined to interpreting substantive law.

The Constitutions of the Central African Republic, applicable during the period examined by the Mapping Project, guarantee the principle of legality in criminal law by stipulating that no one shall be convicted unless under a law that was in force prior to their committing the incriminating act (Article 3, 2004 Constitution and 2013 Transition Constitutional Charter). For cases prosecuted before the Special Criminal Court, the Court is explicitly granted jurisdiction for international crimes, including as defined under the ICC Rome Statute, from the start of its temporal jurisdiction on 1 January 2003. On this basis, the Special Criminal Court can prosecute those crimes for the entire period of its mandate, irrespective of whether they had been codified in CAR's domestic criminal law or not. However, within the CAR's judicial system, the Special Criminal Court will have primary but not exclusive jurisdiction on international crimes. When CAR's regular courts have to try such cases, and since the Special Criminal Court law does not automatically extend to them, they need a separate basis for jurisdiction which will usually be the CAR Penal Code. Since the Penal Code only incorporated international crimes as from 6 January 2010, trials of international crimes committed *prior* to that date may raise a problem of non-retroactivity.

A number of options could be considered to ensure compliance with the non-retroactivity principle. One possibility would be to opt for the direct applicability of the Rome Statute, ratified by the Central African Republic in 2001, as a source of domestic substantive criminal law. This would ensure that these crimes committed before the entry into force of the 2010 Penal Code are punishable for the entire period since 2003. Support for this approach is found in the three constitutions in force since 2003, which stipulated that duly ratified international treaties, such as the Rome Statute, shall, following their publication in the official gazette, have higher authority than domestic legislation.¹⁰⁸⁷ Another possibility would be to prosecute crimes committed prior to 6 January 2010 as domestic crimes under the Penal Code of 1961, with the caveat of the application of the statute of limitations highlighted above.¹⁰⁸⁸

In the light of the palpable option of recourse to international treaties ratified by the Central African Republic and established principles of customary international law in order to better define the applicable substantive law, the next chapter assesses certain waves of violence documented in this report against treaty and settled customary definitions of the offences involved.

¹⁰⁸⁷ Article 69, 1995 Constitution; Article 72, 2004 Constitution; Article 97, 2013 Transition Constitutional Charter. However, while primacy of treaties over domestic legislation is an established constitutional principle in the Central African Republic, there is no known jurisprudence on their direct application, including in the area of international criminal law.

¹⁰⁸⁸ Article 7 of the *Code de procédure pénale* of 6 January 2010 introduces a prescription of 10 years for criminal acts. There have also been attempts in some countries in the Americas to argue that where the conduct in question (being charged as a regular offence) substantially amounted to a crime under customary international law, the statute of limitations applicable to regular offences would not apply. See Oxford Reports on International Law in Domestic Courts, *Chile v. Arancibia Clavel* (Supreme Court of Argentina), Appeal Judgment, Case No 259, A 533 XXXVIII; ILDC 1082 (AR 2004).

CHAPTER VII - LEGAL CLASSIFICATION OF THE ACTS OF VIOLENCE

In looking at the various periods of conflict and repression between 2003 and 2015, the Mapping Project focused on events which would, if proven in a court of law, amount to serious violations of human rights and international humanitarian law. The present chapter is devoted to undertaking a preliminary legal classification of some of the incidents.

Two caveats accompany this classification. Firstly, it is by definition preliminary, as definitive legal characterization of specific facts as crimes is a prerogative of the judicial process. Secondly, this chapter does not attempt to classify each individual incident documented in the report. As well, in many cases, the information available regarding numerous violent incidents included in this report remains incomplete, notably regarding the precise identification of the perpetrators or the groups they belong to, their level of organization or the existence of a command structure.

Despite these caveats, it is still possible for the Mapping Project to examine groups of incidents which occurred within the periods of violence, and to try to situate them in the framework of international human rights law, international humanitarian law and international criminal law.

A. Categories of legal classification

When assessed against national and international legal frameworks, the incidents of violence documented in preceding chapters may be classified as a number of different types of violation of the law. This chapter presents the four principal categories used in this preliminary classification, namely: serious violations and abuses of international human rights law; war crimes; crimes against humanity; or genocide.

- *Serious violations and abuses of international human rights law*: the Central African Republic has been a party to several core international human rights treaties, and its successive constitutions in force between 2003 and 2015 also contained operative human rights protections. International human rights law applied throughout the period covered by the report, whether an armed conflict was in existence or not. While some human rights obligations may be derogated from when the State expressly, and conforming to required processes, informs the other State parties of the derogation, the successive governments in power during that period did not do so.
- *Violations of international humanitarian law that may constitute war crimes*: International humanitarian law applies during times of armed conflict, international or non-international. For a substantial period covered by Mapping Project, namely during the first few months of 2003 and as of late 2005, there were several armed conflicts on the territory of the Central African Republic whose protagonists changed over time. Several serious violations of international humanitarian law constitute war crimes for which perpetrators may bear individual criminal responsibility.
- *Crimes against humanity*: Crimes against humanity entail the commission of certain prohibited acts as part of a widespread or systematic attack directed against a civilian population. Unlike the case for war crimes, it is not necessary to prove that an armed

conflict was in existence in order to establish that crimes against humanity have been committed.

- *Genocide*: Genocide entails the commission of specified acts with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. As with crimes against humanity, the existence of an armed conflict is not a pre-requisite to establish the crime of genocide.

War crimes, crimes against humanity, and genocide, in contrast to serious violations of international human rights law, necessarily engage the individual criminal responsibility of the alleged perpetrators, who maybe be investigated, prosecuted, and convicted for committing such crimes.

With reference to international treaty and customary law, the subsequent parts of this chapter succinctly present what is broadly required to establish the four categories of violations of the law enumerated above. An analysis is then provided of how some of the incidents documented in this report may amount to the serious violations of international human rights law, international humanitarian law and/or international crimes in question.

B. Serious violations and abuses of international human rights law

Human rights are fundamental entitlements which pertain to every individual. When a State becomes a party to an international human rights treaty, it undertakes: to respect the rights contained in these treaties by not encroaching upon them; to protect them from being assailed by third parties; and to fulfil them by taking steps to ensure they are effectively realized. States have the primary obligation to respect human rights. However, as is explained further below, in some instances, non-State actors may also have to comply with international instruments on human rights.

Unlike war crimes, crimes against humanity and genocide, human rights violations do not per se incur the criminal responsibility of the person or entity who committed the violation or abuse: they primarily engage the State's responsibility. Yet, the actions or omissions that give rise to a human rights violation may also constitute criminal conduct under ordinary criminal law and international criminal law.

A finding that a human rights violation has been committed has certain consequences. Under all the core human rights treaties, States are obliged to provide a remedy to victims of violations, including providing mechanisms to ensure victims can seek and receive effective redress. In a transitional justice process, States can redress a legacy of human rights violations through truth-seeking processes (which meet victims' and society's right to know the truth of past violations), through accessible and effective reparations – both within and outside judicial processes – which begin to repair the harm done to victims, and through implementing reforms (in particular of malfunctioning institutions) which seek to guarantee the non-repetition of human rights violations.

Below is an analysis of some major incidents of violence documented in the report in light of the

applicable international human rights law, highlighting: (i) human rights violations linked to the repressive use of State institutions, (ii) the State responsibility for violence by third parties, (iii) the obligation of non-State actors to uphold human rights, and (iv) the responsibility of the State for serious violations of economic and social rights.

Repressive use of State institutions: Failure to respect human rights

The report documents the pattern of the use of State institutions to perpetrate serious human rights violations. Following the rebellion and armed conflict from late 2002 which toppled the regime of President Patassé on 15 March 2003, members of the State security forces, in particular soldiers who had taken part in the rebellion that brought General Bozizé to power, committed extrajudicial executions, torture, sexual and gender-based violence, and severely restricted the exercise of civil and political rights. Members of the political opposition were targeted, while journalists were arrested and held in detention, often for denouncing corruption in Government and misconduct by the security forces. In addition to politically-motivated repression, throughout President Bozizé's period in office, internal wrangling within the Government, lack of accountability and excessive use of force all contributed to severe human rights violations committed by the security forces, especially the Presidential Guard, the Security Investigation Division (SERD, which later became SRI) and the specialized anti-banditry force (OCRB), as well as by members of François Bozizé's inner circle.

Through most of the period examined by this report, from 2007 till 2015 (with a sharp increase in 2015), elements of the OCRB committed serious human rights violations amounting to an institutional policy of extrajudicial killings. Multiple incidents were documented of OCRB elements extrajudicially executing and torturing individuals suspected of being opponents and bandits as well as street children accused of theft. The direct involvement of the head of the OCRB in office from 2015 to 2016 in a number of executions committed during that period, provide evidence of the level of institutionalization of that policy.

The internal disorganization of the security and defence forces often resulted in disputes between factions of the forces, sanctioned by soldier-on-soldier executions and killings of civilians. The lack of effective control and discipline over the Presidential Guard, their meddling in private disputes, and the total impunity for violations committed, led to a multiplication of serious human rights violations. Illustrating this pattern of impunity, in 2003 and 2004, the Head of Operational Security for the Presidential Guard carried out several executions in Bangui of errant soldiers and persons suspected of belonging to urban militia (opposed to President Bozizé). After he executed two individuals in September 2004, he was dismissed by President Bozizé, but was not brought to trial. There are numerous credible reports that he continued to serve in the security forces despite his official dismissal, and he was accused by many organizations of having continued to commit violations against civilians.

After seizing Bangui and taking power on 24 March 2013, the Séléka, led by Michel Djotodia, also committed serious violations of international human rights law. Between March and September 2013, the Séléka did not face a coordinated military opposition, raising doubt as to the existence of an armed conflict during that period. Still, a widespread campaign of repression, organized looting, killing, rape and persecution was conducted by the Séléka against civilians, notably those perceived as opponents. In this context, some of the documented incidents may

amount to, if proven in a court of law, crimes against humanity. Other incidents, such as the destruction of media outlets and radio stations also constitute violations of freedom of expression and opinion. In committing some of these violations, the Séléka used formal State institutions to conduct repression, such as the *Comité extraordinaire de défense des acquis démocratiques* (CEDAD) intelligence service, whose premises were used as a detention, torture and execution centre.

State responsibility for violence by third parties: Failure to protect human rights

Beyond their responsibility to ensure that State organs and institutions respect human rights, States also have the obligation to ensure that third parties do not violate the human rights of individuals under their jurisdiction. When the actions of third parties do violate the fundamental rights of individuals within their jurisdiction, States have the obligation to prevent such conduct from occurring, to hold to account those responsible, and to provide redress to victims. Where such actions continue unabated and without State action to curb them, the State is responsible under international human rights law.

This report documents a pattern of violence in the west, northwest and north-central part of the country from 2004 to 2008, during which organized criminal gangs engaged in banditry and inflicted widespread violence against the population. This violence continued unabated and without significant State efforts to curb it.

After Bozizé's coup d'état in March 2003, a cohort of his former companions-in-arms were transported back to the area bordering southern Chad, where they joined gangs of armed bandits, known as the Zaraguina. In the ensuing years, the Zaraguina inflicted extreme violence on the population of the region. They abducted hundreds of children from the Peulh community who depend on cattle rearing and requested ransoms from the victims' families who would usually sell off their cattle, leading to a loss of livelihoods for the Peulh community. They killed or maimed captives when ransoms were not paid. They also committed sexual violence on children they held in captivity. This phenomenon deterred Peulh families from enrolling their children in school out of fear of abductions. By 2008, 45,000 victims, mainly from Peulh communities had fled the Zaraguina raids to seek refuge in Cameroon. Neither defence nor law enforcement units were deployed in a sufficient manner to combat the Zaraguina. Local communities largely had to resort to self-defence militia for protection. The failure of the State of the Central African Republic to protect the rights to life, physical integrity, property, and education of the civilian population therefore engages the State's responsibility under human rights instruments.

In Bangui, the State often failed to adequately curtail societal and mob violence, notably after January 2014, when the ex-Séléka retreated from the capital. As the violence by anti-Balaka groups spread, civilians became increasingly involved in attacks and mob violence reached unprecedented levels, with Muslims being killed and their bodies mutilated in broad daylight in the city centre, in total impunity. The whole period was also marked by numerous prison breaks, which the State was unable to prevent.

Human rights obligations of non-State actors to uphold human rights

While human rights are primarily State obligations, non-State actors that exercise control over a

territory and government-like functions are also obliged to respect human rights norms.¹⁰⁸⁹

As documented in this report, some non-State actors in the Central African Republic, particularly armed groups, had effective control of territory during the period examined by the Mapping Project. For instance, after its inception in the Ouham-Pendé prefecture in late 2005 and early 2006, the APRD rebellion progressively expanded its influence to the Ouham and Nana-Gribizi prefectures, in the north-central parts of the country.¹⁰⁹⁰ Between 2005 and 2012, the APRD rebellion held control of this territory, and began running a parallel administration, including a 'tax collection system' and dispensing a form of 'justice' to sanction people considered to have violated the 'law'. The report documents that APRD committed serious human rights abuses, such as attacks against the physical integrity of individuals for not paying the levies requested, or the execution of at least 16 people accused of committing crimes, after processes which did not meet any of the safeguards of a fair trial.

State's responsibility for serious violations of economic and social rights

Periods of conflict and repression, such as those documented in this report, often entail violations of the entire spectrum of human rights. This includes violations of civil and political rights (such as the right to life, to physical integrity and freedom of expression) as well as violations of economic, social and cultural rights (such as the rights to health, education and shelter or housing). Human rights are interdependent and indivisible, and violations of both categories of rights require a remedy.

The mapping of serious violations of international human rights law in the Central African Republic from 2003 to 2015 points to the commission on a large scale of violations of economic and social rights. Illustratively, the scorched earth campaign led by the Presidential Guard and FACA from 2006 to 2008 in the northwest of the Central African Republic targeted residential dwellings for large scale arson. The burning of thousands of homes across the Ouham and Ouham-Pendé prefectures left entire communities, towns and villages deprived of the right to housing and shelter, and forced them to flee to the bush, which further deprived them of other rights, such as the right to education.

Beginning in late 2012, the advance of the Séléka rebellion to take over power in Bangui, and their period in office until 10 January 2014, were also marked by large scale violations of economic and social rights. In particular, educational institutions were looted and school records destroyed, while hospitals and other medical centres were targeted for pillaging, theft and direct armed attacks. Development and humanitarian organizations whose work directly aimed at improving the attainment of some economic and social rights were the targets of armed attacks and pillaging.

¹⁰⁸⁹ See for instance the reports of the United Nations Commission of Inquiry on Gaza (A/HRC/8/17, A/HRC/22/35, A/HRC/10/22, A/HRC/12/48) and the report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus (A/HRC/25/21). See also: A/HRC/8/17, A/HRC/10/22, A/HRC/17/45, A/HRC/19/20, A/HRC/22/35, and A/HRC/29/CRP.4, para. 45.

¹⁰⁹⁰ See Emmanuel Chauvin, Christian Seignobos, *L'imbroglie centrafricain. État, rebelles et bandits*, Afrique contemporaine 2013/4 (n° 248), pp. 119-148. See table in '*La rébellion de l'APRD: un État dans un État*', p. 137.

The scale of attacks on community and development infrastructure during the conflicts that have struck the Central African Republic, and their direct impact on economic and social rights justifies treating these as serious violations of international human rights law – particularly as development indicators and levels of attainment of economic and social rights have been chronically very low. Transitional justice processes (prosecutions, truth-telling, reparations and institutional reforms) should pay close attention to these grave violations.

C. Violations of international humanitarian law that may constitute war crimes

International humanitarian law governs the conduct of parties to an armed conflict. It is rooted in several core principles, including the principle of distinction, which requires parties to a conflict to distinguish between civilians and combatants, prohibits all attacks against persons not taking part in hostilities, notably civilians and persons *hors de combat*, and prohibits all indiscriminate attacks; the principle of proportionality (or prohibition of superfluous injury), which prohibits attacks that are expected to cause incidental loss of life or injury to civilians which would be excessive in relation to the concrete and direct military advantage anticipated; and the principle of military necessity which only permits measures that are actually necessary to accomplish a legitimate military objective and are not otherwise prohibited by international humanitarian law.

Serious violations of international humanitarian law constitute war crimes, and alleged perpetrators may be held individually accountable under domestic and international criminal laws.

Elements required for a finding on the existence of a war crime

A war crime exists when three main objective elements (the *actus reus*) are fulfilled: (1) a prohibited act, such as murder, causing bodily injury, or rape; (2) during an armed conflict, either internal or international; and (3) the existence of a nexus between the armed conflict and the act committed.

1. A prohibited act

Some of the prohibited acts which may constitute war crimes, and which are documented in the report include: (i) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (ii) outrages upon personal dignity, in particular humiliating and degrading treatment; (iii) passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all judicial guarantees; (iv) intentionally directing attacks against civilians not taking direct part in hostilities; (v) intentionally directing attacks against buildings dedicated to religion, education, charitable purposes, or hospitals; (vi) pillaging; (vii) rape and sexual slavery; and (viii) conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.¹⁰⁹¹

¹⁰⁹¹ See Rome Statute, Article 8.2 (c) i, ii, iv, and (e) i, iv, v, vi, and vii. These provisions define war crimes in internal armed conflicts, such as those which took place in the Central African Republic during the period examined by the Mapping Project.

2. An armed conflict

For international humanitarian law to apply (and for serious violations thereof to constitute war crimes) there must be an armed conflict. An international armed conflict exists when there is a resort to armed force between States. In order to establish that a non-international armed conflict exists, it must be first determined that the hostilities were of a protracted nature, that is of significant duration and continuity. Sporadic, one-off confrontations do not constitute an armed conflict. As stated in the Rome Statute, an armed conflict is to be distinguished from “situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature” (Articles 8 (2) (d) and (f)). Second, the hostilities must reach a minimum level of intensity. Third, the parties to the conflict must be organized, such as having a certain command structure and the capacity to sustain military operations.¹⁰⁹²

Under international humanitarian law, multiple armed conflicts may be taking place on the territory of a State at a given point in time. When tribunals ascertain whether an armed conflict was in existence, they also establish the parties between which the armed conflict was taking place. The Mapping Project has established that there were often multiple armed conflicts taking place simultaneously on the territory of the Central African Republic, such as:

- Between the Government of the Central African Republic (aided on occasion by foreign armed forces, such as those of France and Chad) and national rebel groups;
- Between armed groups of the Central African Republic fighting against each other (such as conflict between the CPJP and UFDR rebel groups);
- Between foreign armed forces and national armed groups they were deployed to combat (such as the Sangaris operations against the ex-Séléka and anti-Balaka);¹⁰⁹³
- Between wholly foreign actors (such as between the LRA and Ugandan forces initially, and subsequently the African Union Regional Task Force for the Elimination of the LRA).

3. Nexus

A further requirement for finding that an act constituted a war crime is that there was connection, or *nexus*, between the prohibited act and the armed conflict in existence. Under the Rome Statute, this requirement is formulated as follows: “the conduct took place in the context of and was associated with” an international or non-international armed conflict.¹⁰⁹⁴

¹⁰⁹² See ICTY, *Prosecutor vs. Ljube Boskoski and Johan Tarculovski*, 10 July 2008, which notes that factors which have been taken into account by international tribunals in determining whether an armed group meets the “organization” criterion include: the presence of a command structure; whether the group could carry out operations in an organized manner; the level of logistical ability such as recruitment and communications; whether the group possessed a level of discipline and the ability to implement its basic international humanitarian law obligations, and whether it was able to speak with one voice, that is, with some level of political organization and representation.

¹⁰⁹³ The International Commission of Inquiry on the Central African Republic concluded in its final report that a separate non-international armed conflict existed between the armed groups operating in the country and the Sangaris force, as of December 2013 (para 30).

¹⁰⁹⁴ See Rome Statute, Elements of Crimes, Article 8 (War crimes).

A characteristic of the conflict in the Central African Republic is that during several periods, in particular between 2005 and 2012, the conflict was often localized in a part of the country, namely the Northwest (the APRD rebellion in the Ouham, Ouham-Pendé and Nana-Gribizi prefectures), the Northeast (the UFDR rebellion in Vakaga) and the Centre (the CPJP rebellion, principally in the Bamingui-Bangoran prefecture), during specific periods. This often reflected the local grievances which led to these rebellions. While other serious violations were taking place away from these regional theatres of hostilities, such as in Bangui, some may be considered as unconnected to these armed conflicts and would therefore not constitute war crimes, but nevertheless may constitute serious violations of international human rights law or crimes against humanity.

D. Identifying armed conflicts in the Central African Republic and selected incidents which could constitute war crimes

Presented below are the principal armed conflicts that occurred during the mandated period, their protagonists, and illustrative examples of incidents committed therein which may point to the commission of war crimes, if proven by a court of law.

Armed conflict between forces loyal to President Patassé and the rebels of General Bozizé: From 1 January to 15 March 2003

From 1 January until 15 March 2003, an internal armed conflict opposed forces loyal to President Patassé (including Jean-Pierre Bemba's MLC) and a rebellion led by General Bozizé. It is in the context of this armed conflict that MLC troops committed multiple violations, including sexual violence, which eventually resulted in the trial and conviction of Jean-Pierre Bemba by the ICC. During this armed conflict, some serious incidents documented which may constitute war crimes, if proven in court, include:

- Murder, rape and pillaging by MLC commanders or elements, other than Jean-Pierre Bemba.
- Murder, rape and pillaging by rebels under the command of Bozizé.
- Extrajudicial executions and torture of civilians committed by security forces and armed groups supporting President Patassé, including the militia headed by Abdoulaye Miskine, in the north of the Central African Republic.

Armed conflict between the Armée populaire pour la restauration de la démocratie (APRD) rebellion and the Government: From December 2005 to May 2012

The armed conflict between the APRD rebellion and the Government of the Central African Republic started with attacks by the APRD in December 2005, in Bodjomo, Ouham prefecture, followed by reprisals from the FACA and the Presidential Guard. This armed conflict continued until 2010 when armed confrontations waned in intensity, leading to the eventual dissolution of APRD in May 2012.

In its armed conflict against the APRD, the Government also resorted to self-defence militias it had recruited. There was also a non-international armed conflict between the APRD and the

Chadian Army on the territory of the Central African Republic territory (invited to intervene by the Government of the Central African Republic).

During the armed conflict pitting APRD against the Government (and other proxy and adjoining forces), a large number of incidents of serious violations of international humanitarian law documented would, if proven in court, constitute war crimes, including:

- The attacks perpetrated by the FACA and the Presidential Guard in the vicinity of Bodjomo, from 28 December 2005. During these attacks seven civilians were killed, and at least 500 homes burnt, thereby beginning its scorched earth policy of attacking civilian villages in which rebels were suspected of hiding.
- The subsequent vast campaign of killings and deliberate burning of thousands of homes by the FACA and Presidential Guard units, under the command of Lieutenant Eugène Ngaïkossé, throughout the Northwest.
- The reprisal attack, in May 2007, on the town of Ngaoundaye, Ouham-Pendé prefecture (where the APRD had recently killed the Mayor), during which the FACA and Presidential Guards razed the entire village of over 450 homes, targeting civilians and civilian objects.¹⁰⁹⁵
- The execution of between 16 and 18 people by the APRD in 2008, following sham trials which did not offer guarantees of due process.
- Acts of sexual violence, including rape, by the FACA and the APRD, notably in the area around Kaga-Bandoro, in 2007, and in the Nana-Gribizi and Ouham-Pendé prefectures, from February through November 2009.
- The recruitment and use of children by the APRD from late 2005, notably from the area of Paoua, Ouham-Pendé prefecture. Some of these children were as young as nine years, while children under the age of 15 years were engaged in actual fighting for the APRD. At least several hundred children were within the APRD ranks.

Armed conflict between the UFDR and the Government of the Central African Republic, and between UFDR (allied with Government) and ethnic Runga and Kara armed groups: From October 2006 to April 2007 and from April 2007 to December 2012

The armed conflict involving the UFDR rebellion began between October and December 2006, when the UFDR seized the major towns in the Vakaga and Bamingui-Bangoran prefectures (Biraou, Ouanda-Djallé, Sam Ouandja, Ouadda and Ndélé). This led to a military intervention by the French army to retake those towns, at the request of the Government of the Central African Republic.

Following an agreement signed between the Government and the UFDR in April 2007, UFDR became an ally of the FACA in the Vakaga and Haute-Kotto prefectures to combat the rival

¹⁰⁹⁵ Intentionally directing attacks against the civilian population is punishable under Article 8 (2) (e) (i) of the Rome Statute. The Central African Republic authorities, at the highest level, were aware of these violations. President Bozizé visited the northwest after these events and sought to appease the situation and atone for the large-scale reprisal and punitive expedition conducted by FACA soldiers and Presidential Guards. He asked for “pardon” for the suffering people in Ngaoundaye, while his French military adviser stated that the soldiers involved would be reprimanded and sanctioned.

armed groups constituted by the Runga (CPJP) and Kara ethnic communities in the Northeast. Fighting between FACA/UFDR and these groups continued until at least 2012, when the constellation of all these armed groups – with disparate objectives and a history of in-fighting – coalesced under the Séléka to oust President Bozizé.

Some grave incidents during the conflict in the northeast from the end of 2006 are documented in this report which, if proven in court, would constitute war crimes. For example:

- Following the UFDR brief takeover of Birao, Vakaga prefecture, in March 2007, the FACA were able to retake control of the town after the intervention of the French army in support of FACA by aerial bombardment of the UFDR positions. In taking over the town, the FACA committed widespread burning of homes, apparently in reprisal for the perceived support of the population to the UFDR. Visiting Birao in the aftermath of the FACA takeover, the United Nations Humanitarian Coordinator for the Central African Republic noted that almost 70 per cent of houses (over 600 houses) had been burnt.¹⁰⁹⁶
- The recruitment of over 400 child soldiers aged between 12 and 17 by the UFDR between March and May 2007, and the commission of rape and gang rape by UFDR rebels in late 2006 and in 2007.
- Acts of rape of Gula women by FACA soldiers, such as in December 2006, in Birao, as a punishment for suspected support to UFDR rebels.

Armed conflict between the Convention des patriotes pour la justice et la paix (CPJP) and the Government of the Central African Republic: From late 2008 to August 2012

The CPJP rebellion against the Government of the Central African Republic began in late 2008, in the region of Ndélé, Bamingui-Bangoran prefecture, and primarily represented interests of the Runga ethnic group. Attacks by CPJP and armed confrontations between them and the FACA extended to the Vakaga and Haute-Kotto prefectures. The armed conflict between the CPJP and the Government continued until August 2012, when the CPJP belatedly signed the 2008 Libreville agreement. However, the CPJP quickly split into factions thereafter, one of which became a founding pillar of the Séléka. The CPJP was also involved in armed hostilities against the UFDR, the Government's proxy rebel group in the north of the country.

A number of incidents during the years of armed confrontation between CPJP and the Government of the Central African Republic would, if proven in court, constitute war crimes. For example:

- In February 2009, in Sokoumba village, Bamingui-Bangoran prefecture, FACA attacked people during a funeral and extra-judicially executed over 20 individuals they considered to be rebels. The victims were tied to trees and killed by gunshots and stabbing.

¹⁰⁹⁶ He also compared the town with Grozny, the capital of Chechnia, and noted that only 600 of the 14,000 inhabitants of the city were back, 15 days after the take-over by the city by the FACA. See ICG, [Central African Republic: Anatomy of a Phantom State](#), 13 December 2007.

- The torture and execution, in early 2010, of Charles Massi, leader of the CPJP following his arrest by the Chadian authorities who handed him over to the Government of the Central African Republic as a prisoner.
- The attacks by the CPJP in Ndélé and its surroundings, beginning in March and April 2010, including the killings and rapes of women of Haoussa ethnicity.
- The CPJP attack, in March 2011, of the villages of Gozbaïda and Lemana, Bamingui-Bangoran prefecture, during which several civilians were killed, including women burnt inside their homes.
- The recruitment and use of children by the CPJP, such as in November 2010, in the Vakaga prefecture.

Armed conflict between the Chadian Front Patriotique pour le Redressement and the Governments of Chad and the Central African Republic on the territory of the Central African Republic: From 2008 to September 2012

The FPR was active between 2008 and 2012 in the centre and north of the country, namely in the Nana-Gribizi, Kémo, Bamingui-Bangoran and Ouaka prefectures.

The Governments of Chad and the Central African Republic undertook a number of initiatives to pacify the armed group, including towards the surrender to the Chadian authorities of its leader, a dissident Chadian officer, “General” Baba Laddé, and his combatants. Following the failure of several of these efforts, the armies of Chad and the Central African Republic organized a joint military operation in January 2012, to dislodge FPR from its bases, primarily in the Nana-Gribizi prefecture. Most FPR elements, including its leader, Baba Laddé were repatriated from the Central African Republic to Chad in September and October 2012, although some of them shortly thereafter joined the Séléka coalition.

The FPR appeared sufficiently organized to constitute an armed group, and had a sustained military presence on the territory of the Central African Republic. While it was present in the territory of the Central African Republic, the FPR engaged in armed hostilities against the FACA and the CPJP that were sufficiently protracted and of a sufficient intensity to constitute a non-international armed conflict. A number of abuses and violations committed in the context of the FPR rebellion could, if proven by a court of law, constitute war crimes. For example:

- The acts of sexual violence against over 30 women, and the destruction of seven villages during the joint FACA/ANT military operation against the FPR in January and February 2012, in the Ouandago area, Nana-Gribizi prefecture.
- Acts of sexual violence committed by ANT soldiers in Ndélé during the above-mentioned military operation.
- The attacks by the FPR in Ouaka prefecture, between March and May 2012, during which civilians were killed, and hundreds of people left homeless due to the destruction of their homes.

Armed conflict between the Séléka and the Government of the Central African Republic: From December 2012 to March 2013

As previous reports have concluded, including the 2014 International Commission of Inquiry on

the Central African Republic, an armed conflict was in existence between the Séléka and forces loyal to President Bozizé from late 2012. The first major offensives carried out by the Séléka were the attacks on Ndélé, Sam Ouandja and Ouadda, in December 2012. This armed conflict ended on, or shortly after 24 March 2013 when Séléka took Bangui.

Numerous incidents during the conflict between the Séléka and forces loyal to President Bozizé documented in this report would, if proven in court, constitute war crimes:

- Extrajudicial executions, acts of sexual violence (including gang rapes) and pillaging committed by the Séléka after seizing control of the towns of Ndélé (December 2012), Mobaye (January and February 2013), Dékoa and Bambari (February 2013), Kaga-Bandoro and Bangui (March 2013).
- Séléka attacks against, and destruction of schools, churches and hospitals, and pillaging, in particular of humanitarian organizations and public buildings.
- The recruitment and use of children as human shields by Séléka, notably during the battle over Damara, on 22 and 23 March 2013.
- The torture by State security forces, at the end of 2012, of 150 suspected supporters of the Séléka in Bangui and in the detention centre in Bossembélé.
- The killing by a FACA soldier, on 23 March 2013, of 13 to 17 people suspected of supporting the Séléka rebellion, in the Ndrès cemetery, in Bangui.

The Mapping Project concurs with the finding of the International Commission of Inquiry on the Central African Republic that, following Michel Djotodia taking over power, there was a period during which the Séléka committed widespread violations but did not face any organized armed opposition to warrant a finding that an armed conflict was in place. The Commission of Inquiry concluded provisionally that “the level of hostilities during the period from 24 March 2013 until early December [2013] did not reach the level required to conclude that an armed conflict existed”, principally on the basis that even taking into account the 6 to 7 September 2013 anti-Balaka attacks on Bossangoa, there were no sustained violent confrontations between anti-Balaka and Séléka until December 2013.¹⁰⁹⁷

Armed conflict between the Séléka/ex-Séléka and anti-Balaka: From July 2013 to 2015

An armed conflict was in existence between the ex-Séléka and the anti-Balaka from 2013 to 2015. The International Commission of Inquiry on the Central African Republic made a preliminary finding that this armed conflict began some time in December 2013. However, information analysed by the Mapping Project suggests that following their creation in July 2013,¹⁰⁹⁸ the anti-Balaka conducted attacks and engaged in confrontations with the Séléka/ex-Séléka in a repeated manner in at least four different prefectures of the country, with an intensity and a level of organization sufficient to warrant the finding of the existence of an armed conflict some months before December 2013. Initial reports referred differently to the group attacking the Séléka, alternately as local “archers”, local community self-defence groups or anti-Balaka.

¹⁰⁹⁷ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, paras 94 to 97.

¹⁰⁹⁸ See Afriqueactualité, *Centrafrique: Paroles d'anti-Balaka*, 31 January 2014, and Koaci.com, *Centrafrique : Les anti-Balaka dénoncent l'ingratitude des autorités et réclament un désarmement sous conditions*, 10 February 2014.

However, with hindsight, these were coordinated attacks marking the start of a new armed group.¹⁰⁹⁹

During the early stages of the armed conflict between the Séléka and anti-Balaka, a number of incidents may amount to war crimes, if proven in court, including the following:

- In August and September 2013, in Bohong, Ouham-Pendé prefecture, confrontations between Séléka and local anti-Balaka militia resulted in over 50 people killed.
- On 6 and 7 September 2013, the anti-Balaka conducted several coordinated attacks against cattle herder and trading settlements around Bossangoa, in Ouham prefecture, during which scores of Muslim civilians were killed, hundreds of homes burnt, and herds of cattle looted.
- On 7 October 2013, the anti-Balaka attacked the Séléka in the mining town of Gaga, near Yaloké, in Ombella-M'Poko prefecture. The ensuing clashes with the Séléka caused dozens of civilian deaths.
- On 26 October 2013, anti-Balaka attacked Bouar, Nana-Mambéré prefecture, attracting an armed riposte from the Séléka, which resulted in more than 10 civilian deaths.
- In November 2013, the anti-Balaka attacked Peulh cattle herder settlements in Boali, Ombella-M'Poko prefecture, killing dozens of Peulh considered to be Séléka supporters.

Therefore, the Mapping Project believes there was an armed conflict involving the anti-Balaka and the Séléka that began some months earlier than December 2013. However, the definitive resolution of this matter will need to be made by a court of law.

In addition to the above-mentioned incidents which took place between August and November 2013, there was an escalation of the conflict from 5 December 2013, with the anti-Balaka attacks in Bangui. Incidents documented in the context of the ensuing conflict would, if proven in court, constitute war crimes, such as the following:

- Killings, acts of sexual violence and destruction of property committed by anti-Balaka and Séléka on 5 December 2013 and during the following days, in Bangui and Bossangoa. Overall, it was estimated that several hundred civilians were killed on 5 and 6 December in Bangui alone.
- The killing of MISCA soldiers by anti-Balaka and ex-Séléka, such as in Bangui, on 25 and 26 December 2013.
- The attacks from January 2014 by anti-Balaka on civilians in villages in the western part of the country which had been vacated by ex-Séléka, and the killing of members of the Muslim population, including those fleeing.
- The attack on the principal hospital in Boguila, on 26 April 2014, by a group of armed individuals alleged to be ex-Séléka combatants. At least 16 civilians, including three MSF staff, were killed during the attacks while many others were wounded.

¹⁰⁹⁹ See Centralafricanrepublicnews (blog), *Centrafrique: Le Chef des anti-Balaka de Bouar parle*, 29 October 2013. (An anti-Balaka leader in Bouar was interviewed in October 2013 and referred to anti-Balaka attacks which had recently occurred across the country – in Bohong, Boda, Bossangoa, Gaga and Bangassou – suggesting a level of coordination).

- The recruitment and use of children by both the anti-Balaka and the Séléka/ex-Séléka.
- The pillage of private property belonging to members of the Muslim population, and the attacks against mosques by anti-Balaka groups.

Armed conflict involving the Uganda Peoples Defence Forces (UPDF) and the African Union Regional Task Force, and the Lord's Resistance Army on the territory of the Central African Republic: From September 2009 to 2015

During the period covered by the Mapping Project, there was a non-international armed conflict between the UPDF and the LRA, which spilled-over onto the territory of the Central African Republic. This armed conflict subsequently opposed the African Union Regional Task Force (which replaced the UPDF) and the LRA. It took place principally in the country's eastern prefectures of Mbomou, Haut-Mbomou, and Haute-Kotto.

In September 2009, UPDF confirmed that, with the agreement of the Government of the Central African Republic, it was pursuing LRA rebels who had entered the Central African Republic following military attacks against the LRA in the Democratic Republic of the Congo in December 2008. The UPDF operation against the LRA was formally modified into an African Union force, by decision of the African Union Peace and Security Council, on 22 November 2011.¹¹⁰⁰

While the LRA has avoided direct confrontation with the UPDF and the subsequent African Union Regional Task Force, this reflects the LRA's strategy to splinter into small groups and commit vicious attacks among communities in order to spread fear. These attacks, its practice of abduction notably for the purpose of getting new recruits, and its ability to sustain military operations across a wide geographical area covering the Central African Republic, South Sudan, and Democratic Republic of the Congo, from 2009 to 2015, point to its level of organization. Having continued for over six years, and with two UPDF battalions deployed into the Central African Republic, the situation between the UPDF and the subsequent African Union Regional Task Force and the LRA in the Central African Republic appears to meet the requirements of duration, intensity, and organization to constitute an armed conflict.

During the armed conflict between the UPDF and, later the African Union Regional Task Force, and the LRA, a number of violations documented by the Mapping Project would, if proven in court, constitute war crimes:

- During February and March 2008, the LRA abducted about 100 civilians, including women and girls, some of whom were used as sex slaves. The LRA subsequently killed six of the abductees on the territory of the Central African Republic, and took the rest into captivity to the Garamba National Park, in the Democratic Republic of the Congo.
- On 21 and 22 July 2009, the LRA conducted attacks in villages around Obo, Haut-Mbomou prefecture, during which they killed at least 50 civilians.

¹¹⁰⁰ African Union Peace and Security Council, PSC/PR/COMM (CCXCIX), 299th meeting, 22 November 2011.

- Between January and October 2011, the LRA carried out numerous attacks around Zemio, Haut-Mbomou prefecture, killing over 80 civilians and abducting 370 others.
- Between 2010 and 2014, UPDF soldiers in Haut-Mbomou prefecture committed acts of sexual violence, including rape of girls.

E. The war crime of pillaging in armed conflicts in the Central African Republic

During the multiple armed conflicts that occurred in the Central African Republic, examined by the Mapping Project, acts of pillage were a particularly widespread and prevalent occurrence and, if proven in court, would constitute a war crime. Due to their repeated and systematic nature, their significance in the narrative of the major armed conflicts in the Central African Republic (especially the rebellions that brought down the Patassé and Bozizé regimes in 2003 and 2013 respectively), and their specific repercussions for economic and social rights during and after conflict, the Mapping Project considers it important to clarify the elements of the crime of pillaging. It is also necessary to demonstrate how incidents of pillaging documented by the Mapping Project go beyond the ordinary law crime of theft or larceny, and could constitute war crimes.

The Rome Statute of the ICC provides that ‘pillaging of a town or place, even when taken by assault’, is a war crime (Article 8 (2) (e) (v)). The following elements need to be proven: (i) the appropriation (or taking) of property, (ii) the intention of the perpetrator to deprive the owner of the property and to appropriate it for private or personal use, (iii) the taking of the property without its owner’s consent, and (iv) the conduct took place in the context of, and was associated with an armed conflict of a non-international character.¹¹⁰¹

With respect to the intention of the perpetrator to deprive the owner of the property and to appropriate it for private or personal use, the ICC Elements of Crimes further specify that ‘as indicated by the use of the term ‘private or personal use’, appropriations justified by military necessity cannot constitute the crime of pillaging’.

The above elements distinguish the war crime of pillaging from the ordinary law crime of theft in two important ways. First, the justification of military necessity recognizes that in the context of an armed conflict, belligerents may appropriate property where this is strictly required for military needs: in such instances, the taking cannot constitute the crime of pillaging. Key to ruling out the justification of military necessity is the use to which the appropriated property is put. The incriminating usage of such property is ‘personal or private use’. This is an important element in the context of the Central African Republic since the multiple incidents documented by the Mapping Project of acts that may amount to pillaging demonstrate that the perpetrators undertook appropriation of property for their personal use on a wide scale.

Mercenaries and fighters who engaged in extensive pillaging in the Central African Republic included the Congolese MLC rebels enlisted by the Patassé Government in 2002 to 2003, Chadian fighters enlisted by the Bozizé rebellion in 2002 to 2003, and fighters from Chad and the Sudan enlisted by the Séléka rebellion in 2012 to 2013. The use of fighters (including foreigners)

¹¹⁰¹ Article 8 (2) (e) (v) of the Rome Statute, Elements of Crimes.

hired to fight with the promise of a future payment, or given free rein to pillage as a reward, is an important contextual factor in the Central African Republic. Many of these fighters appropriated property as part of the ‘spoils of war’. For instance, fighters associated with the Séléka systematically carted away the pillaged property to the north of the Central African Republic, then to Chad and the Sudan.

Secondly, international law requires a nexus with armed conflict: the property should be appropriated in the context of, and associated with an armed conflict. Jurisprudence on the nexus requirement indicates that while a cause and effect relationship is not required between the armed conflict and the crime, the existence of the armed conflict must, amongst other things, ‘have had a significant influence on the capacity of the perpetrator of the crime to commit it’.¹¹⁰² Incidents documented in this report demonstrate that during the multiple conflicts in the Central African Republic, the parties to the conflict in effect used the context of an armed conflict to facilitate their commission of pillaging on a wide scale: having seized towns and villages after battles, they proceeded systematically to appropriate property from the civilian population.

The mapping of incidents reveals that acts which may constitute the war crime of pillaging were frequently committed in conjunction with other war crimes, in particular the war crime of attacking protected objects. According to article 8, paragraph 2 (e) (iv) of the Rome Statute, *‘Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives’* is a war crime. During armed conflicts that took place between 2003 and 2015, the belligerents, notably the Séléka, frequently attacked buildings of type enumerated in Article 8.2 (e) (iv), and committed acts that may constitute the war crime of pillaging in the course of those attacks. In the remote hinterland, the buildings listed above were the principal institutions with items of value, making them particularly susceptible to pillaging. The impact of these attacks was often to deprive large segments of the conflict-affected population of humanitarian assistance, access to food, education, health care and places of worship.

Some of the incidents documented in this report which, if proven by a court of law, could constitute the war crime of pillaging, usually associated with other war crimes, include the following:

- The systematic pillaging by MLC in early 2003 during its deployment in support of Patassé.¹¹⁰³
- The pillage by Bozizé rebels, in early 2003, of various religious institutions in the town of Sibut, Kémo prefecture.
- The pillage of schools and hospitals by Séléka elements in Ndélé, Bamingui-Bangoran prefecture, in December 2012.
- The pillage of religious institutions (mostly Christian) by Séléka elements in Mobaye, Basse-Kotto prefecture, in February 2013.

¹¹⁰² See *Kunarac et al.*, ICTY Appeals Chamber, 12 June 2008, para 58.

¹¹⁰³ It should be noted that the MLC leader, Jean-Pierre Bemba, was convicted and sentenced in 2016 by the ICC, *inter alia* for the war crime of pillage under Article 8 (2) of the Rome Statute. Therefore, this incident has been proven before a court of law.

- The pillage by Séléka elements of the United Nations WFP compound in Bouar, Nana-Mambéré prefecture, in 2013, during which they seized humanitarian assistance items destined for persons displaced by conflict.
- The pillage, in 2014, of the MSF-run hospital in Boguila, Ouham prefecture, during which 16 people, including three MSF staff, were killed.

F. Crimes against humanity

Crimes against humanity entail the commission of certain prohibited acts, as part of a widespread or systematic attack directed against any civilian population.

Prohibited Acts

Of relevance to the situation in the Central African Republic, the prohibited acts include, as enumerated in article 7.1 of the Rome Statute: (i) murder, (ii) deportation or forcible transfer of population; (iii) imprisonment or severe deprivation of physical liberty, (iv) torture, (v) rape, sexual slavery, and other forms of sexual violence of comparable gravity, (vi) persecution of a group on political, racial, national, ethnic, cultural, religious, or gender grounds, and (vi) other inhumane acts of a similar character (as the above) intentionally causing great suffering, or serious injury to body or to mental or physical health.

A widespread or systematic attack against a civilian population

For the above mentioned acts to constitute a crime against humanity, they must be ‘committed as part of a widespread or systematic attack directed against any civilian population’. It does not necessarily have to consist of a military attack or armed conflict.¹¹⁰⁴ Each of these elements is further explained below.

An attack in this context is understood to mean a course of conduct involving the multiple commission of the prohibited acts referred to in article 7.1 of the Rome Statute against any

¹¹⁰⁴ The Statute of the ICC also includes the requirement that the attack must be committed “pursuant to or in furtherance of a State or organizational policy”. However, in the jurisprudence of ICTR and ICTY, this requirement has been interpreted not to constitute “a separate legal element of a crime against humanity”, although it is still “evidentially relevant” in proving the widespread or systematic nature of an attack. See *Kunarac, Kovac and Voković*, ICTY Appeals Chamber, 12 June 2002, para. 98; *Gacumbitsi*, ICTR Appeals Chamber, July 7, 2006, para. 84; *Seromba*, ICTR Appeals Chamber, March 12, 2008, para. 149; and *Nahimana, Barayagwiza and Ngeze*, ICTR Appeals Chamber, November 28, 2007 para. 922. In the conflict in the Central African Republic, armed groups which may have committed acts amounting to crimes against humanity have not always acted under a single, unified organizational command. For instance, Séléka was dissolved in September 2013 and splintered into a half-dozen identifiable factions, which have continued to exist under a separate command, with intermittent attempts between the factions to unify for common objectives. The anti-Balaka, while having some level of national coordination (including in signing agreements such as the Brazzaville Ceasefire of July 2014, and the Bangui Forum agreement of May 2015), have also often operated as localized groups, functioning under identifiable local or regional commanders. The splintered nature of these groups has however not detracted them from their ability to coordinate attacks across multiple locations in a systematic manner, which renders their being random occurrences highly improbable.

civilian population.¹¹⁰⁵ The requirement of a *widespread* attack refers to the large scale nature of the attack and the number of victims. The jurisprudence of the ICC on this requirement indicates that such an attack may be ‘massive, frequent, carried out collectively with considerable seriousness and directed against a multiplicity of victims’, although the test is not exclusively quantitative but must be assessed in the light of the individual facts.¹¹⁰⁶ It should be noted that with regard to sexual violence, even an individual case of serious sexual violence may be prosecuted as a crime against humanity if it was committed as an integral part of a widespread or systematic attack on a civilian population.

The *systematic* aspect of an attack refers to the organized nature of the acts of violence and the improbability of their random occurrence. This requirement indicates that a pattern or methodical plan is evident.¹¹⁰⁷ Concerning an attack against a civilian population, there is jurisprudence that, in regards to crimes against humanity, the population attacked may be classified as civilian even if it included non-civilians, provided that civilians were in the majority. As ruled by ICTY, ‘the presence within a population of members of resistance armed groups, or former combatants who have laid down their arms, does not as such alter its civilian nature’.¹¹⁰⁸

To assess whether an attack was directed against a civilian population, courts may consider ‘the means and method used in the course of the attack, the status of the victims, their number, the discriminatory nature of the attack, the nature of the crimes committed in its course, the resistance to the assailants at the time, and the extent to which the attacking force may be said to have complied or attempted to comply with the precautionary requirements of the laws of war’.¹¹⁰⁹

There are incidents documented in this report that may amount to crimes against humanity, if proven by a court of law, including:

- The campaign of killings and persecution against civilian communities in the northwest and the north-central part of the Central African Republic by the Government armed forces between 2006 and 2009 in reprisal for the emergence of the APRD rebellion.
- The violence by the Séléka during their descent on Bangui, while in power, and after being ousted, committed against civilians across the country, particular those of non-Muslim faiths and those opposed to the Séléka or suspected of supporting the anti-Balaka.
- The widespread campaign of violence by the anti-Balaka targeting individuals of Muslim religion and Peulh ethnicity, which entailed, *inter alia*, acts of persecution and forcible population transfer.

¹¹⁰⁵ See Elements of Crimes, Rome Statute, Article 7 (Introduction).

¹¹⁰⁶ See, *Bemba*, ICC, [Trial Judgment](#), para. 163.

¹¹⁰⁷ See *Tadic*, ICTY, Trial Judgment, para 648.

¹¹⁰⁸ *Fatmir Limaj*, ICTY, Trial Chamber, No. IT-03-66-T, 30 November 2005, para 186.

¹¹⁰⁹ *Kunarac et al.*, ICTY, Appeals Chamber, 12 June 2008, para 91.

Campaign by the Government of the Central African Republic against civilians in the northwest and centre: 2006-2009

Following the start of the APRD rebellion in late 2005, the riposte of the Government of the Central African Republic, directly targeted the civilian population, especially through a military campaign launched by the Presidential Guard in the Northwest and the Centre. This report documents multiple incidents of murder, torture, and widespread burning of homes in entire communities, towns and villages inhabited by civilians (in the Ouham-Pendé, Ouham and Nana-Gribizi prefectures) suspected of supporting the rebellion to oust President Bozizé. These incidents may, as discussed above, amount to war crimes. However, they may also constitute crimes against humanity, including murder, torture, persecution on political grounds, forced displacement and other inhumane acts.

The large-scale nature of the incidents is demonstrated by the high number of victims. Hundreds of civilians were killed in multiple attacks across different sub-prefectures. Accounts contemporaneous with the events estimated the number of homes burnt in the thousands: 3,000 in the Nana-Gribizi prefecture, alone, and over 10,000 across the northwest and the north-central part of the country.

The organized and methodical nature of the incidents is evident in the similar way in which they occurred. Multiple incidents repeat the scenario in which, following an APRD attack on Government positions in a locality, Presidential Guards and FACA elements would arrive and, after killing any men who had not fled prior to their arrival, would systematically torch the entire village. The civilian population was the object of these attacks, as several incidents reveal that Presidential Guards fired indiscriminately at civilians and torched homes, even when APRD rebels had fled the locality ahead of their arrival – which was common.

Examples of incidents that may constitute crimes against humanity, if proven by a court of law, include the following:

- Following an APRD attack on 28 December 2005, FACA soldiers and Presidential Guards on 29 December 2005 attacked the area of Bodjomo, Ouham prefecture. They killed seven civilians and set ablaze several villages in the vicinity of Bodjomo, burning over 500 homes.
- On 11 February 2006, in reprisal for an attack by APRD on 29 January, Presidential Guards launched an attack on several villages in the vicinity of Paoua, along the road linking Nana-Barya, Boguila, Beboura, and Bemal. In this operation, they shot at the civilian population and killed at least 30 civilians.
- From 19 August 2006 to the end of January 2007, FACA soldiers and Presidential Guards burnt down over 2,500 huts in about 30 villages around Kaga-Bandoro, Nana-Gribizi prefecture.
- Between 30 May and 1 June 2007, continuing the pattern of military operations against localities where APRD had conducted operations, Presidential Guards and FACA soldiers conducted a reprisal operation on the town of Ngaoundaye. They completely burnt down the town, razing to the ground over 450 houses, and attacked the population, killing and injuring an undetermined number of civilians. The entire population of the town consequently fled.

Violence by the Séléka against civilians (non-Muslims and opponents) across the Central African Republic: From 2012 to 2015

During the periods beginning from December 2012 (start of Séléka rebellion), 24 March 2013 (beginning of the Séléka rule), and January 2014 (removal of the Séléka from power), the group conducted a campaign of extreme violence targeting the civilian population, particularly non-Muslims and individuals suspected of supporting the Bozizé government, or being opposed to the Séléka rule. These periods were marked by multiple incidents of murder, torture, sexual violence (especially gang rape and rape of very young girls, some under the age of 10), imprisonment and severe deprivation of liberty, persecution, and other inhuman acts, which could constitute crimes against humanity.

The large-scale nature of the incidents is demonstrated by the geographic expanse over which they were committed, namely in 15 of the country's 16 prefectures. Only the Mbomou and Haut-Mbomou prefectures were relatively spared as the presence of the UPDF complicated the entry of the Séléka.

Incidents documented in this report show multiple single incidents during which Séléka elements killed 20 or more civilians. In Bangui, over 140 rapes were attributed to Séléka elements between January and June 2013. Torture was committed in a methodical and organized manner. The 'arbatachar' practice (tying victims' hands and feet in a posture often resulting in lifelong injury to limbs) was reported in multiple incidents, and conducted during the whole period of Séléka rule, in official Séléka detention centres with the knowledge, and often in the presence of Séléka's highest cadres.

These acts targeted the civilian population. Indeed, while Séléka initially went after former FACA soldiers loyal to Bozizé, the campaign quickly extended to the general population, believed to be hostile to the Séléka. People were killed because they belonged to, or bore a physical resemblance to persons from Bozizé's (Gbaya) ethnic group, or because they carried paraphernalia suggesting they supported the Bozizé regime.

Examples of incidents that may constitute crimes against humanity, if proven by a court of law, include the following:

- At least 140 rapes were committed by Séléka members between January and June of 2013, in Bangui.
- On 13 and 14 April 2013, Séléka stormed Bangui's Boy-Rabe neighbourhood in trucks, firing indiscriminately at civilians, under the pretext of looking for arms caches. They killed around 30 people and raped numerous women.
- On 14 April 2013, during mass at the *Église des Frères*, at the Cité Jean XXIII, in Bangui, Séléka members threw an explosive device into the church, killing seven people and seriously injuring 30 others. Four children injured during this attack had to have their legs amputated.
- On 13 July 2013 in Bangui, Séléka elements abducted around 10 people travelling in a taxi after finding T-shirts with the portrait of Bozizé in the vehicle. Several days later, the bodies of some of the men were found in a nearby river, bearing torture marks.

- From November 2013 to January 2014, ex-Séléka extrajudicially executed, arbitrarily arrested, illegally detained and tortured many people at Camp de Roux, where President Djotodia and the Chief of the Armed Forces then resided. From September 2013 to January 2014, the ex-Séléka took inmates from the CEDAD facility, Camp de Roux and other detention centres in Bangui, and executed them at the *Colline des Panthères* and other areas. When the detainees were taken to be killed, the ex-Séléka officers usually tied their hands behind their back.
- After the ex-Séléka lost control of Bangui, several mass graves were found at different locations of the city. On 24 December 2013, 31 bodies were discovered in a valley at the *Colline des Panthères*. On 9 February 2014, the bodies of 13 men (some with their hands tied) were discovered in a septic pit next to the residence of a Séléka officer, inside a military camp known as « 200 villas », in central Bangui. On 13 February 2014, 13 bodies were found in a mass grave at Camp Béal, not far from the *Bataillon de soutien et des services* military camp. The victims' hands were tied behind their back and their bodies bore signs of torture.

Violence by anti-Balaka targeting Muslims and Peulhs: From mid 2013 to 2015

Beginning in mid-2013 and continuing until 2015, the anti-Balaka militia – taking advantage of the progressive withdrawal of the ex-Séléka from their positions in the south and west of the country – engaged in a campaign of widespread violence targeting Muslim civilians in particular, as well as ethnic Peulh communities. During this period, the anti-Balaka committed multiple acts of murder, rape and sexual slavery. Of particular significance during this period were the acts of forcible transfer of the population, and persecution against Muslims, which could constitute crimes against humanity

Forcible transfer of the population encompasses the movement of persons to another State or location, by expulsion or other coercive acts. It involves not only physical force, but may include the threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person.¹¹¹⁰ During the multiple attacks against Muslim communities that remained in the West and South as the ex-Séléka retreated, the anti-Balaka (often explicitly) required that the Muslim populations should leave the Central African Republic.

Persecution as a crime against humanity entails the severe deprivation of fundamental rights on political, racial, national, ethnic, cultural, religious, gender grounds, or other impermissible grounds under international law, committed in conjunction with another constituent act of crimes against humanity, or any crime punished under the Rome Statute, notably a war crime, or genocide. The anti-Balaka violence targeted their victims for persecution on grounds of religion (Muslims) and ethnicity (Peulh), through severe violations, amongst others, of the rights to life and physical integrity.

The large-scale nature of such acts is demonstrated by the expansive area over which they were committed, which includes the entire western and southern parts of the Central African Republic,

¹¹¹⁰ Rome Statute, Elements of Crimes, Article 7 (1) (d).

namely eight out of 16 prefectures of the country. It is also demonstrated by the number of victims as thousands of Muslims were killed, including many Peulhs, while tens of thousands of Muslims were forcibly transferred from the south and west of the country.

The anti-Balaka attacks targeting the Muslim population followed a pattern and were clearly organized in nature. Multiple incidents documented in this report reveal anti-Balaka attacks against Muslim communities would frequently occur shortly after the ex-Séléka had withdrawn or were chased from towns or other locations, leaving Muslim civilians defenceless. Moreover, several attacks during which Muslims were killed were launched at mosques during prayer hours, when the mosques were full.

To the extent that ex-Séléka combatants and armed Peulh elements were sometimes among the civilian population, it should be borne in mind that the term ‘civilian population’ is to be interpreted broadly: ‘a population may qualify as “civilian” even if non-civilians are among it, as long as it is predominantly civilian’, as previously noted.¹¹¹¹

Examples of incidents that may constitute crimes against humanity, if proven by a court of law, include the following:

- On 9 September 2013, anti-Balaka elements attacked the town of Bouca and killed 27 Muslims, including seven children. Five of the dead children had machete wounds on their heads. The anti-Balaka did not attack the Séléka soldiers who had regrouped in their base camp at the office of the *sous-préfet*'s but instead started shooting as they headed towards the neighbourhood where Peulh and Muslim civilians lived.
- On 12 December 2013, the anti-Balaka attacked Bohong and killed at least 27 civilians, mostly Muslims. The attack took place early in the morning, when Muslims were praying at the mosque, and most of the victims were killed at, or near the mosque. The anti-Balaka committed other acts of grave physical violence during this attack, throwing one person into a burning house, then into a pit. The Muslim population fled Bohong as the anti-Balaka threatened to continue killing them to ensure they would all leave the area.
- From December 2013 on, anti-Balaka elements abducted, enslaved and committed acts of sexual violence, including gang rapes and other abuses, against at least 100 Peulh in the Ombella-M'Poko prefecture.
- Between mid-2014 and April 2015, Peulh women held in captivity by anti-Balaka were forced into situations of sexual slavery and repeatedly raped, some by different combatants. Some became pregnant as a result of the rapes. During their captivity, the anti-Balaka threatened to kill them.
- In January 2014, anti-Balaka elements attacked the town of Bouguéré, Lobaye prefecture, and killed at least 20 civilians. At the time, a few ex-Séléka soldiers were still present in the town. The anti-Balaka killed the ex-Séléka commander, which provoked the flight of the other ex-Séléka, and then targeted the Muslim residents.
- On 16 January 2014, anti-Balaka elements attacked Muslims who had sought refuge in the mosque of Bossembélé and killed around 40 people, including women, children and

¹¹¹¹ *Fatmir Limaj*, ICTY, Trial Chamber, No. IT-03-66-T, 30 November 2005, para 186.

babies. According to the Central African Red Cross, most of the victims were killed with machetes and knives.

- On 5 or 6 February 2014, the anti-Balaka attacked Guen, Mambéré-Kadeï prefecture, searching for the Muslim residents who were still hiding in the village. When they located them, they separated the men and grown-up boys from the women, young children and infants. They then took all the men and grown-up boys (at least 45) outside of the village, made them lie on the ground, and killed them.

G. Crime of genocide

The Rome Statute of the ICC – which has been ratified by the Central African Republic – punishes the crime of genocide. Although the Central African Republic has not ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the obligation to punish genocide is a peremptory norm of customary international law, binding on all States beyond their treaty obligations.¹¹¹²

As set out in the Rome Statute of the ICC, the crime of genocide consists of any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. There are three elements required to establish the crime of genocide: (i) the commission of one of the five *prohibited acts*, (ii) directed against protected group, namely against a *national, ethnical, racial, or religious group*, (iii) with the *specific intent* to destroy the protected group, as such, either in whole or in part. Each of these elements is considered below.

1. Prohibited Acts

Based on the incidents covered in this report, the prohibited acts of relevance to the Central African Republic are: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. The latter two warrant some further explanation to determine the types of conduct that could constitute these prohibited acts.

The Elements of Crimes of the Rome Statute of the ICC clarify that conduct resulting in serious bodily or mental harm “may include, but is not necessarily restricted to, acts of torture, rape,

¹¹¹² The International Court of Justice has noted that the principles underlying the Convention are recognized by civilized nations as binding on States irrespective of their conventional (treaty) obligations; and that the prohibition of genocide is a peremptory or *jus cogens* norm under customary international law. See: *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion 1951*; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*, 26 February 2007. See also: *Cherif Bassiouni, International Crimes: Jus Cogens and Obligations Erga Omnes*, 59 Law and Contemporary Problems 63-74 (1996).

sexual violence or inhuman or degrading treatment”.¹¹¹³ The jurisprudence of the International Criminal Tribunals for Rwanda and for the former Yugoslavia has also clarified that such harm can mean torture, and inhuman and degrading treatment.¹¹¹⁴ The physical or mental harm does not need to be permanent or irremediable.¹¹¹⁵ The above-mentioned specific forms of conduct are only illustrative, as other forms of harm done to members of a group (such as enslavement or forcible transfers) could also constitute such serious bodily or mental harm.

Deliberately inflicting on the targeted group conditions of life calculated to bring about its physical destruction entails a course of action which “does not immediately kill the members of the group, but which, ultimately, seeks their physical destruction”.¹¹¹⁶ The Elements of Crimes of the Rome Statute of the ICC clarify that “the term “conditions of life” may include, but is not necessarily restricted to, deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.”¹¹¹⁷ This position is also shared by the ICTR and the ICTY in their jurisprudence.¹¹¹⁸

2. Directed against a protected group

The prohibited act must be directed against, that is, it must target a specific protected group. Only specific groups are protected under the definition of the crime of genocide under the Rome Statute of the ICC, the Genocide Convention, and the accepted definitions of the crime under customary international law. The four categories of protected groups are: *national*, *ethnic*, *racial*, or *religious* groups. While there is no treaty definition of each category, it is possible to give a general meaning to each of these categories.

The ICTR has defined a *national* group as a ‘collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties’¹¹¹⁹, a *racial* group as ‘based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors’¹¹²⁰, an *ethnic* group as one ‘whose members share a common language or culture’¹¹²¹ and a *religious* group as one which ‘includes denomination or mode of worship or a group sharing common beliefs’.¹¹²²

The above definitions are not without challenges, and to decide whether a given target group falls under the intended protected categories for the crime of genocide, tribunals will look at the facts of the given case, and assess the objective aspects of a given social and historical context, and the

¹¹¹³ Footnote 3 of Article 6 (b) of the Rome Statute Elements of Crimes.

¹¹¹⁴ *Prosecutor v. Akayesu*, ICTR Trial Judgment (‘Akayesu Trial Judgement’), para. 504; *Prosecutor v. Krstić*, ICTY Trial Judgment, 2 August 2001, (‘Krstić Trial Judgment’) para. 513; *Prosecutor v. Seromba*, ICTR Appeals Judgment (‘Seromba Appeals Judgment’), para. 46.

¹¹¹⁵ *Akayesu Trial Judgment*, para. 502; *Prosecutor v. Karadžić*, ICTY Trial Judgment (‘Karadžić Trial Judgment’), para. 543.

¹¹¹⁶ *Akayesu Trial Judgment*, para. 505; *Karadžić Trial Judgment*, paras. 546, 548.

¹¹¹⁷ Footnote 4, Article 6(c) of the Rome Statute Elements of Crimes.

¹¹¹⁸ See, for example, *Karadžić Trial Judgment*, para. 547.

¹¹¹⁹ *Akayesu Trial Judgment*, para. 512.

¹¹²⁰ *Akayesu Trial Judgment*, para. 513.

¹¹²¹ *Akayesu Trial Judgment*, para. 512 – 515.

¹¹²² *Prosecutor v. Kayishema*, ICTR Trial Chamber, 21 May 1999, para. 98.

subjective perception of the perpetrator when targeting the group in question.¹¹²³ Instead of being considered as distinct prototypes of human groups, the four listed groups have been described as a way of expressing the concept of ‘national minorities’ as they existed before the Second World War when the crime was first established. Viewed together, the four listed categories help to define what sort of groups are within, and outside the protected categories.¹¹²⁴ Importantly, certain types of groups are *excluded* as protected groups for purposes of the crime of genocide. *Political* groups, meaning persons bound by a common set of political views or loyal to the same political entity or ideology, are not within the category of protected groups.

To underscore the importance of demonstrating that it is the group *per se* that is the target (and not just specific *individuals* who may share the same group traits), the requirement of intent to destroy a national, ethnical, racial or religious group ‘*as such*’, has been interpreted to mean that the acts must have been committed against the victims *because* of their membership in the target group ‘such that the real victim is not merely the person but the group itself’.¹¹²⁵ Thus ‘the victim is singled out not by reason of his individual identity, but rather on account of his being a member of a national, ethnical, racial or religious group’.¹¹²⁶

3. Intent to destroy the protected group in whole or in part

The most complex and demanding element that must be established for the crime of genocide is the specific, aggravated criminal intent, namely the intent to destroy, in whole or in part, the protected group, as such. It must be proven that the specific aim of the perpetrator was the destruction of the target group. In the absence of direct proof of the perpetrator’s intent, international tribunals have found that it is necessary to look at a number of circumstantial facts in order to infer the intent of the perpetrator.

Based on the jurisprudence of the international tribunals, surrounding facts and circumstances that may be used to infer the intent to commit genocide, include: (i) the perpetrator’s deeds and utterances considered together, as well as from the general context of the perpetration of other culpable acts systematically directed against the same group,¹¹²⁷ (ii) physical targeting of the group or their property and the use of derogatory language towards members of the targeted group,¹¹²⁸ (iii) the recurrence of destructive and discriminatory acts,¹¹²⁹ (iv) the scale of atrocities committed, their general nature, and the fact of deliberately and systematically targeting victims on account of their membership in a particular group while excluding members of other groups,¹¹³⁰ (v) the fact that the victims had been massacred with no regard for their age or gender,¹¹³¹ and (vi) the consistent and methodical manner in which the acts were committed.¹¹³²

¹¹²³ *Prosecutor v. Semanza*, ICTR Trial Chamber, 15 May 2003, para. 317; Karadžić Trial Judgment, para. 541.

¹¹²⁴ *Prosecutor v. Krstić*, ICTY Trial Chamber, 2 August 2001, paras 555 – 6.

¹¹²⁵ *Prosecutor v. Muhimana*, ICTR Trial Judgment, 28 April 2005, para. 500.

¹¹²⁶ *Prosecutor v. Rutangunda*, ICTR Trial Judgment, 6 December 1999, para. 60.

¹¹²⁷ *Prosecutor v. Gacumbtsi*, ICTR Trial Judgment, 17 June 2004, para. 252, *Prosecutor v. Jelisić*, ICTY, Appeals Chamber Judgment, 5 July 2001, para. 47.

¹¹²⁸ *Prosecutor v. Kayishema and Ruzindanda*, ICTR Trial Judgment, 21 May 1999, para. 93.

¹¹²⁹ *Prosecutor v. Jelisić*, ICTY, Appeals Chamber Judgment, 5 July 2001, para. 47 and 48.

¹¹³⁰ Akayesu Trial Judgment, para. 523; Kajelijeli Trial Judgment, paras. 804-805.

¹¹³¹ *Prosecutor v. Kayishema and Ruzindanda*, ICTR Trial Judgment, 21 May 1999, para. 531 to 533. See also *Prosecutor v Popović et al.*, ICTY Appeals Judgment, 30 January 2015, para. 468.

Considering the gravity of the crime of genocide, courts and tribunals have not lightly drawn an inference of such intent based on circumstantial evidence. In order to find that a person acted with genocidal intent solely based on deductions from surrounding circumstances such intent must be the only reasonable inference that can be drawn from the facts.¹¹³² Surrounding facts and circumstances can give rise to multiple and divergent inferences about the intention of the perpetrator. If there are equally compelling and reasonable alternative explanations of the intention of the accused (such as trying to expel the targeted group, but not seek to bring about its destruction), they may lead a judicial body to find that the perpetrator lacked the requisite special intent.

Selected incidents in the Central African Republic for further inquiry on the crime of genocide

Below is an overview and preliminary assessment of some incidents, in light of the above elements of the crime of genocide. It must be stated from the outset that this report does not make a conclusive finding on whether specific incidents meet or do not meet the elements of the crime. Rather, it examines two specific episodes of violence in the Central African Republic, and identifies – based on material in the report – selected facts that may be relevant to the elements of the offence. In adopting this approach, the Mapping Project has taken into account: the caution required in inferring genocidal intent from surrounding facts and circumstances, the limited and preliminary nature of the information available to it, the standard of proof of reasonable suspicion used to report incidents, and the need for more detailed investigations into specific events. The issues raised herein are matters for further investigation and adjudication, if eventually taken up before a court.

Violence by Séléka/ex-Séléka against Christians and animists

1. Commission of prohibited acts

During the period from late 2012 when Séléka started its descent to Bangui, during its period in power from March 2013, and after its removal from power in January 2014, elements of Séléka/ex-Séléka committed killings of Christians and animists on a large scale across multiple prefectures of the country. This includes a large number of victims who were shot by Séléka, others who burned to death when their homes were set on fire by Séléka elements, and other victims who suffered serious bodily or mental harm, including as a result of the widespread practice of torture, often resulting in serious and permanent disability to the victims. Séléka elements committed rapes, gang rapes, and rapes of young children (below 10 years of age) leading to victims being infected with HIV. Across much of the country, Séléka also pillaged and destroyed a wide range of critical social services and amenities, such as hospitals, health clinics, schools, granaries, and food stocks and supplies of charitable humanitarian organizations – including in impoverished parts of the country where these were the only social amenities available to the population. Séléka also committed extensive, deliberate burning of homes, forcing the victims to flee into precarious and life-threatening conditions. If proven, the above acts may amount to inflicting ‘conditions of life’ calculated to bring about the physical

¹¹³² *Prosecutor v. Kayishema and Ruzindanda*, ICTR Trial Judgment, 21 May 1999, para. 531 to 533.

¹¹³³ Krstic decision, ICTY, Appeals Chamber, 19 April 2004, para. 41.

destruction of the population.¹¹³⁴

2. Directed against a protected group

Protected groups for purposes of the crime of genocide are national, ethnical, racial, or religious groups. The vast majority of victims of killings and similar serious violations by Séléka were the non-Muslim population of the country. Séléka generally spared the Muslim population from its attacks, and tended to lodge its bases within, or close to the areas where the Muslim population lived. In the Central African context, the non-Muslim population includes Christians belonging to several denominations (such as Catholics, Protestants, and evangelical Christians), animists, and people who practice a multitude of versions/combinations of belief. Violence by Séléka was generally directed at, and conducted in non-Muslim neighbourhoods of the towns and villages it attacked. It should be noted that in several parts of the Central African Republic, human settlement has tended to follow religious and ethnic lines, with the Muslim population (being a minority in much of the country except the Northeast) tending to reside in separate neighbourhoods from the Christian and animist majority population.

It should be noted that in the jurisprudence of the International Court of Justice and the ad hoc tribunals, the crime of genocide cannot be established on the basis of a negative formulation of the target group. As such, a formulation of the target group in the Central African Republic as anyone *other than* the Muslims (which in effect encompasses multiple other religious groups) would not be sufficient to establish the crime of genocide. As the International Court of Justice has ruled: ‘the essence of the intent is to destroy the protected group, in whole or in part, as such. It is a group which must have particular positive characteristics — national, ethnical, racial or religious — and not the lack of them ... [T]he crime requires an intent to destroy a collection of people who have a particular group identity. It is a matter of who those people are, not who they are not’.¹¹³⁵ Should the crime of genocide be the subject of future adjudication, it would be necessary for the Court to address the existence of the elements of the crime vis-à-vis each of the target groups (namely, Christians and animists), particularly in relation to whether there was an intent to destroy each specific group.

In a relatively small number of incidents documented, victims were killed on account of their being of the same ethnic group (the Gbaya) as ousted President Bozizé. The report shows a significant number of killings and other serious human rights violations committed by Séléka against persons on account of their *political* affiliation with ousted President Bozizé. While these serious human rights violations – such as deadly Séléka raids into Bangui’s Boy-Rabe neighbourhood in 2013 – often resulted in a high number of casualties, the victims were targeted based on their membership in a political group, which is not a category of protected persons for purposes of the crime of genocide. The report also documents a high number of killings and grave violence against persons who resisted pillage and arbitrary taking of property by Séléka

¹¹³⁴ Footnote 4, of Article 6 (c) of the ICC Rome Statute Elements of Crimes clarifies that the “the term “conditions of life” may include, but is not necessarily restricted to, deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.

¹¹³⁵ International Court of Justice, *Case concerning application of The Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, paras. 193-196. See also: ICTY, *Prosecutor v. Skatic*, Appeals Chamber Judgment, 22 March 2006, paras. 20-28; Karadžić Trial Judgment, para. 541.

elements. These persons were however, *not* targeted as a result of being members of a protected group for purposes of genocide.

3. Facts and circumstances relevant to genocidal intent

Should a court determine that the Séléka attacks were directed at one or more protected group for the purposes of the crime of genocide, the Mapping report includes other information that is relevant to assessing the required specific intent. As documented in the report, the Séléka committed acts of killings and other human rights and international humanitarian law violations involving serious bodily and mental harm against non-Muslims on a large scale, covering every single prefecture through which its elements moved both in its descent to Bangui and its retreat North after being removed from power. The Mapping report documents that while Séléka committed killings and other serious human rights and international humanitarian law violations against non-Muslims, it generally spared Muslims from these attacks. This report also documents numerous instances of killings by Séléka of Christian clergy and religious leaders, and of fatal mortar and gun-fire attacks against Christian Churches including during hours of worship. Séléka elements also committed acts of desecration and profanation of Christian places of worship, as documented in the report. In a large number of its attacks, Séléka killed the victims with no regard for age or gender; non-Muslim men, women, and children were all killed together.

Due to the nature of the groups targeted by Séléka (in the main, Christians and animists), the question of establishing intent to destroy this group ‘in whole or in part’, could arise. It should be borne in mind the killings and other serious human rights and international humanitarian law violations committed by the Séléka were directed towards a population segment that constitutes a majority (and not a minority) group within the country’s demography. The last population census in the Central African Republic, conducted in 2003, estimated the country’s Muslims at 10 per cent of the entire population, whereas 80 per cent of the population were Christians and the remaining 10 per cent were animists. Séléka’s inability to govern without systematically resorting to brutal force is consistent with the scenario where an armed group comprised mainly of members of a minority religious group, originating mainly from one part of the country (the Northeast), and buoyed by hired foreign fighters, took control and attempted to govern a population that was largely opposed to it, due to its brutality, pillaging, and other arbitrary actions, such as takings of property.

In killing and committing other serious human rights violations, Séléka was therefore directing its actions at the majority of the CAR’s population, which may raise the question of whether there was intent to destroy a substantial part of the group. As the International Court of Justice has ruled, ‘the intent must be to destroy at least a *substantial* part of the particular group. That is demanded by the very nature of the crime of genocide: since the object and purpose of the [Genocide] Convention as a whole is to prevent the intentional destruction of groups, the part targeted must be significant enough to have an impact on the group as a whole’.¹¹³⁶ The ICTY has also clarified that ‘the substantiality requirement both captures genocide’s defining character as a crime of massive proportions and reflects the Convention’s concern with the impact the

¹¹³⁶ International Court of Justice, *Bosnia Genocide Case (ibid)*, para 198. See also ICTR, *Kayishema and Ruzindana Trial Judgement*, para. 97, and *Bagilishema Trial Judgement*, para. 64.

destruction of the targeted part will have on the overall survival of the group.’¹¹³⁷

If Séléka’s attacks were found to be directed against one or more protected groups for purposes of the crime of genocide, further inquiry may be needed into whether the number of victims targeted within each group was sufficient to constitute a substantial part of the group in question. Considering the country’s geographical expanse, and the dispersal of Christians and animists across its territory, it would be up to the judicial process to determine if the targeted part of the group was substantial enough. Illustratively, and taking the country’s demography into account (90 per cent Christian and animist, and 10 per cent Muslim) the number of Christians and animists killed by Séléka *as a proportion of those groups*, was lower than the number of Muslims who were killed by the anti-Balaka. As the ICTY has ruled, the intent requirement of genocide is satisfied ‘where [the] evidence shows that the alleged perpetrator intended to destroy at least a substantial part of the protected group. The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms, but also in relation to the overall size of the entire group’.¹¹³⁸

Violence by the anti-Balaka against Muslims and Peulhs

1. Commission of prohibited acts

From the start of the anti-Balaka uprising in mid-2013 through the end of the mandate period, they killed Muslims and Peulhs on a large-scale, in multiple prefectures especially in the south and the west of the country which were their strongholds. In some incidents, the anti-Balaka killed as many as 50 and even up to 100 Muslim and Peulh victims during a single attack on a given locality. The anti-Balaka also committed multiple acts causing serious bodily and mental harm to their victims. These included acts of dismemberment of persons and torture, rape and gang rape, as well as abduction and prolonged enslavement of Peulh women who were subjected to sexual slavery. In addition to extensive destruction and burning of homes, the anti-Balaka also forced Muslims and Peulhs into enclaves, where the victims struggled to survive in insanitary and life-threatening conditions without basic amenities like food and water, resulting in high mortality rates. The anti-Balaka also attacked deliveries of humanitarian supplies to the enclaves. These acts could amount to deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

2. Directed against a protected group

The vast majority of killings and acts of grave violence committed by the anti-Balaka were directed at two protected groups: Muslims (religious group) and Peulhs (ethnic group). Anti-Balaka systematically targeted neighbourhoods in which there was a high density of Muslim inhabitants, facilitated by the pattern of human settlement along religious and ethnic lines in many towns in the country. In towns such as Bangui, anti-Balaka attacks were concentrated in the Muslim neighbourhoods of PK5, PK12, Fatima, Gondrou, Combattant, Ngongonon, Boeing,

¹¹³⁷ ICTY, Krstic, Appeals Chamber Judgment, IT-98-33-A, 19 April 2004, para. 8.

¹¹³⁸ ICTY, Krstic, Appeals Chamber Judgment, IT-98-33-A, 19 April 2004, para 12.

and Bahia Doumbia. Outside Bangui, anti-Balaka elements also directed their attacks at Muslim compounds and neighbourhoods. As the alliance between Séléka and armed Peulh elements developed from 2014 onwards, the entire Peulh ethnic community also became the subject of multiple incidents of killings and other serious violations of international human rights law and international humanitarian law by the anti-Balaka. In addition to Muslims and Peulhs, Chadians and persons of Chadian descent were also on occasion the target of violence by the anti-Balaka.

3. Facts and circumstances relevant to genocidal intent

The killings and other serious violations of international human rights law and international humanitarian law by the anti-Balaka directed at Muslims and Peulhs were committed on a large-scale, across all the prefectures of southern and western of the country. In incident after incident, the anti-Balaka – after their creation in mid-2013 and in particular from December 2013 – systematically and deliberately sought out Muslims for killing. Many victims were killed at close range with blunt weapons within sight of their relatives and family members: knives, machetes, and clubs. Victims were often dismembered, and their bodies mutilated to provoke horror among their surviving relatives who returned to bury them. The report documents a high number of incidents of mass killings of Muslims committed inside, or in the vicinity of mosques. Several of these killings were committed during Muslim prayer hours. The anti-Balaka sought after and killed Imams. Anti-Balaka elements also destroyed and burnt mosques. The anti-Balaka committed early morning (dawn) attacks in mosques in several locations, enabling them to kill their victims in a single location where only Muslims would be found.

In most incidents documented in the report of killings by the anti-Balaka, they killed their Muslim and Peulh victims regardless of gender or age. The report documents multiple instances of several members of the same family (father, mother, and children including infant children) killed together in the same attack. Incidents – such as in Guen, Mambéré-Kadéï prefecture, on 5 and 6 February 2014 – where the anti-Balaka separated the women and children from the boys and men before killing the latter, were the exception rather than the rule. The commission of sexual and gender-based violence by the anti-Balaka against Peulh women may also disclose elements of intent. Anti-Balaka fighters abducted and took Peulh women – often with infant children – into captivity, and held them in sexual slavery in several southern prefectures. Many of the women, having been subjected to rape and gang rape, became pregnant during their captivity, and many Peulh infant children died during their captivity from malnutrition.

During their attacks on Muslim communities as from 2014, the anti-Balaka often preceded their attacks by explicit statements that all Muslims should leave the Central African Republic. As the attacks increased in intensity, Muslims were forced into enclaves where conditions were life-threatening, and the anti-Balaka attacked organizations attempting to provide humanitarian and relief supplies to the enclaves, further worsening living conditions and increasing the mortality rates in the enclaves. They also enforced the restrictions on movement in an effort to confine Muslims to the enclaves: killing the few Muslims who attempted – often at night – to escape from the enclaves. When convoys were finally organized to enable Muslims leave the enclaves in southern and western CAR into relative safety either in Chad or in Cameroon, the anti-Balaka also staged coordinated and repeated attacks against these convoys, along the roads linking northward to Chad, and westward to Cameroon. The anti-Balaka also tracked and killed Muslims who were attempting to flee the CAR on their own in the bush and forest, in particular on the

country's westward border with Cameroon.

In conclusion, the incidents documented in the report raise facts which may be further investigated as to whether the acts committed, the groups targeted, and the intent of the perpetrator were sufficient to constitute the crime of genocide.

H. Serious violations of international law by peacekeeping and foreign intervention forces under a Security Council mandate

Since 2003, a number of peacekeeping forces and military missions have been deployed to the Central African Republic, backed by resolutions of the United Nations Security Council and the African Union Peace and Security Council. Due to their deployment amidst active armed conflict, it is necessary to determine the basis on which obligations to comply with international humanitarian law may have applied to the MISCA (African Union Force deployed from December 2013 to September 2014), Sangaris (French Force deployed from 5 December 2013 to 31 October 2016) and the MINUSCA (United Nations peacekeeping force deployed from September 2014).

The obligation to comply with international humanitarian law applies to those entities that have become a party to the armed conflict. Once an entity is a party to an armed conflict, it is bound to respect the laws and customs of war. As noted below – based on an objective assessment of the intensity of armed confrontations in which they are involved and the level of organisations of the armed groups with which these confrontations occur – peacekeeping or other intervention forces may become parties to the armed conflict. In that event, if members of such a peacekeeping or intervention force commit violations of international humanitarian law that amount to war crimes, they may be held individually responsible.

While peacekeeping or foreign intervention forces under a Security Council mandate are generally deployed in a bid to resolve a conflict (and therefore becoming parties thereto may appear incongruous) it should be borne in mind that international humanitarian law is concerned with the methods of conducting armed conflict (*jus in bello*) and not with the moral justification for such involvement (*jus ad bellum*).

United Nations forces

United Nations peacekeeping forces are frequently deployed into active theatres of war.

When they are not parties to the armed conflict, they are entitled to the same protection as civilians or civilian objects. An attack by a warring party against such peacekeeping forces constitutes a war crime, as long as they remained entitled to protection granted to civilians.¹¹³⁹ Where they are not a party to the conflict or directly engaged in hostilities, transgressions

¹¹³⁹ Article 8 (2) (e) (iii) of the Rome Statute punishes as a war crime “Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict”.

committed by such United Nations forces, while not constituting war crimes, are nonetheless prohibited by international human rights law. United Nations peacekeepers are expected to respect human rights pursuant to the Charter of the United Nations and specific standards such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.¹¹⁴⁰ United Nations peacekeepers must also act in compliance with the Status of Forces Agreement signed between the United Nations and the State hosting the peacekeeping operation (such as the Central African Republic), which requires, *inter alia*, full respect for the principles and rules of the international conventions applicable to the conduct of military personnel. The information currently available to the Mapping Project does not permit to make a finding as to whether MINUSCA forces, at any time, became a party to the conflict in the Central African Republic. The report documents incidents¹¹⁴¹ which could constitute serious violations of international law. For example:

- On 10 June 2015, in Mambéré, Sangha-Mbaéré prefecture, United Nations peacekeepers of the Republic of the Congo contingent illegally arrested and severely tortured four men, leading to the death of two of them. The peacekeepers had been intervening at the request of a local person.¹¹⁴²

Non-United Nations international forces under a Security Council mandate

French forces

The French military operation Sangaris was deployed to the Central African Republic in December 2013, under a United Nations Security Council mandate (Resolution 2127) to support the deployment of the African Union force (MISCA). The 2014 International Commission of Inquiry on the Central African Republic found that the nature of the military hostilities between the Sangaris force and armed groups in the Central African Republic from late 2013 rose to the level of an armed conflict.

France and the Central African Republic are parties to the principal international humanitarian law treaties and to the Rome Statute, and have incorporated crimes punishable pursuant to the latter into domestic law.¹¹⁴³ French troops deployed in military operations are expected to act consistently with France's commitments to respect international humanitarian law.¹¹⁴⁴ Pursuant to

¹¹⁴⁰ [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

¹¹⁴¹ See also incidents reported on pages 162 and 199 of the Mapping Report.

¹¹⁴² OHCHR Human Rights Case Database; HRW, [CAR: Murder by peacekeepers](#), 7 June 2016. MINUSCA referred the case to the Congolese authorities who sent an investigative team to the Central African Republic in June 2015. The United Nations decided to repatriate 18 soldiers. In 2016, the Congolese authorities opened a judicial investigation against one Commander and 17 subordinates. The United Nations is following-up with the authorities of the Republic of the Congo on results of judicial prosecutions.

¹¹⁴³ War crimes are punished under the *Livre IV bis* of the French Penal Code, pursuant to Law No. 2010-930 of 09 August 2010, adapting French criminal law to the Rome Statute of the ICC.

¹¹⁴⁴ See, Ministère de la défense (République Française) : Direction des affaires juridiques, *Manuel du droit des conflits armés*, Edition 2012 (The aim of this manual is to familiarize French troops with France's obligations under international humanitarian law).

reforms in the French Military Justice Code in 2012, ordinary (non-military) courts specialized in military law have jurisdiction over crimes committed by French soldiers outside of French territory.¹¹⁴⁵ Under French law, its soldiers engaged in military operations abroad do not incur individual criminal responsibility for the use of coercive measures, including the use of armed force or orders to use such force. However, it is provided that such actions must be in compliance with international humanitarian law, and necessary to accomplish their mission.¹¹⁴⁶ The report documents incidents which could constitute serious violations of international law:

- The principal allegations involving French soldiers of the Sangaris force pertain to incidents of sexual violence committed at the M’Poko IDP camp near Bangui airport.¹¹⁴⁷ The public prosecutor's office on Paris opened three preliminary investigations, one of which resulted in a judicial investigation. No indictments have so far been issued. In January 2017 the Investigating Judges declared they had found no evidence to warrant further investigation in one of the three investigations.¹¹⁴⁸

African Union Forces

MISCA forces whose deployment was authorized by the United Nations Security Council, were deployed in the Central African Republic from December 2013 to September 2014. They benefited from the legal prohibition of intentional attacks against a “peacekeeping mission [deployed] in accordance with the Charter of the United Nations”, to the extent that MISCA remained entitled to the protection granted to civilians under the international law of armed conflict.¹¹⁴⁹ The United Nations Security Council both welcomed the deployment of the MISCA by the African Union, and authorized its deployment with a specific mandate.¹¹⁵⁰

African Union legal instruments underscore the legal framework for its interventions, especially the Protocol [to the Constitutive Act of the African Union] relating to the establishment of the Peace and Security Council of the African Union, the organ which authorized MISCA. It provides that one of the objectives of the Peace and Security Council is to ensure “respect for the sanctity of human life and international humanitarian law” (Article 3). It also foresees training on

¹¹⁴⁵ Section L111-1, Code de Justice militaire (France).

¹¹⁴⁶ Article L. 4123-12 of France’s *Code de la défense* (2005), as amended by Chapter VI of Law No. 2013-1168 of 18 December 2013.

¹¹⁴⁷ [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015, page 36. According to this report, the information obtained indicated that “the allegations were not isolated incidents”. It cites several examples, such as the fact that “some of the children described witnessing the rape of other children (who were not interviewed by the MINUSCA Human Rights Officer); others indicated that it was known that they could approach certain Sangaris soldiers for food, and would be compelled to submit to sexual abuse in exchange. Information reported by the children indicated that in some cases soldiers were cooperating and coordinating in the abuse, including by bringing children onto the base and past guards, where they were not authorized to be”.

¹¹⁴⁸ [Report of the Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic](#), 17 December 2015 ; MediaPart, [Les exactions impunies de l’opération Sangaris](#), 3 January 2017 ; Le Monde, [La justice écarte des accusations contre les soldats de « Sangaris » - Plusieurs enquêtes ont été closes sans poursuite, tandis que de nouvelles accusations de viols émergent](#), 5 January 2017.

¹¹⁴⁹ Such attacks constitute a war crime, under Article 8 (2) (e) (iii) of the Rome Statute.

¹¹⁵⁰ United Nations Security Council Resolution 2127 of 5 December 2013, preamble and operative paragraph 28.

international humanitarian law and international human rights law as an integral part of training for African Union peacekeepers (Article 13.13). African Union forces are thus expected to respect international human rights law when they are not a party to conflict, and also international humanitarian law in the event they become a party to a conflict.

The information currently available to the Mapping Project does not permit to assess whether MISCA forces, at any time, became a party to the conflict in the Central African Republic. The report documents incidents which could constitute serious violations international law. For example:

- On 4 February 2014, some MISCA soldiers of the Chadian contingent, coming from Yaloké and Bossembélé to pick up their nationals, spread terror by shooting at the Christian population and killed at least three civilians.¹¹⁵¹
- On 24 March 2014, in Boali, following the killing of one of their colleagues by anti-Balaka, some MISCA soldiers of the Republic of the Congo contingent committed acts of enforced disappearance, torture and extrajudicial execution against 12 individuals.¹¹⁵²
- On 26 February 2014, in Mambéré, Sangha-Mbaéré prefecture, some MISCA soldiers of the Republic of the Congo contingent publicly executed two men whom they accused of being anti-Balaka.¹¹⁵³
- On 5 August 2014, some MISCA soldiers of the Gabonese contingent committed acts of sexual violence against women in IDP camps in the Bambari area.¹¹⁵⁴

¹¹⁵¹ *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014; AI, *Time for accountability*, 10 July 2014; For this incident, the ACLED database cites on article by RJDH <http://www.acleddata.com/wp-content/uploads/2016/01/CAR.xlsx>

¹¹⁵² The unit of the Republic of the Congo army implicated in these killings was repatriated in 2014, before the transfer of authority from MISCA to MINUSCA in September. MINUSCA conducted three investigations into the incident and, jointly with OHCHR, advocated with the African Union and the authorities of the Republic of the Congo for criminal investigations to be launched. In June 2015, the Human Rights Division of MINUSCA shared the findings of its own investigations with the Government of the Republic of the Congo and the Central African authorities. In June 2016, MINUSCA issued a statement regretting the lack of progress by the Republic of the Congo in the investigation into this case See: MINUSCA, *La MINUSCA prend acte du rapport de Human Rights Watch sur des violations des droits humains en Centrafrique*, 9 June 2016 ; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014; OHCHR, *Press briefing notes on justice for rights abuses in Nigeria, CAR and Bahrain*, 5 June 2015; FIDH, *They must all leave or die*, June 2014; HRW, *CAR: Murder by peacekeepers*, 7 June 2016. As of November 2016, the investigation remained open, further to a request for judicial assistance from the Congolese to Central African judicial authorities earlier in 2016 to undertake additional investigative action.

¹¹⁵³ Mapping Project interview, Berberati, September 2016; HRW, *CAR: Murder by peacekeepers*, 7 June 2016.

¹¹⁵⁴ Mapping Project interview, Bambari, Ouaka, October 2016; *Final Report of the Expert Group on the Central African Republic (S/2014/762)*, 29 October 2014.

PART II - STRATEGY FOR TRANSITIONAL JUSTICE IN THE CENTRAL AFRICAN REPUBLIC

The Mapping Project was mandated to identify existing approaches to transitional justice and recommend further mechanisms for transitional justice in the Central African Republic. The present chapter attempts to identify how the Government and people of the Central African Republic, with support from the international community, may begin to address the legacy of decades of violence which still continues to afflict the Central African Republic.

Definition of transitional justice and its components

Transitional justice refers to the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation.¹¹⁵⁵ It is grounded in the fundamental rights of the victims of human rights violations that have been committed, namely the right to an effective remedy, the right to know what occurred during conflict or repressive periods (right to truth), the right to reparation and the right to protection from the non-recurrence of future violations.

The principal pillars of a transitional justice framework are the following:

- *Justice and prosecutions*: Judicial accountability seeks Member states to bring to justice those who committed serious violations in order to hold them accountable, and deter such acts in the future. After conflict, it is usually difficult to prosecute the large number of alleged perpetrators, and there is often limited judicial capacity.
- *Truth-seeking*: Truth commissions aim to uncover the truth about past abuses, reveal the underlying causes of a conflict and enable victims to be heard, in a manner that cannot be achieved solely through the use of judicial processes.
- *Reparations*: Reparations seek to provide various remedies, material and symbolic, individual and collective, to victims of violations and their families. The types of reparation are: restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence.¹¹⁵⁶ They may include physical and psychological health care for victims, restitution of land, housing and property, remembrance and memorial activities in honour of victims and compensation programmes.
- *Guarantees of non-repetition*: Such measures include reform of institutions, such as the security, defence, or intelligence agencies, whose malfunctioning led to human rights

¹¹⁵⁵ United Nations, *Guidance Note of the Secretary General: United Nations Approach to Transitional Justice*, March 2010. [Report of the Secretary-General on The rule of law and transitional justice in conflict and post-conflict societies \(S/2004/616\)](#), 23 August 2004, para.8.

¹¹⁵⁶ Resolution adopted by the General Assembly on 16 December 2005 on [the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, \(A/RES/60/147\)](#).

violations. Vetting programmes are intended to exclude from such institutions individuals who committed serious violations, to prevent them from committing such violations in the future.

Demands for adopting a transitional justice process were formulated by Central African stakeholders, including the Government, armed groups party to the conflict, political actors and civil society. This chapter begins by presenting these demands as they were formulated in the different peace agreements, legal and policy frameworks, and proposals for a transitional justice process.

The chapter highlights certain key preconditions which are required for effective transitional justice processes to take place in the Central African Republic. Based on the nature of violations documented in the report, country-specific challenges are outlined for each component of transitional justice, and activities are identified that may assist the preparations for transitional justice processes.

CHAPTER I - FRAMEWORK FOR TRANSITIONAL JUSTICE IN THE CENTRAL AFRICAN REPUBLIC

A. The Brazzaville Agreement on the Cessation of Hostilities, July 2014

The framework for transitional justice in the Central African Republic has been developed in the course of efforts to reach solutions to the country's most recent crisis. Following the escalation of violence in December 2013 between the ex-Séléka and the anti-Balaka, the departure of the Djotodia Government at the request of the ECCAS, on 10 January 2014, and the establishment of a Transitional Government, on 20 January 2014, efforts were made to mediate between the ex-Séléka and anti-Balaka, and to end hostilities marked by cycles of killings and reprisals.

A cessation of hostilities agreement was signed on 23 July 2014, in Brazzaville, between the main ex-Séléka and anti-Balaka armed factions, witnessed by the Transitional Government, political parties, civil society, and by the United Nations, the African Union and ECCAS as international mediators. In addition to ending hostilities, the parties agreed that an emergency programme be put in place to create conditions for return, resettlement, and reintegration of people displaced by the conflict, and to fight against the ongoing criminality marked by serious violations of human rights and international humanitarian law.¹¹⁵⁷

The ceasefire agreement was followed by a political dialogue towards national reconciliation and to find sustainable solutions to the crisis, which was one of the main tasks of the Transitional Government in place between January 2014 and March 2016. The ECCAS summit of January 2014, called for political reconciliation for the Central African Republic,¹¹⁵⁸ while in April 2014, the United Nations Security Council requested the Transitional Government to “accelerate the political and reconciliation process in order to lay the ground for an end to the conflict”.¹¹⁵⁹ Through the Brazzaville Ceasefire Agreement of July 2014, the belligerent parties agreed to engage in the broader process of national reconciliation to be pursued in the Central African Republic.¹¹⁶⁰

Based on these mandates and commitments – and concomitantly with preparations for a constitutional referendum and elections – the Transitional Government adopted a number of policies, and brokered agreements between parties to the conflict, other armed actors and civil society, which constitute the national anchors for transitional justice processes in the Central African Republic.

¹¹⁵⁷ Article 2 (para. 2) and Article 7a and b, *Accord de Cessation des Hostilités en République Centrafricaine*, Brazzaville, 23 July 2014.

¹¹⁵⁸ Final Communiqué, Sixth Extraordinary Session of the Conference of Heads of State and Government of the Economic Community of Central African States, Ndjamena, 9-10 January 2014, operative para. 8.

¹¹⁵⁹ United Nations Security Council Resolution 2149, 10 April 2014, operative para. 7.

¹¹⁶⁰ Article 3 (b) of the Brazzaville Ceasefire Agreement.

B. The National Reconciliation Strategy, November 2014

In November 2014, the Transitional Government developed a National Reconciliation Strategy, outlining a broad-based plan of action to achieve an immediate reduction of conflict between belligerents and within communities, and to build foundations for long-term reconciliation.¹¹⁶¹

From a transitional justice perspective, the Strategy established principles underlying the approach to resolving the latest conflict experienced by the Central African Republic. In a context where anti-Balaka and ex-Séléka were continuing to attack civilians, primarily based on their religion (Muslim and non-Muslim respectively), resulting in *de facto* “religious cleansing”,¹¹⁶² the National Reconciliation Strategy stressed that the Government should resolutely oppose impunity for such acts. It emphasized that the Government should take action to stop all violent crimes, especially crimes based on discrimination, as a way to demonstrate the State’s commitment to coexistence between communities. The Strategy also reiterated that the perpetrators of crimes targeting civilians on account of their social, ethnic, or religious affiliation, will be investigated, arrested, and brought to justice.¹¹⁶³

In a context where parties to the conflict had pursued violence in order to remove people from specific localities on the basis of their religious affiliation, the Strategy reaffirmed the State’s commitment to safeguarding the rights of internally displaced persons and refugees. It highlighted the importance of identifying the immediate needs of IDPs and refugees, in particular their access to legal status and official identification documents, as well as measures to ensure their participation in national political processes, including the elections. Through the Strategy, the Government also committed to adopting legal protections necessary to safeguard the property rights of IDPs and refugees, and to render illegal the usurpation of property and the occupation of land left behind.

Finally, the Strategy called for the establishment of a Truth, Justice, Reparation and Reconciliation Commission, tasked with identifying the underlying causes of the recurrent political conflicts in the Central African Republic. As part of its sequencing of national reconciliation activities, the Strategy called for the establishment of a Truth Commission after the elections (which took place in late 2015 and early 2016), noting *inter alia*, that a reduction in violence would be necessary for people to come forward and engage with the Commission. In line with relevant international good practices, the Strategy specified: that the Commission would develop forward-looking recommendations to address the underlying causes of conflict; that its membership should be drawn from recognized personalities from civil society with moral probity, selected following a consultative process; that it should hold hearings and receive submissions; and that its report should be made public to ensure a truthful historical record.

¹¹⁶¹ Ministère de la réconciliation nationale, du dialogue politique et de la promotion de la culture civique, *Stratégie globale de réconciliation nationale en RCA*, November 2014.

¹¹⁶² The term ‘religious cleansing’ is used to describe a series of events which constitute the crime of persecution on the basis of religious affiliation, and which resulted in the massive and forcible transfer of the Muslim population.

¹¹⁶³ *Stratégie globale de réconciliation nationale en RCA*, November 2014, pp. 6-7.

C. Internal Political Dialogue: community-level consultations, January - February 2015

In line with its mandate to pursue political and reconciliation processes in order to lay the ground for an end to the conflict, the road map of the Transition Government included two layers of political dialogue between key stakeholders in the Central African Republic: consultations with communities to elicit views at grassroots-level on causes of and solutions to the conflict; and a National Forum to define elements of a political agreement thereon. Both processes were organized around four clusters of themes:

- Justice and Reconciliation,
- Peace and Security,
- Governance, and
- Economic and social development.

The community-level consultations were designed to depart from the practice of previous dialogue processes in the Central African Republic that were elite-based and non-inclusive. The purpose of the consultations was to elicit the views of citizens in all prefectures as well as among the population of Central African refugees abroad, on causes and solutions to the country's crises.

In February and March 2015, community-level consultations were conducted in all 16 of the Central African Republic's prefectures as well as in countries hosting large communities of refugees and migrants from the Central African Republic, namely Cameroon, Chad, the Democratic Republic of the Congo, the Republic of the Congo and France. Over 19,000 people representing different age categories, gender, occupational, and religious groups were reached during this process. Views and concerns expressed through the consultations were synthesized as inputs for the subsequent national forum on reconciliation and reconstruction.¹¹⁶⁴

D. Internal Political Dialogue: The National Forum on Reconciliation and Reconstruction (Bangui Forum), 4-11 May 2015

Eventually known as the Bangui Forum, the National Forum on Reconciliation and Reconstruction was intended to define core elements of agreement among the belligerents and a broad spectrum of political actors and civil society on the way forward to address the root causes and consequences of the recurrent conflicts in the Central African Republic.

The holding of this National Political Dialogue was first mandated by the ECCAS. At its summit in Ndjamena in January 2014, which saw the resignation of Michel Djotodia, paving the way for a Transitional Government, the ECCAS Heads of State and Government called for preparations towards a National Reconciliation Conference, under the aegis of the international mediator of the conflict, the Republic of the Congo. In addition to the commitment of the parties to the

¹¹⁶⁴ Forum national de réconciliation et reconstruction, *Rapport consolidé des missions des consultations populaires à la base en RCA*, March 2015. Both the United Nations Security Council (Resolution 2217 of 28 April 2015) and the African Union Peace and Security Council (Communiqué No. PSC/PR/COMM (CDXCV) of 26 March 2015) welcomed the holding of inclusive grassroots consultations ahead of the National Forum of Bangui.

Brazzaville Ceasefire agreement to participate in the internal political dialogue process which the Forum represented, the United Nations Security Council and the African Union Peace and Security Council subsequently endorsed the Forum as the principal vehicle for political dialogue within the Central African Republic.¹¹⁶⁵

The Bangui Forum was attended by 585 representatives from a broad spectrum of stakeholders: the principal ex-Séléka and anti-Balaka factions and smaller belligerent groups, political parties, a large group of representatives of each of the 78 sub-prefectures, and a broad spectrum of civil society actors, such as religious leaders, representatives of IDPs and refugees, human rights and development organizations, trade unions, women's organizations, representatives of minority communities and victims' groups.

The Bangui Forum resulted in the adoption and signing of three negotiated agreements between the parties to the conflict. Two of these agreements include commitments relevant to transitional justice policy, namely the Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic, and the Agreement on Principles of Disarmament, Demobilisation, Reintegration and Repatriation (DDRR). Moreover, the Bangui Forum led to the adoption of recommendations on justice and reconciliation.¹¹⁶⁶

In the Republican Pact for Peace, National Reconciliation and Reconstruction, its signatories resolved, *inter alia*: (i) to create a Special Criminal Court to try serious crimes, with support from the international community, and to concomitantly strengthen the regular national courts, establish mechanisms to protect judicial personnel, victims and witnesses, and to ensure the application of judicial cooperation agreements with neighbouring States; (ii) to prosecute the perpetrators of serious crimes committed in the Central African Republic and to collaborate with investigations and trials by the ICC, the Special Criminal Court and national courts; (iii) to establish a truth commission;¹¹⁶⁷ and (iv) to pursue other mechanisms, in line with the National Reconciliation Strategy, including a day of remembrance for victims of the conflicts in the Central African Republic.

In the Agreement on Principles of DDRR and on Integration into the Security and Defence Forces, which was signed by the principal belligerents, including ex-Séléka and anti-Balaka, the parties agreed that for ex-combatants from armed groups who would seek to enter the new security forces, their integration shall be preceded by an assessment of the individual aspirant's eligibility, based on both professional ability and a transparent screening or verification process (vetting), supported by the international community.

Finally, the Principal Recommendations of the Bangui Forum on justice and reconciliation further outlined a transitional justice policy for the country: (i) the position that reconciliation

¹¹⁶⁵ See United Nations Security Council Resolution 2217 of 28 April 2015, operative para. 6, and African Union Peace and Security Council Decision No. PSC/PR/COMM. (CDXCV) of 26 March 2015, paras 8-10.

¹¹⁶⁶ For the outcomes of the Bangui Forum, including the signed agreements between belligerents, and policy recommendations, see: Presidium du Forum national de Bangui avec l'appui du secrétariat technique, *Rapport général du Forum national de Bangui du 4 au 11 Mai 2015*.

¹¹⁶⁷ The text indicates that the mandate of the truth commission shall be to sort cases of alleged criminal conduct between those whose perpetrators are to be tried, and those for which non-judicial reparations or community service are appropriate. That issue is addressed later in this report.

cannot be pursued without justice, echoing the approach of the National Reconciliation Strategy that punishment of serious discrimination-based crimes will advance reconciliation, (ii) the prompt operationalization of the Special Criminal Court, (iii) the provision of reparations to victims for harm suffered, (iv) the creation of a compensation fund for victims, (v) the adoption of a law to establish a truth commission, (vi) the building of monuments and memorials in remembrance of victims, (vii) the exclusion of any amnesty for perpetrators of crimes against humanity, war crimes and genocide, (viii) the support to the work of the ICC and national courts on the basis of complementarity, (ix) the declaration of 11 May (date of the closing of the Bangui Forum) as the national day for remembrance of victims, and (x) the adoption of measures for increased inclusion of minorities, especially the Muslim community, in decision-making spheres, and for the recognition of the community, such as the observance of Muslim religious days as national holidays.¹¹⁶⁸

Following elections which led to its installation in March 2016, the elected Government, in its general policy statement presented by the Prime Minister to Parliament in June 2016, committed to pursuing the undertakings agreed upon at the Bangui Forum. Specifically, the Government committed to: (i) ensuring the implementation of the agreements signed at the Bangui Forum, (ii) accelerating the operationalization of the Special Criminal Court, (iii) continuing cooperation with the ICC, (iv) establishing the truth commission, and (v) adopting measures of remembrance, including the National Day of remembrance of victims (11 May).¹¹⁶⁹

E. Requests by the United Nations Security Council pertaining to transitional justice

The United Nations Security Council has called upon the authorities of the Central African Republic to implement certain measures pertaining to transitional justice and mandated MINUSCA to assist them in that regard.

In particular, the Security Council has requested the Government to take concrete, immediate steps to fight impunity, including the restoration of the criminal justice system, and “swiftly operationalize” the Special Criminal Court.¹¹⁷⁰ The Security Council has mandated MINUSCA to provide technical assistance to operationalize the Special Criminal Court and to provide a range of capacity-building support to the authorities of Central African Republic in particular in the areas of investigations and the right to fair trials and due process.¹¹⁷¹ More broadly, the Security Council has also mandated MINUSCA “to provide strategic, policy and technical advice to the authorities to design and implement a comprehensive strategy for transitional justice”.¹¹⁷²

On measures to ensure the non-repetition of human rights violations, the Security Council has

¹¹⁶⁸ See *Recommandations des ateliers thématiques*, and *Atelier thématique « Justice et réconciliation » - Documents annexes au Rapport général adopté à la plénière du Forum national de Bangui, 10 mai 2015, Rapport général du Forum national de Bangui du 04 au 11 Mai 2015*.

¹¹⁶⁹ See: RCA, *Déclaration de Politique Générale du Gouvernement par le Premier Ministre, Chef du Gouvernement*, Bangui, 07 juin 2016. Pages 47, 53-54, and 59-60.

¹¹⁷⁰ United Nations Security Council Resolution 2301 (2016), para 10.

¹¹⁷¹ United Nations Security Council Resolution 2301 (2016), para 34 (d) (vii) “Assistance to advance the rule of law and combat impunity”.

¹¹⁷² United Nations Security Council Resolution 2301 (2016), para. 35 (a) (iv).

urged the authorities, as part of a strategy for the comprehensive reform of the army and other security services, to put in place professional defence and security forces, “including through the adoption and implementation of appropriate vetting procedures of all defence and security personnel, including human rights vetting, as well as measures to absorb elements of armed groups meeting rigorous eligibility and vetting criteria”.¹¹⁷³ In this regard, the Security Council has mandated MINUSCA to “support the Central African Republic authorities in developing an approach to the vetting of defence and security elements (FACA, police and *gendarmerie*) which includes human rights vetting, in particular to promote accountability of violations of international and domestic law amongst security forces.”¹¹⁷⁴

¹¹⁷³ United Nations Security Council Resolution 2301 (2016), para. 9.

¹¹⁷⁴ United Nations Security Council Resolution 2301 (2016), para. 34 (b) (ii).

CHAPTER II - PRECONDITIONS FOR TRANSITIONAL JUSTICE PROCESSES IN THE CENTRAL AFRICAN REPUBLIC AND SEQUENCING STRATEGY

While transitional justice processes offer a useful framework for countries to handle a legacy of violent conflict and repression in order to build more stable and just societies, certain preconditions are essential for these mechanisms to effectively achieve their objectives. Following intensely violent conflict, the demands for justice, reparations, and reform of State institutions are often high. However meeting these demands can be difficult notably due to residual or ongoing elements of the conflict, such as in the Central African Republic. Moreover, in post-conflict or ongoing conflict situations, there are usually serious deficiencies in terms of institutional capacity.

As noted by the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, factors such as the absence of security due to persisting hostilities, the fear of reprisals, the displacement of large segments of the population, and the continued presence of perpetrators in positions of power or influence can render it difficult for victims to participate in, for instance, a truth commission process.¹¹⁷⁵ These factors may also make it difficult for individuals to file criminal complaints or act as witnesses in prosecutions. The Special Rapporteur has also identified “imperfect transitions” as a challenge for transitional justice, notably situations in which conflict persists and the process of its resolution has not been completed, such as in the Central African Republic.

As outlined in the previous chapter, a formal process for the resolution of the conflict, which incorporated a commitment to transitional justice and specified mechanisms to be put in place, was adopted. However, many of the parties to the conflict have failed to adhere to the process for resolution of the conflict.

By the end of 2016, armed groups were still controlling over half of the territory of the Central African Republic, with their mere presence maintaining a climate of insecurity, and their illegal and violent practices continuing to severely affect the daily life of many civilians. Hostilities involving the ex-Séléka and anti-Balaka, as well as in-fighting within the splintered armed groups, causing serious harm to civilians, have continued long after the July 2014 Cessation of Hostilities agreement. Pending the disarmament of the principal belligerents, armed groups exercising *de facto* control of territory have sought to interfere with State authority. Armed group structures remain in place: they have neither been dissolved nor have they channelled their various demands through the democratic or political process.

Armed groups have issued threats that renege on their previous commitments. For example, in October 2016, ex-Séléka leaders demanded that a 50 per cent quota be assigned to their elements in a new national army and that their recruitment therein under Michel Djotodia in 2013 be reinstated, contrary to the principle of recruitment based on individual competence and integrity

¹¹⁷⁵ See: Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Quelques exemples de mesures concrètes envisageables à l'aube d'un processus de justice transitionnelle en RCA (French only)*, International seminar on the fight against impunity in the Central African Republic, Bangui, 4 September 2015.

agreed upon at the Bangui Forum.¹¹⁷⁶

A. Contextual preconditions for, and timing of transitional justice processes

Contextual pre-conditions refer to the security and political environment which are necessary for transitional justice mechanisms to operate effectively. They include factors such as, the extent of control of territory by armed groups, the rate of disarmament, and the ability to travel by road without fear of attacks, which need to be taken into account in timing the establishment of transitional justice mechanisms. Even if decision-makers proceed with the establishment of a transitional justice mechanism, they would need to mitigate the impact that residual negative conditions may have on its work. While transitional justice planners do not themselves have full control of these conditions, the combined efforts of the authorities of the Central African Republic and other national stakeholders, the United Nations and other international actors, can address these issues and contribute to produce an environment conducive for transitional justice.

In a subsequent chapter, the report considers preparatory activities that will be critical for transitional justice processes to function. Most of these, such as the existence of archives, a victim and witness protection programme, organized victims' groups, and an active civil society, are prerequisites for an effective transitional justice process. But they differ from contextual pre-conditions in that they can be addressed through operational or programmatic interventions, whose outcomes are within the control of United Nations entities and partners with lead roles on transitional justice policy.

While victims' rights to an effective remedy, truth and reparations for harm suffered are not negotiable and must be realized, transitional justice policy-makers do need to carefully assess a number of factors which bear on the timing of specific mechanisms. The rushed or ill-timed introduction of transitional justice measures without due attention to the underlying conditions may prove counter-productive. For instance, security guarantees are essential for a judicial process to ensure that witnesses can testify and that victims can participate in proceedings. As another example, a truth commission that cannot be accessed by many victims due to insecurity or fear of reprisals or social stigma will only render a partial account of the conflict, thus undermining credibility of the process and the victims' trust in it.

The Guidance Note of the United Nations Secretary-General on Transitional Justice stresses that the nature and timing of transitional justice measures should be framed in the context of international obligations (including the obligation to hold perpetrators accountable) and take due account of the national context and views of the national stakeholders, particularly the victims. The question for the United Nations is never whether to pursue accountability and justice, but rather when and how. Furthermore, the Guidance Note emphasizes that "where national conditions do not allow for, or limit the effectiveness of transitional justice measures, the United Nations supports activities that encourage and lay the foundation for effective mechanisms and

¹¹⁷⁶ See: Radio Ndéké Luka, *Assemblée générale des ex-Séléka à Bria : pas de dépôt des armes avant le DDR*, 21 October 2016 and [Communiqué de presse de la Séléka relatif à leurs conditions fixées au gouvernement avant d'intégrer le DDRR](#).

processes.”¹¹⁷⁷ Therefore, the absence of specific contextual preconditions required for effective transitional justice processes should not prevent the development of plans for the conduct of preparatory activities that will set the ground for eventual transitional justice processes.

This chapter discusses two conditions required for effective transitional justice mechanisms in the Central African Republic: security for all stakeholders, and the right to identity and participation in a context of extensive displacement over several decades. While noting that the present security and political conditions may hamper the establishment and effectiveness of some transitional justice mechanisms, it proposes a possible sequence of interventions, with prosecutions and vetting as the first transitional justice components to be implemented.

1. Security conditions for transitional justice processes

A number of indicators may be used to assess the security conditions for setting up effective transitional justice processes. These include: (i) the presence of armed groups and their control over territory in parts of the country; (ii) the progress in disarming armed groups’ combatants; (iii) the extent of continuing attacks and security incidents against civilians; (iv) the ability of individuals to come forward and speak to human rights monitors or transitional justice bodies without risking reprisals; (v) the extent of freedom of movement around the country for victims and other stakeholders, and transitional justice institutions, to circulate freely and safely; and (vi) the capacity and deployment of security forces (national and international) to ensure the safety of people and secure institutions, including transitional justice mechanisms.

While a security assessment is beyond the remit of this report, some observations can be made on security indicators. As of the end of 2016, armed groups, principally the ex-Séléka and anti-Balaka, remained present across most of the country. In the west, the anti-Balaka were present in the prefectures of Lobaye, Ombella-M’Poko, Sangha-Mbaéré, Mambéré-Kadeï, Nana-Mambéré and large parts of Ouham and Ouham-Pendé. Other armed groups - FDPC, RRR and MPC (an ex-Séléka faction) - were present in the western prefectures along the borders with Chad and Cameroon. In the centre of the country, the ex-Séléka were present in the Bamingui-Bangoran prefecture, while both anti-Balaka and ex-Séléka were present in the Nana-Gribizi, Ouaka and Basse-Kotto prefectures. In the east, the ex-Séléka were present in the Vakaga prefecture and parts of Haute-Kotto and Mbomou, while the LRA were present in parts of the Haute-Kotto, Mbomou and Haut-Mbomou prefectures.

For most of the armed groups, including those that signed agreements committing to the DDRR programme, combatants are yet to be disarmed. A preparatory programme for DDRR is in place, under which approximately 6,000 combatants had registered to demobilize as of October 2016. However, the number of people who should be diverted from armed activities is likely higher and includes the large number of individuals who took part in hostilities as part of militia, without modern weapons and firearms, mainly in local anti-Balaka groups.¹¹⁷⁸ The extensive presence of

¹¹⁷⁷ United Nations, *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*, March 2010, Guiding Principle No. 2, p. 4.

¹¹⁷⁸ These individuals are characterized as “unarmed combatants” under the Agreement on DDRR and Integration into the Security Forces, signed at the Bangui Forum in May 2015. As per Article 6 of this Agreement, they will not

armed groups whose combatants have yet to be disarmed further diminishes the coercive power of, and monopoly on the use of force by, formal State institutions which are required in transitional justice processes. Moreover, State security forces are understaffed and ill-equipped. The presence of armed groups also reduces the ability of victims and witnesses of human rights violations to come forward and interact with human rights investigators and transitional justice mechanisms, and has implications for whether victims' organizations and other civil society organizations can mobilize publicly without the risk of reprisals. It also impedes the deployment of State institutions and public services which will be needed to accompany transitional justice processes.

At the end of 2016, serious attacks against civilians continued to occur, due to rival armed groups operating in the same geographical areas, and in proximity to the civilian population. Incidents of provocation by one side on another would frequently escalate into a cycle of killings and reprisal killings.¹¹⁷⁹

Movement, in particular road travel across much of the North, presently entails security risks, with several principal roads in the Vakaga, Bamingui-Bangoran, Nana-Gribizi and Ouham prefectures classified as "high-risk" routes, requiring military escorts for United Nations civilian staff to travel. MINUSCA routinely needs to provide armed escorts for convoys – including of commercial and other vehicles - across the principal roads of the country, in order to protect them from attacks and looting by armed groups or bandits. While some armed groups have the habit of mounting roadblocks, others have perpetrated attacks against convoys secured by peacekeepers.¹¹⁸⁰

Progress on security conditions will need to be assessed periodically, with benchmarks, such as progress in effective cantonment and disarming of combatants of armed groups, and a steady reduction in attacks against civilians, providing important indicators. An increase in the ability of national security forces and peacekeepers to ensure security will also be critical, including to protect institutions such as the Special Criminal Court.

be eligible for the formal DDR process, but will be reached through Community Violence Reduction programmes, which will offer them opportunities to work on projects of benefit to their communities. It should be recalled, however, that under international humanitarian law, the status of "combatant" refers to a person taking an active part in hostilities, and is not determined by possession of a modern firearm or weapon. The conflict in the CAR and other conflicts have shown the large-scale lethality of non-modern weapons, such as machetes and clubs used by the anti-Balaka. The application of the "one combatant, one weapon" requirement to disarmament (intended to prevent concealment of weapons) should not result in failing to reach large numbers of individuals who took part in hostilities.

¹¹⁷⁹ In October 2016, for instance, such incidents included reprisal killings along religious lines in Bangui following an assassination attributed to a gang in the PK5 neighbourhood; the killing of 30 people (mostly of them civilians) in Kaga-Bandoro, following an attack by ex-Séléka on an IDP camp; the killing of 11 people in Ngakobo, Ouaka prefecture, during gunfire exchanges at an IDP camp; and the killing of 25 people in Bambari.

¹¹⁸⁰ In October 2016 alone, two attacks against United Nations convoys occurred on the Grimari – Sibut road in the centre of the country, on 13 October, and near Dékoa in the Kémo prefecture, on 16 October.

2. The right to identity and victims' participation in a context of displacement

The successive conflicts in the Central African Republic triggered considerable waves of population displacement. At the end of 2016, nearly one in four citizens of the Central African Republic was either internally displaced or a refugee. At the end of September 2016, 384,884 persons were internally displaced, while 453,271 persons were refugees. However, the number of IDPs had decreased substantially, from a peak of 922,000 in January 2014 during the climax of violence and reprisals between ex-Séléka and anti-Balaka. On the other hand, the number of refugees from the Central African Republic has steadily increased, from 128,611 in December 2013, to 281,084 in July 2014, and then exceeding 400,000 by July 2015.¹¹⁸¹

The scale of population movements forced by the conflict poses a specific challenge to participation in transitional justice processes. As noted by the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the ability to access transitional justice mechanisms is often dependent on having the required documentation to prove one's identity and assert one's claims.¹¹⁸² This may include being able to lay claim for restitution of property, or to join a criminal proceeding as a victim or relative of a deceased.

While the search for durable solutions to displacement is in itself an area for transitional justice response (such as through reparations, and restoring land, housing and property rights), the conditions of safety, security and livelihoods for IDPs and refugees need to improve to allow them to participate in national processes, but also fundamentally for them to make a choice between integrating into their current locations, returning to their areas of origin, or resettlement.¹¹⁸³

The presence of foreign nationals within Séléka (whose members were predominantly Muslim) and their leaders' multiple networks in neighbouring countries, particularly in Chad and the Sudan, resulted in wider questioning of the citizenship and loyalty to the country of Muslims who *are* nationals of the Central African Republic. While non-nationals were always historically a part of the Muslim community, the violence of the latest conflict resulted in all Muslims (Central Africans and non-nationals) being branded as close to the Séléka rebellion, and therefore targeted by extreme reprisal violence.

Attention will need to be paid to the problems raised by the conflict-induced "homogenization" of population settlements in parts of the country. At the end of December 2016, the remaining Muslim minority in the south and west was living in enclaves, while in areas controlled by ex-Séléka armed groups, most of the non-Muslim population was living in large IDP sites. It will be important to ensure mechanisms are put in place that will enable these groups to participate in transitional justice processes.

¹¹⁸¹ See: UNHCR, [Réponse régionale à la crise des réfugiés en RCA](#), accessed 18 October 2016.

¹¹⁸² Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Quelques exemples de mesures concrètes envisageables à l'aube d'un processus de justice transitionnelle en République Centrafricaine (French only)*, International seminar on the fight against impunity in the Central African Republic, Bangui, 4 September 2015.

¹¹⁸³ In this regard, an important precedent was the participation of refugees from the Central African Republic as external voters in the 2015 and 2016 elections.

3. Sequencing of transitional justice mechanisms: Starting with prosecutions and vetting

The commitment to, and hopes for justice expressed by most stakeholders in the Central African Republic is obstructed by a security situation that presents serious challenges for prosecutions. The fact that belligerents have not been disarmed impedes the apprehension of alleged perpetrators, while ongoing violations and an unstable security situation will complicate investigations and seriously limit victims' participation. This situation poses very real practical issues for the functioning of the Special Criminal Court. The national authorities, with international support as appropriate, will need to be able to execute and enforce the Court's orders, including with regard to arrest warrants, once it becomes operational. For the Special Criminal Court to be credible, the coercive capacity to enforce its decisions should be in place.¹¹⁸⁴

Critical preconditions for an effective judicial process which functions in accordance with international human rights standards, are not yet in place, and should be continually assessed during operational planning for the Court and other prosecution initiatives. A frank assessment thereof should be presented, including actions required to meet these preconditions. This should inform expectations as to when and how the Special Criminal Court will become fully operational.

However, the creation of the Special Criminal Court and the start of its investigations could in themselves bring beneficial effects. It could contribute to deterring ongoing violations, such as those which in the context of attacks on IDP camps and against United Nations peacekeeping road convoys at the end of 2016. Clear communication from the Prosecutor's Office about the office's intention to investigate and indict the perpetrators, may contribute to deter such abuses. Indictments against members of armed groups who continue to commit such abuses may weaken them, and complicate their travel and access to support networks.

It will be important to carefully manage expectations regarding the timing for the beginning of the trials given the prevailing insecurity, the continued influence of armed groups and the current feasibility of apprehension of suspects. The sequencing of the work of the Special Criminal Court may also take into account the likelihood of fewer cases going to trial at the beginning, thus requiring, for example, that the investigation functions become quickly operational (Prosecutor's Office and Investigating Judges) while the Trial Chambers would be staffed progressively, once the environment permits full trials.

¹¹⁸⁴ United Nations Security Council Resolution 2301 (2016) *inter alia* mandates MINUSCA to apprehend and hand over to the Central African Republic authorities those responsible for crimes involving serious abuses so that they can be brought to justice (para 35 (a)(iii)). This mandate is currently not specifically articulated as part of the MINUSCA support functions to the Special Criminal Court, which consist of providing technical assistance and capacity-building for the authorities on investigation and arrest (Para 34 (d) (iv) to (viii)). The mandate of MINUSCA to "arrest and detain in order to maintain basic law and order and fight impunity" under the heading of Urgent Temporary Measures (UTM) allows the Mission to effect such arrests in order to accomplish its overall mandate, advance the political and reconciliation process, and support the rule of law in general, but is currently not explicitly linked to the Special Criminal Court (Para 34 (d) ii). However MINUSCA does prioritize perpetrators of grave violations of human rights and humanitarian law, in effecting arrests. UTM arrests can be effected upon request of the CAR authorities, or when a suspect is found in the course of committing an offence (*flagrante delicto*).

The vetting of the security and defence forces constitutes a second aspect of the broader transitional justice process which can be initiated as a first phase, in accordance with mandates from the United Nations Security Council.¹¹⁸⁵ International actors can support the authorities to enable verification of the past conduct of current personnel of, and candidates to the security and defence forces. Such assistance may be provided as part of ongoing efforts by international partners to train new members of national security forces in line with the United Nations human rights due diligence policy.¹¹⁸⁶ Efforts should also take advantage of the fact that the integration of new entrants into the security forces (especially from armed groups) is yet to begin. Vetting of entrants into the security and defence forces, as well as vetting of current security and defence personnel, is in itself important for creating a conducive environment for other transitional justice mechanisms, through progressively decreasing the influence of individuals who played a major role in committing violence against civilians.

¹¹⁸⁵ United Nations Security Council Resolutions 2217 (2015) and 2301 (2016) call for human rights vetting of defence and security personnel in the Central African Republic, as well as for vetting of armed groups elements that would be recruited into the security forces. See UNSCR 2217 (2015), para. 10, and UNSCR 2301 (2016), para. 34 (b) ii.

¹¹⁸⁶ The United Nations Human Rights Due Diligence Policy on UN support to non-UN security forces (HRDDP), was adopted by the UN Secretary-General on 13 July 2011. It states that United Nations support cannot be provided to national security forces ‘where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights, or refugee law and where the relevant (national) authorities fail to take the necessary corrective or mitigating measures’.

CHAPTER III - CRIMINAL JUSTICE AS A TRANSITIONAL JUSTICE MECHANISM

As one pillar of transitional justice, criminal justice can play an important role in holding those responsible for violations accountable, aiding reconciliation, providing a remedy for the victims and deterring future violations and abuses, particularly in situations where impunity has prevailed for decades. While Part III of this report sets out considerations for a prosecutorial strategy for the Special Criminal Court and areas for investigation, this chapter provides a brief overview of the role of prosecutions as a pillar of transitional justice, including the role of national courts other than the Special Criminal Court.

A. The role of prosecutions in establishing individual responsibility over collective responsibility

The national conflict resolution process in the Central African Republic underscored as essential for the coexistence of communities in the country the importance of prosecuting serious crimes committed during the recent wave of violence in which civilians were targeted on account of their religion and ethnicity. In response, victimized communities tended to amalgamate and associate civilians of the same ethnicity and religion as the belligerents with the latter, making such civilians the objects of reprisals. This tendency to collectivize responsibility by associating entire communities (Muslims or Christians) with those who perpetrated attacks, on the basis of their religious identity and ethnicity, underscores the importance of criminal justice processes which can address the responsibility of specific individuals for the most serious crimes committed.

For example, the Séléka was responsible for serious abuses and violations committed during its descent to Bangui and after the Djotodia Government was installed. With its origins in the Northeast, from which a significant number of the country's Muslims originate, the Séléka became characterized by their opponents (mainly supporters of François Bozizé) as an "Islamist" intervention in the Central African Republic. This characterization collectivized responsibility for the abuses from individual Séléka leaders and fighters to the entire community of Muslims in the Central African Republic, who then became the target of the anti-Balaka from mid-2013.

The further escalation of the conflict from late 2013, with the rise of the anti-Balaka, was marked by the collective failure on the part of all parties to conflict to distinguish between armed combatants and civilians who shared their religious affiliation or other identity traits, even when the latter were not taking part in hostilities. The fact that combatants often embedded themselves in, mingled with the civilian population helped fuel this amalgam.

Yet, the Séléka/ex-Séléka and the anti-Balaka were not endorsed by the leaders of Muslim or Christian religious communities, and religious leaders and individuals often protected civilians of other religious faiths at great personal risk.¹¹⁸⁷ In addition, the Séléka/ex-Séléka collected ransoms from Muslims (such as the cattle herding Peulh community) while the anti-Balaka often

¹¹⁸⁷ See illustratively: Portes Ouvertes, [Centrafrique : chrétiens menacés par les milices anti-Balaka](#), 4 March 2014 ; La Vie, [Centrafrique : un prêtre sauve 800 musulmans](#), 22 January 2014 ; Bangui.com, [Centrafrique : Mgr Dieudonné Nzapalainga menacé de mort par les anti-Balaka de Damara](#), 3 January 2015; La Croix, [À Bangui, une église sous la protection de ses voisins musulmans](#), 17 December 2013.

extorted money from non-Muslims for the alleged purpose of providing protection.

In a pattern documented in dozens of incidents highlighted in this report, armed individuals, such as a group of Séléka/ex-Séléka fighters, would attack a locality, often for a non-military motive, such as to pillage or for extortion. Such attacks would often turn deadly when the local population resisted. As a riposte, the anti-Balaka would attack the same location a few days later, targeting the entire Muslim community and killing Muslim civilians, even when it was clear that the Séléka/ex-Séléka fighters who had perpetrated the initial attack had left the area.¹¹⁸⁸ The consequence of this pattern of violence, based on a perception of the collective responsibility of the ‘other’ community, was to dramatically expand the toll of the conflict on civilians. Prosecuting those responsible for the most serious abuses and violations would help establish *individual* responsibility, and reduce the dangerous collectivization of responsibility based on religious or ethnic identity.

B. Suggestions to strengthening the prosecution of serious crimes

It will be important for the Special Criminal Court (and other Central African jurisdictions trying international crimes) to draw on positive lessons learned from other countries where efforts have been made to support the prosecution of serious crimes at national level. For instance, in Bosnia and Herzegovina, national trials for serious crimes were undertaken as part of the completion strategy for ICTY. Lessons from that experience include: maximizing the use of international judicial personnel; actively supporting knowledge transfer between international and national judicial personnel; developing a clear prosecutorial strategy, including on sexual and gender-based violence; setting up a legal framework and national capacity for victim and witness protection; and ensuring an appropriate strategy for jurisdiction-sharing if other national courts (other than the Special Criminal Court) would try serious crimes.¹¹⁸⁹

As stated by the United Nations High Commissioner for Human Rights, “hybrid courts can have a positive impact on the domestic justice system of post-conflict States so as to ensure a lasting legacy for the rule of law and respect for human rights”.¹¹⁹⁰ However, this requires an unflinching commitment on the part of the national authorities and adequate support from international partners so that the Special Criminal Court can contribute to build the capacity of the overall national judicial system.

Actors involved in the establishment and functioning of the Special Criminal Court need to ensure that this Court does not absorb human and material resources away from the regular judicial system, at a time when the latter critically needs to be developed to ensure administration

¹¹⁸⁸ To compound the vulnerability of civilians, even when armed actors from a community had committed an attack – and thus knew their community was exposed to a revenge attack – they rarely systematically stayed behind to protect civilians from reprisals.

¹¹⁸⁹ See HRW, *Justice for Atrocity Crimes: Lessons of International Support for Trials before the State Court of Bosnia and Herzegovina*, 2012, which discusses lessons learned from support to national trials for atrocity crimes committed in Bosnia and Herzegovina, and presents recommendations for other post-conflict transitions.

¹¹⁹⁰ Foreword by the United Nations High Commissioner for Human Rights; see *Rule-of-law tools for post-conflict States: maximizing the legacy of hybrid courts*, United Nations High Commissioner for Human Rights, 2008.

of justice is restored throughout the country. Furthermore, as previously emphasized, the regular judicial system will have an important role to play, alongside the Special Criminal Court, in adjudicating cases of conflict-related crimes, including international crimes committed after 2010, which cannot be dealt with by the Special Criminal Court or the ICC.

While the Central African Republic is a relatively low-populated country, its territory is vast, and a balanced coverage of the entire country by law enforcement, judicial, and penitentiary institutions has always been a challenge. The country has a small legal community, with around 250 magistrates, with some currently seconded to non-judicial posts, less than 150 lawyers in the Bar, and just over 100 court registrars. Most of this personnel is concentrated in Bangui, and due to the recent conflict, many personnel in the penal chain are not at their duty stations, resulting in the police, courts, and penitentiary system not being functional.¹¹⁹¹

National staffing needs in various components of the Special Criminal Court, namely the Prosecutor's Office, the Registry, the Chambers, the defence council unit, as well as interventions by NGOs around the Court (such as trial monitoring, support to victims' organizations, or public education and sensitization) could divert the few human resources from the regular judicial system, to the Special Criminal Court.

Initiatives to mitigate this effect could include: (i) the immediate expansion of student intake and the strengthening of training at the law faculty of the University of Bangui as well as at the National School for Administration and Magistracy (which trains Magistrates and Registrars), (ii) the support to the Bar Association for lawyer-in-training pupillage programmes and annual organization of the Bar Examination (*Certificat d'aptitude à la profession d'avocat*) and (iii) addressing the overall structural deficiencies of the judicial system, including corruption.

It is commendable that development partners have already begun some support programmes to strengthen the regular judiciary.¹¹⁹² This will be important since the inability of the judicial system, law enforcement and the criminal justice system to cover the national territory has itself been a cause of conflict, as neglect of vast areas of territory has enabled armed bandits, poachers, rebel groups and armed herders to attack and rob civilians with impunity and to proliferate.¹¹⁹³

Lastly, some foreign States should play an important role in helping to ensure accountability for serious violations committed in the Central African Republic. Indeed, some perpetrators often fled the country and sought exile in other States in Africa and beyond. In line with their

¹¹⁹¹ For estimates of the judicial and auxiliary personnel in the Central African Republic, see Jocelyn Ngoumbango Kohetto, *L'accès au droit et à la justice des citoyens en République centrafricaine. Thèse de Doctorat en Droit*. Université de Bourgogne, 2013, p. 139.

¹¹⁹² For instance, in 2015, the Government of the United States of America, provided 11.1 million US dollars as part of a project for re-establishment of the *Cours criminelles*, the principal trial courts for felonies, which sit at the level of the Courts of Appeal.

¹¹⁹³ To illustrate the challenge of judicial coverage and reach, the *Cour Criminelle* at the Court of Appeal in Bambari, is the only Court with jurisdiction over felonies committed as far away as Birao, Vakaga prefecture (690 kilometres away, near the border with the Sudan) and Obo, Haut-Mbomou prefecture (847 km away, near the border with South Sudan). The roads from Bambari to Birao and Obo are mostly impassable. The law allows for Courts to relocate provisionally and hold trials in locations closer to the crime (*audiences foraines* or mobile courts) which, however, have been infrequently organized due to the lack of resources.

international obligations to bring perpetrators of serious crimes to justice, these States should initiate prosecutions against alleged perpetrators present on their soil, or extradite them to the Central African Republic, in cooperation with the Central African Republic authorities.¹¹⁹⁴ Such cooperation will enable the Central African Republic to achieve justice, which stakeholders have identified as critical for the stability of the country and coexistence between communities. States concerned should therefore prioritize such cooperation, in addition to other possible areas of assistance to the Central African Republic.

¹¹⁹⁴ For instance, States that are signatories to the United Nations Convention Against Torture have the obligation to punish or extradite individuals found on their territory suspected of having committed torture abroad. It should be noted that the Central African Republic only ratified the Convention Against Torture on 11 October 2016.

CHAPTER IV - A TRUTH SEEKING PROCESS

In the Internal Political Dialogue process to resolve the conflict between the ex-Séléka and the anti-Balaka, the creation of a Truth, Justice, Reconciliation and Reparation Commission was mentioned in all the key policy instruments that were adopted: the National Reconciliation Strategy of November 2014, the major decisions and recommendations of the Bangui Forum of May 2015, and the General Policy Statement of the Government, presented to the legislature in June 2016.

A. Main features of truth seeking processes

Truth commissions are bodies established in the aftermath of large-scale conflict or periods of authoritative rule which help establish the facts and violations that occurred and create an understanding of the root causes of the conflict or periods of misrule. Victims of human rights violations committed in the course of a conflict have a right to know what caused the grievous harms they suffered, and society as whole can benefit from a shared understanding of what triggered the conflict and what occurred during the conflict, in order to build a stable and more just society. Truth commissions – which, to date, have been attempted in over 40 countries – offer an important mechanism to achieve this objective of historical clarification and setting forth an undeniable, authoritative historical record of what transpired during a conflict.

Truth-seeking processes can help elucidate the causes of a conflict in a manner that criminal trials cannot do. Indeed, criminal trials focus on the individual responsibility of only a few individuals and even then, only for selected crimes that can be proven beyond a reasonable doubt. On their own, trials are often unable to provide an explanation of the complex reasons that drove a conflict or a period of misrule, or to unearth the systematic patterns of violations that were committed. In this regard, truth commissions are an important complement to criminal trials in a transitional justice process.¹¹⁹⁵

Truth commissions are often the main transitional justice mechanism that gives a voice to victims. They should be inclusive and gender-sensitive to enable a large cross-section of society, and in particular victims of human rights violations, to be heard. A truth commission process can involve the taking of statements from victims on a large scale, usually using statement-takers deployed across the country, and holding hearings, mainly public in nature, during which individuals can reveal what they know about events that occurred during the conflict. Truth commissions may hold thematic hearings in order to shed the light on less understood aspects of the conflict, or to probe more deeply into certain aspects that characterized it.

Due to the breadth of information they gather, truth commissions are well placed to make forward looking recommendations to governments and other policy-makers on specific actions to address the root causes of conflict or misrule. These recommendations can be tracked over the long-term – after the Commission has completed its work – to ensure that they have been

¹¹⁹⁵ For overview guidance on the working of Truth Commissions, see OHCHR, [Rule-of-law Tools for Post-conflict States: Truth Commissions](#), 2006.

implemented. Truth commissions have usually issued a public report on their findings, helping to establish an impartial, historical record of a conflict or authoritarian regime.

B. Specific recommendations for a truth-seeking process in the Central African Republic

Taking into account the variety of incidents documented by the Mapping Project and presented in this report, a truth commission would need a broad mandate in order to unearth a complete record of the root causes of recurrent conflicts in the Central African Republic. While the Mapping Project had a temporal mandate beginning on 1 January 2003, it is evident that several root causes of the cycles of conflict and misrule in the Central African Republic began well before that date. While it will be up to Central African Republic stakeholders to choose an appropriate start date for the mandate of the truth commission, it is recommended that such a date enable the commission to appropriately examine the root causes of repeated conflicts. At the same time, the truth commission should be able to complete its work within a reasonable time so that the implementation of its recommendations can impact positively on the transitional justice process and on the rebuilding of the country.

The truth commission will need to look at recurrent factors underlying the serious violations committed in the country. Non-exhaustively, some of these underlying factors which emerge from the context of incidents documented in this report, include: the lack of State presence in some provinces and the related lack of economic and social services and marginalization of several segments of the population, especially in the northern and eastern parts of the country; the role of the military and security entities in meeting or not their constitutional functions; the successive coups d'état and rebellions; the inability to regulate conflicts and prevent encroachment on its borders (especially to the north and east of the country); corruption and the illegal exploitation of natural resources; the tendency to collectivize responsibility for actions with their perpetrator's religious and ethnic group, leading to waves of persecution; the role of women in society, and their consequent subjection to violent practices; the use of, and the impunity caused by amnesty laws; and the contagious effect of conflicts in the sub-region on the Central African Republic.

A comprehensive analysis of the waves of violence in the Central African Republic should also endeavour to look beyond the direct perpetrators of violence. Armed groups complicit in the successive conflicts controlled major revenue streams across the country, but they did not exist in a vacuum. Instead, they relied on larger networks of predominantly foreign facilitators who were not directly connected to the conflict, but provided expertise and access to international financial, trade, and transportation systems that allowed local actors to sustain themselves and launder profits out of the country for personal enrichment.¹¹⁹⁶

Regarding the functions that have been attributed to the future truth commission by key policy instruments since 2014, some important caveats need to be given:

¹¹⁹⁶ The Sentry (Enough Project), [Country Brief: CAR](#), July 2015.

- *Truth-seeking*: This should be the Commission’s primary and principal mandate. It should have a broad mandate to establish the facts and identify the root causes of the conflicts and what transpired during them, and to provide an impartial historical record. It should have full powers to achieve this mandate.
- *Justice*: While truth commissions may contribute to restorative justice through establishing an impartial record about the conflict and thus validate victims’ claims and expose perpetrators’ wrong-doing, they are not judicial bodies. Neither should a truth commission have to “triage” cases between those meant for prosecution (for instance before the Special Criminal Court), and those which may only be subject to some form of reparation or other measures. That function rests firmly with the criminal justice process, embodied by, amongst others, the Special Criminal Court.
- *Reconciliation*: While a truth commission may contribute to national reconciliation through its methods and outcome, it should not get embroiled in mediation activities between parties or communities that may be opposed in case of persisting or residual conflict. Such functions shall be assigned to specific mediation bodies, as foreseen by the National Reconciliation Strategy.
- *Reparations*: Due to the large number of victims encountered by a truth commission and the breadth of information available to it, it is well-placed to identify, in a gender sensitive manner, the main forms of harm suffered by victims, and to make proposals for repairing such harm, including based on what victims themselves express as their priorities. However, the actual administration of a reparations programme is best handled by a dedicated body, considering the complexity of eventual reparations.

As previously highlighted, a stable security situation and the sufficient advancement of the conflict-resolution process (in particular the disarmament of armed groups) must be preconditions to the launch of a truth seeking process.

C. The role of traditional mechanisms for reconciliation

In the aftermath of recent large scale conflicts in Africa, attention has been increasingly given to the role that traditional institutions could play towards achieving reconciliation and helping individuals and communities move on after conflict. The importance of such mechanisms lies in their proximity to the social customs, values, mores, and norms of traditional societies, which are non-urbanized societies where a large number of victims of the conflicts live. It should be noted that many perpetrators also live within such traditional societies or will return to them following the conflict. In a number of African countries, such as Mozambique (the practice of the Gamba spirits), Northern Uganda (the Mato Oput process), Liberia (the “palaver hut” dispute resolution mechanism) and Rwanda (the gacaca trials), an effort has been made to include aspects of traditional culture in the process of re-acceptance into society of alleged perpetrators of violations.¹¹⁹⁷

¹¹⁹⁷ For an overview of approaches, and country specific analyses of the role of such traditional mechanisms in

The potential for using similar mechanisms in an eventual transitional justice process in the Central African Republic could be explored through a study, with expertise from anthropologists, criminologists and professionals with specific knowledge of reconciliation in traditional societies in the Central African Republic.¹¹⁹⁸

It should also be noted that due to the identity traits – especially around religion and origins – which were the basis of targeting of victims, religious leaders and faith organizations can also play a critical role in advancing the reconciliation process, building in particular on their largely unblemished role during the heat of the conflict. Religious leaders indeed crossed divides and worked together to attenuate conflict, and took great personal risks to protect people of other faiths who were under threat of attack.

transitional justice processes in five African countries (Burundi, Mozambique, Rwanda, Sierra Leone, and Uganda), see Luc Huyse and Mark Salter (eds), [*Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*](#), Institut international pour la démocratie et l'assistance électorale (IDEA), 2008.

¹¹⁹⁸ The eventual application of such mechanisms should also be gender-sensitive, and not reinforce gender stereotypes or inequalities.

CHAPTER V - REPARATIONS

The right to reparation for victims of human rights violations is well settled under international law and is linked to victims' right to a remedy for harm suffered. Reparations include various forms of material and non-material measures that may be taken in order to repair the harm caused as a result of the violations suffered. Under international human rights law, the types of reparation include restitution, satisfaction, rehabilitation, compensation and guarantees of non-repetition of violations.

Restitution aims at restoring victims to the original situation before the harm caused by violations. It may include restoration of property or housing, as well as reinstatement of civil or political rights. Satisfaction includes measures to end continuing violations, measures for disclosure of the truth and towards remembrance and memorialization of victims, their official recognition as such, and public apologies for the harms caused to victims. Rehabilitation includes a range of legal, medical, social and psychological services to be made available to victims of the conflict, especially those traumatized and rendered particularly vulnerable by the harms suffered, such as survivors of rape and other forms of sexual violence. Compensation seeks to compensate economically assessable damage caused to victims of human rights violations.

A. The scale of victimization in the conflicts in the Central African Republic since 2003 and the challenge of reparations

A very large number of people in the Central African Republic were the victims of serious violations of international human rights law and international humanitarian law. For almost the entire period examined by the Mapping Project, the country was marked by cycles of violent repression after the seizure of power through coups d'état, as well as armed conflicts opposing different protagonists which began late in 2005 and continued through 2015. These armed conflicts have largely been fought in the midst of the civilian population, causing numerous victims, and on many occasions, civilians were directly targeted. The large scale of this victimization poses a specific challenge to repairing the harms caused, even for a country with a relatively small population of 4.5 million inhabitants.

Moreover, the perpetrators of the harms were numerous and varied. The national defence and security forces committed both international human rights law and international humanitarian law violations, often at the instruction, or with the knowledge of senior Government officials. In many instances, they failed to protect citizens at risk from armed groups or marauding robbers and bandits. Moreover, the national authorities failed to hold perpetrators accountable. Various armed groups involved in successive rebellions also committed violations. Government forces from other countries committed serious violations in the Central African Republic, including troops from Chad and Uganda, during military operations in the Central African Republic. Neighbouring countries, such as Chad and the Sudan failed to prevent their nationals bearing arms – such as armed transhumant pastoralists bringing cattle to graze in the Central African Republic – from crossing their borders into the Central African Republic, where they committed violations. Troops who were part of military or peacekeeping interventions from several countries, whether acting directly – such as military interventions by France – or under the aegis of the African Union or the United Nations, also committed violations. This underscores the

many actors with responsibility for repairing the harms suffered.

Despite the large number of victims, it is nonetheless possible and necessary to attempt some definition of victims for the purpose of a reparations programme. The Truth Commission in Timor-Leste for instance, noted that while all East Timorese had been impacted by the conflict and were victims of it in one way or another, some people still suffered daily from the consequences of the conflict whose children would inherit the disadvantages their parents faced as a consequence of their victimization. The Commission concluded that “we are all victims, but not all victims are equal. We must acknowledge this reality and lend a hand to those who are most vulnerable”.¹¹⁹⁹

In this regard, attention should also be paid to both the direct victims of violations and other individuals affected. As highlighted in the United Nations Secretary General Guidance Note on Reparations for Conflict-related Sexual violence: “victims of conflict-related sexual violence include persons who, individually or collectively, suffered such violence but also family members, such as children or partners and children born as a result of pregnancy from rape. Persons who depend on the victim of sexual violence and others may also be victims as a consequence of the harm inflicted through the violation. Victims may also include persons who have suffered harm in intervening to assist victims in distress or to prevent victimization”.¹²⁰⁰

The subsequent parts of this chapter identify specificities of the conflicts in the Central African Republic with a bearing on an eventual approach to each of the types of reparations (restitution, satisfaction, rehabilitation, compensation),¹²⁰¹ and outlines the process through which reparations could, in due course, be given effect.

B. Restitution of land, housing and implementation of property rights and other durable solutions for victims of displacement

A specific feature of the conflict in the Central African Republic has been the massive displacement of populations from their land and homes, especially during the scorched earth policy led by FACA in the northeast, from 2006 to 2008, and during the crisis between 2013 and 2014. Forcible displacement due to the conflict affected all communities, and virtually all prefectures presently have concentrations of IDPs.

An aggravated form of displacement began in late 2013 and early 2014, as the conflict took on an increasingly sectarian and identity-based dimension, with communities repeatedly attacked, killed, and subjected to persecution in order to make them leave specific areas. The Central

¹¹⁹⁹ Commission for Reception, Truth, and Reconciliation, Timor-Leste, 2005. [Chega! Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste: Executive Summary](#), p. 200, Accessed: 20 October 2016.

¹²⁰⁰ United Nations, [Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence](#), June 2014. The ICC has also noted the distinction between direct victims (who suffer direct harm) and indirect victims (such as family members and dependents). See: ICC, Lubanga Appeals Decision, 2015 - No. ICC-01/04-01/06 (paras. 190 and 191).

¹²⁰¹ Guarantees of repetition are treated later in this report, with an emphasis on vetting of the security and defence forces.

African Republic's Muslim community was particularly targeted, and has largely been driven out of the west and south of the country. According to estimates, as many as 90 per cent of the Muslim population of Bangui fled the city during 2014.¹²⁰²

Whether they fled due to general violence, or targeted religious and ethnicity-based violence, victims often left behind land, housing and other assets. Looting, theft and property-taking, were systematically associated with attacks against civilians. Although present security conditions are not conducive to a large-scale return of IDPs and refugees, and while many remain traumatized by the violence that provoked their departure, they have the right to restitution of their legal rights to land and property. The National Reconciliation Strategy adopted in November 2014 outlined the intention to safeguard such property rights, and to invalidate any land and housing grabs after their flight.¹²⁰³

The United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons offer the substantive framework for asserting these rights. They recognize the right to restitution as a preferred remedy for displacement, noting that restitution constitutes “a distinct right, and is prejudiced neither by the actual return nor non-return of refugees and displaced persons entitled to housing, land and property restitution.”¹²⁰⁴

Faced with massive population movements, including the forcible transfer of the population, there may be a policy impulse from national authorities, international actors and neighbouring States (including those hosting refugees and seeking to reduce the caseload) to reverse these movements by pursuing the return of IDPs and refugees to the areas from which they were forcibly removed. However, achieving restitution is not necessarily synonymous with their return to their former places of residence. Refugees and IDPs to whom land or housing rights are restored may choose to rent, sell, or otherwise dispose of their property without necessarily returning to inhabit such property, and they should not be compelled to do so.

Moreover, comparative experience shows that restitution of property should not be pursued as a sole and principal channel to achieve returns. In that respect, the experience of Bosnia and Herzegovina showed that instead of a narrow focus on restitution, a broader approach that seeks to respond to the various elements that influence whether refugees or IDPs return to a given area, is preferable. This includes factors such as the continued presence in the area of individuals who committed violations against them or against members of their community, access to social services and gainful economic activity, and whether a discriminatory environment prevails, which would for instance prevent them from practicing their religion without fear of attacks.¹²⁰⁵

¹²⁰² See, Reuters, [UN says almost all Muslims have fled Central African capital](#), 7 March 2014, where the United Nations Humanitarian Coordinator noted the drop of the Muslim population in Bangui from over 100,000 to around 10,000 in December 2013, and even less by March 2014.

¹²⁰³ See Ministère de la réconciliation nationale, du dialogue politique et de la promotion de la culture civique, *Stratégie globale de réconciliation en RCA*, November 2014, p. 12-13 and 15.

¹²⁰⁴ United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005), Principle 2.

¹²⁰⁵ For a description of the return process in Bosnia and Herzegovina, see Rhodri C. Williams, [Post-Conflict Property Restitution in Bosnia: Balancing Reparations and Durable Solutions in the Aftermath of Displacement](#), International Symposium on “Internal Displacement in Turkey and Abroad”, Istanbul, 5 December 2006.

Furthermore, the objective of achieving coexistence, which underlies the National Reconciliation Strategy, cannot override the voluntary nature of IDP and refugees' right to return. As stated in the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons: "Refugees and displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands or places of habitual residence. Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property."¹²⁰⁶

Refugees and IDPs should exercise their right to return voluntarily, on the basis of a free, informed, individual choice. Neither should the right to return be subjected to arbitrary or unlawful time limitations, such as deadlines by which return must be completed. In addressing the right to restitution of land, housing and property rights, it is essential that the victims on all sides of the conflict be taken into account, that is, such interventions should be conflict-sensitive. While the Muslim minority suffered forcible displacement and expulsion as from 2014, non-Muslim communities also faced massive displacement and loss of land, housing and property.

A land, housing and property restitution effort should adopt a flexible and contextually-suitable approach to proving and establishing property claims. This should take into account the overall level of formal registration and titling of property, which is not likely to have been high prior to the conflict, due to the overall weakness of administrative systems and informal housing. In addition IDPs and refugees may have lost critical documentation during their flight and displacement.

Specific attention should be given to land, housing and property claims by women, whether claiming such in their own right, or as widows or successors to deceased spouses or relatives. Obstacles to women's formal assertion of property rights prior to the conflict, as well as the existence of non-formalized family unions (such as marriages that were not legally registered) should be taken into account, in order to ensure that the additional barriers women face in accessing land, housing and property restitution, are overcome.

C. Compensation

Compensation is intended to repair economically assessable damage suffered by victims of human rights violations. Such damage may include loss of earnings and opportunity to earn a living, as well as the loss of support previously obtained by a dependent from a parent or relative killed or rendered disabled in the conflict. Compensation requires a gender-sensitive assessment of the harms suffered by the victim, and an effort to provide reparation proportionate to the harm suffered. The form in which compensation is provided should also be carefully considered to enhance its transformative potential. It should prevent stigma, ostracism and discrimination by providing confidentiality to victims. Compensation should be provided for grave physical harms such as killings, rape and sexual violence, torture occasioning grievous bodily or psychological

¹²⁰⁶ United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005), Principle 10.

harm, as well as grave acts of pillage and other serious violations of economic, social and cultural rights.

An important factor to be taken into account in the Central African context is the extent of organized pillage and destruction of community infrastructure committed by armed groups, in a context of poor economic conditions and chronic poverty. This destruction gravely affected the enjoyment of the rights to health, education, work and other economic and social rights. For instance, the scorched earth policy led by FACA in the northeast was a direct assault on the right to housing, with estimates that as many as 10,000 homes were burnt in the north of the country between 2006 and 2008.¹²⁰⁷ These violations of economic and social rights should be given due consideration in the classification of harms to reflect their toll on the suffering of the population.

From the incidents documented in this report, some armed groups, such as the Séléka during their descent to Bangui and their rule had as much of an objective to pillage any property they could find, as they did to attain a specific military or political objective. Once in power, they used their position of strength to pillage even more. The animus behind many attacks was pillage and plunder: a fact that is in part explained by the presence within the Séléka of remnants of the Zaraguina (armed highway bandits who had terrorized the west and the broader Central African sub-region for years) as well as Sudanese game poachers, known for killing endangered species and trafficking them to crime syndicates.

The extent of the damage to property, housing and assets across the Central African Republic makes it important to provide very clear information to the public about compensation as a mode of reparations for human rights violations. In particular, it will be essential to explain the difference between compensation for victims of human rights violations and legal claims for economic losses caused by armed groups, and which do not qualify for human rights reparations. It will be important to underscore the linkage to violations of international human rights law and international humanitarian law, and to explain clearly the types of harm suffered for which compensation may be provided.

D. Satisfaction

Among measures of satisfaction for victims, the Central African Republic authorities have established a National Day for the Remembrance of victims of conflict, which was commemorated for the first time on 11 May 2016. An eventual truth seeking process should also help to achieve unearthing the truth, providing a measure of closure to victims. Considering the socially divisive nature of the recent conflict, in particular attacks against entire communities based on religion and ethnicity, it will be important that memorialization and commemorative events be appropriately framed, transformative, and protect victims' confidentiality (such as for victims of conflict-related sexual violence). At the same time, it will be important to ensure over time that any memorial and commemorative events do not become political tools to re-ignite the flames of conflict by castigating and laying blame on entire groups.

¹²⁰⁷ See HRW [State of Anarchy](#), 14 September 2007.

E. Rehabilitation

A significant number of victims of the conflict are in need of specific medical, social, legal and psychological support services in order to begin to rebuild their lives. Victims have been orphaned, maimed, raped, disabled, or otherwise left unable to pick up and rebuild their lives. Many victims of sexual violence have been left with long-term consequences, including infection with HIV-AIDs, or children born out of rape or sexual slavery, such as women taken into captivity by LRA fighters.

While the humanitarian community in the Central African Republic – which has historically provided the bulk of medical services, especially outside Bangui – is responding to the needs of victims of conflict and of the general population, additional measures are required, with leadership from State authorities, to integrate rehabilitation as part of a national reparations programme. This could include a basic national health insurance programme under which qualifying individuals and their dependents would be entitled to free coverage of recurring healthcare costs and treatment of serious complications arising from harms suffered during the conflict.

Providing rehabilitation for victims not only requires a gender sensitive approach but also a culturally sensitive one. For instance, there are different ways to understand trauma as a consequence of conflict-related sexual violence and different ways to treat it. The provision of rehabilitation services should be sensitive to this reality and should always take into account the views of the victim. Attention should also be given to the needs – psychosocial, educational and legal – of boys and girls separated from armed groups.

Urgent measures, such as medical treatment should also be provided to victims in particular need, especially women, boys and girls and the elderly, even prior to the establishment of a formal reparations programme, which entails categorization of types of harm suffered and comprehensive identification of victims. These measures can be granted without prejudice to other forms of reparations that may come later under a specific programme.

F. Implementation modalities for reparations

With regards to implementation modalities for an eventual reparations effort, a number of approaches may be pursued. A national body could be established to begin early work on durable solutions for people displaced by the conflict, including the parameters for land, housing and property restitution. The work of the Truth, Justice, Reconciliation and Reparation Commission could be of importance in obtaining a more victim-centred and gender-sensitive view of the harms suffered, and make recommendations on the most appropriate forms of reparation for various categories of victims. A reparations commission could work on the modalities for assessing harms and providing forms of individual or collective reparations to victims. Finally, a Trust Fund, to which various development partners of the Central African Republic would contribute, could be established with a view to providing the resource base for implementing the reparations programme.

CHAPTER VI - GUARANTEES OF NON-RECURRENCE, WITH A FOCUS ON VETTING

Following periods marked by repression and armed conflict, guarantees of non-repetition or non-recurrence are measures that are designed in a transitional justice framework to prevent serious human rights violations from taking place again.¹²⁰⁸ The concept of guarantees of non-recurrence arose from decisions of United Nations human rights bodies which required the States responsible for a violation not only to repair the harm done to an individual victim, but also to take measures to ensure that such violations would not be committed against others in the future. The United Nations Human Rights Committee, which oversees the application of the International Covenant on Civil and Political Rights, to which the Central African Republic is a party, has held that States parties to the Covenant have an obligation to take measures to prevent the recurrence of a violation of the Covenant. As such, the Committee frequently requests States which have violated a human right protected under the Covenant, to take measures, beyond a remedy to the specific victim, to avoid recurrence of the type of violation in question.¹²⁰⁹

Guarantees of non-recurrence may include a wide range of measures and could take several forms, including ‘reforming institutions, disbanding unofficial armed groups, repealing emergency legislation incompatible with basic rights, vetting the security forces and the judiciary, protecting human rights defenders and training security forces in human rights’.¹²¹⁰ They entail a ‘combination of deliberate, diverse interventions that contribute to a reduction in the likelihood of recurring violations’.¹²¹¹ As stressed by the Inter-American Court on Human Rights, States are obliged ‘to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights’.¹²¹²

In post-authoritarian transitions such as in the Central African Republic, the reform of the military, law enforcement, intelligence, anti-crime and judicial institutions is of paramount importance so that these institutions can fulfil their constitutional roles while respecting the rule of law and fundamental rights. A critical element of the reform of institutions is vetting of their personnel, that is in particular, ensuring that individuals who committed serious violations do not remain within those institutions, and that applicants for positions in such institutions have their human rights records verified.

Achieving guarantees of non-recurrence in the Central African Republic will entail a range of measures, such as: (i) a fundamental reform of State organs, especially in the security sector as many components of the security and defence apparatus contributed institutionally to serious human rights violations (such as the Presidential Guard, FACA, OCRB and SERD/SRI); (ii) the

¹²⁰⁸ See Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, 7 September 2015 (A/HRC/30/42), para. 24: ‘The core function of guarantees of non-recurrence is preventive in nature’.

¹²⁰⁹ See [General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant \(CCPR/C/21/Rev.1/Add.13\)](#), 26 May 2004, para. 17.

¹²¹⁰ Report of Special Rapporteur Pablo de Greiff, 2015, *ibid*, para. 23.

¹²¹¹ Report of Special Rapporteur Pablo de Greiff, 2015, *ibid*, para. 25.

¹²¹² See *Velásquez Rodríguez v. Honduras*, Judgement of 29 July 1988, Inter-American Court of Human Rights, Ser. C, No. 4, para. 166.

adoption and enforcement of laws that protect fundamental rights, such as in the area of women's rights, where significant legislative gaps persist; (iii) strengthening the entire national judiciary and insulating it from interference from the executive branch; and (iv) a comprehensive personnel reform in key institutions of the security and justice sectors, to ensure that individuals who have committed serious violations or abuses are excluded from these bodies.

Given the extent to which State bodies and armed groups institutionalized and condoned serious violations and abuses by their members, this chapter will focus only on the comprehensive reform of personnel of key institutions, and on the specific role of human rights vetting in such a reform process. MINUSCA has been mandated by the Security Council to “support the CAR authorities in developing an approach to the vetting of defence and security elements (FACA, police and gendarmerie) which includes human rights vetting, in particular to promote accountability of violations of international and domestic law amongst security forces and in the context of any integration of demobilized armed groups elements into security sector institutions”.¹²¹³

A. Vetting and human rights background checks

Reforming public institutions is a core task in countries in transition from authoritarianism or conflict to democracy and peace. Public institutions that perpetuated a conflict or served an authoritarian regime need to be transformed into institutions that support the transition, sustain peace and preserve the rule of law. Institutions that abused human rights and defended the partisan interests of a few need to become institutions that protect human rights, prevent abuses and impartially serve the public.¹²¹⁴ Institutional reform contributes to transitional justice in that it enables public institutions, in particular in the security and justice sectors, to provide criminal accountability for past violations and abuses.¹²¹⁵ It also ensures the establishment of rule of law based institutions, including an independent judiciary, accountable institutions which are subjected to oversight, and institutions capable of effectively fulfilling their constitutional mandates.

While there are many dimensions to a comprehensive institutional reform process, “the principal constituents of a public institution are its employees. The institution acts through its employees and is represented by them. Past malfunctioning and abuses were often the result of various deficits of personnel. Personnel reform is, therefore, a central component of any effective and sustainable institutional reform process”.¹²¹⁶ An important aspect of such institutional reform efforts in countries in transition is a vetting process to exclude from public institutions persons who lack integrity.¹²¹⁷

Vetting can be defined as assessing integrity to determine suitability for public employment; it is thus an assessment of an individual's fitness to hold certain functions. It entails using a combination of criteria of technical competence (ability to fulfil the technical tasks of the

¹²¹³ [United Nations Security Council Resolution 2301 of 26 July 2016](#), para. 34 (b) (ii).

¹²¹⁴ See OHCHR, *Rule-of-law Tools for Post-conflict States: Vetting: an operational framework* (2006), p. 3.

¹²¹⁵ *Ibid*, p. 3.

¹²¹⁶ *Ibid*, p. 4.

¹²¹⁷ *Ibid*, p. 1.

institution's mandate), and criteria of integrity (ability to fulfil this mandate in accordance with professional and rule of law standards and human rights) to assess the existing personnel of, and applicants to, the security forces.¹²¹⁸

The purpose of a human rights vetting process is to ensure that individuals against whom there exists credible and reliable evidence of their involvement in serious violations of human rights and international humanitarian law should not be allowed to remain in, or enter the security forces. When such individuals remain in, or enter these institutions, the latter lose their credibility, thereby undermining the entire process of rebuilding these institutions. They also constitute a potent obstacle to transitional justice processes, as their positions of power and influence will deter victims from coming forth to participate in these processes. Such a situation also hampers reconciliation if perpetrators continue to hold positions in which they can inflict harm on victims.

Vetting should be an individualized exercise: due process standards will be flouted by a large-scale exclusion of all individuals, for instance, because they belonged to a given security or intelligence agency or armed group.¹²¹⁹ The United Nations Secretary-General has noted the importance of procedural safeguards in vetting processes: "parties under investigation are notified of the allegations against them and given an opportunity to respond before a body administering the vetting process. Those charged are usually entitled to reasonable notice of the case against them, the right to contest the case and the right to appeal an adverse decision to a court or other independent body".¹²²⁰ Such safeguards distinguish formal vetting processes from wholesale purges, involving wide-scale dismissal and disqualification based not on individual records, but rather on party affiliation, political opinion, or association with a prior State institution.¹²²¹ Both members of and applicants to security services should be afforded these due process safeguards, and informed on why they are found ineligible to serve in the forces.

Consistent with the above approach, the Agreement on Principles of DDRR and on Integration into the Security and Defence Forces signed at the Bangui Forum, prescribes that for ex-combatants who seek to enter the new security forces, such integration shall be preceded by an assessment of the individual aspirant's eligibility, based on professional ability and on a transparent screening or verification process (vetting), supported by the international community.¹²²²

B. Elements of the Central African context with a bearing on vetting of security services

Vetting and personnel reform in the security services should take into account the fundamental dysfunction of the security sector. The lack of an effective national army and police force capable of ensuring the security of citizens, especially in the regions bordering Cameroon, Chad and the

¹²¹⁸ *Ibid*, pp. 15-16.

¹²¹⁹ *Ibid*, p. 4.

¹²²⁰ United Nations, *Report of the Secretary-General, The rule of law and transitional justice in conflict and post-conflict societies*, (S/2004/616), para. 52.

¹²²¹ *Ibid*.

¹²²² Agreement on Principles of DDRR and on Integration into the Security and Defence Forces, May 2015 (Art. 7).

Sudan, left large parts of the country unprotected and fostered the practice of self-defence groups which often morphed into armed groups with varied agendas in opposition to the central Government. This abdication of duty by the regular army resulted in the *de facto* delegation of national security tasks to a medley of entities, none of which could fulfil that function appropriately, and instead used their authority to commit abuses against the population.¹²²³

The following State entities acted under official mandates on defence and security tasks: (i) the Presidential Guard which went beyond close protection of the Head of State to act as a force to counter rebellions, often acting in parallel with the FACA;¹²²⁴ (ii) troops from the Chadian national army detached to Bangui for 10 years to provide close protection for President Bozizé; (iii) foreign mercenaries hired by successive governments of the Central African Republic, such as Frenchman Paul Barril; (iv) foreign rebel groups, such as Jean-Pierre Bemba's MLC, brought in from the Democratic Republic of the Congo by the Patassé Government; (v) special units outside army command, such as Abdoulaye Miskine's Special Security Unit for the north in 2003 solicited by Patassé; (vi) private security and military companies, formed by politicians, and which served as militias such as the *Société centrafricaine de protection et de surveillance* set up under Patassé; (vii) combatants of foreign origin hired for a fee or with *carte blanche* to commit pillage as a reward, in the rebellions of Bozizé in 2002/2003 and the Séléka from 2012/2013; and (viii) community-level militia recruited with the support of the Central African Government under Bozizé.¹²²⁵

The FACA were often dysfunctional, irregularly paid, and recruitments thereto did not often follow the appropriate process. A number of other security services and institutions operated outside of the law and their regular functions, such as OCRB (an anti-crime and banditry police force), SERD/SRI (an investigative arm of the *gendarmerie*), CEDAD (created to serve as an intelligence service but whose building served as a private and illegal detention centre), and their elements committed serious violations, including killings and the torture of political opponents. Both overall reform of these institutions and vetting of their personnel will be essential.

¹²²³ The dereliction of the FACA is at the root of the country's descent into a cycle of conflicts over the last two decades, which began with mutinies against the President Patassé in 1996 and 1997, resulting in the deployment of the first of several regional peace missions to the Central African Republic, MISAB, in 1997. On assuming power in 1993, Ange-Félix Patassé (a civilian) found an army dominated by the Yakoma ethnic group, to which his predecessor, André Kolingba (an Army general) belonged. Ange-Félix Patassé thus distrusted the FACA and would later sideline them, which triggered mutinies and an unsuccessful coup against him in 2001. President Patassé thus developed militias and special security units which reported to him outside the army.

¹²²⁴ As early as 2008, during a mission to the Central African Republic, the United Nations Special Rapporteur on Extrajudicial Executions, Philip Alston noted that: "there is a fundamental problem with the very concept of a Presidential Guard directed personally by and loyal to the President, which not only provides close protection to him but also carries out wide-ranging security activities ... the Presidential Guard takes orders from the President rather than through the regular chain-of-command and is recruited through an ad hoc process". See [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; mission to the Central African Republic, A/HRC/11/2/Add.3](#), 27 May 2009, paras. 13-14, and 72-73). See also HRW, [State of Anarchy](#), 14 September 2007, where senior officers of the regular army (FACA) including a General and Lieutenant-Colonel present in the northwest openly admitted that the Presidential Guard was pursuing a scorched earth policy and acting on its own, taking no orders from FACA hierarchy on the ground.

¹²²⁵ For a description of the various actors in armed conflict, at the start of the Mapping Project's mandate period, between the end of Patassé's regime and the start of Bozizé's regime, See Eric Berman & Louisa Lombard, Small Arms Survey, [La République centrafricaine et les Armes Légères: une poudrière régionale](#), 2008.

The above tapestry of armed actors in the Central African Republic, points to the complexity of tracing military and armed careers of current and aspiring members of the security forces. Reconstituting a history of these organizations and their command structures will be important. To add to the complexity of tracing individuals' past conduct during the various conflicts in the Central African Republic, tens of thousands of persons at the community level picked up arms in localized armed entities (such as the anti-Balaka and armed Peulh herders). Appropriate mechanisms, including reliable oral testimony and verification at community level, may be necessary to ascertain their history of participation in hostilities.

The development of an approach to vetting, that includes human rights vetting, should also take into account the regional dynamics as some bordering countries constitute foyers for armed groups. Porous borders allow errant youth and demobilized former soldiers and rebels to transition freely between engaging in armed banditry, joining rebellions, or integrating State security forces when they can.¹²²⁶ Mechanisms to ensure that exclusion from the security services does not swell up the ranks of these armed banditry groups will be important, as well as a very firm position that desertion from the forces will be irreversible and severely punished.¹²²⁷

A key component of the fight against impunity is the design and implementation of a national architecture for SSR and DDRR, building on the principles adopted during the Bangui Forum. If implemented in a manner that emphasizes inclusiveness, civilian oversight and human rights, these reform processes would constitute an important vehicle to combat impunity and prevent recurrence of violations. Notwithstanding the adoption of the national DDRR strategy in October 2016, and recent progress on SSR, including the adoption of the national security policy, significant challenges remain. In this framework, an immediate priority task should be the development of a nationally owned vetting process that includes human rights vetting, including in the context of integration of de-mobilized armed group elements.

C. Specific recommendations on the vetting exercise

Consistent with the agreement on principles for integrating the security services agreed in the Bangui Forum, recruitment into the security services should be based on assessed needs of the new national armed forces, as developed in strategic defence plans and legislated in a multi-year military expenditure framework (*loi de programmation militaire*).

The notion of quotas of entrants to the security services to be issued to specific armed groups should be strenuously avoided. Recruitment to serve in the national security services or the police is a right of every citizen of the Central African Republic who, if they meet the professional and

¹²²⁶ See Marielle Debos, *Quand les Libérateurs deviennent des bandits: Guerre et marginalisation sociale à la frontière tchado-centrafricaine*, in Bazenguissa-Ganga Rémy, Makki Sami (dir.), *Sociétés en guerre. Ethnographies des mobilisations violentes*, Paris, Éditions de la Maison des Sciences de l'Homme, 2012, p. 93-110. See also Marielle Debos, *Fluid loyalties in a regional crisis: Chadian 'ex-liberators' in the CAR*, *African Affairs*, 107/427, 225–241 (2008).

¹²²⁷ In contexts such as the Democratic Republic of the Congo, people integrated into the national army from armed groups often adopted a “revolving door” approach, deserting the forces whenever their usually unrealistic demands went unmet, and attacking military units which they had just recently belonged to in the hope of new rounds of peace negotiations during which they would exact their demands.

human rights vetting criteria, should be entitled to access them on the same basis as former members of armed groups. National fitness tests open to all citizens, including individuals from armed groups – such as literacy and physical ability – could be administered for the recruitment exercise, and candidates admitted with attention to regional balance in order to have a nationally representative army. The law defining the parameters of the new national army, police and intelligence agencies should spell out the criteria of technical competence and personal integrity required to join them, including the absence of convictions or allegations of grave violations of human rights.

The Government and its partners should take into account the consequences of not heeding the United Nations Security Council call for “the adoption and implementation of appropriate vetting procedures of all defence and security personnel, including human rights vetting, as well as measures to absorb elements of armed groups meeting rigorous eligibility and vetting criteria”.¹²²⁸ A root cause of the conflict has been the country’s inability to secure its borders through a professional, representative national army acting under the rule of law. The current mobilization of international stabilization resources in the Central African Republic through MINUSCA will be judged, inter alia, by whether the country can, in the future, protect its borders, and ensure security within its territory. If the security forces are heavily compromised through their composition, it will complicate international support to them to build their capacity to achieve this task.

Under the United Nations Human Rights Due Diligence Policy, United Nations support cannot be provided to national security forces “where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights, or refugee law and where the relevant (national) authorities fail to take the necessary corrective or mitigating measures”.¹²²⁹ Under this policy United Nations entities are required to conduct risk assessments of beneficiaries of support. The presence within a security force of individuals who committed serious violations may constitute a risk factor for future violations, and result in a withdrawal of United Nations support.

At present, MINUSCA, in cooperation with the European Union Military Advice Mission to the Central African Republic and other partners, assists the Ministry of Defence with a simplified verification of current FACA soldiers. The verification criteria include non-affiliation with active armed groups and non-violation of international human rights law and international humanitarian law, but fall short of international standards on vetting, as the tools to fully vet individuals against historical information on human rights violations were not yet available when this exercise started.¹²³⁰ Entrants to the DDRR programme should also provide a full debrief on their history with armed groups, with dates, locations, function, units served and unit commander. This information should be stored electronically along with bio-data.

¹²²⁸ United Nations Security Council Resolution 2301 (2016) para. 9.

¹²²⁹ United Nations, *Human Rights Due Diligence Policy on UN support to non-UN security forces* (HRDDP), 13 July 2011.

¹²³⁰ [Report of the Secretary-General on the situation in the Central African Republic \(S/2015/918\)](#), 30 November 2015, para. 54.

A fuller vetting process should be undertaken, a key component of which shall consist in developing an appropriate 'integrity databank' or database, which would enable the linking of incidents of serious violations of international human rights law and international humanitarian law with specific individuals in the armed services or armed groups. This Mapping Project serves an important function in that regard, as this report and methodological tools used by the project provide in one location, a repository of information on serious violations of international human rights law and international humanitarian law committed by the security forces and armed groups in the Central African Republic since 2003. It can thus be used along with other tools to populate a database with reliable information on the antecedents of individuals in the security sector and in armed groups. Development partners could provide assistance to the Government, in particular the Ministries of Defence and the Interior in charge of recruitment, to use information for assessments on eligibility to serve in the security and defence forces.

CHAPTER VII - PREPARATORY ACTIVITIES PRIOR TO THE FEASIBILITY OF A BROADER TRANSITIONAL JUSTICE PROGRAMME

As indicated earlier, an appropriate transitional justice strategy should be sequenced, with certain components established first, to begin to address the extensively expressed need for justice and to deter the commission of ongoing or future violations (prosecutions), and to create an environment conducive to other transitional justice mechanisms, notably through vetting.

The overall approach suggested is to plan what can be done on various transitional justice processes in a strategic matrix, along a timeline, with important benchmarks, such as: the effective disarmament of armed groups; the end of their *de facto* control of major parts of territory; the substantial reduction of violence against civilians; the restoration of security and State authority throughout of territory; and the improved freedom of movement throughout the country.

Prior to the existence of conditions allowing the establishment and functioning of a full range of transitional justice processes, some activities of an overarching nature could begin to provide a foundation for such processes.

A. Strengthening documentation and archives

A challenge that future transitional justice processes in the Central African Republic will face is the lack of reliable documentation, in particular due to the pillaging and destruction of State and administrative buildings, courts, civil status registries, schools, hospitals, and other similar sources of crucial information. During the principal armed conflicts, belligerents – especially armed groups such as Séléka – undertook often wanton destruction of State records, administrative files, and documentation. While re-constituting such documentation constitutes a significant task needed to re-establish a functional administration and provide public services, it will also challenge transitional justice bodies, which need documentation, such as for purposes of proof and building a historical record of events. A very specific effort will be required to reconstitute State documentation where possible, including from actors that may not have suffered extensive pillage.

The local press was a valuable resource to the Mapping Project. Despite the repressive environment that prevailed during the period examined by the report, the press frequently reported violations. However, newspaper publishers often do not have organized, digitized archives of their past editions. Only embassies, the European Union and UNDP in Bangui have print copy archives of the local press (newspapers) which the Mapping Project was able to access. Digitization should be considered and would facilitate making this information available to all actors in the transitional justice process.

B. Support to victims' organizations as a constituency for transitional justice

Following conflict and repression, victims' organizations can constitute a powerful voice for transitional justice. They can also serve as an important peer support mechanism among victims,

help their members to access rehabilitation, social, or legal services, and act as an interface to ensure victims' concerns are taken into account by policy-makers and institutions.

The victims' associations which exist in the Central African Republic are generally small peer-helper groups which provide modest mutual help and support to their members. They have not yet weighing in on the policy process, nor have they made their voices heard concerning victims' demands. Appropriate support can be provided to strengthen the capacity of these associations to articulate their demands, conduct advocacy and help victims to organize themselves and join cases as civil parties in the judicial process (at the ICC and domestically). They should also be provided access to the policy-making processes where issues of importance to victims are decided. This could contribute to ensuring that their views are taken into account in the establishment of transitional justice processes.

C. Strengthening the capacity of civil society organizations, including for their engagement on transitional justice policy

Conflict, repression and the polarization of politics have weakened civil society in the Central African Republic, including some of the principal human rights NGOs which were in existence throughout the mandate period, such as the *Organisation Centrafricaine des Droits de l'Homme* and the *Ligue Centrafricaine des Droits de l'Homme*. These organizations have struggled to maintain their institutional capacity, independence and credibility. It will therefore be fundamental to support them to acquire the basic facilities necessary for their effective and sustainable functioning (offices, computer and related equipment) as well as to increase their staffing. In addition to support specific project initiatives such as documentation and archiving, it will be important to strengthen their overall capacity, so that they can support victims' groups and engage with Government on transitional justice policy.

The quality of documentation held by domestic civil society organizations on violations committed in the country also needs to improve. While these organizations denounced violations when they occurred, a lack of capacity to document human rights violations, combined with intimidation of human rights defenders and frequent looting prevented a well-organized and extensive documentation of human rights abuses. They will need support in order to better document what happened in the past, as well as ongoing violations. They will require additional staff and appropriate equipment and technology to archive and digitize such information.

D. Developing a victim and witness protection program

Critical preparatory work can be done in the area of victim and witness protection. There is a need for a national legal framework for victim and witness protection, and to build the capacity of entities which can serve as implementation partners - State institutions and civil society organizations - including in the provinces. MINUSCA and UNDP are working on developing a strategy in this regard, which is to be commended.

The availability of victim and witness protection, with particular attention to children, should be envisaged for the Special Criminal Court, the national criminal justice system in general, and for other future transitional justice mechanisms. Given the significant security concerns that prevail

across much of the country, the operationalization of a victim and witness protection programme is an essential prerequisite for transitional justice measures. Such a programme should be in place before criminal investigations by the Prosecutor of the Special Criminal Court begin.

E. Ensuring meaningful national consultation and sensitization on transitional justice processes

The consultations that were conducted in January and February 2015 ahead of the Bangui Forum, were an important precursor of public participation in the national conflict resolution process. They contributed to legitimizing the outcomes of the Bangui Forum, grounding them in expressed public demands. A similar approach should be undertaken for the development and functioning of transitional justice processes, to ensure that the design of these mechanisms takes into account the national context and specificities.

Given the country's peculiar challenges of a wide geographic expanse and limited means of transportation and communication (impassable roads during much of the year, inexistent rail network, limited or no flight availability, limited and unreliable mobile phone network connectivity, extremely low penetration of broadband internet outside Bangui), particular sensitization efforts will be required to reach out to the population, even in remote parts of the country, to ensure that transitional justice mechanisms are widely understood and that people can meaningfully participate in these processes.

Conclusion

The preconditions for implementation a full transitional justice process in the Central African Republic are presently not met. The presence of armed groups as *de facto* authorities across a large part of the country, the non-disarmament of combatants, the continuing attacks against civilians by armed groups, and the prevailing lack of freedom of movement due to insecurity will complicate the full implementation of transitional justice initiatives. While the national and international community have undertaken to implement specific initiatives, such as establishing the Special Criminal Court and a truth commission, and vetting the security forces, the Mapping Project advises that before each mechanism is operationalized, it should be determined how the above factors will affect its credibility and effectiveness.

The above factors do not obviate the need to begin preparatory activities that may facilitate eventual transitional justice processes as identified in this report, notably the operationalization of the Office of the Prosecutor of the Special Criminal Court to begin the investigation phase, and the vetting of the security forces. The recommendations offered in this report aim at facilitating advance planning on how transitional justice tools may assist the Central African Republic to address its legacy of conflict.

Recommendations on overall transitional justice policy

- A working group including the relevant Government institutions and the United Nations, in consultation with civil society and key stakeholders, in particular victims, should periodically assess progress towards the benchmarks for the feasibility of a victim-centred

and gender-sensitive transitional justice programme (which includes prosecutions, truth-seeking, reparations and guarantees of non-recurrence, including institutional reforms). The Steering Committee mandated mid-2016 to conceptualize a possible Truth, Justice, Reconciliation and Reparation Commission, could assume this enlarged role.

- A comprehensive strategy matrix and timeline on transitional justice should be developed by the above-mentioned working group, identifying which transitional justice mechanisms can be set up, when specific key benchmarks are achieved. Given the existing situation in the Central African Republic which prevents the immediate establishment of the full range of transitional justice processes and mechanisms, the benchmarks to be taken into account include: the disarmament of armed groups, the deployment of security forces, the reduction in security incidents against civilians, the possibility of secure travel and freedom of movement, and the establishment of a gender-sensitive victim and witness protection programme).
- The operationalization of the Special Criminal Court should begin with rendering operational the Office of the Prosecutor and the formulation and adoption of a gender-sensitive strategy for the prosecution of serious crimes in the Central African Republic, paying attention to complementarity with the ICC and possible jurisdiction-sharing with other national courts. The prosecutorial strategy should be communicated to the public before the commencement of investigations in order to enhance transparency regarding the functioning of the Special Criminal Court, and to manage public expectations regarding its work.
- A national legal framework regarding witness protection should be developed as a matter of priority. Support should also be provided to projects in the field of victim and witness protection in transitional justice processes, with particular attention to women and children.
- Capacity-building efforts for the regular judicial system should include strengthening its capacity to handle conflict-related crimes, including those that will not be prosecuted by the Special Criminal Court, in line with the latter's prosecutorial strategy. A special effort will be required to ensure that an eventual increase in demand for national legal expertise be met through increased capacity for training and education in legal careers by academic and other relevant institutions.
- The Government, civil society and victims, should start working, with the support of the international community, including the United Nations, on an effective victim-centred and gender-sensitive reparations programme. This should include the prospect of durable solutions for populations who remain internally displaced or are refugees in other countries. The United Nations' human rights framework should be applied to ensure conflict-sensitive and gender-sensitive approaches to land, housing and property rights restitution.
- As part of a nationally-owned approach to vetting of the security forces, a database permitting ascertaining individuals' past conduct, specifically violations of international human rights law and international humanitarian law committed during their careers in

the security services or their involvement in armed groups, should be developed. This report could constitute an important source of information for the database.

- A study should be commissioned by the United Nations on the relevance and appropriateness, including in relation to gender equality, of traditional mechanisms in the process of restorative justice and healing in communities. It should consider the potential inclusion of community-based traditional approaches to enabling perpetrators to gain re-acceptance and victims to gain closure.
- Substantial support should be provided to national human rights organizations to strengthen their archives and better document past and ongoing violations, and to strengthen their overall capacity. Victims' organizations as well as broader civil society should be consistently and meaningfully consulted and supported to form a stronger constituency for transitional justice, and to increase their ability to influence policy processes.

On the effective inclusion of sexual gender-based violence in transitional justice efforts

- The Central African Republic and its international partners should address the legacy of impunity in the country with a particular focus on perpetrators of conflict-related sexual violence and other forms of gender-based violence, including through transitional justice mechanisms.
- The Government of the Central African Republic should develop and implement comprehensive and structured policy frameworks through which crimes of sexual violence can be prevented and addressed, notably a victim-centred and multi-sectoral approach which includes targeted educational programmes. Parties to the conflict must also make concrete and time bound commitments, in line with resolutions 1960 and 2106 of the United Nations Security Council, to address crimes of sexual violence.

PART III - SUGGESTIONS FOR POSSIBLE ELEMENTS OF A PROSECUTORIAL STRATEGY AND PRIORITY AREAS FOR INVESTIGATIONS

With a view to supporting the work of the Special Criminal Court and other judicial accountability mechanisms that will seek to address the serious violations highlighted in this report, this part of the report proposes some elements which may be considered in the development of a prosecutorial strategy, as well as some priority areas that may be examined in future investigations.

As explained in the introduction to this report, considering the standard of proof used by the Mapping Project to establish facts (*reasonable suspicion*), the presumption of innocence principle and the requirements of due process, it would have been contrary to well established human rights standards to ascribe alleged criminal responsibility to certain individuals. Such a determination requires the application of a criminal trial standard of proof “beyond reasonable doubt”. However, the report reveals the identity of the groups and institutions involved in the commission of serious violations of international human rights law and international humanitarian law. This should be considered as an important lead for investigations in order subsequently to ascribe individual criminal responsibility.

CHAPTER I - CRIMINAL ACCOUNTABILITY AND THE SPECIAL CRIMINAL COURT: A DEMAND FOR JUSTICE

Following the lengthy period of multiple crises and conflict during which widespread serious human rights violations were committed, the Central African Republic is confronted with a high demand for justice and peace in regards to a huge number of violations and abuses. In the Central African Republic impunity has always been the rule - and justice the exception. In addition, the consistent use of pardons to ‘forgive’ those accused of serious crimes has not only meant that those individuals have escaped accountability, but it has sent a consistent message to wrongdoers that they need not worry about being held accountable in the future.¹²³¹

The demand for justice was clearly formulated during the Bangui Forum, which acknowledged that reconciliation cannot be pursued without justice.¹²³² The Republican Pact for Peace, National Reconciliation and Reconstruction adopted during the Bangui Forum resolved, among other objectives, to create the Special Criminal Court, to try serious crimes with support from the international community, concomitantly strengthen the regular national courts, establish mechanisms to protect judicial personnel, victims and witnesses, and ensure the application of judicial cooperation agreements with neighbouring States. The law creating a Special Criminal Court was promulgated shortly after the Bangui Forum, on 3 June 2015 (*Loi organique No 15-003 portant création, organisation et fonctionnement de la Cour Pénale Spéciale*).¹²³³ During the same period, the United Nations Security Council mandated MINUSCA to support the operationalization of the Special Criminal Court.¹²³⁴

The law establishing the Special Criminal Court provides that it is competent to investigate, prosecute and judge serious violations of human rights law and serious violations of international humanitarian law committed on the territory of the Central African Republic since 1 January 2003, as defined by the Penal Code and under the international obligations entered into by the Central African Republic in the field of international law, in particular the crime of genocide, crimes against humanity and war crimes, that are the subject of ongoing and future investigations.

The need for criminal prosecutions was considered in the National Reconciliation Strategy of

¹²³¹ [The International Commission of Inquiry on the Central African Republic \(S/2014/928\)](#), 22 December 2014, para. 35.

¹²³² The Bangui Forum was attended by 585 representatives from a broad spectrum of national stakeholders: the principal ex-Séléka and anti-Balaka factions, and smaller belligerent groups, political parties, a large group of representatives of each of the 78 sub-prefectures, and a broad spectrum of civil society, including religious leaders, representatives of IDPs and refugees, human rights and development organizations, trade unions, women’s organizations, representatives of minority communities and victims’ groups.

¹²³³ The process towards establishment of the Special Criminal Court began in 2014, and a Memorandum of Intent was signed between MINUSCA and the Transition Government towards its creation in August 2014. The Bill to establish the Special Criminal Court was approved by the Cabinet on 6 February 2015. Following its adoption by the transition legislature, it was passed into law by the President, on 3 June 2015.

¹²³⁴ United Nations Security Council Resolution 2217 of 28 April 2015 “welcomed ... the adoption of the relevant legislation to establish a Special Criminal Court within the national judicial system, with jurisdiction over serious violations of human rights and of international humanitarian law” (preamble). It called on the Government “to swiftly implement the law establishing the Special Criminal Court” (para. 11), and mandated MINUSCA to support the operationalization of the Court (para. 32.g). Resolution 2217 of 2301 of 26 July 2016, reiterates this commitment.

November 2014 as essential for coexistence to be again possible in a country where the demography had been changing due to attacks based on religious identity. In fact, the tendency to collectivize responsibility by punishing civilians for attacks committed by armed elements with whom they share the same religion highlights the importance of judicial processes which can individualize criminal responsibility for the worst violations. Justice is needed to send a signal that identity-based violations, and indeed all violations and abuses perpetrated will not be tolerated and that perpetrators cannot escape accountability.

Prosecuting alleged perpetrators of serious violations of human rights law and international humanitarian law committed will involve the ICC, the Special Criminal Court, regular courts of the Central African Republic and courts of foreign countries, under the principle of universal jurisdiction, because international crimes are the concern of the international community as a whole. This underscores the need for attention, in addressing international crimes, to complementarity between national courts and the ICC, jurisdiction-sharing among national courts, and cooperation with foreign national courts that have universal jurisdiction. The prosecution of those believed to be responsible for serious violations will need to form part of the comprehensive transitional justice process.

A. The role of the Interational Criminal Court

On 21 December 2004, the Government of President Bozizé had referred the situation on the territory of the Central African Republic after 1 July 2002 to the ICC. Pursuant to this referral, the Prosecutor of the ICC opened an investigation into alleged crimes committed by Jean-Pierre Bemba's MLC in the Central African Republic between 2002 and 2003. This investigation and the subsequent trial resulted, on 21 March 2016, in the conviction of Jean-Pierre Bemba to 18 years of imprisonment for crimes against humanity and war crimes.

Separately from the above referral, on 7 February 2014, the Prosecutor of the ICC announced that the incidents and serious allegations of crimes potentially within jurisdiction of the Court, committed in the Central African Republic since late 2012, constituted a new situation from the referral of 2004, and decided to open a preliminary examination covering that period.

On 30 May 2014, the Transitional Government made a new referral to the Prosecutor of the ICC on the situation on the Central African Republic territory since 1 August 2012. On 24 September 2014, the Prosecutor announced that an investigation was being opened on this situation, focussed on alleged war crimes and crimes against humanity, including murder, rape, forced displacement, persecution, pillaging, attacks against humanitarian missions and the use of children under 15 in combat. That investigation is ongoing.

As the Special Criminal Court has jurisdiction over the same crimes for the same period as the ICC, genuine and close cooperation between the two institutions is fundamental so that the principle of complementarity is fully implemented. The law establishing the Special Criminal Court actually provides that it shall defer to the Prosecutor of the ICC when the latter is seized of

a specific case.¹²³⁵ Concretely, the Special Criminal Court should avoid investing investigation and prosecution resources in ‘concrete cases regarding the same individuals and the same conduct’ which will be prosecuted by the ICC. Still, overlap in investigations appears unavoidable (especially on the contextual elements of international crimes) and concrete collaboration would be beneficial to both prosecution offices. This issue may be addressed through the prosecution strategy of the Special Criminal Court.

B. The Special Criminal Court

The main mechanism to address accountability for serious violations of international human rights law and international humanitarian law committed in the Central African Republic will be the Special Criminal Court. It has been established as part of the national judicial order, with its seat in Bangui, and the possibility of sitting elsewhere in the country, where exceptional circumstances or its work imperatives so require.¹²³⁶ The establishment of the Special Criminal Court is in line with the principle that “it remains the rule that States have primary responsibility to exercise jurisdiction over serious crimes under international law.”¹²³⁷

Under Article 3 of its statute, the Court has jurisdiction to: “try serious violations of human rights law and serious violations of international humanitarian law committed on the territory of the Central African Republic since 1 January 2003, as defined by the Central African Republic Penal Code, and under the international obligations entered into by the Central African Republic in the field of international law, in particular the crime of genocide, crimes against humanity and war crimes.”¹²³⁸

While the Special Criminal Court will interpret this mandate, it suffices to note that the Special Criminal Court *will try criminal conduct*, meaning that the violations of international human rights law and international humanitarian law must have constituted established crimes, under the Penal Code or international treaties ratified by the Central African Republic as well as customary international law.¹²³⁹ Its jurisdiction could encompass crimes other than the three gravest crimes enumerated, as indicated by the word ‘*notably*’.

The composition of the Special Criminal Court, namely the Office of the Prosecutor, the

¹²³⁵ *Loi organique No 15-003 portant création, organisation et fonctionnement de la Cour pénale spéciale*, adopted on 3 June 2015 (hereafter Special Criminal Court Law), Article 37.

¹²³⁶ See Special Criminal Court Law, Articles 1 and 2.

¹²³⁷ United Nations principles on impunity, E/CN.4/2005/102/Add.1, principle 20.

¹²³⁸ Special Criminal Court Law, Article 3, para. 1.

¹²³⁹ The Central African Republic ratified the Rome Statute in 2001. The Rome Statute clearly defines the core international crimes which cover the entire temporal mandate of the Special Criminal Court. It is to be noted that the new and overhauled criminal code of the Central African Republic was adopted on 6 January 2010, and includes a definition of core international crimes: genocide (Art. 152), crimes against humanity (Art. 153) and war crimes (Art. 154). The applicable *national* law for crimes committed between 2003 and 2010 would be the 1961 criminal code which has no provisions in relation to international crimes. The Central African Republic only recently ratified (in October 2016) some core human rights treaties that criminalize conduct, notably the Convention Against Torture and the Convention for the Protection of All Persons from Enforced Disappearances.

Investigating Chamber,¹²⁴⁰ the Special Indictment Chamber, the Trial Chamber and the Appeal Chamber, is to be made up of national and international judicial personnel. The Special Prosecutor is an international, with a national Deputy, and the Prosecution Attorneys (*substituts du Procureur*) are to be nationals and internationals.¹²⁴¹ The Investigating Judges, the Special Indictment and Trial Judges' Chambers also have a mixed composition of nationals and internationals. Of the 21 judges to comprise these chambers, 11 will be national and 10 will be international, as outlined below.

The Appeals Chamber (*Chambre d'Appel*) which hears final appeals from both the committal proceedings or preliminary inquiry (*instruction*) and from the substantive trials, will be composed of two international judges and one national judge. At the level of the committal proceedings or preliminary inquiry, the first-level Investigating Judges (*Chambres d'instruction*) will be constituted into three chambers, each with a parity of one national and one international judge. The chamber that reviews their decisions (*Chambre d'accusation spéciale*) will have two international judges and one national judge. The substantive trials will be conducted by three Trial Chambers (*Chambres d'assises*), each composed of two national judges and one international judge. While the Office of the Prosecutor is headed by an international, all the other judicial organs of the Special Criminal Court will be headed by national judges. Per Article 6 of its founding law, the President of the Special Criminal Court will be a national judge elected among his or her peer national judges. The Presidents of all the four above-mentioned Chambers which will conduct the committal proceedings or preliminary inquiries, the substantive trials, and appeals, will be national judges. This structure gives substantial presiding functions to national judges.

In similar tribunals with a mixed composition of national and international judges, the presence of international judges alongside their national counterparts is intended to bring specific expertise in handling serious crimes cases. In countries like the Central African Republic which have not prosecuted crimes of this scale previously, there is a need for such expertise. The mixed composition is also intended to strengthen the impartiality and the independence of the Court. The Court's impartiality will be essential to its credibility, notably because it has to examine cases of inter-religious violence in a society that is presently divided, and in which most citizens have been directly affected by the conflict. The Court's independence, in particular its protection from interference by any parties, will also be critical. Given the Court's governance structure with national judges presiding, it will be important to ensure that international judges can contribute effectively towards achieving the above objectives.

The structure of the Special Criminal Court is broadly aligned with the rules of criminal procedure provided in the Code of Criminal Procedure of the Central African Republic.¹²⁴² Unlike in criminal proceedings where the Prosecutor's Office conducts the entire pre-trial

¹²⁴⁰ The function of the Investigating Judge – *Juge d'Instruction* – who conducts a preliminary inquiry also known as committal proceedings, to determine if there is sufficient evidence for the accused to stand trial, is discussed further below.

¹²⁴¹ Special Criminal Court Law, Article 18.

¹²⁴² Article 5 of the Special Criminal Court Law states that, subject to any specific provisions to be contained in the rules of procedure of the Court, the procedural rules foreseen in the criminal procedure code are applicable before the Special Criminal Court.

investigation and decides to indict the accused to stand trial, the country's criminal procedure requires that for certain serious offences, a committal proceeding or preliminary inquiry must first be conducted by an Investigating Judge. The purpose of the committal proceeding is to determine if there is sufficient evidence to warrant committing the accused person to stand trial. This proceeding (*instruction préparatoire*) takes place after the Prosecutor's preliminary investigation and before the substantive trial before the Trial Judges' Chambers.¹²⁴³

Under current law, all Special Criminal Court cases will go through an Investigating Judge to determine if they should be referred for full trial. This is different from other international and hybrid tribunals for international crimes, with the exception of the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Special Tribunal for Lebanon system, which offer useful insights on the workings of the Investigating Judge function (committal proceedings) in serious crimes trials. Due to its specificities, it will be important that judicial personnel, especially internationals assigned to the Special Criminal Court, be familiar with committal proceedings in criminal trials as well as with the international law and procedure pertaining to international crimes.

The *raison d'être* of the investigating judge – *juge d'instruction* – is rooted in efforts to manage particularly complex and serious cases, and to determine if there is sufficient evidence to warrant the case going to trial. Investigating Judges are independent and separated from the prosecuting authorities (*Ministère public*). They are required to conduct the committal proceedings impartially, with a view to unearthing all the evidence – both inculpatory and exculpatory – whereas prosecutors are not similarly bound. The proceedings are conducted confidentially and all those taking part therein are bound by confidentiality. Only after a committal order from the Investigating Judge can the case proceed to trial. The “*instruction*” thus serves as a filter so only meritorious cases reach full trial.

The basic outline of case progress under the Criminal Procedure Code¹²⁴⁴ applied at the Special Criminal Court indicates that the Prosecutor shall conduct *preliminary* investigations to gather and locate evidence pointing to the commission of crimes within the jurisdiction of the Special Criminal Court, and submit the same by way of an Introductory Submission (*réquisitoire introductif*) to the Investigating Judges, who will then start the committal proceedings.¹²⁴⁵ The Investigating Judges may also receive direct complaints from victims or other individuals affected by the alleged crime,¹²⁴⁶ but they are required to transmit them to the Prosecutor, who will determine whether or not to request the Investigating Judges to open a committal proceeding on the basis of those complaints.¹²⁴⁷

Under Article 57 of Criminal Procedure Code, the Prosecutor is bound to file charges if the allegations received from the Investigating Judge constitute criminal conduct. While a victims'

¹²⁴³ See Special Criminal Court Law: Chapter 2, Articles 39 to 46, which spell out the functioning of the Investigating Judges' Chambers.

¹²⁴⁴ Chapter 2, Articles 50 to 62 of the criminal procedure code, which spell out the procedure for the “*juge d'instruction*” in trials of felonies – such as serious crimes.

¹²⁴⁵ Special Criminal Court Law, Article 40, para. 1.

¹²⁴⁶ Special Criminal Court Law, Article 40, para. 2.

¹²⁴⁷ Article 57, para 1, criminal procedure code.

complaints process provides a unique and important way by which victims can have a role in the prosecution process, it will be important to ensure that the process does not become onerous for the Prosecutor's Office, or prevent a rational prosecution process. Article 5 of the Law establishing the Special Criminal Court allows that Court's rules of procedure deviate from the Criminal Procedure Code, and this is one area where this may be necessary.¹²⁴⁸ Cases may well be initiated through complaints to the Investigating Judges, but they should go through the Prosecutor's Office in order to be in line with the overall prosecutorial strategy of the Court.

The role of the Prosecutor at the Special Criminal Court will therefore be crucial during the investigation phase. In most situations, the Prosecutor will be the one triggering cases, setting in motion the whole judicial process. The decisions to conduct preliminary investigations, to select which cases and which suspects will be investigated before being submitted to the Investigating Judges, are the most important ones with regard to the credibility of the Special Criminal Court and its capacity to fulfil its mandate to end impunity. In order to make such crucial decisions, prosecutors often develop a prosecutorial strategy, which outlines the rationale for decisions, and the criteria used in this process.

C. The role of the regular national court system

In the event of a conflict of jurisdiction between the Special Criminal Court and another national court, the former will have primacy to investigate and try serious crimes.¹²⁴⁹

Prosecutors and investigative judges in the regular courts faced with crimes charged within the jurisdiction of the Special Criminal Court should desist from pursuing investigations in favour of the Special Criminal Court. The latter's Prosecutor may request that an ongoing prosecution of such crimes in regular courts be halted in favour of the Special Criminal Court.¹²⁵⁰ While these provisions may seem to exclude regular courts from trying serious crimes under international law – at least until they have deferred to the Special Criminal Court – the concept of 'primacy' of jurisdiction (*primauté de compétence*) which is different from "exclusive" jurisdiction, and the scale of serious crimes committed in the Central African Republic, suggest that if an appropriate jurisdiction-sharing strategy is developed, such trials in regular courts are not ruled out, and may be useful to avoid an overflow of cases before the Special Criminal Court.

In terms of subject matter jurisdiction (*compétence matérielle*), regular domestic courts are competent to try international crimes integrated into the 2010 Criminal Code of the Central African Republic (*Code Pénal Centrafricain*).¹²⁵¹ As previously highlighted, these crimes are the crime of genocide, crimes against humanity and war crimes. But even international crimes

¹²⁴⁸ By comparison, in the Extraordinary Chambers for Cambodia (also based on the French or civil law system), victim complaints had to be filed with the Office of the Prosecutor. Rule 49 "Exercising Public Action", paras 1 to 5, Extraordinary Chambers in the Courts of Cambodia: Internal Rules (rev.9), as revised on 16 January 2015. Article 2 of the Cambodia court's enabling law also limited the jurisdiction of the Extraordinary Chambers for Cambodia to 'those most responsible' for the crimes and serious violations.

¹²⁴⁹ Special Criminal Court Law: Article 3 para. 3.

¹²⁵⁰ Special Criminal Court Law: Article 36.

¹²⁵¹ Law N°10.001 of 6 January 2010 on the Criminal code of Central African Republic.

committed before 2010 could be prosecuted by national courts since the constitution adheres to the monist approach to the incorporation into domestic law of international law, meaning that ratified international treaties (in this case the Rome Statute of the ICC) have primacy over national laws.¹²⁵² It can therefore be argued that the Rome Statute became directly applicable at the time of its ratification in 2001. In addition, crimes committed before 2010 may be prosecuted as ordinary crimes (murder, rape etc.) under the previous Criminal Code. But there will be an issue on the application of the statute of limitations which placed at 10 years the maximum period between the commission of a crime and the initiation of first proceedings (*acte d'instruction*).¹²⁵³

Since this will be the first time that the Central African Republic's justice system will be called upon to prosecute serious crimes under international law, it will be important that, besides a prosecutorial strategy specific to the Special Criminal Court, consideration be given to the development of a national policy for the prosecution of serious crimes under international law (*politique pénale nationale sur les crimes liés au conflit*) that could be used by prosecutors faced with such cases in regular courts. Such a policy could be developed and issued under the authority of the Minister of Justice, who has the responsibility to develop the State's overall criminal law policy (*politique pénale générale*) to be applied by prosecutors. It should be elaborated in a manner that ensures consistency and complementarity with the prosecution strategy of the Special Criminal Court, and must adhere to the principles of equal protection under law and non-discrimination. It will also be crucial to ensure that the development and the application of the policy does not serve factional or sectarian interests.

D. The role of foreign national courts

Under international law, third party States may have jurisdiction (universal jurisdiction) to prosecute some or all of the violations documented in this report which amount to international crimes or to extradite the alleged perpetrator to a competent Central African Republic judicial authority. Other considerations may also warrant foreign jurisdictions taking a prosecutorial role for the crimes committed in the Central African Republic. For instance, Uganda's International Crimes Division and Courts-martial could try LRA-conflict related abuses committed in the Central African Republic where the victim or the perpetrator has a nexus with Uganda.¹²⁵⁴

¹²⁵² See 1995 Constitution, article 69; 2004 Constitution, Article 72; Transitional Constitutional Charter of 2013, Article 97.

¹²⁵³ Law N°10.002 of 6 January 2010 on the Code of criminal procedure, art. 7(a) : In the case of a crime, public prosecution shall lapse after ten years from the date on which the crime was committed, if during this period, no investigation or prosecution has been carried out.

¹²⁵⁴ See Uganda's High Court (International Crimes Division) Practice Directions, 2011, Section 6 (jurisdiction) as read with Uganda's ICC Act, 2010. Section 18, which provides for extra-territorial jurisdiction of the High Court to try international crimes committed outside Uganda where the perpetrator or victim is a citizen or resident of Uganda; or where the perpetrator is an employee of the Ugandan government, or is physically present in Uganda.

CHAPTER II - A PROSECUTORIAL STRATEGY FOR THE SPECIAL CRIMINAL COURT

It is important to emphasize that a prosecution strategy which can be communicated to the general public consists more of a policy paper couched in general terms (*prosecution policy*), than a detailed road map identifying specific cases, crimes, or suspects that will be pursued by the members of the Office of the Prosecution in their day to day work. Such a detailed road map, which has to be in line with the prosecution strategy, is found in an *investigation plan*, which remains strictly confidential to preserve the integrity and the security of the investigations that will be carried out by the Prosecutor during his *preliminary* enquiries. Similar confidentiality is also maintained during the judicial investigation phase (*l'instruction*) by the Investigative Judge (*juge d'instruction*).

Designing and formulating a comprehensive prosecutorial strategy requires a good understanding of the factual situation: of the events and the incidents that will be subject to investigation and prosecution. In the case of the Special Criminal Court, its mandate covers events that occurred after 1st January 2003. To that end, the Prosecutor of the Special Criminal Court could benefit from this report that provides basic information on the nature of the violations that occurred, their location and time, the victims, and leads to the identity (organizational affiliation) of the perpetrators. It also gives a sense of the scale of violations, indicates patterns and identifies potential leads or sources of evidence. That information could help in the formulation of a comprehensive prosecutorial strategy, notably by identifying the legal nature and the gravity of crimes allegedly committed, the groups and organizations involved, their leaders and other most responsible perpetrators, and the temporal and territorial elements of the crimes.

A. The need for a prosecutorial strategy

The incidents of violations of international human rights law and international humanitarian law documented in this report point to the commission of a very large number of serious crimes by parties to the various conflicts in the Central African Republic during the mandate period. The incidents documented by the Mapping Project indicate that violations involving serious criminal conduct, including conduct that constitutes international crimes, make up a large majority of these incidents. These incidents affected each of the Central African Republic's 16 prefectures. They occurred from the first year of the mandate (2003), increased in intensity as armed conflicts emerged in northern Central African Republic in late 2005 and continued through 2012 to reach an unprecedented escalation from 2013 with the Séléka offensive and the subsequent ex-Séléka and anti-Balaka confrontations.

The scale and widespread nature of violations committed in the Central African Republic during the mandated period presents a real challenge for bringing the perpetrators to justice. Even with the combined efforts of the various prosecution mechanisms in the Central African Republic, it will be difficult — if not impossible — to bring all the perpetrators to justice. There is therefore a need ensure the development of a prosecution strategy. The importance of such a strategy is underscored by comparative experience in prosecuting serious crimes at national level. In Bosnia-Herzegovina for instance, prior to the development of a prosecutorial strategy for its national war crimes prosecution unit (the Special Department for War Crimes), prosecutors focussed their

investigations on individual complaints filed by victims, without having a “conflict-wide view” of the crimes that had occurred, which would have enabled them to make strategic decisions about how pursuing an individual case fit within the overall spectrum of crimes that had been committed in the conflict. The eventual case prioritization strategy was informed by a conflict survey – similar to this Mapping Project – which helped prosecutors develop an overview catalogue of information about incidents during the conflict that most likely constituted crimes under international law.¹²⁵⁵

There is a need to ensure victim participation in the development of the strategy. Strategies that focus first and foremost on addressing the needs of victims have the potential to be the most transformative.¹²⁵⁶ A strategy could include, inter alia, a framework for the selection and prioritization of cases taking into account their seriousness and the justice needs of the victims, the impact of the alleged crimes on the population, the overall significance of the incidents in the conflict, and the levels of responsibility of the alleged perpetrators as well as a balanced approach in prosecution. Public communication of the prosecutorial strategy will be critical to ensure that Central African Republic citizens, notably the numerous victims, understand the rationale for prioritization. Coordination of prosecutorial efforts between the various jurisdictions involved will also benefit from the adoption of a clear prosecutorial strategy of the Special Criminal Court.

The adoption of a victim-based strategy for the prosecution of serious crimes coupled with a strong and clear communication strategy will increase the Prosecutor’s protection from criticism of being partial, biased or politically inclined, not only from the public but also from political actors, by explaining in advance, the criteria and reasons at the origin of decisions to prosecute.¹²⁵⁷

In conclusion, the main reasons to adopt a clear prosecutorial strategy for the Special Criminal Court in Central African Republic today are:

- The high number and specific nature of the crimes committed since 1st January 2003 which call for a careful selection of which events, cases and specific crimes should be investigated and prosecuted, and in which order;
- The political, religious and ethnic dimensions of many of the crimes committed, which will reveal to some extent State, political or other organized groups’ involvement, and will raise the profile of the Prosecutor’s work. Criticism and pressure are to be expected by different groups. A public strategy would assist the Prosecutor in part to answer those questions;

¹²⁵⁵ See David Schwendiman, *Prosecuting Atrocity Crimes in National Courts: Looking Back On 2009 in Bosnia And Herzegovina*, Northwestern Journal of International Human Rights, Volume 8, Issue 3 Article 3, Summer 2010.

¹²⁵⁶ REDRESS, [A victim-centred prosecutorial strategy to respect victims’ rights and enhance prosecutions](#), July 2014.

¹²⁵⁷“Devising a well-grounded strategy and building adequate technical capacity will serve to bolster the independence and impartiality of prosecutorial initiatives.” See Rule of Law Tools for Post-Conflict States: *Prosecution Initiatives*, Office of the United Nations High Commissioner for Human rights, HR/PUB/06/4, 2006.

- The high number of suspects involved, some within the country and others outside the country, which calls for an efficient screening and prioritization of cases in order to concentrate the limited prosecutorial resources on the persons who bear the greatest responsibility, as well as middle rank perpetrators, and who are not out of reach of the Special Criminal Court.

B. Elements for a prosecutorial strategy for the Special Criminal Court

Clearly, it is the sole prerogative of the Special Criminal Court Prosecutor to formulate and adopt a comprehensive prosecutorial strategy in relation to serious violations of international human rights law and international humanitarian law committed in Central African Republic from the 1st January 2003. In order to support this exercise, this chapter will highlight the basic elements that are usually included in prosecutorial strategies adopted in similar situations around the world. It will be for the Special Criminal Court Prosecutor and his team to evaluate how these elements could be of use for the situation in the Central African Republic, and how to formulate them in a way that would conform to the country's legal and political realities. These elements remain of a general nature, expressing policy guidelines that may be made public to demonstrate *openness and transparency* and increase the perception of independence and impartiality of the work of the Prosecutor's Office.

From the outset, it is important to note the need for a prosecutorial strategy to cover both the preliminary investigation (*enquête de police*)¹²⁵⁸ and the prosecution function of the Office of the Prosecutor of the Special Criminal Court. The strategy's overall objective could be to ensure impartial, independent, high-quality, efficient and secure preliminary examinations, investigations and prosecutions. It could also aim to ensure a standardized approach by all members of the Prosecutor's Office. The strategy may change during the course of operations; it may be adjusted to varying circumstances, but it has to be sketched in the early days in order to guide the investigation and the prosecution functions.

At the outset, any strategy formulated and adopted by the Special Criminal Court Prosecutor will need to take into account the relevant legal framework, both in terms of domestic law and international law applicable in Central African Republic. It would be essential for the strategy to be in line with, and promote, international human rights and rule of law standards, notably by ensuring the equal protection of the law, non-discrimination and the guarantees of a fair trial. The prosecutorial strategy should ensure the integration of a gender perspective in all areas of the office's work and pay particular attention to sexual gender-based violence and crimes against children. Such a strategic and human rights-based approach to prosecutions will contribute to strengthening public confidence in the judiciary and the importance of the rule of law in the Central African Republic. The strategy will need to be communicated and explained not only to legal professionals, but also to victims and the general public.

A basic prosecution strategy document could set the objectives of the Special Criminal Court Prosecutor taking into account both the legal framework applicable and the limited capacity

¹²⁵⁸ See Special Criminal Court Law, Article 35.

(human resources and financial) of the office. It could address in general terms, the issues of:

- Selection of cases (such as most serious crimes, the most significant historically, and the most relevant with respect to the justice needs of the victims);
- Selection of crimes (such as most serious crimes, with a special emphasis on crimes targeting women and children, crimes targeting particularly vulnerable groups); and
- Selection of alleged perpetrators (such as those individuals most responsible, in position of leadership, or having played a key role in the execution of the crimes, suspects with known whereabouts, capacity to apprehend suspects).

Other issues to consider in designing a comprehensive prosecution strategy include victim and witness protection concerns, security of Prosecutors and judicial actors, access to specific locations in the Central African Republic of interest to the Prosecution, capacity to obtain extradition of suspects located abroad, jurisdiction of other judicial institutions in the Central African Republic and abroad such as the ICC, the availability of material and human resources to the Prosecutor's Office and the judicial system, and the existence of other transitional justice mechanisms and their specific roles.

In summary, a comprehensive prosecutorial strategy could also take into account:

- Legal issues: respect for the Central African Republic's criminal law and procedure, respect for the country's obligations under international human rights law, international humanitarian law and international criminal law, notably on issues of admissibility of cases before the ICC;
- Indictment or charging policy, including modes of responsibility;
- Respect for human rights standards and fair trial guarantees;
- Gender integration;
- Security, including witness protection, security of Prosecutors and judicial actors; and secure access to crime sites, suspects and witnesses;
- Relations and cooperation with other judicial bodies such as the ICC, and with transitional justice mechanisms, including confidentiality issues, evidence sharing and witness protection;
- Paying special attention to interaction with victims and witnesses, their families and communities.

1. Selection of cases

A tool frequently used by prosecutors confronted with this challenge of selecting between numerous serious events is a **gravity scale or threshold**. A gravity scale provides a set of criteria to enable the identification and selection of incidents of *sufficient gravity* to be investigated and prosecuted. These criteria are considered as a whole: no one criterion alone is decisive and all may be used to justify the decision. Four types of criteria may be used in a gravity scale:

- The *nature* of the crimes and violations revealed by the incident (such as prioritization of crimes involving violations of the right to life or physical integrity, including sexual violence, or crimes against property);
- The *number* of crimes and victims revealed by the incident;
- The *manner* in which the crimes and violations were committed (heinous crimes targeting a specific group, or particularly violent crimes);
- The *impact* of the crimes and violations on communities, regions, or on the course of events.

Other factors that could be considered in the selection of cases include:

- Selecting cases to ensure a fair representation of all different groups of victims (political, ethnic, religious) and groups of alleged perpetrators (armed groups, security institutions, both national and international), in order for the Prosecution and the justice process to be, and be seen as non-biased, impartial and independent;
- Selecting cases to cover the whole territory of the Central African Republic, and the whole time period of the mandate of the Special Criminal Court.

2. Selection of crimes

Each serious violent event that occurred in the Central African Republic will often reveal the commission of numerous crimes under both international and domestic criminal law. One of the main characteristics of serious crimes committed in the Central African Republic since 1st January 2003, which distinguish them from ordinary offenses is the involvement of State and non-state actors (for instance armed groups) in the planning and execution of the crimes: these are frequently described as '*system crimes*' or '*systematic crimes*'. System crimes are characterized by:

- The commission of multiple individual crimes, committed in a systematic, repetitive and widespread manner, causing a high number of casualties;
- The implication of a great number of perpetrators involved directly or indirectly, organized in official or non-official structures, with a division of labour between the organizers (leaders) and the direct perpetrators of the crimes.

System crimes require specific and complex forms of investigation since those at the top, who are considered the most responsible, typically maintain a distance from the actual execution of the crimes, which is carried out by their subordinates. Evidence of the composition of a group, of organizational structure and chain of command, of the exercise of control over subordinates, and of orders and support given to them, will be required to engage the criminal responsibility of the leaders. Through investigating the use of organizations (including State institutions) to commit serious violations, the prosecution of system crimes tends to highlight the deficiencies the institutions involved, and thus contributes to future institutional reforms, in order to avoid the repetition of past abuses.

Selection of the crimes to be investigated and prosecuted should therefore be done with a view to identifying those which establish the responsibility of the commanders and leaders of the groups

involved.

3. Selection of alleged perpetrators

The large number of events and criminal acts committed during the events that occurred in the Central African Republic since 1st January 2003 also involved a large number of perpetrators. Since it will not be possible to try everyone who may be a suspect, trials should focus on those who organized or masterminded crimes, including on a regional level within the country. Therefore – as with selection of cases and crimes – Prosecutors will also have to be selective regarding potential suspects, and concentrate their work on those who bear the greatest responsibility.

While systematic or widespread nature of crimes by foot soldiers illustrate the extreme gravity of the crimes committed, as well as their deliberate and organized nature, most importantly they demonstrate the implication and responsibility of the leaders of the groups involved beyond the sole responsibility of the direct perpetrators. Evidence of serious crimes committed all over the country by foot soldiers can be used in cases of their superiors, irrespective of the latter's location at the time the crimes were committed.

An important factor to be taken into consideration in the Central African Republic, in particular during the episodes of violence from 2013, is the organizational dynamic within the perpetrator groups. While the violence occurring up until mid-2013 tended to be organized using State institutions (for example security or intelligence agencies) or armed rebel groups, the splintering of the Séléka alliance which occurred after it was disbanded by its own leader, Michel Djotodia, in September 2013, and the emergence of the anti-Balaka in the same period, reveal a pattern of commission of serious violations by splintered and sometimes localized branches of armed groups. While acting with a commonality of purpose that produced similar effects in different locations of the country (such as the killing, persecution, and forcible transfer of Muslims by the anti-Balaka across multiple Central African Republic prefectures), and while the evidence of the role of specific national level leaders vis-à-vis these local factions needs to be further investigated, the incidents reveal that armed actors were sometimes acting in smaller factions, under regional or local commanders. It should be noted that where necessary, regional or local commanders may also be considered as most responsible for serious crimes for the purposes of a prosecution strategy.

Generally, the most responsible individuals could include:

- Those who have been in positions of leadership;
- Those who exercised command and control over subordinates;
- Those who planned and organized the commission of crimes;
- Those who played a major role by their acts or omissions in the commission of crimes; notably those who could most effectively have stopped or prevented the commission of the crimes.

Another important aspect to be considered is the capacity of the Special Criminal Court to apprehend the alleged perpetrators. Appropriate resources should be dedicated to important

suspects located abroad in order to ensure their successful extradition.

4. Indictment or charging policy, including mode of responsibility

The nature of system crimes can often be legally transposed or qualified into a multiplicity of charges and counts in an indictment, covering different crimes and different aspects of the conduct of the suspects. Prosecutors will sometimes have to choose between numerous possible crimes to indict for, and give priority to the most serious crimes (crimes against life or physical integrity, or crimes causing severe deprivation of economic, social and cultural rights), or to crimes targeting vulnerable groups of victims (sexual and gender-based crimes, crimes against children, IDPs) or crimes targeting humanitarian actors.

The Prosecutor will need to decide which mode of liability is most appropriate, especially for indirect perpetrators, like commanders and leaders, from the various modes of liability possible provided for under the Central African Republic Criminal Procedure Code: conspiracy, complicity (aiding and abetting), co-author or intellectual author, or command responsibility.¹²⁵⁹

Decisions will also need to be made about joining multiple accused persons in the same case. Especially with the occurrence of ‘system crimes’, joining direct perpetrators and indirect ones (leaders, commanders) would be of interest since evidence pertaining to direct perpetrators may also be relevant in establishing the guilt or innocence of commanders. In such cases, the same evidence can be used against multiple perpetrators joined in the same case or trial.

5. Jurisdictional and legal issues

Numerous jurisdictional and legal issues can be anticipated in relation to the prosecution of crimes committed in the Central African Republic since 1st January 2003. Some of these issues can be addressed to some extent by the prosecutorial strategy. In relation to the ICC, as explained above, the Special Criminal Court Prosecutor should collaborate closely with ICC Prosecutor to ensure that no Special Criminal Court investigations should be initiated on ‘concrete cases’ regarding the same individuals and the same crimes which are going to be prosecuted by the ICC.

In relation to the role of Central African Republic’s regular domestic courts, the Special Criminal Court prosecutorial strategy may consider how best to work with the regular courts to complement the Special Criminal Court’s role to fight impunity. This can become essential if the Special Criminal Court is confronted with a large flow of complaints based on direct requests by

¹²⁵⁹ Criminal Procedure Code, Art.12 : *Seront punis comme complices d’une action qualifiée de crime ou délit : (1) Ceux qui, par dons, promesses, menaces, abus d’autorité ou de pouvoir, machinations ou artifices coupables, auront provoqué cette action ou donné des instructions pour les commettre ; (2) Ceux qui auront procuré des armes, des instruments ou tout autre moyen qui aura servi à l’action, sachant qu’ils devaient y servir ; (3) Ceux qui auront, avec connaissance, aidé ou assisté l’auteur ou les auteurs de l’action dans les faits, qui l’auront préparée ou facilitée...; (4) Ceux qui, connaissant la conduite criminelle des malfaiteurs exerçant des brigandages ou des violences contre la sûreté de l’Etat, la paix publique, les personnes ou les propriétés, leur fournissent habituellement logement, lieu de retraite ou de réunion.*

civil parties.¹²⁶⁰ Direct access to the Special Criminal Court by civil parties reflects the system of criminal procedure in place in the Central African Republic. However the Prosecutor of the Special Criminal Court could indicate that civil party complaint cases that do not fall within the prosecution strategy (such as most serious crimes, or most responsible suspects) will be referred to the regular national courts to be adjudicated accordingly. Arrangements could also be made to ensure that victims submitting civil party complaints are informed about other transitional justice mechanisms (for instance a truth commission or a reparations body) which may offer access to additional remedies.

The Central African Republic's regular courts are competent to try suspects for international crimes as integrated in the new criminal code (*Code Pénal Centrafricain*) adopted on 6 January 2010. The Central African Republic being a monist country, domestic courts could apply the Rome Statute for crimes committed between 2003 and 2010. Indeed, the monist approach of incorporation of international law implies that treaties ratified have a supremacy over national laws. In addition, crimes committed before the adoption of the new criminal code could also be prosecuted before national courts as ordinary (domestic) crimes (murder, rape), if a period of 10 years has not elapsed since their commission. Regular courts will need to have the human resources and capacity to take on cases of this kind and operate in accordance with international norms and standards.

6. Respect of human rights standards and fair trial guarantees

The prosecutorial strategy could also call for the full respect of human rights and fair trial guarantees by all members of the Special Criminal Court Prosecutor's Office. It could require that all investigations and prosecutions conducted by members of the office be done in full respect of the rights of the alleged perpetrators and the standards of due process recognized by international treaties ratified by the Central African Republic, the provisions of the Central African Republic's Constitution, the principle of non-discrimination and the rights of victims and witnesses.

7. Security and protection issues

Security is always a concern when investigating and prosecuting system crimes in a divided society. As such, security issues could also be addressed in a comprehensive prosecutorial strategy. These issues concern the protection of victims and witnesses, of all members of the Special Criminal Court Prosecutor's Office and any other person at risk on account of the activities of the Court.

A comprehensive prosecutorial strategy could:

¹²⁶⁰ See Special Criminal Court Law, Article 40 (2), which provides that civil parties may directly seize an investigative judge by filing a complaint.

- Emphasize the need to put into place victim and witness protection measures and ensure that all members of the Special Criminal Court Prosecutor’s Office will consider victim and witness protection as a priority in their work. A protection strategy for the Prosecution office could also be useful, and would need to be aligned with national legislation in the area;
- Call for appropriate security measures for prosecutors and judicial actors to enable them exercise their functions serenely and independently, including in getting access to places where the authority of State institutions may not have been fully restored or established;
- Require that exchanges/communications take place between the Prosecutor’s Office and different stakeholder groups, notably victims’ groups.

8. Other elements that may be considered in a prosecutorial strategy

Investigations and prosecutions of serious crimes are complex, costly and time consuming. A proper evaluation of the human and financial resources available before committing into a specific investigation, could be part of the prosecution strategy. It would be appropriate to consider the availability of resources and time when taking prosecutorial decisions such as which situation, crimes, and individuals to investigate and prosecute. Limited resources may often partly dictate the prosecution strategy.

The widespread and complex nature of system crimes also calls for a clear division of work within the Prosecutor’s Office, with smaller teams dedicated to specific cases, groups of perpetrators, or regions. When prosecuting leaders for their involvement in crimes committed all over the country, it is important to centralize all available information into a specialized unit or team. This is essential to avoid duplication of work and bolster the efficiency of the Prosecutor’s Office. Exchange of information is crucial in investigating and prosecuting the persons most responsible, for their involvement in serious system crimes.

The final decision to commit a suspect for trial (*ordonnance de renvoi*) belongs to the Investigative Judge (*juge d’instruction*) who will determine, after the conclusion of the judicial investigation, whether the evidence is sufficient for the case to be adjudicated in the trial court (*Chambre d’Assises*).¹²⁶¹ It is preferable that the Prosecutor conduct a thorough preliminary investigation (*enquête de police*)¹²⁶² in order to submit a well-documented case in the introductory submission (*réquisitoire introductif*)¹²⁶³ or in other supplementary submissions (*réquisitoire supplétif*)¹²⁶⁴, made to the Investigative Judge. In order for the judicial investigation to progress more rapidly and increase the chances of success of cases sent to the Investigative Chambers, the practice of presenting more advanced (detailed) cases to the Investigative Judge could be part of the prosecutorial strategy.

In essence, confronted with massive violations of human rights, a divided society along religious and ethnic lines and State institutions that often failed in their responsibility to protect the

¹²⁶¹ Criminal Procedure Code, Art. 119.

¹²⁶² Special Criminal Court Law, Art. 35; Criminal Procedure Code, Art. 35.

¹²⁶³ Special Criminal Court Law, Art. 40; Criminal Procedure Code, Art. 51.

¹²⁶⁴ Criminal Procedure Code, Art. 54.

security of persons within its territory, it will be important for the Special Criminal Court Prosecutor to select cases that will have the greatest impact on the Central African Republic society and its institutions, that foster reconciliation and re-enforce the rule of law. To that effect, prosecution efforts by the Special Criminal Court could use what is commonly known as *strategic litigation*. Strategic litigation, sometimes also called impact litigation, involves selecting and bringing a case to the courtroom with the goal of creating broader changes in society and leaving a lasting mark beyond just securing a conviction of the suspects.

Strategic litigation cases are as much concerned with the effects that they will have on larger populations and governments as they are with the end result of the cases themselves. Strategic litigation transcends the simply judicial realm and aims at achieving regulatory, legal, institutional and cultural changes, which have an important impact on society. It prioritizes breaking criminal patterns and structures that have permeated the State with the consequent benefit of strengthening the justice system and the Rule of Law. It focusses on cases that are representative and reveal systematic patterns of human rights violations against marginalized and vulnerable groups of victims.

CHAPTER III - SUGGESTIONS ON PRIORITY AREAS FOR INVESTIGATIONS

In accordance with the mandate of the Mapping Project, based on the cases of serious violations of international human rights law and international humanitarian law documented in this report, and taking into account the various considerations set out above for a prosecutorial strategy, a number of priority areas for investigation may guide the work of the Prosecutor of the Special Criminal Court. These are identified below and presented as goals that may be achieved when selecting the cases:

- To identify the individuals who bear the greatest responsibility for the crimes committed since 2003. This can be achieved by undertaking an in-depth analysis of the chain of command of the armed groups and the State security forces, and by prosecuting senior commanders under the doctrine of command responsibility. Consideration might need to be given to investigating and prosecuting a number of mid-level perpetrators, especially at the regional level, who may provide key elements regarding the chain of command.
- The systematic participation of State institutions in the commission of serious violations. Such investigations would examine how State institutions were diverted from their constitutionally mandated functions, and used to commit serious violations against civilians. Entities such as the Presidential Guard, and specific police and intelligence units such as the Security Investigation Division (SERD, which later became SRI) and the OCRB may warrant particular attention.
- Specific waves of violence, such as the scorched earth campaign by Government troops during the armed conflict in the northwest of the country from 2006. These incidents are of particular concern due to the magnitude of the destruction of civilian property, and the flagrant disregard for the basic humanitarian law principle of distinction between civilians and combatants, as well as the principle of humanity, which requires that belligerents avoiding unnecessary suffering among the civilian population.
- Attacks targeting persons on the basis of their religion or ethnicity, by investigating emblematic cases of forcible transfers of population, and violations of the freedom of movement, notably of people confined in enclaves. Persecution on the basis of religious affiliation was an extreme form of violation associated with the conflict and left a major scar on society. It will therefore be important to identify the planners and organizers of such acts.
- Sexual violence in all forms. Sexual violence, in particular rape, sexual assaults and sexual slavery, were committed during all conflicts covered by the report. The commission of these acts by multiple parties to these conflicts, including extreme forms of sexual violence (such as against girls and boys and gang rapes) will require a concerted investigation effort in order to combat impunity for sexual violence and ensure adequate protection measures for the victims.
- Recruitment of children by all parties to the conflict. Investigating those violations is of extreme importance, notably because, despite some efforts to stop and prevent the recruitment and use of children, many armed groups continue to have children in their

ranks, and at times re-recruited children who had been demobilized. In addition, girls and boys were often subjected to acts of sexual violence and ill-treatment, and used by armed groups as human shields during attacks.

- Extensive campaigns of pillage by armed groups, including attacks on schools, hospitals and health centres. Extensive attacks aimed at appropriating or destroying valuable resources among already impoverished communities, had major repercussions as they deprived civilians of the enjoyment of fundamental economic and social rights (health, housing, food, shelter, education...). These incidents should also be viewed in the context of repeated attacks against protected objects under international humanitarian law, including educational institutions, health facilities, charities, religious buildings (churches and mosques) and the premises of humanitarian organizations.
- Attacks on fundamental public freedoms, including but not limited to freedom of expression and freedom of the media. Holding accountable those who created the repressive environment which enabled violations to take place, and who carried out reprisals against individuals who spoke out against them, can make an important contribution to understanding the mechanisms of repression in the Central African society. It can also help reaffirm the commitment of the State to the protection of fundamental public freedoms, which are essential to any functioning democracy.
- Attacks on international peacekeepers and on staff members of humanitarian organizations. While attacks against peacekeepers and humanitarian personnel are grave in their own right, the persistence of such attacks in total impunity, impedes efforts to provide security and to deliver humanitarian assistance.
- Investigations prioritized for their value in strategic litigation. Strategic litigation could contribute to breaking criminal patterns and structures that have permeated the State or society with the consequent benefit of strengthening the justice system and the rule of law. They could focus on cases that are representative and reveal systematic patterns of human rights violations. Through strategic litigation, the judicial process could have impacts on the wider society beyond the end results of the specific cases tried, by achieving regulatory, legislative, institutional and cultural changes.

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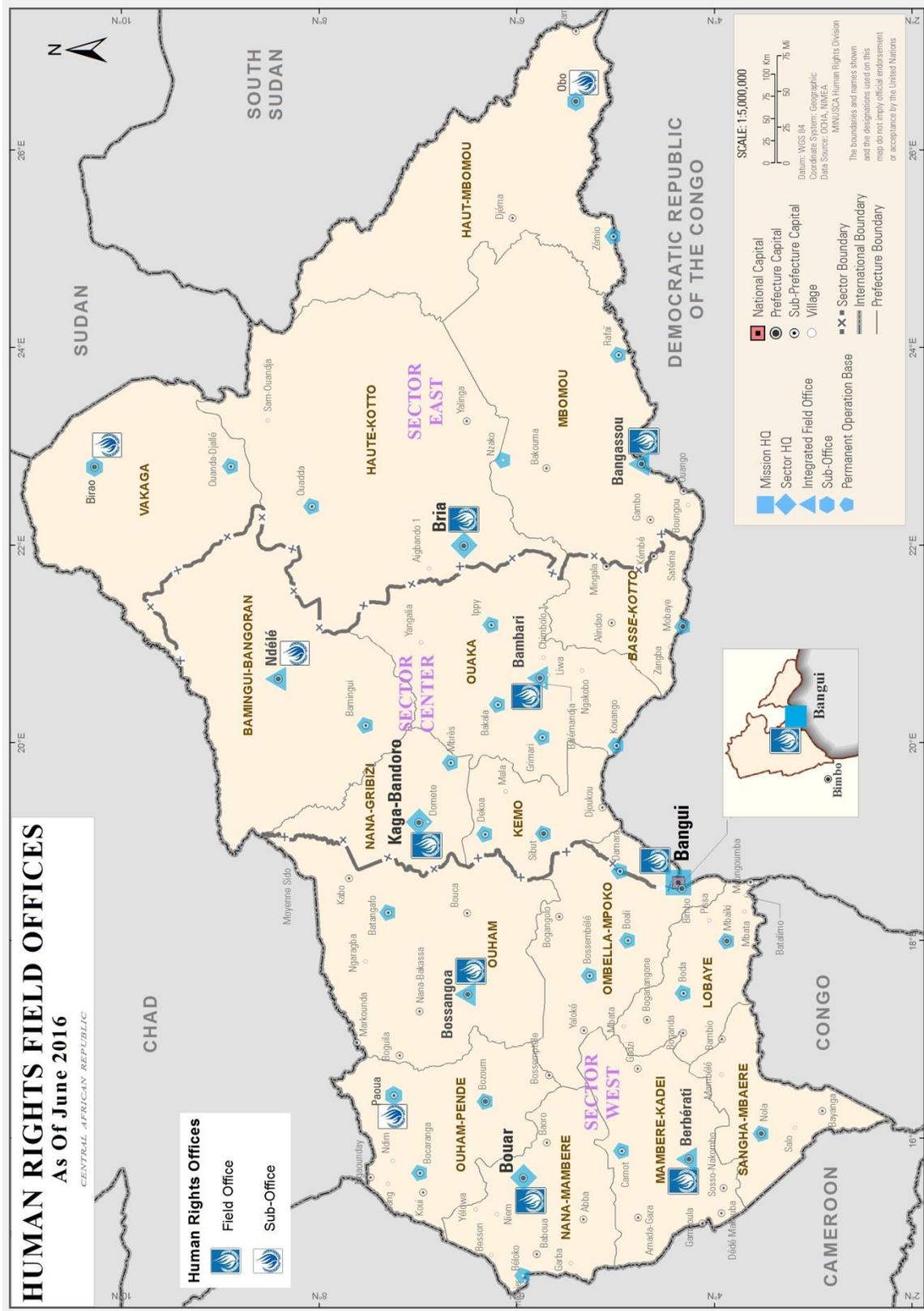
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