



Attacks against humanitarian workers and denial of humanitarian assistance

The Mapping report indicates that a distinctive feature of the multiple conflicts in the Central African Republic (CAR) has been the disregard by many of the parties to the conflicts of fundamental rules and principles of international humanitarian law.

● Legal protection: in the context of an armed conflict, civilians are entitled to humanitarian assistance.

Access to humanitarian assistance is grounded in international human rights law (e.g. right to life, right to food, right to health) and international humanitarian law (e.g. the duty to ensure respect, protection and humane treatment for people not or no longer participating in hostilities). The rule that humanitarian relief personnel must be respected and protected is considered a norm under customary international law applicable in both international and non-international armed conflicts.

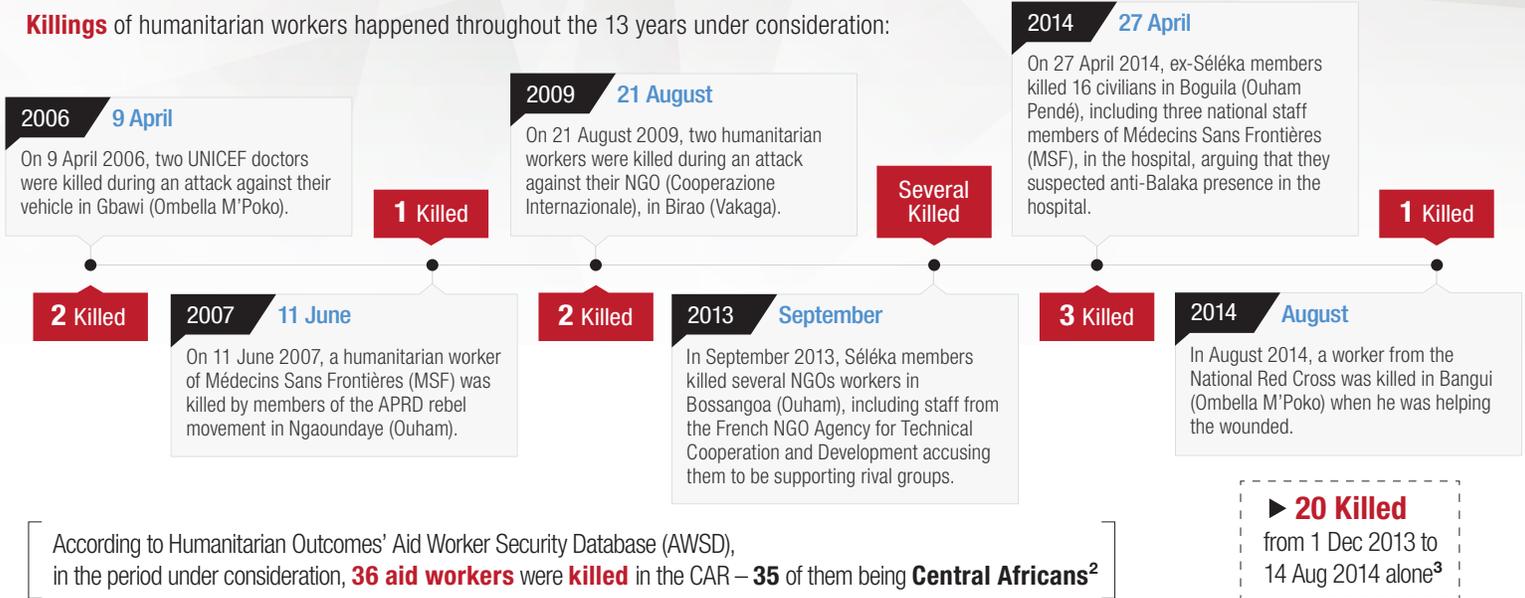
The parties to the conflict must also allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control. In addition, certain facilities and functions, such as hospitals and medical units, receive special protection. It should also be recalled that humanitarian workers are to be considered civilians and shall be protected as such (unless and for such time as they take direct part in hostilities).

Under the ICC Rome Statute¹ in a non-international armed conflict – such as in the CAR – intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance mission [...] in accordance with the Charter of the United Nations, is a war crime. Similarly, intentionally directing attacks against buildings such as (...) hospitals and places where the sick and wounded are collected, is a war crime.

● Scale and types of attacks against humanitarian workers

The Mapping Report documents a wide array of attacks against the above-mentioned protected institutions and objects, including over 40 attacks against humanitarian organisations:

Killings of humanitarian workers happened throughout the 13 years under consideration:



Since 2003, several other serious crimes, including kidnapping, hostage-taking, threats and assaults, were committed against humanitarian and medical personnel across the country:





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More than anything, looting, robbery and attacks against vehicles have been one of the most prominent features in the period under consideration.

In all attacks against humanitarian relief goods, the ones directed against vehicles were the most reported. Majority of them were directed against vehicles transporting food:

From December 2013 to August 2014 alone, the Panel of Experts on the CAR has identified **▶ 123 cases of looting** of humanitarian relief goods⁶

Although they were less documented, attacks against humanitarian and health actors and property in order to deliberately deprive a population of essential goods were also reported:

2015 20 January – 27 March
Between 20 January 2015 and 27 March 2015, at least five attacks against WFP trucks or convoys were reported on the same road near Damara (Ombella M'Poko)⁷. For these attacks, the Panel of Experts estimated that the perpetrators had information on the departure time of non-escorted convoys and the types of load and routines – which suggest that a certain corruption and system existed at this time.

5 Attacks on WFP trucks

2013 April
In April 2013, when the Séléka arrived in Bouar (Nana Mambéré), perpetrators did not only loot the hospitals but they prevented access to medical care by the population by taking over the hospitals.

Taking over the hospitals

2014 2 February
On 2 February 2014, ex-Séléka elements prohibited the landing of a UN airplane carrying humanitarian supplies while on 22 February 2014, a team from an INGO was forced to stop the distribution of Non Food Items in the town of Boda (Lobaye) to Muslim IDPs due to threats made by anti-Balaka militias.

Prohibited the landing of a UN airplane

2015
Sometimes, humanitarian workers were also **restricted in their movements** by the authorities or others armed militias.

This situation arose for instance in 2015, prompting OCHA to release a statement condemning attacks against humanitarian organizations and calling for free movement of aid workers.⁸

● Conclusion and recommendation:

Providing aid to the Central African population has proven dangerous for the actors involved. In 2014, the CAR for the first time reached the top five contexts with the greatest number of attacks on aid workers⁹. Despite the seriousness of the violations committed against humanitarian actors virtually no cases have reached the justice system.

Violence against humanitarians is worrisome in several aspects. While attacks against 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. It also jeopardizes the consistent and effective delivery of emergency relief to populations in need, impacting in turn on the enjoyment by the population of their economic and social rights.

The Mapping report therefore **recommends that the Special criminal court considers attacks against humanitarian personnel as a priority area for investigation in its prosecution strategy.**

1 See article 8 (2) (e) (ii and iii) of the ICC Rome Statute.
2 See Aid Worker Security Database: <https://aidworkersecurity.org/incidents/search?sort=asc&order=Nationals+killed&detail=1&country=CF>
3 UNSC, Final report of the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013) (S/2014/762), 29 October 2014, Annex 59.
4 Report of the Secretary-General on children and armed conflict in the CAR (S/2016/133), 12 February 2016.
5 UNSC, Final report of the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013) (S/2014/762), 29 October 2014, Annex 59.
6 Report of the Panel of Experts on the CAR (S/2014/452), 1 July 2014, Annex 24; Final report of the Panel of Experts on the CAR (S/2014/762), 29 October 2014, Annex 59.
7 Final report of the Panel of Experts on the CAR (S/2015/936), 21 December 2015, p. 20.
8 OCHA, CAR: Humanitarian Coordinator strongly condemn attacks against humanitarian organizations and calls for free movement of aid worker, 29 September 2015.
9 Humanitarian Outcomes, Aid worker Security Report 2015: Figures at a glance, 23 June 2016.