

**Violations and Abuses of International Human Rights  
and Humanitarian Law committed in Bangui, Central  
African Republic, between 26 September and 20  
October 2015**



**United Nations Multidimensional Integrated Stabilization Mission  
in the Central African Republic (MINUSCA)**

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Photos on the cover page: Top left: Building looted and destroyed in Sara neighbourhood (5<sup>th</sup> district). Top right: A victim of violence shows where an ex-Séléka fighter slashed his hand, on 26 September, in Sara neighbourhood. Bottom left: Office of an intergovernmental organization ransacked by looters, in Sica 1 neighbourhood (1<sup>st</sup> district). Bottom right: Detainees escaped from Ngaraba prison on 28 September 2015.

## List of Acronyms

CAR	Central African Republic
DDR	Disarmament, Demobilization and Reintegration
FACA	<i>Forces armées centrafricaines</i> (CAR Armed Forces)
HRD	MINUSCA Human Rights Division
ICC	International Criminal Court
IDP	Internally Displaced Person(s)
IHL	International Humanitarian Law
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
SRI	<i>Service de recherche et d'intervention</i> (of the CAR Gendarmerie)
UNICEF	United Nations Children's Fund
UNPOL	United Nations Police

## 1. Summary

This report by the Human Rights Division (HRD) of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is jointly published with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Based on investigations conducted by HRD from mid-October to the end of November 2015, the report presents an account of violations and abuses of international human rights and humanitarian law (IHRL and IHL) that occurred in Bangui from 26 September 2015 to 20 October 2015.<sup>1</sup>

The report was prepared pursuant to MINUSCA's mandate under United Nations Security Council Resolution 2217 (2015) '[to monitor, help investigate and report publicly and to the Security Council on violations of international humanitarian law and on violations and abuses of human rights committed throughout the CAR, in particular by different armed groups, including the former Séléka and the anti-Balaka, [...] and to contribute to efforts to identify and prosecute perpetrators [...]']'.<sup>2</sup>

On 26 September 2015, serious unrest – the worst since early 2014 – erupted and escalated into a spiral of violence and reprisal attacks in Bangui, the capital of the Central African Republic (CAR).<sup>3</sup> Bangui was caught in another vicious circle of inter-communal violence, fuelled by armed groups aimed at destabilizing the security situation.<sup>4</sup> Much of the violence was sectarian in nature (Muslims targeting Christians and Christians targeting Muslims) and was facilitated by the ongoing climate of instability and impunity. In the midst of this crisis, a series of attacks targeted State institutions, and were described by the Transitional Authorities as an attempted *coup d'Etat*.<sup>5</sup> This violence was seen as a serious setback after a year of relative calm and positive political developments towards national reconciliation and reconstruction.

This report details violations and abuses of IHRL and serious violations of IHL, including killings, injuries, sexual violence, abductions, and appropriation or destruction of property (pillaging, looting, arson), which were committed in Bangui between 26 September and 20 October 2015. These violations and abuses were primarily committed by members of anti-Balaka and ex-Séléka armed groups as well as individuals or armed elements sympathetic to these groups<sup>6</sup>, but elements of the *Forces armées centrafricaines* (FACA) also played a role in the crisis.<sup>7</sup>

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<sup>1</sup> United Nations security analysts assessed that after 20 October 2015 the situation in Bangui improved significantly. However, sporadic violence continued well after 20 October.

<sup>2</sup> S/RES 2217 (2015), operative para. 32(e)(i).

<sup>3</sup> Regarding violence in 2014, see *Report on the situation of human rights in the Central African Republic*, 15 September 2014 - 31 May 2015, 9 December 2015.

[http://www.ohchr.org/Documents/Countries/CF/MINUSCA\\_9Dec2015.pdf](http://www.ohchr.org/Documents/Countries/CF/MINUSCA_9Dec2015.pdf)

<sup>4</sup> See further, para. 14 of the *Final Report of the Panel of Experts on the Central African Republic*, 21 December 2015, S/2015/936.

<sup>5</sup> This report does not comment on the allegations of an attempted *coup d'Etat*, which are the subject of an investigation by the CAR Transitional Authorities. See Speech of the President of the Transition, 30 September 2015.

<sup>6</sup> Throughout this report the term "armed group" is used to refer to groups with a certain level of organization, as understood in IHL, although in some instances such groups were also joined in their activities by civilians directly participating in hostilities.

<sup>7</sup> The FACA are the defence forces of CAR, comprising of the *Armée de Terre* (ground forces) and the *Armée de l'Air* (air force). The FACA are dominated by Christians and are generally distrusted by Muslims. Throughout this report, references to "FACA" are to soldiers from the ground forces, unless specifically stated otherwise.

According to the report of the United Nations Secretary-General to the Security Council on CAR, dated 30 November 2015, 77 people were killed and 400 were injured in the four days following 26 September.<sup>8</sup> The latest report of the Panel of Experts on CAR states that 79 civilians were killed and 512 injured during this period.

HRD verified 41 civilian fatalities (28 men and 13 women), including at least two boys under 18 years old. At least 18 of them were killed in targeted attacks.<sup>9</sup> HRD was able to attribute 32 of the killings to ex-Séléka<sup>10</sup> and their sympathizers, six to anti-Balaka<sup>11</sup> and their sympathizers and three to FACA elements. HRD also verified 10 instances of conflict-related sexual violence, including nine rapes and one attempted rape committed against five women and five girls.

HRD ability to investigate and verify all of the allegations that it received was impeded by the security situation, which remained challenging after 20 October 2015, and related constraints on movement. In particular, HRD had difficulty accessing part of the 3<sup>rd</sup> district where the Muslim population of Bangui is mainly concentrated. Thus, 152 victims and witnesses interviewed by HRD were Christians (80 per cent) and only 26 were Muslims (14 per cent).<sup>12</sup> Given the limitations it faced, HRD cautions 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 sympathizers.

The violence led to the displacement of more than 40,000 people in Bangui in 32 internally displaced persons (IDP) sites. Following these events, the number of IDPs in Bangui totalled 69,890.

In addition, numerous private homes and businesses and at least 24 compounds of intergovernmental organizations and national and international non-governmental organizations (NGOs) were attacked, pillaged or destroyed.

The events of September and October 2015 demonstrated the fragility of the peace process and the weakness of State institutions, and increased the vulnerability of the population. This report makes several recommendations, particularly regarding the need to take urgent steps to: avoid impunity for perpetrators of serious violations of IHRL and IHL by ensuring that thorough criminal investigations are carried out by judicial authorities; disarm all members and affiliates of armed groups; promote inter-communal reconciliation; and reform national security forces and ensure that they uphold the standards required to perform their duty to protect the population.

## 2. Methodology

1. Between 7 October and 30 November 2015, HRD conducted 204 interviews with victims, witnesses, detainees and other sources, such as community leaders, NGO workers and

<sup>8</sup> *Report of the Secretary-General on the situation in the Central African Republic*, 30 November 2015, S/2015/918, paragraph 18.

<sup>9</sup> The other 21 civilians killed were classified by investigators as “corpses discovered”, with no direct witnesses.

<sup>10</sup> The ex-Séléka are a predominantly Muslim militia concentrated in the north and northeast of CAR. They are the successors of the Séléka alliance, which overthrew the Government in March 2013.

<sup>11</sup> The anti-Balaka are a fragmented coalition of largely Christian militia and vigilante groups centered in the northwest of CAR.

<sup>12</sup> The religion of 12 victims (6 %) remained unknown.

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officials of CAR<sup>13</sup> and intergovernmental institutions regarding alleged violations of IHRL and IHL that occurred between 26 September and 20 October 2015. Wherever possible, HRD investigated allegations by conducting site visits and face-to-face interviews with primary and secondary sources. In investigating and analysing each case, HRD exercised due diligence to corroborate and cross-check information from as wide a range of sources as possible.<sup>14</sup> When the term “verified” is used, the threshold for verification of an incident as per OHCHR methodology is met. When the term “documented” is used, HRD is confident that the incident occurred, however the threshold for verification has not been met.

2. In some cases, it could not be conclusively established whether a victim was a civilian or a fighter. In such cases, HRD assessed the status of the victim on the basis of all of the facts available regarding the incident in question. If the status of a victim remained uncertain, their death or injury was not included in the overall number of confirmed civilian casualties.
3. HRD analysis indicated that the majority of the alleged violations were conflict-related.<sup>15</sup> However, sources were sometimes unable to determine the identities or the affiliation of perpetrators. In such cases, HRD could not attribute a violation to any of the three main groups of perpetrators (ex-Séléka, anti-Balaka or FACA).
4. Due to the security situation, HRD faced temporary movement restrictions that were put in place at the beginning of the crisis. Consequently, its investigations were impeded by limitations on the ability of its staff to travel freely, access sources and conduct site visits, particularly in the 3<sup>rd</sup> district of Bangui.
5. For reasons of confidentiality and witness protection, the names of most individuals and of certain locations and institutions are anonymized. However, HRD has recorded names of victims, perpetrators and sources in its database.

### **3. Introduction and Context**

6. While the violence in CAR is a complex ethno-political conflict, it has increasingly been described in sectarian and religious terms.<sup>16</sup> Increasingly in Bangui, Christian and Muslim community self-defence groups<sup>17</sup> guard their neighbourhoods and surrounding areas, and limit or prevent access by members of the “other” group. Only a few neutral zones (*e.g.* certain markets or community institutions) exist where both communities occasionally interact. More commonly, anyone entering the area of the opposing group will be met with hostility and may risk his or her life.
7. The main perpetrators of violations and abuses of IHRL and IHL are ex-Séléka, anti-Balaka, and their sympathizers, as well as FACA elements. The anti-Balaka and ex-Séléka, and

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<sup>13</sup> HRD interviewed CAR officials from the National Police, the Gendarmerie, the Prime Minister’s Office, the Ministry of Justice, the Ministry of Public Security and the Prosecutor General.

<sup>14</sup> For incidents involving one perpetrator but several types of violations against one victim, HRD counted each type of violation (*e.g.* one attack against physical integrity and one against property).

<sup>15</sup> For example, because the perpetrators operated in armed groups, or because of their alleged conduct, clothing or weaponry.

<sup>16</sup> Since the 1980s, political power and access to resources in CAR have been increasingly based on ethnicity, with presidents favouring their own group, which generated inter-ethnic, inter-communal and inter-religious tensions.

<sup>17</sup> In this report, the term “self-defence group” refers to groups of civilians directly participating in hostilities, which do not have the same level of organization as an armed group. Such groups usually identified their objectives as “self-defence”, although their activities were not always purely defensive.

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affiliated armed groups, frequently engage in deliberate attacks against civilians.<sup>18</sup> The weakness of State authority in Bangui, and the absence of such authority in other parts of CAR create an environment in which perpetrators enjoy almost complete impunity.<sup>19</sup> Perpetrators of serious violations of IHRL and IHL are rarely arrested and presented to a court of law. Impunity has been reinforced by repeated concessions granted by previous CAR governments in post-conflict periods, offering amnesties in exchange for peace.

8. Small arms are widely available in CAR and considerable weapons caches remain; armed groups remain reluctant to give up their weapons.<sup>20</sup> In addition, during the events of September and October 2015, many men in Bangui were seen carrying sharp instruments or improvised weapons (machetes, sticks, metal rods) capable of inflicting serious injuries.
9. Through its monitoring throughout 2015, HRD observed a deeply engrained tendency to resort to violence to 'resolve' conflicts – at home, in schools, within communities, in the political sphere – and a readiness to dispense mob 'justice'.<sup>21</sup> This may be partly explained by the absence or weakness of State institutions.

### **Amin Mahamat: The Killing that Ignited the Crisis<sup>22</sup>**

The violence of September and October 2015 erupted following the killing of Amin Mahamat, a Muslim teenager, aged 16 or 17 years, who was born in Boda (Lobaye Prefecture), and fled as an IDP to the PK5 neighbourhood, where he worked as a motorcycle taxi driver. At 20:00 on 25 September, an unidentified acquaintance fetched Amin from his home and went with him to the Central Mosque of PK5. What happened in the following hours is unknown, but early on 26 September Amin's dead body was found several kilometres away, in the anti-Balaka-dominated *Combattant* neighbourhood (8<sup>th</sup> district), to which no Muslim would normally travel voluntarily. Somebody had allegedly written 'bonne fête de Tabaski'<sup>23</sup> on Amin's chest. It is alleged that when his body was brought back to PK5, groups of Muslims had assembled. They reportedly incited worshippers at the Central Mosque to take revenge for this provocation. According to some sources, Amin was killed by two current or former FACA soldiers affiliated with, or even leaders of a group of anti-Balaka. However, a source claimed that the killing was plotted by an ex-Séléka leader, in cooperation with the two FACA soldiers because all three men wanted to destabilize the Government.<sup>24</sup>

<sup>18</sup> For examples, the *Report of the Panel of Experts on the Central African Republic* states that: 'There have been few direct confrontations between former Séléka and anti-Balaka forces since 5 December 2013, but both armed groups, in particular the anti-Balaka, have constantly targeted civilians.' (UN document S/2014/762, p.2). See also repeated references to attacks on civilians in the *Final Report of the Panel of Experts on the Central African Republic*, 21 December 2015, S/2015/936, available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_936.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_936.pdf).

<sup>19</sup> There is no police presence in the 3<sup>rd</sup> or 8<sup>th</sup> district, and the Commissariat de Police in the 3<sup>rd</sup> district has been destroyed twice.

<sup>20</sup> The *Report of the Secretary-General on the situation in the Central African Republic* states that MINUSCA destroyed 18.3 tons of commercial explosives in Birao and retrieved 267 various explosive items and ammunition, but that, due to the recent violence in Bangui, MINUSCA received only 33 voluntarily-handed-over weapons (30 November 2015, Doc. S/2015/918, para. 51).

<sup>21</sup> HRD regularly documents incidents across CAR in which individuals accused of serious crimes (usually killings) readily admit their acts and explain without remorse that they acted to avenge a perceived injustice.

<sup>22</sup> Narrative compiled from information collected by HRD from relatives of the victim as well as Christian and Muslim religious, community and business leaders with knowledge about the incident. Some sources had a history of working together to build confidence between Christian and Muslim communities and were judged to be particularly credible.

<sup>23</sup> 'Happy Eid al-Adha.' In 2015, this Islamic holiday, called *Tabaski* in CAR, took place on 24 September.

<sup>24</sup> HRD could not verify who was responsible for the killing. However, this version of events highlights the alleged role of so-called spoilers seeking to destabilize the security situation. See also, para. 14 of the *Final Report of the Panel of Experts on the Central African Republic*, 21 December 2015, S/2015/936, available at:

[http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_936.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_936.pdf).

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10. Following the discovery of Amin Mahamat’s body on 26 September, large groups of armed men (presumed ex-Séléka and anti-Balaka) were reportedly seen moving from the 3<sup>rd</sup> and 5<sup>th</sup> districts of Bangui, and towards PK5 (3<sup>rd</sup> district). On the same day, MINUSCA received reports of killings of civilians and burning of civilian homes and MINUSCA forces came under attack from armed elements in areas across Bangui. On 27 September, fighting between groups of anti-Balaka and ex-Séléka broke out in the 1<sup>st</sup> and 3<sup>rd</sup> districts. Attacks on United Nations and NGO staff and vehicles were also reported.
11. During the period covered by the report, CAR defence and security forces, particularly FACA, failed to protect civilians. Some 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.<sup>25</sup> On the morning of 28 September, prisoners protested to demand their release and subsequently started damaging the prison walls.<sup>26</sup> Prison officials called the civilian and military authorities for help, but claimed they received none. At around 16:30, a junior prison staff member allegedly handed the prison keys to the detainees, who opened the main front gate. The approximately 20 FACA soldiers deployed to guard the prison allegedly took no action to prevent their escape. MINUSCA forces stationed nearby to secure the President’s residence fired warning shots into the air, which briefly stopped the prisoners’ advance. One FACA soldier who was working with the MINUSCA unit aimed for the prison walls, and shot one prisoner in the leg.<sup>27</sup>
12. Just before 17:00., a FACA captain arrived at the prison with some 40 unarmed FACA soldiers. Prison officials informed MINUSCA forces that the soldiers would take control of the situation. The warden, assistant warden and newly arrived FACA elements began negotiations with a representative of the prisoners. However, soon afterwards, the prisoners began exiting the prison. One FACA soldier who was with MINUSCA reportedly fired into the air, but the FACA captain and his men apparently instructed the prisoners verbally and with gestures to continue their exit more quickly.<sup>28</sup> When the prisoners had left, a group of FACA stationed at the prison looted the building. A detainee interviewed by HRD claimed that the prison break was planned and executed by a group of FACA prisoners called *Equipe Commando*, in collaboration with FACA soldiers outside.
13. While this report focuses on violations and abuses of IHRL and IHL in Bangui, the events in the capital sparked violence in other parts of the country, including serious violations of IHRL and IHL, as described in the table below.<sup>29</sup>

<b>Spillover of the Bangui violence into other parts of the country: major incidents</b>	
Bambari (Ouaka Prefecture)	On 28 September, young Muslims armed with guns and grenades

<sup>25</sup> Narrative compiled from HRD interviews with several detainees, prison officials and MINUSCA staff (six individuals in total) and a visit to the prison on 12 October. While records of the exact number of prisoners who escaped differ, however, the Director of Ngaragba prison informed HRD that approximately 700 inmates escaped.

<sup>26</sup> Factors motivating the prisoners’ protest were said to include the fact that the prison director had not authorized food distribution that day, and the desire of some prisoners to assist their relatives in danger across Bangui.

<sup>27</sup> The victim received medical assistance from the MINUSCA troops at the scene.

<sup>28</sup> Interviews of MINUSCA soldiers by the HRD.

<sup>29</sup> Violations of IHRL and IHL in other parts of CAR during this period will be addressed in subsequent public reports by MINUSCA.



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Kaga-Bandoro (Nana-Gribizi Prefecture)	<p>protested violently in solidarity with their comrades in Bangui. They marched on a Christian neighbourhood and exchanged gunfire with MINUSCA troops and anti-Balaka. The hospital received 12 injured Muslim men. HRD counted 22 houses that had been pillaged and burned in a Christian quarter. Over a thousand people fled to IDP camps.</p> <p>On 28 September, four Muslim youths incited violence and intimidated people at the local market. This led 300 civilians to flee to a United Nations compound before MINUSCA was able to calm the situation and allow people to return.</p>
Bouar (Nana-Mambéré Prefecture)	<p>On 29 September, 100 anti-Balaka elements attacked two Gendarmerie locations in Bouar, allowing approximately 60 pre-trial detainees and convicts to escape.</p>
Carnot (Mambéré-Kadéi Prefecture)	<p>During the night of 29 to 30 September, about 10 anti-Balaka elements attacked the neighbourhoods of Aoudou Pacco and Mbonet, killing one person and injuring three people.</p>
Sibut (Kéme Prefecture)	<p>On 10 October, Sangaris<sup>30</sup> and MINUSCA troops repelled attacks by ex-Séléka forces trying to reach Bangui, and killed several ex-Séléka members.</p>

14. During and after the crisis, various national opinion leaders appealed for peace, justice and reconciliation. However, some actors, including politicians and activists, showed sectarian or ideological bias in their public statements, thereby fuelling the crisis.<sup>31</sup> For some time, both ex-Séléka and anti-Balaka elements endeavoured to rebrand themselves as political parties, some of which opposed the holding of elections.<sup>32</sup> Both groups have developed propaganda machines, including sympathizers in senior positions of power, media outlets, and support groups. Some have also made incendiary public statements, which triggered similarly inflammatory reactions from opposing groups.<sup>33</sup>

<sup>30</sup> *Opération Sangaris* is the French military force deployed to CAR in support of the United Nations peacekeeping mission pursuant to United Nations Security Council Resolution 2127 and subsequent resolutions.

<sup>31</sup> See further, para. 38-41 of the *Final Report of the Panel of Experts on the Central African Republic*, 21 December 2015, S/2015/936, available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_936.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_936.pdf).

<sup>32</sup> In April 2015, the ex-Séléka and the anti-Balaka signed a peace agreement in Nairobi in which they called for a further transitional period and rejected the electoral process. This agreement was not recognized by the Transitional Government in CAR. A Constitutional Referendum was held in CAR on 13 December 2015 and often-postponed presidential and legislative elections took place on 30 December.

<sup>33</sup> For example, on 28 September the *Coordination des organisations musulmanes de Centrafrique* referred in a press statement to ‘attacks by heavily armed anti-Balaka, supported by FACA with the aim of annihilating the remaining population of PK5’. In a ‘Government Communiqué’ issued on 15 October, the Minister of Public Security ‘welcomed the rigorous action taken by international forces at Sibut [on 10 October, when Sangaris and MINUSCA inflicted casualties on ex-Séléka] and encourages them to deny these adventurers [ex-Séléka] any way forward once and for all.’

#### 4. Applicable Legal Framework

15. CAR has ratified a wide range of international instruments, and is therefore subject to human rights and humanitarian law obligations in peacetime and during armed conflict. Considering that CAR has a monist legal regime, self-executing rules of international conventions and treaties are directly applicable.<sup>34</sup> CAR has ratified five out of 10 core international human rights treaties and many regional instruments.<sup>35</sup>
16. With regard to international humanitarian law, CAR is a party to the four Geneva Conventions of 12 August 1949 and their Additional Protocols I and II of 1977, concerning respectively international and non-international armed conflicts. CAR is also a party to the Rome Statute of the International Criminal Court.<sup>36</sup>
17. Although they cannot become parties to international human rights treaties, non-state actors are increasingly understood to have human rights obligations when they become *de facto* authorities or hold effective control over territory and exercise some governmental functions.
18. The nature and intensity of the armed violence, its protracted nature, and a certain level of organization of the ex-Séléka and anti-Balaka armed groups, attest to the existence of a non-international armed conflict in CAR for the past few years, including the period under review.<sup>37</sup> The main parties to the conflict are the anti-Balaka and the ex-Séléka.<sup>38</sup> As such, all parties to the armed conflict are bound by the relevant treaty law and customary law applicable to non-international armed conflict, in particular Article 3 common to the four Geneva Conventions of 1949. Other actors that must respect IHL and IHRL include Sangaris and MINUSCA.
19. IHL addresses the protection of civilians in a non-international armed conflict and prohibits attacks against civilians and objects indispensable to the survival of the civilian population. Article 3 common to the four Geneva Conventions of 1949 establishes minimum standards that parties, including State and non-State actors, shall respect in non-international armed

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<sup>34</sup> See Article 97 of the Transitional Constitution (law 13.001 18 July 2013).

<sup>35</sup> Human rights treaties to which CAR is a party include the International Covenant on Economic, Social and Cultural Rights (ICESCR, acceded on 8 May 1981); the International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol (8 May 1981); the International Convention of the Elimination of All Forms of Racial Discrimination (ratified on 16 March 1971); the Convention on the Elimination of All Forms of Discrimination against Women (acceded on 21 June 1991); and the Convention of the Rights of the Child (ratified on 23 April 1992). At the regional level, CAR is a State party to the African Charter on Human and Peoples' Rights (ratified on 26 April 1986), the Convention Governing the Specific Aspects of Refugee Problems in Africa (ratified on 23 July 1970) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (ratified on 20 December 2010). CAR is also a party to the Convention Relating to the Status of Refugees 1951 and the 1967 protocol.

<sup>36</sup> CAR ratified the four Geneva Conventions in August 1966 and their Additional Protocols in July 1984. CAR ratified the Rome Statute of the International Criminal Court in October 2001. On 30 May 2014, the Government of CAR referred the situation regarding crimes allegedly committed on CAR territory since 1 August 2012 to the ICC.

<sup>37</sup> See the *Report of the International Commission of Inquiry on the Central African Republic*, S/2014/928, 22 December 2014.

<sup>38</sup> Anti-Balaka and ex-Séléka-affiliated organizations include the signatories of the *Accord sur les principes de désarmement, démobilisation, réintégration et rapatriement (DDRR) et d'intégration dans les corps en uniforme de l'état centrafricain ente le gouvernement de transition et les groupes armés*, 10 May 2015: *Front populaire pour la renaissance de la Centrafrique* (FPRC); *Rassemblement patriotique pour le renouveau de la Centrafrique* (RPRC); *Union des forces républicaines fondamentales* (UFRF); *Séléka rénové*; *Mouvement des libérateurs centrafricains pour la justice* (MLCJ); *Coordination des ex-combattants anti-Balaka*; *Unité du peuple centrafricain* (UPC); *Révolution et justice* (RJ), and *Union des forces républicaines*.

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conflict. The contents of the four Geneva Conventions of 1949 and several rules similar to those found in their Additional Protocols also largely form part of customary international law.

20. HRD attributes some of the Bangui incidents to a core of hard-line Muslim and Christian armed youth, whose affiliation with and sympathy for any of the established perpetrator groups was at most informal. These youths may fall into the IHL category of ‘civilians directly participating in hostilities.’ They remain civilians, but they lose their protection from attack for such time as they participate in hostilities, and are obliged to respect IHL in their conduct.<sup>39</sup>
21. Where the perpetrators of illegal violence belong to armed groups, their actions are not only contrary to IHL, IHL and applicable domestic laws, but also in violation of Security Council Resolution 2217 (2015), which ‘[demands that all militias and non-state armed groups lay down their arms, cease all forms of violence and destabilizing activities immediately [...].’<sup>40</sup>
22. The same Security Council Resolution ‘[notes the decision made by the Prosecutor of the International Criminal Court, on 24 September 2014, to open, following the request of the national authorities, an investigation into alleged crimes committed since 2012...’<sup>41</sup> On 22 April 2015 the National Transitional Council adopted the law establishing the Special Criminal Court to investigate serious violations of human rights and IHL committed in CAR since 1 January 2003.<sup>42</sup> However, the Court has not yet been set up.
23. Some of the violations documented by HRD may constitute grave violations against children as monitored within the framework of the Security Council Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict.<sup>43</sup>
24. In relation to conflict-related sexual violence, the Security Council adopted Resolutions 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013) which, *inter alia*, require all parties to an armed conflict to prevent and punish sexual violence.<sup>44</sup>

## **5. Violations and Abuses Committed by ex-Séléka and their sympathizers**

### **Killings, injuries and abductions**

25. HRD was able to verify the killing of 32 civilians- 19 men and 13 women - by ex-Séléka members or individuals or armed elements sympathetic to this group between 26 September and 20 October 2015 in Bangui. HRD also verified that five women and one man were injured during that time. .
26. Twenty-seven of the 32 killings occurred on 26 September, and five occurred on 27 and 28 September. HRD was able to verify the killing of seven other men and injuries to one man but

<sup>39</sup> See Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, International Committee of the Red Cross (2009), p. 84.

<sup>40</sup> UN document S/RES 2217 (2015), operative para. 5.

<sup>41</sup> UN document S/RES/2217 (2015), operative para. 16.

<sup>42</sup> See law no. 15.003 *Portant création, organisation et fonctionnement de la cour pénale spéciale*.

<sup>43</sup> Security Council Resolution 1612 (2005)

<sup>44</sup> See also, Security Council Resolution 1325 (2000) on Women, Peace and Security.

## **Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015**

it could not establish whether these victims were civilians or fighters. Of the 32 killings verified by HRD, 17 occurred in the 5<sup>th</sup> district and 14 in the 3<sup>rd</sup> district. The location of one killing was unknown. The vast majority of victims were Christians, indicating that perpetrators selected their targets on religious grounds. The religion of six victims (five killed, one injured) was unknown.

27. HRD also received allegations of 15 killings (three male civilians, five civilians of unknown sex, seven men whose status could not be determined) and six men injured (including at least four civilians) that it could not verify due to security constraints and related movement restrictions.<sup>45</sup>
28. In all incidents documented by HRD that involved ex-Séléka members or their sympathizers, the perpetrators would typically identify a target and engage in a range of violent acts, as described by the below witness account:

***“On 26 September, at 8:30, I heard many gunshots in my neighbourhood, so I went back into the church compound for safety. Six armed Muslims entered the compound. They stole four motorbikes, including mine. Three of the men forced the door of the choir room open and ordered the people sheltering inside to come out because they were going to burn the building. They spoke Arabic.<sup>46</sup> As I left the house, I came across an abandoned six-year-old child and took care of the child. Minutes later, one of the attackers confronted me and ordered me to leave the child alone so that he could kill me. Luckily, at that moment, another armed Muslim who spoke Sango intervened and saved my life. Another armed man ordered me to choose between my life and money. I said I had no money, but the man told me to give him my phone and everything that was in my pockets. Later, I discovered a man in the compound whose throat had been cut and who was half-dead. The injured man signalled for me to come closer and tried to talk to me, but due to his injuries he was incomprehensible and I only understood his name, ■■. I then found some children who initially said that they recognized the victim as their dad’s elder brother and that the attackers had cut his neck. However, when we all went to see the victim together the children realized he was in fact their own father.”<sup>47</sup>***

**43-year-old man interviewed by HRD at an IDP camp in Bangui**

29. Several sources described to HRD a pattern of behaviour whereby ex-Séléka would burst into houses in Christian areas and ask for any men present. If there were no men present, the attackers would harass and intimidate the women and children, and sometimes raped the women and girls.<sup>48</sup> A person who witnessed the killing of three civilian men told HRD that the perpetrators shouted while shooting that they were ‘searching for Christians to kill’. The witness told HRD:

***“On 27 September, sometime between noon and 13:00, I was hiding at a house under construction. Some 40 metres away, I saw three people being executed: A teacher and his brother, and a butcher. All three were unarmed civilians who were trying to seek shelter from gunshots. They had tried to flee towards Castors neighbourhood but were detained in Yakite. The attackers told the three men to kneel and pointed***

<sup>45</sup> The main reasons why cases could not be verified included lack of sufficient information, uncertainty about the status of the victim, or insufficient corroborating evidence.

<sup>46</sup> Whenever sources describe a language spoken as ‘Arabic’ it does not necessarily signify a precise identification. Their descriptions may also refer to Fulfulde (*Peuhl* language in French), Chadian Arabic or similar languages. Well before the events of September and October 2015, Séléka and ex-Séléka were documented as having received support from Chad and the Sudan (See for example International Crisis Group, *Central African Republic: The Roots of Violence*, September 2015). In both countries, Arabic is an official language.

<sup>47</sup> The victim’s name was found on a list of dead bodies delivered to Bangui’s *Hôpital communautaire*.

<sup>48</sup> HRD received several allegations of conflict-related sexual violence and was able to confirm two cases of rape (see below).

*AK-47 guns at their faces, telling them they would be killed now. Then they fired shots. I counted seven assailants. Among them I recognized a Muslim man named ■■. The others were Muslims too, including former Christians who had converted to Islam. The same group later entered the residential compound of Yakite. After they had left, I went inside and found that the head of the household and his wife had been shot dead. Later again, I helped to remove the bodies of the three men killed earlier. When the leader of the attackers saw what I was doing, he shot at me, but the bullet only hit one of the corpses – that of the teacher. At around 14:00, the leader proceeded to Yakite neighbourhood where he killed a man nicknamed Tintin, the lead musician of the musical band Orchestre tropical mixte.”*

**35-year-old interviewed at an IDP camp in Bangui**

30. On 26 September, in Bazanga neighbourhood (5<sup>th</sup> district), armed men looted and burned down a house, whose owner later spoke to HRD. The perpetrators reportedly had red or brown scarves on their heads and some spoke Arabic. The victim saw the perpetrators strangle and disembowel a pregnant woman. They then removed the foetus from her abdomen and placed it on the ground next to her body.
31. As regards violations of IHL, HRD investigations indicate that armed elements belonging to, or sympathizers of the ex-Séléka, targeted and wilfully killed or injured civilians in violation of common Article 3 of the Geneva Conventions 1949 and customary international law. These acts also constitute abuses of the rights to life and to physical integrity under IHRL. HRD refers to *abuses* of human rights, rather than *violations*, in relation to armed groups and their sympathizers because HRD was not able to verify the nature and extent of control exercised by armed groups over territory in Bangui at all relevant times.
32. HRD also received allegations of nine abductions, concerning seven women and two men, perpetrated by Muslim armed men often acting in groups of 10 to 20 individuals. HRD was able to verify the abduction of four Christians - three women (who were injured during the abduction), and a man. HRD also documented five other allegations of abductions concerning four women and one man of unknown religion (the latter died as a result of mistreatment during his abduction). All abductions reportedly took place on 26 September. The victims were taken from various locations in Bangui, then transported to a holding area at Bangui's Central Mosque, in the 3<sup>rd</sup> district. The motives for these abductions were not clear; the perpetrators demanded no ransom, but some expressed their intention to kill the victims. Some abductees were discreetly allowed to escape by perpetrators who apparently did not want to become accomplices to killings; others were freed by FACA.
33. For example, on 26 September, at around 8:00, a woman was abducted from her home in Ngbenguewe neighbourhood (5<sup>th</sup> district). According her, numerous unidentified perpetrators, some speaking Arabic and others Sango, were involved. They reportedly took her to a place where 10 other hostages were being held. The following day, a Muslim who was part of the group of abductors reportedly took all victims to a nearby location from where they were able to escape. He said that he did not want to be complicit in murder. The woman then fled to an IDP camp.
34. The abductions investigated by HRD amounted to arbitrary deprivation of liberty contrary to IHL, and arbitrary detention contrary to IHRL.

### **Conflict-related Sexual Violence**

35. During the outbreak of violence in Bangui, HRD received allegations of conflict-related sexual violence. These attacks were typically carried out against women and girls in a

## **Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015**

vulnerable position (e.g. isolated, pregnant). HRD conducted investigations and was able to verify two cases of rape perpetrated by armed Muslim men, believed to be ex-Séléka elements, against two young Christian women.<sup>49</sup> However, investigating cases of sexual violence is particularly challenging. The victims are usually ashamed, scared, and fear reprisals from perpetrators as well as stigmatization from their family and community. For example, one victim refused to report her case because the alleged perpetrator resided in the same IDP camp as her.

36. The rapes reported to HRD were all committed in the early days of the crisis. The following testimony describes one such incident:

*“On 26 September, at 16:00, I was in my family’s house, in our neighbourhood Bazanga, in the 5<sup>th</sup> district. I was alone because my family had already fled due to the ongoing violence. I was too weak to join them due to my advanced pregnancy. When I briefly went outside the house to pick up a few things two men wearing military-style trousers and t-shirts, and armed with automatic weapons and knives noticed me. They followed me inside, forced my arms behind my back and pushed me to the ground. I pleaded with them to be careful because of my pregnancy, but they answered that they did not care. One man forced my legs open as the other raped me. Then they switched. They spoke Arabic to each other. They could speak Sango too, but they sounded like foreigners speaking Sango. After the rape they threw me out of the house, then set fire to it. I only had time to grab a piece of cloth to wrap around my body. I phoned my family and they came and rescued me.”*

**21-year-old interviewed by HRD**

37. In another incident, on 28 September at 14:00, in a neighbourhood of the 5<sup>th</sup> district, an 18-year-old Christian woman hid with her brother (a child) behind furniture in her house when she heard gunshots and saw flames in the vicinity. She then noticed the presence of a group of men in her compound, speaking a language she did not understand. Six men forced open the door to her house and found her. They were wearing military uniforms, and one had a turban on his head. One of the men threw her to the ground and tore her clothes off. Three men then raped her. The perpetrators told the women they were ex-Séléka. After some 45 minutes, one of the men allowed the woman and boy to leave. Both fled to a relative in the 4<sup>th</sup> district.
38. Rapes and other forms of sexual violence committed by ex-Séléka or their sympathizers in the context of, and associated with, armed conflict are violations of IHL contrary to common Article 3 of the Geneva Convention 1949 and customary international law. They are also abuses of the right to physical and mental integrity, and may constitute cruel, inhuman or degrading treatment under IHRL.

### **Pillaging, Looting, Extortion and Destruction of Property**

39. Looting and destruction of private property were extremely widespread during the reporting period: On 19 October, HRD 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 5<sup>th</sup> district (which borders the 3<sup>rd</sup>), along two roads in the neighbourhoods of Bahidi, Bazanga, Sara and Sara Blague. HRD received 25 other allegations of pillaging and looting in the 3<sup>rd</sup> and 5<sup>th</sup> districts during interviews with victims or witnesses that it was unable to verify.

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<sup>49</sup> There may have been more cases of sexual violence that were not reported or could not be verified, partly due to the difficulties to investigate sexual violence. Human Rights Watch documented 25 cases of rape from 26 September to 13 December 2015. See, *Central African Republic: Among Conflict, Rape*, 17 December 2015.

40. In particular, there are indications that ex-Séléka and their sympathizers engaged in a systematic campaign of destruction in Christian neighbourhoods bordering Muslim-inhabited areas, possibly not only because these locations were easy to reach, but also to create a buffer zone around Bangui's Muslim enclave in the 3<sup>rd</sup> district to protect the Muslim population against infiltration and attacks from anti-Balaka.<sup>50</sup>
41. Numerous victims and witnesses told HRD that they had lost belongings during the crisis. Typically, residents would flee out of fear of being attacked, leaving most of their property behind. Upon their return they would discover that their homes had been pillaged and burnt down.
42. HRD was able to verify 31 cases of pillaging, arson or property destruction, all of which occurred between 26 and 28 September, 18 in the 5<sup>th</sup> district and 13 in the 3<sup>rd</sup> district). Among these cases, at least 29 targets belonged to Christians or the Christian community (27 private homes or businesses as well as two churches). In some instances the perpetrators arrived with the intention to kill specific individuals. When the target was absent, they would pillage and destroy his or her house or business.

Deliberate attacks on religious buildings (*e.g.* churches) and on civilian homes and property, such as those detailed above, constitute violations of IHL, particularly of the principle of distinction between civilian objects and military objectives; as well as abuses of the right to property under IHRL.

## 6. Violations and Abuses Committed by Anti-Balaka and their sympathizers

### Killings and Injuries

43. HRD verified six killings of civilians, including four children, perpetrated by anti-Balaka, or individuals or armed elements sympathetic to this group. For example, a Muslim boy was killed on 26 September, in the 8<sup>th</sup> district. On the same date, members of an armed Christian group from Ngouciment neighbourhood beat and killed a Muslim civilian man who was walking in Sara neighbourhood (5<sup>th</sup> district). On 17 October, a member of a self-defence group affiliated with the anti-Balaka and three accomplices shot dead three Muslim children who were playing in Yakité neighbourhood (3<sup>rd</sup> district). Also, on 17 October, a Christian male civilian was attacked and killed by several anti-Balaka in Ben-Zvi neighbourhood, 5<sup>th</sup> district.
44. Anti-Balaka and their sympathizers injured nine civilians (five girls, three women and a man) in incidents on 26, 27 and 29 September and 17 October. The man was injured as a result of an attempted killing while all the female victims were sexually abused or raped.<sup>51</sup>
45. HRD also documented incidents involving at least five more Muslim victims, some of whom may have been killed by anti-Balaka and their sympathizers. During a site visit to St. Matthias church (5<sup>th</sup> district), HRD was told by credible sources that Muslims had buried the bodies of

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<sup>50</sup> MINUSCA personnel saw stretches of this “no-man’s land” and documented the presence of anti-Balaka elements on Avenue Barthélemy Boganda. The individuals were observing traffic into and out of the Muslim enclave and repeatedly assaulted travelers suspected of being Muslims.

<sup>51</sup> For more details about these incidents, see paras. 41-42.

## **Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015**

22 people from their community at the church after Muslim assailants took over the church compound on 26 September, burned the church down and started using the compound as a cemetery.<sup>52</sup> Local sources stated that all of the bodies belonged to Muslim civilians.

46. As stated above, attacks on civilians and the wilful killing or injuring of civilians violate IHL, particularly common Article 3 of the Geneva Conventions 1949 and customary international law. They also constitute abuses of the rights to life and physical integrity.

### **Conflict-related Sexual Violence**

47. HRD was able to verify seven cases of rape and one case of attempted rape perpetrated by anti-Balaka elements and other armed Christian men against three women and five girls aged 12 to 17. Five of the victims were Christians and three were Muslims. The incidents occurred on 26 and 27 September 2015, in the 1<sup>st</sup> and 3<sup>rd</sup> districts of Bangui. In each case, 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.
48. For example, on 26 September, at approximately 11:00 armed men whom victims and witnesses identified as members of the anti-Balaka, accompanied by violent demonstrators, broke into a home inhabited by Muslims, in a neighbourhood on the edge of the 1<sup>st</sup> district. All of the perpetrators wore civilian attire. They looted and destroyed parts of the house. Two girls who were hiding in the toilets of the residence were raped. A man armed with a knife and a broken bottle raped one girl and threatened to kill her. Another man raped the other girl while her older sister was forced to watch. The victims identified one of the perpetrators as someone who had previously worked with their father. One of the perpetrators allegedly told one of the victims: “we will make you suffer like the other Muslims.” After the attack, the family fled to an IDP camp in Bangui.
49. Another girl who was raped by anti-Balaka elements told HRD:

*“On 27 September, at approximately 9:00, I was walking back home to Yakite neighbourhood with my 12-year-old sister. We had visited a relative. As we were about to cross the Jackson Bridge, we encountered some armed Muslims. They threatened to kill us if we proceeded, so we fled towards the school in Yakite neighbourhood. Men dressed in civilian clothes were gathered there. They asked so many questions: ‘Where are you coming from? Are you going to your Muslim friends?’ We replied truthfully, but the men were not satisfied with our answers. They took us to a house close to the school, where even more men were. Other people told us the men were anti-Balaka, including some commanders, and some were Gendarmerie lieutenants. They took our clothes off. One man put his finger inside me to determine if I had already had sex with a Muslim. The men threatened us with weapons and tied our hands. When some men announced that they would put hot irons into our vaginas a discussion began between men who were in favour and some who were against. They beat us. Then they separated me from my sister. I was taken into another house by eight men. My sister stayed with all the others. I was taken to the bathroom where an iron hook was put into my vagina. They mocked me, asking me with how many persons I would like to have sex. I protested. Later on, one of them, very huge, with a beard and wide shoulders, slapped me on the neck, took me to a room and raped me. In the afternoon we were given rice to eat. At the same house where I was raped there was another 13-year-old girl, who was also raped. She cried a lot. At 21:00 we were released.”*

**15-year-old interviewed by HRD**

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<sup>52</sup> The confirmed existence of 22 graves adds further weight to the possibility that the number of Muslim victims may be underreported, for the reasons described in chapter 1.



## ***Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015***

50. On 29 September, a 20-year-old Christian woman who was going to the market in M'Poko with her baby was raped by two anti-Balaka. The victim was married to a Muslim man, and her attackers claimed to know her and "all girls who live with Muslims". After she was raped, the victim was allowed to return to her home in PK5 with her baby. The perpetrators stole her personal belongings and threatened to kill her if she ever came to M'Poko again.
51. HRD investigations indicate that rape and sexual violence were committed by anti-Balaka and their sympathizers in the context of the ongoing conflict, in violation of IHL. Such acts are also abuses of the right to physical and mental integrity, and may constitute cruel, inhuman or degrading treatment. HRD interviews with the victims indicate that abuses were also motivated, in part, by religious discrimination.

### **Pillaging, Looting, Extortion and Destruction of Property**

52. HRD verified six instances, and documented two other allegations, of looting or property destruction by anti-Balaka elements or their sympathizers between 26 and 28 September. While similar acts by Muslim armed groups had a sectarian element and predominantly targeted Christian owners, looting by Christian armed groups appear to have been primarily opportunistic and for profit, focusing on the assets of UN agencies and non-governmental organizations in Bangui's 1<sup>st</sup> district - which constituted four of the eight locations targeted.<sup>53</sup>
53. In an incident which occurred on 1 October, in Castors neighbourhood (3<sup>rd</sup> district), anti-Balaka elements from Boy-Rabe harassed the residents<sup>54</sup> and reportedly singled out houses owned by Muslims in order to loot or destroy them. Victims stated that members of a local self-defence group negotiated with the anti-Balaka and paid them to leave some houses untouched. A woman living in Castors stated to HRD that she had paid 50,000 CFA francs to prevent the pillaging of her home.<sup>55</sup>
54. HRD investigations indicate that anti-Balaka and their sympathizers deliberately targeted and attacked civilian and protected objects, including humanitarian supplies and medical equipment owned by NGOs. Such attacks violate the principle of distinction under IHL and also constitute abuses of property rights under IHRL.

## **7. Violations Committed by elements of the *Forces armées centrafricaines***

55. HRD received a number of credible allegations of unlawful killings (including extrajudicial executions) committed by FACA soldiers, acting in support for, or in direct affiliation with, anti-Balaka elements. HRD verified three unlawful killings<sup>56</sup> of civilians including two boys

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<sup>53</sup> According to lists compiled by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the MINUSCA Child Protection Section, the following organizations had their offices or buildings either attacked, destroyed or looted: the International Committee of the Red Cross, the World Food Programme, the International Organization for Migration, 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, Médecins sans frontières (France), Mercy Corps, NDA, Plateforme confession religieuse, Première urgence/Aide médicale internationale, Save the Children, War Child.

<sup>54</sup> HRD heard additional testimonies indicating that at other times during the crisis, Muslim armed groups also crossed Castors where they committed acts of violence.

<sup>55</sup> 50.000 CFA francs are slightly less than 100 US dollars.

<sup>56</sup> Two killings are described immediately below in paragraphs 56 and 57, while the third killing, of Amin Mahamat, is described in more detail in the text box on pages 7 and 8 above.

## **Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015**

aged 16 or 17 years old by FACA soldiers between 26 September and 20 October in the 3<sup>rd</sup> and 5<sup>th</sup> districts of Bangui while the location of one killing could not be established. HRD also received allegations of two killings of Muslims (presumably civilians) perpetrated by FACA soldiers which occurred in the 5<sup>th</sup> district.

56. On 26 September at around midday, a 16-year-old Muslim boy was shot and killed by FACA soldiers during an attack on the Gendarmerie by armed Muslim men in the 5<sup>th</sup> district. The victim and his five brothers were hiding behind a building when the attack on the Gendarmerie started. He attempted to flee the fighting and was killed while crossing the main road to his house in the “Sénégalais” neighbourhood.
57. On 17 October at approximately 5:00, a 19-year-old man was killed by FACA soldiers on his way back from the Central Mosque, in the 3<sup>rd</sup> district. He was shot in the stomach and the neck near the bridge *Savoir*. He was evacuated by the Central African Red Cross to the hospital in Bangui but died from his injuries.
58. In the late morning of 26 September, a group of FACA soldiers approached a 22-year-old shepherd who was tending his flock in the vicinity of a MINUSCA Camp, in the 3<sup>rd</sup> district. They harassed him and ordered him to surrender the animals. As the shepherd replied that they were not his property, one soldier hurled a grenade into the herd. The shepherd was wounded and hospitalized for a week.
59. On 29 September, in a neighbourhood of the 3<sup>rd</sup> district, uniformed FACA soldiers shot and injured a shopkeeper, while carrying out patrols. The victim was admitted to hospital for 13 days. A relative was also shot and injured by a FACA soldier while trying to help him.
60. On 27 September at 9:30, seven men armed with guns and grenades threatened the guards at an NGO compound in Sica 1 neighbourhood (1<sup>st</sup> district), forcing them to open the gate. The perpetrators were reportedly led by a FACA soldier, and joined by up to 30 people who looted the NGO compound.
61. If deliberate, or resulting from the disproportionate use of force, the killing and injury of civilians by elements of FACA, in the context of armed conflict constitutes a clear violation of IHL.<sup>57</sup> The killings and injuries investigated by HRD may also have been in violation of the rights to life and physical integrity under IHRL, if they did not fall within the narrow category of exceptional circumstances when a killing may be permitted by international law. Furthermore, by participating in and helping to escalate the situation in Bangui, FACA breached their obligation to protect the population.

## **8. Displacement of Civilians Due to Violence**

62. The violence in Bangui affected numerous neighbourhoods, particularly in the 3<sup>rd</sup> and 5<sup>th</sup> district, which generated massive displacement. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), between 26 and 30 September alone, the surge in violence resulted in 42,575 additional IDPs in the capital, bringing the total number

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<sup>57</sup> The incident that occurred on the morning of 26 September was not classified by HRD as a deliberate killing, but it was potentially a disproportionate use of force.

## **Human Rights and IHL Violations in Bangui between 26 September and 20 October 2015**

of IDPs there to 69,890 in 32 different IDP sites. Of the new IDPs, 19,000 fled towards M'Poko airport while others set up spontaneous camps elsewhere.

63. At least three IDP camps located in areas seriously affected by the violence, and which were sheltering people displaced by earlier violence, were deserted by their residents.
64. Since 2014, communities in Bangui have been increasingly enclaved, *i.e.* restricted to particular areas where they face fear of attack or mistreatment from other communities, and where access to basic services and goods is limited.<sup>58</sup> In such areas, access to humanitarian assistance may be restricted or, at certain times, entirely blocked due to insecurity and the threat of attack. Thus, enclaves pose an ongoing humanitarian and human rights challenge, particularly as regards access to adequate food, health care and access to education for children.

### **9. Violations Against Children**

65. The MINUSCA Child Protection Section, in collaboration with United Nations Children's Fund (UNICEF), and through its own investigations and documentation methods, reported, within the framework of MRM that 25 children (23 boys and two girls) were killed and 31 (24 boys and seven girls) injured between 26 September and 31 October, in incidents that occurred in the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> district of Bangui.<sup>59</sup> They concluded that out of the 25 fatalities, four were targeted based on religious grounds while the 21 victims were killed by stray bullets of unknown origin. Of the 31 injured victims, one was specifically targeted; four were wounded by shrapnel from exploding grenades; and the remaining 26 by stray bullets. Most victims were killed or injured as they were escaping from the conflict zone, or were hit by stray bullets while hiding or sheltering.
66. The Child Protection Section also verified four rape incidents of girls.<sup>60</sup>
67. The MINUSCA Child Protection Section observed that between 26 and 30 September, hundreds of children manned checkpoints, erected barricades alongside armed adults, or pelted 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.<sup>61</sup> Also, on 27 September, armed Muslims used the 3<sup>rd</sup> district's Kina primary school, which was closed at the time, as an advanced post.<sup>62</sup>

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<sup>58</sup> On the subject of enclaves, see *Analyse à base communautaire des perceptions des dynamiques conflictuelles des populations du PK5*, Danish Refugee Council and UNDP, May 2015.

<sup>59</sup> These investigations were hampered by some of the same challenges faced by HRD *e.g.* movement restrictions. Like HRD, the Child Protection Section believes that the actual number of child casualties is much higher than the figures collected to date. It should be noted that not all children were protected civilians as some were directly participating in the hostilities.

<sup>60</sup> These four cases include two cases also independently verified by HRD (see para. 48 above). The two other cases were verified by the Child Protection Section only. These latter two incidents were reportedly perpetrated by ex-Séléka.

<sup>61</sup> The MINUSCA Child Protection Section noted that on two occasions in the past, in October 2014 and on 3 June 2015, anti-Balaka used children as human shields while attacking international or United Nations peacekeeping forces.

<sup>62</sup> This act could constitute a grave child rights violation, as defined in Security Council Resolution 1612 (attacks against schools or hospitals) and/or a violation of customary IHL rule 10 (use of civilian property for military purposes).

*“The anti-Balaka ComZone [zone commander] of Combatant neighbourhood paid me and my 16-year-old friend 10.000 CFA francs to stone MINUSCA cars, so this is what we did. We used the money to buy food at the orphanage where I live. The ComZone promised to pay us even more if we succeeded in stealing a radio from a MINUSCA vehicle, but we could not achieve that. Because of what we did we were eventually arrested. Now my friend and I are here in police detention. We have no food to eat.”*

**14-year-old interviewed by HRD in police detention in Bangui**

68. By 22 October, several thousand children had been displaced, and an undetermined number of them had become separated from their parents or were unaccounted for. The provision of critical humanitarian assistance to the population, including children, was seriously impeded during the crisis as barricades prevented the free movement of humanitarian assistance. This situation was exacerbated by attacks by suspected anti-Balaka and armed Christian men against the offices of humanitarian organizations and residences of their staff members.<sup>63</sup>

## 10. Response by the Transitional Government of the Central African Republic

69. During the crisis, senior members of the Transitional Government, including the Prime Minister, issued communiqués or made speeches denouncing the violence and appealing for calm. In one public statement on 27 September the Minister of Justice instructed the authorities to investigate crimes committed during the crisis, arrest suspects and bring perpetrators to justice.

70. In October 2015, once limited stability returned, the National Police and the Gendarmerie arrested 51 individuals suspected of committing or participating in lootings during the crisis.

71. On 9 October, the Prosecutor General set up a special investigation unit to look into the ‘failed, attempted coup d’Etat of 28 September.’ By 20 October, the State authorities had subdivided their work into several thematic investigations, including the initial killing of the motorcycle taxi driver; incidents in Bazanga and nearby neighbourhoods (5<sup>th</sup> district); the looting of NGOs, the Ngaragba prison escape<sup>64</sup>; and the alleged attempted coup d’Etat. By the end of November 2015, several individuals had been questioned. However, no charges had been filed and none of the perpetrators of abuses or violations had been prosecuted.<sup>65</sup>

## 11. Response by MINUSCA

72. During the crisis, MINUSCA engaged with the Government and other international actors to de-escalate tensions.<sup>66</sup> At the start of the crisis, MINUSCA leadership informed and liaised with the Head of State of the Transition, Ms. Catherine Samba-Panza (who was attending the United Nations General Assembly session in New York), and the Transitional Authorities. MINUSCA facilitated a high-level meeting in the margins of the General Assembly. In Bangui, the Mission actively engaged with armed groups in an effort to end the violence.<sup>67</sup>

<sup>63</sup> See paragraphs 43-45 of this report.

<sup>64</sup> Ngaragba prison is now operational again, and some detainees have been transferred to the prison.

<sup>65</sup> This remained the case at the date of publication.

<sup>66</sup> For further information, see *Report on the situation of human rights in the Central African Republic, 15 September 2014 - 31 May 2015*, 9 December 2015, para. 8.

<sup>67</sup> On 20 October 2015, the President of the United Nations Security Council issued a statement expressing the Council’s “deep concern about the recent upsurge in violence and instability” in CAR (S/PRST/2015/17).

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MINUSCA issued five press releases condemning the violence, appealing for calm, and asking the Transitional Government and political parties to actively work for a return to peace.<sup>68</sup>

73. Among the most visible signs of the crisis in Bangui were roadblocks erected and usually manned by armed sympathizers of the anti-Balaka – mostly young men and boys. From 27 September, MINUSCA forces dismantled numerous such roadblocks, sometimes under fire, to clear roads for IDPs fleeing from violence, to facilitate the delivery of humanitarian assistance or medical evacuations, and to enable MINUSCA and other security operations.<sup>69</sup>
74. MINUSCA forces increased patrols in all areas affected by violence. However, the impossible challenge of responding to all situations of concern contributed to the growth of an anti-MINUSCA sentiment among inhabitants in Bangui who felt unprotected.<sup>70</sup>
75. In early October 2015, MINUSCA forces escorted 36 Muslim patients to hospital in Christian-majority areas of Bangui – where all the main hospitals are located – or transported them back to their homes in PK5 at a time when Muslims venturing outside their neighbourhoods risked their lives. MINUSCA forces also provided protection for important State infrastructure, such as the State radio and the airport at M’Poko.
76. MINUSCA provided extracted 93 staff members of NGOs from situations of immediate threat and sheltered them at MINUSCA Headquarters until they could be evacuated by air<sup>71</sup>. It also safeguarded NGOs’ stocks of medical supplies which were at risk of being looted.
77. Outside Bangui, MINUSCA reinforced security around Muslim enclaves - in Berberati, Boda, Bouar, Carnot, Dekoua, Gadzi and Yaloké; positioned themselves in visible shows of force to discourage attacks by armed groups - in Berberati and Kaga-Bandoro); and engaged leaders of armed groups in talks to defuse tensions and dissuade them from advancing towards Bangui. Near Sibut, Sangaris and MINUSCA forces repelled an attack by ex-Séléka.
78. In addition, the senior leadership of MINUSCA visited some of the most affected areas of Bangui to engage with key local leaders and urge them to ensure their continuing commitment to efforts to promote inter-communal dialogue and peace.<sup>72</sup>

## **12. Conclusions and Recommendations**

79. The events in Bangui which unfolded between 26 September and 20 October 2015 underlined the extreme fragility of gains in the field of peace and security, the volatile nature of simmering tensions, and the determination of spoilers to resort to violence and terror at a moment’s notice. While CAR has long been characterized by political and economic

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<sup>68</sup> No. 45 on 26 September, no. 46 on 30 September, no. 47 on 3 October, no. 49 on 12 October and no. 50 on 17 October 2015.

<sup>69</sup> Between 27 September and 1 October, UNPOL counted 23 situations when its police officers came under fire. Two United Nations policemen suffered injuries.

<sup>70</sup> These sentiments continued to fester, or were exploited by manipulators: On 4 November 2015, FACA sympathizers demonstrated in central Bangui to demand the rearming of FACA due to the perceived failure of MINUSCA to secure CAR, and unidentified individuals attacked MINUSCA vehicles, injuring three journalists travelling in one of the cars.

<sup>71</sup> Similarly, MINUSCA rescued 198 UN staff members.

<sup>72</sup> MINUSCA visited the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> districts, particularly churches and mosques that had been attacked or were providing shelter to IDPs.

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instability, ethnic discrimination and mistrust among communities, the events in Bangui were a significant setback, marking a sharp increase in violent inter-religious conflict between Christians and Muslims.

80. HRD information-gathering and analysis indicates that serious violations and abuses of IHRL and IHL were committed during the period under review. This report points to serious violations of IHL committed in Bangui by ex-Séléka and anti-Balaka armed groups or individuals or armed elements sympathetic to these groups, including *inter alia*, the targeting and killing of civilians, conflict-related sexual violence, as well as attacks on civilian property, religious buildings and United Nations personnel. In addition, HRD investigations indicate that the use of force by FACA elements in some incidents may, in some cases, have violated IHRL. In other cases, FACA elements failed to protect the population of CAR while present at the scene of incidents.
81. HRD is concerned that efforts to bring to justice perpetrators of violations and abuses have been extremely limited thus far, with few arrests made by the police, and no suspect formally charged. The below recommendations highlight the need for the CAR authorities to take effective action to ensure that there is no impunity for perpetrators of violations and abuses, and for the international community to strengthen their support for national authorities and for the Special Criminal Court in this regard.
82. Thus, MINUSCA and OHCHR urge:

### **The Central African Republic authorities:**

- 1) To prioritize the fight against impunity for past and present serious human rights violations and abuses, by ensuring prompt, independent and impartial investigations for all violations and abuses and to hold those responsible accountable. The authorities should take measures for the protection of victims and witnesses and ensure that those handling such cases, including the magistrates and judges, are safe and secure.
- 2) To track down and arrest all detainees and prisoners who escaped from Ngaragba prison during the crisis; to carry out a thorough independent investigation into the circumstances of their escape, including the role of the prison authorities and FACA.
- 3) To encourage and ensure the implementation of a programme of full DDR and CVR targeting members of armed groups, with the assistance of the international community.
- 4) To reform FACA in order to build professional and multi-ethnic armed forces capable of fulfilling their duty to protect the entire population; to put in place a process to vet FACA elements and armed groups members before any reintegration process.
- 5) To ensure that police and judicial authorities – particularly the newly created units addressing sexual violence – are trained to deal with victims in an appropriate manner, and to protect them.
- 6) To strengthen mechanisms to assist victims of sexual and gender-based violence, including the provision of medical, psychological and legal support; and establish a functioning mechanism for reparations.

### **All armed groups:**

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- 1) To immediately cease any abuses against civilians, and recall that armed group members and their leaders who commit abuses of human rights law and violations of international humanitarian law will be held responsible.
- 2) To immediately stop sexual violence, take effective measure to prevent it, and surrender those responsible to the judicial authorities.
- 3) To prevent and stop the recruitment of children, release all the children concerned, and adopt action a plan to end such violations.

The international community:

- 1) To provide the necessary support to the authorities to ensure that all those responsible for human rights violations and abuses and international humanitarian law violations, including in cases of sexual and gender-based violence are held accountable.
- 2) To provide financial and technical support for the establishment and full operationalization of the Special Criminal Court, including a programme for the protection of victims and witnesses, and technical assistance to the justice system.
- 3) To provide the necessary support to the development of professional security institutions and ensure that all United Nations support provided to FACA, the gendarmerie, the police, and other security forces is consistent with the United Nations Human Rights Due Diligence Policy and in accordance with Security Council Resolution 2217.<sup>73</sup>

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<sup>73</sup> UN document S/2013/110.

Annex I: Map of Bangui and Approximate Location of Key Neighbourhoods

