

**HUMAN RIGHTS REPORT ON THE BATANGAFO INCIDENTS
30 OCTOBER TO 06 NOVEMBER 2018**



“On Thursday, 1 November, around 6:00 am, [...] we went to the Danish Refugee Council’s office to charge a telephone. When we returned to the presbytery, we found the presbytery already burned. We saw two bodies on the ground. Around 7:00 am, shootings resumed in Lingai quarter and the Lycée IDP site. A group of four ex-Seleka fighters with AK 47 saw us. One of them called and asked me to kneel down. I knelt and he pointed his gun at me. One of them recognized me and told him, ‘Abakar, do not kill this man, we were not asked to kill, we came only to chase people out of the site, burn the huts and take what we can take’. They searched me, they took money from my pockets and pulled off my slippers....”

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I. Executive Summary

This report presents the results of an investigation conducted by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) into abuses of international human rights law and violations of international humanitarian law committed by armed groups in and around Batangafo (Ouham *préfecture*), between 30 October and 06 November 2018. The armed groups involved were the ex-Seleka *Mouvement Patriotique pour la Centrafrique* (MPC), and the *Front Populaire pour la Renaissance de Centrafrique* (FPRC) as well as anti-Balaka associated militias.

The deterioration of security in the Batangafo area started on 30 October when eight unidentified men, described by witnesses as ethnic Fulanis, opened fire on four civilians, killing three, including a 17-year-old boy riding a motorcycle. On 31 October, MPC and FPRC fighters, backed by an undefined number of youth from the Muslim community, attacked the IDP camp at the Catholic Church premises in Batangafo. The attack occurred after news spread claiming that a Muslim civilian had been stabbed to death in the camp in the morning on 31 October, allegedly by an anti-Balaka fighter.¹

MINUSCA conducted its investigation in accordance with United Nations Security Council Resolution 2387 of 15 November 2017², which mandates the Mission to “monitor, help investigate and report publicly to the Security Council on violations of international humanitarian law and on violations and abuses of human rights committed throughout CAR”.

The investigation confirmed that armed Fulani, MPC/FPRC fighters together with some civilian youth, as well as anti-Balaka, killed 11 civilians and injured 37 people in and around Batangafo between 30 October and 06 November. MINUSCA was unable to confirm if all those injured were civilians.

The attack on the IDP camp involved the destruction of many huts, leaving several thousand people without shelter³. The attackers also looted and/or destroyed five Christian places of worship. Furthermore, MINUSCA confirmed that two schools were vandalized during the assault.

The attacks in Batangafo are emblematic of the chronic lack of regard for civilian life demonstrated by armed group, which is aggravated by prolonged State absence and weakness in the Central African Republic (CAR). They demonstrate the continued vulnerability of civilians in areas controlled by armed groups who act with complete impunity. The incidents described in the report also illustrate the determination of the ex-Seleka MPC/FPRC to dismantle IDP camps, which they perceive as a threat to their economic and security interests. The ex-Seleka consider IDP camps as anti-Balaka hideouts and, therefore, as legitimate targets despite the presence of large numbers of civilians in the camps.

The human rights abuses and violations of international humanitarian law committed in Batangafo between 30 October and 6 November may amount to war crimes. They once more underscore the persistent disrespect of armed groups for commitments undertaken in past cessation of hostilities and peace agreements and disregard to the spirit of the African Initiative for Peace and Reconciliation which they claim to support.

¹ MINUSCA investigation could not confirm if the person was stabbed by an anti-Balaka fighter.

² Security Council resolution 2448 (14 November 2018) renewed the mandate of MINUSCA, replacing resolution 2387.

³ According to humanitarian sources, at least 23, 000 people were living in the different camp sites that were attacked.

The report provides recommendations to all parties to the conflict for increasing respect for international human rights law and international humanitarian law and to ensure the protection of civilians in and around Batangafo.

II. Context

1. Batangafo is one⁴ of two towns in the Ouham *préfecture* hosting competing armed groups, namely, anti-Balaka and the ex-Seleka MPC and FPRC. The armed groups have repeatedly clashed in Batangafo over control of the town and the transhumance routes, which are an important source of illegal revenue. Both armed groups justify their presence in the town claiming to protect a religious community against the other. The ex-Seleka MPC and FPRC claim to protect Muslims, while anti-Balaka claim to protect Christians.
2. Batangafo has hosted a large, mainly Christian, IDP camp⁵ since 2013. Several active anti-Balaka fighters and their families live inside the camp while ex-Seleka MPC and FPRC fighters are embedded within the Muslim community in the Lakouanga neighbourhood of Batangafo, the commercial centre of the town.

III. Applicable Legal Framework

3. The legal framework applicable in the Central African Republic described in previous MINUSCA public reports remains valid.⁶ MINUSCA considers that the nature and intensity of the armed violence, its protracted nature, and the level of organization of the different ex-Seleka groups and anti-Balaka, attest to the existence of a non-international armed conflict in the country. More specifically, MINUSCA considers that available information points to the existence of a non-international armed conflict in the *sous-préfecture* of Batangafo during the period covered by this report.
4. All parties to a non-international armed conflict are bound by the relevant rules of treaty and customary law applicable to non-international armed conflicts, in particular Article 3 common to the four Geneva Conventions of 1949.⁷ This article establishes certain minimum standards that parties, including State and non-State actors, shall respect in a non-international armed conflict.
5. The International Court of Justice has affirmed that international human rights law applies not only in times of peace, but also during war, when international humanitarian law and international human rights law afford protection in a complementary and mutually reinforcing manner.⁸ International human rights law applies primarily to State actors. However, it is increasingly understood that non-

⁴ The other town is Markounda, where the ex-Seleka MPC and FPRC as well as *Révolution et Justice* armed groups are present.

⁵ The IDP camp in Batangafo is composed of six different sites, five of which were completely destroyed during the attack. According to humanitarian sources, at least 23,000 IDPs were living in the camp on 30 October 2018.

⁶ *Violations and Abuses of International Human Rights and Humanitarian Law Committed in Bangui, Central African Republic, between 26 September and 20 October 2015* (available at https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf) and *Violations and Abuses of Human Rights and Violations of International Humanitarian Law by the FPRC Coalition and the UPC in Haute-Kotto and Ouaka between 21 November 2016 and 21 February 2017* (available at https://minusca.unmissions.org/sites/default/files/fprc_upc_bria_bakala_report_16oct2017_copy.pdf).

⁸ See for example *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, I.C.J. Reports 1996, p. 226; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I.C.J. Reports 2004, p. 136; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 168. For a detailed discussion about the applicability of human rights law in times of armed conflict, see *International Legal Protection of Human Rights in Armed Conflict*, OHCHR Publication HR/PUB/11/01 (2011).

state actors that exercise control over a territory are obliged to respect human rights when their conduct affects the human rights of the individuals under their control.⁹

6. Pursuant to article 8(c) and (e) of the Rome Statute of the International Criminal Court, in a non-international armed conflict serious violations of Common Article 3 of the Geneva Conventions may constitute war crimes, for which perpetrators may be held individually responsible.¹⁰ Pursuant to article 7 of the Rome Statute, certain conduct committed in the context of widespread or systematic attacks directed against a civilian population with knowledge of the attacks amounts to crimes against humanity.
7. The Central African Republic is a signatory to the Rome Statute of the International Criminal Court. It has also established a Special Criminal Court and referred its situation to the International Criminal Court all of which indicate applicability of the international humanitarian law regime and proceedings.

IV. Methodology

8. The findings presented in this report are the result of an investigation conducted by MINUSCA in the town of Batangafo, from 12 to 16 November 2018, into the incidents that occurred from 30 October to 6 November 2018. Due to accessibility constraints, including insecurity and poor road conditions, MINUSCA could not reach other affected areas named in this report.¹¹
9. MINUSCA relied on two or more different and distinct sources to verify each allegation. It conducted interviews with 36 people, including victims and witnesses, and met with local authorities, community and religious leaders, aid agencies, medical practitioners, as well as leaders of the MPC/FPRC and anti-Balaka. MINUSCA visited locations where human rights abuses had allegedly taken place¹² and where victims were displaced, as well as the site of an alleged mass grave.¹³
10. MINUSCA is guided by the applicable norms of international humanitarian law and defines as “civilians” persons who are not members of armed forces or fighters belonging to an organized armed group. In some cases, MINUSCA could not conclusively establish or verify whether some of the victims were fighters or other persons taking a direct part in the hostilities, or whether they were civilians not participating in the hostilities.

V. Abuses of International Human Rights Law and Violations of International Humanitarian Law

1. Deliberate attacks on civilians, including killings

⁹ See United Nations Secretary-General, *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka*, 31 March 2011, para. 188. Also see *Report of the International Commission of Inquiry to investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya* (UN document A/HRC/17/44), 1 June 2011, para. 72; *Report of the International Commission of Inquiry on the Situation of Human Rights in the Syrian Arab Republic* (UN document A/HRC/19/69, para. 106) and United Nations Mission in the Republic of South Sudan, *Conflict in South Sudan: A Human Rights Report*, 8 May 2014, para. 18.

¹⁰ MINUSCA has publicly warned armed groups that their actions might constitute serious crimes for which they might be held accountable. See for example the MINUSCA press release of 5 March 2017 stressing that “[a]ny attack targeting the civilian population, UN and humanitarian personnel is a war crime that can be prosecuted in accordance with Central African law and international law” at www.un.org/apps/news/story.asp?NewsID=56293 (French original at <http://minusca.unmissions.org/le-fprc-sera-responsable-de-tout-acte-contre-les-casques-bleus-et-les-acteurs-humanitaires>).

¹¹ MINUSCA was not able to visit the villages of Goffo and Bofondo, on the Kabo and Ouandago axes.

¹² MINUSCA visited and inspected the IDP camp sites and other places where people were displaced in and around the town.

¹³ MINUSCA identified one mass grave reportedly related to the incidents that occurred on 31 October in Batangafo.

11. According to witnesses interviewed by MINUSCA, on 30 October 2018 eight unidentified men (described by witnesses as ethnic Fulanis) shot at four civilians, including a 17-year-old boy riding a motorcycle, between the villages of Garo and Gbadene (17 and 24 kilometres south of Batangafo, on the Bouca axis). Three of the civilians were killed in the attack, including the 17-year-old boy. According to witnesses, the gunmen were dressed in military uniforms and armed with AK47s. Anti-Balaka fighters transported the injured 17-year old to the hospital in Batangafo but he died on the way.
12. On the morning of 31 October, one Muslim civilian man was stabbed and injured in the IDP camp close to the Danish Refugee Council by a man allegedly affiliated with the anti-Balaka, purportedly in revenge for the previous day's killings.¹⁴ That same morning MPC/FPRC fighters brought two Muslim men to the MINUSCA base with minor injuries, alleging that they had been attacked by anti-Balaka on the outskirts of Lakouanga.
13. Following these events, and according to witnesses, an unspecified number of MPC/FPRC fighters, accompanied by several young Muslim men, attacked the IDP camp site located close to the "*Maison des Jeunes*"¹⁵, adjoining the Catholic Church premises, at approximately 10 am. The MPC/FPRC fighters fired gunshots and burned several IDP huts. Several of the assailants were wearing military uniforms while others wore civilian clothes. As the MPC/FPRC fighters and supporting Muslim youths were firing guns and torching huts, anti-Balaka fighters reportedly fled to regroup in their base at Yabanda quarter, not far from the *Médecins sans Frontières* (MSF) hospital in Batangafo. Around 4 pm MPC/FPRC fighters reportedly attacked the anti-Balaka base..
14. Witnesses informed MINUSCA that during the attack on the IDP camp, five civilians, including three women, one child and one man, were burned to death in their huts. The same witnesses reported that MPC/FPRC fighters shot and killed one other man close to the "*Maison des Jeunes*" in the IDP camp.
15. Humanitarian relief staff and medical sources who were present during the attacks confirmed that at least 37 people were injured, including two women and one child. 20 people out of the 37 injured were treated for injuries, including 10 for serious wounds, at the MSF hospital.
16. Violence against civilians continued in the days after the attacks on the IDP camp. On 1 November, MPC/FPRC fighters reportedly killed a civilian man in front of the Red Cross office in Batangafo. Several victims and witnesses further reported that on 6 November, a group of MPC/FPRC fighters coming from Lakouanga neighbourhood shot and killed a man who was drawing water from a public well, not far from the eastern wall of the MINUSCA Force base.
17. Humanitarian relief staff and medical sources who were present during the attacks also confirmed that on 5 and 6 November, there were clashes between anti-Balaka and MPC/FPRC fighters, and that 12 men were treated in the Lakouanga neighbourhood by the MSF mobile clinic

2. Looting and destruction of property

18. Several witnesses informed MINUSCA that assailants deliberately torched huts after looting them. The residence of the Catholic Church, located in the IDP camp, was also looted before being set ablaze. Some witnesses reported that an MPC/FPRC fighter threw a hand grenade at the residence.

¹⁴ MINUSCA investigation could not confirm if the person was stabbed by an anti-Balaka fighter.

¹⁵ Youth community centre.

19. On 1 November 2018, MPC/FPRC fighters returned to the IDP camp and burnt and looted the remaining huts as well as the Catholic Church. Witnesses who were present on the Catholic Church premises at the time reported that the assailants stated that they were there to burn down the camp and force the IDPs to return to their places of origin.
20. According to staff from humanitarian agencies who were present during the events, five sections of the IDP camp, with at least 5,141 huts, were burned during the attacks of 31 October and 1 November¹⁶. MINUSCA observed that more than 90 per cent of the huts in the IDP sites attacked were completely destroyed. In addition to the huts torched in the five sites, approximately 200 houses in the neighbourhoods surrounding the IDP camp were burned down.
21. MINUSCA gathered accounts from numerous witnesses pointing to the deliberate nature of the attacks against Christian places of worship. In addition to the destruction of the residence of the priest of the Catholic Church, four other places of worship belonging to the “*Eglise Evangelique des Frères*” (EEF), were attacked. The main EEF Church was not destroyed but was looted while three smaller EEF church houses were looted and burned. According to several witnesses, the assailants attacked the Catholic compound with the intention of dislodging IDPs who had sought refuge there. Victims informed MINUSCA that they were told by assailants to carry whatever belongings they could, because they had been sent to burn down the camp sites but not to kill anyone.

3. Forced displacement

22. The attack on the IDP camp caused panic among the residents. According to humanitarian sources, at least 23,000 people were living on the different IDP camp sites on 31 October. The majority of the IDPs fled to the bush at the onset of the crisis on 31 October, with many fleeing South along the Bouca axis. Many others sought refuge within the MSF hospital premises and the Bercail orphanage while others, including the priest, the *sous-préfet* and some humanitarian workers, sought refuge around the MINUSCA base.

4. Infringement on the right to freedom of movement

23. During its investigations after the crisis, MINUSCA observed that anti-Balaka fighters were denying civilians (Muslims and Christians) living in the Lakouanga neighbourhood the right to access the MSF hospital and the market located in areas under their control. Muslim and Christian civilians residing in Lakouanga complained of being regularly harassed and threatened by anti-Balaka fighters when they sought to access these public places. Some civilians and MPC/FPRC representatives who complained of impeded access to the hospital and market warned that, should MINUSCA fail to resolve this problem, there could be a new wave of violence.
24. The reinforced presence of armed anti-Balaka around the hospital, and threats against persons seeking treatment at the hospital, had a negative impact on access to health care in the area, which is particularly disturbing given the health needs caused by displacement and violence.

¹⁶ Information provided in a humanitarian coordination meeting chaired by the United Nations Office for the Coordination of Humanitarian Affairs, 2 November 2018.

5. Grave child rights violations

25. During the mission, the team saw two children, aged between 14 and 17 years, armed with machetes and iron bars, being used by the anti-Balaka, around the hospital¹⁷. During the attack on the Catholic Church at the IDP camp, a 20-month old girl was partially burnt on her right leg and injured. A two-year old boy was burnt and died at the IDP site¹⁸. MINUSCA visited two schools which were vandalized and burnt during the attacks, reportedly by both anti-Balaka and MPC/FPRC fighters, which has prevented children from attending school.

VI. Measures taken by the Government, MINUSCA and Humanitarian Agencies to address protection concerns arising from the Batangafo incidents

26. In the days prior to the outbreak of violence, the *sous-préfet*, community leaders and the local Peace Committee, with MINUSCA support, sought to defuse mounting tensions through the organization of inter-communal dialogue sessions. These tensions were caused by a series of incidents involving cattle rustling, extortion, destruction of property and harassment of the communities by both the ex-Seleka MPC and FPRC and by the anti-Balaka.
27. Efforts to pre-empt further violence intensified following the killings on 30 October between the villages of Garo and Gbadene. The *sous-préfet*, community leaders, the local Peace Committee and the local armed groups met immediately after the incident, also with MINUSCA support. In the meeting it was decided that a joint anti-Balaka and ex-Seleka MPC/FPRC patrol would be sent to the area of the incident of 31 October, to search for the alleged perpetrators. A joint patrol was proposed to ensure that the investigation would be seen as impartial and accepted by both communities.
28. The clashes around the IDP camp on 31 October occurred just as the *sous-préfet*, community leaders, the local Peace Committee and the local armed group representatives were arriving for another de-escalation meeting at the MINUSCA base. The efforts to organize dialogue between the communities and armed groups was complicated by frequent changes¹⁹ of ex-Seleka MPC/FPRC zone commanders in Batangafo. Successive zone commanders have often refused to honour peace or ceasefire agreements signed by their predecessors. For example, according to local authorities, whenever a new ex-Seleka MPC/FPRC zone commander in Batangafo was reminded of his group's commitments to past peace initiatives, he would often reply that he was not obliged to respect agreements he had not signed. The current zone commanders were appointed in October 2018.
29. During and immediately after the attacks, MINUSCA ensured the protection of the local authorities, humanitarian organizations and the Catholic priest. The MINUSCA Force also helped extinguish fires in the IDP camp and transported some of the wounded to the hospital. In the aftermath of the attacks, MINUSCA increased physical protection measures, which included the reinforcement of its presence in Batangafo through the redeployment of troops from Bossangoa and the setting up of fixed and mobile²⁰ patrols on different axes in and around Batangafo to stop the armed groups from receiving reinforcements. To ensure unimpeded access to the MSF hospital and to the market for all civilians in Lakouanga, the MINUSCA Force also intensified foot and motorized patrols on the main axes leading to both sites.

¹⁷ The presence of armed elements around the hospital filters individuals trying to access medical services.

¹⁸ These figures are included in the overall figures.

¹⁹ In very rare cases does an ex-Seleka MPC/FPRC Zone Commander remain in post for more than a year. The previous commanders were appointed in October-November 2017 and replaced in early October 2018.

²⁰ Static and mobile patrols set up to prevent armed groups from receiving reinforcements

30. Many local residents, as well as political and religious leaders, criticized MINUSCA for its lack of a robust military action to stop the attacks. In particular, local residents criticized MINUSCA for not firing warning shots or other preventive measures to dissuade fighters from approaching or entering the IDP camp. MINUSCA has launched an internal investigation to verify these allegations.
31. In the aftermath of the attacks, MINUSCA increased its civilian presence in Batangafo, to strengthen efforts to support inter-community dialogue aimed at addressing core concerns related to security, freedom of movement and access to humanitarian aid among all communities.

VII. Observations

32. The 31 October attacks on the Batangafo IDP camp were part of a long-term deterioration of inter-community tensions in the area. Since 2015, the Christian community in Batangafo has been accusing the MPC/FPRC and its supporters in the Muslim community of deliberately targeting and desecrating its places of worship and of denying Christians access to the main market in Lakouanga neighbourhood. The Muslim community has also, since 2015, been accusing the Christian community of supporting and hosting violent anti-Balaka militias, particularly in the IDP camp, and of barring access to Muslims to the market and MSF hospital located in the IDP camp. Retaliatory attacks by the ex-Seleka on civilians for killings of individual Muslims by the anti-Balaka has been a persistent feature of the conflict in Batangafo.
33. Armed anti-Balaka presence in the IDP camp is a particularly inflammatory issue in Batangafo. Muslim youths interviewed by MINUSCA claimed that previous IDP camps located on the grounds of the Catholic Church in the towns of Bouca and Bossangoa had been used by anti-Balaka fighters to attack and force out the Muslim community from those areas.²¹ According to victims and witnesses, the 31 October attacks on the IDP camp had been planned by the ex-Seleka because of their perception²² that the camp had become a hideout for anti-Balaka. Several witnesses told MINUSCA that during the attacks, the ex-Seleka accused people of hiding anti-Balaka fighters.
34. At the time of investigations, the ex-Seleka factions in Batangafo still seemed determined to permanently force IDPs out of the camp.²³ In meetings on 14 and 15 November, MPC/FPRC representatives told MINUSCA that they considered the IDP camp sites within and around the Catholic Church premises as anti-Balaka hideouts and, therefore, as legitimate targets. They warned that would not allow the reconstruction of the IDP camp on the same sites, which raises serious concerns about the protection of IDPs in Batangafo.
35. The concerns regarding the presence of armed fighters in the IDP camp cannot in any way justify the violent attacks against the site and the deliberate attacks against civilians and civilian property which can be considered as both disproportionate and indiscriminate use of violence by the MPC/FPRC.
36. The MPC and FPRC forces in Batangafo are under the command of MPC and FPRC leadership in the town of Kaga Bando, with zone commanders appointed by the MPC/FPRC leadership in Kaga

²¹ MINUSCA did not document or could not confirm any such incident because they allegedly happened during the crisis in 2013-14 and prior to the creation of the human rights field office in Bossangoa, in 2015.

²² Besides witness accounts, the ex-Seleka MPC/FPRC told a MINUSCA Joint Protection Team MINUSCA that the IDP camp is a hideout for anti-Balaka “criminals”.

²³ MINUSCA reported similar trends in Ippy since December 2017, and in Alindao in November 2018. In both places, the ex-Seleka factions (MPC, FPRC and UPC) also seemed determined to force IDPs to return to their places of origin.

Bandoro. The statements by MPC/FPRC fighters regarding the need to force IDPs to return to their place of origin suggests that the forced displacement and the use of violence against civilians was of an intentional nature. Further investigation is required to determine the individual responsibility for these acts, which could constitute war crimes or crimes against humanity.

37. The armed activity of anti-Balaka fighters in and around the IDP sites increases the risk of violence to civilians and deliberately places civilians at risk by militarizing a civilian site. The apparent denial of access to medical facilities on the basis of ethnicity or religion is also a potential grave crime and a violation of international humanitarian law.

VIII. Recommendations

To the Government of the Central Africa Republic

- ❖ With the support of MINUSCA, deploy Internal Security Forces to the Batangafo *sous-préfecture* to complement the efforts of the MINUSCA Force in maintaining law and order and protecting civilians.
- ❖ Open criminal investigations into the incidents described in this report and envisage the subsequent deployment of a mobile tribunal to hold alleged perpetrators accountable for their crimes.
- ❖ With the support of humanitarian actors, improve management of the Batangafo IDP camp, including by clearly delimiting the boundaries of the site.

To the Armed Groups

- ❖ Respect their obligations under international human rights law and international humanitarian law, including the prohibition of the six grave child rights violations and the respect of IDP sites; bearing in mind that the Special Criminal Court and the International Criminal Court are closely monitoring these types of violations.
- ❖ Respect and uphold their obligations and commitments under the ceasefire and peace agreements signed since December 2015, including the February and August 2018 agreements pertaining to Batangafo, to ensure freedom of movement and address movement obstructions particularly in view of warnings that persistent restrictions could trigger another wave of violence.