

**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**



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

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“The war between the UPC and the FPRC coalition is a war about interests. They fight in order to steal, to loot, to seize mining sites and strategic positions [...]. All other reasons that they may give are nothing but pretexts.”

A resident of Bakala, January 2017

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List of Acronyms

CAR	Central African Republic
DDR/R	Disarmament, demobilization and reintegration (DDR) as well as repatriation (DDRR) in the case of foreign fighters
FACA	Forces armées centrafricaines
FPRC	Front populaire pour la renaissance de la Centrafrique
HRD	MINUSCA Human Rights Division
IDP	Internally Displaced Person(s)
IHL	International humanitarian law
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MPC	Mouvement patriotique pour la Centrafrique
OHCHR	Office of the United Nations High Commissioner for Human Rights
RPRC	Rassemblement patriotique pour le renouveau de la Centrafrique
UPC	Unité pour la paix en Centrafrique

Photos on cover page: Top left: Signs of fighting in Bakala, 21 January 2017. Top right: The torched village of Kpokpo as seen on 7 February 2017 following an attack three days earlier. Bottom left: Vandalized health centre in Bakala, 21 January 2017. Bottom right: Shelters constructed by IDPs who fled the violence in Bakala towards Bambari, late December 2016. All photos by MINUSCA.

1. Summary

This report of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is issued pursuant to United Nations Security Council resolution 2301 (2016), which *inter alia* mandates MINUSCA 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 [...] to inform efforts to fight impunity.”¹

On 21 November 2016, clashes between armed groups, the *Unité pour la Paix en Centrafrique* (UPC) on one side and a coalition led by the *Front Populaire pour la Renaissance de la Centrafrique* (FPRC) on the other, broke out in Bria, the capital of Haute-Kotto Prefecture, in the north-east of the Central African Republic (CAR), mainly over the control of territory and natural resources. Fighting between the UPC and the FPRC coalition, including anti-Balaka elements, and attacks against civilians, MINUSCA peacekeepers and humanitarian actors subsequently spread to other parts of Haute-Kotto as well as to Ouaka Prefecture. In December 2016, the town of Bakala, 60 km north-west of Bambari, changed hands several times between the FPRC coalition and the UPC and was the scene of massacres of civilians. These events caused significant displacements. In Bria alone, two camps sheltered 10.000 people displaced by the violence at the peak of the crisis. The security of civilians in Haute-Kotto and Ouaka Prefectures remains of concern while fighting continues as well in Basse-Kotto and Mbomou Prefectures.

Following reports of widespread violations and abuses of human rights and violations of international humanitarian law (IHL) in the context of these confrontations, the Human Rights Division (HRD) of MINUSCA conducted investigations through site visits, interviews with victims and witnesses and review of documents. This report presents the results of these investigations and details violations and abuses of human rights and violations of IHL, particularly those committed in and around Bria and Bakala between 21 November 2016 and 21 February 2017. Violations and abuses documented by HRD include killings, injuries, abductions, rapes, denial of medical care and humanitarian relief, appropriation or destruction of property, and restrictions to freedom of movement.

HRD statistics show that the number of persons killed in the affected area increased more than fourfold compared to the same period a year earlier. HRD found that armed groups killed at least 133 civilians or other protected persons (82 men, 16 women, 10 children and 25 persons of unknown sex and age). HRD was able to attribute 111 of the verified killings to UPC and 22 to the FPRC coalition. HRD also received credible allegations of further fatalities and therefore has reasonable grounds to believe that at least 293 additional civilians (106 men, 23 women, 27 children and 137 persons of unknown sex and age) may have been killed during the period under review: 167 by the UPC and 126 by the FPRC.

Although HRD was not able to establish the individual responsibility of perpetrators or responsibility of the chain of command, it can confirm that the violations and abuses detailed in this report were committed by members of the FPRC and UPC as well as by individuals or armed elements supporting these groups.

Threats and attacks by armed groups against civilians, humanitarian personnel and United Nations peacekeepers violate both Central African domestic law and international legal norms and

¹ Operative paragraph 33(b)(i).

standards. Attacks may constitute war crimes for which members and leaders of armed groups may be held individually responsible before a court of law. In addition, certain acts including murder and rape may constitute crimes against humanity if committed knowingly as part of widespread or systematic attacks directed against a civilian population.

The events in Bria and Bakala demonstrate the volatility of the security situation and the fragility of the peace process in the CAR. They illustrate the vulnerability of civilians targeted by groups who act with complete impunity. It also underscores the absence and/or weakness of State institutions, including the lack of mechanisms to ensure effective protection of civilians and to address serious human rights abuses.

This report makes several recommendations to the Government of the Central African Republic, the armed groups and the international community, including on the need to fight against impunity for serious violations and abuses of international human rights law and serious violations of IHL by ensuring that thorough criminal investigations are carried out by judicial authorities. The events described also show the urgent need for disarming all members and affiliates of armed groups; the importance of promoting inter-communal reconciliation; and the criticality of efforts to restore State authority throughout the country.

2. Methodology

1. The findings in this report are the result of investigations conducted in Haute-Kotto and Ouaka Prefectures² by MINUSCA human rights staff into incidents that occurred between 21 November 2016 and 21 February 2017.³ HRD conducted over 100 interviews with victims, witnesses, internally displaced persons (IDPs), local authorities, community and religious leaders, personnel of non-governmental organizations (NGOs), medical practitioners, as well as leaders of the FPRC and UPC. HRD visited places where violations had allegedly taken place, where victims were displaced and where mass graves were allegedly located.⁴
2. In addition to gathering information from primary sources on specific incidents, MINUSCA analyzed written documents. Some of these are confidential documents from the United Nations or other sources which is why this report may only refer to them in a non-specific manner. For example, MINUSCA obtained statistics from medical facilities, especially on numbers of fatalities and injured persons. However, MINUSCA was not able to verify the status of each registered casualty, which is why such figures may comprise civilians as well as fighters.

² In addition, this report documents a series of connected incidents in Yambélé-Ewou *Commune* in Basse-Kotto Prefecture (see para. 39 below), with no intention of documenting events in Basse-Kotto as thoroughly as those in the other two prefectures. The focus on the town of Bria is explained by the comparative importance of Bria, which is a significant population centre. The report also focuses on events that occurred in Bakala due to the seriousness of the alleged violations, in particular the high number of victims. In its public reporting HRD is professionally bound to be objective, independent and impartial, but cannot be all-encompassing (documenting every single incident in a particular region or time period). At the time of publication, many additional regions of the CAR are affected by escalating conflict and HRD continues investigating and documenting incidents.

³ Additional information relating to events that occurred during this period were included in this report until late March 2017.

⁴ Not all HRD encounters with sources were in-depth, one-on-one interviews with persons possessing detailed knowledge of a specific situation. As a result, HRD classified some incidents as alleged rather than verified or was unable to record the names, gender or age of casualties.

3. United Nations human rights investigations are not criminal investigations and do not adhere to the standards of proof required for criminal investigations and prosecutions. However, in conducting its investigation, the UN is bound by the principles of independence, impartiality and objectivity.⁵
4. In gathering information for this report, HRD faced difficulties gaining access to victims and witnesses and to other relevant sources and locations due to ongoing fighting and other security constraints. In addition, the widespread fear of reprisals among the populations affected, in particular from the FPRC in Bria, further restricted access to victims and witnesses, as did FPRC-inspired public hostility toward MINUSCA in Bria. By contrast, FPRC fighters in Bakala did not impede the HRD investigation. HRD believes that the number of violations and victims could be much higher than what is presented in this report and has continued following up on a significant number of allegations that remain unconfirmed.⁶

3. Applicable Legal Framework

5. The applicable legal framework described in the public report of MINUSCA and OHCHR on the violations committed in Bangui between 26 September and 20 October 2015 remains valid.⁷ MINUSCA considers that the nature and intensity of the armed violence, its protracted nature, and the level of organization of the ex-Séléka and anti-Balaka armed groups, attest to the existence of a continued non-international armed conflict in the CAR. More specifically, MINUSCA considers that available information points to the existence of a non-international armed conflict in the prefectures of Haute-Kotto and Ouaka during the period covered by this report. In terms of level of organization of armed groups, MINUSCA has observed that the UPC and FPRC have military structures and command as well as internal disciplinary systems. Both groups have established headquarters and other bases. They possess the capacity to carry out military operations, with defined strategies, and have asserted control over certain territories. They have logistical capacities and the ability to recruit and to access weapons and military equipment. Regarding the intensity of the violence, HRD statistics show

⁵ In investigating and analyzing each piece of information, HRD exercised due diligence to corroborate and cross-check information from as wide a range of sources as possible. As is usual practice, the investigations adopted a “reasonable grounds to believe” standard of proof, which required analysis to ensure that a reliable body of information was gathered on the basis of which a reasonable and ordinary, prudent person would have reason to believe that the incident described occurred. Information that did not meet the minimum standard of verification and where HRD is not confident of the occurrence of an incident is described as an “allegation” in this report. This report does not feature allegations that HRD deemed not credible or not plausible.

⁶ The geographical attribution of casualties and the exact victim count can sometimes be difficult to ascertain. When giving the name of a location, sources may refer to one village or to a cluster of inhabited places. In addition, some sources may specify either a precise incident date, while for others only a time frame may be given when talking about victims or casualties. There is therefore a risk of counting a casualty more than once, as different sources may testify about the same incident or situation without this overlap being immediately apparent.

⁷ See the report at https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf, pp. 10-11. The CAR has ratified most of the core international human rights treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR, acceded on 8 May 1981); the International Covenant on Civil and Political Rights and its first Optional Protocol (ICCPR/OP, 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); the Convention on the Rights of the Child (ratified on 23 April 1992). At the regional level, the 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).

that fighting in the CAR escalated and casualty figures increased during the reporting period (e.g. 49 civilians were killed in November 2016, 74 were killed in December 2016, 149 were killed in January 2017, and 55 were killed in February 2017). Armed clashes occur at frequent intervals over a widespread and expanding geographic area. The types of weapons used, including heavy weapons such as grenades, as well as the extent of the damage caused by the fighting, notably important destruction of property and housing, also point towards a non-international armed conflict. Hundreds of thousands of IDPs have been generated in the CAR, with Ouaka and Haute-Kotto accommodating a quarter of all of the country's IDPs.⁸ With the existence of a non-international armed conflict determined, all parties to the 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 1949.⁹ This article establishes the minimum standards that parties, including State and non-State actors, shall respect in a non-international armed conflict.

6. The International Court of Justice has affirmed that international human rights law applies not only in times of peace, but also during war, when IHL and international human rights law combined afford protection in a complementary and mutually reinforcing manner.¹⁰ International human rights law primarily binds State actors. However, non-state actors are increasingly understood to have human rights obligations. This applies particularly when they act as *de facto* authorities, hold effective control over territory or exercise some government-like functions in that territory.¹¹ During the period covered by the report, in the absence of the CAR State authority and/or of its effective presence in Bria, Bambari and their surroundings, the FPRC in Bria and the UPC in Bambari were acting as *de facto* authorities. They possessed distinctive political structures and exercised some state-like functions such as law enforcement, taxation and at times even judicial prerogatives. Rooted in the inherent dignity of every human being, a person's enjoyment of rights should not depend on whether that person happens to live under the authority of a regular government or that of an armed group. In parallel, a State that has lost effective control over part of its territory is nonetheless obliged to take all appropriate measures to protect the human rights of the persons living in the area affected that is outside its control.

⁸ Ouaka and Haute-Kotto both generate and receive IDPs because IDPs in the CAR typically do not flee very far: Some of the country's biggest IDP sites are in towns where persons have been displaced from one neighbourhood of that town to another.

⁹ The conflict in the CAR has also featured the involvement of nomadic Fulani cattle herders as perpetrators as well as victims. In some cases, HRD was able to confirm that members of the Fulani community had acted together with, or with the support of, ex-Séléka armed groups, including in carrying out attacks on civilians, sharing uniforms and weapons. The CAR is a party to the four Geneva Conventions of 12 August 1949 (ratified on 1 August 1966) and their Additional Protocols I and II of 1977 (ratified on 17 July 1984).

¹⁰ 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).

¹¹ 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.

7. Pursuant to article 8(c) and (e) of the Rome Statute of the International Criminal Court, in a non-international conflict serious violations of Common Article 3 of the Geneva Conventions may constitute war crimes, for which perpetrators may be held individually responsible.¹² This comprises the following acts committed against persons taking no active part in the hostilities, including *hors de combat* fighters:¹³ murder, torture or inhumane treatment, or wilfully depriving a protected person of the rights of fair and regular trial. In addition, article 8(e) of the Rome Statute lists a range of other war crimes, including: intentional attacks against civilians not taking part in hostilities; against personnel, installations, material, units or vehicles involved in humanitarian assistance or peacekeeping missions; or against protected buildings (hospitals, schools, religious institutions); as well as acts of sexual violence and pillaging.¹⁴
8. 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. Such conduct notably includes: murder, extermination; deportation or forcible transfer; imprisonment or other severe deprivation of liberty; torture; rape, sexual slavery or other grave sexual violence; persecution against an identifiable group on specific grounds; enforced disappearances.

4. Overview

A. Background and Context

9. The confrontation and violence that started on 21 November 2016 in Bria is largely attributed to internal dynamics within the ex-Séléka as well as a dispute between the armed groups¹⁵ over control of territory and appropriation of resources. Since the January 2014 removal from power of Michel Djotodia, former leader of the Séléka and former self-proclaimed President of the CAR, the cohesion within the ex-Séléka movement started to crumble until the group split into several factions in September 2014: The *Unité pour la paix en Centrafrique* (UPC), led by Ali Darassa, mainly composed of Fulanis and based in Ouaka Prefecture; the *Front*

¹² MINUSCA has publicly warned armed groups that their actions might constitute serious crimes for which they might be held personally 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>).

¹³ International Committee of the Red Cross, *Customary International Humanitarian Law: Volume 1: Rules*, rule 47: “A person hors de combat is: (a) anyone who is in the power of an adverse party; (b) anyone who is defenceless because of unconsciousness, shipwreck, wounds or sickness; or (c) anyone who clearly expresses an intention to surrender.” According to Rule 47 and Common Article 3 of the Geneva Conventions it is prohibited to attack persons who are recognized as *hors de combat*.

¹⁴ Abridged, non-exhaustive list.

¹⁵ Armed groups are groups that have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. They may comprise opposition groups who have a political agenda and are armed, paramilitary groups and irregular combat units (pro- or anti-government), local vigilante or self-defence groups, and criminal gangs with varying degrees of territorial control. Currently absent from the CAR are violent terrorist groups, particularly those with an extremist ideology. In international humanitarian law the term “armed group” is understood to comprise only groups with a minimum level of organization that gives them the capability to engage in sustained armed violence. In some situations described in this report such groups were joined in their activities by civilians directly participating in hostilities.

populaire pour la renaissance de la Centrafrique (FPRC), led by Nourredine Adam; the *Rassemblement Patriotique pour la renaissance de la Centrafrique* (RPRC), led by Joseph Zoundeiko until he was killed in February 2017; and the *Mouvement patriotique pour la Centrafrique* (MPC) led by Mahamat Al-Khatim.

10. Bria is located along important trade routes and is surrounded by numerous diamond mines, which has attracted various armed groups, in addition to the fact that it is the largest and most developed town in the east of the CAR. Since the end of 2014, there has thus been a heavy presence of ex-Seleka elements in Bria, particularly FPRC elements in the Bornou neighbourhood in the north of town. Bria also harbours some RPRC and UPC elements, the latter having set up a base in the Gobolo neighbourhood, which is mainly populated by ethnic Fulanis. Bambari, in Ouaka prefecture, was controlled by the UPC during the events described in this report. The UPC established its headquarters in the centre of town, while the peripheral western neighbourhood of Kidjigra, across the Ouaka river from the town centre, is a stronghold of anti-Balaka forces. Since MINUSCA demanded the departure of Ali Darassa from Bambari on 22 February 2017¹⁶ the UPC dominance in Bambari has been weakened although a significant number of its fighters remain in the surrounding areas.
11. With the return to the CAR of the FPRC leader Nourredine Adam in May 2016 and the move of two other FPRC leaders, Abdoulaye Hissene and Haroun Gaye, from Bangui to the north-east of the CAR in August 2016, the armed group began lobbying for the reunification of all ex-Séléka factions and started preparing for a general assembly of all ex-Séléka groups to discuss the modalities. While the proposal was welcomed by the RPRC, the UPC rebuffed the calls to unite. Pressure by the FPRC and MPC on the UPC to agree to a reunification included offensive military tactics, e.g. attacks on UPC positions in Ouham Prefecture in June 2016. The confrontations in Bria described in this report were also fuelled by the deployment of the UPC in Nzacko, Mbomou Prefecture, in February 2016, which was interpreted by the FPRC as a provocative act of expansionism by the UPC of Ali Darassa. Since December 2016, a rapprochement between the FPRC and the anti-Balaka under the leadership of Gaetan Boade occurred, mainly for strategic and opportunistic reasons as the FPRC/anti-Balaka coalition attempted to regain control of areas occupied by the UPC in the prefectures of Ouaka and Haute-Kotto Prefectures. The coalition employed nationalistic propaganda against the UPC and Fulanis, fuelling longstanding prejudice about Fulanis being foreigners who should have no right to live in the CAR.
12. The absence of key State authorities in Ouaka and Haute-Kotto, especially the *Forces armées centrafricaines* (FACA), and the weak presence of CAR *Gendarmerie* and Police, exacerbated by the armed groups' complete disregard for the MINUSCA-declared weapons-free zone in Bria, which was particularly flagrant and visible in the run-up to the ex-Séléka general assembly, created the conditions for the subsequent violent clashes between the FPRC and UPC. The fighting in Bria did not exhaust the warring parties, but sparked an expansion of hostilities in towns near the UPC bastion in Bambari (e.g. Bakala and Ndassima¹⁷) and along the Bambari-Ippy-Bria road, which links UPC and FPRC strongholds.
13. The small town of Bakala is of strategic and economic importance. It lies on a road that bypasses Bambari, linking Bria and Kaga-Bandoro. Between 25 and 40 km from Bakala, around 10 artisanal gold mines in the bush not only attract businesses and mining workers, but

¹⁶ See para. 106 below.

¹⁷ Bakala is located 60 km north-east of Bambari, Ndassima 15 km north of Bambari.

allow armed groups to siphon off profits generated by these economic activities through illegal taxation and other illicit activities. Transhumance corridors near Bakala provide another lucrative source of income for armed groups who impose illegal “taxes” on herders.

B. Armed clashes between the FPRC Coalition and UPC in Haute Kotto and Ouaka Prefectures

14. On 21 November 2016 at around 8 a.m. FPRC elements armed mainly with AK-47 assault rifles from Bornou crossed the centre of Bria heading towards the Gobolo neighbourhood in the eastern part of town. Gobolo is a predominantly Fulani area where the UPC has had its base for years. FPRC fighters reportedly entered Gobolo at around 9 a.m., coming from the east, west and south. The UPC allegedly pushed the FPRC assailants towards the market area and then retreated to its base. The battle lasted for about two hours and resulted in many casualties among the armed groups, particularly the FPRC: After the first 30 minutes of confrontations, more than 40 wounded FPRC elements were already brought to the Bria regional hospital, the majority of whom were in a critical state. Witnesses spoke of dead bodies lying on the ground in neighbourhoods affected by the violence. Over 115 armed elements were reportedly killed, according to the CAR Red Cross and the *Comité Islamique* of Bria, both of which collected corpses. The death toll may be much higher as both the UPC and FPRC buried some bodies immediately after the fighting.¹⁸ Within the first hour of the confrontation, displaced persons sought refuge at the MINUSCA base and in the Katekondji neighbourhood near the airport. More than 10.000 displaced persons were counted by MINUSCA on 22 November.
15. Bria was only one scene of confrontations. Further clashes between the UPC and FPRC ensued wherever one group wanted to expand its hold on power or where it disputed the other group’s control over territory and resources. Already back in February 2016, MINUSCA reported that the control of Bakala by the UPC, including through the imposition of heavy “taxes,” forced many inhabitants to flee either into the bush or to Bambari. Bakala was briefly occupied by the FPRC between 30 November and 2 December 2016, then retaken by the UPC on 11 December 2016. When the UPC re-occupied Bakala, most of the population fled. On 11 January 2017 the FPRC attacked Bakala a second time and drove the UPC out.
16. Significant clashes that caused a high number of casualties among the armed groups also occurred in Ndassima on 5 December 2016, between anti-Balaka elements and the UPC. Two days later, fighting erupted between the FPRC and UPC in nearby Groupement Djoubissi.¹⁹ Numerous clashes between the armed groups as well as attacks by armed groups against civilians caused a high number of civilian casualties, as described in subsequent chapters. Some of the casualties resulted from direct confrontations between the two armed groups when civilians were caught in cross-fire between fighters. HRD obtained testimonies and other information indicating that many other civilians were directly targeted by the armed groups, either due to their ethnic affiliation or their perceived support to another armed group.²⁰

¹⁸ The UPC refused to share data on its own casualties with MINUSCA while the FPRC provided figures that MINUSCA was unable to verify.

¹⁹ Approx. 40 km east of Bakala in the direction of Ippy, or 10 km north of Ndassima. Also known as Croisement Endjoubissi.

²⁰ See paras. 24, 31, 39, 44, 45, 71, 72 and 87 below.

5. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND VIOLATIONS AND ABUSES OF INTERNATIONAL HUMAN RIGHTS LAW COMMITTED BY THE FPRC AND ITS COALITION PARTNERS

17. Based on the results of its investigations, HRD found that FPRC elements, its coalition partners and affiliates²¹ killed at least 22 civilians²² (21 men and a person of unknown sex), and injured at least 20 others (nine men, five women, two girls and four persons of unknown sex and age) in the areas and during the period covered by this report. They also ill-treated one woman and there are unverified reports that the victim was raped.²³ In addition to these casualties, one death and six injuries were confirmed to have occurred but could not be attributed to FPRC elements.²⁴
18. Based on unconfirmed allegations of further casualties, HRD has a reasonable suspicion to assume that during the period under review an additional 126 civilians were killed (19 women, 26 children and 20 men, and 61 persons of unknown sex and age) and five injured (three women and two children) by the FPRC. Moreover, HRD confirmed the abduction and possible killing of one person, received allegations of 10 further abductions (three women, five children of unknown sex and two men) and observed the destruction or appropriation of five public buildings, four NGO offices and 26 houses and shops belonging to Fulanis. HRD verified that the FPRC occupied the Bria regional hospital, denying medical care and humanitarian assistance to civilians, particularly to the Fulani population. HRD also confirmed serious restrictions to the freedom of movement and the displacement of over 10.000 civilians in Bria following the confrontations.

A. Attacks against Civilians, Targeted Killings, Injuring, Rape and Abductions

a. Bria

19. HRD verified that at the onset of the conflict between the UPC and FPRC, between 21 and 23 November 2016 in Bria, the FPRC and its supporters killed seven male civilians and injured five other civilians, including a woman, during their initial attack on the majority Fulani neighbourhood of Gobolo and the ensuing confrontation with the UPC. Directing its operations against Gobolo, the FPRC clearly targeted Fulani civilians in its attack.
20. In addition, HRD received allegations that during the first week of the confrontations, between 21 and 27 November, the FPRC and its supporters killed another two Fulani civilians and injured a man and two women. HRD was also able to confirm the abduction of an injured UPC element from the Bria regional hospital and received allegations that he was subsequently killed by the FPRC. Furthermore, HRD verified the killing of four men and the

²¹ Including but not limited to civilians directly participating in hostilities.

²² HRD possesses strong information about 19 killings and has reason to believe that three additional killings occurred. See para. 3 above on the standard of proof applied by HRD and on the terminology used. For more details on casualties and individual incidents, see paras. 19-23, 25-31 and 34-39 below. The combined casualty figures from these individual incident descriptions do not match the summary statistics presented in paras. 17 and 18 because not all incidents that produced casualties and were counted in HRD statistics are described in the narrative chapters of this report.

²³ See para. 31 below.

²⁴ Casualties caused by stray bullets.

ill-treatment of a woman in January and February 2017. HRD received unverified reports that the same woman was also raped, and heard allegations of five Fulani herders killed.²⁵

21. Between 21 and 23 November 2016 additional casualties were caused by stray bullets. Through interviews HRD verified six cases of civilians (including two boys and two girls) who were injured by stray bullets as they were trying to flee the violence on 21 November.²⁶ Humanitarian actors evacuated the children to Bangui for medical treatment.²⁷ In addition, HRD heard allegations of two children (a girl and a two-year-old boy) killed by stray bullets.²⁸ While unable to determine that the stray bullets were exclusively of FPRC origin, HRD notes that the initial nature of the violence – at least on 21 November – was a unilateral attack by the FPRC.
22. By analyzing written medical records HRD was able to document the death of one person²⁹ and the injury of one civilian. HRD also received allegations of injuries of seven civilians (four boys and three men) from stray bullets.³⁰ However, due to the different nature of the patient data HRD was unable to match some information with the one provided verbally by other witnesses. It is thus impossible to determine if these casualties are included in or additional to the ones listed in the paragraphs above, and to which perpetrator group they are attributed. Moreover, HRD was not able to verify whether the persons hospitalized were civilians or fighters. Bria's medical authorities subsequently informed HRD that 54 persons were admitted to the Bria regional hospital on 21 November.
23. The total number of civilian casualties resulting from the 21 November FPRC attack and confrontation between the two groups could be higher than the numbers presented in this report. This is because some families buried victims immediately or treated injuries at home. In addition, witnesses may be fearful to testify as long as perpetrators continue living among them.
24. Prior to, during and after the confrontations between the FPRC and UPC, MINUSCA identified a trend of the FPRC instigating and supporting incitement to hatred and violence towards the Fulani population of Bria, whom the FPRC accused of being associated with the UPC. Several witnesses told HRD that the FPRC and its supporters would openly discuss or encourage the expulsion of the Fulani population (along with the UPC) from Bria and even from CAR, often referring to Fulanis as “foreigners.”³¹ Press releases issued by the FPRC *Chef d'Etat Major* indicate hostility toward Fulanis, claiming that “the objective of the UPC is nothing but the creation of a ‘Fulani kingdom’ stretching from Ouaka to the Sudanese border” although the same document also claimed that the FPRC “war” was “not against the Fulani community as a whole.” The FPRC also praised the “liberation” of Bria from Ali Darassa's elements who “pillage the territory of CAR”.³² The open hostility towards the Fulani

²⁵ See paras. 28 to 31 below.

²⁶ HRD interviews on 26 and 27 November 2016 in Bria.

²⁷ HRD interviews on 26 and 27 November 2016 in Bria, HRD meeting on 16 December 2016 with an NGO (name withheld), and MINUSCA internal reports produced in November 2016.

²⁸ HRD interviews on 26 November 2016 in Bria.

²⁹ Information collected from the medical records of the hospital and HRD interview on 27 November 2016. HRD was not however able to ascertain the person was indeed a civilian as claimed by the source interviewed by HRD.

³⁰ HRD interviews of 26 November and 1 December 2016 in Bria.

³¹ HRD interviews on 26 and 27 November 2016 in Bria.

³² Press releases of 22, 27 and 28 November 2016 by FPRC *Chef d'Etat Major* Azor Kalite Abdoulaye, on file with HRD. Quotes in first sentence from 28 November press release, second quote from 22 November press release. Quotes translated from French originals.

community from the FPRC and its supporters but also among the local population may have contributed to the commission of the violations and abuses outlined in this chapter.

25. As an illustration, on 21 November 2016 at around 9 a.m. an FPRC element reportedly aimed at and fatally shot a 43-year-old Fulani civilian outside his home, then shot the victim's 66-year-old mother in the back,³³ before killing two other civilian Fulani men. An FPRC element in military attire shot and killed a Fulani man while he was crossing the street in front of the Barengo market in the Piango 1 neighbourhood. According to a witness, the FPRC element hid behind a house, then shot the civilian in the chest.³⁴ Another victim, a well-established Fulani businessman, was killed by two alleged FPRC elements or their supporters who attacked him in front of his house in the Mande 2 neighbourhood. During this attack, five other civilian Fulanis who were with the victim in front of his house were injured by the same perpetrators who initially claimed they were looking for UPC fighters, then pretended to leave the area, but suddenly turned and starting shooting.³⁵ Two of the injured men died the next day, on 22 November, in front of the Bria regional hospital.³⁶ On the way to the hospital the vehicle transporting the two men stopped to pick up a third injured Fulani man, whom alleged FPRC elements had attacked with a machete. When the three patients arrived at the hospital, armed FPRC elements grabbed the two men who had been injured the day before and killed them.³⁷ A witness reported to HRD that FPRC supporters proceeded to mutilate their dead bodies with machetes:³⁸

“On Tuesday at around 9 a.m. I was in my brother-in-law’s house in the Gbadou neighbourhood when I heard some noise coming from the nearby hospital. My brother-in-law and I went out to see what was happening. I saw an FPRC commander and 13 of his elements bringing two civilian Fulanis [...]. The two Fulanis were moved from the hospital upon the orders of the FPRC commander. The older Fulani had a gun wound on his shoulder and was holding hands with the younger one. They were taken a bit further from the hospital entrance [in the direction of the MINUSCA base]. The FPRC ordered them to turn around and shot them. They died instantly.”

26. Furthermore, HRD was informed of the abduction of a protected person,³⁹ a wounded UPC element, who was brought to the Bria regional hospital on 21 November at around 11 a.m.⁴⁰ HRD has not seen any proof of life of this person, who was still missing at the time of writing the report and is presumed dead, with allegations that he was killed in the Bornou neighbourhood. The FPRC repeatedly denied to HRD its involvement in the disappearance. However, a witness told HRD⁴¹:

³³ HRD interviews on 29 November 2016 in Bria

³⁴ HRD interviews on 26 November and 1 December 2016 in Bria.

³⁵ HRD interviews on 26, 28 and 29 November and 1 December 2016 in Bria.

³⁶ HRD interviews on 28 and 30 November and 1 and 5 December 2016 in Bria.

³⁷ The fate of the third patient is not known.

³⁸ HRD interview on 26 November 2016 in Bria.

³⁹ Under IHL fighters that have been placed *hors de combat* (due to injuries, detention, sickness etc), are considered protected persons and may no longer be attacked.

⁴⁰ See para. 22 above. HRD interviews on 1 and 5 December 2016 in Bria.

⁴¹ HRD interview on 1 December 2016 in Bria.

“I saw a civilian [...] whose name I do not know, bringing on a motorbike a UPC man who was injured on his foot and who was wearing uniform pants and a civilian shirt. When he got off the motorbike the FPRC elements said he was a Fulani and hence should not get any medical treatment. [...] The UPC fighter begged and cried. But the FPRC elements [inside the hospital compound] forced him to get back on the motorbike and ordered the driver to bring him to Bornou [FPRC base], accompanied by an FPRC element. Since that day I have not heard of him again.”

27. Some witnesses confirmed to HRD that the corpses of several UPC elements were stripped naked⁴² and mutilated with machetes around Bria on and after 21 November 2016. One witness saw the body of a person who had been shot and whose head and hands had been cut off.⁴³ FPRC supporters reportedly also mutilated the two civilian Fulanis killed in front of the Bria regional hospital by FPRC elements, and decapitated them.⁴⁴
28. Starting on 21 November the FPRC carried out numerous attacks against Fulanis in and around Bria. The corpses of several victims were thrown into the Kotto River. HRD verified that on 18 January the body of a Sudanese man who had been abducted by FPRC elements in Bria on 16 January, allegedly accused of being a traitor, was found in the river with two bullet holes in his chest, his throat cut and his legs crushed.⁴⁵ Similarly, on 28 January, the corpse of a 71-year-old Fulani herder was found floating in the river. The body was wrapped in a bag, with the arms and feet tied with a rope and the mouth covered with a piece of cloth. The man had allegedly been strangled by FPRC elements as marks on his neck were reported. Several witnesses told HRD they had last seen him two weeks earlier in the Bornou neighbourhood where he was selling cattle.⁴⁶
29. FPRC coalition elements also attacked villages outside Bria and along roads leading to or from Bria. For instance, HRD verified that a 25-year-old Fulani man was killed by the FPRC in the village of Ngoubi.⁴⁷ Following clashes with the UPC, the FPRC took control of the village, which had been abandoned by most of its population. On 4 December, two Fulani men who had gone to the village to assess whether they could return were shot at by FPRC elements emerging from the nearby bush. One man was able to escape while the other was injured, captured and tied up. He was tortured by the FPRC which questioned him on UPC positions. As the man did not give the information demanded by the leader of the FPRC, the group proceeded with his execution and cut his throat.⁴⁸
30. HRD also verified that in the morning of 3 February 2017, 36 armed anti-Balaka elements coming from Atongo-Bakari arrived in Makili village.⁴⁹ The next day, three Fulanis who had come to Makili to buy food were abducted by the anti-Balaka and brought to Dagalou, a village neighbouring Makili. Two managed to escape, one immediately and the other during the night. The latter was however caught and killed by anti-Balaka elements who reportedly cut him into pieces that they allegedly ate the same night. It was also alleged that some

⁴² HRD meeting on 24 November with humanitarian workers (identities withheld) and interviews on 26 November and 5 December 2016 in Bria.

⁴³ HRD interview on 26 November 2016 in Bria.

⁴⁴ HRD interview on 05 December 2016 in Bria. For further details on this incident see para. 25 above.

⁴⁵ HRD interviews on 17 and 18 January 2017 in Bria.

⁴⁶ HRD interviews on 28 January 2017 in Bria.

⁴⁷ Approx. 15 km west of Bria.

⁴⁸ HRD interview on 7 December 2016 in Bria.

⁴⁹ Atongo-Bakari is 72 km south-east of Ippy; Makili 60 km south of Bria in the direction of Ira-Banda.

passers-by were forced to eat the cooked human flesh.⁵⁰ On 19 February, the FPRC coalition reportedly attacked and killed five Fulani herders close to Kolongo.⁵¹

31. HRD verified that FPRC elements abducted, detained, ill-treated and threatened a woman in late November in Bria, accusing her of supporting the UPC and Fulanis. HRD was unable to verify reports that the perpetrators also raped the woman.⁵²
32. HRD investigations suggest that the initial attack by the FPRC in Gobolo neighbourhood, on 21 November 2016, was in violation of core principles and rules of IHL, raising the possibility that war crimes may have been committed. The FPRC undertook what appears to be indiscriminate attacks, of a nature to strike military objectives and civilians or civilian objects without distinction, which it must have known would cause a high number of deaths and injuries among civilians in the mostly residential neighbourhood of Gobolo. The attack also appears to have been disproportionate and in violation of the principle of precaution against the effects of attacks.⁵³ HRD possesses no information indicating that the FPRC took the necessary measures to avoid or minimize loss of civilian life or injury to civilians. In addition, despoliation and mutilation of the dead is a violation of customary IHL on the treatment of the dead.⁵⁴ The prohibition of despoliation of dead bodies is also an application of the general prohibition of pillage under IHL.
33. Most of the cases of killings and injuries of Fulani civilians that were verified by HRD were committed in an intentional and targeted manner. Intentional killing and injuring of civilians and the taking of hostages are not only serious violations of IHL, but also an abuse of the right to life and physical integrity, as well as the right not to be arbitrarily deprived of liberty, under international human rights law. Moreover, they may constitute war crimes.⁵⁵ Under international human rights law, abductions followed by killing could constitute arbitrary deprivation of liberty, possibly torture and murder (violation of the right to life). The denial of medical care by the FPRC to wounded enemies is a violation of Common Article 3 of the 1949 Geneva Conventions. Killing of wounded fighters, who are considered *hors de combat*, is also a violation of IHL.

b. Bambari and its surroundings

34. Following their attack on Bria in November 2016, the FPRC and its allies quickly moved on to push the UPC out of its main base Bambari. Armed confrontation played out along the major access routes to Bambari: from the north-east (Bria to Bambari via Ippy) and north-west (Kaga-Bandoro to Bambari via Mbrès and Bakala), but also south-east of Bambari in the direction of Alindao. HRD verified that 11 civilians (10 men and one person of unknown sex) were killed, 15 injured (four women, two girls, four men and five MINUSCA peacekeepers),

⁵⁰ HRD interviews on 6 February in Bria and on 9 February in Makili and Dagalu. Name of anti-Balaka leader on file with HRD.

⁵¹ 37 km south of Bria in the direction of Ira-Banda. A MINUSCA assessment mission on 28 February found the village Kolongo to be completely deserted.

⁵² Date and time line of incident, location names, name and age of victim and additional details of the incident recorded by HRD, but withheld for protection reasons; the woman testified to HRD on 2 February 2017.

⁵³ The International Court of Justice has described the principle of distinction as one of the “cardinal principles” of IHL and one of the “intransgressible principles of international customary law”: *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996, p. 226, paras. 78, 79. This principle is also part of Common Article 3 of the 1949 Geneva Conventions and of customary IHL.

⁵⁴ ICRC, *Customary International Humanitarian Law: Volume 1: Rules*, rule 113.

⁵⁵ Violation of Common Article 3 of the 1949 Geneva Conventions and customary IHL.

and nine Fulanis (two women and seven men) abducted. In addition, HRD received allegations of the killings of at least 119 civilians (19 women, 26 children, 13 men and 61 civilians of unknown age and sex), injuring of two babies and the abduction of 10 persons (three women, five children and two men). The aforementioned casualties were the result of six unilateral attacks against villages and mining sites by the FPRC-led coalition, of two confrontations between the UPC and the FPRC coalition, and of eight individual attacks against civilians in Bambari and surrounding roads and villages. Most of those attacks directly targeted Fulani civilians, including women and children, who were victimized because of their ethnicity or for their alleged support to the UPC. The sentiment of fear generated by these attacks led to mass displacements of the Fulani population.

35. For example, on 2 and 9 December 2016 anti-Balaka elements allied with the FPRC reportedly attacked the village of Atongo-Bakari.⁵⁶ In the first attack, 18 civilian Fulanis were reportedly killed, mostly women and children, as well as the leader of a camp of nomadic Fulanis and his deputy. The second attack took place while Muslims were congregating in the local mosque for prayers and resulted in the killing of four persons.⁵⁷
36. HRD verified that in the morning of 7 December 2016 anti-Balaka elements killed, in front of the population, the Deputy Mayor of the *Commune* of Danga-Gboudou⁵⁸ in the neighbourhood of Kidjirgra, an anti-Balaka stronghold in Bambari.⁵⁹ The anti-Balaka elements had previously blamed the Deputy Mayor for the death of 14 of their elements in Ndassima during the aforementioned confrontations, accusing him of having informed the UPC. He was abducted by anti-Balaka elements⁶⁰ and taken to their base in Kidjirgra, where they slashed his throat with a machete and then cut his body into pieces and decapitated him.
37. In the evening of 13 January 2017 the FPRC attacked the village of Mbrouthou⁶¹ and allegedly killed at least five persons, including three children, a woman and a 75-year-old Fulani man who was unable to flee.⁶² Some survivors claimed that more than 48 persons were killed altogether. No details are known about these victims other than claims that they included 22 children and 18 women.⁶³ According to the testimonies collected by HRD, FPRC elements systematically targeted the Fulani civilian population in Mbrouthou. Victims' bodies were reportedly thrown into wells. Some sources claimed that the FPRC intention was to render the wells unusable or to hide evidence while the UPC intention was to keep morale high by hiding the true number of their Fulani allies who died in the attack.⁶⁴ As a result of the attack, some 200 inhabitants of Mbrouthou and surrounding villages, including most of Mbrouthou's Fulani population of around 100, fled to Ippy and Bambari.⁶⁵ However, HRD was informed that when the FPRC took control of Mbrouthou, it actually protected 11 Fulani threatened by the population and brought them to Bria, where they received protection from MINUSCA.

⁵⁶ Around 60km south-west of Ippy.

⁵⁷ Testimonies from community leaders, local officials and MINUSCA sources on 6, 8 and 12 December 2016.

⁵⁸ East and north-east of Bambari. Ndassima is located in the far north of this *Commune*.

⁵⁹ HRD interviews on 7 and 8 December in Bambari, and MINUSCA sources on 6 December 2016. Photos of some victims on file with HRD.

⁶⁰ Name of the alleged commander of the abduction team on file with HRD.

⁶¹ 75 km west of Bria and 27 km east of Ippy.

⁶² HRD interview on 19 January 2017 in Bambari.

⁶³ United Nations inter-agency mission to Ippy, 19 January 2017.

⁶⁴ HRD interviews on 20 January 2017 in Bambari and on 16 March 2017 in Mbrouthou. Mbrouthou has five wells, two of which HRD visited on 16 March 2017.

⁶⁵ Report by a patrol of MINUSCA peacekeepers, 17 January 2017.

38. On 18 February 2017 the FPRC coalition attacked a group of Fulani IDPs, who were fleeing Bambari, between the villages of Boyo and Kolo,⁶⁶ suspecting them of association with the UPC.⁶⁷ HRD verified that two persons were injured, a man who was evacuated to Bangui for medical care by a humanitarian organization, and a young woman. HRD also received allegations of 21 persons killed⁶⁸ and a six-month-old baby and a one year-old child injured during this attack.
39. HRD received additional reports of deprivation of liberty, deaths threats, acts of intimidation and attacks in and around Bambari by the FPRC and its coalition partners and supporters against Fulanis and other persons seen as supporting the UPC.⁶⁹ In some cases, these attacks or patterns of harassment triggered violent reactions from armed Fulanis and the UPC, such as in the case of Béléngo.⁷⁰ On 22 December 2016, following several incidents on 20 and 21 December during which anti-Balaka elements shot at a Fulani child⁷¹ and looted, burned and displaced a Fulani camp, armed Fulanis and the UPC attacked Béléngo and nearby Mockoboykette in reprisal.⁷² About 45 civilians were allegedly killed, including 10 Fulanis, and seven wounded.⁷³ More than 900 persons were reportedly displaced in neighbouring villages.⁷⁴
40. On 16 December 2016 in the Kidjigra neighbourhood of Bambari, alleged anti-Balaka elements opened fire on a patrol of MINUSCA peacekeepers, injuring one soldier.⁷⁵ On 21 February 2017 at around 6.30 p.m. suspected FPRC fighters ambushed a patrol of MINUSCA peacekeepers 7 km south of Ippy, on the road to Bambari. During the exchange of fire, four peacekeepers were wounded; nine FPRC fighters were reportedly killed and three wounded.
41. HRD investigations suggest that some of the attacks by the FPRC coalition did not respect the principle of distinction between the civilian population and fighters, were indiscriminate or disproportionate, and may therefore amount to serious violations of IHL. In addition, some of the testimonies received by HRD, particularly of the Mbrouthou attack, indicate that the FPRC coalition did not take all feasible precautions to avoid or minimize the incidental loss of civilian life, injury to civilians and damage to civilian objects, which would constitute a violation of the principle of precaution in the attack. Moreover, some of the incidents reveal that the killing and injuring of civilians was intentional, such as in Mbrouthou, where FPRC elements deliberately targeted the Fulani civilian population. These acts amount to serious violations of IHL as well as war crimes.
42. Parties to a conflict are not only prohibited from attacking civilians, but are in fact obliged to take all feasible precautions to protect the civilian population and civilian objects under their

⁶⁶ 120 km south-east of Bambari in the direction of Alindao.

⁶⁷ HRD interviews on 25 February 2017 in Bambari.

⁶⁸ Names of 12 victims on file with HRD.

⁶⁹ HRD interviews on 6, 8 and 12 December 2016 and 7 February 2017 in Bambari, and MINUSCA joint assessment mission on 5 December 2016 to Lihoto, Nougssima and Pendé (66 km south-west of Bambari).

⁷⁰ In Yambélé-Ewou *Commune* (Basse-Kotto Prefecture), east off the Bambari-Alindao road.

⁷¹ The child escaped into the bush unhurt.

⁷² Report by a patrol of MINUSCA peacekeepers, 29 December 2016.

⁷³ The reported casualty figures differ considerably, from 16 to 48 in Mockoboykette alone, with separate reports of 30 killed in Béléngo. Sources gave vague incident dates and locations; the area where the clashes occurred is situated in Yambélé-Ewou *Commune* and is reachable only on foot or by two-wheeled transport.

⁷⁴ Report of patrol by MINUSCA peacekeepers, 29 December 2016, and inter-agency mission to Poudjo on 30 December 2016.

⁷⁵ MINUSCA sources, 19 December 2016.

control against the effects of attacks.⁷⁶ Attacks that fail to distinguish between civilian and military objectives – either intentionally or by nature of the weaponry used – may constitute war crimes. These acts also constitute abuses of the rights to life and to physical integrity under international human rights law. According to article 8 (2) (e) (iii) of the Rome Statute of the International Criminal Court, “[i]ntentionally directing attacks against personnel, installations, material, units or vehicles involved in a [...] peacekeeping mission in accordance with the Charter of the United Nations,” such as the ambush on 21 February 2017, may constitute a war crime.

B. Restrictions of Freedom of Movement, Restrictions of Access to Adequate Food, Denial of Humanitarian Relief

43. At the beginning of the confrontations in Bria on 21 November 2016, many Fulani civilians fled their homes. The first wave of IDPs (24 women, 48 children and 27 men) sought shelter near the MINUSCA camp in Bria at 9 a.m. on 21 November. In addition, around 485 civilian Fulanis, mostly women and children, found refuge in three residential compounds in the neighbourhood of Mande 2, where they were blocked for several months, fearing revenge attacks and continued hostility from FPRC elements and the general population.⁷⁷ On several occasions in December 2016, HRD visited the Fulani population at the IDP site, at the compounds and in the Gobolo neighbourhood, to assess their freedom of movement and access to food, as Bria was mainly controlled by the FPRC. Some Fulanis in the Gobolo neighbourhood expressed concern over a lack of food as they were no longer able to go to the market to buy supplies. HRD verified that the FPRC imposed a “tax” of 5.000 CFA francs on motorcycle taxi drivers for each Fulani transported.⁷⁸
44. Since November 2016, cases of abductions, arbitrary deprivation of liberty, death threats, ill-treatment, extortion and confiscation of property by FPRC elements⁷⁹ have been reported to HRD. HRD was able to verify nine such cases.⁸⁰ The victims (seven men, one woman and a 17-year-old boy) were often Fulanis who ventured beyond Gobolo to either sell or buy at the central market. In some cases, the victims were accused of being associated with the sale of supplies to the UPC. Some sources claim that their deprivation of liberty or extortion was well-planned by FPRC elements, sometimes with the complicity of motorcycle taxi drivers. This pattern of systematic attacks and harassment against Fulanis impaired the free movement of Fulanis outside of Gobolo. Conversely, women from other neighbourhoods who tried to buy food in Gobolo – where goods are cheaper than in other areas – reported being harassed and having their goods seized by FPRC elements who considered such practices a betrayal and vowed to keep harassing anyone going to Gobolo in order to isolate the neighbourhood.⁸¹

⁷⁶ Implicit in Common Article 3 of the 1949 Geneva Conventions. See also ICRC, *Customary International Humanitarian Law: Volume I: Rules*, rules 15-22.

⁷⁷ By early March 2017, their number had dropped to 150 people who resumed their normal activities during the day but chose to continue sleeping in Mande 2 every night for their protection.

⁷⁸ HRD interviews on 12 December 2016 in Bria and meeting with NGOs (identities withheld) on 16 December 2016 in Bangui. This “tax” of 5.000 CFA francs (8 US dollars) is clearly abusive as the typical fare for a motorcycle taxi ride is no more than a few hundred francs.

⁷⁹ Names of the leaders of these FPRC elements on file with HRD.

⁸⁰ HRD interviews on 29 December 2016 and on 4, 11, 12, 16, 17, 26 and 27 January 2017 in Bria.

⁸¹ MINUSCA sources on 2 March 2017.

45. In addition, at the IDP site in Bria non-Fulani IDPs discriminated against Fulanis, refusing them access to the improvised market at the site.⁸² Some IDPs attacked and verbally threatened Fulanis, including a woman who suffered injuries after being stoned on 22 November.⁸³ MINUSCA thus had to divide the IDP site into two sections and provide additional security for Fulanis.
46. In some localities of Ouaka Prefecture restrictions on the freedom of movement of Fulanis or the Muslim population were observed, including in Lihoto, Ngoussima, and Pendé⁸⁴ where anti-Balaka elements were threatening villagers at the beginning of December.⁸⁵
47. Depriving people of access to adequate nutrition may constitute abuses and negatively impacts the enjoyment of their human rights, including the right to food. In addition, the situation in Gobolo and Mandé 2 as well as in some localities of Ouaka Prefecture may constitute denial of the freedom of movement.

C. Destruction or Appropriation of Property

48. HRD verified widespread looting and destruction of private property in Haute-Kotto and Ouaka Prefectures by armed groups during the reporting period.
49. In Bria, HRD was able to verify the looting of five administrative buildings – including the police station, Gendarmerie, town hall and the residence of the Prefect – as well as four NGO offices.⁸⁶ The identity of the perpetrators remains to be confirmed, but initial reports⁸⁷ indicated that the FPRC looted and occupied the administrative buildings.⁸⁸
50. Some of the attacks appeared to be sectarian and targeted in nature. During the reporting period, HRD received reports of 26 cases of looting or destruction of Fulani houses and shops in Bria. Some of the victims accused the FPRC and its supporters of being the perpetrator. HRD considers these claims credible but was not able to confirm the identity or affiliation of the perpetrators. HRD verified that after their owners fled violence, armed elements looted three shops in the Bakoundji neighbourhood on 21 November 2017. Armed elements looted one of the shops for a second time on 24 November.⁸⁹ On 2 December HRD observed that 23 Fulani civilian homes had been burned in the Gbadou neighbourhood. According to victims who fled the area they were destroyed on the night of 22 November, in some cases after being looted. Among the 26 cases reported, HRD verified one case of looting targeting Fulanis and received allegations of two more carried out by armed elements wearing military attire and allegedly belonging to the FPRC in the neighbourhoods of Mande 1 and 2 on the nights of 23

⁸² HRD visits to the IDP site in Bria since 21 November 2016.

⁸³ HRD visit to the IDP site on 23 November.

⁸⁴ 66 km south-west of Bambari.

⁸⁵ MINUSCA joint assessment mission on 5 December 2016 to Lihoto, Ngoussima and Pendé.

⁸⁶ HRD and MINUSCA visits on 30 November 2016 in Bria.

⁸⁷ MINUSCA sources on 22 and 23 November 2016.

⁸⁸ The *Chef d'Etat Major* of the FPRC told HRD on 2 December 2016 that the buildings were looted by criminals and that the FPRC occupied them only afterwards. Although HRD has not ascertained the veracity of this claim, it does not appear to be credible given numerous reports implicating the FPRC in the looting of the buildings, and the longstanding pattern of armed groups' attacks on public and humanitarian infrastructure in the CAR.

⁸⁹ HRD interviews on 29 November and 1 December 2016 in Bria.

November and 28 November. According to some sources, the perpetrators appropriated property systematically, an accusation HRD was not able to verify.⁹⁰

51. Outside Bria, HRD received reports of villages looted and burned by the FPRC coalition in Haute-Kotto and Ouaka Prefectures during its progression towards Bambari, sometimes following confrontations with the UPC: The FPRC is alleged to have pillaged and burned Fulani houses in Mbroutchou on 13 January 2017.⁹¹ In Bakala, anti-Balaka fighters allied with the FPRC only arrived as reinforcements on 13 January, two days after the FPRC had seized Bakala from the UPC. Residents of Bakala stated to HRD that while the FPRC largely left Bakala's civilian population in peace, some anti-Balaka elements threatened the – at that time very limited – population of Bakala, robbing money at gunpoint and often accusing their victims of supporting Fulanis.⁹² Looting and vandalism reportedly affected Bakala's catholic mission as soon as the resident priest left the compound for Bambari on 20 January.⁹³
52. Deliberate attacks as well as appropriation and destruction of protected objects⁹⁴ and of civilian homes and property constitute violations of IHL, particularly the principle of distinction between civilian objects and military objectives. IHL also prohibits pillaging and the private appropriation and forcible taking of property. In addition, as a party to the conflict, failure by the FPRC, the anti-Balaka and their supporters to respect the property rights of displaced persons – including property left behind – and protect it against destruction or arbitrary and illegal appropriation, occupation or use is a violation of IHL.⁹⁵ Finally, these acts as well as the destruction and burning of houses constitute abuses of the right to property under international and regional human rights norms and standards.

D. Occupation and Misuse of the Bria Regional Hospital

53. HRD investigations verified that FPRC elements occupied Bria regional hospital from 21 to 25 November 2016. There were reportedly more than 100 FPRC elements on the premises of the hospital on the first day, including injured FPRC fighters. On that date, FPRC elements controlled the entrance of the hospital and twice denied access to the medical team of an international NGO who had come in reinforcement of its medical personnel already inside. HRD confirmed that on 21 November at around 2 p.m. the FPRC fired at the UPC from the hospital premises. The UPC returned fire in the direction of the hospital where civilians were being treated at the time.⁹⁶

⁹⁰ HRD interview on 29 November 2016 in Bria.

⁹¹ HRD interviews on 20 January 2017 in Bambari. See also para. 37 above.

⁹² E.g. witness no. 3, testimony obtained on 3 February 2017. The conduct of the anti-Balaka elements may not have been uniform: Witnesses also told HRD that more than one anti-Balaka faction operated in Bakala, including a locally-based, more disciplined group closely allied with the FPRC, but also rogue factions from Bambari, Grimari and Yamale, who arrived only after the FPRC victory and harassed and robbed civilians.

⁹³ Witness no. 3, interviewed on 17 March 2017. HRD visited Bakala's catholic mission on 22 January. Several buildings appeared untouched, with doors still locked, and the compound looked generally tidy and undisturbed. A few doors were open, but HRD was unable to determine if force had been used and if any movable property had been removed.

⁹⁴ Including religious buildings, see ICRC, *Customary International Humanitarian Law: Volume 1: Rules*, rule 40.

⁹⁵ ICRC, *Customary International Humanitarian Law: Volume 1: Rules*, rule 133.

⁹⁶ HRD interview on 28 November in Bria and discussions with humanitarian workers (identities withheld) on 14 December 2016.

54. The FPRC occupation of the hospital made it impossible for injured UPC elements and Fulani civilians to access medical care at the Bria regional hospital.⁹⁷ Consequently, MINUSCA medical teams treated 23 wounded UPC elements at the MINUSCA field hospital on 21 November. Other wounded UPC elements received medical care from humanitarian organizations directly in Gobolo, which was safe from FPRC attacks.
55. The FPRC occupation of the hospital and its use as a base from which to fire at its adversary is in violation of the obligation to respect and protect medical facilities in armed conflict.⁹⁸ In addition, compromising the exclusive humanitarian function of medical units, which are protected objects, leads to their loss of protection, exposing therefore the hospital to a risk of attack, endangering patients and medical staff. HRD investigations indicate that the FPRC hospital occupation prevented the impartial provision of medical treatment, which may constitute a violation of the fundamental obligation in IHL to respect and protect the wounded and sick in all circumstances. Belligerent parties must also treat the wounded and sick humanely and provide them, to the fullest extent practicable, with the required medical treatment.

6. INTERNATIONAL HUMANITARIAN LAW VIOLATIONS AND HUMAN RIGHTS VIOLATIONS AND ABUSES COMMITTED BY THE UPC AND ITS AFFILIATES

56. As a result of its investigations HRD concludes that UPC elements and its affiliates⁹⁹ killed at least 111 civilians and *hors de combat* fighters (61 men, 16 women, 10 children, including at least two boys, and 24 civilians of unknown sex and age).¹⁰⁰ They injured at least 11 others, including seven men, two women, one child and a person of unknown sex and age. In addition to these casualties, one death and six injuries are confirmed to have occurred but could not be attributed to the UPC with certainty.¹⁰¹
57. HRD also received unconfirmed allegations of further casualties and has reasonable suspicion to believe that at least an additional 167 civilians and *hors de combat* fighters (86 men, four women, one child and 76 civilians of unknown sex and age) were killed and seven injured (including at least six men and one woman).¹⁰² In addition, HRD verified abductions of five men and one boy, and heard allegations of the abductions of 16 further men. Moreover, HRD

⁹⁷ See also the abduction of a wounded UPC element upon his arrival at the hospital on 21 November 2016, described in para. 26 above, and the targeted killing of two patients seeking to access the hospital, described in para. 25 above.

⁹⁸ Implicit in Common Article 3 (2); Additional Protocol II, Articles 7, 8, 10, 11; ICRC, *Customary International Humanitarian Law: Volume I: Rules*, rules, 25, 26, 28. See also Rome Statute of the International Criminal Court, Article 8 (2) (e) (iv), which prohibits “intentionally directing attacks against [...] hospitals and places where the sick and wounded are collected, provided they are not military objectives.”

⁹⁹ Including but not limited to armed Fulanis closely allied with and fighting alongside the UPC and civilians directly participating in hostilities on a more temporary or opportunistic basis.

¹⁰⁰ HRD possesses convincing evidence of 12 killings and has reason to believe that an additional 99 killings occurred. See para. 3 above on the standard of proof applied by HRD and on the terminology used. For more details on casualties and individual incidents, see paras. 59-67, 70-79 and 81-83 and 85-90 below. The combined casualty figures from these individual incident descriptions do not match the summary statistics presented in paras. 56 and 57 because not all incidents that produced casualties and were counted in HRD statistics are described in the narrative chapters of this report.

¹⁰¹ Casualties caused by stray bullets.

¹⁰² These further casualties are combined figures based on numerous HRD interviews with sources who listed names of persons presumably killed, saw and counted bodies, or heard of killings from other witnesses. To rule out double-counting HRD asked each source not only for victims’ names, but also tried to attribute each casualty to a location described as precisely as possible. See paras. 81-83 below.

confirmed four rapes, with the victims including two girls, and recorded allegations of five others, including one minor, as well as the attempted rape of a woman. Lastly, HRD recorded attempted abductions, ill-treatment or threats against at least 12 civilians (10 men and two women).

A. Attacks against the Civilian Population, Targeted Killings of Protected Persons, Sexual Violence, Injuring and Abductions

a. Bria and Haute-Kotto Prefecture

58. Following the attack on 21 November 2016 by the FPRC on the Gobolo neighbourhood in Bria a confrontation erupted between the FPRC and UPC. HRD verified six cases of injuries to civilians from stray bullets (one woman, one man, two boys and two girls) and documented the injury of one man who was also hit by a stray bullet. HRD also received allegations that an additional seven male civilians, including four minors, were injured and two children (a boy and a girl) killed by stray bullets.¹⁰³ In addition, HRD received allegations of a civilian man injured by the UPC on 21 November. Furthermore, HRD verified that the UPC and its supporters killed 17 civilians (11 men, four women and two boys) and injured nine others during attacks against civilians on roads outside Bria between 21 November and late December 2016. Moreover, HRD received 13 unconfirmed allegations of additional attacks, including 10 killings and five injuries, all men. HRD verified the abduction of three men and the rape of two minor girls, and received allegations about the rape of one minor girl and the abduction of 13 men.
59. Among the civilians seemingly injured by stray bullets HRD documented the case of a man who suffered a gunshot wound to the right side of his chest on 21 November 2017. In this particular case HRD was able to determine the perpetrator with greater certainty. The shot came from a convoy of eight UPC fighters who rode into town and fired at FPRC elements. HRD could not confirm whether the UPC elements targeted the victim deliberately or whether he was hit by a stray bullet.¹⁰⁴
60. Finally, HRD received reports that at 8 a.m. on 21 November a UPC element allegedly shot into the window of a 26-year-old man's house in the Gobolo 2 neighbourhood, injuring him in the leg.¹⁰⁵
61. All the incidents outside Bria mentioned above and detailed in the following paragraphs may have been driven by revenge or more opportunistic motives such as material gain or settlement of local vendettas, committed by UPC elements or armed Fulanis following the confrontations in Bria and the restrictions placed on their movements. For example, HRD investigations confirmed that on 25 November 2017 at around 4 p.m. UPC elements or armed Fulanis affiliated with the UPC ambushed and killed four male mining workers. The victims were returning from a mining site near Iramou.¹⁰⁶ Further, HRD was able to verify that on 29

¹⁰³ The same six verified casualties are also included in the FPRC chapter, see para. 22 above.

¹⁰⁴ HRD interview on 1 December 2016 in Bria. The hospital registry indicated that the victim was admitted on 23 November. This could be a clerical mistake or an error in the witness testimony. Given the factual circumstances of the incident it is conceivable that the victim was targeted deliberately by the UPC, but in the absence of particular evidence supporting this version of events HRD classified the injury as caused by a stray bullet.

¹⁰⁵ HRD interview on 26 November 2016 in Bria.

¹⁰⁶ HRD interviews on 27 November and 6 December 2016 in Bria. Iramou is a village some 30 km east of Bria in the direction of Yalinga.

November at around 5 a.m. another miner, 52 years old, was killed in the same area by alleged UPC elements.¹⁰⁷

62. On 26 November at around 4 p.m. about 10 UPC elements or armed Fulanis affiliated with the UPC apprehended 10 civilian men 3 km north of Bria on the road towards Ouadda.¹⁰⁸ Except for one man who originated from Bria, all the victims were coming from a mining site in Aza village.¹⁰⁹ The perpetrators killed three people and injured three more. The other men escaped. One of the victims told HRD:¹¹⁰

“When we arrived at Raba mountain, 3 km from Bria, we were stopped by 10 UPC elements. They were all in military uniforms. Five of them wore blue and red berets while the others wore military scarves. They all had AK-47s [...]. Some spoke a mix of Fulbe and Sango; others spoke Arabic. They ordered us to go into the bush, where we found other civilians they had stopped earlier. They moved us three times and finally stopped by a cattle trail, near the main road [...]. There, they divided us into two groups, Muslims on one side and Christians on the other. There were six Christians and four Muslims. They told us they would start shooting the Muslims because they were the ones who killed their brothers in Bria. They pushed us Muslims and shot at [...], who was 35 years old. I immediately started running and received a bullet in my left leg. There was also a person in the group who spoke Fulbe and who managed to escape with one of the motorbikes. I don't know what happened to the others.”

Another victim of the same incident told HRD:¹¹¹

“They asked who was Goula, and then they said Goula or not, we will kill you. They then searched everyone. They asked us to lie on the main road, face down, and there they started shooting at us. The Fulanis thought we were dead, so they left. They injured me in the leg, the bullet went right through it. [...] I hid in the bush until my dad came looking for me.”

63. On 27 November 2016 at around 6 a.m. on the same spot on the Bria-Aigbando road two students were attacked by alleged UPC elements or affiliates. One of the students, a 17-year-old boy, was killed, while the other, an 18-year-old man, was seriously injured.¹¹² The two students were taken into the bush, told to sit on the ground and searched for weapons and money. They were then ordered to get up and leave, but a moment later the perpetrators opened fire, hitting one of the students in the back and stomach, killing him instantly. The other student fell down and pretended to be dead. The assailants approached him; one of them kicked the victim to check if he was dead, then they shot him in the neck. Villagers who had heard the gunshots rescued the young man and brought him to Bria hospital for medical treatment.
64. On 30 November 2016 the UPC attacked Ngoubi and neighbouring villages, breaking into houses and farms, stealing food and other valuables, and forcing the population to flee and take refuge in a school. On 14 December HRD counted 586 persons (244 adults and 342

¹⁰⁷ HRD interviews on 29 November and 6 December 2016 in Bria.

¹⁰⁸ HRD interviews on 27 November and 1 December 2016 in Bria

¹⁰⁹ 65 km north of Bria in the direction of Ouadda.

¹¹⁰ HRD interview on 27 November 2016 in Bria.

¹¹¹ HRD interview on 1 December 2016 in Bria. Member of the Goula ethnic group are frequently assumed to be FPRC supporters.

¹¹² HRD interviews on 28 November and on 1 and 9 December 2016 in Bria.

children) who were sheltering inside the school. During the attack a girl was allegedly attacked by three UPC elements who threatened to kill her if she called for help, then raped her. A 23-year-old man living in Ngomba village who had gone to his farm to fetch wood was allegedly abducted and was still missing as of March 2017.¹¹³

65. On 19 December the UPC reportedly attacked Ngoboudou¹¹⁴ and tried to retake the village from the FPRC. A 24-year-old pregnant woman was injured by a shot fired by a UPC fighter, resulting in a miscarriage. During this attack, at least another man presumed to be a civilian was also reported injured.¹¹⁵
66. On 23 December 2016 at a forested spot some 40 km west of Bria on the road to Ippy, UPC elements ambushed an FPRC vehicle whose 12 passengers comprised five men (including three uniformed FPRC fighters), five women and two children.¹¹⁶ Witnesses told HRD that the UPC attacked the car presuming that it was a legitimate target,¹¹⁷ but also shot at passengers who were fleeing the scene and attempted to burn alive an injured woman trapped inside the vehicle. Three civilian women and one FPRC fighter were killed, three civilians (one man, one woman and a 2-year-old child) injured. A convoy of MINUSCA peacekeepers arriving at the scene witnessed the execution of a civilian or its immediate aftermath¹¹⁸ by the UPC, fired shots to disperse the assailants and transported the three injured civilians to hospital in Bria.
67. HRD verified that in early February 2017 two minor girls who had fled from an attack in Ouaka Prefecture and sought refuge in a village around Bria¹¹⁹ were raped by three armed UPC elements when the girls went to fetch water from a nearby stream.¹²⁰
68. Deliberate attacks against civilians by the UPC or affiliated armed Fulanis are a violation of IHL that may amount to a war crime. Where military operations were underway at a time when civilian casualties occurred, it does not appear that the UPC took the legally required measures to avoid or minimize loss of civilian life or injury to civilians, as shown for example by the number of civilians killed and injured from stray bullets.
69. The abductions investigated by HRD may involve violations of a range of international and regional norms and standards, in particular the prohibition of arbitrary deprivation of liberty, and possibly the prohibition of torture and other cruel or inhuman treatment as well as the prohibition of murder and violation or grave threat to the right to life.

¹¹³ HRD mission to Ngoubi on 14 March 2017.

¹¹⁴ 45 km west of Bria in the direction of Ippy.

¹¹⁵ HRD interview on 20 December 2016 in Bria. During an HRD mission on 16 March to the area Ngoubi was still deserted.

¹¹⁶ HRD interviews with eyewitnesses in Bria, 26 December 2016. Photos of the ambush aftermath and of the victims on file with HRD. HRD investigations suggest that at least one of the civilians may have been a family member of an FPRC element. Given the scarcity of public transport in the CAR, civilians (even if unaffiliated with armed groups) routinely request rides on any motorized transport available, including vehicles used by armed groups.

¹¹⁷ Armed groups in the CAR commonly travel on normal motorbikes or in pickup trucks that are indistinguishable from civilian vehicles, lacking camouflage markings or military insignia.

¹¹⁸ The information available to HRD was not entirely clear on this detail.

¹¹⁹ More detailed information on file with HRD but not disclosed for protection reasons.

¹²⁰ HRD interview on 28 February and 2 March 2017 outside of Bria.

b. Bakala

70. HRD documented that in and around Bakala UPC fighters killed at least 88 civilians and persons *hors de combat* (45 men, 11 women, eight children, and 24 persons mostly of unknown age, but occasionally also of unknown sex), mainly on 11 and 12 December 2016.¹²¹ Almost the entire population of Bakala and the village of Mourouba¹²² was displaced because of the fighting.¹²³ Property damage, destruction and looting affected numerous private homes in Bakala and some of its public buildings, in particular the health centre, which was extensively vandalized by unidentified perpetrators possibly belonging to more than one group. The number of casualties could be much higher because according to unverified but plausible testimonies, in addition to the 88 persons killed that HRD documented, the UPC fighters also killed at least 59 civilians at about nine mining sites around Bakala, including farmers, miners, and women or children fleeing the fighting.¹²⁴
71. According to several accounts of the incidents, when the UPC recaptured Bakala on 11 December 2016, its fighters, who comprised men already known to the population of Bakala as well as reinforcements, were furious about the week-long FPRC interlude in town and – unable to exert any revenge on genuine FPRC fighters, who had all withdrawn from Bakala – blamed the local population for having facilitated the temporary FPRC takeover.¹²⁵ The UPC fighters systematically targeted Bakala’s men and male adolescents, but on several occasions did not spare women or children either: The attack began at 3 p.m., at which time the UPC allegedly blocked the exit roads, not allowing the population to flee and shooting at those who tried to escape, resulting in the reported killing of at least three children (two girls aged four and eight and a 10-year-old boy, all belonging to the same family¹²⁶). One woman from Bakala told HRD she counted 20 corpses in the *quartier* where she lived and in the adjacent neighbourhood.
72. Several witnesses claimed concurrently that in the single most serious incident, on 11 December 2016, the UPC committed an arbitrary execution of at least 27 boys and men. UPC fighters reportedly lured the population of Bakala to a public meeting at the *école sous-préfectorale*,¹²⁷ which was used by both the FPRC and UPC as its base in East Bakala.¹²⁸ The UPC ordered Bakala’s church and school bells to be rung and sent young men shouting in the streets to encourage civilians to emerge from hiding and attract participants to the meeting.¹²⁹ The UPC reportedly instructed meeting participants to sit down in the school yard, which

¹²¹ Even though these 88 persons are known by name HRD does not rate their deaths as confirmed because HRD did not see any bodies, death certificates or similar proof. Thirty-three victims were named by more than one source (21 men, seven women, two children, and three male persons of unknown age). HRD attempted to eliminate duplicates by allowing a certain flexibility in spellings and other personal details but cannot rule out that very few individuals are mistakenly counted twice. An international NGO carried out its separate investigation into the Bakala events and obtained nine additional names of victims, which would bring the combined numbers of named persons killed to 97.

¹²² Approx. 20 km west of Bakala along the road to Mbrès.

¹²³ According to MINUSCA peacekeepers stationed in the area, by 15 January 2017 there were only 30 civilian residents left in Bakala and 12 families in Mourouba. By that date fighting in both locations had ceased and both were under the firm control of the FPRC, a situation that continues at the time of writing (March 2017).

¹²⁴ If all the killings in and around Bakala were confirmed they would represent the single most deadly incident in the CAR since 2014.

¹²⁵ Witness no. 3, 4, 5 10, 11 and 12, interviewed on 29 December 2016, 5 and 9 January 2017, and 3 February 2017.

¹²⁶ HRD interview on 30 January 2017 in Bambari.

¹²⁷ Also colloquially known as *Ecole Centre 1*. Located at 6°11'48.1"N 20°23'11.6"E.

¹²⁸ By contrast, after its second arrival in Bakala on 11 January 2017, the FPRC, having driven out the UPC, established its main base in the *centre commercial* of West Bakala, keeping only a small detachment of fighters in East Bakala.

¹²⁹ Witness no. 3, 6, 10 and 23, interviewed on 29 December 2016, 24 January, 3 February and 17 March 2017.

made it difficult for them to run away quickly. The UPC also posted guards around the school so that nobody was able to escape. According to several witnesses, some meeting participants had been captured the previous day and detained overnight in the school's classrooms. The UPC accused those who were present of being anti-Balaka collaborators and executed them by gunfire, either on the same day or the following morning. One resident of Bakala told HRD he chose not to attend the meeting, stayed at home and later that evening heard gunshots from automatic weapons from the direction of the school. The following day he went to the school and saw the schoolyard full of corpses, which was a sight corroborated by another eyewitness.¹³⁰

73. Two witnesses spoke of 27 dead while another source stated that when he went to the school the morning after the incident he counted 35 dead bodies in civilian clothing in the schoolyard and particularly towards the nearby Gendarmerie building, where yet another eyewitness counted four bodies.¹³¹ The latter said that the victims were men and boys from about 14 years of age, all seemingly shot. Another witness, who lost several family members in the school killing, affirmed that children were among the victims, telling HRD that a 12-year-old boy from his family, who accompanied his father to the meeting, was killed.¹³² One woman told HRD that she discovered that her own son, only 12 years old, was noted missing when her whole family fled Bakala in panic, and that she later heard from others that he went to the meeting and was killed.¹³³
74. Some sources claimed that the meeting was announced to be for information purposes only; others told HRD that the UPC promised to distribute weapons to men willing to join a local self-defence group.¹³⁴ One witness claimed that the call for the meeting came at 6 p.m., by which time it was dark. Bakala's population was unsure who had won the battle for the town and to which armed group the fighters in Bakala – who in the darkness all looked similar in their improvised uniforms – belonged to. They presumed it was the FPRC who was calling Bakala's local anti-Balaka fighters to assemble to defend the town against the UPC, only to realize upon arrival at the school that it was actually the UPC that was in control of Bakala and had set a trap for them. HRD also heard widely differing accounts on the affiliation of the victims. Some claimed that all were civilians; others stated that only anti-Balaka elements were called to or showed up for the meeting. The majority of witnesses told HRD that the meeting participants comprised both. A few participants may have arrived at the school bearing weapons¹³⁵ or may have been volunteers who had recently and spontaneously joined Bakala's anti-Balaka fighters. One source claimed that some victims of the school killings did not come on their own initiative, but had earlier been captured by the UPC outside Bakala¹³⁶ and detained at the school. An eyewitness¹³⁷ told HRD:

¹³⁰ Witness no. 12 and 23, interviewed on 9 and 24 January 2017.

¹³¹ Witness no. 3 and 16, interviewed on 22 and 27 January 2017.

¹³² Witness no. 20, interviewed on 24 January 2017.

¹³³ Witness no. 26, interviewed on 24 January 2017.

¹³⁴ Witness no. 7, 8 and 13, interviewed on 29 December 2016 and 22 January 2017.

¹³⁵ Witness no. 13 and 15, interviewed on 22 January 2017.

¹³⁶ These captures persons may have been fighters, but according to witness no. 16 (interviewed on 22 January 2017) also included mine workers or vendors who used to sell their merchandise in the mining communities and on the roads that link them with Bakala.

¹³⁷ HRD interview with witness no. 1, 2 January 2017, location withheld for protection reasons.

“When the clashes between the FPRC and UPC started I fled into the bush. The fighting started on day one and continued through the night. The next day in the morning I heard shouted messages that the combat was over and we should all return to Bakala and resume our normal activities. At that point the only armed men in Bakala were from the UPC. Only some men came forward, including myself, because we wanted to evaluate the situation carefully before bringing our families. With six other men and two boys I went to the school in the eastern half of Bakala, which was being used by the UPC as their HQ and arms depot. Another group of nine men stopped and remained at the school. My group continued to the Gendarmerie in Bakala. [...] The UPC men ordered us to sit down on the ground near the Gendarmerie building. Some spoke Arabic, others Sango. There was no conversation or explanation beyond the instruction to sit down. They wore uniforms. The UPC men seemed nervous and suddenly opened fire with AK-47s on our group from behind. I fled and a man running behind me and partly covering me was shot. I was also struck by bullets in the arm and leg and injured. I half fell, half sought shelter in a nearby ditch. I was so occupied with running away that I did neither count the UPC men (but they were numerous) nor notice what happened to the eight other men. Because I fell down and disappeared from sight the UPC probably thought I was dead. The shooting continued for a while, but I cannot say if shooting also occurred at the school where the nine men from the other group were. I stayed in the ditch for maybe one hour. When I did not see any persons any more I got up, fled from Bakala to Yamale and finally Bambari, where I went to the hospital. [...] I later heard from others that there had been a similar massacre at the school.”

75. During a visit to Bakala on 21 and 22 January 2017¹³⁸ HRD saw, in two school classrooms and on the school veranda, what may have been remains of blood that had been only partly wiped away. Locals described dark patches in the laterite soil of the schoolyard as dried human blood. The schoolyard was littered with numerous items of clothing, though an inspection of a limited number of items did not show bullet holes or bloodstains on the clothes. One gris-gris amulet was found nearby.¹³⁹ HRD also found one 7.62×39 mm cartridge case in each of the two classrooms.¹⁴⁰
76. After the killings the UPC mobilized local men to bury corpses, including among gold mine workers who had fled to Bakala’s catholic mission. One resident of Bakala described to HRD that the UPC soon realized that the few villagers left behind were insufficient to bury all the dead in the laterite soil, which particularly around the school was rock-hard.¹⁴¹ As a result, the UPC initially ordered the men to throw bodies into the Ouaka River.¹⁴² One witness told HRD he saw corpses floating in the river, including bodies that were tied up and may have been thrown into the water alive to drown.¹⁴³ Later, the UPC instructed the villagers to use two wells as improvised mass graves instead.¹⁴⁴ Two witnesses said that they helped throw 25

¹³⁸ The confidential *Mission Report: Bakala (Ouaka Prefecture), 20-23 January 2017* is on file with HRD and saved in the OHCHR case database, as are photographs of evidence documented during the visit.

¹³⁹ Amulets are often worn by rebel fighters in the CAR, including the FPRC and UPC, but particularly by the anti-Balaka.

¹⁴⁰ HRD observed that Bakala was literally littered with cartridge cases and ammunition remains of various calibres; in most cases it was not possible to attribute the evidence to a particular perpetrator group or event.

¹⁴¹ Witness no. 12, interviewed on 9 January 2017.

¹⁴² On 21 January 2017 HRD saw a significantly decomposed corpse in the river Ouaka a few metres offshore where it had become entangled in roots and branches (6°11'52.5"N 20°22'44.6"E). MINUSCA peacekeepers had discovered the body during a patrol a few days earlier.

¹⁴³ Witness no. 3, interviewed on 17 March 2017.

¹⁴⁴ Witness no. 2, 3, 6, 11, 12, 20, 21, 25 and 29, interviewed on 29 December 2016; 5, 9 and 24 January; and 3 and 9 February 2017.

bodies from the school shooting into a disused, colonial-era well “behind the residence of the Sub-Prefect,” which had been recommended as a suitable grave by a local neighbourhood chief, on 12 December.¹⁴⁵ A third man spoke of 27 bodies, all dressed in civilian clothes and killed by gunshots. He stated that among the dead were ten boys around 15 years of age.¹⁴⁶ Another witness claimed that he helped throw 48 bodies into the well and estimated the age of the victims at 18 to 47.¹⁴⁷ Once all bodies had been dumped in the well, villagers added a layer of soil. HRD inspected the exterior of the well and observed not only a spot from which soil had recently been removed, but also bamboo racks lying nearby that had been used as improvised stretchers for bodies.¹⁴⁸ A person involved in the improvised mass burial told HRD:¹⁴⁹

“When we arrived at the school [on 12 December] corpses were strewn around the schoolyard, and four were in front of the Gendarmerie building. Some more young men emerged from various neighbourhoods to help us bury the dead. One man showed us a well that Bakala’s first Sub-Prefect, a white man, had dug, a very deep well, clad with stones, located near the old residence of the Sub-Prefect. We threw the corpses into that well. When we were finished we also threw a little bit of soil after the bodies to prevent any odour from rising up. After that, life in Bakala continued.”

77. During its visit to Bakala on 21 and 22 January HRD was shown the second well¹⁵⁰ in the *centre commercial* of Bakala on the western bank of the Ouaka River. The FPRC claimed that this well, too, had been used as an improvised mass grave.¹⁵¹ In addition, HRD was shown an alleged mass grave in West Bakala: a parcel of disturbed earth among residential huts with several elevated mounds whose size corresponded to the appearance of shallow graves commonly seen by HRD across the CAR. HRD was told that this mass grave contained 12 bodies, including that of a woman and a child allegedly shot by the UPC in a hut a few metres away.¹⁵²
78. One witness who had been detained upon his arrival in Bakala after the confrontations on 11 December and kept in a house with other persons arrested at the same time for being allegedly supportive of the FPRC coalition received death threats and was forced to bury bodies in a mass grave the next day. He reported having seen at least 16 bodies in the courtyard of a house in Bakala’s Yafondo neighbourhood on 12 December and eight more in the surrounding area.¹⁵³ While he and other men were burying the bodies the UPC randomly shot

¹⁴⁵ GPS location on file with HRD. FPRC elements guided HRD to the well on 21 January 2017. The well was too narrow and deep for HRD investigators to see its bottom. A rock dropped into the well was heard hitting the bottom after 3 to 4 seconds, which would indicate that the well is between 40 m and 60 m deep. Counts of the number of bodies in the well range from 21 (witness no. 15) to 48 (witness no. 12).

¹⁴⁶ Witness no. 6, interviewed on 29 December 2016.

¹⁴⁷ Witness no. 12, interviewed on 9 January 2017.

¹⁴⁸ Witnesses no. 3 and 12, who could not have known of this discovery by HRD, confirmed these two details independently.

¹⁴⁹ Witness no. 3, interviewed on 27 January 2017.

¹⁵⁰ GPS location on file with HRD.

¹⁵¹ When HRD arrived at the scene, the well was provisionally covered with several layers of planks, corrugated iron, cloth and an upturned table. MINUSCA peacekeepers confirmed that when they had inspected the well during a patrol on or around 15 January 2017 limbs had been seen deep down, swarms of insects were present and there was a strong smell of decaying flesh. During the HRD visit neither visual signs of bodies nor strong odours could be detected any more.

¹⁵² One source (witness no. 13) claimed that the grave contained only seven bodies and gave HRD the names of four victims, all men aged between approximately 18 and 30.

¹⁵³ HRD interview on 6 January 2017 in Bambari.

and killed two of the workers. Later on, five young men coming from Djibra village to Bakala were also allegedly executed, and buried in the same mass grave.

79. One witness told HRD that when the UPC stayed in Bakala in December 2016 and January 2017, its fighters killed at least two other civilians. Both were informal vendors; one was shot on 31 December 2016 while the other had his throat slit on an unidentified date in January after UPC elements accused them of not delivering the goods they had demanded.¹⁵⁴
80. Several witnesses claimed that UPC fighters looted or burned down numerous private houses in Bakala, particularly in the neighbourhood of Bornou, describing to HRD that they saw freshly torched ruins as they moved around the town, or came to know that their own house had been destroyed.¹⁵⁵
81. HRD also heard testimonies¹⁵⁶ describing widespread killings of civilians committed by the UPC at several artisanal gold mines 20 to 40 km from Bakala¹⁵⁷ and along the paths linking these mines with Bakala. At least 59 killings reported to HRD seemed plausible although they could not be verified, in particular due to the inaccessibility of the mines.¹⁵⁸ Some killings are described in the paragraphs below.
82. One survivor told HRD that the UPC viewed anyone found near the mines as a suspect, describing how UPC fighters did not even ask any question when they encountered him and six of his friends on an access path, ordered them to lie down and started shooting at them.¹⁵⁹ Another eyewitness similarly described that on 13 December, UPC fighters fired at his group without warning, killing four men while he and eight other mine workers escaped.¹⁶⁰ Three women were allegedly shot and killed, or burned alive in their hut, at the Dengolo mine site (25 km from Bakala).¹⁶¹ On 11 December, just before attacking Bakala, four UPC elements allegedly fired at 12 men who were working at an unspecified mine, killing four of them.¹⁶²
83. Two eyewitnesses¹⁶³ claimed to have counted more than 40 bodies between Bakala and Dengolo, some of which appeared to have been placed deliberately in the middle of the path to serve as warnings or roadblocks. Another witness spoke of having seen six bodies.¹⁶⁴ Yet another witness, who fled Bakala for Bambari after the UPC takeover, told HRD that he saw numerous corpses along his route, which were being devoured by pigs and dogs.¹⁶⁵ These multiple, unverified but plausible testimonies of additional casualties lead HRD to believe that

¹⁵⁴ Witness no. 3, interviewed on 17 March 2017.

¹⁵⁵ Witness no. 17, 19, 27 and 28, interviewed on 5, 24 and 30 January 2017.

¹⁵⁶ For example witness no. 3, 5, 11 and 28, interviewed on 29 December 2016, 5 January and 17 March 2017.

¹⁵⁷ Gold mines include Bakanga, Louba, Ngaliunde and Topa (all north of Bakala along a path that starts in the Bakala neighbourhood of Raï) as well as Assa, Dengolo, Djimbila, Ngoualima and Yuba (reportedly north-west and north-east of Bakala). These names and their spelling are unverified; HRD was unable to ascertain the exact number, direction and distance of each mine from Bakala.

¹⁵⁸ The mines are accessible only on foot or by bicycle or motorbike. Moreover, many victims from the mines were said to be migrant workers from elsewhere in the CAR whose identities were not known to locals and whose dead bodies were simply left in the forest.

¹⁵⁹ Witness no. 9, interviewed on 29 December 2016.

¹⁶⁰ Witness no. 28, interviewed on 5 January 2017.

¹⁶¹ Witness no. 11, 18 and 28, interviewed on 5 and 20 January 2017.

¹⁶² HRD interview on 6 January 2017 in Bambari.

¹⁶³ They spoke to witness no. 3, who told HRD of their story.

¹⁶⁴ Witness no. 10, interviewed on 29 December 2016.

¹⁶⁵ Witness no. 12, interviewed on 9 January 2017. To the best knowledge of HRD, the route towards Bambari is not an area where gold mines are located, hence any persons killed there would be in addition to the gold mine victims.

the overall number of persons killed in and around Bakala may be twice as high as the 88 victims whose names HRD documented. By 14 December 2016, hundreds of miners' family members started arriving in Bakala, having fled the killings at the mines. A day later a senior UPC commander, who according to one witness led the attack on Bakala on 11 December and stayed in the town until approximately 18 December,¹⁶⁶ reportedly told civilians in Bakala that his forces were conducting military operations around the mines and warned Bakala's residents to avoid the area. Many miners sought temporary shelter at the catholic mission compound in Bakala. They began returning to the gold mines with UPC permission on 16 December, or left Bakala to seek refuge in bigger towns like Grimari and Bambari.¹⁶⁷ One resident of Bakala made his written notes available to HRD:

"[On 15 December 2016] General [...] said during the public meeting in the Forgeron neighbourhood of Bakala that his elements were presently combing through the mining sites, the bush and the access paths. For that reason the UPC could not currently allow the people living at the mines to return to this area. They should wait for the return of the UPC units in about three days.

[The author of the notes then added his personal interpretation of the general's announcement:] This 'combing' consists of slaughtering randomly all persons encountered, particularly the men, and of torching the houses of the people living at the mines."

84. Punishments such as executions – but even lesser forms of physical harm – carried out by armed groups violate CAR domestic law and constitute human rights abuses. Moreover, these acts amount to serious violations of IHL that may meet the threshold of war crimes when the victims are protected persons: Fighters that have been placed *hors de combat* by detention, or civilians. IHL does not absolutely prohibit the use of schools – which are normally civilian objects – for military purposes such as the overnight detention allegedly carried out by the UPC. However, using schools for military purposes will make them lose their protection from attack. The close association of military activities and schools is likely to invite attacks by the opposing party, which may damage or destroy the school, and may be contrary to warring parties' obligation in IHL to take all feasible precautions to protect civilian objects under their control against the effects of attacks.¹⁶⁸ Even an unused school remains a civilian object that must be protected, particularly when the absence of educational activities may only be temporary.¹⁶⁹ In addition, the military use of schools negatively affects the enjoyment by children of their right to education.

c. Other Locations in Ouaka and Basse-Kotto

85. Since November 2016, HRD verified the killing of at least eight civilians (seven men and one woman), the injuring of two men, the rape of two women and the abduction of three men (including a minor) by the UPC in Ouaka (excluding Bakala) and Basse-Kotto Prefectures. HRD received unconfirmed allegations that in addition to these figures the UPC killed more than 98 civilians (including 20 men, one woman, a three-year-old boy and 76 persons of unknown sex), injured two persons (a woman and a man), raped four women, attempted to rape another, abducted at least three persons and attempted to abduct, ill-treated or threatened at least 12 civilians (10 men and two women). The casualties aforementioned were the result

¹⁶⁶ Witness no. 3. Commander's name (a "general") on file with HRD.

¹⁶⁷ Witness no. 3 (testimony received on 3 February 2017).

¹⁶⁸ ICRC, *Customary International Humanitarian Law: Volume 1: Rules*, rule 22.

¹⁶⁹ Dated writing seen by HRD on a classroom blackboard indicated that Bakala's school had been used to teach children at least as late as 24 November 2016.

of seven large-scale attacks against villages or mining sites by the UPC and of 33 individual attacks against civilians, including abductions, on the roads and in villages in Ouaka and Basse-Kotto. Some of these incidents are described in the following paragraphs.

86. Following several attacks by anti-Balaka fighters against the Fulani population in Béléngo,¹⁷⁰ on 22 December 2017 the UPC and armed Fulanis attacked in reprisals, allegedly killing 30 civilians belonging to the Banda ethnic group. In addition, between 22 and 26 December, the UPC and affiliated armed Fulanis attacked the villages of Mockoboykette, allegedly killing 16 persons,¹⁷¹ and the villages of Kpélé, Paché Dambili and Orokpo, where at least 17 persons were allegedly killed,¹⁷² including the village chief of Kpélé. From 25 to 30 December, seven persons were reportedly killed by the UPC at its base in Bokolobo, having been accused of being anti-Balaka members due to their scarifications, which are often associated with anti-Balaka rituals.¹⁷³ The reprisal attacks by the UPC led to a significant displacement of population, including some who hid in the bush for fear of being killed.
87. As mentioned earlier, some of the incidents reported seemed to have been triggered by the ethnic affiliation or religion of the victim – interpreted as evidence of affiliation with the FPRC or anti-Balaka – while some cases of abductions underline UPC paranoia about anti-Balaka or FPRC elements in their midst. A 15-year-old boy was abducted by UPC elements on 21 January 2017 at the market in the Bornou neighbourhood of Bambari only because he had been accused by a third person of being an anti-Balaka fighter. In spite of searches by his parents and enquiries by HRD in Bambari, the minor remained missing as of February 2017. The UPC denied having detained him.¹⁷⁴
88. Attacks by the UPC against civilians continued well into February 2017, and even beyond the period covered by this report. On 16 December 2016, the UPC allegedly killed seven persons in Panenga¹⁷⁵ who were trying to flee an attack, and raped four women.¹⁷⁶ On 27 December 2016 or 4 January 2017 suspected UPC fighters attacked the village of Kopia,¹⁷⁷ burned it down, killed four men and raped and killed a 25-year-old woman, throwing her body into a well.¹⁷⁸ On 30 January at 4 or 5 a.m. eight to 12 UPC fighters in uniforms and armed with AK-47 assault rifles reportedly entered Djama Ngoundji,¹⁷⁹ a village of 500 people, and shot randomly at the civilian population, killing five men and one or two women during the attack that lasted 30 to 45 minutes. A three-year-old child died when the UPC fighters set fire to about 30 huts. A female eyewitness claimed that she narrowly escaped death when one UPC

¹⁷⁰ See para. 39 above.

¹⁷¹ Report of patrol by MINUSCA peacekeepers, 29 December 2016, inter-agency mission to Poudjo on 30 December 2016 and HRD interview on 3 January 2017. Names of the 16 victims and names of alleged perpetrators on file with HRD.

¹⁷² Names of most victims and alleged perpetrators on file with HRD.

¹⁷³ Inter-agency mission to Poudjo on 30 December 2016. HRD cannot rule out that killings continued even after the date of that mission.

¹⁷⁴ HRD interview on 23 January 2017 in Bambari with three UPC officers in charge of detention facilities (names on file with HRD).

¹⁷⁵ Between Mbrouchou and Bria.

¹⁷⁶ HRD interviews on 4 February 2017 in Panenga.

¹⁷⁷ 40 km east of Ippy in the direction of Bambari.

¹⁷⁸ HRD interviews with IDPs from Kopia in Mbrouchou, 4 February 2017. A MINUSCA team that visited Kopia on 5 February 2017 observed torched houses.

¹⁷⁹ Approx. 60 km west of Bria, 8 km west of Mbrouchou and 35 km east of Ippy.

fighter took aim at her, but was dissuaded by another one who told him to spare women. The UPC had long accused the population of Djama Ngoundji of sympathizing with the FPRC.¹⁸⁰

89. A similar escalation of long-standing animosity occurred in Kpokpo¹⁸¹ on 4 February when a hundred suspected UPC fighters, who spoke Arabic and Fulbe, looted and torched houses, shot indiscriminately at Kpokpo's population and killed 12 or 13 men. A 26-year-old woman attempted to flee into the bush, but was allegedly caught by several fighters, dragged into a house and gang-raped.¹⁸² The following day the victim's family, who was living in Bria, arranged her transfer to the hospital in Bria. The attack on Kpokpo was reportedly in retaliation for an earlier cattle raid by FPRC fighters and some inhabitants of Kpokpo against Fulani herders near Nzako, south-east of Kpokpo.¹⁸³
90. Some villages suffered attacks from both perpetrator groups. For example, UPC elements from Ippy surrounded, then attacked Mbrouthou on 2 January 2017 at around 4 a.m. They abducted a 49-year-old man and his 18-year-old son and took them to a nearby river where they shot them dead.¹⁸⁴ The victims' bodies were dumped in the river. The perpetrators had accused the men of being anti-Balaka members. After the departure of the attackers, villagers recovered and buried the bodies. Eleven days later the FPRC carried out a deadly attack on Mbrouthou.¹⁸⁵ On 14 January a 38-year-old man was also reportedly abducted and killed by armed UPC elements driving a vehicle one kilometre away from Mbrouthou on the road to Ippy. His body was found days after the incident in a state of decomposition.¹⁸⁶ On 30 January the UPC led a second attack on Mbrouthou, during which several UPC elements attempted to rape a woman, but were stopped by the intervention of other villagers. That same day a 60-year-old man and his 17-year-old daughter were killed 3 km from Mbrouthou. Their bodies were allegedly dumped in a well.¹⁸⁷
91. HRD investigations suggest that the attacks led by the UPC did not respect the principle of distinction between the civilian population and fighters and were disproportionate, resulting in many deaths and injuries. These would constitute serious violations of IHL. In addition, arbitrary executions or other acts of intentional killing (murder) and injuring of civilians and *hors de combat* fighters as described above may amount to war crimes.¹⁸⁸ These acts also

¹⁸⁰ HRD interviews with IDPs from Djama Ngoundji in Bria and Mbrouthou, 2 and 4 February and 16 March 2017. A MINUSCA team visited Djama Ngoundji on 5 February 2017, observed torched houses and was given photos of the corpses of four victims: A 75-year-old man, a 45-year-old man, a 60-year-old woman and a 13-year-old child (photos on file with HRD).

¹⁸¹ A village and diamond mine about halfway between Bria and Yalinga, located 12 km south of Awalawa, which is a village on the road linking Bria and Yalinga.

¹⁸² HRD has not been able to verify this claim. HRD interview with the victim on 27 February 2017.

¹⁸³ HRD interviews in Bria with two secondary sources on 6 February and three eyewitnesses on 8 and 27 February 2017. A reconnaissance overflight by a MINUSCA helicopter on 7 February 2017 confirmed widespread destruction in Kpokpo, which was entirely abandoned by its population.

¹⁸⁴ HRD interview on 4 February 2017 in Bria and visit to Makili on 9 February 2017.

¹⁸⁵ See para. 37 above.

¹⁸⁶ HRD interview on 4 March 2017 in Mbrouthou.

¹⁸⁷ HRD interviews on 16 March 2017 in Mbrouthou.

¹⁸⁸ According to witness no. 3, a UPC "general" (name on file with HRD), during a public meeting with the civilian population of Bakala that remained in the town on 14 December 2016, expressed his regret for human losses since the UPC takeover of Bakala. Using an analogy, he acknowledged that the UPC fighters included elements that ought to be corrected, trained and even punished for their misdeeds, and he invited Bakala's inhabitants to bring justified grievances formally to his attention. This public statement could be interpreted as an admission of killings. Ali Darassa, the leader of the UPC, told HRD during a meeting in Bambari on 3 January 2017 that to his knowledge UPC fighters were not involved in the human rights abuses that occurred in Bakala in December 2016.

constitute abuses of the rights to life and to physical integrity under international human rights law. In addition, the abductions investigated by HRD may involve the violation of a range of international and regional norms and standards, in particular the prohibition of arbitrary deprivation of liberty, and possibly the prohibition of torture and other cruel or inhuman treatment and the prohibition of murder and violation or grave threat to the right to life.

B. Destruction or Appropriation of Property

92. In many of the incidents previously mentioned, the alleged perpetrators stole the belongings of the civilians they had apprehended, killed or injured. In addition, most of the attacks against villages by the UPC were accompanied by looting or torching of houses, shops and public buildings such as the health centre in Bakala,¹⁸⁹ two churches, the mosque and the school of Béléngo.¹⁹⁰ One witness¹⁹¹ described that the houses of all people who had fled Bakala – hence almost the entire population – were “systematically looted” by the UPC after it had captured Bakala on 11 December 2016.
93. Deliberate attacks on, as well as the appropriation and destruction of protected objects and civilian homes and property constitute violations of IHL, particularly of the principle of distinction between civilian objects and military objectives. Pillage, the appropriation or forcible taking of property for private or personal use, is explicitly prohibited under IHL. In addition, as a party to the conflict, failures by the UPC and its affiliates to respect the property of displaced persons, including to protect against destruction or arbitrary and illegal appropriation, occupation or use of property or possessions left behind, is a violation of IHL. Finally, these acts as well as the destruction and burning of houses constitute abuses of the right to property under international and regional human rights law.

7. DISPLACEMENT CAUSED BY THE FIGHTING BETWEEN THE FPRC AND UPC

94. Attacks by, and even confrontations among, armed groups in the CAR invariably lead to displacement of the civilian population as people flee at the first sign of trouble, knowing from experience that in most regions of the country State institutions are either entirely absent or unable or unwilling¹⁹² to protect them. Similarly, MINUSCA forces, who number less than 11.000 for a country the size of France, Belgium and the Netherlands combined, are at times unable to protect civilians effectively, particularly when attacks occur suddenly in rural areas that are covered only by occasional peacekeepers’ patrols or are entirely inaccessible.
95. More than 10.000 persons were displaced by the November fighting in Bria. As late as 22 December Fulani IDPs in Bria complained to HRD that they were being threatened and harassed by FPRC coalition elements, who found it easy to infiltrate IDP camps whose

¹⁸⁹ During its visit to Bakala on 21 and 22 January 2017 HRD found the health centre’s two buildings intact, but with doors forced open and contents (furniture, equipment, medicines) extensively vandalized and strewn around. There is no proof that only the UPC was responsible for the damage. Witness no. 3 stated to HRD that it was the FPRC that initially vandalized the health centre while the UPC later stole its inventory and in particular helped itself to the medicines.

¹⁹⁰ Report of patrol by MINUSCA peacekeepers, 29 December 2016.

¹⁹¹ Witness no. 3 (testimony obtained on 3 February 2017).

¹⁹² See for example *Violations and Abuses of International Human Rights and Humanitarian Law committed in Bangui, Central African Republic, between 26 September and 20 October 2015*, paras. 55-61, available at https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf.

perimeter was not well secured. By early March 2017 the number of IDPs in Bria had dropped to 1.100, no longer including people displaced from their homes in Bria, but by then comprising new IDPs who had fled violence in the wider area. In Ouaka Prefecture, since November 2016 at least 1.600 and possibly up to 6.559 persons have been displaced by the violence every month, according to humanitarian sources.¹⁹³

96. Overall, from November 2016 to February 2017 the number of IDPs in Haute-Kotto and Ouaka increased dramatically with at least 26.614 new IDPs over those four months, the peak being November 2016 for Haute Kotto Prefecture and December for Ouaka. As of 28 February 2017 the total IDP population in those two prefectures stood at 31.215 in Haute Kotto and 71.922 in Ouaka.

8. GOVERNMENT AND MINUSCA RESPONSES: PROTECTION OF CIVILIANS, HUMANITARIAN ASSISTANCE, FIGHT AGAINST IMPUNITY

97. Governments are the principal duty-bearers in international law and have the primary obligation to protect and promote the human rights of all persons living under their jurisdiction. The CAR Government is thus legally obliged to protect the population, to investigate abuses and violations of human rights and violations of IHL as well as breaches of domestic law, and to bring perpetrators to justice. In reality, however, successive governments of the CAR have been unable or unwilling to fulfil their obligations, hampered by under-development, armed conflict, a lack of resources and bad governance. Since 2014, many State institutions and public officials have been entirely absent from large parts of the CAR, where armed groups have taken over the most attractive and profitable State functions such law-enforcement, taxation and exploitation of natural resources. These challenges continue despite activities of MINUSCA to support the Government in extending State authority, rebuilding institutions and making them functional, responsive and accountable.
98. The CAR Government issued a press release on 26 November 2016 to condemn the violence in Bria and called on parties to cease hostilities immediately. It further reminded them that the acts committed during the armed clashes might fall under the jurisdiction of the Special Criminal Court. In addition, the Government requested MINUSCA on 26 April 2017 to support the opening of a criminal investigation into the violations and abuses committed in Bria.
99. MINUSCA had gathered information on reinforcements arriving to strengthen both the FPRC and UPC in October and November 2016. In Bria, armed FPRC elements in military attire were spotted during daytime while on the UPC side the number of fighters rose steadily during the month of November. Numerous interlocutors held the view that despite the early warnings of possible clashes MINUSCA had not sufficiently reinforced its own troops or adopted a robust enough posture *vis-à-vis* the armed groups to prevent confrontations and ensure effective protection of civilians.
100. Even before the escalation of the crisis, MINUSCA met the armed groups' leaders at least twice a week to discuss security issues. Civil society and community leaders were encouraged

¹⁹³ Reports of the Populations Movement Commission (CMP). The CMP is an inter-organizational mechanism (including OCHA and other organizations from the Protection and Shelter Clusters) established in the CAR to provide information on population movements throughout the country through an analysis and centralization of secondary data from various partners (local and international NGOs; local, religious and administrative authorities, etc.).

to defuse tensions between the two factions.¹⁹⁴ In addition, MINUSCA repeatedly emphasized to armed groups the importance of protecting civilian and public infrastructure in case of fighting.

101. Once the fighting began MINUSCA took action to protect civilians, but these measures were considered by the population as too little too late. Reinforcements of MINUSCA peacekeepers were sent to Bria and began patrolling in town on 24 November 2016, which contributed to the protection of civilians and dissuaded armed groups from engaging in further fighting. MINUSCA ensured the security of several national and international NGOs, their staff and facilities as well as that of local authorities. MINUSCA successfully demanded from the FPRC to relinquish control of certain administrative buildings in Bria such as the prefectural office and Bria's regional hospital. MINUSCA sheltered in its camp many civilians fleeing the fighting, including local officials such as Bria's mayor, and swiftly established an IDP camp receiving more than 5.000 persons.
102. MINUSCA facilitated the provision of humanitarian assistance, including water, food and medical care, and transported UPC wounded fighters towards a UN field hospital for treatment on 21 November 2016. However, the patients were not admitted for treatment inside the hospital before 23 November as the commander of the MINUSCA military unit operating the field hospital in Bria initially considered the presence of UPC fighters inside the hospital a security threat.
103. During the initial phase of the UPC attack on Bakala on 11 December 2016 a small unit of MINUSCA peacekeepers stationed at a temporary outpost in Bakala facilitated the movement of civilians fleeing the fighting westwards towards Mbrès. However, later in the day the MINUSCA outpost was relocated to Mourouba because MINUSCA troops in Bakala came under fire.¹⁹⁵
104. Where possible, and in accordance with its mandate to protect civilians, MINUSCA peacekeepers intervened with military and humanitarian actions to prevent or mitigate harm to civilians, such as during the aforementioned UPC ambush on an FPRC vehicle transporting civilian passengers on 23 December 2016 between Bria and Ippy.¹⁹⁶ In a similar direct, operational intervention, on 27 February 2017 MINUSCA transported 197 vulnerable Fulani IDPs (90 children, 70 women and 37 men) from the FPRC-occupied town of Ippy to Maloum, a village of cattle herders, where they were handed over to local authorities.¹⁹⁷
105. MINUSCA repeatedly condemned the violence through direct communication with relevant individuals and in public press releases, urging both sides to refrain from violence. During a meeting with MINUSCA in Bria on 13 February 2017, a local FPRC leader¹⁹⁸ threatened to attack UN personnel should MINUSCA block the FPRC's progression towards Bambari. This

¹⁹⁴ Many civil society organizations in the CAR are however manipulated, instrumentalized or controlled by armed groups or operate as their front organizations or mouthpieces. For example, a group of organizations from Bambari submitted anti-FPRC petitions to MINUSCA on 13 and 19 February 2017 and demanded that UPC leader Ali Darassa be allowed to stay in Bambari. Civil society groups that are genuinely impartial and committed to building peace and social cohesion also exist. MINUSCA regularly communicates with all actors.

¹⁹⁵ Flash reports of the MINUSCA peacekeepers of 11 December 2016, 9.06 p.m. and 12 December 2016, 11.01 a.m.

¹⁹⁶ See para. 66 above.

¹⁹⁷ MINUSCA sources on 1 March 2017.

¹⁹⁸ Name on file with HRD. MINUSCA sources 14 February 2017. A day after the meeting FPRC leader Nourredine Adam issued a communiqué in Ndelé calling on all his fighters to protect civilians and refrain from attacking MINUSCA personnel and humanitarian workers.

prompted MINUSCA to warn armed group leaders that threats against MINUSCA or humanitarian staff were unacceptable and would not go unpunished. Following the fighting in Bria, MINUSCA engaged local authorities, armed groups, civil society organizations and community and religious leaders in Bria to appease tensions and find a solution to the crisis.

106. To avoid a confrontation between the UPC and the FPRC coalition in Bambari MINUSCA imposed movement restrictions on armed groups and set up “red lines” to establish a buffer zone between the UPC and the FPRC coalition, and to prevent the FPRC coalition from advancing towards Bambari. On 11 February 2017 at 2.10 p.m. a MINUSCA combat helicopter engaged a column of 300 FPRC coalition elements near Ngawa 1¹⁹⁹ when the latter crossed the “red line,” inflicting damage and successfully preventing the FPRC coalition fighters from reaching Bambari. MINUSCA also began enforcing its decision to make Bambari “a city without arms and without armed groups” and ordered UPC leader Ali Darassa to leave Bambari, which he did with a limited number of his fighters on 22 February.²⁰⁰ This was followed on 24 February 2017 by the departure of anti-Balaka local leaders Gaetan Boade and Marcellin Orogbo and RPRC local leader Tarzan Ndodeba. On 26 February 2017 only 5 km north of Bambari MINUSCA ground forces and a combat helicopter again engaged elements of the FPRC coalition who were advancing towards Bambari, inflicting damage on the FPRC troops. Six FPRC elements were captured and on 1 March transferred to CAR authorities.²⁰¹

9. CONCLUSIONS AND RECOMMENDATIONS

107. The confrontations in Bria and subsequent outbreaks of violence which started on 21 November 2016 underscore the extreme fragility and volatile nature of the security situation in the north-east of the CAR, and armed groups’ continued commitment to violence. While armed groups use violence as a tactic to bring themselves to power and obtain lucrative access to state functions, the short-term purpose of violence is very similar, namely material and monetary gain, albeit on a local or temporary basis. The events also showed that the anti-Fulani and anti-foreigner discourse which has long been used by certain actors has gained momentum as a mechanism for justifying violence against specific ethnic groups.
108. The availability of small arms and improvised weapons as well as the rejection of the DDR/R processes by certain armed groups, including the FPRC and the UPC, continue to constitute a threat for the protection of civilians and the respect of IHL and international human rights law.
109. HRD investigations and analysis indicate that serious violations of IHL as well as violations and abuses of human rights were committed during the period under review, by both armed groups and by more loosely affiliated armed individuals or supporters of these groups. HRD concludes that armed groups killed at least 133 civilians or other protected persons (82 men, 16 women, 10 children and 25 persons of unknown sex and age). HRD attributes 111 of the verified killings to the UPC and 22 to the FPRC coalition. Violations documented include the

¹⁹⁹ 12 km east of Ippy.

²⁰⁰ As of mid-March 2017 MINUSCA estimated that there were still 250 UPC elements left in Bambari.

²⁰¹ MPC executive president Idriss Ahmed El Bashir, FPRC deputy commander Line Algoni Anesser, FPRC political counsellor Yaya Idriss as well as two men and a 17-year-old boy (all names on file with HRD) who were presumed to be lower-ranking anti-Balaka elements. On 3 March a CAR prosecutor charged the detainees with war crimes, crimes against humanity, rebellion, conspiracy, attacks on the internal security of the state and illegal possession of military clothing.

targeted killing of civilians, as well as attacks on civilians and civilian property. Many of the acts committed may well amount to war crimes. In the past, armed groups' impunity for their crimes has been almost universal. Perpetrators know they face only a minimal risk of prosecution and punishment by lawful justice mechanisms.²⁰²

110. HRD is concerned that CAR State efforts to bring to justice perpetrators of serious violations and abuses have been extremely limited and that accountability for the crimes committed may be further delayed as a result of the absence, unwillingness or lack of capacity of relevant national institutions. The recommendations below highlight the need for the CAR authorities to take effective action to ensure that there is no impunity for perpetrators of serious violations and abuses, and for the international community to strengthen its support to national authorities, including the Special Criminal Court²⁰³, in this regard.

111. Thus, MINUSCA urges:

The Government of the Central African Republic:

- National authorities (Presidency, Prime Minister, Minister of Justice, Minister of Interior and Security) to prioritize – in their policies, decisions and allocation and use of government resources – the fight against impunity for past and present serious human rights violations and abuses, by ensuring the full operationalization of the Special Criminal Court and by initiating prompt, independent and impartial investigations for all violations and abuses Haute-Kotto and Ouaka, including through joint investigations with MINUSCA;
- To reject any amnesty for grave human rights violations or abuses and violations of IHL committed in the CAR, for those described in this report and for earlier ones, by ensuring that no blanket or systematic amnesty is included in peace agreements or other documents signed with armed groups;
- The Minister of Justice to work collaboratively with UN agencies and other international partners to train judicial personnel including police, prosecutors and judges on the protection of victims and witnesses, including on effective and gender-sensitive protection measures;
- The Minister of Foreign Affairs to mobilize government efforts to operationalize the National Committee on the Prevention of Genocide, War Crimes, and Crimes against Humanity and to implement its strategy, to use its fact-finding Commission and to establish a country-wide early warning mechanism in line with national and regional policies and the relevant UN framework;
- The Minister of National Reconciliation to liaise with concerned ministries, communities and civil society to reduce ethnic tensions, promote inter-communal reconciliation, encourage a spirit of equality among all CAR citizens, and foster peaceful and lawful travel and exchange (including transhumance) between the CAR and its neighbours;
- The Prime Minister to prioritize the operationalization of the *Haut Conseil de la Communication*, the *Haute Autorité chargée de la Bonne Gouvernance* and the National Committee on the Prevention of Genocide, and to work closely with concerned national authorities and communities to address the root causes of discrimination and take measures against intolerance, incitement to violence, xenophobia, sectarianism and hate speech;

²⁰² Some armed groups take disciplinary measures against their fighters who misbehave, but according to anecdotal evidence available to HRD these punishments, which may themselves amount to human rights abuses, are rare and are implemented in a haphazard manner.

²⁰³ The jurisdiction of the Court covers crimes committed from 2003, with no end date.

- The Prime Minister to mobilize line ministries (Justice, Security, Defence, Administration, Economy and Planning) to restore State authority and the rule of law, in particular through effective deployment of police, gendarmes and judicial authorities, taking into account risks and vulnerability faced by civilians as well as the imperative of protection of civilians, including the creation of a more protective environment in favour of safe and voluntary return and access to basic social services;
- The Prime Minister to mobilize line ministries (Promotion of Women, Social Affairs, Humanitarian Action, Justice and Public Security) to strengthen mechanisms to assist victims and survivors of abuses and violations, including by providing medical, psychological and legal support, as well as through the implementation of the witness protection and victims assistance strategy and access to an effective remedy, including gender-sensitive, transformative and victim-centred reparations;
- As an urgent, specific and practical measure, to exhume – with international support, if appropriate – the alleged mass graves in Bakala to determine the number of victims and causes of death.

All armed groups, in particular the UPC and FPRC:

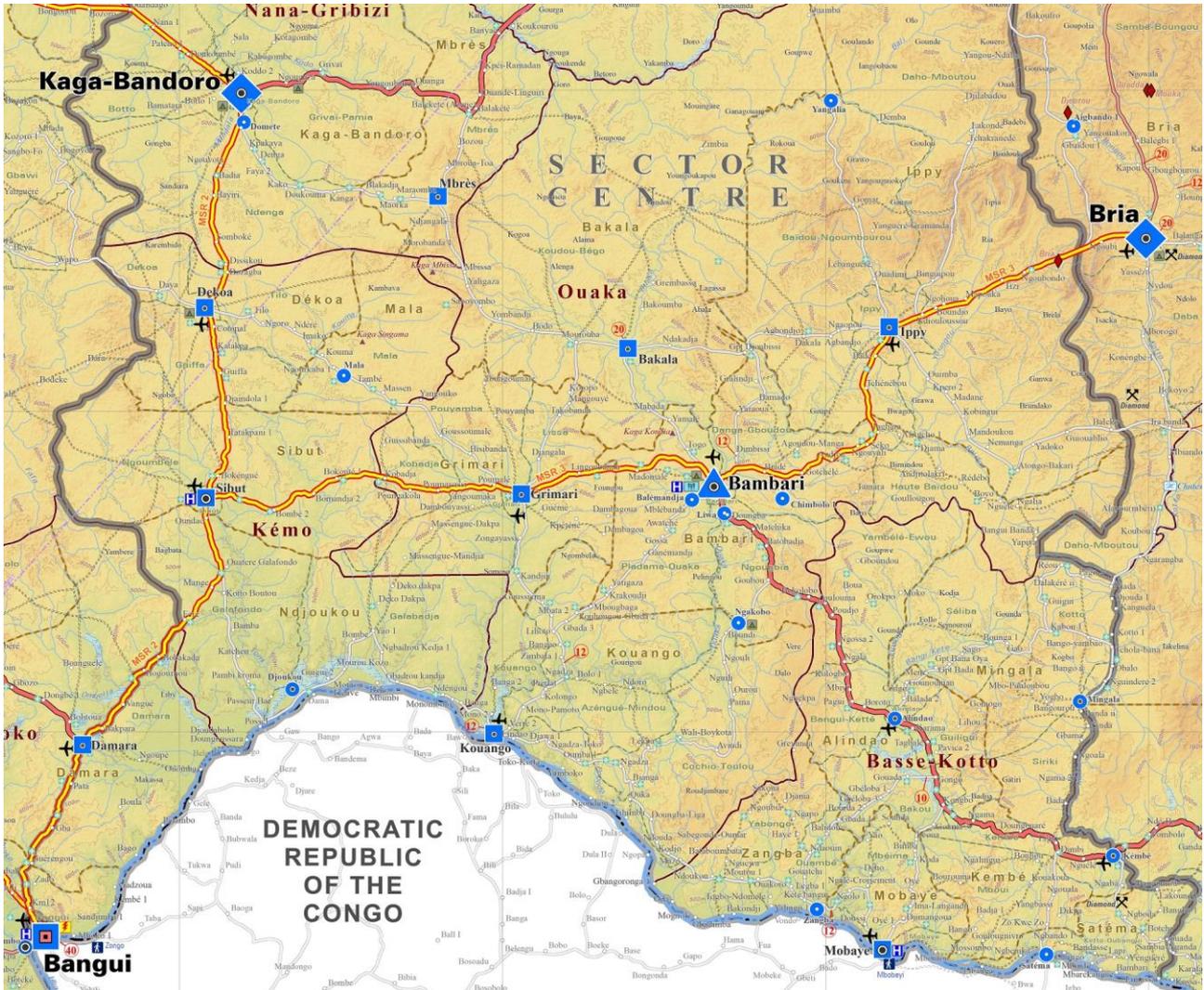
- To respect their obligations under IHL and international human rights law, lay down weapons and participate in the national dialogue on DDR/R;
- To refrain from interfering in the investigations of violations and abuses of international human rights law and violations of IHL and cooperate with judicial proceedings for the prosecution of perpetrators;
- All signatories of peace deals to explore and agree on transitional security arrangements as required to ensure the protection of civilians, respect for human rights, unhindered delivery of humanitarian assistance, and safe/voluntary return of IDPs and refugees under a joint monitoring mechanism with all signatories of the peace deals;
- Leaders of all armed groups to take measures to prevent such violations and abuses from occurring again and enforce accountability.

The international community:

- To provide the necessary support to the relevant authorities to ensure that all those responsible for human rights violations and abuses and IHL violations are held accountable;
- The African Union, Sant'Egidio and any future mediation/negotiation forum to accommodate the protection of civilians, safe and voluntary return, and the fight against impunity in line with victims' rights to truth, justice and remedies, in accordance with the conclusions of the Bangui Forum;
- 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;
- To support the DDR/R programmes and put pressure on armed groups to participate in these programmes.

10. ANNEXES

A. Map of the Central African Republic, South-Central Part



B. Maps of East and West Bakala

Bakala is a town situated in a rich gold mining area. Its population is almost entirely Christian. The town is divided by the Ouaka river into the so-called *centre commercial* (western bank, also called *centre 2*, start of roads to Bambari and Mourouba) and the *centre administratif* (also called *centre 2*, eastern bank). The *centre administratif* contains the health centre,²⁰⁴ Gendarmerie building (disused)²⁰⁵ and *école sous-préfectorale*,²⁰⁶ which was used by both the FPRC and UPC as a base in

²⁰⁴ The health centre ceased its operations in November 2016 as the security situation in Bakala deteriorated.

²⁰⁵ 6°11'44.8"N 20°23'10.1"E.

²⁰⁶ Also colloquially known as *Ecole Centre 1*. Located at 6°11'48.1"N 20°23'11.6"E.

East Bakala.²⁰⁷ The compound of the catholic mission is located between the *centre administratif* and the river. A residential neighbourhood begins 200 m east of the *centre administratif*. The anti-Balaka-dominated neighbourhoods of Mangolema and Raï are strung out along the road leading north from the *centre administratif*.

East Bakala:



West Bakala:



²⁰⁷ By contrast, after its second arrival in Bakala on 11 January 2017, the FPRC, having driven out the UPC, established its main base in the *centre commercial* of West Bakala, keeping only a small detachment of fighters in East Bakala.

C. Map of Bria

