

During the month of August, MINUSCA documented 155 new incidents of violations and abuses of international human rights and humanitarian law affecting 345 victims including 120 men, 34 women, 29 boys, 12 girls, seven unknown minors and 143 unknown adults. These figures represent a 9.3 percent decrease in the total number of incidents though with an 18.2 percent increase in the total number of victims compared to the previous month, which documented 171 incidents and 292 victims. Despite this decrease, HRD has also noted that continuous fighting among rival armed groups, mainly in Ouaka, Nana-Grébizi and Haute-Kotto prefectures has exacerbated the security and human rights situation of civilians with increased displacements of populations. In addition, continuous attacks on protected persons and objects as well as on UN peacekeepers have prevented the opening of humanitarian corridors for civilians, particularly the IDPs. On a positive note, MSF resumed its activities in Bria during the month and the Bangui Court of Appeal held its second criminal sessions during which 33 defendants including four anti-Balaka and 17 ex-Séléka were convicted. With MINUSCA's support, efforts to adopt local peace agreements will remain a priority, thus helping to defuse tension, reduce violence and prevent human rights violations in the Central African Republic.

# MONTHLY REPORT- AUGUST 2018

MINUSCA HUMAN RIGHTS DIVISION

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**Human Rights Division**

**Monthly Report**

**August 2018**

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## I. Executive Summary

During the month of August, the security and human rights situation in the Central African Republic (CAR) remained precarious, particularly in Bria (Haute-Kotto), Bambari (Ouaka) and Kaga-Bandoro (Nana-Grébizi), where frequent attacks and violent acts against civilians by armed groups and armed men affiliated with them resulted in several incidents of killings, cruel and inhuman treatment, injuries and maiming, conflict-related sexual violence, arbitrary deprivation of liberty as well as cases of attacks on protected objects, humanitarian workers and Peacekeepers. Bangui remained stable as a result of the UN's (MINUSCA-UNCT) ongoing efforts to support dialogue initiatives and explore stabilization programs within PK5 while maintaining a more proactive and concerted early warning posture for timely response mobilisation to reported threats as they emerge.

As was the case in previous months, the hotspots for the month of August were the prefectures of Haute-Kotto, Ouaka, Nana-Grébizi and Haut-Mbomou prefectures. With the steady increase in the activities of the SIRIRI armed group, Mambéré-Kadéï remains of concern with recorded cases of killings, cruel and inhuman treatment, exploitation and illegal taxations, as well as pillaging of civilians by this armed group.

Fighting between rival armed groups such as the UPC and anti-Balaka in Ouaka and Basse-Kotto prefectures, the anti-Balaka and either the FPRC, RPRC or MPC in Haute-Kotto and Nana-Grébizi prefectures contributed to the continuous deterioration of the security situation in these areas leading to civilian displacements and increased need for humanitarian assistance.

MINUSCA Human Rights Division (HRD) recorded 155 new incidents of violations/abuses of international human rights as well as breaches to international humanitarian law affecting 345 victims, including 120 men, 34 women, 48 children (29 boys, 12 girls and seven unknown minors) and 143 unidentified victims. These figures represent a 9.3 percent decrease in the number of incidents and an 18.2 percent increase in the number of victims compared to the previous reporting period during which HRD documented 171 incidents of violations/abuses affecting 292 victims. Targeted attacks and fighting among rival armed groups continued to negatively impact on the protection of civilians, resulting in 40 civilians killed and 17 injured in August.

Armed groups were responsible for 152 incidents which affected 339 victims while State actors, mainly members of the Armed Forces (FACA) were responsible for three incidents affecting six victims with cases of violations of the right to physical and mental integrity.

The most recurrent violations recorded during the month of August were killings, death threats, cruel and inhuman treatment, conflict-related sexual violence, arbitrary deprivation of liberty, abductions, appropriation, destruction/pillaging of property, recruitment and use of children in armed groups, attacks on peacekeepers and humanitarian workers including their equipment, denial of humanitarian access, occupation of schools and attacks on a medical facility.

HRD continued its advocacy activities aimed at strengthening national capacities and providing a protective environment, mainly through the holding of and/or participation in seminars/awareness-raising or sensitization sessions on human rights with civil society representatives, local authorities and members of the Internal Security Forces (ISF) and Defense Forces (IDF).

The Bangui Court of Appeal held its second criminal session during which 15 cases were heard. Thirty-two defendants including one woman and five minors appeared before the Court while four others were tried *in absentia*. At the end of the hearings, three of the defendants were acquitted while 33 were found guilty. Among those convicted were four anti-Balaka and 17 ex-Séléka. Most of the cases were linked to the conflict.

Technical assistance was also provided to the Steering Committee of the future Truth, Justice, Reparation and Reconciliation Commission. HRD completed three Risk Assessment as part of its HRDDP process.

## II. Major developments affecting the human rights situation

1. During the month of August, the security and human rights situation continued to be cause for concern, particularly in Bria (Haute-Kotto), Bambari (Ouaka) and Nana-Grébizi prefectures. Rivalry among the different armed groups continued to adversely impact on the protection of civilians as well as on the humanitarian and human rights situation in the country.
2. The existing tension and violence between the anti-Balaka and *Unité pour la paix en Centrafrique* (UPC) led to sporadic clashes in Bambari during the month. On 2 August for example, local sources reported an armed clash between the anti-Balaka and UPC at Lioto village<sup>1</sup> resulting in one UPC combatant killed and an unconfirmed number injured. Similarly, in Mobaye (Basse-Kotto), reportedly the local population of Vougamou village<sup>2</sup>, fled into the bush following a clash between anti-Balaka and UPC on 02 August. As a result, one woman was reportedly injured.
3. In Bria, due to the tension existing between the anti-Balaka and *Front Populaire pour la Renaissance de Centrafrique* (FPRC) since June 2018, the FPRC systematically launched attacks on villages along the Bria - Irabanda axis on 05 August with the intention to push out the anti-Balaka controlling those villages. Consequently, there were civilian casualties, including killings, injuries, pillaging and torching of houses. HRD is yet to confirm the total number of victims affected by these attacks though Bria remains the major hotspot during this period. Coupled with the fact that within the same month, on 25 August, there was another major clash between the anti-Balaka and RPRC which impacted negatively on the protection of civilians. A field mission has been scheduled to verify and confirm the number of civilian casualties recorded during these two attacks.
4. In Kaga-Bandoro, the rivalry between the anti-Balaka and FPRC continued and on 14 August, FPRC/ *Mouvement Patriotique pour la Centrafrique* (MPC) elements reportedly, clashed with the anti-Balaka under the command of “Pele” in Yagarandji village<sup>3</sup>. As a result, one 12-year-old boy reportedly was killed and the local population fled the village, including the civilian population from Domodo, Pimbi, and Kasai villages, for fear of further conflict, while an unknown number of houses were torched in Ndenga village<sup>4</sup>. Following the armed clash, an unconfirmed number of suspected FPRC/MPC combatants gathered in Kaga Bandoro to reinforce their positions in Yagarandji village. To prevent further escalation of the situation as well as further movement of the FPRC/MPC, MINUSCA Force established a checkpoint in the area.
5. In the western part of CAR, the growing strength of the SIRIRI armed group was observed during the month causing the local population in some villages to flee for fear of attacks from this armed group. This armed group has also engaged in erecting illicit checkpoints where they collect illegal taxes from the local population, notably along the Abba – Baboua axis. On 16 August in Gamboula village<sup>5</sup> (Mambéré-Kadéï), local sources reported that more than 70 villagers escaped to Berberati due to fear of the presence of SIRIRI elements in Dilapoko village<sup>6</sup>. Still in Dilapoko, on 23 August, SIRIRI elements apprehended the village Chief, accusing him of being a MINUSCA informant. They confiscated his mobile phone and inspected the phone log. The victim managed to escape and fled into the bush, his whereabouts are still unknown. HRD have also received reports that the SIRIRI armed group is reinforcing its positions particularly in Noufou and Dilapoko villages and seems to be expanding to other areas of the prefecture.
6. With the expansion of the SIRIRI armed group, HRD will continue to monitor their activities and immediately signal any protection of civilians’ concern for appropriate and immediate action to be taken to prevent the destabilization of the Mambéré-Kadéï prefecture which has long been peaceful and stable with documented trends of gradual returns of IDPs and Refugees.
7. In Bangui, the security situation seems relatively calm though there were on and off spontaneous security concerns due to a few gunshots heard in different areas in the city, some grenade launching and continuous attacks and pillaging of humanitarian workers in the 1<sup>st</sup> and 6<sup>th</sup> Districts. On 01 August at Sica Bois Bridge, in 3<sup>rd</sup> district, three unidentified

<sup>1</sup> Located approximately 84 kilometers south west of Bambari

<sup>2</sup> Located approximately 44 kilometers north east of Mobaye

<sup>3</sup> Located approximately 17 kilometers south of Kaga-Bandoro

<sup>4</sup> Located approximately 27 kilometers south east of Kaga bandoro

<sup>5</sup> Located approximately 85 kilometers south west of Berberati

<sup>6</sup> Located approximately 80 kilometers north west of Berberati and 35 kilometers north of Gamboula

individuals riding a motorcycle threw a grenade at a group of people and then fled from the scene. The grenade exploded and injured six civilians.

8. During the reporting period, HRD was informed that presumed UPC elements shot and killed a human rights activist<sup>7</sup> and teacher on 22 August around 6.00 p.m. in Mboki (Haut-Mbomou). The victim was working for the “*Observatoire Centrafricain des Droits de l’Homme* (OCDH)” as a focal point in Haut-Mbomou Prefecture based in Mboki. His killing seemed to have been targeted as he was providing crucial and reliable information on human rights abuses committed by the UPC and LRA in Mboki to the HRD. The killing of the human rights activist might trigger intercommunal tension in Mboki particularly as another teacher had previously been assaulted by alleged UPC elements on 01 May 2018. HRD notes that this is the first time a human rights activist has been targeted and suspects that this might give room for other disgruntled armed groups to target other human rights activist in different parts of CAR if not properly investigated and perpetrators brought to justice. It might also cause other activists to become intimidated and fear reporting cases to MINUSCA so as to avoid being targeted by the armed groups, a practice which is already known to occur with civilians who are attacked for their collaboration with MINUSCA<sup>8</sup>. A Joint Investigation Team (JIT) composed of MINUSCA’s UNPOL and HRD and the Gendarmerie is being organised to conduct a field mission to Mboki on this case.
9. On the political front, during the month, MINUSCA engaged in dialogue and mediation between the Muslim and Christian communities from the 3<sup>rd</sup> and 5<sup>th</sup> District in Bangui as well as discussed with the leaders of the PK5 criminal gangs engaging them to cease criminal activities and resort to disarmament. Similarly, the leadership of the FPRC (Abdoulaye Hissène), MPC (Mahamat Al Katim) and UPC (Ali Darassa) during the month issued two communiques in which they committed to fight against insecurity and banditry in the transhumance zone and areas under their control and committed to peace, stability, the free movement of goods and civilians, dialogue, and to the African Initiative for Peace and Reconciliation.
10. From 28 to 30 August in Bouar (Nana-Mambéré), under the auspices of the African Initiative Panel, representatives of 14 armed groups signatories of the peace agreements held a workshop to harmonise claims on a series of matters. They submitted 104 demands including power sharing and general amnesty. At the same time, on 29 August in Khartoum, a meeting between armed groups’ representatives (including anti-Balaka Mokom, FPRC, UPC and MPC) under the aegis of the Russian Federation and the Republic of Sudan, led to the signing of a declaration of agreement in which they committed to the restoration of peace, the respect for human rights, the free movement of persons and goods, and the African Initiative (AI). The armed groups also reiterated that the African Initiative was the sole framework for a negotiated agreement.

### III. Human rights violations related to the conflict and trends constituting threats to the protection of civilians

11. As demonstrated in the annex of this report, HRD in August documented **155** new incidents<sup>9</sup> of violations and abuses of international human rights law and breaches of international humanitarian law affecting **345** victims **including 120 men, 34 women, 48 children (29 boys, 12 girls and seven unknown minors) and 143 unidentified victims** of which 12 of them affected an unknown group of persons (collective victims). Although there was a **9.3** percent decrease in the number of incidents, the number of victims increased by **18.2** percent compared to the previous period (July 2018) which recorded 171 incidents affecting 292 victims. The decrease in the number of incidents and slight increase in the number of victims attest to the fact that continued fighting amongst rival armed groups as well as attacks against the civilian population, humanitarian actors and peacekeepers, continue to impact negatively on more civilians thus

<sup>7</sup> This human rights activist was also a reliable informant for the HRD in Obo field and during three JAM in Mboki between December 2017 to April 2018, he was instrumental in providing and denouncing documented human rights abuses committed by the armed groups in the region, cases which he shared with the HRD during their field missions. He also publicly met with local leaders and representatives from the UPC, where he condemned human rights abuses committed by these including unlawful attacks, pillaging, death threats, rapes, the recruitment and use of children by the UPC and LRA in Mboki. He also denounced the attacks in Zemio and condemned UPC’s participation in these attacks.

<sup>8</sup> In Dilapoko, on 23 August, SIRIRI elements apprehended the Chief of the village, accusing him of being a MINUSCA informant, in Bangui, on 29 August, a 30-year-old Chadian man and business man in Bea-Rex neighbourhood in PK5 was almost killed by three armed elements of Appo as he was seen talking with MINUSCA Forces in the later part of the day and seen to be a traitor. As the man managed to escape, his shop and house was pillaged and vandalized by these elements.

<sup>9</sup> Figures mentioned in the report do not reflect the complete overview of the human rights violations in CAR. The figures relate to cases documented and/or verified by the HRD, though it may be possible that these figures include human rights violations committed during previous months but brought to the attention of the HRD during the month of August 2018. Statistics regarding the number of violations reported may increase or decrease over a given period due to numerous factors outside the control and/or knowledge of the HRD and must therefore be used with caution.

increasing the volatile nature of the security situation particularly in Bambari (Ouaka), Bria (Haute-Kotto), Kaga-Bandoro (Nana-Grébizi), Obo (Haut-Mbomou) and increasingly Berberati (Mambéré-Kadéi).

12. The most recurrent human rights violations and abuses committed during the reporting period were: **(a)** violations of the right to life with **39 incidents (30 incidents of killings and nine incidents of death threats)** affecting **55** victims, 45 of whom were victims of killings; **(b)** physical and mental integrity with **49 incidents** causing **95** victims; and **(c)** conflict related sexual violence with **15 incidents** of which **12 were rape** affecting **16** victims (eight women and eight girls). The reporting period also saw some flagrant breaches of international humanitarian law (IHL). HRD recorded: **(d) seven incidents** of abductions affecting **117** victims; **(e) four incidents** of deprivation of liberty affecting **five** victims; **(f)** the recruitment and use of children by the armed groups, **seven incidents** affecting **15 boys** and **five girls**; **(g)** destruction or pillaging/extortion of property including illegal taxation, **29 incidents** affecting **17 men, five women** and **seven** groups of unknown victims; and **(h) five incidents** of unlawful attacks and destruction on a medical facility, peacekeepers and humanitarian personnel including their equipment as well as illegal occupation of educational premises, affecting **two** male peacekeepers, **three** other humanitarian workers whose exact details were not provided and another **three** groups of unidentified victims.
13. During the reporting period, the conflict continued to negatively impact on the protection of civilians, leading to **40 civilians killed** (31 men, four women, three boys and two girls) and **17 injured** (13 men, one woman, two boys and one girl) during targeted attacks and fighting between the rival armed groups. Most of these killings (34 thus 85%) and injuries (12 thus 70.6%) were recorded in Bria and Bambari. The FPRC were responsible for the highest number of casualties, with 14 killings (35%) and five injuries (29.4%), followed by the anti-Balaka who accounted for 12 killings (30%) and five injuries (29.4%). With the growing strength of the anti-Balaka as observed in the past nine months, the continuous quest for new territory has led to clashes between the anti-Balaka and either the UPC or FPRC. This pushed the FPRC, UPC and MPC to form a coalition with the ambition to suppress the influence of the anti-Balaka in certain areas they control particularly the centre and eastern parts of CAR.
14. During the month, tensions between the anti-Balaka and the different ex-Séléka factions kept mounting. On 05 August for example, with the support of their coalition members, FPRC armed elements attacked villages along the Bria – Irabanda axis which were occupied by the anti-Balaka in order to conquer these villages and free them of the anti-Balaka presence. During these attacks, at least five civilians got killed, three others injured, and approximately 36 houses pillaged and set ablaze, while a local health center also was pillaged and vandalized. The anti-Balaka equally destroyed a local bridge impeding access to Kolaga village<sup>10</sup>, as well as occupied the village school which they used as their base. Approximately 440 civilians were displaced to the PK3 IDP camp in Bria and need humanitarian assistance. Similarly, on 25 August, around 11.00 a.m., clashes between the anti-Balaka affiliated to “Theophile” and *Rassemblement pour le Renouveau de Centrafrique* (RPRC) at Bornou district in Bria town resulted in the killing of at least five civilians<sup>11</sup>, injury to at least eight others and the displacement of around 300 civilians to the PK3 IDP camp where they sought MINUSCA’s protection. Due to these two incidents, Bria remains one of the major hotspots in August and HRD continues to monitor and conduct further investigations into the incidents to ascertain the exact number of civilian casualties.
15. As in the previous months, targeted attacks against protected persons and their objects (civilians, humanitarian workers and their equipment and UN peacekeepers) by the various armed groups resulted in several breaches to international humanitarian law. The month under review documented **52** violations of international humanitarian law (33.6% of the overall incidents), all attributed to the armed groups and affecting **179** (51.9% of the overall victims) victims with 31 men, eight women, 18 boys, 111 unknown individuals and an additional 11 attacks during which an unknown number of persons (groups of collective victims) were affected. On 16 August for example, in an area along the Bouca – Maraze axis<sup>12</sup>, anti-Balaka elements attacked an INGO vehicle and pillaged its occupants of approximately eight million XAF, mobile phones and other personal effects.
16. Due to continuous reports of frequent illegal taxation of civilians by RJ elements of Sayo between Paoua and Betoko on the Bemal axis (Ouham-Pendé), on 30 August, MSF informed MINUSCA that it might cease its activities in that

<sup>10</sup> Located approximately 10 kilometers from Bria

<sup>11</sup> The anti-Balaka leader ‘Theophile’ also got killed during this clash

<sup>12</sup> Located approximately 87 kilometers east of Bossangoa

area if this armed group does not desist from these illicit activities which is impacting on their work. Reportedly, about five illegal barriers have been erected by the RJ where they impede the free movement of motor bikes where they illegally tax motorbikes passage fees. MSF uses motorbikes to transport the sick to and from Paoua and these high taxes is putting them in financial constraints and will eventually make it difficult to render their services to those in need in the area, if not addressed.

17. On a positive note, on 01 August in Bria, the INGO - *Médecins Sans Frontières* (MSF), which had suspended its activities on 6 July 2018 following continuous attacks and pillaging of its compound and staff, resumed medical services and the supply of water to the local hospital and PK3 IDP camp, which was largely appreciated by the local population.

### A. Human Rights Abuses by the armed groups

18. Armed groups<sup>13</sup> accounted for **152 incidents** (98.1% of the total number of incidents) and **339 victims** (98.3% of the total number of victims) – 114 men, 34 women, 29 boys, 12 girls, seven unknown minors and 143 unknown adults of which 12 involved attacks where an unknown number of persons (collective victims) were affected. Though the total number of incidents decreased by 11.1 percent as compared to the previous month (171 cases in July), there was an increase by 16.1 percent in the total number of victims compared to the previous month, which recorded 292 victims. This increase in the number of victims is due to the attacks by the FPRC of all the villages located along the Bria – Irapanda axis on 5 August, as well as the clash between the anti-Balaka and RPRC in Bria where many civilian casualties were recorded. Again, following on and off tensions in Bambari and the Mbres<sup>14</sup> area in Kaga-Bandoro between June and July 2018, HRD conducted verification field missions to these areas where they confirmed more cases of human rights abuses by the anti-Balaka, UPC and MPC.

#### i. Abuses by the ex-Séléka splinter groups: FPRC, UPC, FPRC-AH faction, FPRC/MPC coalition, MPC, and FPRC/MPC/UPC coalition

19. The FPRC (28 incidents), UPC (10 incidents), FPRC-AH faction (eight incidents), FPRC/MPC Coalition (six incidents), MPC (four incidents), armed Fulani (two incidents) and FPRC/MPC/UPC coalition (one incident) were the perpetrators of the human rights abuses documented in August amongst the ex-Séléka splinter groups. These different groups committed a total of **59** abuses affecting **185** victims, with the FPRC (151 victims) and UPC (11 victims) responsible for the highest number of incidents and victims. Based on the documented cases perpetrated by the different ex-Séléka splinter groups, there was a decrease by **28** percent in the total number of incidents and an increase by **34** percent in the total number of victims as compared to the previous month which recorded 82 incidents and 138 victims.
20. In August, the different ex-Séléka splinter groups accounted for **38.1 percent** of the total number of incidents and **53.6 percent** of the total number of victims. These armed groups perpetrated **(i) 16** incidents of killings and **three** death threats [FPRC (5 killings, 2 death threats), UPC (4), MPC (3), FPRC-AH (2), FPRC/MPC Coalition (1) FPRC/MPC/UPC Coalition (1) and armed Fulani (1 death threat)], and affecting **21** men, **five** women, **four** boys, **two** girls, **one** unknown minor and **one** group of collective victims; **(ii) 20** incidents of violations of the right to physical and mental integrity [FPRC (11), FPRC-AH (4) FPRC/MPC Coalition (2), UPC (2) and MPC (1)], and affecting **24** men, **four** women, **two** boys and **one** unknown child; **(iii) eight** conflict related sexual violence incidents (seven rape and one forced marriage) [FPRC (4), FPRC/MPC (2), armed Fulani (1) and UPC (1)], affecting **five** women and **three** girls; **(iv) four** incidents of attacks, appropriation or pillaging of property by the [FPRC (2) UPC (1), and FPRC-AH (1)] affecting **four** groups of unknown individuals (collective victims); **(v) three** incidents of deprivation of liberty [FPRC (2) and UPC (1)] affecting **two** men and **two** women; **(vi) three** abductions [FPRC (1), FPRC/MPC (1) and UPC (1)] affecting **two** men, **100** unknown adults and an additional **one** group of unknown individuals; **(vi) one** incident of unlawful attacks, pillaging and destruction of a health centre by the FPRC-AH which prevents an unknown number of civilians (collective victims) from health services. Of the 59 abuses, 45 of them, namely 76.3 percent, occurred in – Haute-Kotto (18), Ouaka (18), and Nana-Grébizi (9) prefectures which have been identified as the main hotspots in the month of August.

<sup>13</sup> These armed groups include the anti-Balaka, the UPC, FPRC, MPC, FPRC/MPC Coalition, FPRC/AH, RJ, MNL, LRA, FORCE, SIRIRI and other armed groups

<sup>14</sup> Located approximately 90 kilometers south east of Kaga-Bandoro

## ii. Abuses by the anti-Balaka

21. The anti-Balaka were responsible for **43** abuses affecting **60** victims. This represents **27.7** percent of the total number of incidents and **17.4** percent of the total number of victims recorded during the month. These figures also represent a 30.6 percent decrease in the number of incidents compared to the previous month (62 abuses in July) and a 36.2 percent decrease in the number of victims (94 victims in July). During the reporting period, the anti-Balaka were very active in Ouaka and Haute-Kotto prefectures as they tried to expand and gain territory in these prefectures particularly along the mining areas, thus leading to on and off clashes between them and either the UPC, FPRC or RPRC. The anti-Balaka targeted civilians in some cases because of their ethnic affiliation and in other cases because they were accused of witchcraft and charlatanism or they simply targeted civilians to confiscate their property for economic gains. Documented abuses by the anti-Balaka were violations of the right to life with **eight** incidents involving the killing of **seven** men and **two** boys; and **three** incidents involving death threats against **four** men and **two** women. There were also **18** incidents of violations of the right to physical and mental integrity, affecting **15** men, **seven** women and **one** boy who were either subjected to cruel and inhuman treatment, and maimed or injured. The anti-Balaka also perpetrated **three** cases of rape against **three** girls.
22. Other abuses committed by the anti-Balaka under international humanitarian law included: **(i)** **three** incidents of unlawful attacks, pillaging of **one** man and **three** women; **(ii)** **two** incidents of unlawful attacks on humanitarian personnel and MINUSCA peacekeepers and/or their equipment as well as the occupation of **one** school affecting **two** men, **three** unknown adults and **three** groups of unknown number of victims; and **(iii)** **two** incidents where 11 boys were recruited into the anti-Balaka armed group. Of the 43 abuses committed by the anti-Balaka, 34 of them or 79.1 percent occurred in the main hotspots identified during the month in review, particularly Haute-Kotto and Ouaka prefectures.

## iii. Abuses by the other armed groups notably the 3R of Sidiki, MNLC, SIRIRI, LRA, RJ

23. The other armed groups, notably the 3R of Sidiki (19) MNLC (10), LRA (8), SIRIRI (4), RJ (2), PK5 criminal gang of Appo (1) and other unidentified armed groups (6) accounted for **50** abuses affecting **94** victims. This represents **32.3** percent of the total number of incidents and **27.3** percent of the total number of victims recorded during the month. These figures also represent a 31.6 percent increase in the number of incidents compared to the previous month (38 abuses in July) and a 34.3 percent increase in the number of victims (70 victims in July). The 3R (23 victims) and SIRIRI (29 victims) elements recorded a high number of victims due to their activities in Nana-Mambéré and Mambéré-Kadéï prefectures as they harass and extort civilians to gain economic strength.
24. Documented abuses by these armed groups were mainly **six** incidents of killing affecting **five** men and **one** girl; **eight** incidents of violations of the right to physical and mental integrity, affecting **seven** men, **one** boy, **one** girl and **25** unknown adults. The victims were either subjected to cruel and inhuman treatment, maimed or injured. There were also **four** incidents of conflict-related sexual violence including the rape of two women and two girls who were subjected to sexual slavery; **21** incidents of unlawful attacks and pillage of property affecting **17** men, **two** women, **three** unknown adults and **two** groups of unknown individuals (collective victims) and **three** incidents of abductions affecting **eight** men, **one** woman, **three** boys and **three** unknown adults. HRD notes that the activities of the SIRIRI armed group are on the rise particularly in the Dilapoko<sup>15</sup> area (Mambéré-Kadéï).

## B. Human Rights Violations attributable to State agents

25. State agents<sup>16</sup> were responsible for **three** violations (1.9 % of the total number of incidents for August) of international human rights law committed against **six** men (1.7 % of the total number of victims for August) all committed by the CAR Armed Forces - FACA. In one of the cases, on 12 August in Wapo village<sup>17</sup>, two FACA soldiers<sup>18</sup> fired at an

<sup>15</sup> Located approximately 80 kilometers north west of Berberati

<sup>16</sup> State authorities include the Gendarmerie and its different specialized units (*Section des Recherches et d'Investigation* (SRI), *Direction de la Surveillance Territoriale* (DST), *Compagnie Nationale de Sécurité* (CNS), *Forces de sécurité intérieure* (FSI)), the Police with its different specialised units (*Direction des Services de la Police Judiciaire* (DSPJ), the '*Office Central pour la Répression du Grand Banditisme*' (OCRB)), the *Unité Mixte d'Intervention Rapide et de Répression des Violences Sexuelles* (UMIRR), administrative authorities as well as the military - '*Forces Armées Centrafricaines*' (FACA)

<sup>17</sup> Located approximately 8 kilometers east of Berberati

<sup>18</sup> A *caporal* (corporal) and a *caporal-chef* (master corporal); names on file with HRD (case no. CAR/18/0796). HRD also has on file the name of the police *brigadier* (corporal) who initially arrested the two drunken squabblers. In a subsequent, unrelated incident the FACA *caporal* reportedly stabbed and injured his wife on 18 August 2018, then prevented her from going to hospital.



angry unarmed crowd who were demonstrating against the internal security forces<sup>19</sup>, accusing them of longstanding harassment, extortion and racketeering by security forces and civil servants at the joint, multi-purpose road checkpoint. As a result, three men were injured. Though the two officers were arrested and disarmed by the gendarmerie, an unnamed official of the Ministry of Defense ordered the gendarmes to release them and return their weapons. Reportedly, the commanding officers claimed that the men discharged their weapons in self-defense. On 14 August Berbérati's prosecutor instructed the gendarmerie to open a judicial investigation. The FACA commander of Berberati detachment was subsequently summoned to Bangui by the Ministry of Defense for further investigations.

26. HRD found the three cases relevant though not directly linked to the conflict because of their importance in the vetting process under HRDDP. It is worth noting that MINUSCA is providing support to FACA for their redeployment all over CAR to extend State authority. In accordance with UN HRDDP, this unit must guarantee that it does not constitute any risk to the stabilization of the country, civilians or the political and peace process and therefore the HRD must monitor any violations committed by the FACA and ISF particularly those who receive direct support from MINUSCA<sup>20</sup>. As the Government continues to extend State authority by deploying State agents including the FACA, HRD will continue to monitor and report on any violations committed by the internal security and defence forces in close cooperation with competent GoCAR authorities who displayed commitment to addressing reported concerns as they transpired.
27. In the previous reporting period, State agents did not commit any human rights violations that were directly linked to the conflict. HRD continues to note that most of the violations by State agents consist of violations of the right to liberty with mainly cases of arbitrary detention, owing to the failure of State internal security forces to respect the 72 hour (renewable once) legal limit for holding suspects before presenting them before a judicial authority. In all cases of arbitrary detention, HRD met with the relevant authorities and advocated for the respect of the legal procedures. HRD continues to note that most of the violations by State authorities are committed in Bangui which is where most ISF and Defense Forces are present. Again, the recurrence of huge cases of arbitrary detention is also due to the lack of capacity, as well as structural and logistical constraints faced by the police, gendarmerie and judicial institutions. However, continuous violations of detainee's rights in Bimbo prison especially that of women and reports of abuses within and by the OCRB unit remains of concerns. HRD will continue to work with other MINUSCA components and the State authorities to identify feasible means to address these challenges, advance investigations on the death of a detainee, while in detention in the OCRB holding cell, as well as allegations of sexual violence and abuses against female detainees by the Bimbo Prison Director.

### Observations on trends and patterns

28. The trends and patterns as observed in the previous months indicate that clashes and tension amongst rival armed groups continue to persist and remain the main cause of the cycle of violence in CAR. With the build-up of tension since June 2018, resulting in some clashes between the anti-Balaka and either the FPRC, UPC, MPC and recently RPRC, HRD notes that Bria, Kaga-Bandoro and Bambari will continue to record more retaliatory and targeted attacks by the different rival armed groups unless efforts are made to end this situation through mediation and dialogue.
29. HRD has again observed a tendency on the part of the major ex-Séléka splinter factions – FPRC, MPC and UPC – to work closely together against the anti-Balaka, sometimes within the context of a FPRC/MPC/UPC coalition. It is alleged that even during the attacks on villages along the Bria-Irabanda axis on the 05 August, the UPC and MPC might have collaborated with the FPRC to carry out these attacks. This strategy of uniting to “defeat” the anti-Balaka might continue to be seen in the months to come and may pose a greater risk to the protection of civilians as well as their human rights. HRD will continue to monitor this pattern and encourage more mediation and dialogue amongst these armed groups.

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<sup>19</sup> While HRD investigated the incident of 12 August, witnesses stated that any FACA soldier, policeman or gendarme whom the population called for help when faced with crimes, these security and defense forces would routinely demand excessive amounts of “fuel money” before coming to perform their duty.

<sup>20</sup> As of August 2018, FACA units supported by MINUSCA have been deployed to Paoua (Ouham Pendé), Sibut (Kémo), Bangassou (Mbomou) and Obo (Haut-Mbomou) while the arrival of units in Dekoa (Kémo) and Bouar (Nana-Mambéré) is imminent. Deployments of units to Bambari (Ouaka) and Grimari (Ouaka) are planned for in September 2018. Self-sufficient FACA units not receiving any support from MINUSCA were operational in Bouar, Berengo (Lobaye), Boali (Ombella M'Poko), Bossangoa (Ouham), Nola (Sangha-Mbaéré), Mongoumba (Lobaye) and Am Dafok (Vakaga).

30. The hotspots identified for this reporting period – Haute-Kotto, Ouaka, Nana-Grébizi, and Haut-Mbomou remain the same regions as in previous months. HRD continues to note the growing strength of the SIRIRI armed group in the west, as Mambéré-Kadéï has started to record a significant number of human rights abuses attributed to the SIRIRI armed group. This group seems to be expanding beyond Mambéré-Kadéï prefecture as HRD recorded the killing of two men in Kpétene village<sup>21</sup>. The gradual expansion of this group poses a risk of continuous human rights abuses in the western part, thus destabilizing areas which have previously been very calm and experiencing returns of refugees and IDPs.
31. As observed in the previous months, the plight of children and victims accused of witchcraft and charlatanism remains of major concern. Apart from the LRA recruiting children, in Nana-Mambéré prefecture, the 3R of Siddiki and the anti-Balaka recruited 10 children into their armed group, which contributed to the high number of abuses recorded in Nana-Mambéré during the month. Again, cases of witchcraft were perpetrated by mostly the anti-Balaka in Bossangoa, Kaga-Bandoro, Bambari, Bria and Ndele, where victims were subjected to cruel and inhuman treatment, one victim killed and another almost buried alive without any judicial reactions.
32. Again, incidents of attacks on protected persons and objects as well as on humanitarian workers and UN peacekeepers continue to prevent the opening of a humanitarian corridor for civilians, particularly the IDPs, as well as guaranteeing their protection. During the reporting period, HRD recorded attacks on at least three INGOs and their personnel or equipment perpetrated by either the anti-Balaka, FPRC-AH or unidentified armed men in Bria, Bossangoa (Ouham), and Kaga-Bandoro. HRD also recorded more than four attacks on MINUSCA peacekeepers with their equipment in mainly in Bangassou, Bria, Paoua and Alindao (Basse-Kotto), perpetrated mainly by anti-Balaka. On 23 August, anti-Balaka elements shot and injured one peacekeepers during an attack on MINUSCA Forces in Pavika village<sup>22</sup> (Basse-Kotto). The injured peacekeeper later succumbed to his injuries.
33. The signing of the declaration of agreement by armed groups leader in Khartoum and the outcome of the Bouar meeting under the African Initiative remains a significant development with a real potential to influence the national agenda in favor of human rights, transitional justice, violence reduction and protection of civilians. However, more remains to be done to address unrealistic demands for general amnesty and promote accountability in line with victims' rights to truth, justice and remedies. It is hard to assess how the demand for amnesty would survive the Central Africans legitimate quest for justice that materializes through the domestication of the Rome Statutes, the establishment of the Special Criminal Court as well as the acceptance of International Criminal Court Jurisdictions.

#### IV. Advocacy and strengthening of national capacities to provide protective environment

34. HRD trained 57 members (all men) of the CAR Armed Forces (FACA) in Obo, on basic concepts and sources of International Humanitarian and Human Rights Law; human rights characteristics (principles of universality, inalienability, interdependence, indivisibility, equality and non-discrimination), proportional use of force; individual responsibility according to hierarchy and chain of command; the notion of State and non-State actors and the difference between human rights violations and abuses; emphasis on the State obligation to protect and promote human rights; criminal liability for perpetrators of human rights violations and reparation for victims, the military code of ethics to be observed in CAR in both conflict and post conflict periods. HRD also trained 29 anti-Balaka elements in Bakala (Ouaka) on the six grave violations against children during armed conflict.
35. HRD also trained 145 participants (113 men and 32 women) including representatives of local human rights NGOs members of the Human Rights Forum, and representatives of the DDR program, on International Humanitarian and Human Rights Law; right to education and the elimination of discrimination in Berberati, Bangassou, and Kaga-Bandoro. HRD also organized two workshops for 83 (58 men and 25 women) members for the establishment of the national network for the Protection of survivors and witnesses of SGBV and CRSV as well as early warning network on Human Rights Violations in Bangui and Bakala (Ouaka).

<sup>21</sup> Located approximately 2 kilometers of Nguia in Bouar

<sup>22</sup> Located approximately 20 kilometers south east of Alindao

## V. Support efforts by the national stakeholders to address transitional justice and public incitement to violence as part of the peace and reconciliation process

### A. Truth-seeking process

36. From 7 to 10 August, HRD in collaboration with *Unité Mixte d'Intervention Rapide et de Répression des Violences Sexuelles* (UMIRR), organized a second workshop for the establishment of a National Network for the protection of survivors and witnesses of sexual and gender-based violence, including CRSV. The workshop brought together 52 participants (25 men and 27 women) representing different regions in CAR. Topics addressed included, UMIRR mission and referral modes, CRSV, individual and collective approaches to psychological care for victims, general principles of child protection, protection measures throughout judicial processes, including the importance of nominated gender focal points. The group also discussed and agreed on the terms of reference of the network.
37. Further to the Steering Committee on truth seeking request and ahead of the slated national consultations, HRD contributed to the drafting of the national consultation technical note based on close cooperation with the Minister of Humanitarian Action and Reconciliation. HRD also held a briefing session to raise awareness and share best practices relating to truth seeking experiences from Burundi, Togo, Guinea, South Africa and Ivory Coast with representatives from the Cabinet of the Minister and the president of the technical secretariat for the Steering Committee on Truth Justice, Reparation and reconciliation. This would guide them when they launch the national consultation.
38. HRD contributed to a strategic meeting related to the evaluation and the support provided to UMIRR after one year of this unit's existence. UMIRR is a mixed gendarmerie and police unit which was created to fight against impunity especially those relevant to GBV and CRSV. UNDP, and other MINUSCA sections such as Women Protection, HRD, Justice and Corrections and UNPOL were the key participants of this meeting.

### B. Public incitement to violence, discrimination and hostility

39. MINUSCA HRD continues to monitor and/or document acts of incitement to violence and hate speech in the media, including other traditional platforms of communication in line with requirements set forth in UNSC Resolution 2399 (2018). As part of its mandate to support the government in its peacebuilding process through, among other things, the fight against incitement to hatred and violence in CAR. At the invitation of the President of the *Haut Conseil de la Communication* (HCC - High Council for Communication), on 23 August, HRD participated in the closing ceremony of a workshop on the amendment of the draft law on the freedom of the communication. This two-day workshop reviewed the legal framework of the media organized with the support of the *Organisation Internationale de la Francophonie* (OIF), where experts from different ministerial departments, professional media organizations, OIF and Inter-news consultants focused on four priorities namely: the expiry of Ordinance N°05. 002 of February 22, 2005; online press and social media; International standards; and the ethical and deontological values of the profession. Another workshop will be organized to validate the draft law.

## VI. Support to fight against impunity, HRDDP and accountability mechanisms

### A. Implementation of HRDDP

40. During the reporting period, HRD received **six** requests for the HRDDP process from UNPOL, the Force and SSRU to support national security and defence forces (Police, Gendarmes, FACA, Water and Forest Guards) through technical cooperation and transport support.
41. HRD completed **three** of the requests while three others are pending. During the process, HRD screened **76** members of internal security forces (police and gendarmes) and defense forces (FACA) who were to benefit from UN support. HRD drafted **three** Risk Assessment Reports and, with the collaboration of the UN entities providing support,

recommended a number of mitigating measures to reduce the risk of future violations from being committed by the beneficiaries of support.

42. The HRDDP Task Force received reports on the implementation of mitigating measures from Obo field office. Concerning the death of a FACA non-commissioned soldier in Obo, a mission composed of two gendarmes was dispatched to the area to investigate. Berberati field office also reported one case of human rights violations by two FACA soldiers in Wapo village<sup>23</sup>, who fired directly at an angry unarmed demonstrating crowd on 12 August. HRD/MINUSCA dialogue with national authorities led to concrete steps towards the investigations. HRD notes that no action has been taken by the authorities to sanction the perpetrators of these violations.

## B. Support to the fight against impunity

43. HRD continued to work jointly with UNPOL in the development and implementation of plans to arrest the country's most dangerous criminals under the Urgent Temporary Measures (UTM).
44. As part of the MINUSCA Working Group on Major Judicial Proceedings (WGMJP), HRD participated in working sessions to conduct analysis of violations committed by alleged perpetrators with the objective of facilitating the implementation of MINUSCA's arrest plan in direct support of the Mission political strategy. HRD analysed and submitted four alleged perpetrators in CAR as part of the prioritized short-listing process for those who are active perpetrators to facilitate the implementation of arrest plan in direct support of the Mission political strategy.
45. In a positive development, HRD monitored the different trials during the second criminal session organized by the Bangui Court of Appeal from 16 July to 31 August. Thirty-two defendants including one woman whose ages ranged from 14 to 76 years appeared before the Court. Four others were tried *in absentia*. At the end of the hearings, three of the defendants were acquitted while 33 were found guilty. Among those convicted were four anti-Balaka and 17 ex-Séléka. Most of the cases were linked to the conflict.
46. Similarly, in Bossangoa (Ouham prefecture), on 24 August, HRD observed the first criminal session at the Bossangoa High Court, which had not been functional since 2013. A total of 11 files containing offenses under criminal code law [theft (8), concealment (1) and murder/ illegal possession of weapons (2)] were scheduled for trial. Six cases were subsequently adjourned to 7 September 2018. Two of the accused were sentenced to pay fines of 100, 000 XAF respectively, another for four years' imprisonment with a fine of 150,000 XAF, and one other for nine months' imprisonment with a fine of 50,000 XAF. HRD observed that during the trial sessions, none of the defendants was represented by a lawyer and only one witness was present. The trial session was largely attended by the local population of Bossangoa, and MINUSCA Forces guaranteed the security of the area. It is worth noting that the Court building had been rehabilitated by MINUSCA and handed over to the authorities in December 2017.

## C. Support to the vetting Process

47. HRD continued to assist the Government in drafting legislation on the general inspection mechanisms for police and gendarmes within the Ministry of Public Security. The draft legislation has provided for oversight mechanisms which includes a compliant procedure for human rights violations, and measures for disciplinary action. Consequently, on 17 August, HRD and MINUSCA's Justice and Correction Section (JCS) had a working session convened by the Regional Director of Penitentiary Services, in his capacity of acting Director General of Penitentiary Services. The meeting focused on the validation of the draft inter-ministerial decree on the vetting of corrections officers under recruitment.

## VII. Recommendations

48. In light of the foregoing, HRD reiterates and recommends the following:

### **To MINUSCA**

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<sup>23</sup> Located approximately 8 kilometers east of Berberati

- Explore with signatories’ the opportunities and options to establish monitoring and dialogue frameworks of provisions from the Agreement on the Cessation of Hostilities dated 26 July 2014 (Art.2, 4, 6,7, 8).

***To GoCAR:***

- Continue to collaborate with MINUSCA in the arrest of notorious elements of armed groups and ensure judicial investigations;
- Provide required resources including initial budget to operationalize fully the Human Rights Commission;
- Expedite investigations under the case of torture and/or ill treatment and human rights violations attributable to both OCRB and the Director of Bimbo Prison.

***To the armed groups:***

- All armed groups should cease indiscriminate attacks on civilians and take positive measures, as may be required, to ensure full respect for international human rights, and humanitarian law;
- Continuous awareness raising, training and dialogue with signatories for an increased respect for and implementation of IHL in line with provisions of the agreement on the Cessation of Hostilities.

***To the International Community:***

- Continue to engage in dialogue with all parties to the conflict on their obligation to respect international human rights and humanitarian laws, as well as UN Security Council Resolutions;
- Continue to encourage the Government of CAR to put an end to impunity by investigating past and recently documented human rights and humanitarian law violations and abuses with the aim of bringing perpetrators to justice;
- Initiate concerted and multi-layered engagements with signatories of the different peace accords, communities including through the ongoing mediation efforts for the adoption of transitional security arrangements needed for the protection of civilians.

\*\*\*\*\* **END** \*\*\*\*\*