

Human Rights Division

Monthly Report

December 2018

I. Key developments

During the month of December, unlike the previous months, the security and human rights situation in the Central African Republic (CAR) was less precarious and was characterized by a significant decrease in clashes between rival armed groups and in the number of attacks on the civilian population. Despite this relative calm, the human rights situation was still cause for concern in specific regions of the country due to the individual actions of members of armed groups or armed men affiliated to them, who were involved particularly in incidents of rape, cruel and inhuman treatment as well as arbitrary deprivation of liberty. In addition, the *Unité pour la Paix en Centrafrique* (UPC), the *Front Patriotique pour la Renaissance de la Centrafrique* (FPRC) have reportedly committed several breaches of international humanitarian law during their attack on and subsequent occupation of the village of Bakouma, Mbomou prefecture, on 31 December.

The prefectures of Mbomou, Nana Grébizi, Haute Kotto, Ouaka and Ouham were identified as the hotspots for the reporting period due to the number of incidents recorded, mainly killings and conflict-related sexual violence. The armed groups most active were the UPC, the FPRC and the anti-Balaka.

MINUSCA Human Rights Division (HRD), including Conflict-Related Sexual Violence and Child Protection Sections, recorded 111 new incidents of violations/abuses of international human rights as well as breaches of international humanitarian law affecting 167 victims, including 67 men, 40 women, 25 children (16 girls and nine boys) and 29 unknown victims and six groups of collective victims. These figures represent a 14.61 per cent decrease in the number of incidents and a 43.58 per cent decrease in the number of victims compared to the previous reporting period during which HRD documented 130 incidents of violations/abuses affecting 296 victims. HRD documented 36 civilian deaths and six injuries compared to 113 fatalities and 24 injured/maimed in November.

Armed groups were responsible for 108 incidents which affected 164 victims while State actors were responsible for three incidents, including the torture of a detainee by the police which later resulted in his death. The most recurrent violations recorded during the month of December were killings, conflict-related sexual violence, cruel and inhuman treatment, arbitrary deprivation of liberty, abductions, appropriation, destruction/pillaging of property, attacks on schools and hospitals and recruitment of children.

HRD continued its advocacy activities aimed at strengthening national capacities and enhancing a protective environment, mainly through the holding of and/or participation in seminars/awareness-raising or sensitization sessions, particularly in relation to the 16 Days of Activism against Gender-Based Violence and the commemoration of the 70th anniversary of the Universal Declaration of Human Rights. With the support and advices of HRD, MINUSCA Senior Leadership initiated high-level engagement with national authorities on the recent appointment of the former Head of *Office central pour la Répression du Banditisme* (OCRB) as Director General of the National Police.

As was the case in November, December recorded a significant development in the fight against impunity. On 12 December, the authorities of the French Republic arrested former anti-Balaka leader, Mr. Patrice-Edouard Ngaïssona, pursuant to an arrest warrant issued by the International Criminal Court (ICC). He was arrested for his alleged criminal responsibility for war crimes and crimes against humanity committed in the Western part of CAR between December 2013 and December 2014.

HRD continued to provide technical assistance to the Steering Committee of the future Truth, Justice, Reparation and Reconciliation Commission in its preparation for the holding of national consultations as well as to the National Commission on Human Rights and Basic Freedoms in its sensitization campaign related to its complaint procedure. HRD completed eight Risk Assessments as part of its support to the HRDDP process.

II. Recommendations

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

To MINUSCA

- Continue to support the deployment of State authorities and assist them in their efforts to conduct investigations into allegations of grave violations of human rights and international humanitarian law, particularly in Batangafo, Alindao and Bakouma.

To GoCAR:

- Prioritise the fight against impunity for past and present serious human rights violations and abuses by ensuring prompt, independent and impartial investigations for all violations and abuses, particularly those committed recently in Batangafo, Alindao and Bakouma, to hold those responsible accountable including persons promoting incitement to hatred and violence;
- Explore arrangements as required to enforce accountability for all human rights violations attributable to OCRB and further initiate an audit of OCRB with a view to reforming this structure of the police as part of national commitment to Security Sector Reforms and fight against impunity;
- Continue to collaborate with MINUSCA in the arrest of elements of armed groups as well as of FACA and ISF alleged to have committed violations of IHL and violations/abuses of human rights and ensure judicial investigations;
- Continue strengthening its efforts to restore State authority and the rule of law, in particular through effective deployment of police, *gendarmes*, FACA soldiers and judicial authorities.

To the armed groups:

- All armed groups should cease indiscriminate attacks on civilians and take positive measures to ensure full respect for international human rights and humanitarian law.

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.

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

1. During the month of December, the security and human rights situation was less volatile compared to the previous months. There was a marked decrease in the number of clashes between rival armed groups and targeted attacks against civilians. Consequently, the number of civilian casualties dropped from an average of 70 over the previous three months to 36. The highest number of casualties during the reporting period were recorded in Mbomou prefecture with 25 civilian fatalities.

2. As demonstrated in the annex of this report, HRD (including Conflict-Related Sexual Violence and Child Protection Sections) recorded 111 new incidents of violations/abuses of international human rights as well as breaches of international humanitarian law affecting 167 victims, including 67 men, 40 women, 25 children (16 girls and nine boys), 29 unknown victims and six groups of collective victims. These figures represent a 14.61 percent decrease in the number of incidents and a 43.58 percent decrease in the number of victims compared to the previous reporting period during which HRD documented 130 incidents of violations/abuses affecting 296 victims.
3. During the month, HRD recorded 20 incidents of killing affecting 36 civilians (23 men, five women, two boys, two girls and four unknown adults). As was the case in November, elements of the ex-Séléka faction, UPC, were responsible for killing the highest number of civilians, 19 (10 men, 4 women, one boy, one girl and three unknown adults). The other perpetrators of civilian deaths were elements of the FPRC, six killings, *Mouvement patriotique pour la Centrafrique* (MPC), responsible for five killings, the ex-Séléka, two killings, the anti-Balaka, one killing, the PK 5 criminal gangs and armed Fulani, one each. State actors (the police) were responsible for one case of torture which resulted in the death of a male detainee at the OCB in Bangui. HRD also recorded six injuries committed by UPC (one incident affecting five victims) and FPRC (one incident with one victim).
4. Apart from killings and injuries, other recurrent human rights violations and abuses committed during the reporting period were: (a) nine death threats affecting 11 victims; (b) 25 conflict-related sexual violence with 24 rape incidents and one attempted rape affecting 37 women and seven girls, (c) 16 incidents of cruel, inhuman and degrading treatment affecting 24 victims; and (d) seven incidents of confiscation of property affecting 14 victims.
5. HRD also recorded (e) four incidents of abductions affecting six victims; (f) nine incidents of arbitrary deprivation of liberty affecting nine victims; (g) five incidents of destruction or pillaging/extortion of property affecting five victims, (h) two incidents of unlawful attacks and pillaging of humanitarian personnel including their assets affecting two groups of collective victims, (i) one incident of illegal taxation affecting a group of collective victims, (j) one incident of denial of humanitarian relief affecting a group of collective victims, seven incidents of attack against schools and (k) four incidents of recruitment of children into armed groups affecting four victims.
6. Armed groups¹ accounted for 108 incidents (97.29 per cent of the total number of incidents) and 164 victims (98.20 per cent of the total number of victims) – 65 men, 39 women, nine boys, 16 girls, 29 unknown victims and six groups of collective victims. There was a 16 per cent decrease in the total number of incidents and 44.21 per cent decrease in the total number of victims compared to the previous month (128 cases and 294 victims in November).

A. Abuses by the ex-Séléka splinter groups: FPRC, UPC, FPRC/MPC coalition, FPRC-AH faction and armed Fulani

7. The FPRC (26 incidents), UPC (24 incidents), MPC (nine incidents), armed Fulani affiliated to ex-Séléka (11 incidents), FPRC/MPC Coalition (five incidents) and FPRC-Abdoulaye Hissène (AH) faction (one incident) were the perpetrators of the human rights abuses documented in December amongst the ex-Séléka splinter groups. These different groups committed a total of 76 incidents of human rights abuses affecting 105 victims, with the UPC (37 victims), FPRC (33 victims), armed Fulani affiliated to ex-Séléka (17 victims), MPC (11 victims), FPRC/MPC Coalition (seven 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 20.63 per cent increase in the total number of incidents and a 41.98 per cent decrease in the total number of victims as compared to the previous month which recorded 63 incidents and 181 victims.
8. In December, the different ex-Séléka splinter groups accounted for 68.46 per cent of the total number of incidents and 62.87 per cent of the total number of victims. These armed groups perpetrated:
 - (i) 18 incidents of killings [UPC (7), MPC (3), FPRC (6), and armed Fulani (2)] and six incidents of death threats [MPC] (2), FPRC (2) and FPRC/MPC (2), and affecting 26 men, five women, four boys, and five girls;
 - (ii) two incidents of injuries perpetrated by UPC, and affecting one man and five unknown victims;

¹ These armed groups include the anti-Balaka, the UPC, FPRC, FPRC/MPC Coalition, FPRC/AH, armed Fulani, MNLC, LRA, 3R, RJ, SIRIRI, PK5 criminal gangs and other armed groups

- (iii) 14 incidents of violations of the right to physical and mental integrity [FPRC (5), UPC (6), FPRC/AH (1), and armed Fulani (2)], and affecting seven men, three women and seven unknown civilians;
 - (iv) 13 rape incidents [armed Fulani (4), FPRC (6) and UPC (3) affecting nine women and four girls;
 - (v) five incidents of deprivation of liberty [FPRC/MPC (2), FPRC (2) and MPC (1)] affecting three men and two women;
 - (vi) two abductions [UPC (1), and FPRC (1)] affecting two men, two women and one girl;
 - (vii) two incidents of unlawful attacks and pillaging of humanitarian workers and their equipment perpetrated by armed Fulani (2) affecting one group collective victim
 - (viii) Seven incidents of attack against schools [UPC (3), FPRC (4)]
 - (iv) three incidents of attacks, destruction or pillaging of property by the MPC (3) affecting one woman and two unknown adults; and
 - (x) four incidents where the UPC recruited four boys.
9. Fifty-two of the 56 abuses, namely 68.465 per cent occurred in Nana Gribizi (13), Mbomou (12), Haute-Kotto (11), Ouham (9) and Ouaka (7) prefectures which have been identified as the main hotspots in the month of December.

B. Abuses by the anti-Balaka

10. The anti-Balaka were responsible for 22 abuses which affected 36 victims. This represents 19.81 per cent of the total number of incidents and 21.55 per cent of the total number of victims recorded during the month. These figures represent a 37.14 per cent decrease in the number of incidents compared to the previous month (35 abuses in November) and a 40 per cent decrease in the number of victims (60 victims in November).
11. Documented abuses by the anti-Balaka included one violation of the right to life, namely the killing of one man. There were also four incidents of cruel, inhuman and degrading treatment, affecting four men and one woman; eight incidents of rape against 14 women, three girls, including the abduction and sexual exploitation of an 8-year-old girl for more than a year, two incidents of death threats affecting two men and one woman and two incidents of confiscation of property affecting two men and one woman. Breaches of international humanitarian law committed by the anti-Balaka included: (i) **two** incidents of unlawful attacks, destruction and pillaging of property affecting two groups of collective victims; (ii) three incidents of arbitrary deprivation of liberty affecting two men, one woman and one girl. Of the 22 abuses committed by the anti-Balaka, 19 of them or 86.33 per cent occurred in the main hotspots identified during the month in review, particularly Nana Gribizi, Mbomou, Haute-Kotto, Ouham and Ouaka prefectures.

C. Abuses by the other armed groups notably the 3R of Sidiki, RJ, PK5 criminal gangs and other unidentified armed groups

12. The other armed groups, notably the *Retour, Réclamation, Réhabilitation* (3R) of Sidiki (4), Révolution et Justice (RJ) (3), PK5 criminal gangs (1) and other unidentified armed groups (2) accounted for 10 abuses affecting 23 victims. This represents 9 per cent of the total number of incidents and 13.77 per cent of the total number of victims recorded during the month. These figures also represent a 58.33 per cent decrease in the number of incidents compared to the previous month (24 abuses in November) and a 47.72 per cent decrease in the number of victims (44 victims in November).
13. Documented abuses by these armed groups were one incident of killing affecting one man; one incident of violations of the right to physical and mental integrity, affecting one man; two incidents of confiscation of property affecting six men. There were also three incidents of rape affecting 13 women, three incidents of appropriation of property affecting four men.

D. Human Rights Violations attributable to State agents

14. State agents² were responsible for **three** violations (2.70 per cent of the total number of incidents for December) of international human rights law committed against two men and one woman (1.79 per cent of the total number of victims

² 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*

for December) committed by a local authority, the OCRB and the Gendarmerie. The three cases involved the killing of one man by the OCRB, death threats against another man by a local authority, and the rape of a 28-year-old female detainee by the commander of the gendarmerie in Bangassou on 3 December.

IV. Children in armed conflict

15. During the period under review, the Country Task Force on Monitoring and Reporting (CTFMR) verified 20 incidents of grave child rights violations directly affecting 25 children (16 girls/9 boys). This reflects an increase compared with 19 incidents in the previous period, although direct incidents impacting on children are slightly less with 14 incidents reported during the previous period. Overall, it shows a persistence in child rights violations committed by armed groups in the Center and the East.
16. Attacks against schools constituted the most recurrent violation as several schools were reported not functioning because they were either burnt or looted along the axis (7) followed by recruitment (4), maiming (3), killing (2) rape (1), abduction (1), attacks against hospitals (1) and denial of humanitarian access (1).
17. Most of the violations reported were committed by the UPC (11) followed by FPRC (5) the 3R, anti-Balaka and Lord's Resistance Army (LRA) (1) and one incident by an unidentified perpetrator.
18. Geographical locations where incidents of grave child rights violations occurred included Ouaka with 10 incidents, Haute-Kotto (3), Bamingui-Bangoran (3), Mbomou (2), Basse-Kotto (1) and Mambéré-Kadei (1) prefectures. The huge number of incidents in the Ouaka prefecture could be explained by the attacks orchestrated by the UPC targeting IDP sites.

V. Conflict Related Sexual Violence

19. In December, HRD documented 25 incidents of conflict-related sexual violence affecting 44 victims (37 women and seven girls), compared with 21 incidents (19.04% increase) affecting 24 victims (83.3% increase) for the previous period. The violations committed were all rape cases perpetrated by the anti-Balaka (8), FPRC (6), UPC (3), armed Fulani (4), Ex-Séléka (2) and unidentified armed groups (1). One incident of rape was committed by gendarmerie. It is worth noting that eight of the 25 rape incidents were recorded in and around Kaga-Bandoro (Nana Grébizi prefecture) and affected 29 victims. The other areas where rape cases were recorded are Tagbara (Ouaka) and Batangafo (Ouham), Mbomou and Ouham Pendé, 17 incidents affecting 15 victims. The main perpetrators were the anti-Balaka and armed Fulani affiliated with the ex-Séléka and FPRC.

VI. Observations on trends and patterns

20. Unlike the months of October and November which were characterized by major clashes between rival armed groups, namely the ex-Seleka factions, FPRC/MPC/UPC and the anti-Balaka in Batangafo and Alindao which resulted in over 130 civilian deaths, the month of December was rather stable. However, despite this relative calm, the human rights situation continued to be cause for concern due to the isolated acts of armed group members as well as ongoing tension in the areas that had been affected by clashes between armed groups in the previous months.
21. Civilians, particularly women and girls, continued to bear the brunt of the actions of armed groups, during the reporting period. HRD recorded 25 incidents of rape which affected 44 victims, 37 women and seven girls. This number represents 25,52 per cent of the overall number of incidents and 26.34 per cent of the total number of victims recorded during the month of December.
22. As was observed during the previous months, armed groups continued to violate the right to physical integrity of civilians, mainly incidents of cruel and inhuman treatment. HRD documented 14 incidents of violations of the right to

physical integrity affecting 24 victims. Armed groups have also continued to violate the right to liberty, mainly cases of arbitrary deprivation of liberty and abductions. HRD documented 13 incidents which affected 15 victims.

23. As was the case in previous months, during the month of November, HRD documented incidents of attacks on humanitarian workers and their assets, occupation of schools and hospitals by armed groups. However, there was a significant decrease in the number of incidents.
24. Armed groups continued their quest for the occupation and control of new territories with full impunity. The latest example was the attack on the village of Bakouma, 120km from Bangassou, by the UPC and FRPC. The attack has resulted in the forced displacement of the local populations mainly towards Bangassou. Unconfirmed reports coming out of Bakouma suggest that several civilians were also killed during the attack. At the time of the writing of this report, the UPC and FPRC elements continued to occupy the village. The anti-Balaka who resided in the area have also fled.

VII. Incitement to violence and hate speech

25. During the reporting period, the MINUSCA Working Group on combating incitement to hatred and violence continued to work in close collaboration with the UN Support Office in Valencia, Spain, in order to produce an effective software for online monitoring and the fight against hate speech in CAR. Alongside internal efforts, MINUSCA HRD held a meeting with civil society and International NGOs to assess the status of the “Sentinel” project aimed at building a national and independent platform to prevent public incitement to violence.

VIII. Support efforts by the national stakeholders to address transitional justice as part of the peace and reconciliation process

26. On 14 December, the Secretariat of the Steering Committee of the Truth, Justice, Reparation and Reconciliation Commission held a working session to assess progress made in the implementation of its road map. The meeting was briefed on the completion of assessment missions in the 16 prefectures of CAR and also on the security challenges faced during the assessment missions that might impede effective participation in some locations and requested MINUSCA support to address this issue. A ministerial workshop on TJ and Truth Seeking and training sessions for facilitators are slated to take place in early January 2019 ahead of national consultations. The mandate of the Steering Committee has been extended for six months.

IX. Support to fight against impunity, HRDDP and accountability mechanisms

A. Implementation of HRDDP

27. During the reporting period, HRDDP Secretariat received 8 requests, drafted 8 risk assessments and approved all 8 from United Nations Police (UNPOL), United Nations Mine Action Service (UNMAS) and Security Sector Reform for the HRDDP process to support the ISF and FACA through technical cooperation, training and logistical support (transportation). HRDDP secretariat also screened 221 internal security forces (police and gendarmes) and 655 FACA who were to benefit from UN support.
28. The effective use of the mitigation measures recommended by HRDDP Secretariat resulted in seven ISF members being refused UN support (training and logistics) while three others were arrested and detained and two more dismissed from the police service. In a follow-up to the measures taken by the ISF authorities on these cases, the ISF officers who have been detained or are under investigation, have been replaced and will no longer benefit from any support provided by MINUSCA. UNPOL has also advised the Inspector-General of the Central African Police to open an investigation against ISF identified as alleged perpetrators of human rights violations.
29. MINUSCA leadership continues to engage the CAR on concerns relating to the appointment of the Director-General of the police.

B. Support to the fight against impunity

30. 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).
31. On 4 December, the Special Prosecutor of the Special Criminal Court (SCC) launched the Investigation and Prosecution Strategy of the SCC. The aim of the strategy is to state in a clear and transparent manner: the selection criteria defining the area of intervention of the Court and the criteria for prioritization that the Special Prosecutor's Office will use in determining the order of investigations and prosecutions. The strategy provides guidance on how the Special Prosecutor's Office will exercise its discretion in the selection and prioritization of investigations and prosecutions. The launching of the strategy is a significant step towards the full operationalization of the Special Court.
32. On 12 December, the authorities of the French Republic arrested former anti-Balaka leader, Mr. Patrice-Edouard Ngaïssona, pursuant to an arrest warrant issued by the ICC. He was arrested for his alleged criminal responsibility for war crimes and crimes against humanity committed in the Western part of CAR between December 2013 and December 2014.
33. From 4 to 10 December, MINUSCA HRD deployed a team to Alindao, Basse-Kotto prefecture, to conduct investigations into the grave incidents perpetrated by elements of the UPC and the anti-Balaka in that locality on 15 November 2018. The preliminary findings established that deliberate, intentional and coordinated attacks by the UPC resulted in the killing of 78 civilians, including at least 10 children (between 2 and 8 years) belonging to the Christian community, from 15 to 17 December. The investigation also indicated that 15 members of the Muslim community, including six women and a minor were killed by the anti-Balaka. In addition, the investigation confirmed the pillaging and torching of the Internally Displaced Persons' (IDP) camp next to the Catholic church as well as the premises of NGOs.
34. From 4 to 10 December, MINUSCA HRD deployed a team to Alindao, Basse-Kotto prefecture, to conduct investigations into the grave incidents perpetrated by elements of the UPC and the anti-Balaka in that locality on 15 November 2018. The preliminary findings established that deliberate, intentional and coordinated attacks by the UPC resulted in the killing of 78 civilians, including at least 10 children (between 2 and 8 years) belonging to the Christian community, from 15 to 17 December. The investigation also indicated that 15 members of the Muslim community, including six women and a minor were killed by the anti-Balaka. In addition, the investigation confirmed the pillaging and torching of the Internally Displaced Persons' camp next to the Catholic church as well as the premises of NGOs.

C. Support to the vetting Process

35. Through the vetting process carried out by HRD, five candidates who were under consideration for recruitment as Supervisors and Penitentiary Assistants, were found to have committed criminal offences in Bangui, in Bossangoa and in Bambari respectively. HRDDP recommended to UNPOL to engage with ISF authorities to ensure that they are arrested and held accountable for their actions.
36. HRD has been closely monitoring the conduct of members of FACA Special Forces who have been deployed to Paoua. Following credible reports of violations of international human rights and humanitarian law by some elements of the Special Forces, MINUSCA has addressed a letter to the Minister of Defence on the violation of human rights committed by a FACA element in Paoua.

37. On 10 December, HRDDP Secretariat drafted and shared with MINUSCA SSR component, the terms of reference for the mechanism of collaboration between FACA and MINUSCA. The objectives targeted are twofold: to reinforce the protection of international human rights and IHL within the FACA ranks and secondly to enhance the promotion of human rights and IHL activities by the FACA hierarchy. The mechanism of collaboration aims at facilitating the sharing of information on allegations of human rights and IHL violations committed by members of FACA in a more systematic and confidential manner as well as follow-up done by the military authorities once seized by MINUSCA. It will ensure that elements of the FACA identified as perpetrators of human rights and IHL violations are held accountable in accordance with the laws of CAR. As far as the promotion of human Rights in FACA ranks, the mechanism of collaboration between FACA and MINUSCA will serve to ensure better planning, coordination, implementation and monitoring-evaluation of capacity-building activities organized by MINUSCA for elements of FACA through regular meetings and exchanges. Additionally, it aims at strengthening the impact of the capacity building activities organized for the members of the FACA.

X. Other Human Rights Developments

38. During the period under review, HRD received many requests for information about the Universal Declaration of Human Rights (UDHR). HRD organized conferences and debates and engaged in dialogue with State actors, local authorities and civil society organizations (CSOs) on human rights concerns. As a result of these activities, there was improved awareness by local authorities, CSOs, journalists, University and school students on the UDHR. The activities also provided a platform to distribute over than 4000 brochures of UDHR.
39. As part of its activities to commemorate the 70th anniversary of the Universal Declaration of Human Rights, the National Commission for Human Rights & Fundamental Freedoms held 8 sensitization sessions on its newly-adopted complaint procedure. These sessions will be extended to all 16 prefectures of CAR. In the same vein, journalists and human rights defenders held dialogue on the 30 articles of the UDHR.
40. HRD also partnered with the Committee on the Prevention of Genocide for the delivery of awareness- raising sessions and dialogue on the prevention of and response to Conflict-related sexual violence and human rights violations in the towns of Mbaiki and Bouali. HRD also sponsored the Good Governance and Human Rights Centre of the Law Faculty of the University of Bangui for the holding of a dialogue session with the Ministry of Security and the National Police Academy about human rights in CAR.

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