

**Human Rights Division**

**Monthly Report**

**January 2017**

**I. Executive Summary**

Throughout January, the human rights situation in the Central African Republic (CAR) continued to be precarious as the different armed groups in several parts of the country persisted in committing human rights abuses some of which caused displacements amongst the civilian population. HRD continues to note the growing strength of the anti-Balaka armed group whose activities seem to either exploit the local population for economic gains, or target the Muslim or Fulani communities. In response, the UPC has also started spreading beyond Basse-Kotto and moving into the eastern parts of CAR, to defend the Fulani population. Again, the Fulani (Mbarara/Mbororo) have also increased their activities to defend themselves against attacks and theft of their cattle. Consequently, the Human Rights Division (HRD) has observed a marked increase in the number of violations and abuses, especially the western, central and eastern parts of CAR (Ouham, Ouham-Pendé, Haute-Kotto, Ouaka, and Haut-Mbomou prefectures).

In Paoua (Ouham-Pendé) and its environs, continuous activities of the *Révolution et Justice* (RJ), *Mouvement National de la Libération de la Centrafrique* (MNLC), *Mouvement pour la Paix en Centrafrique* (MPC) and anti-Balaka impacted on the human rights of civilians. On 31 December 2017, following clashes between the RJ and MNLC, more than 500 anti-Balaka elements entered the town in support of the RJ (anti-Balaka/RJ coalition) which resulting in the alleged killing of two civilians, injuring four others and causing the displacement of about 800 civilians who sought refuge around the MINUSCA compound.

This continuous increase in the numbers of violations/abuses of international human rights law and violations of international humanitarian law including attacks on humanitarian workers and peacekeepers has impacted negatively on the protection of civilians and their ability to enjoy their human rights. Members of the internal defence and security forces, mainly based in Bangui and the western part of the country, continue to be responsible for a large number of cases of arbitrary detention.

Based on information collected from the various field offices, MINUSCA Human Rights Division (HRD) recorded 391 new cases of human rights violations and abuses and violations of international humanitarian law affecting 492 victims including 335 men, 74 women, 32 boys, 20 girls, one unknown child and 30 unknown adults. These figures represent a 48.7 percent increase in the number of incidents of violations and abuses of international human rights and violations of international humanitarian law and an increase of 48.6 percent in the number of victims compared to the month of December which recorded 263 incidents and 331 victims. Among the 391 cases, 42 were breaches of international humanitarian law which affected civilians, members of the humanitarian community and also had severe implications on some of the six grave violations of children's rights under the MRM.

Armed groups committed 178 abuses (45.5 % of the total number of violations/abuses recorded in January) affecting 272 victims (56.5 %). This represents a 27.1 percent increase in the total number of incidents and 24.8 percent increase in the total number of victims, compared to the previous month, which recorded 140

abuses with 218 victims. Armed groups perpetrated mainly killings, cruel and inhuman treatment, rape and other forms of conflict related sexual violence, arbitrary deprivation of liberty, abductions, extortion, pillaging, appropriation and destruction of property, the recruitment and use of children, attacks on a church and humanitarian workers as well as denial of humanitarian access.

State agents were responsible for 213 violations (54.5 % of the total number of violations/abuses) of international human rights law affecting 220 victims (43.5 %) and one group of collective victims. This represents a 136.7 percent increase in the total number of incidents and 126.8 percent increase in the total number of victims as compared to the previous month, which recorded 90 violations with 97 victims. Violations by State agents, as in previous months, were mainly cases of arbitrary detention, caused by the failure to respect the 72 hour (renewable once) legal limit for holding suspects before presenting them before a judicial authority. Such cases were recorded mainly in the western part of the country, where the Police and Gendarmerie are present.

Through HRD advocacy and dialogue efforts out of 208 victims arbitrarily detained, 49 detainees, all men, had their files completed and transferred to the Public Prosecutor's office and one boy who was detained along with adults in the same cell was transferred to the detention centre for minors in Bangui. HRD will also continue to advocate with the state authorities for the deployment of state agents throughout CAR.

## II. Human Rights and International Humanitarian Law Violations in January 2018

### A. General Trends

#### (i) Major security developments

1. In January, the security and human rights situation in CAR remained unpredictable particularly in Haute-Kotto, Ouham, Ouham-Pendé, Ouaka, and Haut-Mbomou prefectures. The steady increase in the strength of the anti-Balaka, which began in August 2017, continued to extend to most parts of CAR. Tensions between armed groups which were first observed in December continued throughout January, particularly in Ouham and Ouham-Pendé prefectures. In Bodjomo<sup>1</sup> (Ouham) for example, on 29 December 2017, *Révolution et Justice* (RJ) elements reinforced by the anti-Balaka clashed with the *Mouvement pour la Paix en Centrafrique* (MPC) resulting in the death of two unidentified individuals. On 30 December, in the same location, five Chadian traders were abducted by the anti-Balaka/RJ coalition who controlled the town. This incident triggered the local population particularly the Muslim community to seek refuge at the MINUSCA base in Markounda<sup>2</sup> and MINUSCA increased its patrols in the area in order to ensure the protection of civilians.
2. Again, on 29 December in Gouze<sup>3</sup> (Ouham-Pendé), RJ elements attacked the town and took control of the checkpoint manned by *Mouvement National de Libération de la Centrafrique* (MLNC) elements who retreated, causing the civilian population to flee towards Paoua. On 2 January in Markounda<sup>4</sup> (Ouham), RJ elements from Silambi<sup>5</sup> and Paoua attacked the MPC elements which led to the killing of three civilians, pillaging and torching of houses as well as the displacement of the civilian population to Kouki. The displaced persons fled towards the Catholic Church for protection while local authorities sought refuge at the MINUSCA base. The same groups again clashed on 14 January in Badama<sup>6</sup> where the local population fled with no casualties.

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<sup>1</sup> Located approximately 79 kilometers west of Paoua

<sup>2</sup> Located approximately 73 kilometers north east of Paoua

<sup>3</sup> Located approximately 21 kilometers south of Paoua

<sup>4</sup> Located approximately 73 kilometers north east of Paoua

<sup>5</sup> Located approximately 95 kilometers north west of Batangafo

<sup>6</sup> Located approximately 5 kilometers south of Markounda on the Markounda-Bodjomo axis

3. On 3 January in Ouogo<sup>7</sup> (Ouham), anti-Balaka/RJ Coalition clashed with the MPC which allegedly resulted in the death of MPC's 'General' Al-Adjadi. The Coalition elements took over the town which triggered the displacement of the Muslim population from Pama<sup>8</sup> towards Kouki<sup>9</sup>. There were also recorded clashes between the MLNC of 'General' Bahar and the RJ in mainly Gadoulou<sup>10</sup> which caused massive displacement of civilians to Paoua. On 4 January, MINUSCA Force was forced to set up a new IDP camp in Boguila<sup>11</sup> (Ouham) which housed approximately 1,400 civilians who fled from clashes between RJ and MPC in Markounda<sup>12</sup>, Bodjomo<sup>13</sup> and Ouaogo<sup>14</sup>. At the IDP site adjacent to the MINUSCA base in Paoua, the number of IDPs had increased due to the activities of the armed groups, where approximately 40,000 IDPs were counted and another 3000 were seeking refuge along the Betoko-Paoua axis<sup>15</sup>. The MINUSCA Force also opened a temporary operating base (TOB) on 4 January at *Quartier Arabe* to guarantee and encourage IDPs particularly the Muslims to return to their homes.
4. Due to the constant clashes between the anti-Balaka/RJ coalition and either the MPC or MNLC and the deteriorating security situation in and around Paoua, MINUSCA decided to reinforce the Weapons Free Zone in Paoaua and its environs and launched operation Mbaranga on 12 January to force all armed groups to withdraw 50 kilometres from Paoua.
5. In Sector East, on 30 December in Maliko neighbourhood in Bangassou (Mbomou), anti-Balaka elements led by Pino-Pino clashed with the anti-Balaka Ngade-Romarc coalition following a dispute settlement which resulted in the death of Ngade and Romarc fleeing to the Democratic Republic of Congo (DRC) where he was arrested by the DRC Forces<sup>16</sup>. In Bangassou, there were multiple movements of different armed groups and on 22 January in Bandoro Kete village<sup>17</sup> witnesses reported that armed Fulani herders accompanied by MPC elements attacked the village where they killed three civilians, wounded c six others, destroyed civilian property and pillaged lots of cattle.
6. In Sector Centre, on 5 January, anti-Balaka elements attacked the village of Kembé<sup>18</sup> (Basse-Kotto), which is populated by Muslim civilians. In retaliation, the *Unité pour la Paix en Centrafrique* (UPC) who were present in the town rioted resulting in the death of at least two civilians, an unknown number of wounded and several houses torched. A large part of the population fled the village. In Bangui, on 17 January, in the 3<sup>rd</sup> District – PK 5, around 11.20 a.m., two self-defense groups - 'Tola' and 'Force' clashed following a private dispute which resulted in the death of one civilian and injury of at least 17 people. Group of members from one self-defense group set fire on a shop reportedly owned by the leader of the other self-defense group. The fire spread rapidly and affected about 20 other nearby small shops.

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<sup>7</sup> Located approximately 64 kilometers north west of Batangafo

<sup>8</sup> Located approximately 86 kilometers west of Batangafo

<sup>9</sup> Located approximately 109 kilometers west of Batangafo

<sup>10</sup> Located approximately 9 kilometers east of Paoua

<sup>11</sup> Located approximately 89 kilometers east of Paoua

<sup>12</sup> Located approximately 73 kilometers north east of Paoua

<sup>13</sup> Located approximately 79 kilometers west of Paoua

<sup>14</sup> Located approximately 100 kilometers north east of Paoua

<sup>15</sup> It is worth noting that the number of IDPs in CAR is growing by the day. In Bria for example, humanitarian actors informed MINUSCA that the total number of IDPs is estimated at 73,000, located at the PK3 IDP camp, Bria hospital site and the Catholic Church site. HRD sees these numbers to be alarming and in the long run will bring more challenges towards voluntary returns, humanitarian assistance and peaceful co-existence if not properly addressed.

<sup>16</sup> On 22 January, MONUSCO colleagues interviewed MANDANGO Yango Romarc (36-years-old) who reported that he is the deputy Chief of an anti-Balaka self-defense group as well as the Commander of Operations. The leader of the armed group was MAHAMA Ndade who was born of Muslim and Christian parents. At the end of December, an internal crisis amongst the anti-Balaka ensued. Some members of the anti-Balaka armed group including PINO-PINO accused MAHAMA Ndade of being a half Muslim from DRC and is conspiring to divert the objective of the anti-Balaka in favour of Muslims. Consequently the two groups clashed on 30 December and Ndade was killed.

<sup>17</sup> Located approximately 52 kilometers south of Bossangoa

<sup>18</sup> Located approximately 85 kilometers north west of Mobaye

7. On the political front, on 9 January, in Birao (Vakaga) *Front Populaire pour la Renaissance de la Centrafrique* (FPRC) senior representatives including Kader Kiniga (Special Assistant to Nourredine Adam), Senior Political Advisor Hamit Idriss and Haroun Gaye (Special Advisor to Nourredine Adam for Operation) met with MINUSCA on the political and security situation in the area. Haroun Gaye declared that the FPRC would not consider the deployment of Prefects with FACA backgrounds in the area as these prefects who are former FACA and internal security forces will allow the infiltration of anti-Balaka elements into the area. On 30 January, following negotiations, the leader of the *Front Populaire pour la Renaissance de la Centrafrique* (FPRC) – Nourredine Adam, issued a communique where the armed group accepted the deployment of the new Prefects with military background to Vakaga, Nana-Grébizi and Bamingui-Bangoran prefectures. The communique also expressed that the FPRC will accept the deployment of the Prefects accompanied by two FACA soldiers.
8. Again, on 24 January in Bangui, a group of Muslim civil society organizations from the 3<sup>rd</sup> District expressed concerns to MINUSA over the lack of Muslims participating in the national FACA and Internal Security Forces recruitment exercise. They alleged that the discrimination and intercommunal hatred was being proliferated through the mainstream radios which incite violence. The representatives also accused the Catholic church of exacerbating intercommunal tension. HRD is working with civil society partners and other relevant stakeholders to ensure that there are no communiques and speeches that will incite hatred within the community, thus jeopardizing peace and social cohesion.

#### (ii) Human rights situation

9. HRD in January documented **391** new incidents<sup>19</sup> of violations and abuses of international human rights and humanitarian law affecting **492** victims including **335** men, **74** women, **32** boys, **20** girls, **one** unknown children and **30** unknown adults. These figures represent a **48.7** percent increase in the total number of incidents and a **48.6** percent increase in the total number of victims compared to the previous month, which documented 263 incidents and 331 victims. It is worth noting that of the 391 new incidents recorded, 14 affected groups of collective victims<sup>20</sup> where different armed groups attacked, pillaged and/or destroyed villages, attacked health centres/facilities, occupied schools, recruited an unknown number of children into their armed groups, abducted an unknown number of civilians or attacked and pillaged humanitarian workers and their base, equipment or material. In such situations, it was not possible for the HRD to determine the exact number of victims nor their age or sex.
10. The most recurrent human rights violations and abuses committed in January were: (a) violations of the right to life with **50 incidents (10 death threats)** affecting **91** victims and **one** group of collective victims; (b) physical and mental integrity with **47 incidents** causing **82** victims; (c) conflict related sexual violence with **30 incidents** (26 rape cases, two attempted rape and two forced marriages) affecting **44** victims (29 women, and 15 girls); and (d) **201 cases** of arbitrary detention affecting **209** victims<sup>21</sup>. The reporting period also saw some flagrant breaches to international humanitarian law (IHL). HRD recorded: (e) **18 incidents** of deprivation of liberty affecting **18** victims; (f) abductions, **nine incidents** with **17** victims and **one** group of collective victims; (g) forced recruitment and use of children, **two incidents** affecting **two** boys and **one** group of collective victims; (h) destruction or pillaging of property, **23 incidents** affecting **20** victims and **nine** groups of collective

<sup>19</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 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 January 2018. Statistics regarding the number of violations reported may increase or decrease over a given period of time due to numerous factors outside the control and/or knowledge of the HRD and must therefore be used with caution.

<sup>20</sup> The term collective victims for the purpose of this report refers to cases of violations and abuses of international human rights and humanitarian law received by HRD where the number of victims and their disaggregated data are unknown. The term refers to cases where a group of people are affected by the same incident and due to security restrictions, HRD could not immediately conduct a monitoring field mission to ascertain the disaggregated data.

<sup>21</sup> HRD also documented nine cases where nine boys were not separated from adults in detention facilities.

victims; and (i) **two incidents** of unlawful attacks on civilians, a church and humanitarian workers which affected **two** groups of collective victims.

11. State agents<sup>22</sup> in January were responsible for **213** violations (54.5 %) of international human rights law affecting **220** victims (43.5 %) with 203 men, eight women, and nine boys. This represents a 136.7 percent increase in the total number of incidents and 126.8 percent increase in the total number of victims compared to the previous month, which recorded 90 violations with 97 victims. Armed groups committed **178** abuses (45.5 %) affecting **272** victims (56.5 %) of whom 132 were men, 66 women, 23 boys, 20 girls, one unknown child and 30 unknown adults. This represents a 27.1 percent increase in the total number of incidents and 24.8 percent increase in the total number of victims, compared to the previous month, which recorded 140 abuses with 218 victims. An additional group of 14 collective victims was attributed to the anti-Balaka (3), FPRC/MPC (7), armed Fulani (2), UPC (1) and LRA (1).

### (iii) Main perpetrators

12. The FPRC (26), armed Fulani (21), MPC (19), FPRC/MPC Coalition (10), UPC (10), FPRC AH faction (8), and UPC/FPRC Coalition (3) as per previous months, were the main perpetrators of the human rights abuses documented in January<sup>23</sup>. These different groups committed in total 97 abuses affecting 146 victims and nine groups of collective victims, representing 24.8 percent of the total number of incidents and 29.7 percent of the total number of victims documented during the month. There was no change in the number of incidents compared to the previous month (97 abuses by in December) but a slight increase by seven percent in the number of victims (128 victims in December).

13. The most documented abuses were: (i) right to life with **23** incidents of killings [armed Fulani (7), FPRC AH faction (4), MPC (4), UPC (1), FPRC/MPC Coalition (5), UPC/FPRC Coalition (2)] affecting **24** men, **two** women, **six** boys, **one** girl and **15** unknown adults with another **three** incidents of death threats affecting **three** men; (ii) **23** incidents of violations of the right to physical and mental integrity [FPRC (7), armed Fulani (6), MPC (4), UPC (2), FPRC AH faction (2), and UPC/FPRC Coalition (1) and FPRC/MPC Coalition (1)] affecting **29** men, **four** women, **two** boys, **one** girl and **six** unknown adults; (iii) conflict related sexual violence with **15** rape incidents [MPC (4), FPRC/MPC (4), FPRC AH faction (2), armed Fulani (3), and UPC (2)], affecting **nine** women and **nine** girls, there was also **one** incident of attempted rape on **one** woman by armed Fulani and **two** incidents of forced marriages on **one** woman and **one** girl by the MPC and FPRC; (iv) right to liberty - deprivation of liberty **15** incidents [FPRC (7), FPRC/MPC Coalition (4), UPC (3) and armed Fulani (1)] affecting **11** men, **one** woman and **one** boy as well as **one** incident where **two** men, **one** woman and **one** unknown child were abducted by FPRC/MPC Coalition; (v) **11** incidents of appropriation and pillaging of property [MPC (5), armed Fulani (3), FPRC/MPC Coalition (2), and UPC (1)] affecting **five** men and **seven** groups of collective victims; (vi) **two** incidents of attacks against religious and humanitarian agencies and their buildings/amenities affecting **two** groups of collective victims by the FPRC/MPC and finally (vii) **one** incident where **one** boy was recruited into the UPC armed group. Of the 97 abuses, 84 of them, namely 89.3 percent, occurred in –Haute-Kotto, Ouham, Haut-Mbomou, Ouaka and Nana-Grébizi prefectures.

14. The anti-Balaka accounted for **50** abuses affecting **69** victims and **three** collective victims which represent 12.8 percent of the total number of incidents and 14.8 percent of the total number of victims recorded during the

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<sup>22</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)), 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)), administrative authorities as well as the military - '*Forces Armées Centrafricaines* (FACA)

<sup>23</sup> Other armed groups who committed human rights abuses included the LRA (eight abuses with 25 victims); MNLC (eight abuses with 13 victims); RJ (three abuses with seven victims); FDPC (two abuses with three victims), 3R (one abuse with one victim), and other armed groups (nine abuses with 19 victims). These armed groups represented 7.9 percent (31 incidents) of the total number of incidents and 13.8 percent (68 victims) of the total number of victims.

month. These figures represent a 31.6 percent increase in the number of incidents compared to the previous month (38 abuses in December) and a 19 percent in the number of victims (58 victims in December). The most documented abuses by the anti-Balaka were violations of the right to life which included **11** incidents of killings and **seven** threats to life resulting in the killing of **21** civilians (9 men, 10 women and two unknown adults) and death threats made against **two** men, **nine** women and **one** group of collective victims. The killings occurred mainly in Ouham, Haute-Kotto and Ouaka prefectures. Again the anti-Balaka were responsible for **16** incidents of physical and mental integrity where **12** men, **one** woman, **three** boys, **two** girls and **two** unknown adults were either subjected to cruel and inhuman treatments resulting in injuries or the maiming of children..

15. Other abuses committed by the anti-Balaka included: **(i) two** incidents of rape affecting **two** women and **two** girls; **(ii) seven** incidents of the right to liberty where they deprived **two** men and **one** woman of their liberty and abducted **two** men, **one** woman and **one** group of collective victims; **(iii) six** incidents of unlawful attacks, extortion and pillaging affecting **four** men, **one** boy and **one** group of collective victims; and **(iv) one** incident of the recruitment of **two** boys into their armed group. Of the 50 abuses committed by the anti-Balaka, 32 of them or 64 percent occurred in the main hotspots identified during the month in review: Haute-Kotto, Ouham, Ouaka and Haute-Mbomou prefectures.
16. Concerning State agents, the Gendarmerie and its specialized unit – *Section des Recherches et d'Investigation* (SRI) were responsible for the highest number of violations, 126, affecting 132 victims (119 men, eight women and five boys). The gendarmerie committed **86** violations affecting **81** men, **seven** women and **four** boys, while the SRI committed **40** violations affecting **38** men, **one** woman and **one** boy. During the reporting period, the Gendarmerie alone was responsible for 40 percent of the overall number of violations committed by state agents and 41.8 percent of the overall number of victims affected. This represents a 161 percent increase in the number of violations and a 135.9 percent increase in the number of victims as observed in the previous month which recorded 33 violations and 39 victims by the gendarmerie. Eighty-four of the cases were arbitrary detentions and two cases of failure to separate children from adults in detention. Of the 126 cases from both the gendarmerie and its specialized unit, 124 (98.4 %) of them were cases of arbitrary detention and were recorded in Bangui and Ouaka prefectures. Cases by State agents are mainly recorded in Bangui due to the high presence of the State authorities in this area.
17. The Police and its specialised units – the *Direction des Services de la Police Judiciaire* (DSPJ) and the '*Office Central pour la Répression du Grand Banditisme*' (OCRB) accounted for most of the remaining violations. The police committed **14** violations affecting **14** victims (13 men and one boy), representing 6.6 percent of the total number of violations and 6.4 percent of the total number of victims by State agents. Eight cases (57.1 %) by the Police were recorded in Bangui with six being violations of arbitrary detention, one case of failure to separate a boy from adults in detention and one incident involving a police officer who shot and killed a man. As compared to the previous month of December which recorded 22 violations and 23 victims by the police, in January, the cases decreased by 36.4 percent and the victims by 39.1 percent. The police specialised unit – the OCRB - recorded a relatively high number of violations (63 cases) which accounted for 29.6 percent of the total number of violations by State agents affecting 64 victims. Arbitrary detention accounted for 62 of the 63 cases and affected 63 victims. The DSPJ committed eight violations affecting seven men and one boy.
18. It is worth noting that the vast majority of the violations by State agents consist of violations of the right to liberty with mainly cases of arbitrary detention<sup>24</sup> (201 cases – Police (12), OCRB (62), DSPJ (3), Gendarmerie (84) and SRI (40), affecting 196 men, eight women and four boys). This is due 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. Through the intervention of the HRD, out of 208 victims

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<sup>24</sup> Other violations by state authorities included failure to separate children from adults in detention facilities (nine cases) by the Police, OCRB, DSPJ and Gendarmerie; killing of one man by a police officer; and the cruel and inhuman treatment of two men (two cases) by FACA soldiers.

arbitrarily detained, 49 detainees, all men, had their files completed and transferred to the Public Prosecutor's office and one boy who was detained along with adults in the same cell was transferred to the detention centre for minors in Bangui. It is worth noting that for detainees in detention facilities in Bouar and Obo for example, some detainee's files have been completed but the detainees cannot be presented before the judicial authorities because the Public Prosecutors have been away on mission in Bangui and have not returned to their duty post in months.

#### (iv) **Main Hotspots**

19. In January, the activities of the armed groups led to abuses in the eastern, central and western parts of the country and thus 40.2 percent of these recorded violations/abuses and 53.5 percent of the victims were committed in the five major hotspots<sup>25</sup> (157 documented incidents affecting 263 victims), which were conflict affected areas, resulting in the death of 71 civilians. For the state agents, the majority of the incidents were violations committed by the internal security forces with cases of arbitrary detention particularly the gendarmerie in Bangui thus recording 44.5 percent of the recorded violations/abuses and 35.6 percent of the victims. The incidents of abuses committed by the armed groups were recorded in in Bria, Bambari, Bossangoa, Paoua and Obo. The number of civilian deaths and injuries from conflict-related violence continued to be a cause for concern. During the month, the number of civilian deaths as a result of clashes or targeted killings increased by 79.1 percent compared to the month of December (43 civilians killed), with 77 civilians killed. The situation remains very tense and suspicions of targeted attacks and killings amongst the different ethnic communities are still very imminent in the five major hotspots across CAR. While mapping the conflict- affected areas, HRD observed that there is a potential for more self-defense groups emerging particularly within the Fulani community which will further exacerbate the human rights situation of civilians. Again, the ever growing strength of the anti-Balaka and their activities are negatively affecting the human rights situation in CAR.

#### **B. Children and armed conflict and breaches to international humanitarian law**

20. During the reporting period the situation of children and humanitarian workers continued to be marred by the conflict. Armed groups were responsible for several grave child rights violations and breaches to international humanitarian law. The breaches of international humanitarian law mostly affected members of the humanitarian community and also had severe implications on some of the six grave violations of children's rights under the MRM. During the reporting period, grave child rights violations accounted for **29** incidents (7.9%) affecting **35** children (7.1 % including 13 boys, 22 girls); one group of collective victims (boys) and one case where a humanitarian organisation's vehicle was denied access. Perpetrators of these violations included the FPRC, FPRC/MPC Coalition, UPC/FPRC Coalition, MPC, FPRC/AH, 3R, MNLC, anti-Balaka, armed Fulani and self-defense groups in PK5 - Bangui.
21. Some of the grave child rights violations included the killing of five boys and two girls by a member of the PK5 self-defense group in Bangui (one girl), FPRC/MPC elements (one boy) in Kaga Bando, UPC/FPRC Coalition (one boy) in Bambari, the FPRC (one girl) in Bria and the MNLC elements (three boys) in Paoua. Three other boys and one girl were maimed by anti-Balaka elements (two boys and one girl) in Bangui and Bria and FPRC elements (one boy) in Bria. On another note, 16 girls were victims of rape perpetrated by members of the anti-Balaka, MPC, UPC, FPRC/MPC Coalition, 3R, FPRC/AH and armed Fulani respectively in Ouaka, Haute-Kotto, Haut-Mbomou, Nana-Grébizi and Ouham-Pendé prefectures. There was equally one case where a girl was forced to marry an FPRC element in Ndele.

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<sup>25</sup> HRD considers the hotspots to be the areas where there were ongoing conflicts and clashes during the month by the armed groups as well as targeted attacks on civilians based on their ethnic affiliation or suspicion of being affiliated to a particular armed group. For violations committed by the state agents, HRD also brings out areas where a majority of violations by state agents are committed. For the month of January, for the activities of the armed groups, these were mainly in the eastern (Haute-Kotto, and Haut-Mbomou prefectures), western (Ouham and Ouham-Pendé prefectures) and the centre (Ouaka prefecture) parts of CAR. Other parts like Bangui which recorded high violations by state agents did not necessarily experience clashes, but always bumps up the total number of incidents and victims because of arbitrary detentions by the state agents.

22. Breaches of international humanitarian law also accounted for 42 incidents (10.7 %) affecting 42 victims (24 men, eight women, three boys, one girl, one unknown child and five unknown adult) and 13 groups of collective victims. These cases included **18 incidents** of deprivation of liberty affecting **18** victims (15 men, two women and one boy); **nine incidents** of abductions with **17** victims (eight men, two women, one girl, one unknown child and five unknown adults) and one group of collective victims; **23 incidents** of destruction, appropriation or pillaging of property affecting **13** men, **six** women, **one** boy and **nine** groups of collective victims; **two incidents** of forced recruitment and use of children affecting **two** boys and **one** group of collective victims (all boys); and **two incidents** on attacks against a religious and humanitarian workers and their equipment where an unknown number of victims were affected (collective victims). In general, the incidents were perpetrated by the different armed groups particularly the anti-Balaka, UPC, FPRC, MPC, FPRC/MPC, LRA and MLNC and in mainly the conflict-affected areas.

### **C. Developments in the fight against impunity and progress towards the National Human Rights Commission and the establishment of the Truth, Justice, Reparation and Reconciliation Commission**

23. In order to continue the fight against impunity and implement justice mechanisms in CAR, HRD continued to engage with the relevant national authorities to support national jurisdictions as well as the National Commission for Human Rights and Fundamental Freedoms. (NCHRFF). On 30 January in Bangui, HRD held a working session with the General Prosecutor, the *Charge de Mission* for the Ministry of Justice and Human Rights, the Chairperson of the NCHRFF and the head of CAR's Bar Association to share concerns over identified gaps in witness protection documented during the ongoing criminal session. During the session, the General Prosecutor insisted on challenges currently being faced with witness protection despite protective measures being put in place. He agreed to take corrective measures as deemed appropriate to prevent disclosure of witnesses' identities as experienced recently including via media judicial narratives. He further raised concerns over their transfer from their area of residence and lodging in Bangui.

### **D. HRD Activities in January 2018**

24. During the month of January, in order to address concerns related to the question of witchcraft and charlatanism, on 31 January, HRD held a working session with the '*Centre d'Etude et de Recherches Anthropologiques*' (CERA) where discussions centered on the fight against witchcraft related human rights violations and the role of traditional mechanisms in the process of transitional justice in Central Africa. HRD and CERA representatives shared common assessment of the recurrence of human right violations perpetrated on individuals accused of witchcraft and also agreed that if this phenomenon is not addressed properly, it could jeopardize ongoing efforts to achieve social cohesion in the Central African Republic (CAR). HRD and CERA representatives agreed to cooperate for the design and implementation of a resourced operational research programs whose findings would inform civilians as well as outreach and dialogue programs aimed at addressing sorcery-related human rights violation at both local and national level. Similar efforts would be exerted to map traditional mechanisms and explore their potential contribution to local peace and social cohesion initiatives as well as their role in national reconciliation and transitional justice initiatives.

25. In January, HRD conducted two external trainings on human rights concepts and principles; the monitoring and reporting of human rights violations; conflict related sexual violence (CRSV), and the mandate of the Human Rights Division. Twenty-seven (27) participants (23 men and 4 women) were trained from the FACA and para-jurist from the *Association des Femmes pour la Promotion de l'entreprenariat* (AFPE) and the *Comite Communautaire de Paix et de Mediation* in Bria and Obo. Internally, HRD conducted two induction trainings and one refresher training for 118 participants including 110 men and eight women from MINUSCA's civilian, military and police components in Bangui and Bria (Haute-Kotto).

26. In January, the HRDDP Secretariat received **seven** requests from four **MINUSCA components** intending to support CAR national security forces. These requests included **two** for transportation, **four** for training and **one** for programmatic support. The Secretariat carried out human rights background checks for **146** intended beneficiaries from the national security forces (FACA, Police and Gendarmes) and assessed the level of risk for the UN entities to provide the requested support. Background checks were done through the HRDDP Shared Drive, OHCHR Human Rights Case Database, Reporting and Documentation files on COSMOS and SAGE Database. The Secretariat completed the **four** risk assessments with recommendations to the HRDDP Task Force Chairs including mitigating measures to be implemented by the supporting UN entity. All four requests were approved by the chairs of the HRDDP Task Force. Two other requests are under review while one is pending due to insufficient information. The Secretariat also completed the vetting of **200** FACA soldiers to be trained by the Russians in Sudan and the vetting of **139** armed elements from the DDR-pilot project to be integrated into the FACA.
27. On 18 January, HRD participated in a working session on a Mission strategic paper for the deployment of security and defense forces pursuant to paragraphs 43 (a) (iii) (iv) of the UNSCR 2387 (2017) calling on MINUSCA to support the deployment of vetted and trained national police and gendarmes; and to provide support for the progressive and coordinated redeployment of FACA units trained by EUTM-RCA in accordance with the HRDDP. The session was organized by SSR, and had as participants MINUSCA's UNPOL, the Force, JCS, Civil Affairs (Restoration of State Authority) and, MINUSCA Mission Support.

#### **E. Observations on the Human Rights Situation**

28. From December 2017 till present, HRD has observed a continuous shift in the alleged perpetrators of human rights abuses. The anti-Balaka, is still observably growing in strength all over CAR where their increased activities have impacted negatively on the protection of civilians and the respect for their human rights. More so, because of the lack of a proper chain of command and the facility with which elements of this group intermingle within the population particularly within some IDP camps, it becomes difficult to associate blame to a particular anti-Balaka faction or chain of command. Again, the armed Fulani or Mbarara or Mbororo also seem to be growing in strength with the Transhumance period and also in the search to protect their 'own' from further targeted attacks particularly from the anti-Balaka and they sometimes have the support of the UPC. To the east, they are expanding their activities in Basse-Kotto and Mbomou prefectures with further protection of civilian concerns and human rights abuses. To the west they seem to be expanding towards Ouham-Pendé, Ouham and Nana-Grébizi prefectures. HRD will continue to monitor their activities and report on its activities and abuses.
29. In western CAR, with the ongoing transhumance period, HRD predicts more tension, attacks or clashes with the Fulani herders and other armed groups particularly the anti-Balaka as they try to defend their cattle from being pillaged or their race from being targeted. As armed groups try to build on their economic strength, HRD has also observed the continuous harassment of civilians with the elements demanding illegal taxes and or pillaging civilians.
30. The reporting period saw the creation of another armed group called the 'Siriri' under the command of General DJIBRILA alias Djibo which operates in Noufou<sup>26</sup>, as well as other areas like Gamboula and Dilampoko (Mambéré-Kadéï). This group seems to also be operating in Nguia Bouar (Nana-Mambéré) under the command of Colonel Amadou Hussein. The group is alleged to be of Fulani origin with a stronghold in Cameroon. HRD will monitor its modus operandi in order to see whether this group can be classified as an armed group or a self-defense group. The creation of yet another group suggests that disgruntled armed group members or even

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<sup>26</sup> Located approximately 120 kilometers north west of Berberati

civilians of certain ethnicity can at any time form a new group or self-defence group in order to impose themselves in a certain area either for political, economic or personal gains.

31. HRD notes that the continuous restriction of movement of MINUSCA staff in Bangassou since 13 May 2017 has impacted on the monitoring activities of the HRD in Mbomou prefecture and has promoted more impunity in the area of concern. HRD has been unable to verify many allegations of human abuses by armed groups in the area. HRD also notes that in Bangassou, the anti-Balaka under the leadership of Yvon ZELETE, PINO PINO, and LARMA Giscard, have been regrouping and its elements are constantly threatening to attack the Cathedral IDP camp<sup>27</sup> under MINUSCA's protection as well as MINUSCA's base and its personnel. On 30 January for example, in Bangui Ville neighbourhood of Bangassou, a MINUSCA vehicle was intercepted by three anti-Balaka elements. The UN staff member who was driving the vehicle managed to escape, nonetheless the elements seized the vehicle and took it to an unknown destination, as well as the staff member's mobile phone and a UN Tetra Radio. The UN vehicle is yet to be recovered.
32. In line with the incitement of hate within communities, HRD recorded the killing of the acting Mayor of Poudjo village<sup>28</sup> and her husband on the night of 8 breaking 9 January by armed anti-Balaka elements under the leadership of Romaric Balekouzou. According to information received during interviews with civilians from Poudjo village, a communal counselor from the Commune of Yambélé in Basse-Kotto prefecture objected to the acting Mayor of Poudjo village public campaign to encouraged peace and social cohesion between the Fulani and the local population from Kpélé, Boyikété, Orokpo and Atcha villages. The communal advisor who is alleged to be an anti-Balaka, out of animosity, repeatedly threatened reprisals and initiated amongst the young people in these villages a propaganda for war, violence, hatred and discrimination. Subsequently, the Mayor and her husband got killed by anti-Balaka elements. HRD notes that such attitude of disassociating particular groups of persons based on their race or religion is of serious concern and continues to impact on advancement of peace and social cohesion in many parts of CAR.
33. The weak presence and/or absence of State authorities including judicial, security and defense institutions in most of the conflict affected areas combined with hostilities transpiring from community leaders supporting new 'self-defense' groups who operate under the instigation of identified or unidentified prominent figures, increased the vulnerability of protected groups (civilians and IDPs). In such context humanitarian space is still narrow with humanitarian actors facing threats and targeted attacks that hindered the delivery of humanitarian assistance on at least four occasions<sup>29</sup> during the reporting period.
34. On a positive note, in order to expand administrative authorities in different regions in CAR, the GoCAR has is deploying prefects and sub-prefects to different regions in CAR. On 18 January, in Vakaga prefecture, the sub-prefects of Birao and Ouanda-Djalle were deployed and welcomed by Abdoulaye Hissene, the leader of FPRC. On 23 January, the new Prefect and six new sub- Prefects arrived in Mobaye (Basse-Kotto) after no presence for one year. On 31 January in Batangafo (Ouham), a new sub-prefect was also installed totalling the number of newly installed prefects in Ouham prefecture to six. This is an important milestone towards the restoration of state authority in Vakaga, Basse-Kotto and Ouham prefectures.
35. Again, criminal sessions were held and on 22 January, the Bangui Court of Appeal sentenced a former anti-Balaka leader, Rodrigue Ngaibona, alias "General Andjilo" to life in prison with hard labour on charges of

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<sup>27</sup> On 19, 20, 21 and 22 January, a group of anti-Balaka elements opened fire on the Cathedral IDP camp though MINUSCA Forces returned fire causing the attackers to flee

<sup>28</sup> Located approximately 115 kilometers south east of Bambari

<sup>29</sup> On 9 January, an INGO vehicle and staff were attacked by unknown armed men in an area 40 kilometers south east of the Ndomete-Mbres axis (Nana-Grébizi) where the INGO's vehicle got stolen; on 15 January, anti-Balaka elements temporarily blocked an INGO vehicle from accessing the PK3 IDP camp in Bria; on 17 January in Kaga Bandoro, two INGO vehicles were attacked and robbed by six unknown armed men in an area 32 kilometers north west of Kaga Bandoro and finally on 17 January in Bangassou, anti- Balaka elements threatened an INGO staff member at gunpoint near the Cathedral IDP site in Bangassou, in order to impede the staff from providing services in the IDP camp.

murder, aggravated theft, abduction, criminal conspiracy and unlawful possession of military-type weapons and ammunition. The Court also ordered the accused to pay a total of 138 million XAF as compensation to nine victims (*parties civiles*). The accused was arrested in 2015 by MINUSCA and trial began in earnest on 11 January. With the different operations ran by MINUSCA and sometimes in collaboration with CAR's internal security forces, some elements from the different armed groups are being arrested<sup>30</sup> and transferred to the government authorities for investigations and trials. HRD will continue to monitor more of these sessions which contributes to the fight against impunity and recourse to justice for victims in CAR.

36. Based on the above observations, HRD will continue to:

- Engage in dialogue with the Government of CAR on its responsibility with regard to the security of the peoples of CAR, as the guarantor of their rights, as well as put an end to impunity through concerted efforts on the investigation of past and current human rights and humanitarian law violations and abuses, as also reflected in the recommendations of the Bangui Forum on National Reconciliation, should remain a priority;
- Encourage the Government to conduct investigations into past and present attacks that took place during the month of January as well as other previous months and initiate proper investigations into the attacks previously noted in the HRD monthly reports, and prosecute alleged perpetrators;
- Mobilize international partners for the delivery of support and required technical assistance for the operationalization of the National Human Rights Commission, the implementation of the road towards the establishment of the Truth-Seeking Commission and the creation of the National Memorial and Documentation Centre;
- Concertedly advocate for and urge the Government of CAR to address the issue of the high number of cases of arbitrary detention of civilians by the Gendarmerie and Police. In this regard, the Government of CAR should ensure that relevant instructions are notified to the State-level Governments and their administrations – including the local Police and Gendarmeries with their specialized units, corrections and judicial officials, to strictly observe the 72-hour renewable once legal period for holding suspects before their transfer to a legal authority;
- Undertake timely joint field missions to incident sites in the interest of assisting the Government address protection of civilian's issues – including security and human rights violations concerns – in a timely and coordinated manner;
- Work with the Mission Leadership, Civil Affairs and other related MINUSCA Sections involved in regular engagement with local authorities to maintain its concerted facilitation of social mediation, reconciliation and conflict resolution, and bring an end to violent inter-ethnic clashes in CAR.

## **F. Recommendations**

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<sup>30</sup> MINUSCA has arrested anti-Balaka leader Dago Isaac in Alindao and transferred him to Bambari on 7 January, where he was handed over to the local authorities for further investigations. Dago Isaac is suspected to have led the group of anti-Balaka elements who shot a MINUSCA Force near Alindao on 20 December 2017. On 20 January, anti-Balaka leader Kevin Bere-Bere surrendered himself to MINUSCA in Tokoyo neighbourhood in Bangassou as well as four of his elements. He admitted to being part of the assailants who attacked a MINUSCA convey and the MINUSCA base in May 2017. He is also responsible for other crimes and atrocities including human rights abuses, criminal conspiracy and illegal possession of firearms. These were transferred to the SRI in Bangui on 30 January for further judicial processing. In Betoko and Bembere (45 and 67 kilometers north of Paoua respectively), MINUSCA arrested 15 armed elements suspected to be part of the MNLG these were consequently transferred to Bossangoa. MINUSCA also arrested two RJ elements on 28 January in Paoua. On 30 January, in Pende (located 22 kilometres west of Paoua) and Gouze (located 22 kilometres south of Paoua) MINUSCA/FACA joint patrol arrested six RJ elements including three women and seized their weapons and other military items.

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

***To GoCAR:***

- Cooperate fully with MINUSCA, Humanitarian actors and international partners to find adequate, coordinated and concerted responses to persistent protection of civilian concerns including an early warning and early response strategy in mainly the center and eastern parts of CAR;
- Expedite the restoration of State authority throughout CAR taking into account the need to assess the vulnerability of civilian population as well as the safe and voluntary return of IDPs and refugees;
- Initiate concrete and significant steps towards investigating documented violations of human rights and reported breaches to International Humanitarian Law and with a view to prosecuting alleged perpetrators of human rights violations and abuses. HRD again reiterates MINUSCA press statement that such investigations and prosecutions are also crucial following the attack on a hospital compound in Ippy<sup>31</sup> by the UPC/FPRC coalition on 12 December;<sup>32</sup>
- To domesticate the optional protocol to the Convention Against Torture in order to adopt a national strategy to prevent cruel and inhuman treatments or punishments, address detention conditions in a structural manner, and establish a national prevention mechanism as set forth in the same protocol.

***To the armed groups:***

Continue to advocate for, and encourage the armed groups:

- To ensure the full cessation of indiscriminate attacks on civilians and take positive measures, as may be required, to ensure full respect for international human rights, and humanitarian law, among its rank and file;
- Initiate a monthly report which will detail the human rights abuses and breaches of IHL attributable to the members of the 14 recognized armed groups as well as the self-acclaimed MNLC refuge 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 engage in dialogue with the Government of CAR on its responsibility with regards to the security of the peoples of CAR and as the guarantor of their rights;
- 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 and new “self-defence” groups mainly in Bangfassou and Bria, including through the ongoing mediation efforts for the adoption of transitional security arrangements needed for the protection of civilians;

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<sup>31</sup> Located 3 kilometres south of the town centre in Ippy

<sup>32</sup> Reference to MINUSCA’s Press Statement released on 5 February 2018: <https://minusca.unmissions.org/la-minusca-condamne-avec-fermet%C3%A9-lattaque-dun-h%C3%B4pital-par-les-group%C3%A9s-arm%C3%A9s-de-lupc-et-du-fprc-%C3%A0>

- Demand from the different armed groups the respect for human rights and International Humanitarian Law and the guarantee of a conducive environment for the delivery of humanitarian assistance and intercommunal dialogue.

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