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UNITED NATIONS

United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

July – September 2024

## HUMAN RIGHTS QUARTERLY BRIEF ON THE CENTRAL AFRICAN REPUBLIC

### HIGHLIGHTS

- President Faustin Archange Touadéra launched a three-day workshop to validate the National Development Plan (PND) in Bangui which provides an additional opportunity for the realisation of human rights in CAR.
- Government establishes a Judicial Commission of Inquiry to investigate reports of human rights violations/abuses in Haut-Mbomou Prefecture.
- In Q3 2024, MINUSCA documents 713 human rights violations and abuses, affecting 1127 civilians. Among State actors, FACA elements implicated in most violations (98) while the Police was responsible for the most victims (114). Among armed groups, 3R elements were responsible for most human rights abuses (97) and the highest number of victims (123).
- Haute-Kotto and Ouham-Pendé were the most affected Prefectures in terms of human rights violations and abuses (81) while Haut-Mbomou Prefecture registered the most victims. (147). Violations include inter alia the right to physical and mental integrity (27%), deprivation of liberty and conditions of detention (21%), right to property (19%), right to life (10%), and conflict-related sexual violence (CRSV) (9%).
- MINUSCA and the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a joint public report entitled, *“Analysis of Detention in the Central African Republic: current situation, challenges and responses”*.

## SIGNIFICANT HUMAN RIGHTS-RELATED DEVELOPMENTS

1. On 13 September, President Faustin Archange Touadéra launched a three-day workshop to validate the National Development Plan (PND) in Bangui. The PND, developed with support from the UN is aligned with the Sustainable Development Goals and the United National Sustainable Development Cooperation Framework (UNSDCF). It is expected to provide additional opportunities for sustainable peace, development and the realisation of human rights in CAR. MINUSCA Human Rights Division/OHCHR is providing technical assistance to mainstream human rights in the development and implementation of the PND.
2. Following CAR’s review by the Universal Periodic Review in January 2024, the Ministry of Justice, Human Rights and Good Governance with support from MINUSCA and the *Organisation internationale de la Francophonie*, organized a workshop from 12-14 September in Bangui to develop an Action Plan to implement the 238 recommendations accepted by the CAR government. Meanwhile, on 15 August, MINUSCA and the *Commission Nationale des Droits de l’Homme et des Libertés fondamentales* (CNDHLF) held a strategic meeting to accelerate the implementation of recommendations of the Needs Assessment Mission conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in June. An Action Plan to implement the recommendations is being finalized.
3. On 27 August, the Minister of Justice signed a decree creating a Judicial Commission of Inquiry to investigate allegations of human rights violations and abuses perpetrated in the Haut-Mbomou Prefecture, notably in Zémio, Mboki and Obo.<sup>1</sup> Presided by the General Prosecutor of Bambari and composed of eight members from the Judiciary, the Ministry of Justice and gendarmerie, the Commission is placed under the direct authority of the Minister of Justice and mandated to produce its report within 45 days. It is worth stating that the Commission was established in response to MINUSCA’s advocacy with the Minister for urgent action by the government on human rights concerns in the Haut-Mbomou Prefecture.

## SECURITY AND POLITICAL DEVELOPMENTS

4. On 9 September, former President François Bozizé leader of the *Coalition des Patriotes pour le Changement* (CPC), removed the Military Coordinator, Ali Darassa, after the latter unilaterally declared a ceasefire and sought to join the *Accord Politique pour la Paix et la Réconciliation en République Centrafricaine* (APPR-RCA) process. This decision led to a split within the group and the creation of two factions: CPC and Darassa’s *CPC-Fondamentale*.<sup>2</sup> Prior to this, on 10 July, approximately 285 CPC members voluntarily disarmed in Korom-M’Poko village, Ouham Prefecture.

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<sup>1</sup> *Arreté n° 029/MJPDHBMG/DIRCAB/24 portant création d’une commission d’enquête judiciaire*, 27 August 2024.

<sup>2</sup> On 4 August, former President Bozize and General Coordinator of the CPC publicly rejected the ceasefire announced by Mr. Ali Darassa, stating that the latter lacked the capacity to take such a decision on behalf of the CPC. On 30 August, four entities of the CPC, namely the *Unité pour la Paix en Centrafrique* (UPC), the *Front Patriotique pour la Renaissance de Centrafrique* (FPRC), the *Mouvement de la Révolution Populaire Anti Balaka* (AB) and the *Front de Défense pour les Libertés Publiques* (FDPC) met and announced their decision to split from the CPC to form a new bloc, *CPC-Fondamentale* (CPC-F), with Ali Darassa as its Chief of Staff. See *HRD Monthly Report: Human Rights Situation*, August 2024, p.1.

5. Approximately 130 former Anti-balaka elements from Kouango, Ouaka Prefecture participated in a two-month training conducted by the OSP in the Plateaux/Bas-Oubangui Region, after reportedly withdrawing from the Disarmament, Demobilization, and Reintegration (DDR) process due to delays. There are concerns that these elements may be recruited into the defence and security forces without proper vetting.<sup>3</sup> In a separate development, at least two trainings of Azandé Ani Kpi Gbé (Azanikpigbé) elements by the newly formed group Wagner Ti Azande (WTA)<sup>4</sup> were disrupted on 17 and 20 August respectively in Obo and Zémio (212 km from Obo), Haut-Mbomou Prefecture by the *Forces armées centrafricaines* (FACA) following a disagreement.
6. The actions of Wagner Ti Azande (WTA) in Zémio, Haut-Mbomou Prefecture continue to have implications for the protection of civilians. On 17 September, approximately 100 civilians predominately Fulanis fled to Rafai, Dembia and Bangassou (**Mbomou Prefecture**) as a result of the intensification of activities by WTA. On 3 October, four Fulani herders were reportedly killed by WTA elements in Dembia and their bodies displayed in public, reportedly as a warning to the population.
7. On 23 July, FACA and OSP launched an operation against former Anti-balaka commander José Befio,<sup>5</sup> resulting in his death and that of his bodyguard. FACA and OSP also arrested four children, including three of Befio's, causing the local population to flee. Highlighting risks of inter-community violence, Befio's supporters attacked the Mayor of Bouca for alleged complicity and targeted the Fulani/Muslim community, who sought refuge in the Gendarmerie. On 26 July, the Ministry of National Defence and Army Reconstruction announced an investigation into the incident. On 31 July, MINUSCA established a Temporary Operating Base (TOB) in Bouca to deter further violence.
8. During the reporting period, the Strategic Committee for Elections released the revised electoral calendar on 22 August, with combined municipal and regional elections scheduled for 6 April 2025. The voter registration, which will also be used for the 2025 Presidential elections, will take place between 16 September and 2 November 2024.

## GENERAL TRENDS

9. During the reporting period, MINUSCA verified 713 human rights violations and abuses and breaches of international humanitarian law (IHL), affecting 1127 civilian victims (including 117 women, 83 girls, 159 boys and 70 groups of collective victims).<sup>6</sup> The most common types of violations and abuses included the right to physical and mental integrity (27%), deprivation of liberty and conditions of detention (21%) and

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<sup>3</sup> Notably, in 2022, OHCHR issued a public report on human rights violations and abuses (killings, injuries, hostage-taking, appropriation or destruction of property, forced displacement and conflict-related sexual violence) perpetrated in Boyo (Ouaka), mainly by former Anti-Balaka militiamen and youth, including some recruited and trained by OSP and FACA.

<sup>4</sup> Information indicates that since 1 May, at least 200 Azande Ani Kpi Gbe elements, trained by OSP and now identified as Wagner Ti Azande (WTA), have been recruited into the FACA and are reportedly paid from the State budget. Given these facts, they are now categorized under State actors.

<sup>5</sup> Befio has been implicated in human rights abuses, including the hostage-taking of 15 civilians in Daya (November 2023) and cattle theft in Bouca (March 2024).

<sup>6</sup> See *infra* for infographic number 1, page 8

the right to property (19%). The most violations involved FACA (98) while the most abuses by armed groups were committed by 3R (97) and *Unité pour la Paix en Centrafrique* (UPC) (75).

10. **State actors** were responsible for 389 violations, affecting 560 victims. This represents 54% of the human rights violations perpetrated in Q3 and 50% of the victims affected during the same period. This represents an increase of 48% in comparison to Q2 2024 with regards to the number of violations and a decrease of 10% with regards to the number of victims<sup>7</sup>. The increase in violations could be attributed to WTA<sup>8</sup> activities. The WTA were responsible for 50 violations affecting 72 victims. Most violations committed by State actors are related to arbitrary arrest and/or detention. Unlike other State perpetrators, the WTA were mostly implicated in violations of the right to physical and mental integrity (15 affecting 26 victims) and violations of the right to life (14 affecting 23). The FACA were responsible for 98 violations affecting 103 victims, the Police, 62 violations affecting 114 victims, and the Gendarmerie, 61 violations affecting 111 victims. The OSP were responsible for 58 violations affecting 72 victims, which represents an 87% increase in the number of violations, and a 37% decrease in the number of victims compared to the previous quarter.
11. **Armed groups signatories to the *Accord Politique pour la Paix et la Réconciliation* (APPR-RCA)** were responsible for 33% of the human rights abuses and for 33% of the victims. The most common abuses included the right to property (62 affecting 129 victims), right to physical and mental integrity (53 affecting 114 victims) and conflict-related sexual violence (36 cases affecting 57 victims).
12. **Other actors**, including armed groups non-signatories to the APPR-RCA, were responsible for 12% of abuses and 18% of victims.<sup>9</sup> The most common abuses included the right to property (24 affecting 95 victims), right to physical and mental integrity (18 affecting 84 victims), and right to liberty and personal integrity (17 affecting 56 victims).
13. Consistent with Q2, the **Fertit Region**<sup>10</sup> in Q3 experienced the most violations and abuses (149 violations/abuses affecting 265 victims), mostly due to unidentified armed men (26), UPC (24), FACA (23) and unidentified CPC (11). The Q3 2024 numbers represent a 65% decrease in the number of violations/abuses and an 11% decrease in the number of victims over Q2 figures. Most of the abuses committed by unidentified armed men were in the Bamingui-Bangoran and the Vakaga Prefectures including destruction and appropriation of property (46 affecting 142 victims), ill-treatment (23 affecting 72 victims), arbitrary detention (nine affecting 27 victims) and rape (eight cases affecting 15 victims).
14. The highest number of **victims** (288) occurred in the **Haut-Oubangui Region** with 131 victims attributable to non-State armed groups signatories to the APPR-RCA, many in the Basse-Kotto Prefecture<sup>11</sup> in addition to 98 victims attributable to State agents. In the Haut-Oubangui Region, 86 civilians were victims of forced recruitment (including 25 girls and 61 boys), and 79 civilians were victims of abuses of liberty and personal integrity (including 22 girls and 44 boys).

<sup>7</sup> In Q2 2024, State actors were responsible for 263 violations, affecting 625 victims

<sup>8</sup> See footnote 3

<sup>9</sup> See infra for infographics number 2, page 9

<sup>10</sup> The Fertit Region includes the Prefectures of Bamingui-Bangoran, Haute-Kotto and Vakaga

<sup>11</sup> See infra for infographics number 3, page 9

15. **CRSV cases** accounted for 9% of the total number of human rights violations and abuses and 8% of the victims documented during the period under review (64 cases affecting 88 victims, notably 48 women and 40 girls). Lim-Pendé (11 violations affecting 21 victims) and Haute-Kotto (eight violations affecting 15 victims) were the most affected Prefectures. Rape (55 cases with 40 women and 37 girls affected) continued to be prevalent, while other CRSV cases included sexual assault and harassment (four cases affecting eight victims), attempted rape (two cases affecting two victims), forced nudity (one case affecting one victim) and sexual slavery (two cases affecting two victims). CRSV cases remain underreported and perpetrators in the reporting period comprised **armed groups signatories to the APPR-RCA (56%)**, **State actors (36%)**, and **other actors (8%)**. The **3R (19 cases affecting 29 victims)** and **FACA (17 cases affecting 19 victims)** were the main perpetrators.
16. **Forced recruitment and the use of children** accounted for 2% of the total number of human rights violations and abuses and 14% of the victims documented during the period under review (15 violations affecting 154 victims, amongst which 42 girls and 112 boys). Basse-Kotto (seven violations affecting 86 victims) and Haut-Mbomou (two cases affecting 56 victims) were the most affected Prefectures. Perpetrators in the reporting period comprised **armed groups signatories to the APPR-RCA (53%)**, **other actors (40%)** and **State actors (7%)**. The **Anti balaka-CPC affiliated (six violations affected 85 victims)** were the main perpetrators.

## MAIN HUMAN RIGHTS VIOLATIONS AND ABUSES, AND VIOLATIONS OF IHL<sup>12</sup>

### *Right to physical and mental integrity<sup>13</sup>*

17. During the reporting period, MINUSCA documented **190 violations/abuses of the right to physical and mental integrity affecting 353 victims**, including 38 women, 16 girls, 42 boys and 11 collective victims. This represents a 23% increase in the numbers of violations/abuses, and a 14% decrease in the number of victims in comparison to Q2 2024. The two most documented violations/abuses were ill-treatment (109 affecting 215 victims) and maiming and injuries (38 affecting 100 victims). State agents were involved in 119 violations affecting 155 victims with FACA implicated in 42 violations (mostly ill-treatment, maiming and injuries) affecting 49 victims. In addition, jointly with other actors, such as gendarmerie, internal security forces (ISF) or other security personnel (OSP), FACA elements were responsible for additional 7 violations, affecting 10 victims. For instance, on 23 July, FACA/WTA elements ill-treated a Fulani community leader in Zemio, Haut-Mbomou (212 km southwest of Obo). The victim was on his way to the Gendarmerie to check on his wife and child who were arrested the previous evening during a FACA/WTA raid in his neighbourhood aimed at finding UPC elements. He was threatened and beaten up by six FACA/WTA elements reportedly because of his ties with his brother who was a former UPC element who had joined the DDR process.

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<sup>12</sup> For detailed analysis of human rights violations and abuses that occurred during the reporting period consult monthly reports of July, August and September available on the following webpage <https://minusca.unmissions.org/en/human-rights-division-reports-0>

<sup>13</sup> Violations of the right to physical and mental integrity include, inter alia, ill-treatment, maiming and injuries, torture, rape, sexual assault and harassment, threats to physical and mental integrity.

*Deprivation of liberty and conditions of detention*<sup>14</sup>

18. During the reporting period, MINUSCA documented **147 violations related to the deprivation of liberty and conditions of detention**<sup>15</sup> affecting **332 victims** (258 men, 21 women, 31 boys, and 22 groups of collective victims). This represents a 13% increase in the number of violations in comparison to Q2 2024, and a 9% decrease in the number of victims. Most violations were related to arbitrary arrest and/or detention (97 affecting 286 victims), largely due to detention beyond the legal time limit for custody<sup>16</sup>. The Police and Gendarmerie were the main perpetrators (28 and 23 violations, respectively).
19. **Poor detention conditions remain a major challenge** due to a variety of logistical and institutional challenges, and particularly the absence of judicial actors in some jurisdictions. In Kaga-Bandoro for instance, both the President of the *Tribunal de Grande Instance* and the Prosecutor have been absent for months. While the President of the Tribunal and the Prosecutor of the Sibut have temporarily been assigned the jurisdiction, their presence in Kaga Bandoro remains limited. Meanwhile, on 9 July, a prisoner died of malnutrition in the Bambari central prison, Ouaka Prefecture while the death of a 29-year-old detainee was reported in Bambari Gendarmerie on 17<sup>th</sup> September 2024 after he was denied family visits, food, water and was subjected to ill-treatment by Gendarmerie officers. Investigations were initiated by the Public Prosecutor and Bambari *Brigade de Recherche et d’Investigation*.
20. In addition, the involvement of the OSP in judicial processes continued to raise concerns during the reporting period following pressure exerted by OSP on security forces and justice actors to hand detainees over to them in breach of laid down procedures. In some instances, the OSP threatened security personnel, extracted detainees from their cells in violation of orders from prosecutors with implications for the respect of due process and the rule of law.
21. Despite the challenges faced in places of detention, the government has remained engaged with key actors to finding durable solutions. In this regard, on 18 July, in commemoration of Nelson Mandela International Day, MINUSCA and the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a joint report entitled, “Analysis of Detention in the Central African Republic: current situation, challenges and responses,”<sup>17</sup> covering 2023. The launch, organized with the Ministry of Justice, included an interactive dialogue on implementing the Mandela rules in CAR. During the event

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<sup>14</sup> Human rights of persons in custody and detainees are protected by various national texts, including the Constitution adopted on 30 August 2023, the *code pénal* (Criminal Code) and the *code de procédure pénale* (Criminal Procedure Code) adopted by laws n°10.001 and 10.002, the law n°12.003 on fundamental principles of the prison system, decree n°160090 on standard internal regulations applicable to prisons in the Central African Republic, decree n°160087 on the organization and operation of prisons in the Central African Republic and determining their internal regulations, as well as decree n°160088 redefining the framework of the prison administration

<sup>15</sup> “Deprivation of liberty and conditions of detention” include the following categories: arbitrary arrest, arbitrary arrest and detention, arbitrary detention, and conditions of detention as detailed in footnote 14.

<sup>16</sup> Other violations included conditions of detention that do not meet minimum national and international standards (40 violations affecting 51 victims), including access to WASH (14 violations affecting 14 victims), inhuman conditions (13 violations affecting 18 victims), lack of separation between minors/adults and/or by gender (12 violations affecting 18 victims), and food shortage (one violation affecting one collective victim).

<sup>17</sup> MINUSCA/OHCHR, *Analyse de la privation de liberté en république centrafricaine : état des lieux, défis et réponses*, juillet 2024, <https://www.ohchr.org/sites/default/files/documents/countries/central-african-republic/2024-07-MINUSCA-HCDH-Rapport-Public-Detention.pdf>

attended by 89 participants from various sectors, the Minister of Justice highlighted the government's efforts to address challenges in the justice system including in places of detention while promising concrete measures. Following the publication of the report, additional consultations were held with the Public Prosecutor and the President of the Indictment Division of the Bangui Court of Appeal and other key stakeholders.

22. Following an assessment mission to the prison in Bria by the *Commission Nationale des Droits de l'Homme et des Libertés Fondamentales* (CNDHLF) in July, some notable improvements were observed in August as steps were taken to implement some of the recommendations of the CNDHLF. Conditions of detention had improved, with separation between women and men and minor and adults ensured while there were no cases of arbitrary detention in the holding cells of the gendarmerie and police. In a separate development, in Obo, a cell was specifically assigned to minors to ensure their separation from adult detainees. Meanwhile, to address concerns regarding human rights violations including sexual violence in the prison in Kaga-Bandoro involving penitentiary personnel and following advocacy by the MINUSCA, the Minister of Justice deployed the Director General for Penitentiary Affairs to investigate the reports. This led to the removal of the concerned personnel from their positions as they were placed under formal investigations. MINUSCA has facilitated legal assistance to the victims.

## FIGHT AGAINST IMPUNITY

23. During the reporting period, the government continued to undertake measures to enhance the fight against impunity. On 22 July, the Bangui Court of Appeal began its first criminal session of 2024. In the meantime, the Special Criminal Court (SCC) executed its first reparations judgement in the Paoua case granting 18,855,00 XAF (approximately \$32,066) to nine victims and 32 families. Victims of sexual violence also received support from the Nengo Project.<sup>18</sup>
24. Nonetheless, structural and institutional challenges remain with persistent cases of prolonged/arbitrary detentions, insufficient measures to hold perpetrators of human rights violations/abuses accountable amid continued reports of prolonged unofficial absence of some judicial officers including magistrates from their jurisdictions with implications for the access to justice.

## OBSERVATIONS

25. Ensuring inclusive, credible and peaceful local elections would entail adopting a human rights-based approach that supports the meaningful participation of marginalized and vulnerable segments of the population while building popular trust and confidence in the process. In this regard, ongoing efforts by the government supported by the UN to enhance the participation of women and youth as well as other vulnerable groups should be sustained. Voter registration which is a key part of the electoral process would be expected to promote inclusivity and contribute to the right to vote of the population by ensuring that safeguards are in place for marginalized, vulnerable and displaced communities to be registered. In addition, ensuring a civic space that promotes constructive debates and discussions leading to the elections would contribute to its credibility and acceptance of the outcome. In this regard, MINUSCA would

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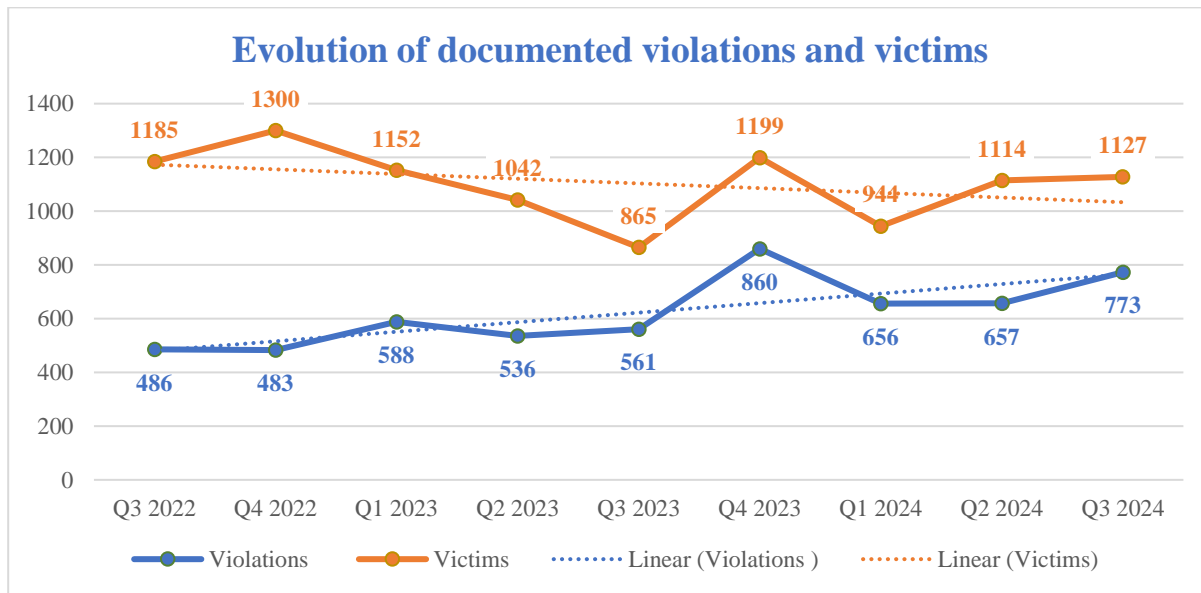
<sup>18</sup> The Nengo project provides holistic care for survivors of sexual and gender-based violence in CAR. It is run by the Mukwege Foundation in collaboration with an international consortium of actors.

continue to support efforts to enhance the realisation of fundamental freedoms and liberties particularly within the context of the upcoming elections taking into consideration the importance of preventing and responding to hate messages and mis/disinformation.

26. The government’s efforts to investigate reports of human rights violations and abuses in Haut-Mbomou Prefecture are commendable through the creation of the Judicial Commission of Inquiry. Nonetheless, the situation relating to the WTA requires urgent attention given its implications for social cohesion in the area and the likelihood of violations spreading to other areas as was reported in Mbomou Prefecture. Taking concrete steps to prevent and respond to human rights violations by WTA is consistent with the government’s strategic vision under the National Human Rights Policy and its obligations under national and international human rights law and international humanitarian law.

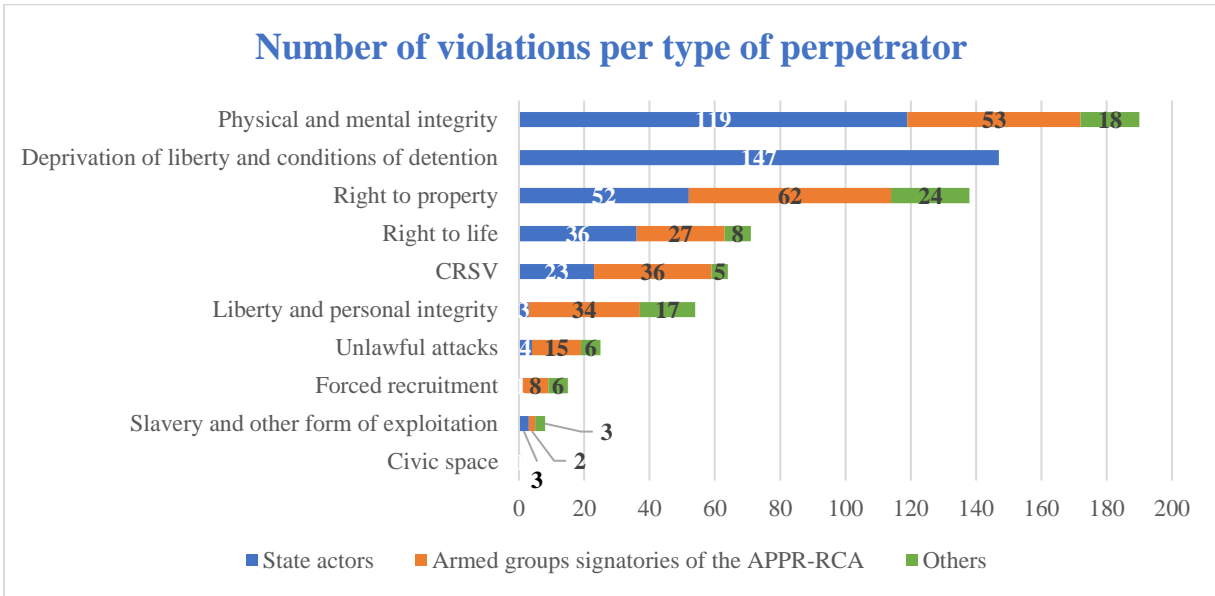
## ANNEXES

### a. Infographic number 1





b. Infographic number 2



c. Infographic number 3

