



MINUSCA

United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
Mission Multidimensionnelle Intégrée des Nations Unies pour la Stabilisation en République Centrafricaine

Attack on the Displaced Persons' Camp in Alindao, Basse-Kotto Prefecture, on 15 November 2018: Breaches of International Humanitarian Law and Atrocity Crimes Committed by the UPC and anti-Balaka associated militias

SUMMARY

This information note of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is issued pursuant to United Nations Security Council resolution 2448 of 13 December 2018, which *inter alia* mandates MINUSCA to “monitor, help investigate, and timely report to the Security Council and publicly on violations of international humanitarian law and on violations and abuses of human rights committed throughout the CAR.”¹ The information note presents the results of investigations and details violations and abuses of human rights and breaches to international humanitarian law (IHL) committed by the *Unité pour la paix en Centrafrique* (UPC)² and anti-Balaka associated militias in Alindao on 15 November 2018. Violations and abuses documented by MINUSCA include killings, injuries, appropriation or destruction of property, forced displacement and attacks on humanitarian actors.³

The armed violence that occurred in Alindao on 15 and 16 November 2018, including the violent attack of a camp housing thousands of internally displaced persons (IDPs), resulted in the death of at least 112 persons including 19 children, 44 women and 49 men, the vast majority of whom are presumed to have been civilians.⁴ At least 27 persons, including four children, were injured, mostly by gunshots.⁵

Systematic looting and destruction of personal and institutional property by the UPC and its supporters was an integral part of the attack. The violence conducted against IDPs and the destruction of housing and other infrastructure in the IDP camp forced its residents to flee and only return after MINUSCA military reinforcements secured the site.

MINUSCA investigation of the incident concluded that the UPC attack was well-coordinated and carried out in a premeditated manner with the intention of destroying the IDP site, which the UPC considered to be an anti-Balaka safe haven. The investigation also found evidence that the UPC

¹ Operative paragraph 40(d)(i).

² A frequent seen alternative version of the armed group's name is *Union pour la Paix en Centrafrique*

³ At the time of writing MINUSCA had not documented any incidents of conflict-related sexual violence in Alindao on or around 15 November 2018.

⁴ On 69 victims MINUSCA obtained in-depth information by interviewing witnesses; the remaining 43 victims' names appeared on lists provided to MINUSCA by Alindao-based humanitarian organizations. Of the 69 dead confirmed by witnesses, 17 names were mentioned by more than one source.

⁵ Statistics provided by IDP representatives and humanitarian organizations put the number of injured higher at 38. MINUSCA, however, was not able to verify these figures. The 27 injured persons confirmed by MINUSCA investigations consisted of 13 Muslim men, seven Christian men, three Christian women, two Muslim boys, one Christian boy and one Christian girl. The unconfirmed list of 38 injured includes an additional child.

deliberately sought to instrumentalize Muslim civil society organizations in Alindao and infiltrate armed combatants in civilian gatherings.

MINUSCA documented that in the months leading up to the 15 November attacks, anti-Balaka associated regularly killed and injured Muslim civilians. On 15 November they participated in the looting of the IDP camp they were claiming to protect. Nevertheless, MINUSCA attributes the overwhelming majority of violations committed on 15 November – many of which may constitute war crimes – to the UPC and its supporters.

METHODOLOGY

MINUSCA Human Rights Officers and Child Protection Officers investigated the events in Alindao through site visits, interviews with victims and witnesses, and reviews of photos⁶ and documents. MINUSCA investigation teams visited Alindao from 18 to 21 November and from 10 to 14 December 2018.

The teams conducted 89 interviews with victims, witnesses, IDPs, local authorities, community and religious leaders (Catholic, Protestant and Muslim), humanitarian workers and personnel of local and international non-governmental organizations (NGOs) and health care professionals. The MINUSCA teams also interviewed members of armed groups (UPC and anti-Balaka), as well as MINUSCA peacekeepers who were present during the incident.

United Nations human rights investigations are not criminal investigations and are not obliged to adhere to the standards of proof required for criminal investigations and prosecutions. However, in conducting its investigation, United Nations staff are bound by the principles of independence, impartiality and objectivity. In investigating and analyzing each piece of information, MINUSCA exercised due diligence to corroborate and cross-check information from as wide a range of sources as possible. The investigations adopted a “reasonable grounds to believe” standard of proof, which required analysis to ensure that a reliable body of information was gathered on the basis of which a reasonable, ordinary, prudent person would have reason to believe that the incident described occurred. Information that did not meet MINUSCA’s minimum standard of verification is described as an “allegation” in this information note. This information note does not include allegations that MINUSCA deemed implausible or not credible.

A key feature of the ongoing conflict in CAR is a frequent difficulty in distinguishing between fighters with a continuous combat function, supporters of armed groups who are classified as civilians directly participating in hostilities, common criminals, and civilians who take no part in hostilities and are entitled to protection at all times. Armed groups in CAR exploit this ambiguity deliberately in an effort to avoid being held accountable for their actions. MINUSCA investigators balanced the need to critically examine the credibility of testimonies with the principle that, if in doubt, a victim should be considered a civilian.

CONTEXT AND PREVIOUS DEVELOPMENTS

On 22 February 2017, MINUSCA – as part of a long-term strategy to improve protection of civilians and stabilize CAR’s major towns – forced the fighters of the UPC to leave Bambari, the capital of Ouaka prefecture. Many UPC fighters moved to Alindao, in the Basse-Kotto prefecture, a town with an 80 percent Christian and 20 percent Muslim population. The UPC arrival sparked a period of frequent clashes with anti-Balaka groups that operated in rural areas around Alindao. The

⁶ Most photos (including those published on p. 3 and 5 of this information note) were taken by MINUSCA staff; a few were provided by humanitarian workers in the IDP camp.

UPC also strengthened its presence in the village of Bokolobo, located roughly halfway between Bambari and Alindao, where the armed group maintained its military headquarters until January 2019.



Scenes from the Alindao cathedral IDP camp on 7 September 2017

MINUSCA previously documented that from May to August 2017 between 193 and 257 persons – of whom the majority MINUSCA believes to have been civilians – were killed in and around Alindao, including at least 43 women and children. MINUSCA estimated that over 80 percent of all killings were attributable to the UPC and its affiliates. In particular, on 8 and 9 May 2017 UPC fighters and armed Fulani supporters raided the predominantly Christian neighbourhoods of Paris-Congo and Calvaire in Alindao and set fire to large parts of the town in an attempt to force anti-Balaka fighters hiding in Christian neighbourhoods out of the area. More than a hundred people were killed on these two days alone. The events of May 2017 led to the segregation of Alindao's population and prompted the town's Christian inhabitants to flee their neighbourhoods and take refuge in two IDP camps. One of these camps is a large, unfenced, partly forested space of 11 so-called blocks⁷ with more than 20,000 inhabitants located around Alindao's cathedral and the diocesan compound in the south-east of town.⁸ The second camp is a smaller site with 3,000 residents at the Elim church in the Muslim neighbourhood of Lapara in the north-west of Alindao.⁹ MINUSCA peacekeepers, mandated to protect civilians, had their main base adjacent to the Elim camp but also maintained a permanent presence at the cathedral IDP site.

⁷ Named after biblical locations: Bethleem, Canaan, Corinthe, Ephese, Galilée, Jéricho, Jérusalem, Nazareth, Samarie, Sinaï and Thessalonique.

⁸ Any reference to IDPs and their camp in this document refers to the cathedral camp, and not the Elim site, unless indicated otherwise.

⁹ There is also a third IDP camp three kilometres north of Alindao, inhabited by 2,000 Muslim Fulanis originating from Basse-Kotto, Ouaka, Mbomou and Bangui. This site was set up in October 2016 and is commonly called PK3 camp.

Beyond UPC violations, frequent ambushes by anti-Balaka fighters against Muslim civilians in surrounding fields, forests and roads around Alindao – which, unlike the town of Alindao itself, is not under UPC control – have claimed dozens of lives since 2017.¹⁰ These killings by anti-Balaka associated militias, which continued up to the early morning of 15 November, poisoned community relations, generating deep grievances among the Muslim community. Although both UPC and anti-Balaka were involved in targeted killings of civilians, both groups portray their communities as victims and their own actions as self-defence.

Anti-Balaka combatants, who are not easily distinguished from ordinary civilians,¹¹ live among the IDPs at the cathedral IDP camp.¹² They engage in both petty and organized crime such as racketeering, extortion, unlawful arrests and intimidation. The anti-Balaka wield considerable power over the entire camp's affairs although they only maintain bases in four blocks.¹³ Their posture is not uniform; at times anti-Balaka fighters are in total hiding and at other moments they operate openly in the camp, with weapons displayed. Attitudes in the IDP camp towards the anti-Balaka vary. Some IDPs resent anti-Balaka abuses and criminality while others express grudging acceptance or even enthusiastic support towards them as defenders of the community. However, most IDPs that MINUSCA spoke to recognized the anti-Balaka presence as a destabilizing factor and blamed them for much of the crime that plagued the camp. The IDPs are also painfully aware that the anti-Balaka presence makes the IDP camp a UPC target. MINUSCA heard testimonies claiming that sub-prefectoral and Catholic church officials as well as MINUSCA peacekeepers tolerated the anti-Balaka presence in the IDP camp and refrained from taking decisive measures to expel them from the camp.¹⁴

CHRONOLOGY OF EVENTS

Two attacks by anti-Balaka fighters against Muslim civilians on 14 and 15 November caused an increase in intercommunal tensions in Alindao. Six suspected anti-Balaka fighters killed a 50-year-old Muslim farmer in his fields 1 km from Alindao near the Bangui Kette bridge. The following morning, in the same area, two suspected anti-Balaka fighters ambushed a 22-year-old Muslim motorbike taxi driver, killing his two passengers. Both incidents were confirmed to MINUSCA by eyewitnesses. Members of the Muslim community accused the Christian population of Alindao, particularly the IDP camp residents, of supporting and protecting anti-Balaka fighters responsible for these attacks.

On 15 November at about 0800 hrs. members of the Muslim community, interspersed with armed UPC fighters, began entering the IDP site from the north-west,¹⁵ arriving mostly on foot, but also using a few vehicles. They advanced in the direction of the cathedral, located in the south-east of the camp. The north-western camp edge of the camp is unfenced but was protected by two static

¹⁰ Representatives of Alindao's Muslim community close to the UPC issued a press release on 18 November 2018 claiming that 573 Muslims had lost their lives in 21 attacks carried out by anti-Balaka fighters between 9 May 2017 and 13 November 2018 in Alindao, in villages between Alindao and Bambari, and in an area stretching approximately 50 km north-east from Alindao. No additional details on methodology or on the identity and status of these alleged victims was provided. MINUSCA notes that the average number of fatalities per incident (more than 27 victims per attack) is implausible and cannot confirm such a high number of casualties.

¹¹ Anti-Balaka fighters normally wear civilian clothes. Many anti-Balaka sport tattoos or ritual scarification, although many claim that they left the armed militias long ago even if marks on their skin remain. They also tend to adorn themselves with ritual amulets, particularly in battle, but these can be easily removed and hidden.

¹² Both Christians and Muslims agree that the Elim IDP camp does not shelter any anti-Balaka fighters, which is why this camp is tolerated by the UPC despite being in a Muslim neighbourhood of Alindao.

¹³ Bethlehem, Thessalonique, Canaan and Corinthe.

¹⁴ For example, witnesses made anecdotal accusations that peacekeepers made insufficient efforts to disarm or arrest anti-Balaka fighters. No details were offered and MINUSCA was unable to substantiate these allegations. However, at the time of writing separate investigations were still ongoing (see chapter on MINUSCA response, p. 10 below).

¹⁵ Blocks Corinthe and Jérusalem.

sentry posts of MINUSCA peacekeepers. Altogether, 35 MINUSCA soldiers were stationed at the IDP camp, manning a small base in the centre of the camp as well as four sentry positions located approximately in the four corners of the camp. MINUSCA soldiers reported hearing gunshots as well as impacts from rocket-propelled grenades and hand grenades but claimed that they initially saw no uniformed assailants and no weapons other than machetes. By contrast, IDP eyewitnesses testified that the attackers, who numbered between 200 and 400, comprised uniformed and armed UPC fighters and civilians, including women and children. MINUSCA was unable to determine if UPC fighters and civilians merely joined forces in attacking the IDP camp or if UPC elements deliberately brought civilians to the IDP camp to use them as human shields and protect themselves from potential anti-Balaka and MINUSCA fire. Witnesses described the pro-UPC armed civilians as members of a militia who call themselves *mujahedin* and evolved from Alindao's association of Muslim youth.¹⁶



Alindao cathedral IDP camp on 19 November 2018

About a dozen anti-Balaka fighters armed with artisanal rifles initially resisted the attack and succeeded in holding off the assailants. However, by about 1000 hrs. they ran out of ammunition and withdrew, allowing the assailants to overrun the camp. At this point the anti-Balaka fighters advised the IDP population to flee.

Although MINUSCA was unable to pinpoint the precise timing of the events, it determined that the attack of 15 November was carried out in four waves, three by the UPC and its supporters and the fourth by the anti-Balaka. The initial group of mostly UPC attackers invaded the camp and fired

¹⁶ In CAR, *mujahedin* are generally understood to be locally-based, pro-Fulani self-defence fighters and UPC collaborators, without the religious or extremist connotation that the term *mujahedin* has elsewhere in the world. According to MINUSCA research, the *mujahedin* may have had their origin in Muslim communities which fled the anti-Balaka takeover of Bangassou in May 2017 and began engaging in banditry along the Route Nationale 2 between Bangassou and Kongbo. MINUSCA also heard references to the *mujahedin* in Kémbé and Pombolo in October 2017.

randomly at the IDPs with automatic weapons. A second group, comprising predominantly Muslim civilians, then engaged in systematic looting of IDPs' possessions as well as church and NGO property. Lastly, a third group of UPC reinforcements arriving from Bokolobo in the late afternoon set fire to the IDP camp. By 1600 hrs. the assailants had withdrawn, at which point anti-Balaka elements re-emerged and looted the few IDP items remaining from the previous attacks.

On 16 and 17 November, workers of the CAR Red Cross, with protection from MINUSCA peacekeepers, buried the bodies of 68 persons in 20 mass graves and two individual graves, all located within the IDP site.¹⁷

On 22 November at 1745, suspected anti-Balaka fighters opened fire on the MINUSCA sentry post in the south-eastern corner of the IDP camp leading to an exchange of fire that lasted over 30 minutes. MINUSCA repelled the attack when reinforcements arrived in two armoured personnel carriers. The assailants fled and hid among the camp's IDP population. One woman was killed and one man injured in the crossfire. IDP leaders claimed the attack was in protest at the perceived inaction of MINUSCA peacekeepers on 15 November.

KILLINGS AND INJURIES

The perpetrators killed or injured IDPs who failed to flee before the attacks or who were unable to move due to illness, disability or age. Some victims were executed with military-style rifles or killed with machetes while others died inside burning houses.

Given that anti-Balaka fighters initially resisted the attack against the IDP camp and returned in the late afternoon, MINUSCA cannot rule out that some of the victims in the IDP camp were anti-Balaka fighters or civilians directly participating in hostilities at the moment they were killed. However, given the large number of women and children killed (38 women and 18 children among 100 fatalities in total), the circumstances of many deaths, as well as consistent and credible testimonies by numerous witnesses, MINUSCA concludes that the majority of victims killed in and around the IDP camp were civilians.

Prominent victims among the civilians killed in and around the IDP camp included Mada Blaise, the vicar-general of the diocese of Alindao, Célestin Ngoumango, parish priest of Kongbo, and Gabriel Singa, the pastor of the Elim church.

MINUSCA also verified the killing of 11 Muslims on 15 November, including six women aged between 25 and 70, but could not establish the exact circumstances or time of their deaths.¹⁸ Muslim witnesses in Alindao told MINUSCA that Muslim civilians would not normally venture into the zone around the IDP camp, considered hostile anti-Balaka territory. Four men and a 17-year-old boy who went to recover the women's bodies were also killed while two Muslim men who came to the assistance of the sixth woman, who at that time was still alive but succumbed to her injuries later, were ambushed by suspected anti-Balaka fighters and injured by shots from artisanal rifles. A twelfth civilian (male adult) was reportedly abducted by anti-Balaka on 16 November, taken to the IDP camp and killed there. MINUSCA was unable to confirm allegations of three additional fatalities among the Muslim community.

The investigation was able to verify that 27 persons were injured in the attacks and subsequent fighting on 15 November. 26 suffered gunshot wounds and another burns. At least four of the

¹⁷ MINUSCA visited 22 sites that had the appearance of, and were described by witnesses as, graves.

¹⁸ The women could have been passers-by who strayed into the conflict zone by accident, victims of cross-fire in the morning clashes between the UPC and the anti-Balaka, or looters who were killed by anti-Balaka fighters or IDPs.

victims (two Christians, two Muslims) were children aged 10 to 17. Community representatives informed the MINUSCA investigation team that an additional 11 persons were injured although this information could not be verified. Given the unilateral nature of the 15 November attacks and the fact that no Muslim civilians lived near the IDP camp, MINUSCA finds it probable that at least some of the 15 injured Muslims were fighters or persons engaged in looting the camp. This conclusion is further supported by the fact that the violence on 15 November did not affect any Muslim-inhabited neighbourhoods around the centre of Alindao, which the Muslim community by its own admission cannot leave safely. All Muslim injured were male (13 adults and two boys).

LOOTING AND DESTRUCTION OF PROPERTY

According to numerous witnesses, the looting of the IDP camp focused on five of the camp's 11 blocks.¹⁹ While the overwhelming majority of the pillaging was perpetrated by the UPC and members of the Muslim community, anti-Balaka fighters also carried out some acts of looting late on 15 November, stealing both IDP and NGO property, particularly in parts of the IDP site that were still intact.

During the attacks, assailants looted private and church property and stole or destroyed food aid and other humanitarian supplies, vehicles, equipment, money, valuables and documentary records of humanitarian, educational and medical institutions.²⁰ They vandalized or destroyed several brick buildings, including part of the cathedral, and torched at least half of the IDP site, including hundreds of IDP shelters made of wood and dried vegetation. Some of the assailants used vehicles to transport large quantities of looted property from the IDP camp and its surroundings.

On 16 November, MINUSCA reinforcements arriving in Alindao prevented a resumption of looting in the IDP camp.

FORCED DISPLACEMENT

The attacks on and destruction of the IDP camp prompted almost the entire camp population of 17,732 IDPs²¹ to flee towards Alindao's main MINUSCA military base at the Elim IDP site or into the bush around Alindao where they remained in hiding for several days, exposed not only to insecurity but also to a lack of food, water, shelter and healthcare. Some fled as far as Datoko (7 km south-west of Alindao) and Bandadika (23 km). The number of IDPs protected inside the MINUSCA peacekeepers' base at the cathedral IDP camp or in its immediate vicinity while the attack was ongoing was highly disputed, ranging from a few dozen persons (according to IDP representatives) to 500 or even 1,000 IDPs (according to the peacekeepers). Most IDPs quickly returned and started rebuilding their homes, following a tripling of MINUSCA peacekeeper presence and a resumption of humanitarian aid delivery.

ATTACKS AGAINST HUMANITARIAN AND RELIGIOUS INSTITUTIONS

United Nations and non-governmental humanitarian organizations, which provided essential services to the IDPs, were present in Alindao prior to the incidents. Some of these organizations were institutionally linked to the Catholic church, which itself played a major role in protecting IDPs by allowing them to settle in the diocesan compound. The UPC interpreted this closeness as

¹⁹ Corinthe, Ephese Galilée, Jérusalem and Nazareth.

²⁰ No precise figures are, however, available to state the monetary value of the overall damage or to determine what percentage of the properties in the camp were affected.

²¹ UNHCR and OCHA census of 31 October 2018.

deliberate discrimination of Muslims and as malicious collusion between the Catholic church, NGOs, Christian civilians and anti-Balaka militias.

The assailants of 15 November targeted at least six NGOs and one United Nations agency. Based on witness testimonies, MINUSCA concludes that some assailants accused certain NGOs – or their Central African staff members – of complicity with the camp’s anti-Balaka or of favouring Christian IDPs while ignoring the plight and poverty of Alindao’s Muslim inhabitants. Looting of NGO property may also have been motivated by the assailants’ knowledge that the equipment owned by NGOs and their staff members was much more valuable than the average IDP’s simple possessions.

MINUSCA found that groups attacking the IDP camp also torched the vehicle of an international NGO while its passengers carried out humanitarian work. UPC fighters hindered the NGO staff from providing assistance to injured persons. UPC fighters warned staff of another NGO against continuing its activities in Alindao. The assailants stole at least two NGO cars and three motorbikes as well as electronics, money, documents and stockpiles of humanitarian supplies. They also robbed NGO personnel of their personal valuables. Many locally recruited NGO staff fled into the bush with the camp’s IDPs when the attack began.

LEGAL ANALYSIS

The factual and legal analysis²² of the acts committed by the UPC, but also by the anti-Balaka, supports the conclusion that many were in violation of article 153 and 154 of CAR’s criminal code²³ relating to crimes against humanity and war crimes. The core rules of IHL and one of the “intransgressible principles of international customary law,”²⁴ require the parties to a conflict to distinguish between military objectives and civilians. Neither earlier clashes between armed groups nor the fact that anti-Balaka fighters lived among the IDP population in Alindao deprived civilian IDPs of the protection that they are entitled to under IHL.

Killings of civilians were committed in an intentional and targeted manner, which is prohibited in IHL²⁵ and constitutes a war crime in both international and non-international armed conflicts.²⁶ In addition, the UPC undertook what appear to be indiscriminate attacks of a nature that struck military objectives and civilians or civilian objects without distinction. Parties to a conflict are not only prohibited from attacking civilians but are in fact obliged to take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks.²⁷ Attacks that fail to distinguish between civilian and military objectives – either intentionally or by nature of the weaponry used – may constitute war crimes. The UPC did not seek

²² The abridged legal analysis in this information note does not discuss if some of the acts described also constitute violations of international human rights law, applicable to non-state *de facto* authorities. For a more comprehensive legal analysis of the conflict in CAR, the applicable law, the obligations of the parties to the conflict and the types of violations committed, see previously published MINUSCA human rights reports available at <https://minusca.unmissions.org/en/human-rights-0>, in particular the documents https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf, https://minusca.unmissions.org/sites/default/files/fprc_upc_bria_bakala_report_16oct2017_copy.pdf and https://minusca.unmissions.org/sites/default/files/minusca_report_kaga_bandoro_en.pdf.

²³ Law No 10.001 dated 6 January 2010.

²⁴ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, I.C.J Reports 1996, p. 226, paras. 78, 79.

²⁵ For non-international armed conflict: Common Article 3 of the Geneva Conventions. See also, Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Volume 1: Rules* (Cambridge University Press 2005), rule 89.

²⁶ Rome Statute of the International Criminal Court art. 8(2)(a)(i) and art. 8(2)(c)(i).

²⁷ Implicit in Common Article 3 of the 1949 Geneva Conventions. See also Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Volume 1: Rules* (Cambridge University Press 2005), rules 15-22.

to identify and neutralize anti-Balaka fighters with a continuous combat function but rather conducted attacks which were disproportionate and in violation of the principle of precaution against the effects of attacks. Instead of mounting targeted strikes against armed anti-Balaka individuals or groups, the UPC completely destroyed entire blocks of the IDP camp. MINUSCA investigations suggest that the civilian harm inflicted was not only disproportionate, but also intentional.

The *modus operandi* of the UPC and its methods of combat amounted to systematic reprisal attacks against civilians from the Christian community including both IDPs and Catholic church leaders. The anti-Balaka practice of mingling with civilians and hiding within the IDP camps deliberately put civilians at risk, but it in no way justified UPC attacks against civilians.

The failure by the armed groups to respect the property rights of displaced persons – including property left behind – and protect it against destruction or arbitrary and illegal appropriation, occupation or use is also a violation of IHL.²⁸ The prohibition of pillaging is considered part of customary international law.²⁹ Pillage – the forcible appropriation of public or private property without the consent of the owner and not justified by military necessity - is explicitly prohibited under IHL, whether it is organized or results from isolated acts of indiscipline.³⁰ Lastly, it is a war crime to intentionally direct attacks against buildings dedicated to religion, art, science, education or charitable purposes where they are not military objectives.³¹ An assessment of events points to systematic, deliberate and planned attacks and responses separately conducted by the UPC and anti-Balaka elements against civilians including IDPs and objects indispensable to their survival in Alindao.

LEGAL RESPONSIBILITY OF PERPETRATORS

Under applicable IHL, UPC and anti-Balaka fighters with a continuous combat function, who are classified as members of an organized armed group, bear full responsibility for their actions, as described in the legal analysis above. Any UPC or anti-Balaka supporter who did not have a continuous combat function but joined the attack without being a regular member of an armed group, and who participated directly in hostilities or inflicted death, injury or destruction on protected persons and objects³² – even in a spontaneous, sporadic or unorganized manner or without using a weapon – may also be prosecuted for breaches of IHL and for war crimes. Civilians who took advantage of the events on 15 November for personal gain, too, may face the full force of the law for crimes they committed, including prosecution for war crimes because the decisive factor is the character of their acts and not their status as civilians.³³

During its investigations, MINUSCA compiled a list of alleged perpetrators from both sides, including information such as names, ranks, functions and operational histories. This includes persons who allegedly instrumentalized civilians by encouraging them to commit crimes.

²⁸ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Volume 1: Rules* (Cambridge University Press 2005), rule 133, and *Guiding Principles on Internal Displacement*, principle 21(3).

²⁹ See ICTY, *Blaškić* Appeal Judgment, para. 148; ICTY, *Delalić et al.*, Trial Judgment, para. 315.

³⁰ ICRC Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, (Geneva, Martinus Nijhoff 1997) p. 1376.

³¹ Rome Statute art. 8(2)(b)(ix) and 8(2)(e)(iv).

³² “The most uncontroversial examples of acts that can qualify as direct participation in hostilities even in the absence of military harm are attacks directed against civilians and civilian objects.” *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law*, International Committee of the Red Cross, 2009 (available at www.icrc.org/en/doc/assets/files/other/icrc-002-0990.pdf), p. 46.

³³ *Ibid.*, p. 84. Civilians inflicting death, injury or destructions would only be classified as not participating in hostilities if the perpetrators are totally unaware of the role they are playing or if they are coerced or forced to perform their actions.

MINUSCA RESPONSE

The MINUSCA peacekeepers stationed in Alindao on 15 November had previously faced accusations of inaction, bias and lack of professionalism from IDPs in Alindao and elsewhere in the contingent's area of responsibility. Residents of Alindao alleged that the peacekeepers regularly engaged in inappropriate fraternization with the UPC while failing to clamp down on crimes perpetrated by the anti-Balaka against the IDP camp's civilian population. IDPs have raised numerous allegations of inappropriate or even unlawful conduct by MINUSCA peacekeepers (e.g. the provision of uniforms and ammunition to the UPC), including in the context of the 15 November attack. None of these allegations were substantiated during the present investigation.

MINUSCA peacekeepers claim that on 15 November the north-western and south-eastern sentry posts fired warning shots to dissuade the UPC attack. Some IDP representatives contradicted this account, claiming that MINUSCA peacekeepers did not shoot at all on 15 November while others claimed that they fired warning shots only to push back fleeing IDPs who tried to enter the MINUSCA base. The investigation was not able to confirm any of these conflicting claims.

The first MINUSCA military reinforcements (21 soldiers) reached Alindao on 16 November, followed by further troops on 22 and 29 November. By December at least 216 peacekeepers were present in Alindao. They secured not only the IDP sites, but also patrolled the entire town of Alindao and warned the UPC and anti-Balaka against any further attacks targeting civilians. As a result, IDPs and humanitarian organizations returned to the cathedral site and a fragile security was restored. On 7 December 2018 MINUSCA deployed a surge team of civilian experts to Alindao, who stayed for several weeks to encourage dialogue and foster intercommunal reconciliation.

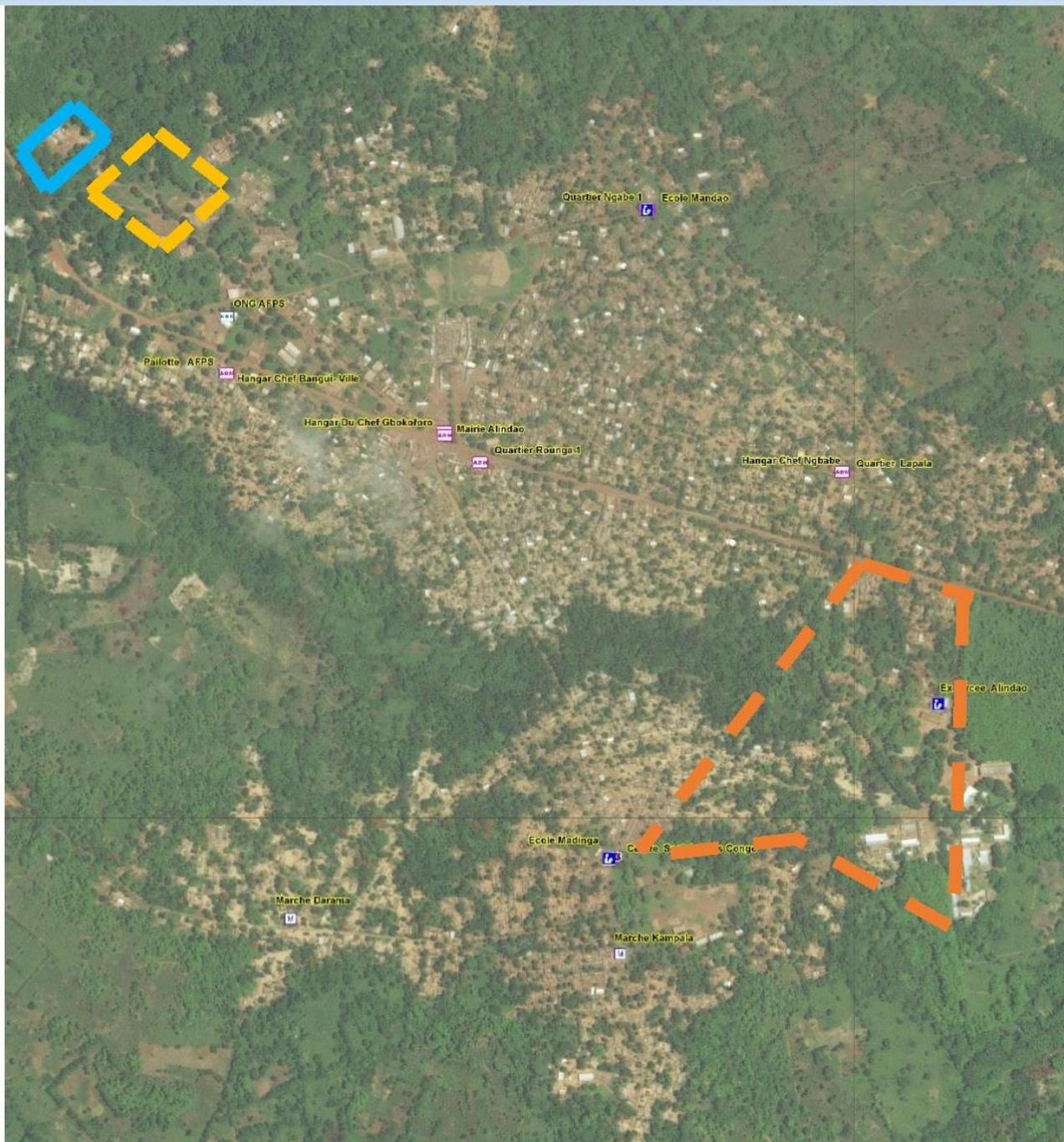
The current investigation focused on violations of human rights and IHL and did not seek to review or evaluate the MINUSCA response. MINUSCA has launched a separate investigation which will review the posture and conduct of its peacekeepers during the incident.

RECOMMENDATIONS

MINUSCA calls on

- The UPC, whose fighters and supporters have previously committed grave violations of international humanitarian law, to immediately cease all attacks against civilians.
- The UPC leadership to take prompt, effective and verifiable measures to minimize future civilian casualties and to discipline fighters who were involved in the Alindao attack or other crimes against civilians.
- The anti-Balaka to stop attacks against civilian persons and objects and to discontinue immediately their practice of hiding in IDP camps as these practices expose civilians to unnecessary risk.
- The CAR government to seize the current window of opportunity in Alindao to deploy civil servants, and state defence and security forces to bring services and security to the population of Alindao.
- The Muslim and Christian communities of Alindao and Basse-Kotto prefecture and their leaders to dissociate themselves from armed groups, seek to de-escalate the cycle of sectarian violence and retribution that harms them both, and engage in local initiatives for peace and social cohesion, including by voluntary restitution of stolen property, compensation and other confidence-building measures.
- The International Criminal Court, Special Criminal Court and domestic courts in CAR to increase efforts to bring perpetrators to justice, in cooperation with MINUSCA.

ALINDAO IDP CAMP AERIAL VIEW (Date 15 November 2018)



References:

MINUSCA Base Boundaries 

Elim IDP Camp Boundaries 

Main IDP Camp Boundaries 

