



**PUBLIC REPORT ON VIOLATIONS OF HUMAN RIGHTS AND  
INTERNATIONAL HUMANITARIAN LAW IN THE CENTRAL AFRICAN  
REPUBLIC DURING THE ELECTORAL PERIOD**

**July 2020 - June 2021**

## INDEX

<b>3R</b>	Return, Claim and Rehabilitation
<b>APPR-RCA</b>	Political Agreement for Peace and Reconciliation in the Central African Republic
<b>ASPE</b>	Sub-Prefectural Elections Authority
<b>ALE</b>	Local Elections Authority
<b>ANE</b>	National Elections Authority
<b>CPC</b>	Coalition of Patriots for Change
<b>HRD</b>	Human Rights Division
<b>FACA</b>	Central African Armed Forces
<b>FPRC</b>	Popular Front for the Renaissance of the Central African Republic
<b>FSI</b>	Internal Security Forces
<b>HCDH</b>	Office of the High Commissioner for Human Rights
<b>KNK</b>	Kwa na Kwa ('work only work')
<b>MCU</b>	United Hearts Movement
<b>MPC</b>	Movement of Central African Patriots
<b>HRO</b>	Human Rights Officers
<b>OCRB</b>	Central Office for the Repression of Banditry
<b>RPRC</b>	Patriotic Rally for the Renewal of the Central African Republic
<b>UNPOL</b>	United Nations Police
<b>UPC</b>	Unity for Peace in Central Africa

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## I. Summary

1. This report by the Human Rights Division (HRD) of the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA) is published jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR). It provides an analysis and summary of violations and abuses of international humanitarian and human rights law committed during the electoral period in the Central African Republic, from 1 July 2020, when the last phase of preparations for the elections began, to 30 June 2021. It was drafted in accordance with the UN Security Council Resolution 2552 (2020) of 12 November 2020, which mandates the Mission to "*monitor the situation with regard to violations of international humanitarian law and human rights law committed throughout the territory of the Central African Republic, to provide timely information to the Security Council and the public and to assist in related investigations*".<sup>1</sup>

2. On 27 December 2020, the Central African Republic organized presidential and legislative elections in a volatile socio-political and security context. Despite the signing of the Political Agreement for Peace and Reconciliation in the Central African Republic (APPR-RCA) on 6 February 2019 in Bangui, six armed groups that signed this agreement denounced it on 15 December 2020 and announced the formation of the Coalition of Patriots for Change (CPC) on 17 December 2020 to prevent the holding of the elections, thereby jeopardising both the democratic process and constitutional order. The CPC comprises: Al-Khatim Mahamat's *Mouvement Patriotique Centrafricain* [Movement of Patriots of CAR] (MPC); the Return, Reclamation and Rehabilitation (3R) group of "General" Sidiki, who was replaced after his death by "General" Bobo; Ali Darrassa's *Union pour la Paix en Centrafrique* [Union for Peace in CAR] (UPC); Nouredine Adam's faction of *Front Populaire pour la Renaissance de la Centrafrique* [Popular Front for the Renaissance of CAR] (FPRC); and the anti-Balaka, Mokom and Ngaïssona wings, led by Maxime Mokom and Dieudonné Ndomaté respectively. This coalition is led by former President Bozize, whose candidacy for the presidential election was invalidated on 3 December 2020 by the Constitutional Court.

3. Violations and abuses of international human rights law and international humanitarian law were committed during the electoral violence, amid political tensions over candidacies to the elections, the composition of the National Elections Authority (ANE) and the payment of its staff, the revision of the electoral calendar, the registration of voters (prevented from doing so in some places by armed groups), the exclusion of Central African refugees, and the failure of armed groups to honour their commitments under the APPR-RCA.<sup>2</sup>

4. This report flags violations and abuses of international human rights law and international humanitarian law, including cases of conflict-related sexual violence and serious violations of children's rights committed throughout the electoral process by armed groups, including those affiliated with the CPC, national law enforcement agencies, including the Central African Armed Forces (FACA) and the Internal Security Forces (FSI), and other security personnel, including Russian instructors and employees of private security companies operating in the country, either independently or jointly with other state actors.

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<sup>1</sup> S/RES/2552 (2020), available at [http://undocs.org/fr/S/RES/2552\(2020\)](http://undocs.org/fr/S/RES/2552(2020)).

<sup>2</sup> Central African Republic: The electoral process and the APPR-RCA on the agenda of the ECCAS-AU-UN high-level meeting held on 28 October 2020. Available at <https://ceecac-eccas.org/presidence/car-the-electoral-process-and-the> appr-on the-agenda of the ceeac-au-uno-high -level -meeting/, accessed on 2 June 2021.

5. From July 2020 to June 2021, the HRD documented 526 cases of violations and abuses of human rights and international humanitarian law across the country involving 1,221 victims, including 847 men, 146 women, 59 girls, 32 boys and 137 victims whose gender and/or age was not ascertained. In its investigations, the HRD established that armed groups affiliated to the CPC were responsible for 286 (54%) of the incidents and 730 (60%) of the victims. The FACA, the FSI and other security personnel were responsible for 240 (46%) incidents involving 491 (40%) victims.<sup>3</sup> Among the victims identified, the HRD verified the death of 144 civilians or people not involved in combat (116 men, 1 boy, 16 women and 11 persons whose gender and/or age could not be established between December 2020 and June 2021).<sup>4</sup>

6. The HRD attributed 72 of these deaths to the FACA and other security personnel, 61 to armed groups affiliated to the CPC and 11 people who died from stray bullet injuries.

7. During the investigations conducted in Bangui and in-country, the HRD did not document any violations of international human rights law and international humanitarian law attributable to the members of the Rwandan bilateral force during their operations.

8. The report also outlines some of the measures taken by the Government of the Central African Republic to promote and protect human rights in the current context, including the establishment of a Special Commission of Inquiry to investigate violations of human rights and international humanitarian law throughout the country, as well as the activities of the HRD of MINUSCA in the context of elections.

9. Finally, this report is an advocacy tool to ensure that all parties involved in violations and abuses of human rights and international humanitarian law put an end to them and take corrective measures to better protect the population. Appropriate recommendations are made at the end of this report, including a recommendation to the Government of the Central African Republic to take appropriate steps to punish all violations and abuses and to vacate all public and private buildings illegally occupied by the FACA, the FSI and other security personnel. Recommendations are also made to the armed groups, specifically to cease their attacks on the civilian population and to re-join the peace process; and to the international community to support, among other things, the efforts of the Government of the Central African Republic to combat impunity, to professionalise the FACA and to protect civilians.

## II. Methodology

10. In the run-up to the elections, the HRD set up a working group to monitor the situation of international human rights law and international humanitarian law during the election period. A comprehensive strategy for the promotion and protection of human rights in the context of the electoral process and international humanitarian law was developed focusing on several areas: building State capacities in human rights and elections as well as monitoring human rights violations in the context of elections, including the rights of the child, women, IDPs and returnees.

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<sup>3</sup> HRD investigations are not criminal investigations and are not subject to the standards of proof required for criminal investigations and prosecutions. However, the HRD in its investigations is bound by the principles of independence, impartiality and objectivity. See annex for details of the authors and factual elements.

<sup>4</sup> A key feature of the conflict in the Central African Republic is the recurrent difficulty of distinguishing between elements of an armed group, supporters of armed groups classified as civilians participating in hostilities, opportunistic criminals and civilians not participating in hostilities. The assignment of civilian status has been carefully assessed by the HRD in accordance with the OHCHR approach. This approach may lead to statistical discrepancies in the number of people counted as victims compared to data presented by other institutions.

11. The HRD used a preventive approach based on UN protection tools and human rights due diligence policy, through the systematic collection of information on alleged violations and abuses of human rights and international humanitarian law before, during and after the elections. In this regard, the HRD and its partners organised training and education sessions on international humanitarian law and international human rights law during the electoral period and on the inclusive participation, particularly of women, in the elections designed for the population, civil society, FACA/FSI and other stakeholders involved in the electoral process, such as regional officers.

12. The HRD carried out missions in the vast majority of the country's prefectures,<sup>5</sup> and conducted interviews with various sources to ascertain allegations of violations and abuses of human rights and international humanitarian law. The HRD performed these tasks with the support of local human rights forums in some prefectures. It also supported the establishment of a call centre for the collection of data on violations and abuses of human rights and international humanitarian law.

13. The working group set up to document and verify allegations of violations and abuses of international human rights law and international humanitarian law committed by all parties to the conflict conducted a total of 17 fact-finding missions, visited 38 IDP sites<sup>6</sup> and conducted 222 interviews with victims and their relatives, witnesses, local and national authorities, from 23 February to 30 June 2021. The group comprised 45 Human Rights Officers (HROs) from the HRD, including Women Protection and Child Protection Officers, and 17 members of the MINUSCA police (UNPOL).

14. This report presents an analysis of the cases with a particular focus on incidents considered to be the most emblematic. As a result of persistent threats against individuals who report human rights violations and abuses or collaborate with MINUSCA investigators, certain information that could lead to the identification of victims, witnesses or any other source of information has been withheld to protect these individuals. For example, in some emblematic cases, locations as well as inaccurate and poorly documented testimonies have been excluded from the report. Furthermore, during the period under review, MINUSCA received 22 individual protection cases, involving 22 individuals, including one human rights activist and one journalist. Three out of these persons (18 men and four (4) women) were threatened by armed groups affiliated with the CPC, including the 3Rs and UPC, while the remaining 19 were threatened by actors affiliated with the CAR Government. Five (5) of these persons were threatened on account of their political activities, two (2) because of their activism or journalism, and two (2) others were suspected of collaborating with MINUSCA. These individuals were relocated with the support of MINUSCA.

15. Information on violations of international human rights law and international humanitarian law was documented in accordance with the human rights monitoring and investigation methodology developed by OHCHR. Allegations that could not be confirmed by a second independent source were therefore not included.<sup>7</sup>

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<sup>5</sup> Specifically, prefectures: Basse-Kotto (Mobaye), Haute-Kotto (Bria), Haut-Mbomou (Obo), Lim-Pendé (Paoua), Kémo (Sibut), Lobaye (Mbaïki), Mambéré (Carnot), Mambéré-Kadéï (Berbérati), Mbomou (Bangassou), Nana-Mambéré (Bouar), Ombella-M'Poko (Boali), Ouaka (Bambari), Ouham-Pendé (Bozoum), and the capital Bangui.

<sup>6</sup> These sites include: Mbaïki, Boda, Bangui-Damara, Boali-Bossembélé-Yaloke, Bangassou, Zémio, Obo, Dekoa, Mala -PK22 of Dekoa, Sibut, Bambari, Grimari, Bouar, Nana-Bakassa, Bozoum, Carnot, Gamboula, Dilapoko and Nassolé.

<sup>7</sup> HRD investigations are not criminal investigations and are not subject to the standards of evidence required for criminal investigations and prosecutions. However, the HRD in its investigations is bound by the principles of independence, impartiality and objectivity. The number of incidents contained in this report is not an exhaustive list.

16. The HRD encountered several challenges during its investigations, owing specifically to the security situation and COVID-19 pandemic, which prevented HROs and UNPOL from visiting certain locations where violations of international human rights law and international humanitarian law were reported. The use of explosive devices<sup>8</sup> and rising number of incidents involving the disruption of the movement of MINUSCA personnel by FACA and other security personnel also adversely impacted the work of the HROs.

17. Moreover, it is difficult to differentiate members of armed groups directly participating in hostilities, from civilians and common law criminals in the current context of the Central African Republic. In this respect, the OHCHR approach recommends that in case of doubt, such persons receive protection accorded to civilians.

18. Finally, the widespread fear of reprisals among conflict-affected communities and the clear public hostility of some actors towards MINUSCA have restricted access to victims and witnesses. These factors significantly limited the HRD's ability to investigate all alleged violations and abuses of international human rights and humanitarian law.

### III. Background

19. Despite the successful democratic transition in 2016 following the enactment of a new constitution on 30 March 2016, the political and security situation in the Central African Republic remains unstable. The signing of the APPR-RCA on 6 February 2019 between 14 armed groups and the Government of the Central African Republic has strengthened dialogue through the implementation mechanisms of the Agreement. Despite a promising start in the months following the signing of this Agreement, the signatory armed groups continued to commit atrocities against the civilian population in a bid to hinder the return of state authority in some areas.<sup>9</sup> The presidential and legislative elections of 27 December 2020 were an opportunity for the democratic renewal of institutions.

20. To ensure successful voter registration operations, the ANE launched a comprehensive nationwide recruitment drive of registration staff on 11 June 2020, while the United Nations Development Programme (UNDP) delivered a huge stock of electoral equipment to Bangui, including 4,400 tablets used for voter registration<sup>10</sup>, on 13 June 2020. The Chairperson of the ANE<sup>11</sup> announced the start of voter registration operations on 26 June 2020 while the distribution of voter cards continued in several prefectures right through polling day on 27 December 2020.

21. The pre-electoral period was tense following calls by part of the opposition to convene national consultations as a prerequisite for the holding of elections. The CPC also tried to torpedo the first round of the combined elections of 27 December 2020. The control of some areas and strategic roads by non-state actors raised concerns about the security of the electoral process.<sup>12</sup>

#### • **The refusal of the Coalition of the Democratic Opposition (COD-2020) to hold the elections**

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<sup>8</sup> In the central, western and north-western regions, there were about 10 blasts of explosive devices, resulting in 11 deaths and 13 injuries among the civilian population, including three children and one woman.

<sup>9</sup> MINUSCA Human Rights Division: Quarterly Report October-November-December 2019, available at <https://www.ohchr.org/Documents/Countries/CF/DDHRapporttrimestrielOctobre-Novembre-Decembre2019.pdf>, accessed 2 June 2021.

<sup>10</sup> Available at <https://www.aa.com.tr/fr/afrique/centrafrique-elections-2020-d%C3%A9marrage-de-l-enr%C3%B4lement-des-%C3%A9lecteurs-1885888>, accessed on 15 May 2021.

<sup>11</sup> Central African Republic: Announcement of the new date for voter registration for the presidential and legislative elections, available at [http://french.xinhuanet.com/2020-06/24/c\\_139163053.htm](http://french.xinhuanet.com/2020-06/24/c_139163053.htm), accessed on 15 May 2021.

<sup>12</sup> For example, it was observed that some Area Commanders of the said groups imposed restrictions or conditions on the implementation of voter registration operations in their areas of influence.



22. In April 2020, members of the presidential majority tabled a bill to amend the Constitution of 30 March 2016 to include a provision of a "*force majeure*" in the event elections could not be held within the constitutional time limits. The amendment, which was predicated on COVID-19 pandemic disruptions and adopted by Parliament, was rejected by the Constitutional Court in its ruling of 5 June 2020 on the ground that such amendment would entail a transition that is inconsistent with the spirit of the Constitution. The Court further ruled that failure to hold elections in a timely manner would create a legal vacuum that would only be remedied by convening a national consultation to find a consensual solution to the postponement.<sup>13</sup> Armed groups and part of the political opposition used this argument to condition the holding of elections on the convening of such a national consultation.

23. In the run-up to the elections of 27 December 2020, the Democratic Opposition Coalition 2020 (COD-2020), comprising several opposition political parties, repeatedly urged President Touadéra to postpone the elections and convene the said national consultation. The international community consistently advocated respect for constitutional order and its support for free, fair, credible, inclusive, and peaceful elections held in compliance with the constitutional deadline to ensure a smooth democratic process.<sup>14</sup>

24. The political parties belonging to COD-2020 declined to sign a Code of Good Conduct governing the electoral campaign that had been prepared with the support of international partners, including MINUSCA. They questioned the impartiality and lack of resources of the ANE, which is responsible for the technical organisation of the elections. The membership of the new ANE was criticised, as COD-2020 denounced "*the close ties of three commissioners belonging to the same law firm to government officials*", in addition to the fact that almost all the new members lacked credentials and experience in election matters.

- **Establishment of the Coalition of Patriots for Change**

25. By decision No. 026/CC/20 of 3 December 2020, the Constitutional Court rejected five out of the 22 candidacies to the presidential election, including former head of state François Bozize (who returned to the Central African Republic in late 2019, after six years in exile) for not fulfilling the "*good character*" requirement. This rejection undoubtedly fast tracked the establishment of the CPC; François Bozize officially became its leader on 18 February 2021.

26. In a statement on 19 December 2020, the CPC announced to "*the people of the Central African Republic of the inexorable march of its columns towards the total control of the territory*". In response to the increased security risk, the government of the Central African Republic announced on 21 December 2020, three days after a CPC offensive characterized as a "*coup attempt*", the imminent arrival of "Russian instructors" and soldiers from the Rwandan bilateral force to support the FACA and FSI in addressing the security crisis and to support the Rwandan contingent of MINUSCA. These deployments, carried out within the framework of bilateral agreements among the Ministries of Defence of the respective countries, ushered in these new actors in the country. The UN Sanctions Committee was duly informed.

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<sup>13</sup> Central African Republic - Report of the Secretary-General (S/2020/545), available at <https://reliefweb.int/report/central-african-republic/r-publique-centrafricaine-rapport-du-secr-taire-g-n-ral-s2020545>, accessed on 15 May 2021.

<sup>14</sup> See the Final Communiqué of the ECCAS Summit of 26/12/2020 and the G5+ Joint Press Releases of 3, 20 and 16/12/2020.

- **Holding elections in a tense political context**

27. Despite former President Francois Bozizé's call on polling day for a boycott of the election, both the presidential and legislative elections were effectively held on 27 December 2020 with a low turnout, as about 50% of polling stations did not open across the country. Three days before the elections, six opposition candidates requested the Constitutional Court to "*postpone the elections*" following the withdrawal of presidential candidate Jean-Serge Bokassa.<sup>15</sup> The Constitutional Court rejected their request, unequivocally opposed to any postponement.

28. Subsequently, on 30 December the COD-2020 condemned several lapses and irregularities<sup>16</sup> in the electoral process and requested the Constitutional Court to "*annul and postpone the elections outright*".<sup>17</sup> However, the Court dismissed the request "for *lack of evidence*".

29. On 19 January 2021, the Court confirmed the re-election of the incumbent president, Mr Faustin Archange Touadéra, after the first round of the presidential election with 53.16% of the votes cast and a turnout of 35% of registered voters. In his address to the nation on the same day, President Touadéra stressed the need for reconciliation and an inclusive dialogue to end the crisis, with the involvement of the opposition. The following day, COD-2020 challenged President Touadéra's re-election, calling the electoral process a "*farce*".

- **Violent clashes following the re-election of Faustin Archange Touadéra and the implementation of national emergency measures**

30. The re-election of President Touadéra led to an upsurge in the CPC attacks in various prefectures against local authorities, staff of the Sub-Prefectural Elections Authority (ASPE) and the population in retaliation for their participation in the 27 December 2020 elections. The CPC also targeted civilian, humanitarian, and commercial convoys from neighbouring Cameroon, affecting the country's economic activities, and carried out coordinated attacks on Bangui, the capital.

31. The towns of Bouar and Bangassou, specifically, witnessed clashes during which the MINUSCA Force, alongside the FACA supported by other security personnel repelled attacks by armed groups affiliated to the CPC. Violations and abuses of international humanitarian and human rights law were committed during these clashes by armed elements affiliated to the CPC, State agents and other security personnel. As a result, many schools were looted and ransacked, thereby seriously disrupting the resumption of schools in early January 2021, which amounts to a serious violation of children's rights. In addition, attacks on roads leading to Bangui aimed at isolating the capital seriously constrained access to essential goods and led to stock-outs of certain medicines and medical devices in hospitals and pharmacies in Bangui and the outlying regions.

32. On 7 January 2021, the Government of the Central African Republic imposed a national curfew and declared a 15-day state of emergency on 21 January. At the request of the government, the

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<sup>15</sup>. Elections in the Central African Republic: six opposition candidates appeal to the Constitutional Court, available at <https://www.rfi.fr/fr/afrique/20201224-%C3%A9lections-en-centrafrique-six-candidats-d-opposition-saisissent-la-cour-constitutionnelle>, accessed on 25 May 2021.

<sup>16</sup> According to the COD-2020 spokesperson, these irregularities included violations of the Electoral Code, notably "*vote buying*" in the vicinity of some voting centres; procedural flaws in the counting of votes that were handed over the following day and keeping of ballot boxes by MINUSCA in the absence of political party representatives; and inability of presidential candidates to access to the results sheets.

<sup>17</sup> Central African Republic: Opposition coalition calls for cancellation of elections, available at <https://www.aa.com.tr/fr/afrique/centrafrique-la-coalition-de-lopposition-demande-lannulation-des-%C3%A9lections/2094098>, accessed 15 May 2020.

National Assembly extended the state of emergency through 5 August 2021. These exceptional measures, which entail restrictions on freedoms and increased powers for the authorities, have led to violations and abuses of international humanitarian and human rights law by FACA, FSI and other security personnel, including abuse of power and police violence, specifically targeting certain communities (Muslims and Peuhl) and homeless people.<sup>18</sup> The forces deployed in the territory, including other security personnel, also used excessive force, disregarding precautionary measures to protect the civilian population, and caused extensive human and material damage.

33. Throughout the reporting period, attacks, reprisals, threats, and rumours of attack by the CPC have caused thousands of civilians to flee their homes and seek refuge around MINUSCA bases, in the bush, in other regions and in neighbouring countries. As of 31 March 2021, the Office for the Coordination of Humanitarian Affairs and the Population Movement Commission registered 738,000 IDPs,<sup>19</sup> a net increase from the 623,000 IDPs registered as of 31 October 2020 (an increase of 115,000 IDPs).<sup>20</sup> As of 16 April 2021, the UNHCR recorded 117,209 refugees who had crossed the borders of the Republic of Chad, the Republic of Cameroon, Congo and the Democratic Republic of the Congo since the beginning of the electoral crisis.<sup>21</sup>

- **A strengthened anti-MINUSCA movement**

34. During the period under review, it is worth noting that MINUSCA endured tensions, and even hostilities, from civil society, the population and State agents, resulting, *inter alia*, in several violations of the Status of Forces Agreement (SOFA) that governs relations between the Central African Republic and MINUSCA.

35. These tensions impacted the smooth running of MINUSCA's activities in general, and the HRD, in particular. Since December 2020, local authorities have barred HROs from accessing police custody cells of the Crime Prevention Central Agency (OCRB), invoking instructions from higher authorities to bar access to the said premises until security is fully restored.

36. These tensions were also reflected, on 14 April 2021, in a demonstration staged by a group of protesters from the “*Collectif 28-29*” in front of MINUSCA headquarters in Bangui to denounce the comments made on Radio France Internationale (RFI) by the Special Representative of the Secretary-General for the Central African Republic and Head of MINUSCA, Mankeur Ndiaye,<sup>22</sup> encouraging an inclusive dialogue, following the withdrawal of the UPC leader, Ali Darassa from the CPC and his decision to re-join the APPR-RCA<sup>23</sup>.

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<sup>18</sup> For example, on 15 March 2021, in the Mambéré Kadéï Prefecture, two (2) local staff members of an international humanitarian organisation were threatened by FACA and forced to pay illegal toll fees to cross the checkpoint (the Christian staff member had to pay 1,000 FCFA and his Muslim colleague 5,000 FCFA).

<sup>19</sup> Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Central%20African%20Republic%20-%20Situation%20Report%2C%2012%20May%202021.pdf>, accessed on 20 May 2021.

<sup>20</sup> Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Situation%20Report%20-%20Central%20African%20Republic%20-%2025%20Nov%202020.pdf>, accessed on 20 May 2021.

<sup>21</sup> Available at [file:///C:/Users/fmariat/Downloads/The%20CAR%20situation%20External%20Update%20%2312%2016%20April%20\(Final\).pdf](file:///C:/Users/fmariat/Downloads/The%20CAR%20situation%20External%20Update%20%2312%2016%20April%20(Final).pdf), accessed on 20 May 2021

<sup>22</sup> Available at [file:///C:/Users/fmariat/Downloads/The%20CAR%20situation%20External%20Update%20%2312%2016%20April%20\(Final\).pdf](file:///C:/Users/fmariat/Downloads/The%20CAR%20situation%20External%20Update%20%2312%2016%20April%20(Final).pdf), accessed on 20 May 2021

<sup>23</sup> Available at <https://fr.africanews.com/2021/04/15/centrafrique-la-population-exige-le-depart-de-la-minusca/>, accessed on 20 May 2021.

<sup>24</sup> Available at <https://www.rfi.fr/fr/podcasts/invit%C3%A9-afrique/20210409-m-ndiaye-la-minusca-enqu%C3%AAt-sur-les-all%C3%A9gations-d-exactions-de-mercenaires-russes-en-rca>, accessed on 20 May 2021

## **The holding of parliamentary elections and post-election political measures**

37. Despite the deterioration of the security situation, the legislative elections of 14 March 2021 were held in a much calmer security context, notably because the CPC's positions and elements were routed during offensives launched by FACA and other security personnel. The poll resulted in the election of 68 Members of Parliament, in addition to 22 others elected in the 27 December 2020 elections. With a total of 90 Members of Parliament elected (including 23 from the presidential party and 20 independent candidates), which exceeds the quorum of 70 required for the establishment of the 7th legislature, the party of President Faustin Archange Touadéra maintained its relative majority in the National Assembly.<sup>24</sup> On 23 May 2021, legislative elections were held in the 50 remaining constituencies, resulting in the election of 44 candidates. The remaining seats will be filled in a final round on 25 July 2021.

38. Following the elections of 14 March 2021, President Touadéra launched national consultations on 19 April 2021 ahead of a "*republican dialogue*" that would include the stakeholders in the peace process. These consultations sought to sample the opinions of these stakeholders on the current situation and future of the country. This initiative has helped to ease some political tensions, although the exclusion of armed groups affiliated to the CPC from the dialogue has been criticized by several political actors. In parallel, 16 representatives of armed groups affiliated with the CPC were relieved of their government duties on 31 December 2020 and 19 February 2021.

## **IV. Legal Framework**

### **• The nature of the conflict**

39. In determining the applicable legal framework described in this report, MINUSCA considers that the nature and intensity of the armed violence, its protractedness, and the level of organisation of the armed groups affiliated with the CPC<sup>25</sup> (including the 3Rs, anti-Balaka, MPC, a faction of the FPRC and the UPC) on the one hand, and the FACA and the FSI<sup>26</sup> supported by other security personnel and the Rwandan bilateral force on the other, prove the existence of ongoing non-international armed conflict in the Central African Republic during the period under review.<sup>27</sup> MINUSCA also observed that the armed groups concerned have military structures and chains of command, as well as internal disciplinary systems, headquarters and bases. Furthermore, they have the capability to conduct military operations with defined strategies and have asserted control over parts of the national territory. They have logistical capabilities and the ability to recruit and access weapons and other military equipment.

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<sup>24</sup> The elected MPs come mainly from the presidential camp with the Mouvement des coeurs unis [United Hearts Movement] (23 elected), followed by the independents (20 elected), the Kwa Na Kwa (7 elected), the Movement for the Liberation of the People of the Central African Republic (7 elected) and 33 other elected MPs distributed among 15 parties.

<sup>25</sup> Where it has been possible to identify the armed group affiliated with the CPC, the group is mentioned by name. In exceptional circumstances, however, where it has not been possible to identify the armed group, reference is made to the armed group affiliated with the CPC.

<sup>26</sup> It was impossible to separate the FACA from the FSI when violations and abuses of human rights and international humanitarian law were committed.

<sup>27</sup> For a more detailed legal analysis of the conflict in the Central African Republic, the applicable law, the obligations of the parties to the conflict and the types of violations committed, see the previously published MINUSCA human rights reports available at [https://minusca.unmissions.org/sites/default/files/bangui\\_report\\_final\\_final\\_french\\_.pdf](https://minusca.unmissions.org/sites/default/files/bangui_report_final_final_french_.pdf), [https://minusca.unmissions.org/sites/default/files/fprc\\_upc\\_bria\\_bakala\\_report\\_16oct2017\\_copy.pdf](https://minusca.unmissions.org/sites/default/files/fprc_upc_bria_bakala_report_16oct2017_copy.pdf) and [https://minusca.unmissions.org/sites/default/files/rapport\\_minusca\\_violences\\_kaga.pdf](https://minusca.unmissions.org/sites/default/files/rapport_minusca_violences_kaga.pdf).

40. Regarding the intensity of the violence, reports of violations and abuses of international humanitarian law and international human rights law documented by the HRD suggest that violence intensified in the Central African Republic between December 2020, when the CPC attacks began, and June 2021, and that the number of victims increased during the period under review. For example, between 1 July 2020 and 30 November 2020, there were 55 documented incidents directly related to the elections, resulting in 104 casualties. Currently, armed clashes occur at frequent intervals and over a large and expanding geographical area. The types of weapons used, including heavy weapons, as well as the extent of damage caused by the fighting, including extensive destruction of property and homes, further support the characterization of non-international armed conflict.

- **The parties to the conflict**

41. The parties to the conflict include state forces (the defence and security forces) performing their duties pursuant to the Constitution and laws of the Central African Republic, supported by other forces operating outside the UN mandate but whose intervention is based on bilateral military agreements with the Central African Republic, and armed groups affiliated with the CPC opposed to the government of the Central African Republic. The term '*parties to the conflict*' used in this report refers, under international humanitarian law, to both state and non-state entities taking part in hostilities.

42. Other security personnel (Russian instructors and employees of private security companies)<sup>28</sup> also took an active part in the fighting between the FACA and the FSI and armed groups affiliated to the CPC. The HRD's investigations corroborated the presence of these other security personnel operating jointly with the FACA. However, the HROs were unable to make a clear distinction between the so-called "Russian instructors" and employees of private security companies, as there was no particular military distinction between the two entities. The authorities of the Russian Federation have indicated that their legislation does not allow the creation of private military and security companies and mercenary activity is punishable under Russia's criminal code. While some citizens of the Russian Federation may be in the Central African Republic under private contracts, their activities should not be associated in any way whatsoever with those of the bodies of their State of origin<sup>29</sup>.

43. The FACA, the FSI and other security personnel are responsible for several violations of international humanitarian law and international human rights law as recorded, investigated and documented by the HRD. Several verified reports support the conclusion that other security personnel actively participate in military operations on the ground, arrest suspects, exercise police powers, interview suspects, inflict inhuman treatment and torture on suspects and organise their transfer to Bangui. There is clear evidence that these other security personnel are not only providing military training, they are directly involved in hostilities.

44. As a result, other security personnel who participate in hostilities lose protection from attacks. These security personnel themselves have an obligation to respect the provisions of international humanitarian law and international human rights law.

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<sup>28</sup> Paramilitary soldiers allegedly employed by private military companies operating in the Central African Republic (the SEWA and WAGNER groups).

<sup>29</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36281>

- **The law applicable to the parties to the conflict**

45. All parties to the conflict are bound by the relevant rules of treaty and customary law applicable to non-international armed conflict, in particular Article 3 common to the four Geneva Conventions of 1949.<sup>30</sup> This article establishes the minimum standards that parties, including state and non-state actors, must respect in a non-international armed conflict. Under this article, persons not taking a direct part in hostilities must be treated humanely. Violence to life and person, such as murder, cruel treatment, taking of hostages, outrages upon personal dignity, arbitrary executions, rape, and all other forms of sexual violence are prohibited. The provisions of Article 3 common to the four Geneva Conventions are therefore applicable in this regard.

46. In addition, Additional Protocol 2 to the Geneva Conventions,<sup>31</sup> which develops and supplements common Article 3, also applies. Its scope extends to armed conflicts in the territory of a High Contracting Party between its armed forces and dissident armed forces or organised armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement the Protocol.

47. Customary international humanitarian law prohibits the "*destruction or seizure of the property of an adversary*", as well as looting, which constitute war crimes. Some extremely serious violations of international humanitarian law also constitute war crimes under Article 3 common to the four Geneva Conventions and Article 8(2) of the Rome Statute of the International Criminal Court<sup>32</sup>: "*Violence to life and person, in particular murder of all kinds*"<sup>33</sup> of "*persons not taking an active part in the hostilities*"; "*committing rape*"<sup>34</sup>; "*intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance*"<sup>35</sup> or "*against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected (....)*"<sup>36</sup> or "*to endanger a city or a place, even if it is stormed*"<sup>37</sup> and "*to conscript or enlist children under the age of 15 years into the armed forces or armed groups or to use them to participate actively in hostilities*".<sup>38</sup>

48. The International Court of Justice has affirmed that international human rights law applies not only in times of peace but also in times of armed conflict, interrelating with international humanitarian law in a mutually reinforcing way<sup>39</sup> and offering complementary protection to victims of abuses and violations committed by state and non-state agents.

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<sup>30</sup> The country became a party to these Conventions on 1 August 1966.

<sup>31</sup> The country ratified the Protocol on 17 July 1984.

<sup>32</sup> The Central African Republic signed the Rome Statute on 7 December 1999 and registered its ratification on 3 October 2001.

<sup>33</sup> Rome Statute of the International Criminal Court, Art. 8 (2) (c) (i).

<sup>34</sup> Ibid, Art. 8(2)(c)(vi).

<sup>35</sup> Ibid, Art. 8(2)(c)(iii).

<sup>36</sup> Ibid, Art. 8(2)(c)(ix).

<sup>37</sup> Ibid, Art. 8(2)(c)(v).

<sup>38</sup> Ibid, Art. 8(2)(e)(vii).

<sup>39</sup> See: "Legality of the Threat or Use of Nuclear Weapons", Advisory Opinion, I.C.J. Reports 1996, p. 226; "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", Advisory Opinion, I.C.J. Reports 2004, p. 136; "Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)", Judgment, I.C.J. Reports 2005, p. 168 For more on the applicability of human rights in armed conflict, see: "The International Legal Protection of Human Rights in Armed Conflict", OHCHR, Publication HR/PUB/11/01 (2011).

49. The Human Rights Committee, in its General Comments No. 29 (2001) and No. 31 (2004), recalls that the International Covenant on Civil and Political Rights also applies to situations of armed conflict to which the rules of international humanitarian law are applicable.<sup>40</sup> The existence of an armed conflict does not therefore extinguish the electoral rights of citizens, especially since the Central African Republic has been a party to the International Covenant on Civil and Political Rights since 1981, hence its obligation to respect and apply all its provisions.

50. Articles 154-157 of the Central African Republic Penal Code<sup>41</sup> have domesticated concepts and definitions from international humanitarian law, but without explicit reference to the Rome Statute. Murder, rape, and deprivation of liberty are also prohibited by Article 153 of the above-mentioned Code, relating to specific acts that are considered crimes against humanity in the context of a widespread or systematic attack against a civilian population.

51. The provisions of Article 331 of the Central African Republic Penal Code are also applicable to members of various armed groups who attempted to sabotage the electoral process and the elections of 27 December 2020.

52. In addition to the above provisions governing armed groups, it should be mentioned that the provisions of the Central African Republic Code of Military Justice are also applicable to the FACA and FSI.<sup>42</sup>

## **V. The human rights situation**

53. During the period under review, the HRD documented 526 cases of human rights violations and abuses across the country, involving 1,221 victims, including 847 men, 146 women, 59 girls, 32 boys and 137 victims whose gender and/or age could not be established.

54. The HRD investigations established that armed groups affiliated to the CPC were responsible for 286 (54%) of the incidents and 730 (60%) of the victims. FACA, FSI and other security personnel were responsible for 240 (46%) incidents, involving 491 (40%) victims. Among the victims identified, the HRD verified the death of 144 civilians or non-combatants (116 men, 1 boy, 16 women and 11 unidentified persons between December 2020 and June 2021). The HROs also attributed 72 of these deaths to FACA and other security personnel, 61 to armed groups affiliated to the CPC, and 11 people who died as a result of gunshot wounds, the origin of which could not be established. In the investigations conducted in Bangui and in-country, the HRD did not document any violation of international humanitarian law and international human rights law attributable to members of the Rwandan bilateral force during their operations.

### **A. Violations and abuses relating to the integrity of the person**

#### **i. Violations of the right to life**

55. From 15 December 2020, the date marking the start of hostilities between armed groups affiliated to the CPC on the one hand and the FACA and FSI supported by other security personnel on the other, until the end of June 2021, the HRD's investigations confirmed that 144 people not participating in the hostilities, and therefore benefiting from the status of civilians, were killed by

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<sup>40</sup> See General Comment No. 29 (2001) on states of emergency (art. 4), para. 3, and General Comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 11.

<sup>41</sup> Law No. 10.001 of 6 January 2010 on the Central African Penal Code.

<sup>42</sup> Chapter 2 Section 6 on destruction, looting and sabotage Article 103 CJMC; Chapter 2 Section 7 on assault, torture, barbaric acts and other inhuman and degrading acts, Articles 104-105 and 106 CJMC.

the parties to the conflict. In the period from 16 to 25 December 2020 alone, following attacks by armed groups affiliated to the CPC (3R, UPC, MPC, the anti-Balaka and a faction of the FPRC) and violent clashes between these groups and the FACA supported by other security personnel that followed in the prefectures of Ombella-M'Poko Ouaka, Lobaye and Kemo, the HRD documented nine (9) incidents of abuse and violations of the right to life, resulting in a total of 18 victims, including 16 men and two (2) women.

- **Killings and summary executions by armed groups affiliated to the Coalition of Patriots for Change**

56. Accusing some civilians of being real or supposed members of the ruling party or of having participated in the presidential and legislative elections of 27 December 2020, members of armed groups affiliated to the CPC have been responsible for several cases of violations of the right to life. Between 15 December 2020 and 30 June 2021, these groups killed at least 61 civilians.

57. For example, on 30 December 2020, in Ombella M'Poko prefecture, a youth leader was killed by elements affiliated to the CPC. According to witnesses, they accused him of being the local leader of the Mouvement Cœurs Unis (MCU) party and of having held them responsible during a radio call for seizing the property of the local population.

58. On 19 March 2021, in Ouaka prefecture, UPC elements affiliated to the CPC killed three traders and stripped them of their belongings, including money, for participating in the electoral process. The victims were tied up and tortured. Their lifeless bodies were found with their voter cards tied around their necks with ropes. However, two motorbikes and goods belonging to the victims were found at the scene of the incident.

59. Indiscriminate attacks by CPC-affiliated armed groups, including on civilian convoys, have also resulted in the death of several civilians. On 17 February 2021, for example, elements of a 3R/anti-Balaka coalition killed one civilian and wounded five others, all adult males, in an attack on trucks coming from Cameroon in Nana Mambéré prefecture.

- **Extra-judicial and summary executions by defence and security forces and other security personnel**

60. During the reporting period, the HRD documented 59 incidents of extra-judicial and summary executions.

61. By way of example, six (6) cases of extra-judicial and summary executions attributable to state agents and other security personnel involving ten (10) non-combatant civilians were committed between 30 December 2020 and 20 January 2021 in Ombella M'Poko prefecture. The victims were alleged members of armed groups affiliated to the CPC or suspected collaborators.

62. On 3 January 2021, six (6) detainees, including a Peuhl boy, were executed in one of the FACA camps in Mboumou prefecture, where other security personnel were also present. They were accused of having communicated with the CPC coalition. According to one witness, the bodies had numerous bullet holes.

63. During its investigations, the HRD gathered information on the arrest of four (4) civilians, all men, in Ombella M'Poko prefecture on 22 January 2021. One of the civilians was interrogated and tortured, while another was accused of being a member of the CPC. On the evening of their arrest,



as they were being transported by FACA and FSI elements to the place of their execution, two (2) of them managed to escape. However, the other two (2) were executed.

64. The HRD also gathered information on an operation to track down members of armed groups in Ouaka prefecture on 15 February 2021. During this operation, FACA and other security personnel executed three (3) civilians. The FACA and other security personnel asked persons in the mosque to leave. The three (3) men who obeyed this order were shot dead. On the same day, in town, a young girl was shot in the head by a FACA element who had entered the victim's family home.

65. On 29 March 2021, three (3) elements of an FPRC faction, manning an illegal checkpoint in a locality of the Bamingui-Bangoran prefecture, were arrested by other security personnel and then taken to a nearby village where they were executed. Their decomposed bodies were found in the said village on 1 April 2021.

66. On 26 April 2021, other security personnel also summarily executed three (3) civilians, including two (2) men and a 12-year-old child in Ouham Pendé prefecture.

67. In the prefecture of Nana Gribizi, the HRD documented five (5) cases of extra-judicial executions between April and May 2021, resulting in six (6) victims, including an hors combat ex-combatant of the MPC who was executed by an armed element identified as other security personnel by witnesses. Five (5) other victims, identified as civilian residents of Kaga Bandoro, were executed by FACA and other security personnel after their arrest on the grounds that they had collaborated with the armed groups.

68. On 12 June 2021, in the locality of Kouï, known as De Gaule, located in the north-west of the country, the Sultan-Mayor of this locality, Lamido Souleymane Daouda, was murdered by men identified as other security personnel by witnesses. In its investigations, the HRD confirmed that Lamido Souleymane Daouda was visited by other security personnel who asked him to follow them. After 2km, he was shot with two other people who accompanied him.

- **Attacks on civilians by FACA and other security personnel**

69. On 28 December 2020, in Ouaka prefecture, FACA elements and other security personnel opened fire on a truck carrying civilians towards Bangui. This incident resulted in three (3) deaths and 17 injuries.

70. On 9 January 2021, FACA members on duty in the Nana Mambéré prefecture shot at a vehicle, as the driver tried to reverse on being pulled over at the checkpoint. One civilian (man) was killed on the spot, and another was injured.

71. On 11 January 2021, in Lobaye prefecture, a device exploded in the middle of a crowd in a market, killing ten (10) people, including six (6) children (two (2) girls and four (4) boys), and injuring 17 people, including five (5) children (1 girl and 4 boys). This device allegedly originated from the position of other security personnel, the only force present in the area at the time of the incident. The HRD was unable to establish either the nature of the device or the circumstances of this explosion.

72. The HRD also noted an increase in targeted attacks against the civilian population, especially Muslims, in the prefectures of Ouaka, Nana Gribizi and Ouham Pendé between February and June 2021. On 2 April, in Bambari, Ouaka prefecture, 18 people, including two (2) women, all Muslims, were arbitrarily arrested, detained, and subjected to cruel, inhuman, and degrading treatment by

the FACA, the FSI and other security personnel. In the town of Kaga Bandoro, Nana Gribizi prefecture, a Muslim shopkeeper was arrested by other security personnel on 6 May and taken to their base. The day after his arrest, on 7 May, his charred body was found on the outskirts of the town, cut into pieces.

- **Civilian victims of clashes between parties to the conflict**

73. Most of the clashes between armed groups affiliated to the CPC and FACA supported by other security personnel took place in populated areas. According to HRD investigations, at least 11 civilians, including one woman, were killed and others were wounded by stray bullets as they tried to flee the fighting during the period under review. For example, on 15 February 2021, in Ouaka prefecture, two (2) civilians were injured during clashes involving the above-mentioned actors.

- ii. **Torture, cruel, inhuman, and degrading treatment and punishment and other violations of the right to physical and mental integrity**

74. During the period under review, the HRD documented 120 incidents of physical and mental harm committed by FACA, FSI, other security personnel and armed groups affiliated to the CPC. These incidents involved 285 victims.

75. According to testimonies collected by the HRD from victims or witnesses, the FACA, FSI and other security personnel beat victims severely and kept them in underground holes, without ventilation, for hours. These testimonies also mention the use of other tactics (verbal threats, sequestration of family members, including children) by FACA, FSI and other security personnel to obtain confessions during interrogation of suspects. Thus, during the period under review, the HRD identified 25 victims (24 men and one woman) of torture perpetrated by FACA, FSI and other security personnel. The prefectures of Nana-Gribizi and Ouaka were the most affected.

76. For example, in Ouaka prefecture, on 12 January 2021, the FACA arrested a Muslim man after clashes with the UPC, accusing him of being an informant of armed groups affiliated to the CPC. To obtain his confession, the FACA arbitrarily detained and tortured him for two days in their base. On 20 January, 1 February and 27 March 2021, five (5) men were arrested by FACA and taken to their base to be tortured. The arrestees were mainly accused of being suspiciously close to armed groups. The HRD received information that in some bases held by the FACA and other security personnel, there are underground holes in which people are detained, notably in one of the military camps located in Ouaka prefecture. On 6 February 2021, three (3) young people were arbitrarily arrested in Ombella-M'Poko prefecture by elements of the OCRB with the support of the local police. They were taken to one of the FACA bases, where they were subjected to cruel, inhuman, and degrading treatment and punishment before being transferred to Bangui, where one of the victims was tortured. On 14 April 2021, a comatose man died shortly after being admitted to a hospital in Nana-Gribizi prefecture, after he was tortured in a FACA camp; he had been arrested previously at his home. In April 2021, in the prefecture of Nana Gribizi, the HRD documented three (3) cases of physical and mental harm to civilians by FACA and other security personnel. In one of the cases, a Muslim trader who was travelling on a motorbike was stopped by four (4) FACA elements on 11 April 2021 and taken to their base where they beat him up and confiscated his motorbike and a sum of money.

77. Elements of armed groups affiliated with the CPC resorted to cruel, inhuman, and degrading treatment during the reporting period to prevent the holding of elections, to extort money or in retaliation against those who participated in the elections. On 26 December 2020, armed elements

affiliated with the CPC stormed a town in Mambéré Kadéï prefecture to deter the population from participating in the elections. These elements beat several people, including some ASPE members. On 27 December 2020, in Ouaka prefecture, the DDH identified at least 27 victims of retaliation attacks by UPC elements, who were beaten and/or whose property was confiscated, including money. These UPC elements checked their fingers for ink to know whether they had voted or not, and systematically assaulted voters.

78. By way of illustration, on 2 January 2021, while some armed elements affiliated to the CPC were retreating after their attack was repelled in a locality of Ombella M'Poko prefecture, they abducted and beat five (5) civilians, including two (2) minors (boys), by forcing them to carry their wounded or dead elements, as well as property they had looted. In mid-March 2021, the bodies of four (4) civilians (one of whom had his elbows tied behind his back) abducted by CPC-affiliated elements in identical circumstances were found in the bush. On 14 January 2021, in Ouham Pendé prefecture, a young man was arrested by two (2) 3R elements and taken to one of their bases where he was tortured for three days. He was released after paying a large sum of money.

79. Between 25 May and 10 June 2021, the HRD received and verified allegations of targeted attacks against so-called Chadian Muslims in Ouham Pende prefecture. On 28 May, around twenty people, all Muslims, including at least five (5) women, were arrested and subjected to ill-treatment in the village of Bang, located some 10 km from the border with the Republic of Chad and the Republic of Cameroon. On 29 April, 25 people, all men, identified as Chadians, were arrested in the town of Paoua by FACA and other security personnel. They were subjected to cruel, inhuman and degrading treatment before being transferred to Bangui, where two of them died while in detention at the OCRB.

### **iii. Conflict-related sexual violence**

80. From January to June 2021, the HRD documented 131 confirmed incidents of conflict-related sexual violence (CRSV), including 115 rapes, 12 attempted rapes, one case of sexual slavery involving four (4) victims, and three (3) forced marriages. These incidents involved 154 victims (84 girls, 70 women). Of the 131 confirmed cases, 19 are attributed to FACA, FSI and other security personnel, and 112 to armed groups affiliated to the CPC. April 2021 recorded the highest number of cases with 51 confirmed incidents of CRSV (49 rapes and two (2) forced marriages) involving 48 victims (18 girls, 30 women) attributed to members of armed groups affiliated to the CPC, FACA, FSI and other security personnel. This is a significant increase, compared to the monthly average of approximately 13 incidents documented in 2020.

81. The HRD did not receive any allegations of CRSV incidents directly related to elections (e.g. as a deterrent or in retaliation against voters, candidates or election officials). Nevertheless, troop movements, clashes involving firearms and changes in control of areas between the CAR government and other security personnel and armed groups affiliated with the CPC, before or after the elections, put women, girls, men and boys at increased risk of CRSV. This led to a net increase in the number of CRSV incidents during the period under review. Growing insecurity also had an obvious and adverse impact on the medical, psychosocial and legal support services available to CRSV victims in the country. At least five prefectures (Haute-Kotto, Ouham-Pendé, Nana-Gribizi, Nana-Mambéré and Ouham) recorded a significant negative impact.

- **Rapes**

82. Armed groups affiliated to the CPC committed rapes during the election period. The situation in the prefecture of Ouham-Pendé was particularly serious, where 50 rapes were reported during the electoral period, about half of reported incidents. The localities in this prefecture were already under the control of armed groups before the elections, which may explain why the vast majority of incidents took place in these areas. The armed groups also extended their area of control during the electoral period, compounding human rights violations and abuses, including rape. For example, on 18 December 2020, the anti-Balaka and 3Rs attacked FACA positions in Bozoum. On 24 December 2020, the 3Rs set up a base at the town's police station and controlled it until 25 February 2021, when FACA and other security personnel regained control. The HRD obtained information on four (4) specific incidents of rape attributable to the 3Rs, which took place between 2 and 6 January 2021, including at least two in the vicinity of the 3Rs' base. Two of these incidents were gang rapes and another rape incident involved a girl.

83. In Bouar, Nana-Mambéré prefecture, numerous rapes were also committed, starting on 27 December 2020 when the 3Rs and anti-Balaka took control of the town. The FACA and other security personnel subsequently regained control of the town and committed rapes. In this regard, the HRD recorded 21 incidents of rape attributed to the CPC or the 3Rs that took place in the town between these two dates. The 3Rs controlled, among others, the Haoussa district where seven (7) of the 21 incidents took place. For example, on the night of 21 January 2021, a 16-year-old girl and her grandmother were asleep in their home in this neighbourhood when three (3) armed 3R elements broke into their house, claiming to be looking for FACA. The minor girl was raped by two (2) of the attackers.

84. In their movement towards Bangui on 2 January 2021, armed groups affiliated to the CPC attacked Damara, a town in Ombella M'Poko prefecture. Rumours of an imminent attack caused many civilians to flee into the bush to seek refuge. After being repelled by FACA and other security personnel, the CPC members retreated to the east of the town. They targeted civilians who crossed their path, as they retreated. On the same day, the HRD recorded information on the rape of at least nine (9) women. According to the testimonies of some of the victims and witnesses, including their family members, all these women were victims of gang rapes, committed by elements affiliated to the CPC, while they had taken refuge in their farms or in the bush. Due to the social stigma associated with sexual violence and the lack of medical services in Damara, most of the victims reported that they did not seek medical assistance.

85. On 18 January 2021, the CPC took control of Bossembélé, a town in Ombella M'Poko prefecture. On 20 January 2021, the 3Rs accused a local woman of providing information about their position to the FACA and other security personnel. As punishment, she was gang raped by the 3Rs.

86. Between 2 and 18 January 2021, in Ombella M'Poko prefecture, elements affiliated to the CPC raped at least seven (7) women and a 13-year-old girl who had taken temporary refuge in a camp for displaced persons. Sources say that the number of women raped in the area is much higher; one source reported that a group of women were transported in four taxis from the IDP site to Bangui for medical treatment during this period.

87. Cases of rape and attempted rape were reported in these areas in the days following the major offensive carried out by FACA and other security personnel. The HRD recorded six (6) incidents of rape affecting three (3) women and four (4) girls. FACA and other security personnel are the perpetrators in the prefectures of Ombella M'Poko, Ouham-Pende and Ouham. In one of these incidents, three (3) other security personnel lured three (3) girls selling fruit at the market to their base, under the pretext that they wanted to buy their goods. They then threatened and raped them and offered them food after the incident. The HRD gathered additional information on other security personnel sexually harassing women, including by asking them to have sex with them, and in one case offering them money in exchange. As FACA and other security personnel control and remain in the towns, victims and witnesses are afraid to report incidents of sexual violence for fear of reprisals.

- **Sexual slavery, forced marriages and attempted forced marriages**

88. During the control of several localities by the CPC, their members used women and girls as sex slaves. On 19 January 2021, in Nana-Mambéré prefecture, two (2) women and two (2) girls aged 14 and 16 were abducted from their farms by six armed men. The few victims who agreed to provide their testimonies to the HRD recounted that they were taken to the 3R base where they were drugged, raped daily by elements the victims identified as 3R leaders, and forced to cook until they managed to escape from the base on 25 January 2021.

89. While arranged and early marriages are common in CAR, it has been observed that during conflict armed groups wield their power over the local population to demand that girls or women be given to them as wives. Often, the girls' parents and local authorities have no choice but to comply with these demands for fear of reprisals. In one case, for example, the local authorities themselves gave in to the demands of the armed groups and agreed to give them a girl as a wife to ease security tensions. In villages, armed groups sometimes take women away from their families for some time, during which they are forced to comply, lest their husbands are killed in retaliation. The temporary control of several towns by armed groups has thus increased the number of cases of forced marriages or attempted forced marriages of young girls.

90. For example, between 14 and 17 January 2021, the HRD recorded two (2) incidents during which an FPRC Area Commander tried to marry two (2) girls by force. The parents of one of the victims organised the girl's escape to the Democratic Republic of Congo (DRC); they were arrested by the CPC in retaliation. The HRD was told that the other victim and her parents also fled to the DRC.

#### **iv. Arbitrary arrests and detentions**

91. In areas under the control of armed groups, the HRD recorded several incidents where victims were deprived of their liberty, in addition to cruel, inhuman or degrading treatment. The previous incidents characterized as violations of physical integrity are also mostly cases of deprivation of liberty and arbitrary detention, and will not be repeated here. For example, a man accused of killing two (2) children by witchcraft, whose bodies have still not been found, was deprived of his liberty and beaten by elements of the MPC/FPRC coalition in Nana-Gribizi prefecture.

92. In the towns recaptured during their counter-offensive, the FACA, FSI and other security personnel arrested several civilians, sometimes arbitrarily, in breach of the legal standards in force. During the reporting period, the HRD recorded 35 victims of arbitrary arrest and detention by State agents and other security personnel (27 men, one woman and seven (7) unidentified victims).

93. Elements of the OCRB carried out several arbitrary arrests, particularly in Bangui, after the first round of the presidential and legislative elections of 27 December 2020. For example, on 2 January 2021, elements of the OCRB sought to apprehend a soldier who was not at his home at the time of the incident and systematically arrested all those present, beating them and firing shots in the air. On the same day, the Presidential Guard searched a residence and arrested at least five (5) civilians who were in the vicinity and took them to the Research and Investigation Section (SRI). These arrests were discriminatory, as they were based on the real or supposed ethnicity of the detainees. None of the detainees were informed of the reasons for their arrest. Two (2) of the detainees were released the same day, one the following day and the other two (2) were arbitrarily detained for another two weeks.

94. During a joint operation to arrest alleged CPC members on 6 February 2021 in Ombella M'Poko prefecture by the OCRB and the FSI, supported by other security personnel, three (3) men were arrested without being told why they were arrested. Their arms were tied behind their backs, their clothes were torn, they were blindfolded and beaten. Transferred to the OCRB in Bangui, they were held for a fortnight before appearing before a judicial police officer. During interviews with HROs, they reported overcrowding and lack of sanitary facilities in the OCRB detention cells.

95. Furthermore, the HRD observed that some individuals arrested for common law offences are arbitrarily accused of involvement with armed groups or arms trafficking. In Haut-Mbomou prefecture, two (2) men were arrested for theft, but also for involvement with the CPC because they possessed firearms, without any evidence to support this accusation.

96. Other security personnel also made arbitrary arrests. In Nana Mambéré prefecture, for example, they arrested four (4) young people suspected of belonging to the 3Rs on 14 March 2021. During the body searches, one of them tried to flee and was executed on the spot. The other three were arrested and detained in the base manned by the other security personnel, and transferred to Bangui, without appearing before a judicial police officer.

## **B. Specific violations of international humanitarian law**

### **i. Recruitment and use of children in conflict**

97. While children have been used to a lesser extent by some candidates as dancers and placard bearers during election campaigns, they have been used extensively during armed clashes. They were recruited and used either as combatants or cooks, messengers, "wives", porters, guards and for other household chores within the armed groups affiliated to the CPC, but also by other security personnel.

98. As part of the verification of the separation of children from armed groups, the Child Protection Section of the HRD (CPS) found that a total of 77 children, 54 boys and 23 girls aged from seven (7) to 17 years, were recruited and/or used by parties to the conflict during the period under review. The recruitment and use of children under the age of 15 is considered a war crime.

99. Other security personnel mainly used the children for household chores. On 15 March 2021, in the Ouham Pendé prefecture, the HRD observed that seven (7) boys aged between seven (7) and 12 years were used to fetch firewood and water in exchange for biscuits.

100. In February 2021, in Nana Mambéré, the 3R/anti-Balaka coalition recruited some 30 Peulh boys aged between 14 and 16. They were recruited and trained in the handling of weapons at a 3R

training base and sighted at bases in Bouar. The children used to fight were regularly spotted around town in possession of firearms.

**ii. Closure and burning of an IDP camp by military and civilian authorities in Bambari town**

On 5 June 2021, the site for internally displaced persons known as 'Elevage', which is home to about 8,000 people and located approximately one kilometre from the centre of Bambari, was shut and burnt down by the defence and security forces with the support of other security personnel and complicity of the prefecture authorities, notably the prefet of Ouaka. Thus, on 5 June at around 3 p.m., the day after the UPC attacked a FACA position not far from the site, the latter went to the site, ordering all residents to vacate the premises within 30 minutes. The sheer brutality of the defence and security forces and other security personnel forced the displaced persons to leave the site hurriedly, taking what they could with them. During their visit to the site the day after the fire, the HROs found that the entire site and personal belongings of the displaced persons left behind had been almost destroyed, with some shelters burnt down. After their forcible eviction without notice, most of the displaced persons settled in and around the Bambari central mosque in squalid conditions.

**iii. Attacks on humanitarian personnel and barring access to humanitarian aid**

101. In Statement No. 1 of 15 December 2020, the CPC called on all its elements to *“to protect and allow vehicles belonging to the United Nations, MINUSCA, all international and national NGOs and all convoys bearing diplomatic flags.”* However, elements of armed groups affiliated to the CPC attacked, looted and threatened humanitarian organisations and actors, particularly in the run-up to 27 December 2020 and on election day itself. They seized communication equipment, vehicles/motorbikes, money and other items necessary for the preparation and conduct of their military operations. Some FACA and other security personnel also undermined humanitarian action.

102. During the period under review, the HRD documented 81 such incidents, 48 attributable to armed groups affiliated to the CPC, 11 to FACA and other security personnel and 22 to groups of unidentified individuals. These incidents restricted access to humanitarian assistance for vulnerable civilian populations. According to the review by Office of the High Commissioner for Refugees (UNHCR) on the status of protection and humanitarian access from January to February 2021, the extension of the presence of armed groups in the territory and their high mobility severely restricted humanitarian access and limited the response and intervention capacities of humanitarian actors. Some sub-prefectures have been particularly affected, notably Bangassou, Bambari, Kaga-Bandoro and Bossangoa.

103. For example, on 16 January 2021, in Ouham prefecture, several armed elements of the MPC hijacked a convoy of three (3) vehicles belonging to an international NGO. They forced all the humanitarian personnel on board one of the vehicles to get out, before driving off with equipment and goods. The other two (2) vehicles were eventually also taken away by these armed elements. On 23 March 2021, in Haut-Mbomou prefecture, rebels from an FPRC faction attacked a humanitarian convoy of nine (9) vehicles belonging to NGOs and UN humanitarian agencies. They looted everything they could, before fleeing in five (5) of the vehicles.

104. As to other security personnel, the HRD verified six (6) incidents involving them between March and April 2021. As an illustration, they stormed the runway of one of the airfields in

Mambéré Kadéï prefecture, just as a plane used for a humanitarian operation was landing. They intimidated the humanitarian staff and forcibly stopped the logistical operations in progress. They searched the plane thoroughly, but found no illegal items. On 31 March 2021, other security personnel arrived in Vakaga prefecture and illegally established their bases in the premises of an international NGO and in a local centre built by MINUSCA as part of a quick impact project. From 8 March 2021, in the prefecture of Ouham Pendé, other security personnel occupied the premises of a local NGO and the guest house of another international NGO.

105. Some FACA elements were also responsible for such violations. On 6 February 2021, in the prefecture of Nana Mambéré, a dozen FACA elements beat up a UN agency staff member for refusing to allow civilian passengers to board a humanitarian truck carrying aid supplies to Bangui. On 15 March 2021, two (2) local staff members of an international humanitarian organisation based in Mambéré Kadéï prefecture were arrested at a checkpoint and forced to pay 1,000 CFA francs for a Christian and 5,000 CFA francs for a Muslim. On 22 January 2021, in the prefecture of Lobaye, a humanitarian worker in a convoy of two (2) international NGO vehicles, including an ambulance, was stopped at a checkpoint manned by FACA and other security personnel, abducted and physically assaulted, and subsequently taken to Bangui for detention.

#### **iv. Destruction, looting and illegal confiscation of goods or property**

106. During the reporting period, the HRD documented 62 cases of destruction, confiscation and looting of goods or property. While armed groups were the main perpetrators, some violations were committed by FACA, FSI and other security personnel.

107. Up to the end of December 2020, armed groups affiliated to the CPC in their bid to boycott the electoral process were responsible for 12 cases of violation, the victims of which were mainly the actors of the said process. Elements of the CPC occupied, ransacked and looted two (2) homes, confiscated six (6) vehicles and six (6) motorbikes as well as personal possessions and money belonging to 18 members of ANE branches and six (6) members of political parties (mainly the MCU).

108. Cases of destruction of electoral material were also recorded in several localities. For example, on 26 December 2020, in the prefecture of Haute-Kotto, all voting materials held by the presiding officer of a polling station and by 14 other election officers were confiscated and destroyed by FPRC elements at one of their illegal checkpoints.

109. Up to the first half of January 2021, the HRD verified six (6) cases of abuse resulting in the confiscation of 160 motorbikes, personal belongings and money, as well as the ransacking and looting of four (4) houses, eleven (11) businesses and two (2) villages by CPC-affiliated elements, affecting several hundred civilians.

110. Cases of destruction, occupation and looting by FACA, FSI and other security personnel totalled 48, mostly in the prefectures of Mambéré-Kadéï and Ouaka. In Ouaka prefecture, for example, on 12 and 15 January 2021, during clashes between FACA forces and other security personnel and UPC elements, 27 houses were burnt down by grenade fire from the belligerents. On 14 and 15 January 2021, a pharmacy and a shop were completely looted by other security personnel. Thus, during the above-mentioned period, FACA, FSI and other security personnel were responsible for various violations, including the occupation of houses for military purposes,



the confiscation of personal belongings, including money, the looting of IDP sites and illegal taxation.

**v. Occupations and attacks on schools and hospitals**

111. During the period under review, FACA, other security personnel and armed groups affiliated with the CPC were responsible for 94 attacks and/or occupation, including the looting of 25 schools and 14 hospitals. The prefectures of Mambéré Kadéi, Ouaka, Ouham, Nana Mambéré, Mbomou, Ouham Pendé and Ombella-M'Poko were the most affected by these incidents.

112. Regarding armed groups affiliated to the CPC, from December 2020 to June 2021, the HRD verified that they were responsible for 38 attacks (i.e, more than half of the cases) and/or occupation of 37 schools, preventing free access to education for thousands of children. Fourteen of these schools serving as polling stations and centres were attacked and their equipment and school supplies destroyed by elements affiliated to the CPC to prevent voting in several localities. For example, on 27 December 2021, anti-Balaka and 3R attacked a school in Mambéré Kadéi prefecture that served as a voting centre. They collected and burned the ballot boxes and electoral material in the classrooms used as polling stations, broke doors, and ransacked six (6) offices belonging to the school headmasters.

113. In addition, the HRD verified nine (9) attacks against nine (9) health facilities from December 2020 to June 2021, committed by armed groups affiliated to the CPC, in various regions. For example, in January 2021, in Mboumou prefecture, armed elements from a faction of the FPRC and UPC attacked and completely looted a health centre. Among the five women who gave birth thereafter, three of new-borns died for lack of care and medication.

114. Regarding FACA and other security personnel, the HRD's verifications established that, from December 2020 to June 2021, they used or targeted school and hospital facilities, either for military use or shelter, or to loot them. Thus, 48 incidents of attacks and/or occupations, including looting, affecting 37 schools and 11 health facilities were documented.

115. On 11 March 2021 in Ouaka prefecture, the HRD verified the occupation of a school by other security personnel, who placed several military devices within the school, thereby preventing the school from reopening its doors to pupils and depriving them of their right to education.

116. Several testimonies corroborated criminal acts perpetrated by other security personnel. Indeed, in Ombella M'Poko prefecture, during the control of a town by other security personnel, they placed explosive devices near a school to prevent the progression of armed groups affiliated to the CPC to their positions. On 29 March 2021, the HRD found that the school was still neither accessible nor operational.

**vi. Looting, use and ransacking of public buildings of a civilian nature**

117. During the period under review, the HRD verified four (4) cases of attack, looting and use of civilian public buildings, all committed by armed groups affiliated to the CPC, notably in Mambéré Kadéi prefecture.

118. For example, on 27 December 2020, armed elements affiliated to the CPC (3R and anti-Balaka) took over the town of Carnot with the aim of disrupting the electoral process. They attacked the office of the Carnot Special Delegation (townhall), fired warning shots, ransacked all

the offices, burned official records and all electoral material. They controlled the town until 30 December 2020, establishing their main operational centre in the premises of the townhall.

119. Furthermore, in Mambéré Kadéï prefecture, from 28 December 2020 to 6 January 2021, a group of 3R elements, affiliated to the CPC, took control of another town with the aim of boycotting post-election operations. They set up their headquarters in the customs administration building to coordinate their operations. Before vacating these premises, they ransacked and looted everything.

## **vii. War crime allegations during fighting between the Central African Republic and the Republic of Chad**

120. According to information received, in the morning of 30 May 2021, there were armed clashes between FACA and other security personnel against Chadian armed forces at the border between the two countries in the north-western Ouham Pendé prefecture. The Chadian Government issued a statement on the same day, according to which its military border post at Sourou, in the Republic of Chad, had been attacked by the FACA, resulting in the death of one Chadian soldier, five (5) wounded and the taking hostage of five (5) other soldiers in Bang<sup>43</sup>, where they were later executed. The statement described the events as an extremely serious "war crime". In response, the Central African Government issued a statement on 31 May, expressing regret for the loss of life and injuries suffered by Central African and Chadian soldiers during a military operation against CPC fighters on the common border of the CAR and Republic of Chad on 30 May. The statement affirmed the Central African Republic's readiness to cooperate with the Republic of Chad to ensure peace and security on their respective borders. On 1 June, the two parties, in a joint statement, stressed the urgency of clarifying the circumstances surrounding the attack. They also decided to set up an "independent and impartial international commission of enquiry" comprising the United Nations, the African Union and the Economic Community of Central African States. This commission is expected to establish the facts and responsibilities.

## **C. Violations and abuses affecting the right to free and credible elections**

### **i. Violations and abuses of the freedom of movement of actors in the electoral process**

121. During the period under review, the HRD documented 11 cases of violations of freedom of movement, all committed by armed groups affiliated to the CPC, mainly involving ANE voter registration staff. The prefectures most affected by these incidents are Mambéré Kadéï, Haute-Kotto, Ouaka, Nana-Mambéré, Ouham Pendé and Kaga Bandoro.

122. For example, on 3 August 2020, in Haute-Kotto prefecture, a team of election staff was prevented from registering voters by elements of an FPRC faction, brandishing a letter signed by an FPRC "commander" addressed to the ANE chairpersons of Haute-Kotto and Mbomou, strongly objecting to the registration of voters in his area of influence.

123. On 10 August 2020, elements of the UPC stormed the registration centres of two communes in Ouaka prefecture and seized kits and money belonging to the election staff, threatening them, and forbidding them from moving about in the said communes. This incident caused panic and led

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<sup>43</sup> Bang is located 100km west of Paoua in the Central African Republic.

to the temporary closure of several other centres in eight (8) communes of the prefecture. On 26 September 2020, in Kaga Bandoro, Nana-Gribizi prefecture, a delegation of a political party was forced to pay a toll of CFAF 15,000 at the illegal checkpoint mounted by MPC elements. The MPC also confiscated the delegation's car, demanding the submission of the original vehicle documents and official mission order for the car to be returned.

124. Due to an "*ongoing judicial investigation*"<sup>44</sup> into possible links with armed groups affiliated with the CPC, the CAR government requires some political leaders and presidential candidates wishing to leave the country for any reason whatsoever to produce a special authorisation from the Minister of the Interior in charge of public security.

125. On 27 March 2021, the former Prime Minister, Martin Ziguélé, was notified by the Minister of the Interior in charge of public security that, in response to his request to the said ministry<sup>45</sup> he was not allowed to leave the country.

126. Shortly before, the Member of Parliament and president of the *Union pour le renouveau centrafricain* [Union for the Renewal of CAR] political party, Anicet-Georges Dologuélé, the former president of the transition, Catherine Samba-Panza, the former president of the National Assembly, Karim Meckassoua, and the former minister of foreign affairs, Charles Armel Doubane, had all been prevented from boarding an international flight to leave the country without clearance.<sup>46</sup> The travel ban from the Central African Republic was lifted on 31 May 2021 by the public prosecutor of the High Court of Bangui.

## **ii. Violations and abuses of freedom of expression and the right to information**

127. During the election period, out of several allegations received, the HRD was able to verify three (3) breaches of freedom of expression and the right to information. These involved both the media and various candidates in the combined elections of 27 December 2020. The perpetrators were, on the one hand, the authorities through restrictive measures imposed on the media, and on the other hand, armed groups affiliated to the CPC, which in their desire to disrupt the elections, prevented candidates from accessing the media in some localities.

128. The High Communication Council (HCC) attracted special attention following its decisions - No.26/HCC/P/RG/20 and No.27/HCC/P/RG/20 - of 2 December 2020 to suspend some programmes on *Radio Centrafrique* station and all interactive programmes of State-run and private media. These decisions were designed to address recurrent abuses by listeners and the unprofessionalism of the hosts, and to accommodate the sensitive nature of the electoral period. Although these decisions were part of the Central African government's efforts to prevent incitement to hatred and violence, they may, however, amount to a disproportionate restriction on freedom of expression.

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<sup>44</sup> On 8 January 2021, a judicial investigation was opened into links between the CPC and some members of the opposition. The investigation, which initially focused on former president François Bozizé, and former minister Thierry Savonarole Maleyombo and senior KNK official, now seeks to establish a link between the former president and opposition MPs, Anicet-Georges Dologuélé, Karim Abdoul Meckassoua and Martin Ziguélé. Thus, on 2 April 2021, the public prosecutor filed a request with the president of the National Assembly to lift the parliamentary immunity of Simplicie Aurélien Zingas and the three aforementioned MPs. Under article 119 of the Rules of Procedure of the National Assembly of the Central African Republic, an ad hoc committee shall be established to consider the request to lift parliamentary immunity. Available at <https://www.jeuneafrique.com/1153176/societe/centrafrique-ce-que-contient-lenquete-qui-vise-francois-bozize-et-lopposition/>, accessed on 17 May 2021.

<sup>45</sup> Available at <https://corbeaunews-centrafrique.com/rca-apres-dologuele-cest-le-tour-de-martin-ziguele-detre-interdit-de-sortir-du-territoire/>, accessed on 17 May 2021.

<sup>46</sup> Available at <https://www.jeuneafrique.com/1144102/politique/centrafrique-les-opposants-a-faustin-archange-touadera-empeches-de-quitter-le-pays/>, accessed on 17 May 2021.

### **iii. Violations and abuses of the freedom of peaceful assembly and association**

129. The HRD documented three violations of freedom of peaceful assembly against political parties in the prefectures of Mbomou, Ouaka and Mambéré-Kadéi, involving the UPC armed groups, a faction of the FPRC and a local authority. Subsequently, three (3) other incidents were reported, involving five (5) victims, including one woman.

130. On 15 November 2020, in Ouaka prefecture, four (4) UPC elements threatened to kill a candidate to the legislative elections who, as part of his election campaign, had gone to the mosque to make in-kind donations to the Muslim community on behalf of the President of the Republic. The death threat prevented him from holding the meeting with the target communities.

131. On 25 December 2020 in Mambéré-Kadéi prefecture, a mayor stopped the meeting of a candidate to the legislative elections, damaged the sound system and chairs set up for the occasion. The mayor also threatened to kill one of the candidate's supporters, if the latter won and did not leave the constituency.

132. In addition, the HRD documented about ten incidents related to the destruction and expropriation of property, such as vehicles, campaign materials and money of several candidates in the prefectures of Ouham, Nana-Gribizi, Ouham-Pendé, Mambéré-Kadéi, Ouaka and Nana-Mambéré, thus impeding their campaign.

### **iv. Violations of the right to equality and non-discrimination**

133. Violations of the principles of equality before the law and non-discrimination inherent in the electoral process were observed and documented by the HRD during the period under analysis. Violations of the right to take part in the electoral process were recorded in certain prefectures, notably Haute-Kotto and Ouaka, where two (2) incidents attributable to the PRNC armed group and a faction of the FPRC, involving a group of victims and another woman were reported. These armed groups, aware of the important and active role of Central African women in peace and reconciliation, commit violations with the sole aim of dissuading them from participating in the electoral process and elections.

134. In Haute-Kotto prefecture, members of the PRNC armed groups and a faction of the FPRC threatened and prevented a woman from participating in election-related activities. On 22 September 2020, the HRD interviewed a woman who had requested the protection of MINUSCA after she received death threats from the commander of an FPRC faction and the commander of the PRNC, respectively. The two (2) armed group leaders had forbidden her from participating in electoral activities involving women.

135. On 14 August 2020 in Ouaka prefecture, women were not allowed to register on the electoral list because they lacked birth certificates, whereas only an identity card or a certificate of loss of identity document was required. This was considered a discriminatory measure, as the HRD did not receive similar complaints concerning men.

### **v. Targeting of election agents, candidates and voters**

136. During the reporting period, several incidents of violations of the right to life, death threats, intimidation and abductions against ANE staff involved in voter registration activities were observed. A total of 46 incidents committed by armed groups affiliated to the CPC were

documented. They involved 88 persons, including 19 collective victims, 28 men, nine (9) women, six (6) children and 26 unidentified adults.

137. In the run-up to the elections, armed groups affiliated to the CPC issued death threats against election staff, candidates and the civilian population with the aim of undermining the smooth running of the electoral operations. For example, in August 2020, in Nana-Gribizi prefecture, an ANE team was arrested and threatened by a group of MPC elements who accused them of working in their area without permission. The team was forced to return to Kaga Bandoro without completing the mission. On 6 September 2020, 3R elements issued death threats against a mayor, numerous civilians, candidates and members of political parties in opposition to the deployment of ANE voter registration staff in the region.

138. The day of the first round of the presidential election, 27 December 2020, was marked by violence in areas under the control of armed groups affiliated to the CPC. Armed elements fired around polling stations, kidnapped election officials, harassed voters and destroyed election facilities, including polling stations and election materials. In total, the HRD documented seven (7) incidents affecting at least 37 victims, including 27 men, ten (10) women and several collective victims. For example, in Mambéré Kadéï prefecture, armed 3R and anti-Balaka elements affiliated to the CPC attacked a town hall where the ballot boxes had been taken to be counted in the presence of electoral agents, representatives of political parties and voters. This was also the case in Ouaka prefecture, where teachers received death threats from UPC elements who accused them of disregarding their orders by continuing the electoral process.

139. The scale of these incidents led many families, local authorities, election candidates, ANE members and soldiers to seek refuge in the bush, in MINUSCA bases or abroad.

#### **vi. Violations related to the imposition of curfew and state of emergency**

140. On 6 January 2021, the Government of the Central African Republic decreed a curfew from 8p.m. to 5a.m..<sup>47</sup> Within a week, the curfew was revised to run from 6p.m. to 5a.m..<sup>48</sup> On 22 January 2021, the Head of State declared a nationwide state of emergency for 15 days, which was subsequently extended for six months by the bureau of the National Assembly. During the curfew and state of emergency, several human rights violations by the defence and security forces were documented by the HRD, particularly in the city of Bangui. These included cases of murder and bodily harm, arbitrary arrest and detention.

141. The HRD considers that some arrests were made unlawfully. As regards the curfew, there were no exceptional measures in place to allow movements in case of *force majeure*. This situation gave free reign to abuse by the internal security forces, who arrested citizens moving at night for emergencies as well as seized means of transport

142. For example, on 12 January 2021, at around 9 p.m., in the middle of the curfew, a man was shot dead by the FSI in Bangui as he was transported on a motorbike driven by another man. This execution triggered protests by the population, who condemned police abuse and demanded that the perpetrators be brought to justice. During these demonstrations, the police fired live ammunition, killing one civilian and injuring six (6) others. The HRD was not able to establish whether investigations into these incidents were made.

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<sup>47</sup> Decree No. 21.006 of 7 January 2021 establishing a curfew throughout the Central African Republic.

<sup>48</sup> Decree No. 21.010 of 13 January 2021 imposing a curfew throughout the Central African Republic following the attack on Bangui by armed elements affiliated to the CPC.

#### **D. Attacks on MINUSCA peacekeepers**

143. During the period under analysis, the HRD documented 20 cases of attacks perpetrated by armed groups and FACA against MINUSCA peacekeepers. The attacks by armed groups alone resulted in **seven** deaths and **six** injuries among the peacekeepers. When such attacks are committed with the aim of hindering MINUSCA's civilian protection mandate, they are likely to constitute war crimes.

144. Five (5) cases of threats against peacekeepers by armed groups affiliated to the CPC (4) and by some FACA elements (one) were documented in the prefectures of Ouham, Mambéré Kadéi, Ouham and Ouaka. In Ouham, for example, on 21 December 2020, a MINUSCA peacekeepers' base was attacked by elements of an FPRC faction with a view to confiscate arms, ammunition, and means of transport to launch an attack on Bangui. On 13 March 2021, in Ouaka prefecture, a case of threat and intimidation by FACA elements was recorded. They stopped and threatened to search a convoy of two armoured vehicles of the MINUSCA Force. When the peacekeepers refused, they were prevented from leaving for about two hours before they were released.

145. During their patrols, peacekeepers also came under fire, sometimes deadly, from armed elements affiliated to the CPC; three such incidents were recorded in the prefectures of Nana Gribizi, Mboumou and Ouham. For example, on 18 January 2021, in Mboumou prefecture, FPRC and UPC elements ambushed a MINUSCA force transporting a water tank, resulting in the death of two (2) peacekeepers.

146. The HRD documented ten (10) cases of gunfights between peacekeepers and elements of armed groups affiliated to the CPC, resulting in injuries and fatalities among MINUSCA Force elements. These CPC-affiliated armed groups attempted to block the electoral process and the holding of elections. Thus, on 25 December 2020, in Kemo prefecture, three (3) peacekeepers were killed, and two (2) others injured during an exchange of fire with armed groups. On 15 January 2021, UPC and anti-Balaka elements attacked a MINUSCA convoy in Ouaka prefecture, the ensuing clash resulted in the death of one (1) peacekeeper, while two (2) others were injured.

147. In Ouham prefecture, armed elements of the CPC attacked a MINUSCA Force convoy carrying six (6) peacekeepers on board two (2) trucks on 25 February 2021. These elements managed to seize the military equipment and personal belongings of these peacekeepers, before releasing them.

#### **VI. Measures taken by the Government of the Central African Republic for the promotion and respect of human rights and the protection of civilians during the election period**

148. From 1 July 2020 through 30 June 2021, the Government of the Central African Republic took measures to promote human rights and protect the civilian population during the electoral period. An integrated security plan for elections in the Central African Republic was signed on 2 October 2020 between the Government of the Central African Republic and MINUSCA, to ensure a coordinated approach to securing the electoral process throughout the country.

149. On 30 December 2020, President Faustin Archange Touadera signed the decree appointing the Commissioners of the Truth, Justice, Reparation and Reconciliation Commission (CVJRR). The Commission was established to support the Central African Republic in its efforts to emerge

from the crisis in a non-judicial framework of transitional justice. It seeks to establish the truth, search for justice, restore the dignity of the victims and achieve national reconciliation.<sup>49</sup>

150. On 18 April 2021, President Touadera announced the holding of a 10-day national consultation with effect from 19 April 2021, during which the opinions of the “institutions of the Republic”, “national stakeholders” and the “diaspora” were recorded<sup>50</sup> with a view to enhancing resources for national reconciliation and development. During these consultations, several subjects were discussed with the aim of promoting a way out of the crisis, the pacification of the political space and peace in the Central African Republic. However, armed groups belonging to the CPC were excluded from the consultations, while the COD-2020 decided to boycott these meetings. The absence of these two different stakeholders could have a negative impact on government efforts to resolve the post-electoral crisis and lead to more abuses and violations of international humanitarian and human rights law.

151. On 4 May 2021, the Minister of Justice and Human Rights issued a decree establishing a Special Commission of Inquiry with a three-month mandate to investigate allegations of serious violations of international humanitarian law and international human rights law committed by FACA, FSI and other security personnel between December 2020 and April 2021. A report on the findings of the investigation will be drafted and submitted to the Minister of Justice for onward transmission to the Government.

152. The establishment of the Special Commission of Inquiry is a positive step in the fight against impunity. It reiterates the commitment of the Government of the Central African Republic to discharge its core duty of protecting and promoting international humanitarian and human rights law in the country.

## **VII. Outreach by the Human Rights Division of MINUSCA in the context of elections**

153. During the period under review, the HRD designed a multidisciplinary strategy to reduce cases of violations and abuses of international humanitarian law and international human rights law, and to support the national authorities in reducing human rights violations during the electoral period. In particular, the HRD collaborated with the Ministries of Defence and the Interior through the establishment of a platform and the appointment of a focal point tasked with receiving reports documenting violations committed by the FACA and reporting said violations to their line of authority for disciplinary action to be taken against the alleged perpetrators and, as appropriate, referring the cases to the judicial authorities.

154. The HRD also delivered training on international humanitarian law and international human rights law to FACA, ISF, civil society and local administrative authorities. The Division also supported the activities of its government partners,<sup>51</sup> such as the High Communication Council (HCC), in their capacity-building activities on the prevention of public incitement to hatred and violence and curbing disinformation during elections. In this regard, MINUSCA received two (2)

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<sup>49</sup>Article 5 of the Organic Law No. 20.009 of 7 April 2020 establishing the CVJRR.

<sup>50</sup> Speech by President Faustin Archange Touadéra on 19 April 2021, <https://lanoca.over-blog.com/2021/04/centrafrique-le-president-touadera-lance-les-consultations-nationales-prealables-au-dialogue-republicain.html>, accessed 19 May 2021.

<sup>51</sup> The HRD also supported the activities of the National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and all Forms of Discrimination, the National Commission for Human Rights and Fundamental Freedoms (NCHRF), the High Authority for Good Governance (HABG), the Ministry of Justice and Human Rights (MJDH), the Network of NGOs for the Promotion and Defence of Human Rights (RONGDH), the National Human Rights Commission (NHRC), the Network of Journalists for Human Rights (RJDH), the Network of Journalists Reporting Conflict and Hate Messages (RJSMH) and Women Act For Living Together (WALT).

allegations between July 2020 and April 2021 which it was unable to confirm, even after conducting investigations.

155. In its field activities, the HRD ran numerous outreach sessions and capacity building workshops for national partners on human rights monitoring, report writing and protection of civilians during elections, the right to vote and other essential human rights for a credible electoral process.<sup>52</sup>

156. The obligation to respect human rights by FACA, FSI and other security personnel was the subject of discussions between senior national authorities and the leadership of MINUSCA. Disagreements over the confirmation of allegations of violations committed by state agents and other security personnel were raised during these high-level meetings. Following the discussions, the Government of the Central African Republic announced the establishment of the Special Commission of Inquiry as reported in paragraphs 152 and 153 above.

## **VIII. Recommendations**

### **i. To the Government of the Central African Republic:**

- Undertake prompt, thorough and impartial investigations into human rights abuses and violations in order to identify perpetrators and initiate disciplinary or criminal proceedings, as appropriate. In this regard, ensure that the Special Commission of Inquiry established on 4 May 2021 is provided with the requisite logistical and human resources to perform its mandate in an independent transparent and timely manner;
- Systematically follow up cases of violations to ensure successful prosecution and enforcement of criminal or disciplinary sanctions to effectively combat impunity;
- Instruct the Defence and Security Forces to put an immediate end to human rights violations and practices in contravention of international humanitarian law;
- Ensure that the relevant entities, namely the Inspectorate General of the Armed Forces and the Central Inspectorates of the FSI, carry out their multi-faceted mission of investigation, monitoring and inspection on the ground. In addition, it is important to systematically investigate each reported case.
- Combat and impose sanction for incitement to hatred and violence, in particular on social media, which undermines, among other things, the country's social cohesion.
- Take appropriate measures to prevent and stop the recruitment and use of children;
- Stop the use of school facilities for military purposes and the looting of health facilities and hospitals. In this regard, immediately ensure that all public and private buildings illegally occupied by FACA, FSI and other security personnel are vacated and returned to their owners;

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<sup>52</sup> 35 training sessions for 1,120 beneficiaries, including 396 women members of non-governmental human rights organisations, civil society and journalists, on human rights monitoring and report writing in the electoral context; nine training sessions for 234 local authorities, including 66 women, to support a human rights-based approach to the elections; 15 training sessions for 364 officers, including 24 women members of the national defence and internal security forces (FACA and FSI), on themes relating to the protection of human rights in the context of elections A training session and two information workshops for elements of armed groups on the protection of human rights during the electoral period for 90 elements, including five (5) women; 31 awareness-raising sessions on the right to vote and other human rights essential to a credible electoral process for 1,389 people, including 853 women; 53 working sessions with local authorities and members of civil society organisations on election-related issues.



- Ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which entered into force on 20 October 2001, and the Convention for the Elimination of Mercenarism in Africa, which was adopted on 3 July 1977 and entered into force on 22 April 1985; and
- Pursue education of all state agents on respect for human rights and humanitarian obligations.

**ii. To armed groups affiliated with the CPC and other armed groups:**

- Cease hostilities, in line with the UN Secretary General's appeal for an immediate global ceasefire on 23 March 2020 to give new impetus to peace and reconciliation. As such, respect local agreements on cessation of hostilities to which they are party and re-engage in the APPPR-RCA;
- Comply fully and consistently with international humanitarian law and international human rights law, where applicable. In this regard, put an immediate end to violations against civilian populations; to the recruitment and use of minors; and to the obstruction of and attacks on humanitarian workers.

**iii. To the International Community:**

- Provide the necessary support for the professionalisation of FACA and FSI, in particular by supporting them in their primary role of protecting civilians and promoting and respecting human rights throughout the Central African Republic.
- Encourage dialogue between the government, guarantors, facilitators and armed groups, including the CPC, to immediately and unconditionally cease violence and re-join the APPR-RCA;
- Continue to support the transitional justice process in CAR, including support for the full operationalisation of the CVJRR;
- Continuously remind all parties to the conflict of their obligation to comply with international humanitarian law in all circumstances, including the obligation to facilitate humanitarian access; and
- Recall the importance of monitoring human rights violations to combat impunity.