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UNITED NATIONS MULTIDIMENSIONAL INTEGRATED STABILIZATION  
MISSION IN THE CENTRAL AFRICAN REPUBLIC



**REPORT ON THE HUMAN RIGHTS SITUATION  
IN THE CENTRAL AFRICAN REPUBLIC (CAR)  
FROM 1 JUNE 2015 TO 31 MARCH 2016**



*“Notorious criminals and killers must be brought to justice, no matter what group they belong to, both to halt their depredations and to provide deterrence. [...] If international forces begin arresting leading members of armed groups, there needs to be a functioning justice system to investigate, prosecute and bring judgement in fair trials, and adequate prisons in which to detain them. Currently, still, in many parts of the country there are no prosecutors or judges at all. In other areas, there is one but not the other. And in areas where there are both, they are often still unable to function because they are intimidated and threatened by the armed groups and other criminals”,*

Zeid Ra’ad Al Hussein, U.N. High Commissioner for Human Rights, 4 September 2015, Bangui

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## List of Acronyms

<b>ANE</b>	Autorité nationale des élections
<b>CAR</b>	Central African Republic
<b>CNS</b>	Compagnie nationale de sécurité
<b>CoI</b>	Commission of Inquiry on the Central African Republic
<b>DSPJ</b>	Direction des services de la police judiciaire
<b>DST</b>	Direction de la surveillance territoriale
<b>FACA</b>	Forces armées centrafricaines
<b>FDPC</b>	Front démocratique du peuple centrafricain
<b>FPRC</b>	Front populaire pour la renaissance de la Centrafrique
<b>HRC</b>	United Nations Human Rights Council
<b>HRD</b>	Human Rights Division
<b>HRO</b>	Human Rights Officer(s)
<b>ICC</b>	International Criminal Court
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESC</b>	International Covenant on Economic, Social and Cultural Rights
<b>IDPs</b>	Internally Displaced Persons
<b>LRA</b>	Lord's Resistance Army
<b>MINUSCA</b>	Multidimensional Integrated Stabilization Mission in the Central African Republic
<b>MISCA</b>	International Mission to Support the Central African Republic
<b>MPC</b>	Mouvement patriotique pour la Centrafrique
<b>OCRB</b>	Office central pour la répression du grand banditisme
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>PCUD</b>	Parti centrafricain pour l'unité et le développement

<b>RPRC</b>	Rassemblement populaire pour le renouveau de la Centrafrique
<b>RJ</b>	Révolution et Justice
<b>R3</b>	Retour, réclamation et réhabilitation
<b>SCC</b>	Special Criminal Court
<b>SRI</b>	Section de recherches et d'investigation
<b>UNPOL</b>	United Nations Police
<b>UPC</b>	Unité pour la paix en Centrafrique
<b>XAF</b>	Central African CFA francs

## *Executive Summary*

This report is the third public report jointly issued by the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). It describes the human rights situation in the Central African Republic (CAR) between 1 June 2015 and 31 March 2016, which marked the end of the Government of transition. The overview provided is based on human rights monitoring conducted by the Human Rights Division (HRD) of MINUSCA.

The security and human rights situation in CAR continued to be a cause for major concern during the reporting period. The number of violations/abuses and victims increased by over 70 percent compared to the period covered by the first report, September 2014 to 31 May 2015. This notwithstanding, the general scale and severity of the conflict decreased with the exception of the outbreak of sectarian violence on 26 September 2015, in Bangui<sup>1</sup>. The latter outbreak led to a significant increase in the number of violations and abuses of international human rights law and violations of international humanitarian law by non-state armed groups, namely the Anti-Balaka and ex-Séléka and to a lesser extent, by State actors.

The inter-communal rapprochement prompted by the Pope's visit at the end of November 2015 contributed to a decrease in tension and violence in Bangui and throughout the country. With support from MINUSCA, the constitutional referendum and the legislative and presidential elections were held in December 2015 with relatively few security incidents.

During the period under review, HRD documented<sup>2</sup> 1,301 cases of human rights violations and abuses affecting at least 2,473 victims throughout CAR. Of these 2,473 victims, HRD verified and recorded 2,069 adults, including 1000 men and 261 women, 203 children including 91 boys and 67 girls, while for the rest of the reported victims it was not possible to strictly verify their age and sex. The main perpetrators continued to be armed elements from the Anti-Balaka, ex-Séléka /UPC/FPRC/FDPC, LRA, Fulani affiliated with R3, RPRC, and the RJ<sup>3</sup>.

The types of violations and abuses committed were mainly arbitrary killings, cruel, inhuman or degrading treatment or punishment, sexual violence, arbitrary deprivation of liberty, destruction and confiscation of property, and restrictions on the freedom of movement.

During the reporting period, the LRA increased their criminal activities in the southeast. Government forces were also responsible for serious violations, including arbitrary killings, ill-treatment and arbitrary arrest and detention.

The protection of civilians, which is one of the top priorities of MINUSCA, continued to be hampered by the very limited presence of State institutions, particularly outside of Bangui. The protection of civilians was further negatively impacted by slow progress in the reconstitution of legitimate security forces, their limited presence and capacities throughout the country, and the control of most of the central and eastern areas by armed groups, mainly

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<sup>1</sup> [https://minusca.unmissions.org/sites/default/files/bangui\\_report\\_final\\_english.pdf](https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf)

<sup>2</sup> The term documentation/documenting/documented for the purpose of this report refers to cases received by the HRD, some of which have been verified; and others which have not been verified but which are most likely to have occurred with a margin of about 40 per cent of probability following the standards of proof developed by OHCHR, in accordance with OHCHR standard methodology: [http://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

<sup>3</sup> The lack of State authority outside of Bangui contributes significantly to the increase in violations and abuses by the armed elements.

the ex-Séléka and its different factions. Administration of justice is still largely dysfunctional despite ongoing technical support and capacity-building by MINUSCA and other actors to reopen courts and detention facilities.

This report identifies challenges faced by the Transitional Government to address human rights concerns and describes steps taken by the authorities and the international community to ensure the protection of civilians, to prevent human rights abuses and to promote human rights. It presents recommendations to the Government authorities, armed groups and the international community.

## **I. Introduction**

1. This second periodic public human rights report<sup>4</sup> of the United Nations Multidimensional Integrated Stabilization Mission in Central African Republic (MINUSCA) is jointly published with the Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>5</sup>. It provides an overview of the human rights situation in the Central African Republic (CAR) from 1 June 2015 to 31 March 2016, which marked the end of the Government of transition.
2. This report is based on information collected by human rights officers based in the 12 Mission field offices<sup>6</sup>, during site visits, through interviews with victims and witnesses, community leaders, local administration officials, civil society representatives, law enforcement officials, as well as with alleged perpetrators. HRD examined documents and photographs provided by interviewees. HRD exercised due diligence to corroborate and cross-check information from as wide a range of sources as possible when investigating and analysing the incidents presented in the report. The HRD took all reasonable measures during its investigations to prevent risk of harm to victims and witnesses and to protect the confidentiality of its sources. The report highlights patterns and trends of the most serious violations and abuses documented by HRD, and only provides some examples of such violations.
3. Due to the manner in which the data was collected during the reporting period, it was not feasible to accurately match the violations and abuses committed with their alleged perpetrators. Therefore, the report was organised mainly by type of violations or abuses.
4. The applicable legal framework described in the previous joint public report remains valid.<sup>7</sup> MINUSCA considers that the nature and intensity of the armed violence, its protracted nature, and the level of organization of the ex-Séléka and Anti-Balaka armed

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<sup>4</sup> The first periodic report is available on [http://www.ohchr.org/Documents/Countries/CF/MINUSCA\\_9Dec2015.pdf](http://www.ohchr.org/Documents/Countries/CF/MINUSCA_9Dec2015.pdf)

<sup>5</sup> Security Council resolutions 2217 (2015) and 2301 (2016) request the Mission to monitor, help investigate, and report publicly and to the Security Council on violations of international humanitarian law and on violations and abuses of human rights committed throughout the CAR.

<sup>6</sup> The HRD has 12 field offices, namely eight main offices (in Bangui, Bouar, Kaga Bandoro, Bria, Berberati, Bossangoa, Bambari and Bangassou) and four sub-offices (in Ndele, Birao, Obo and Paoua) well as a mobile team.

<sup>7</sup> CAR has ratified most of the core international human rights treaties including The International Covenant on Economic, Social and Cultural Rights (ICESCR / acceded on 8 May 1981); the International Covenant on Civil and Political Rights and its first Optional Protocol (ICCPR / OP / 8 May 1981); the International Convention of the Elimination of All Forms of Racial Discrimination (ratified on 16 March 1971); the Convention on the Elimination of All Forms of Discrimination against Women (acceded on 21 June 1991); the Convention of the Rights of the Child (ratified on 23 April 1992). See [https://minusca.unmissions.org/sites/default/files/bangui\\_report\\_final\\_english.pdf](https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf), pp. 10-11.

groups, attest to the existence of a continued non-international armed conflict in CAR.<sup>8</sup> As such, all parties to the armed 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>9</sup> This article establishes the minimum standards that parties, including State and non-State actors, shall respect in non-international armed conflict. State and non-State actors are also bound by the relevant provisions of the international and regional human rights instruments ratified by the Central African Republic.

5. Human rights violations and abuses and violations of international humanitarian law documented by HRD include arbitrary killings, cruel, inhuman or degrading treatment or punishment, sexual violence, arbitrary deprivation of liberty, destruction and confiscation of property, and restrictions on the freedom of movement.

## II. *Political and security context*

6. The security situation in CAR remained tense and unpredictable throughout the reporting period. Clashes between opposing armed groups, mainly the ex- Séléka and Anti-Balaka were reported, mostly in the central region. Reports of armed banditry were documented in most regions. The period following the Bangui Forum, held from 4 to 11 May 2015, appeared to create hope among the population mainly due to the commitment by all national stakeholders to respect the *Pacte républicain pour la paix, la réconciliation nationale et la reconstruction en République centrafricaine* which they had signed during the forum. This engagement partly contributed to a relative improvement in the security situation in June and July 2015. However, the security situation deteriorated, notably in Bambari and Bangui during the months of August, September and October 2015 due to sectarian violence. September and October in particular were marked by a wave of sectarian violence and a series of reprisal attacks between the Anti-Balaka and ex- Séléka in several neighbourhoods of Bangui. This violence was triggered by the discovery of a decapitated 16-year-old Muslim boy in front of a mosque in PK5, on 26 September 2015.
7. The visit of Pope Francis to Bangui, on 29 and 30 November 2015, including his initiative to foster dialogue between the Muslim and Christian communities, contributed to a decrease in tension and violence in Bangui and throughout the country. This led to a relative easing of movement of Muslims living in the enclaves in the PK5 area in Bangui. From December 2015 to March 2016, the security situation continued to improve and elections were held in a relatively peaceful environment.

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<sup>8</sup> For the purpose of this report, armed groups are the signatories of the '*Accord sur les principes de désarmement, démobilisation, réintégration et rapatriement (DDRR) et d'intégration dans les corps en uniforme de l'état centrafricain ente le gouvernement de transition et les groups armes*' of 10 May 2015. The signatories are: Front populaire pour la renaissance de la Centrafrique (FPRC); Rassemblement patriotique pour le renouveau de la Centrafrique (RPRC); Union des forces républicaines fondamentales (UFRF); Séléka rénové; Mouvement des libérateurs centrafricains pour la justice (MLCJ); Coordination des ex-combattants Anti-Balaka; Unité du peuple centrafricain (UPC); Révolution et justice (RJ), and Union des forces républicaines.

<sup>9</sup> With regard to other non-State actors, in some cases, HRD was able to confirm that members of the Fulani community have acted together with, or with the support of some local ex-Séléka armed groups, including in carrying out attacks on civilians, sharing uniforms and weapons CAR is a party to the four Geneva Conventions of 12 August 1949 (ratified on 1 August 1966) and their Additional Protocols I and II of 1977 (ratified on 17 July 1984).

<sup>9</sup> See Article 97 of the Transitional Constitution (law 13.001 18 July 2013)

8. At the same time, criminal activities by the Lord's Resistance Army (LRA) increased during the reporting period, affecting the security situation in the southeast of CAR. During this period, 42 cases of abduction were recorded affecting 194 victims, including 12 women, 12 girls, 18 boys and two children of unknown sex or age. In January and February 2016, LRA elements carried out about 17 incidents of indiscriminate attacks on several villages in Haute Kotto and Mbomou prefectures. According to testimonies from victims, the LRA elements pillaged them of their personal property, and victims were forced to carry the pillaged items for long distances in the bush. In some instances, the victims were harassed, intimidated, raped, or recruited into the armed group.
9. With the beginning of the dry season in early December 2015, violence linked to the seasonal movement of Fulani pastoralists (transhumance) in the central and western parts of the country impacted on security. Pastoralist movements in the prefectures of Ouaka, Basse-Kotto, Nana Mambéré, Mambéré Kadei and Ouham gave rise to some clashes in mid-January. The most prevalent incidents were clashes between Fulani herders and armed groups, particularly the Anti-Balaka and ex-Séléka, over cattle thefts, grazing-related disputes as well as illegal tax levying. In Niem-Yelewa, Nana Mambere prefecture, violent incidents led to school closures.
10. The first and second rounds of the presidential and legislative elections were conducted on 30 December 2015 and 14 February 2016 respectively. Forty-two candidates were registered for the first round of the presidential elections and 1,600 candidates for the legislative elections. More than 1,980,000 voters were registered, representing about 95 per cent on the estimated electorate, and the voter turnout was 62.3 per cent for both presidential and legislative elections.
11. During the period leading up to the elections, the rights to freedom of expression, movement and peaceful assembly were generally respected except for isolated incidents of human rights abuses by the armed groups set out in the following paragraph. Campaigning by all candidates and their supporters was generally carried out in accordance with the Code of Conduct signed by all presidential candidates and political parties on 12 December 2015.
12. During the preparation of the constitutional referendum, the ex-Séléka/FPRC group intimidated civilians who attempted to vote in its areas of influence, particularly Ndele, Kaga-Bandoro, Birao and the 3<sup>rd</sup> district of Bangui, and disrupted the distribution of voting material outside major towns. During the referendum itself on 13 December 2015, FPRC elements attacked at least 12 voting centres and electoral officials, which resulted in the killing of at least six civilians<sup>10</sup> and injured 11, causing disruption to the vote in Bangui, the Centre, the North and the Northeast. Anti-Balaka elements also carried out at least five attacks on voting centres in Bangui on 13 December 2015.
13. On 25 January 2016, the Transitional Constitutional Court validated the provisional results of the first round of the presidential elections. Anicet Georges Dologué and Faustin Archange Touadéra were confirmed candidates for the second round. The results of the legislative elections were entirely annulled by the Transitional Constitutional Court (TCC) due to irregularities in the process.<sup>11</sup> The second round of the presidential

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<sup>10</sup> Three men, two women and one boy aged 12.

<sup>11</sup> On 25 January 2016, the Transitional Constitutional Court annulled the entire first round of legislative elections citing manifest irregularities that compromised the principles that are fundamental to the right to vote, namely freedom of choice

elections took place jointly with the new round of the legislative elections on 14 February 2016. On 1 March 2016, the Transitional Constitutional Court validated the presidential elections results and proclaimed Faustin Archange Touadéra as President-elect with 62.69 per cent of the votes. The voter turnout was 58.88 per cent. On 30 March, Faustin Archange Touadéra was officially sworn in as Head of State of the Central African Republic.

14. On 14 March, the Court confirmed that 45 legislative candidates (for the 140-seat Parliament) had been elected during the first round with an absolute majority, including Anti-Balaka leader Alfred Yekatom, who is on the sanctions list of the UN Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic<sup>12</sup> for alleged human rights violations.

### III. *General trends and specific developments affecting the human rights situation.*

15. During the reporting period, HRD documented 1,301 incidents of human rights violations and abuses and violations of international humanitarian law, allegedly predominantly committed by Anti-Balaka and ex-Séléka and its different factions, (UPC, FRPC, MPC and FDPC), Revolution and Justice, R3 under Colonel Sidiki, and the LRA. The violations and abuses affected 2,473 victims. Of the 2,473 victims, HRD verified 2,069 adults including 1000 men and 261 women, 203 children including 91 boys and 67 girls, while the rest of the reported victims were of unknown age and sex. These numbers represent an increase of 526 violations and 1,688 victims compared to the previous reporting period of 15 September 2014 to 31 May 2015. At least 338 civilians were killed during this period, mainly as a result of armed confrontations between the Anti-Balaka and ex-Séléka armed groups, as well as targeted killings committed during the outburst of sectarian violence in Bangui among Muslims and Christians, supported by ex-Séléka and Anti-Balaka armed groups respectively in September and October 2015.
16. Violence erupted at the end of August 2015 in Bambari, Ouaka prefecture, following the killing of a young Muslim driver by presumed Anti-Balaka on 20 August. This led to an escalation of violence between Anti-Balaka and ex-Séléka/UPC during which eight men were killed and at least 13 civilians injured, including one woman and one girl. Anti-Balaka elements mounted illegal barricades in Bambari, which seriously impeded the freedom of movement of civilians and spread a climate of fear and intimidation. Violence also spread to different localities in and around Bria (Haute-Kotto prefecture) between 24 and 28 August, with sources confirming that at least seven civilians were killed, four wounded, and at least 11 houses burnt.
17. On 26 September, the discovery of the corpse of a 16-year-old Muslim boy at the PK5 mosque in Bangui plunged the capital city into a spiral of violence which lasted until 20 October. HRD verified 41 civilian fatalities, including 13 women, and the displacement

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for electors and equal treatment for candidates (Décision No. 004/16 du 25 janvier 2016 relative à la proclamation définitive des résultats des élections législatives du 30 décembre 2015). TCC found that at many voting centres, voting had been affected by problems with the ballot papers; lack, insufficiency or late delivery of ballot papers; fraud in the distribution of voting cards and acts of violence and intimidation by candidates against voters and other candidates. These irregularities were judged to be so significant that they rendered the results of the first round of voting unreliable.

<sup>12</sup> For more details on the elections, please see Secretary-General Report on the CAR S/2016/305.

of approximately 40,000 people to 32 IDP sites in Bangui<sup>13</sup>. Reports from various sources indicated that Anti-Balaka and ex-Séléka elements, as well as different community self-defence groups supported by Forces armées centrafricaines (FACA) elements, had committed gross violations, including targeted killings, physical assaults and injuries, rape, abductions and widespread destruction of property, pillaging and lootings. Sources confirmed that at least nine women were raped during the events.<sup>14</sup>

18. During the reporting period, there was a marked increase in the activities of the LRA, specifically in Mbomou (a rich mining area), Haute-Kotto and Haut-Mbomou prefectures. The LRA attacked villages, abducted civilians, forced them to work for them, mostly as porters or sex slaves and reportedly killed people.

**A. Human rights abuses by armed groups**  
**a. Killings and threats to life**

19. During the period under review, HRD documented 134 cases of killings and 38 cases on threats to life, affecting 324 civilians, including 50 women, four boys, one girl, six children of unknown age or sex, and 68 adults of unknown age and sex, allegedly committed by various armed groups. The perpetrators of these abuses, were identified as Anti-Balaka, ex- Séléka /UPC/FPRC/FDPC/RPRC, LRA, the RJ and Fulani affiliated with R3 under Colonel Sidiki. Some of the killings were linked to clashes and reprisal attacks among the various armed groups particularly the Anti-Balaka and ex- Séléka in which civilians were either caught in the crossfire or were targets.
20. For example, between 1 and 3 August 2015, Anti-Balaka and ex-Séléka/UPC conducted several armed reprisal attacks on each other's positions in Kouango and Zangba sub-prefectures (Ouaka prefecture), which resulted in the killing of nine civilians and an unconfirmed number of injured persons. In addition, at least 70 houses were looted and burnt in the area. Furthermore, 24 people, including a 15-year-old child of unknown sex, were arbitrarily deprived of their liberty by ex-Séléka/UPC. Three of those arbitrarily deprived of their liberty were reportedly then shot and killed when trying to escape.
21. On 20 August, local sources and a community leader reported that a group of ex-Séléka/MPC attacked Maorka village (Nana Grébizi prefecture), including the house of the local Anti-Balaka leaders, killing two men and wounding an unknown number of fighters. This attack was reportedly in reprisal for an earlier attack by the local Anti-Balaka leader who had allegedly killed six Fulani at their camp. Between 24 and 28 August, HRD conducted interviews on the ground following a series of clashes between Anti-Balaka and ex-Séléka/UPC in localities in and around Bria (Haute-Kotto prefecture). The findings established that these clashes led to the killing of at least seven civilian men and the wounding of four others, while 11 houses were burnt.

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<sup>13</sup> According to the report of the United Nations Secretary-General to the Security Council on CAR dated 30 November 2015, 77 people were killed and 400 injured in the four days following 26 September (see S/2015/918, paragraph 18) .The report of the Panel of Experts on CAR states that 79 civilians were killed and 512 injured during this period (see S/2015/936).

<sup>14</sup> For more details, see the report on Violations and Abuses of International Human Rights and Humanitarian Law committed in Bangui, Central African Republic, between 26 September and 20 October 2015, [http://minusca.unmissions.org/sites/default/files/bangui\\_report\\_final\\_english.pdf](http://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf)

22. HRD received reports from different local sources that three young men had been attacked, tied up, subjected to cruel and inhuman treatment and later killed by ex- Séléka elements at PK15<sup>15</sup> on Bangassou - Zemio axis, on 14 September. FDPC elements also shot and killed a civilian mining architect on the axis of Garoua Boulaï near a mining site in Peouri town<sup>16</sup> on 21 September. Two Anti-Balaka elements allegedly arbitrarily killed an Mbororo merchant on 24 September in Bouar (Nana-Mambéré).
23. HRD investigations indicate that armed elements committed killings of civilians during the electoral period. For example, On 13 December 2015, ex-Séléka /FPRC attacked voting centres in the *Ecole Koudoukou* and the *Ecole Gbaye-Dombia* in the 3<sup>rd</sup> district of Bangui which resulted in the killing of one civilian man and injury of 11 others. Similarly, on 13 December 2015, several civilians were injured during violence which erupted in PK5 and Gobongo districts when armed men affiliated to Anti-Balaka threw three grenades and fired at voters in different polling stations in the 4<sup>th</sup> (*Ecole Gobongo Garcon*), 5<sup>th</sup> (*Ecole Amitie* and *Ecole Mandaba*) and 8<sup>th</sup> districts (*Ecole Gobongo Militaire*), and in Bimbo.
24. Armed Fulani affiliated with the R3 group under Colonel Sidiki attacked and killed civilians in different areas in Nana-Mambéré prefecture. For example, on 5 January, in Pakam (Nana Mambéré Prefecture), a R3 element shot and killed a man and burned his body. Sources also reported that the same group shot and killed two farmers– an elderly man and a 36-year-old man - in Kpowal village<sup>17</sup>, also in Nana-Mambéré prefecture. Their bodies were recovered on 14 March in a bush. The victims had been abducted on 9 December 2015 in a field near the village as they were tending to their cattle.
25. On 30 October 2015, HRD followed up and was informed by other sources and relatives, that on 26 October, three civilians, including a woman and a man working in a non-governmental organization (NGO), who had been abducted by LRA in September from an area close to Obo, were allegedly murdered in a forest area in Ligoua village (Haut-Mbomou prefecture).<sup>18</sup> Their bodies were discovered in the forest on 29 October in a state of decomposition.

#### **b. Deprivation of liberty and cruel, inhuman or degrading treatment**

26. During the reporting period, HRD recorded 333 incidents of cruel, inhuman or degrading treatment (ill-treatment), affecting 485 victims with 123 women 19 boys, 40 girls, 40 children of unknown age and sex, 53 adults of unknown age and sex perpetrated by members of armed groups. Abuses were attributed to the Anti-Balaka, ex- Séléka and affiliated groups, LRA, RPRC, and Fulani affiliated to the R3 group.
27. On 14 February 2016, three armed Anti-Balaka elements stormed into the house of a health worker in Doukouma (Nana Grébizi Prefecture) and forced her to treat their sick relative. When she suggested that the latter should be taken to a hospital, one of the Anti-Balaka elements bit one of her fingers, which resulted in its partial amputation. The

<sup>15</sup> Located approximately 15 kilometres from Kpabou, Bangassou-Zemio sub prefecture of Haut Mbomou.

<sup>16</sup> Located approximately 18 kilometres north of Baboua.

<sup>17</sup> Located approximately 5 kilometers from Sabewa.

<sup>18</sup> Located approximately 30 kilometers from Obo which is approximately 600 kilometers from O Bangassou on the Bambuti axis towards Sudan.

victim informed HRD that the men also threatened to kill her if their sick relative did not recover.

28. On 30 November, three Anti-Balaka elements approached two women in the street in 'Aide Ville' neighbourhood, in Bangui, and accused them of collaborating with ex-Séléka. The women were then forced to follow the perpetrators to an area near the St Michel church, where about 20 Anti-Balaka were waiting. The three men beat both women, and looted them of their personal belongings, before releasing them.
29. A 54-year-old IDP man reported to HRD having been subjected to cruel, inhuman and degrading treatment by three Anti-Balaka elements in Batangafo (Ouham Prefecture) on 14 January 2016. He said he was accused of withholding crucial information on a cache of arms seized from Fulani during clashes in Kawe village<sup>19</sup> a week earlier. They dragged him to their base in Yabendi neighbourhood where they punched and kicked him to the ground, beat him with small sticks and a rope and then tied him up to a tree for several hours during two days. The perpetrators released the victim following the intervention of the Anti-Balaka Comzone adviser and a local NGO.
30. A number of cases of ill-treatment and abductions perpetrated by ex- Séléka elements were also reported. For example, on 16 August 2015, a woman was beaten and subjected to ill-treatment by elements wearing military attire and affiliated with ex-Séléka/FPRC at Ndomete (Nana Grébizi prefecture). In a similar case, HRD interviewed neighbours who reported that a 45-year-old woman was attacked, shot and wounded by ex- Séléka/UPC elements while on her farm in Kpongo<sup>20</sup> (Ouaka prefecture), on 7 November.
31. HRD documented many reports of individuals deprived of their liberty by armed groups in illegal facilities in harsh conditions. In some cases, HRD advocacy allowed the release of the victims or hand over of those deprived of their liberty to the state authorities. During a visit to the ex- Séléka/FPRC "holding cells" in Kaga Bandoro (Nana Grébizi Prefecture), on 22 September, HRD interviewed a merchant who had been arbitrarily deprived of his liberty by ex-Séléka due to an outstanding loan dispute between him and an ex-Séléka colonel since 19 September. The detainee was reportedly ill-treated and beaten by the colonel. He was subsequently released. In another case, on 18 September, a 20-year-old man detained for cattle theft by ex- Séléka elements was ill-treated and starved for 10 days. In a monitoring visit to the "holding cell" on 27 September, HRD noticed scars on the victim's body and evidence of starvation. The victim was released following the intervention of HRD.
32. The HRD recorded 71 abuses allegedly committed by the LRA during the reporting period. In most cases of abductions, HRD observed that among the victims were children who were generally subjected to forced labour, sexual violence and forced recruitment. For example, on 1 July 2015, a man was abducted by presumed LRA elements at Ngbangui village (Haute-Kotto prefecture), and subjected to ill-treatment, including stepping on his head and confining him in a small box for between 12 and 16 hours. On 9 October, in Yangou Gardin area<sup>21</sup> (Haute Kotto prefecture), approximately

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<sup>19</sup> Kawe is also sometimes spelled as Kaoue and is located on Benzambe (Bossangoa) – Kambakota (Batangafo) axis between Yakoma and Kamassougoulou villages

<sup>20</sup> Located in Awatche village in PK 35, on the Bambari Lihoto - Kouago axis

<sup>21</sup> Located approximately 248 kilometres from Bria on the Bria – Ouadda axis

nine LRA elements reportedly ambushed nine merchants, looted their merchandise and more than 250,000 XAF, and abducted the victims. The victims were subjected to forced labour, beatings and ill-treatment before they were released on 11 October 2015. On 13 October, HRD followed up on the abduction of seven civilians, including a woman and a seven-year-old girl by nine LRA elements in Batayi<sup>22</sup> (Ouadda sub-prefecture/Haute-Kotto prefecture) on 25 September. The victims were kept in captivity for two weeks, were used as porters, subjected to beatings, ill-treatment, and the woman was repeatedly raped by LRA elements. All the abducted victims were released on 11 October.

33. Information gathered by the HRD indicates that the number of abductions by LRA increased further at the beginning of 2016. For example, on 9 January, 16 people were attacked and abducted by LRA combatants on a road located about four kilometres<sup>23</sup> from N'zacko – Bria axis (Mbomou Prefecture). On 13 January, a local official in Bria (Haute-Kotto prefecture) confirmed that on 11 January, six minors, including three girls, were abducted by LRA in the mining site of Limpoutou<sup>24</sup>. The LRA elements also looted large quantities of rice, manioc, sugar and goats. A witness stated that on 6 February, a group of armed LRA invaded a farm in Madayalikao (Mbomou Prefecture), requested money and shot the farmer dead when he could not provide any cash.
34. On 18 January, HRD interviewed a 23-year-old woman, just after her release by the LRA. She reported being abducted on 5 January in Azza village<sup>25</sup>. She said her 27-year-old brother was also abducted, on 9 January, as he was searching for his lost sister. The victim stated that she and her brother were subjected to forced labour as porters and were released on 17 January as their state of health had worsened.
35. In another case monitored by HRD, on 3 February, a witness reported that a group of 16 uniformed LRA men attacked Zare village (Haute-Kotto Prefecture) on 20 January, where they burned down houses, looted and abducted eight villagers, including the interviewee and a 15-year-old girl. The victims were taken to a bush where they saw 28 other villagers in captivity. They were forced to serve as porters. The 15-year-old girl was reportedly killed as she was too exhausted to walk. On 26 January, the perpetrators released 30 out of the remaining 35 villagers and the whereabouts of five remained unknown at the time of writing the report.

### c. Conflict-related sexual violence

36. During the reporting period, HRD documented 67 cases of conflict related sexual violence affecting one man, 43 women and 23 girls.<sup>26</sup> Conflict-related sexual violence in the form of rape, gang rape, attempted rape and other forms of abuse, continued to be of serious concern. Most of the victims were women and girls who were attacked by mostly Anti-Balaka and ex- Séléka factions, while carrying out their daily livelihood activities.
37. Victims were reluctant to file complaints against perpetrators due to the absence of a functioning administration of justice or, where law enforcement personnel existed, a lack

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<sup>22</sup> Located approximately 262 kilometres from Bria on the Bria – Ouadda axis

<sup>23</sup> Located approximately 15 kilometres from N'zacko, near Konon village

<sup>24</sup> Located approximately 45 kilometres from Bria

<sup>25</sup> Located approximately 60 kilometres from Bria.

<sup>26</sup> The number of cases confirmed by HRD regarding conflict-related sexual violence is lower than reports by other organizations due to the different verification standards used by HRD (see methodology II).

of trust in their ability or willingness to take appropriate action. In some regions such as Ndele, the alleged perpetrators were members of armed groups who act as the de facto authorities. Other reasons which can explain underreporting of cases of sexual violence are fear of reprisals, social stigmatization and geographical isolation. Furthermore, the absence of a structured and comprehensive legal and policy framework impedes Government efforts to prevent and respond to conflict-related sexual violence through a multi sectorial approach.

38. On 14 June, in Yamboro area, Bangui, Anti-Balaka elements allegedly unlawfully confined a 14-year-old girl<sup>27</sup>, and repeatedly gang raped her for two days. According to interviews conducted by HRD, the family managed to negotiate for her release on 16 June with the Anti-Balaka and did not file a complaint at the local Gendarmerie for fear of reprisal. In an interview with HRD, a young woman reported that Anti-Balaka elements forced two sisters to accompany them to a remote location in a forest between Dere and Domodo locality (Nana Grébizi prefecture), where they were raped on 6 August. One of the victims was 14 years old at the time of the incident.
39. HRD also monitored several incidents of conflict-related sexual violence committed by LRA elements. For example, nine LRA elements were reported to have unlawfully confined seven civilians, including a woman and a 7-year-old girl, in Batayi<sup>28</sup> (Haute-Kotto prefecture), on 25 September. The woman, held in captivity until 11 October, was used as a sex slave and subjected to gang rape. In another incident, LRA elements reportedly arbitrarily deprived a woman of her liberty for one year and three months. During this period, she was forced to carry heavy loads, tortured, raped and used as a sex slave by the LRA Commander in the area. She escaped on, or around 23 December 2015 and reached Yalinga where she was interviewed by the local gendarmerie. The victim was treated at the Bria Regional hospital and was then five months pregnant.
40. On 3 March, HRD was informed that on 23 February, four armed men affiliated with RJ gang had raped a 14-year-old girl, who was on her way to Pende village<sup>29</sup> (Ouham prefecture). The assailants allegedly cut her with a machete and bound a male relative who was with her. She was subsequently admitted to Paoua Hospital for medical treatment. On 26 September, an Anti-Balaka chief reportedly raped a 25-year-old pregnant woman in the Batangafo IDP camp (Ouham prefecture) and allegedly beat up her husband and two men who were trying to protect her. The victim received medical treatment at the Batangafo Hospital and MINUSCA peacekeeping forces arrested the perpetrator and handed him over to the local authorities.

#### **d. Grave violations and abuses against children**

41. During the reporting period, parties to the conflict continued to commit grave human rights violations and abuses against children, particularly during the violent incidents that took place in Bangui and other localities between September and October 2015. Information collected showed that children were recruited and used by armed groups including Anti-Balaka, ex- Séléka factions and the Lord's Resistance Army (LRA), and many were abducted, killed and injured, raped or / and subjected to other forms of sexual violence.

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<sup>27</sup> Located in PK 25, on Mbaiki road.

<sup>28</sup> Located approximately 262 kilometers from Bria, on the Bria – Ouadda axis.

<sup>29</sup> Located approximately 22 kilometres west of Paoua.

42. According to information verified and documented through the Task Force Monitoring and Reporting Mechanism (TFMR) on conflict related child rights violations, 36 children (two girls and 34 boys) were killed during the reporting period, while an additional 82 children (17 girls and 65 boys) were injured by parties to the conflict. While it was substantiated that many of the children were killed or injured by stray bullets during confrontations or by Unexploded Ordnances (UXO), it was also observed that in some instances, children were specifically targeted, particularly during the violent incidents which took place in Bangui between September and October 2015.
43. Children continued to be victims of rape and other forms sexual violence allegedly committed by armed groups or unidentified armed individuals during the period under review. During the reporting period, HRD collected information concerning a total of 46 children (31 girls and 15 boys). While 31 girls were verified to have been raped by members of ex- Séléka factions, Anti-Balaka, LRA and unidentified armed persons, 15 boys were forcibly deprived of liberty in Boali on 24 September 2015 by an Anti-Balaka element, who later ordered a woman to circumcise them all. All boys were circumcised.
44. Based on the information available, the HRD assesses that armed groups were responsible for at least 23 attacks against schools and nine against hospitals. Armed elements occupied and used schools and hospital premises as bases, pillaged and looted schools and hospital infrastructures and threatened teachers, students/pupils or medical personnel and patients. Thousands of children were therefore deprived of their rights to education and health care.

## ***B. Human rights violations by Government forces***

### **Right to life, physical and mental integrity**

45. Information collected by HRD indicates that some State authorities were responsible for serious human rights violations during the reporting period. In particular, the *Office Central pour la Répression du grand Banditisme* (OCRB), the *Forces Armées Centrafricaines* (FACA) and the Gendarmerie were implicated. The OCRB special police unit was allegedly responsible for 12 extrajudicial executions, some allegedly with the direct involvement of the Director of the unit during the reporting period.<sup>30</sup> At the time of drafting this report, no investigations concerning the allegations against the former Director had been initiated despite several requests made by MINUSCA to the Ministry of Justice to initiate such investigations.
46. As an example of the extrajudicial killings, on 22 October 2015, a 14-year-old boy was intercepted by members of a self-defence group in Bangui during the outbreak of sectarian violence. The boy was taken to the '*chef de quartier*' of Gbangouma I, in the 7<sup>th</sup> district of Bangui, who requested the intervention of the OCRB on the ground that the boy was believed to be a thief. The OCRB officers apprehended the boy and killed him. The boy's corpse was collected from the morgue of the General Hospital by his relatives and the autopsy confirmed that he sustained a bullet wound to his neck.

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<sup>30</sup> On 9 June 2016, President Touadéra issued a decree appointing a new director of OCRB.

47. HRD interviewed a man who reported that one of his neighbours, a 24-year-old man, was killed by OCRB<sup>31</sup> officers in Ouango neighborhood, in Bangui, on 24 October 2015. HRD also received information that a 25-year-old man was allegedly arbitrarily executed by OCRB officers on 27 January 2016, near Landja cemetery, in the 7<sup>th</sup> district of Bangui. HRD was informed that on 18 March, the Director of OCRB and his elements beat up, arrested and detained two civilian men working at a hotel in Bangui. The two men reportedly had an altercation with a client over the payment of his lodging bill and the client called the Director of OCRB to intervene.
48. HRD was informed by a local source that three FACA soldiers residing in Boy Rabe allegedly arbitrarily killed and buried a young Muslim man on 3 October 2015, in Castor neighbourhood, in Bangui. In 2016, HRD interviewed a male student who reported that he was shot and injured by FACA elements during a demonstration by students of the University of Bangui, on 14 March.
49. Also HRD was made aware that a FACA sergeant was accused of raping a 16-year-old girl during the night of 17 to 18 February 2016<sup>32</sup> while she was in detention at the Bimbo Prison. He was subsequently arrested.

### **Arbitrary detention**

50. Arbitrary detention is prevalent due to the failure by law enforcement officers to observe the 72-hour once-renewable legal limit for holding suspects before bringing them before the public prosecutor's office or releasing them. During the reporting period, information gathered implicated State authorities as responsible for 178 cases of arbitrary arrests/detention, mainly in Bangui where State authorities are operational<sup>33</sup> while they have minimal or no presence in other parts of the country. The main perpetrators were alleged to be the Gendarmerie (SRI), and Police (OCRB and DSPJ). Recurrence of arbitrary detention is due to the lack of capacity, structural and logistic constraints faced by the police, gendarmerie and judicial institutions.
51. According to national law, anyone arrested or detained on a criminal charge should be brought before a judicial authority within 72 hours. The public prosecutor is authorized to grant an extension of 72 hours to the judicial police officers to complete their investigation. MINUSCA has observed on several occasions that arrests and detentions do not comply with these legal procedures. For example, in a visit to the detention center in Bria (Haut-Kotto prefecture), 30 out of 32 detainees had surpassed the legal detention time limit. HRD was informed by the local police and gendarmerie that the absence of a prosecutor made it impossible to observe the legal time frame.
52. HRD has continued to advocate with relevant authorities for compliance with the legal timeframe, while encouraging investigations and prosecutions of past and present cases of arbitrary arrest and detention.

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<sup>31</sup> The relative reported that the Director of OCRB and six police officers were involved in the arbitrary execution of the victim.

<sup>32</sup> The soldier was tried and sentenced to five years in prison on 2 September 2016.

<sup>33</sup> Bangui has two prisons, Ngaragba and Camp de Roux and a prison for women. In addition, both gendarmerie and police units, including Specialized units, have holding cells. There is also the presence of different courts – civil, criminal, a court of appeal and a Supreme Court in Bangui.

## Conditions of detention

53. Conditions of detention continue to be very harsh. HRD observed through its regular visits to places of detention throughout the country that in most cases inmates lacked sufficient food and water; lived in poorly ventilated rooms without toilets or electricity, and slept on the floor with no mattress, bedding or covers. Holding cells are usually overcrowded due to the failure of law enforcement officers to observe the 72-hour once-renewable legal limit for holding suspects. The dysfunctional justice system and absence of judicial authorities in most parts of CAR has resulted in the large number of cases of prolonged pre-trial detention. HRD has seen that frequently, different categories of prisoners based on sex and age, are not kept in separate accommodations required by the criminal procedure code and the standard minimum rules for the treatment of prisoners.<sup>34</sup> Finally, most of the detainees have no access to legal representation.
54. As of 1 March 2016, 44 trainee prison guards from the '*Ecole nationale d'administration et de la magistrature*' were stationed at the Bimbo and Ngaraba prisons to assist the FACA in providing security. In Berberati (Mambéré-Kadéï prefecture), the growing number of detainees and the congestion of the detention facilities prompted the Ministry of Justice to release a note requesting the release of detainees serving sentences of less than two months. The Prison Director in Berberati informed HRD on 25 March 2016 that nine prisoners were released as a result of this directive.

### *C. Human rights violations and abuses committed against persons accused of practising witchcraft*

55. During the reporting period, HRD recorded 109 incidents of violations and abuses against persons suspected of practicing witchcraft, including killings and cruel, inhuman or degrading treatment. These affected 125 victims, including 74 women, 33 men, nine boys, six girls and three victims whose age or sex was not identified, including a disabled person. The majority of victims were elderly women and men, or individuals who did not have strong support in the local communities. Attacks on individuals associated with witchcraft led to 19 deaths. Several victims suffered injuries caused by ill-treatment and some were arbitrarily detained. Victims were beaten, buried alive, decapitated, stoned to death or forced to eat their ears. Anti-Balaka elements systematically extorted large amounts of money from the victims in exchange for their release. Local armed groups, particularly Anti-Balaka elements, reportedly manipulated traditional healers to have them accuse civilians of witchcraft. The majority of cases of witchcraft were recorded in Bangui, Ouham, Nana Mambere, Nana-Grébizi, Ouaka prefectures that are either controlled or influenced by the Anti Balaka elements.
56. The Anti-Balaka and their affiliates were responsible for 52 of the 109 incidents. Other abuses were attributed to ex- Séléka and its affiliates – FPRC, UPC, and FPRC/MPC in 13 cases, the RJ in three cases, and other unknown armed persons responsible for 19 cases. The police and gendarmerie were also responsible for some of these violations, in

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<sup>34</sup> See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx> and Article 232 and 235 of the Criminal Procedure Code. These rules were revised and adopted in January 2015 and are also known as the Nelson Mandela Rules

14 and eight cases respectively. The areas most affected were the west, including the capital, the centre and the north.<sup>35</sup>

57. Witnesses stated that on 6 July 2015, a woman accused of witchcraft was captured by Anti-Balaka, strangled and left for dead in Boali (Ombella Mboko prefecture). She survived this attack and filed a complaint to the local administration and gendarmerie. A gendarme contacted the presumed perpetrators who denied having anything to do with the incident. The gendarmerie then invited the victim to a meeting with the presumed perpetrators, who failed to attend the meeting. The perpetrators later intercepted the victim on her way home and killed her. Her body was found decapitated and was subsequently buried.
58. On 8 July, a man was accused of bewitching a young girl and consequently arbitrarily deprived of his freedom and subjected to cruel and inhuman treatment by Anti-Balaka elements in Bambari (Ouaka prefecture). While in detention, he had one ear cut off and was forced to eat part of it. HRD interviewed the victim and noted visible marks of cuts also on his throat and back.
59. On 24 and 26 November, four women accused of witchcraft were ill-treated, stoned and threatened to be buried alive by Anti-Balaka elements in Bossangoa (Ouham prefecture). They were rescued by officers from the Gendarmerie and MINUSCA soldiers and taken to the hospital for medical treatment.
60. In Kaga-Bandoro (Nana-Grebizi prefecture), on 7 November, two women and a 10-year-old boy accused of killing a child through witchcraft were arrested and detained by ex-Séléka /FPRC/MPC at the illegal Gendarmerie holding cell run by this armed group. On 9 November, MINUSCA UNPOL and HRD intervened and handed the 10-year-old to national and international NGOs for protection. The two women are still in detention.<sup>36</sup>
61. In the overwhelming majority of cases, the perpetrators of crimes against persons accused of practicing witchcraft have not been held accountable and there has been no justice done for the victims. Moreover, the criminalization of witchcraft in the Central African Criminal Code perpetuates and legitimizes the widespread impunity for attacks against persons accused of witchcraft. Information available to the HRD suggests that this lack of accountability has led to the fear of reprisal attacks by Anti-Balaka forces. As a result, many such cases go unreported as victims are reluctant to file complaints for fear of reprisals, stigmatization and the risk of being cast out by their communities.
62. Throughout the reporting period, HRD regularly monitored and followed up on reported cases of violence against individuals suspected of witchcraft with the police and judicial authorities. HRD also held meetings with local and national judicial authorities in Bangui and Bouar to address those cases. In the vast majority of cases, and despite information provided by HRD, the authorities failed to take action to investigate the cases and bring the perpetrators to justice.

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<sup>35</sup> Bossangoa (Ouham prefecture): 45 cases; Kaga Bandoro (Nana-Grebizi prefecture): 18 cases; Bambari (Ouaka prefecture): nine cases; Bangui – nine cases; Bria (Haute-Kotto prefecture): seven cases; Bouar (Nana Mambéré prefecture): six cases, Ndele (Bamingui-Bangoran prefecture): three cases; Berberati (Mambéré-Kadéï prefecture): one case; Boali (Ombella-M'Poko prefecture): one case.

<sup>36</sup> The two women had previously been condemned to 10 years of imprisonment, but had been granted a presidential pardon.

#### *D. Violations and abuses committed by international forces*

63. Reports on alleged violations of human rights and international humanitarian law by international forces, including cases of sexual exploitation and abuse of children and adults, were promptly and thoroughly investigated and brought to the attention of relevant member states.
64. HRD and OHCHR systematically followed up with Member States concerning allegations of sexual exploitation and abuse and other serious human rights violations involving non-United Nations international forces.<sup>37</sup> Further, HRD and OHCHR engaged directly with relevant national authorities to advocate for prompt and impartial investigation of the allegations and to ensure that victims will be provided with immediate assistance, remedies and redress.
65. During the reporting period, MINUSCA continued to address violations allegedly committed before the reporting period by MISCA troops, including allegations of killings in Bossangoa and enforced disappearances in Boali. In March 2016, HRD carried out a follow-up investigation into multiple violations allegedly committed in Boali by MISCA troops.

#### *IV. Fight against impunity and restoration of State authority*

66. There was little progress in the fight against impunity during the period under review and the capacity for national authorities to investigate and prosecute serious crimes remains limited. The Supreme Court of Justice and the Inspectorate-General of Judicial Services lack necessary resources and legislative mechanisms to guarantee the independence of the judiciary. Threats against magistrates and their families in regions controlled by armed groups were reported and there is no system in place to protect victims and witnesses. The United Nations has been supporting the deployment of magistrates, judges and prosecutors, which are now present in 24 out of 28 general jurisdiction courts throughout the country. Additionally, MINUSCA and the United Nations Development Program (UNDP) supported the rehabilitation of eight courts and organized trainings for the personnel of the Bangui Court of Appeal as well as for 65 magistrates and court clerks.
67. On 26 June 2015, a General Prosecutor of the Supreme Court and an Attorney General at the Court of Auditors were appointed by the President of the Transitional Government. Beginning on 21 June, for the first time in five years, the Bangui Court of Appeal held criminal sessions and heard 63 cases. A total of 132 persons were tried and 94 found

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<sup>37</sup> On 3 September 2015, 29 January and 31 March 2016, the High Commissioner issued Press Releases calling for investigations into allegations of sexual exploitation and abuse by peacekeepers in CAR. MINUSCA equally condemned these acts while reassuring victims on measures which would be taken to address allegations of SEA, in press releases issued on 5 January and 25 March 2016. For the full press releases, see <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16995&LangID=E>, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18548&LangID=E>, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16375&LangID=E>, <http://minusca.unmissions.org/les-nations-unies-envoient-une-%C3%A9quipe-%C3%A0-kemo-pour-enqu%C3%AAtre-sur-des-all%C3%A9gations-dabus-sexuels-et> <http://minusca.unmissions.org/le-b%C3%A9ret-bleu-ou-le-casque-bleu-que-vous-portez-est-un-signe-despoir-pour-la-population-vuln%C3%A9rable>

guilty, mainly on charges of murder or illegal detention of fire arms.<sup>38</sup> Criminal proceedings observed by MINUSCA generally respected fair trials standards.

68. The law on the establishment of the Special Criminal Court was promulgated on 3 June 2015 but its operationalization has been delayed and remains urgent in view of the inability of the national justice system to try serious crimes. MINUSCA and UNDP are supporting the selection and deployment of international and national magistrates to the Court, as well as preparatory work on key functions that will have to be performed such as security for the magistrates and court staff, a process for witness and victims' protection, legal aid and outreach.
69. The escape of nearly 700 prisoners, including some high-profile individuals, from Bangui's Ngaragba prison, on 28 September 2015, and 50 other prisoners from a gendarmerie holding facility in Bouar, on 29 September, marked a significant setback for the Transitional Authority in its efforts to restore law and order and to fight impunity. At the request of the Transitional Authority, MINUSCA reinforced security at Camp de Roux in Bangui, where 12 high-profile inmates were being detained, and supported the refurbishment of the Ngaragba prison through quick-impact projects (QIP).
70. On 15 March, a leader of the former Séléka/FPRC, Abdoulaye Hissène, was detained in Bangui at the Section de recherche et d'investigation (SRI), in conformity with an arrest warrant issued by the Attorney General related to his alleged involvement in the 2015 September violence. He was freed from the custody of the national gendarmerie by armed elements later that day and subsequently returned to his base in the PK5 neighbourhood located in the 3<sup>rd</sup> district of Bangui.
71. In order to reinforce its support to the investigation and prosecution of serious crimes MINUSCA supported the investigation of cases associated with the political unrest during September and October 2015. Fifty-one individuals were arrested and detained in relation to these events<sup>39</sup>. At the time of writing this report, none of the accused had not yet been tried by a court of law.

#### *V Measures taken by the Transitional Government to address human rights concerns*

72. The Transitional Government has been unable to implement most of the recommendations made in the first human rights report by MINUSCA and OHCHR.
73. The Republican Pact adopted at the Bangui Forum (4-11 May 2015) calls for the establishment of a transitional justice mechanism and specifically a commission on justice, truth, reparation and reconciliation (TRC). In July 2015, the first Task Force meeting on the establishment of the TRC was held in Bangui. Participants included representatives from the Ministries of Reconciliation and Political Dialogue, and Justice, MINUSCA, UNDP and UNICEF. However, the Task Force produced only limited results, mostly because the Transitional authorities were focused on the organization of the presidential and the legislative elections. In the context of the end of the transition period, HRD worked with the new Government to support the development of a comprehensive strategy for transitional justice as part of reconciliation efforts.

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<sup>38</sup> One man was condemned to death, nine men sentenced to hard labour for life, 32 men sentenced to hard labour, 32 were sentenced to five to 10 years of imprisonment; and 20 had suspended sentences.

<sup>39</sup> See full report: [https://minusca.unmissions.org/sites/default/files/bangui\\_report\\_final\\_english.pdf](https://minusca.unmissions.org/sites/default/files/bangui_report_final_english.pdf)

74. Despite recommendations of the Republican Pact to establish a national human rights institution and advocacy towards this goal by both HRD and the Independent Expert on the human rights situation in CAR, the Transitional Government did not progress towards the revision and discussion of the existing draft law.
75. In January 2016, prison authorities endorsed a five-year plan to train approximately 1,600 national prison officers to take over the management of prison security from FACA.

#### *VI. Measures taken by MINUSCA, including activities by the Human Rights Division*

76. During the reporting period, HRD, in collaboration with the other components of MINUSCA and State authorities, provided information to police, gendarmerie, the prosecutor, judges and the minister of justice regarding alleged perpetrators of serious human rights violations for follow-up by government institutions, in an effort to support the fight against impunity.
77. In line with MINUSCA's mandate to protect civilians, HRD participated in several mission-led coordination mechanisms on the protection of civilians, contributed to the analysis and identification of major threats affecting the local population, proactively identified situations where protection issues were acute, and helped coordinate the Mission's response. HRD organized and conducted 39 joint assessment missions<sup>40</sup> to areas where there were serious protection concerns. HRD also focused on 15 individual protection cases, including supporting their relocation to safer areas.
78. From 1 to 4 September 2015, the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, conducted a visit to CAR. At the end of his visit he delivered a statement wherein he acknowledged several positive developments over the previous year and a half, notably the local consultations that led to the Bangui Forum and the improvement of the security situation with the full deployment of MINUSCA.<sup>41</sup> He called for a more robust approach towards the armed groups and tangible results in the area of justice and accountability. He also called for strenuous efforts to bring about reconciliation between divided communities.
79. HRD continued to provide substantial and logistical support to the Independent Expert on the human rights situation in the CAR, who conducted two visits during the reporting period from 1 to 6 September 2015 and from 1 to 11 March 2016. The Independent Expert released a press statement<sup>42</sup> on 16 March 2016 calling on the President and his future Government to take strong measures to return to a situation of security, for the disarmament of armed groups, for the strengthening of the rule of law and the fight against impunity, national reconciliation, and the urgent need for people to access basic social services, such as education and health.

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<sup>40</sup> This included joint assessment missions to: Bangui; Bouar (Nana Mambere prefecture); Paoua (Ouham Pende prefecture); Maraze, Nana Boguila, Markounda and Bossangoa, (Ouham prefecture); Boali and Ombella-(Mboko prefecture); Lobaye, Bornou, Ippy, Bambari and Kouango (Ouaka prefecture); Bria (Haute Kotto prefecture); Ndele (Bamingui-Bangoran prefecture); Dékoa (Kémo prefecture); Birao (Vakaga prefecture) and Mbrès and Kaga Bandoro (Nana-Grébizi prefecture).

<sup>41</sup> For the full statement, see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16383&LangID=E>

<sup>42</sup> For the full statement, see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17235&LangID=E>

80. From 2 to 4 September 2015, HRD and OHCHR, in cooperation with the Ministry of Justice in charge of Judicial Reform and Human Rights and the Ministry of National Reconciliation, Political Dialogue and the Promotion of Civic Culture organized an international seminar on the fight against impunity. Both the High Commissioner for Human Rights and the Independent Expert attended the event. The 160 participants discussed different mechanisms for promoting the fight against impunity, including judicial mechanisms, transitional justice reforms, including institutional reforms, temporary urgent measures and the protection of victims and/or witnesses. One of the key recommendations to come out of the seminar was the need to conduct a mapping of the main human rights and IHL violations with a view to assisting the future Special Criminal Court (SCC) and national prosecutions in prioritizing criminal cases. The HRD launched the mapping project in May 2016.
81. HRD has undertaken regular capacity building activities for State authorities and civil society organizations. During this reporting period, about 2,513 representatives, including 359 women, benefitted from different trainings on basic human rights principles, rules governing the use of weapons by law enforcement officers, the rights of detainees, the right to participate in public affairs, the right to be elected and to vote freely. Trainings were provided to representatives from FACA, police, gendarmerie, the Autorité nationale des élections (ANE), political parties, religious groups, ex-combatants, local NGOs and associations, including of youths and women, and the media. Human rights awareness campaigns were organized with local partners through periodic promotional activities.
82. MINUSCA, HRD, the UN Country Team and national and international partners undertook a series of activities throughout the electoral period to promote a conducive political and security environment ahead of the elections. This included supporting the development and dissemination of the Code of Good Conduct for the candidates and providing training to electoral observers and information sessions for presidential candidates, jointly with the National Electoral Authority.
83. HRD continued to advocate with the Transitional Government for the implementation of recommendations issued from the Universal Periodic Review of the Human Rights Council and from the Independent Expert on the human rights situation in the Central African Republic.<sup>43</sup> The Transitional Government demonstrated commitment in engaging with the United Nations human rights mechanisms, notably with the Independent Expert. The authorities did not make any progress during the reporting period towards the ratification of core human rights instruments such as the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT) or the International Convention for the Protection of all persons from Enforced Disappearance (CPED).
84. HRD organized a seminar on 11 March 2016 with Government officials on the fight against impunity and transitional justice mechanisms, focused on the purposes, conditions for and challenges to the creation of a TRC.
85. On 3 March 2016, the Legal and Political Sciences Faculty of the University of Bangui, in partnership with HRD, the Embassy of the United States of America and the national

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<sup>43</sup> For more information, see <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CFIndex.aspx>.

authorities, launched the Research Centre on Human Rights and Democratic Governance of the University of Bangui. The Centre aims at providing a specialized programme on human rights and democratic governance and stimulating research and debate on those issues.

86. During this reporting period, MINUSCA Child Protection and UNICEF continued their efforts to follow up on commitments by armed groups to free all children from their ranks. As a result, a total of 1,064 children - 883 boys and 181 girls were separated from armed groups. Advocacy with the leadership of the armed groups also enabled many school and hospital infrastructures to be vacated. Some of the children returned to school while older children benefitted from short vocational training programs for income-generational purposes. The Special Representative of the Secretary-General and Head of MINUSCA issued a directive on 24 December 2015 prohibiting MINUSCA forces and police from using schools and university premises as bases and called on them to report any such use of schools by armed groups.

### *VII. Conclusions and Recommendations*

87. Improving the human rights situation will depend in large part on the strengthening of the administration of justice and the rule of law, the creation of effective and professional security forces under civilian control, and adequate oversight of democratically elected institutions.
88. The Transitional Authorities made significant efforts to organize credible and peaceful presidential and legislative elections as well as a constitutional referendum. The completion of elections was recognized by all stakeholders as a significant step towards peace.
89. President Touadéra and his new Government have serious challenges ahead to promote national dialogue and reconciliation, to restore the authority of the State throughout the territory and to ensure the effective disarmament of all armed groups. In this regard, the establishment of an effective follow-up mechanism to implement the important recommendations emanating from the Bangui Forum is essential, including the effective functioning of the Special Criminal Court and the prompt establishment of the National Commission on Human Rights and Fundamental Liberties.
90. The promotion of accountability for human rights violations and abuses, as well as of a conducive environment for effective and independent investigations, prosecution and adjudication of crimes should be a priority. In many instances, and despite concrete information provided by HRD, the authorities have failed to provide redress for human rights violations committed against civilians and to ensure accountability of perpetrators. Every effort should be made to reinforce the independence, capacity and resources of law enforcement officials and the judicial system itself, so that perpetrators of violations of international humanitarian law and international human rights law can be brought to justice.
91. In order to ensure the progressive improvement of the human rights situation in CAR, MINUSCA/OHCHR reiterate the recommendations formulated in their first report, and urge:

*The Central African Government to:*

- Prioritize the fight against impunity for past and present serious human rights violations and abuses by ensuring the prompt completion of investigations and prosecutions;
- Prioritize and pursue, as a matter of urgency, the deployment of civil servants throughout the territory, including magistrates, in order to re-establish State authority and the rule of law;
- Provide security to magistrates handling human rights related cases, and take measures for the protection of victims and witnesses;
- Address long-standing impunity by ensuring that the Special Criminal Court becomes operational;
- Promptly investigate alleged violations against senior officials, with a view to prosecution;
- Finalise the draft law establishing a national human rights commission in accordance with the Paris Principles, present it for adoption by the new National Assembly and take all measures to ensure the commission's rapid establishment;
- Develop a comprehensive strategy to deal with the legacy of past abuses through appropriate gender-sensitive mechanisms of transitional justice in accordance with international legal standards and obligations, while ensuring the centrality of victims and paying special attention to abuses against the groups most affected, particularly women and children;
- Ensure the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (SMR – Nelson Mandela Rules) in order to improve the human rights standards for prisoners;
- Demonstrate political will and take actions to establish, with the assistance of MINUSCA, a mechanism of targeted vetting of defence and security sector personnel, aimed at excluding the perpetrators of serious violations of international human rights and humanitarian law from the defence and security forces; with the goal of building professional security forces that can gradually resume their duty to protect civilians.
- Make concrete and time bound commitments in line with Security Council resolutions 1960 and 2106, to prevent and respond to conflict-related sexual violence by developing a structured and comprehensive framework with the assistance of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict;
- Create an effective mechanism to assist victims of conflict related sexual violence, including the provision of the necessary medical, psychological and legal support,

as well as a functioning, comprehensive and gender-sensitive mechanism for reparations;

- Prevent human rights violations and abuses related to allegations of witchcraft, including through a review the criminal code to ensure the decriminalization of acts of witchcraft; sensitization campaigns around witchcraft allegations; and holding perpetrators accountable for their acts before a court of law.

*The armed groups/ Anti-Balaka and ex-Séléka to:*

- Urgently end all violations and abuses against civilians (particularly women and children), non-combatants, civilian objects, as well as habitat and sources of livelihood;
- Respect the newly elected authorities and the Constitution and facilitate the return of legitimate authorities in the administration and security sector throughout the territory;
- Participate in, show commitment to, and abide by the spirit and provisions of the peace process as well as other initiatives intended to bring lasting peace to CAR; and
- Take concrete measures to prevent and respond to sexual violence crimes committed by their elements.

*The international community to:*

- Continue to provide financial and technical support to the authorities in the areas of justice and security, in full compliance with the human rights due diligence policy, with a view to establishing a functioning Special Criminal Court, as well as implementing Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) and Security Sector Reform (SSR) strategies and programmes;
- Assist the authorities to set up victims and witnesses protection programmes, which will include medical, psycho-social, legal and economic support and assistance.
- Take all necessary measures aimed at preventing abuse and ending the scourge of sexual violence and exploitation by international forces, including ensuring and supporting related investigations and bringing the perpetrators to justice; and
- Provide sustained support to the Government of the CAR to develop and implement a structured and comprehensive framework to address sexual violence crimes.