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KILLING WITHOUT CONSEQUENCE

War Crimes, Crimes Against Humanity and the Special Criminal Court
in the Central African Republic



Killing Without Consequence

**War Crimes, Crimes Against Humanity and the Special Criminal
Court in the Central African Republic**

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Summary

It is not surprising that violence continues because the message is clear:
you can kill without consequence.

– Human rights activist, Bangui, June 17, 2016.

This report documents war crimes and crimes against humanity committed by Seleka and anti-balaka forces in the central regions of the Central African Republic between late 2014 and April 2017.

Based on hundreds of interviews with victims and witnesses, primarily in the Nana-Grébizi, Ouaka, Ouahm and Haute Kotto provinces, this report provides a detailed account of the widespread abuses committed against civilians in those parts of the country.

The report also highlights two urgent needs that require international support. First is improved civilian protection by the roughly 12,800-member United Nations peacekeeping force currently in the Central African Republic. As the crimes documented here show, the force was too often unable to protect civilians from killings and forced displacement. Vulnerable civilians desperately need protection because fighting in the central regions flared in late 2016 and continues in 2017, even after the signing of a peace accord in June 2017.

Second is attention and support to the recently established Special Criminal Court (SCC), which offers a unique chance to hold accountable the perpetrators of these grave crimes. A hybrid institution within the Central African justice system, with national and international judges and prosecutors, the SCC has a mandate to investigate and prosecute serious human rights violations committed in the Central African Republic since 2003. Together with the International Criminal Court (ICC), which has jurisdiction and ongoing investigations in the country, the SCC has the potential to break the country's long-standing tradition of impunity for atrocities.

To be effective, however, the SCC requires sustained commitment from the government of President Faustin-Archange Touadéra, as well as practical, political and financial support

from the United Nations and individual governments, including for the protection of witnesses and security of court personnel.

The report also demonstrates how the killing of civilians, sexual assaults, and razing of villages have laid at the heart of Seleka and anti-balaka fighting tactics. In this report, Human Rights Watch documented the killing of at least 566 civilians in attacks between November 2014 and April 2017, and the deaths of an additional 144 people in the bush after they had fled fighting, mostly children and older people, from injury, illness, exposure or hunger. During that time, armed groups destroyed at least 4,207 homes. All of these numbers are likely to be a fraction of the totals during this period because no comprehensive record of the deaths and destruction exists.

To give some examples, Seleka fighters killed at least 37 civilians, wounded 57, and forced thousands to flee when they razed a camp for displaced people in Kaga-Bandoro on October 12, 2016. Fighters destroyed at least 175 homes in the neighborhoods around the camp and 435 huts in the camp itself, despite the presence of UN peacekeepers. The next month, fighting between Seleka groups in Bria resulted in at least 14 civilian deaths over eight days, some of them women and children. In December 2016, Seleka fighters executed at least 32 civilians and captured fighters after clashes with another Seleka group in the Ouaka province. Between February and April 2017, clashing Seleka factions killed at least 45 civilians in Ouaka province, including 15 children.

Serious abuses were widespread and often systematic in areas under the control of Seleka forces, who together with Peuhl fighters committed war crimes and potential crimes against humanity. In one incident from December 2014, forces from the Union for Peace in Central Africa (UPC)—a Seleka offshoot that controls large swaths of Ouaka province—killed 14 unarmed men in the village of Kanga whom they accused of being anti-balaka. After telling the men to lie face down, UPC soldiers shot them in their backs and heads.

Anti-balaka fighters, having pushed most Muslims out of the country's west, attacked and killed civilians they suspected of having collaborated with Muslims. In Ngbima, fighters from Pende killed 28 civilians in November 2014, including many Peuhl who lived on the outskirts of the village. In March 2015, anti-balaka forces killed at least 14 ethnic Peuhl herders outside Kaga-Bandoro, 10 of them under 9 years old.

In none of the cases above, has any fighter or commander been detained, arrested or otherwise held accountable. On the contrary, those responsible still operate freely, often in the area where they committed their crimes.

Countrywide, armed groups forced tens of thousands of people from their homes and into the bush, where hundreds died of exposure, disease or hunger. In some cases, Seleka fighters attacked displacement camps.

People with disabilities were especially at risk of abuse, including killings, because they could not flee attacks in time. When they reached sites for displaced people, they faced barriers to access sanitation, food and medical care.

The war crimes by various parties documented in this report fall under the jurisdiction of the International Criminal Court. The Central African government first referred the situation of grave crimes to the court in 2004 after violence flared in 2002 and 2003. In May 2014, the then-interim president referred the situation since 2012 to the ICC; investigations are ongoing.

At the same time, the ICC only has capacity to target those most responsible for serious crimes. Scores of other commanders who bear criminal responsibility for atrocities they have committed or ordered, some of them named in this report, may never be held to account. To close this gap, in June 2015 the government established the Special Criminal Court with national and international staff. If properly resourced and supported, the court could help serve justice in the Central African Republic and set a precedent for other countries.

President Touadéra and his government have praised and backed the court, including the appointment of a chief prosecutor in February 2017. But the government has repeatedly lagged in steps to operationalize the court. One helpful step would be to designate a point person within the president's cabinet to coordinate work on the Special Criminal Court. Parliament should also agree to lift the immunity of any members who are credibly implicated in committing abuse.

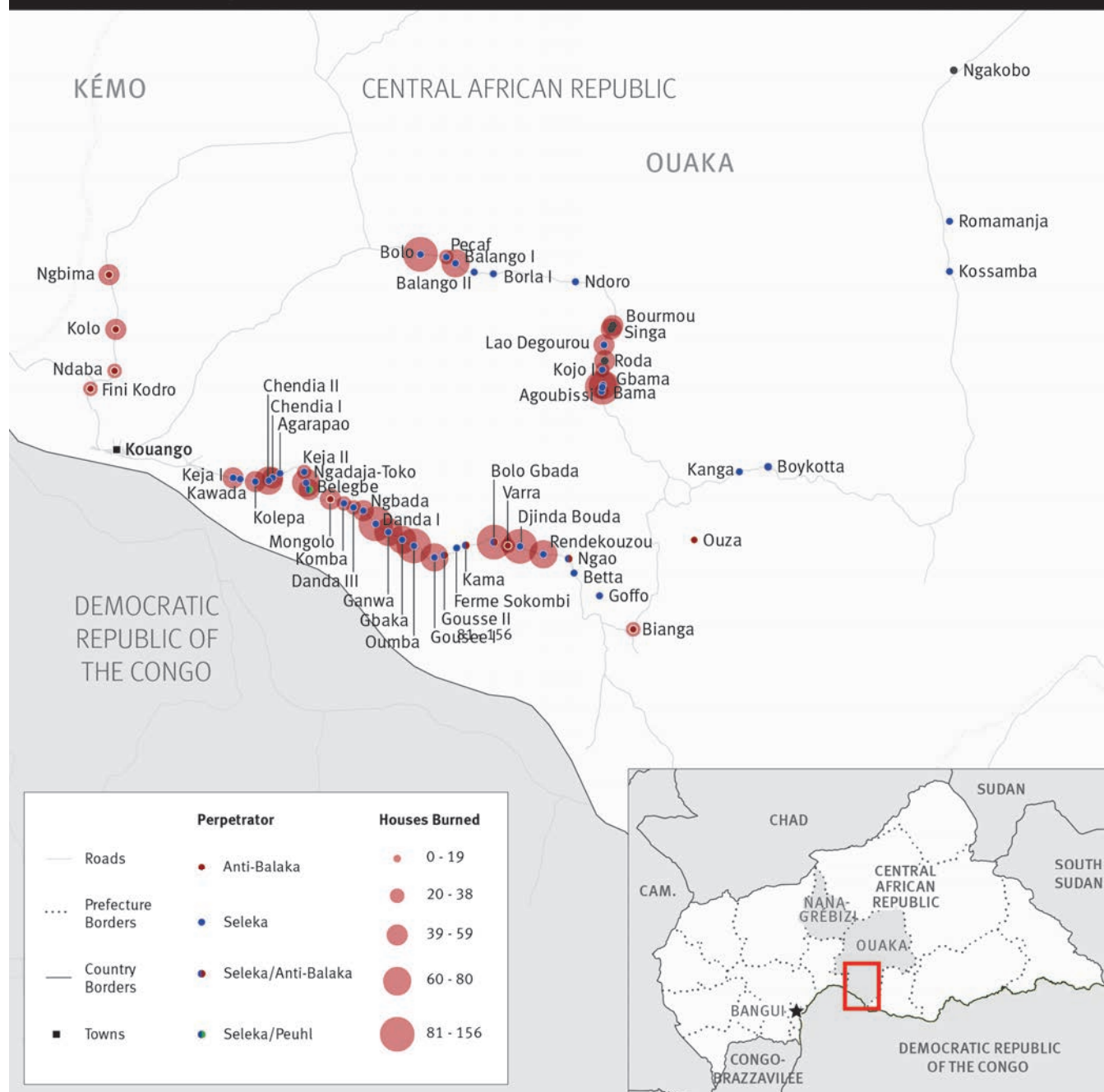
To date, partner governments have pledged only USD \$5.2 million of a needed \$7 million for the first 14 months of the court. Donors and the UN should commit to backing the court over the long term, including technical and logistical support. They should also

ensure that amnesties for grave crimes are not part of any peace deals negotiated by the UN or others. The deal signed by the government and armed groups on June 19, 2017 rightly acknowledges SCC and ICC efforts at criminal investigations and prosecutions of grave crimes.

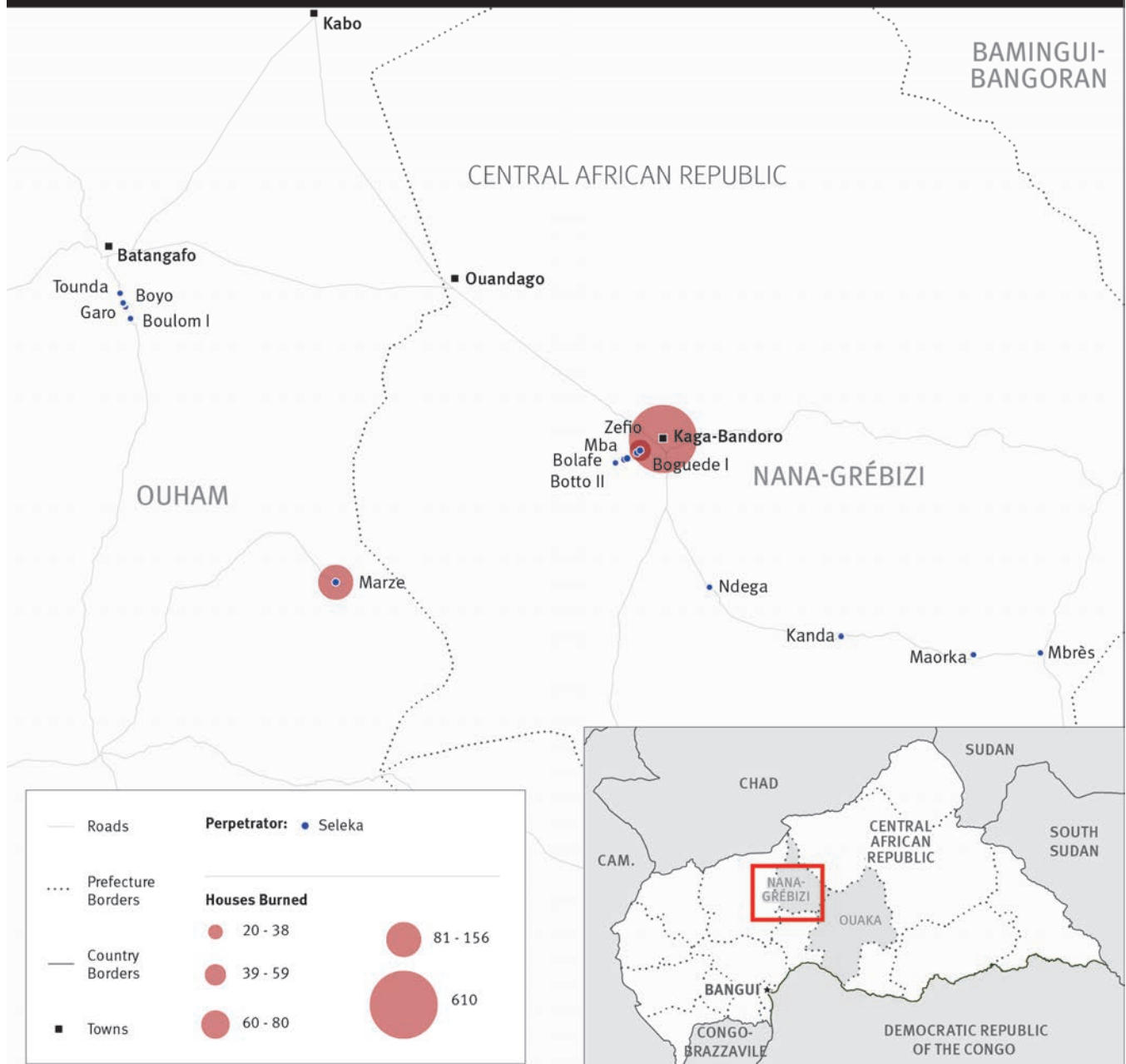
The UN peacekeeping force—the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)—can do more to protect civilians under threat by all abusive forces, both in Haute Kotto, Nana-Grébizi, Ouaka and Ouham provinces and other parts of the country. In towns such as Bambari and Bria, Seleka fighters openly circulate with weapons. Conflict between Seleka factions also continued into 2017, such as in Bria, resulting in civilian deaths.

In the end, this report’s recommendations will not bring immediate stability or rule of law to a poor and divided country wracked by severe violence. But they will help to protect civilians and promote accountability where killing without consequence has been the norm.

Attacks in Ouaka province, November 2014–December 2015 (See Annex I and Annex III)



Attacks in Nana-Grébizi province by Seleka FPRC, December 2014–October 2016 (See Annex II)



Key Recommendations

To the Government

- Respect the independence of the special prosecutor of the Special Criminal Court, other magistrates and court staff, while providing support for their work.
- Designate a point person in the president's cabinet to handle matters related to the Special Criminal Court.
- Establish and task a new body to oversee the prompt operationalization of the Special Criminal Court, that will work in conjunction with committees that are established for specific purposes, such as recruitments.

To the UN Mission (MINUSCA)

- Increase technical and logistical support to the Special Criminal Court to ensure its prompt operationalization and effective investigations and prosecutions.
- Ensure no future peace agreement(s) includes amnesty for alleged perpetrators of serious crimes, but supports fair, credible trials of these crimes in accordance with international standards.
- Ensure that human rights officers investigate all credible allegations of abuse and assist victims to lodge complaints with relevant officials. Provide timely, public reporting on human rights abuses across the country.
- Ensure that troops are appropriately equipped and supported and, consistent with their mandate, use force when needed to protect civilians under imminent threat by Seleka or anti-balaka fighters.

To the Seleka and Anti-Balaka Leadership

- Immediately cease all attacks on civilians and take necessary measures to ensure that Seleka and anti-balaka forces do not commit further human rights abuses and violations of the laws of war.

European Union, France, United States, and Other International Donors

- Provide adequate political and financial support for the Special Criminal Court to fulfill its mandate and other efforts to re-establish the national judicial system.

Methodology

Principle field research for this report was conducted in April, June, July, and August 2015, in January, March, May and November 2016, and in January and April 2017. A Human Rights Watch researcher conducted interviews in the capital Bangui and in Haute Kotto, Kémo-Grebingui, Nana-Grébizi, Ouaka and Ouham provinces. Human Rights Watch interviewed multiple sources for each case and, whenever possible, recorded the names and ages of victims. All interviews were conducted in person, whenever possible in a private setting, and mostly in Sango with translation into French.

Human Rights Watch interviewed over 400 people for this report, of which 312 were victims or witnesses of attacks by armed actors. Human Rights Watch also spoke with relatives and friends of victims, journalists, members of civil society organizations and international nongovernmental organizations. When possible, Seleka and anti-balaka commanders were asked about incidents in which their forces were accused of abuse. Human Rights Watch also interviewed local authorities, members of the transitional government, and members of the national government, as well as foreign diplomats and United Nations officials working in the country.

Most interviewees' names have been withheld for security reasons. Interviewees were fully informed of the nature and purpose of research and how the information provided would be used. Human Rights Watch obtained oral consent for each interview and offered no financial reward.

Whenever possible, Human Rights Watch visited the locations where attacks took place. Ongoing violence in the central region limited our ability to visit all sites.

Human Rights Watch focused on cases where armed forces targeted civilians. Killings that appeared to result from combat are not covered in this report. The cases documented here are likely only a fraction of those that involved serious human rights abuses in the central provinces. To date, no individual or institution has conducted a thorough assessment of what happened in Haute Kotto, Kémo-Grebingui, Nana-Grébizi, Ouaka and Ouham provinces over the past two and half years.

Overall, Human Rights Watch recorded substantially more attacks committed by the Seleka than those committed by the anti-balaka. Human Rights Watch attributes this at least in part to the Seleka being better armed and, by controlling many towns, better positioned to launch attacks.

I. Background

Seleka and Anti-Balaka

The origins of the current conflict in the Central African Republic began in late 2012 with the establishment of the Seleka rebel group in the northeast region – an area that is home to many of the country’s Muslim minority population. The Seleka (or “alliance” in Sango, the main national language) was a loose coalition of largely Muslim armed actors aggrieved by years of impoverishment and the near total absence of state security and social services from the government of then President Francois Bozizé. Easy access to weapons, porous national borders, and a weak government in Bangui enabled the Seleka to quickly flourish.¹

In addition to Central Africans from the marginalized northeast, the Seleka were made up of mercenaries from Sudan and, more significantly, Chad. Chad plays an important role in the politics of the Central African Republic and has, at times, assumed the role of kingmaker. In 2003, Bozizé was installed with support from Chadian President Idriss Déby. However, in 2012, Bozizé began to lose favor with Déby, who recalled Chadian members of Bozizé’s presidential guard and released some individuals who had been held under surveillance in Chad, enabling them to join the Seleka. In 2013, Human Rights Watch documented the presence of Sudanese and Chadian fighters across Seleka controlled territory.²

On March 24, 2013, the Seleka forcibly took control of Bangui, the capital, and ousted Bozizé and his government, with many senior officials fleeing to Cameroon and neighboring Democratic Republic of Congo. Members from the national army, the Central African Armed Forces (*Forces Armées Centrafricaines*, FACA) and the presidential guard (*Garde présidentielle*, GP) either fled the country or went into hiding. Seleka leader Michel Djotodia suspended the constitution and installed himself as interim president, claiming

¹ Human Rights Watch, *Central African Republic-State of Anarchy, Rebellion and Abuses Against Civilians*, September 2007, <https://www.hrw.org/report/2007/09/14/state-anarchy/rebellion-and-abuses-against-civilians>; International Crisis Group, “Central African Republic: The Roots of Violence,” September 21, 2015, <http://www.crisisgroup.org/~media/Files/africa/central-africa/central-african-republic/230-central-african-republic-the-roots-of-violence.pdf>.

² Human Rights Watch, *I Can Still Smell the Dead: The Forgotten Human Rights Crisis in the Central African Republic*, September 2013, <https://www.hrw.org/report/2013/09/18/i-can-still-smell-dead/forgotten-human-rights-crisis-central-african-republic> pp. 32-34; “Central African Republic: War Crimes by Ex-Seleka Rebels,” Human Rights Watch news release, November 24, 2013, <https://www.hrw.org/news/2013/11/24/central-african-republic-war-crimes-ex-seleka-rebels>.

he would organize new elections. The Seleka said their aim was to liberate the country and to bring security and development. They did not. Within days, Seleka fighters unleashed waves of violence against those they perceived to have been Bozizé's supporters, killing hundreds of civilians, possibly many more, in Bangui and across the country.³ In the capital, the Seleka looted entire neighborhoods. In some villages outside Bangui, they looted and burned every single structure. Swaths of the country—particularly mineral rich areas in the southwest and center—were divided up for semi-autonomous Seleka groups to control. The Seleka rule was violent, disorganized and marked by total impunity for serious crimes.

Throughout 2013, Seleka officials, including then-interim president Michel Djotodia and former Minister of Public Security and head of intelligence, Nourredine Adam, denied that the Seleka played any role in attacks on civilians, although the evidence to the contrary was overwhelming.⁴

In an apparent attempt to distance himself from Seleka abuses, Djotodia officially disbanded the Seleka on September 13, 2013. Former Seleka rebels were nominally integrated into a new “national army,” but independent command and control remained in doubt. The Seleka, then referred to as “ex-Seleka,” continued to commit abuses across the country.⁵

In late 2013, Christian and animist militias known as anti-balaka began to organize counterattacks against the Seleka. (The term “anti-balaka” means “anti-balles,” or bullet, from a Kalashnikov assault rifle).⁶ The anti-balaka had its roots as local self-defense groups that existed under Bozizé. In response to the Seleka attacks, and with support from former government soldiers, it quickly grew into a loosely organized and violent militia. The group frequently targeted Muslim civilians, associating all Muslims with the Seleka.⁷

³ “Central African Republic: Rampant Abuses After Coup,” Human Rights Watch news release, May 10, 2013, <https://www.hrw.org/news/2013/05/10/central-african-republic-rampant-abuses-after-coup>; “Central African Republic: Seleka Forces Kill Scores, Burn Villages,” Human Rights Watch news release, June 27, 2013, <https://www.hrw.org/news/2013/06/27/central-african-republic-seleka-forces-kill-scores-burn-villages>.

⁴ Human Rights Watch, *I Can Still Smell the Dead*.

⁵ From September 2013 through 2014, observers and analysts, including Human Rights Watch, referred to the group as the “ex-Seleka” in publications. Human Rights Watch now has reverted back to labelling the group the Seleka, partly because Seleka commanders refer to themselves as such.

⁶ “Balaka” means “machete” in Sango. Like other organizations and observers, Human Rights Watch originally erroneously equated “anti-balaka” with “anti-machete”.

⁷ Human Rights Watch report, *They Came to Kill: Escalating Atrocities in the Central African Republic*, December 2013, <https://www.hrw.org/report/2013/12/18/they-came-kill/escalating-atrocities-central-african-republic>.

The Anti-Balaka

Violence and the weakness of a centralized government in the Central African Republic led to the increased reliance of communities on self-defense groups, particularly in the 1980s and 1990s, largely in response to threats from armed bandits known as “zaraguinas” or coupeur de routes (road bandits). Under Bozizé, self-defense groups were formed to neutralize “zaraguinas” and other armed groups in the country. Relying on these loose structures, some members of these groups evolved into the anti-balaka after Seleka forces seized control in 2013. Other members and leaders of the anti-balaka came from the national army, whose members had been particularly targeted by the Seleka.

As the anti-balaka emerged, the various groups frequently had localized structures with a military commander, secretary general and spokesman. Some leaders declared their main goal to be reinstalling Bozizé as president.

As the Seleka and thousands of Muslim civilians fled the southwest after anti-balaka attacks, anti-balaka fighters increasingly turned to criminal activity. Looting Peuhl cattle became a main source of quick revenue for some anti-balaka groups. Other groups turned to kidnapping or extortion at roadblocks.

Since mid-2014, establishing an accurate chain of command for the anti-balaka has been a challenge. During the violence that unfolded in Bangui in late 2013 and early 2014, Human Rights Watch identified Colonel Dieudonné Oranti as one of the founders of the anti-balaka. Since then, Patrice-Edouard Ngaïssona, a Bozizé loyalist, former president of the national football association and former Minister of Youth and Sports under the Seleka-controlled transitional government, is widely regarded as a political coordinator of the anti-balaka. Ngaïssona announced his candidacy for presidential elections on October 22, 2015, but was ruled ineligible by the constitutional court on technicalities. In May 2015, Maxim Mokom and Joachim Kokaté, anti-balaka leaders, announced a formal split with Ngaïssona. Sébastien Wenezoui, the former environment minister, is also an anti-balaka leader.

As the Seleka and anti-balaka fought each other and carried out increasingly brutal tit-for-tat attacks on those who they perceived as supporting their enemies, civilians were caught in the middle. The humanitarian situation rapidly deteriorated. Between December 2013 and October 2014, 187,000 people fled the country. All told, by the end of 2014, 850,000 people, 20 percent of the population, was displaced either internally or as refugees. Many of those who fled were Muslims, seeking shelter in neighboring countries or in dozens of

enclaves scattered around the country's western region.⁸ With the mass departure of the country's minority Muslim population, the anti-balaka turned on Christians and others they believed had opposed them or had sided with their Muslim neighbors. Over time, the anti-balaka turned on anyone in order to steal or loot.

In July 2013, alarmed at the escalating violence and the overthrow of the Bozizé government, the African Union (AU) authorized the transformation of an existing force in the country, known as MICOPAX, into MISCA, a peacekeeping mission with a mandate to protect civilians and restore security. The AU deployed 2,500 forces in December; with authorization by the UN Security Council, they were joined by an additional 1,600 French peacekeepers, deployed under Operation Sangaris.⁹ The two forces effectively pushed the Seleka out of Bangui and the country's southwest region.¹⁰ After being ousted from Bangui, most Seleka fighters moved east, to Birao, Bria, Ndele, Kaga-Bandoro, Batangafo, Bambari and other locations, where they sought to establish strongholds, and from where the group split into numerous factions. At a meeting in Ndélé, in Bamingui-Bangoran province, in May 2014, the Seleka established a new military command in Bambari, an important city in the center of the country. But the effort to regroup under a central command succumbed to ethnic divisions, rivalries, disagreements over resource control and disputes over strategy.¹¹ Soon after the Ndélé meeting, the Seleka split into several factions with each controlling its own area. In August 2016, the Seleka announced a conference to unify the factions.¹² This unification was short-lived and in November 2016 the Popular Front for the Renaissance in the Central African Republic (*Front Populaire pour la Renaissance de la Centrafrique*, FPRC), and the Union for Peace in the Central African Republic (*l'Union pour la Paix en Centrafrique*, UPC) fought pitched battles in Bria that left at least 115 fighters and five civilians dead.¹³

⁸ "Central African Republic: Escape from a Nightmare," Human Rights Watch news release, December 15, 2014, <https://www.hrw.org/news/2014/12/15/escape-nightmare>; "Central African Republic: Muslims Trapped in Enclaves," Human Rights Watch news release, December 22, 2014, <https://www.hrw.org/news/2014/12/22/central-african-republic-muslims-trapped-enclaves>.

⁹ On July 13, 2016, French President François Hollande announced that the Sangaris mission would end in October. Approximately 300 French troops stayed in the country thereafter.

¹⁰ Some Seleka fighters stayed in the capital in the Kilometre 5 neighbourhood or remain cantoned in Bangui.

¹¹ International Crisis Group, "Central African Republic: The Roots of Violence," pp. 7-8.

¹² Moulou-Gnatho, Bienvenue Marina, "Centrafrique: Des regroupements de combattants ex-Séléka signalés à Bria," *Réseau des journalistes pour les droits de l'homme*, August 18, 2016, <http://rjdh.org/centrafrique-regroupements-de-combattants-ex-seleka-signalés-a-bria/>.

¹³ "Central African Republic: Civilians Killed During Clashes," Human Rights Watch news release, December 5, 2016, <https://www.hrw.org/news/2016/12/05/central-african-republic-civilians-killed-during-clashes>.

Since fighting between the two factions began, anti-balaka in the center of the country have formed alliances with the FPRC. In January 2017, Human Rights Watch saw anti-balaka and Seleka forces openly collaborating in Bakala. This alliance, known in the country as “the coalition,” has further complicated the dynamics of violence in the central and eastern regions and has increased the targeting of the Peuhl minority.

Seleka Groups

Divisions within the Seleka rendered the group almost completely ineffective as a political movement. Soon after the Ndélé agreement in May 2014, which was meant to solidify the rebellion after its ousting from Bangui, the Seleka split into several groups:

The Popular Front for the Renaissance in the Central African Republic (*Front Populaire pour la Renaissance de la Centrafrique*, FPRC)

The former heads of the Seleka, Michel Djotodia and Nouredine Adam, are the leaders of this group. In August 2014, the FPRC announced its intentions to partition the northeast of the country into an independent state. After this announcement, other groups splintered from the FPRC. In August 2015, the military head of the FPRC, General Mahamat Alkatim, left the group to create the Central African Patriotic Movement (MPC, see below). General Arda Hakoum assumed command of the FPRC military, based in Birao, with General Saleh Zabadi as his second in command, who is based further west around Kaga Bandoro.¹⁴

The Patriotic Rally for the Renewal of Central Africa (*Rassemblement Patriotique pour la Réconciliation des Centrafricains*, RPRC)

The RPRC was formed in November 2014 in Bria with former Seleka commander Zacharia Damane serving as a key commander in the town. General Zoundeko was the military commander based in Bambari until his death in February 2017. Gotran Herbert Djono-Ahaba, a former parliamentarian from Birao and Minister of Mines under the Seleka, is the group’s president. The group claims to have over 8,000 troops in Ouaka, Haute-Kotto, Vakaga and Bamingui-Bangoran provinces, but these numbers are most likely inflated. The general secretary of the RPRC, Dr. Hamat Mal-Mal Essene, told Human Rights Watch that

¹⁴ Human Rights Watch has documented abuse carried out by General Zabadi. See, Human Rights Watch, *I Can Still Smell the Dead*, p. 45, Human Rights Watch, *They Came to Kill: Escalating Atrocities in the Central African Republic*, p. 29, or Bouckaert, Peter, “Face to Face with Colonel Zabadi,” *The New York Times*, December 11, 2013, <https://mobile.nytimes.com/2013/12/12/opinion/face-to-face-with-colonel-zabadi.html>.

the RPRC was created because core members of the FPRC did not agree with the plan to partition the country.¹⁵

The Central African Patriotic Movement (*Mouvement Patriotique pour la Centrafrique*, MPC)

The MPC is another splinter group from the FPRC, established in July 2015. The split came after infighting in the FPRC between General Mahamat Bahar, the former head of intelligence under the Seleka, and Moussa Maloud, the deputy coordinator of the FPRC. Bahar was replaced by Idriss Ahmned el Bachar in October 2015.¹⁶ Former FPRC general, Mahamat Al Khatim, is the military commander.

Reformed Seleka (*Seleka Rénovée*)

Mohamed Moussa Dhaffane, the third most powerful man in the Seleka after Djotodia and Adam, founded this political party in January 2015. The party, which also goes by the name *Matabissi Ti Siriri* (Reward Peace), has no official armed wing. Dhaffane was appointed Minister of Water and Forests after the Seleka took Bangui in 2013, but was accused by the then transitional government under Djotodia of recruiting mercenaries and buying weapons. He was arrested by the Seleka and imprisoned for the duration of their short rule.

Union for Peace in the Central African Republic (*l'Union pour la Paix en Centrafrique*, UPC)

The UPC is a splinter group from the Popular Front for Redress (*Front populaire pour le redressement*, FPR), which was run by Chadian Babba Laddé.¹⁷ The FPR was mainly comprised of Chadian and Central African Peuhl. Laddé's second in command, Ali Darassa Mahamant, officially created the UPC in September 2014 and serves as its president and commander.¹⁸ Until February 2017, the group was based in Bambari, the capital of Ouaka province, and controlled large swaths of the province. Darassa is a Peuhl from the Ouda sub group.¹⁹ The UPC under Darassa controls a large region outside and around Bambari.

¹⁵ Human Rights Watch interview with Dr. Hamat Mal-Mal, Bangui, August, 7, 2015.

¹⁶ El Bachar was arrested by MINUSCA on February 26, 2017 outside of Bambari. He is currently in detention.

¹⁷ Nathalia Dukhan, "The Central African Republic crisis," GSDRC, University of Birmingham, March 2016, p. 6. Babba Laddé was arrested by MINUSCA in December 2014 and transferred to Chad, where he remains in detention at the time of writing.

¹⁸ There have been various spellings of Darassa's name in the public domain, including "Darasa" and "Daras".

¹⁹ UN Panel of Experts on the Central African Republic, Final Report of the Panel of Experts on the Central African Republic, October 29, 2014, published in Letter dated 28 October 2014 from the Panel of Experts on the Central African Republic

The UN Panel of Experts on the Central African Republic wrote in August 2016 that the UPC was extending its control southeast of the Ouaka province, for strategic and economic reasons.²⁰ To keep control of the city and the strategic roads that connect it to other parts of the country and to lucrative trading routes towards Sudan, UPC fighters targeted those they believed were members of, or supporting, the anti-balaka. Darassa's UPC also engaged in reprisal attacks in which Muslims were targeted, contributing to a vicious cycle of tit-for-tat attacks on civilians.

The UPC has close links to ethnic Peuhl, and armed Peuhl often fought with the UPC during attacks, in part because the Peuhl were increasingly fighting with anti-balaka in the area.

established pursuant to Security Council Resolution 2127 (2013) addressed to the President of the Security Council, S/2014/762, para. 58.

²⁰ Panel of Experts on the Central African Republic, Midterm Report, August 11, 2016, paras 56-62.

The Peuhl

Since 2013, the conflict has been complicated and exacerbated by long-standing tensions over grazing rights, migration routes, and access to water between Muslim pastoralists and non-Muslim farmers.

The Peuhl, or Fulani, are Muslim nomadic or semi-nomadic peoples who move cattle between grazing areas across large swathes of central Africa. The most common Peuhl groups in the Central African Republic include the Mbororo, Fulbe, and Mbarara. Even before the latest conflict began in 2012, Peuhl and sedentary farmers had periodically clashed. As a result, some Peuhl carry weapons, including bows and arrows, that they have traditionally used to protect their cattle, but have also used in clashes with perceived enemies.

The Peuhl have suffered terrible abuses by the anti-balaka who view them as being associated with the Seleka. Civilians among the Peuhl have been attacked and killed, had their cattle stolen and their livelihoods destroyed. Some Peuhl were captured and held hostage by anti-balaka fighters for periods ranging from several months to over a year to extort ransoms. Anti-balaka forces abducted and raped some Peuhl women and girls, keeping them as sex slaves.²¹

Some Peuhl participated alongside the Seleka during its attacks and committed serious human rights abuses, including the deliberate killing of civilians and the burning of villages.²²

MINUSCA

On December 5, 2013, in the vacuum created by the departure of the Seleka, anti-balaka forces intensified their attacks on Muslim-inhabited neighborhoods in Bangui. AU and French peacekeepers were unable to contain the violence and thousands of civilians died or fled the country.

In April 2014, the UN authorized a peacekeeping mission, the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), with 11,820 military personnel to take over from MISCA with a mandate to protect civilians, facilitate a political

²¹ Human Rights Watch, *They Came to Kill*; “Central African Republic: Muslims Held Captive, Raped,” Human Rights Watch news release, April 22, 2015, <https://www.hrw.org/news/2015/04/22/central-african-republic-muslims-held-captive-raped>.

²² Human Rights Watch, *I Can Still Smell the Dead*, pp. 35-38; “Central African Republic: Massacres in Remote Villages,” Human Rights Watch news release, April 3, 2014, <https://www.hrw.org/news/2014/04/03/central-african-republic-massacres-remote-villages>.

transition and create a secure environment for humanitarian assistance.²³ It deployed in September 2014, and since its deployment, civilians in the Central African Republic have looked to MINUSCA to bring them desperately needed protection.

Acting under “Chapter VII” of the UN Charter, MINUSCA is authorized to take all necessary means to carry out its mandate, within its capabilities and its areas of deployment.²⁴ Core to MINUSCA’s mandate is “[t]o protect...the civilian population from threat of physical violence...including through active patrolling” and to “implement a mission-wide protection strategy.”²⁵

In March 2015, the UN Security Council increased the number of peacekeepers to 10,750 and police to 2,120. The current deployment, until November 2017, is 10,750 peacekeepers and 2,080 police.

While working with Central African security services is a part of MINUSCA’s mandate, there has been limited success in reestablishing state security forces. Before the Seleka takeover, the police, gendarmes and army had been weakened by decades of mismanagement and corruption. This, combined with extreme poverty, protracted political instability and internal rifts, has led to security services that are ill-trained, abusive, and unfit. The various forces were unable to protect people in the northeast in the years before the Seleka takeover, instead responding to rebel attacks with heavy-handed retribution against civilians. Abusive practices by state security services, including the killing of civilians, have continued under both the transitional and the new government.²⁶

Human Rights Watch has documented collaboration between anti-balaka and members of the Central African Armed Forces (or former members) from the establishment of the anti-balaka in 2013 to the September 2015 violence in Bangui.²⁷

²³ United Nations Security Council, Resolution 2149 (2014), Adopted by the Security Council at its 7153rd meeting on 10 April 2014, April 10, 2014, S/RES/2149 (2014), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2149\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2149(2014)).

²⁴ Charter of the United Nations, Chapter VII, <http://www.un.org/en/sections/un-charter/chapter-vii/>.

²⁵ United Nations Security Council, Resolution 2149 (2014), para 30 (a).

²⁶ “Central African Republic: Police Unit Kills 18 in Cold Blood,” Human Rights Watch news release, June 27, 2016, <https://www.hrw.org/news/2016/06/27/central-african-republic-police-unit-killed-18-cold-blood>.

²⁷ “Central African Republic: New Spate of Senseless Deaths,” Human Rights Watch news release, October 22, 2015, <https://www.hrw.org/news/2015/10/22/central-african-republic-new-spate-senseless-deaths>; “Central African Republic: Amid Conflict, Rape,” Human Rights Watch news release, December 17, 2015, <https://www.hrw.org/news/2015/12/17/central-african-republic-amid-conflict-rape>.

In order to establish MINUSCA promptly, most of the troop-contributing countries to the AU mission simply reassigned their soldiers to the UN force on September 15, 2014. This happened quickly and without adequate attention to the logistical requirements and rapid response capacities that were needed to fulfill the mandate of protecting civilians.

Despite these challenges and deficiencies, MINUSCA has undoubtedly saved lives.²⁸ In Ouaka and Ouham Provinces, MINUSCA peacekeepers have established a base level of security in the major towns and ensured a degree of safety for displacement camps.

Failed Peace Talks

Various parties in the conflict struck agreements in the years before the Seleka seized power, the majority of which failed to hold. This trend continued throughout 2014 and 2015 with three major agreements signed and quickly disregarded. While one of the agreements – the Brazzaville Accords of July 2014 – led to the demobilization of some child soldiers, the other agreements exposed internal divisions within the armed groups.

Brazzaville Accords: July 2014

Signed by 40 Central African and international representatives, the Brazzaville Accords provided for, among other things, the cessation of hostilities and an end to violence against civilians; the quartering of armed elements; the lifting of roadblocks and the free delivery of humanitarian aid; the repatriation of foreign mercenaries; and an end to the recruitment of child soldiers. But the FPRC withdrew its approval after Moussa Dhaffane signed on behalf of the Seleka.²⁹ Dhaffane was subsequently suspended from the movement and the FPRC continued to insist on partitioning the country.³⁰

Nairobi Accords: April 2015

After months of negotiations, the ceremony to sign an accord between the anti-balaka and the Seleka took place in Nairobi, Kenya under the aegis of Kenyan President Uhuru Kenyatta. Delivered over three negotiated texts, dating back to January 2015, the Nairobi

²⁸ “Central African Republic, Muslims Held Captive, Raped,” Human Rights Watch news release, April 22, 2015.

²⁹ Duhem, Vincent, “Centrafrique: Dhaffane écarté de l’ex-Séléka qui suspend sa participation à l’accord de Brazzaville,” *Jeune Afrique*, August 6, 2014, <http://www.jeuneafrique.com/47423/politique/centrafrique-dhaffane-cart-de-l-ex-s-l-ka-qui-suspend-sa-participation-l-accord-de-brazzaville/>.

³⁰ “À Brazzaville, les ex-Séléka demandent la partition de la centrafrrique,” *Jeune Afrique*, July 22, 2014, <http://www.jeuneafrique.com/48805/politique/brazzaville-les-ex-s-l-ka-demandent-la-partition-de-la-centrafrique/>.

Accords contained two agreements: a cease-fire and the creation of a transition roadmap. Djotodia and Bozizé signed a declaration of commitment. Kenyatta called the agreement “the mark of a mature leadership capable of bringing progress and happiness to the people of the Central African Republic.”³¹ But the interim government and international community working in the Central African Republic roundly rejected the accords as illegitimate and they were never implemented.

Bangui Forum: May 2015

In 2014, the transitional government organized a national consultation that culminated in the Bangui Forum on National Reconciliation. Held in May 2015 to launch initiatives on reconciliation, disarmament and the reassertion of state control, the forum has lacked impact and follow up. A crucial aspect of the forum – the disarmament, demobilization and reintegration (DDR) of combatants – remains in its early stages. The DDR agreement was weakened from the start by the withdrawal of the signature of the FPRC. Furthermore, Bozizé loyalist Patrice-Edouard Ngaïssona signed on behalf of the group in Bangui whereas another anti-balaka leader, Joachim Kokaté, had signed the original draft of the Nairobi Accords.

Elections

A transitional government was formed in January 2014, headed by Bangui’s former mayor, Catherine Samba-Panza. A key goal of the government was to pave the way for elections. Dates were set and repeatedly missed due to violence, lack of funding and chaotic preparations. Elections were eventually held on December 13, 2015, to vote on a constitutional referendum. The referendum overwhelmingly passed and set the stage for legislative and presidential elections. On March 30, 2016, the newly elected Faustin-Archange Touadéra was sworn in as the new president.³²

Human Rights Watch documented the participation of eight anti-balaka leaders in the parliamentary elections. Of those eight, three were eventually elected, including Alfred Yékatom, also known as “Rombhot,” whom the UN Panel of Experts on the Central African

³¹ “Warring Central Africa Republic groups sign ceasefire pact in Nairobi,” *Daily Nation*, April 9, 2015, <http://www.nation.co.ke/news/CAR-warring-factions-sign-ceasefire-Nairobi/1056-2679896-ud9r7q/index.html>.

³² “Central African Republic: Prioritize Protection, Justice,” Human Rights Watch news release, March 29, 2016, <https://www.hrw.org/news/2016/03/29/central-african-republic-prioritize-protection-justice>.

Republic identified as intimidating voters and harassing political competitors in Mbaïki, his constituency.³³ Previous reports have linked Yékatom to participating in and ordering the killings of civilians.³⁴ Another victorious candidate, militia leader Eric Pogola, threatened the staff of a political rival and sent armed fighters to voting stations on election day in the Sangha-Mbaéré provinces. A witness told Human Rights Watch that Pogola told representatives of one village, “If the village does not vote for me, I will burn it to the ground.”³⁵

Humanitarian Situation

As of May 2017, 2.2 million out of 4.6 million people were in need of humanitarian assistance. The humanitarian response, which includes vital programs such as food security, health, education, and water, had met only 30% of its funding needs.³⁶

As of May 2017, 481,000 refugees from CAR were living in Cameroon, Chad, the Democratic Republic of Congo and the Republic of Congo. There were 503,600 internally displaced people in the country, many of them in the central regions cited in this report.³⁷

June 2017 Peace Accords

On June 19, the government and 13 of the 14 armed groups active in the country signed a peace deal mediated by the Community of Sant'Egidio in Rome that includes a ceasefire and political representation for armed groups. The accord acknowledges the work of the Special Criminal Court and the International Criminal Court and includes a truth and

³³ UN Panel of Experts on the Central African Republic, Midterm Report of the Panel of Experts on the Central African Republic, August 11, 2016, published in Letter dated 9 August 2016 from the Panel of Experts on the Central African Republic established pursuant to Security Council Resolution 2262 (2016) addressed to the President of the Security Council, S/2016/694, para. 23.

³⁴ Amnesty International, “Central African Republic: Time for Accountability,” June 2014, <https://www.amnesty.org/en/documents/AFR19/006/2014/en/>, p. 22.

³⁵ Human Rights Watch interview with resident of Sangha-Mbaéré province, Bangui, February 9, 2016.

³⁶ Key humanitarian contributors include the European Union, the United States and UN agencies.

³⁷ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) key figures, May 2017, <http://www.unocha.org/car>.

reconciliation commission.³⁸ One day after the deal was signed, up to 100 people were reportedly killed in Bria in fighting between anti-balaka fighters and the FPRC.³⁹

³⁸ “Accord politique pour la paix en Republique Centrafricaine,” Entente de Sant’Egidio, June 19, 2017, http://www.santegidio.org/documenti/doc_1063/accord_politique_pour_la_paix_en_republique_centrafricaine_entente_d_e_sant_egidio.pdf; Lewis Mudge, “Justice Needed for Lasting Peace in Central African Republic,” Human Rights Watch dispatch, June 20, 2017, <https://www.hrw.org/news/2017/06/20/justice-needed-lasting-peace-central-african-republic>.

³⁹ “CAR Violence: Deadly Clashes in Bria Despite Ceasefire Deal,” *BBC*, June 21, 2017, http://www.bbc.com/news/world-africa-40350057?utm_source=Sailthru&utm_medium=email&utm_campaign=ed%20pix&utm_term=%2AMorning%20Brief.

II. Seleka Attacks in Nana-Grébizi, Ouaka, Ouham Provinces

Seleka UPC Attacks in Ouaka Province

When the Seleka fractured, the UPC took control of the important city of Bambari, the capital of Ouaka province, with an estimated population of 40,000 people, including several thousand Muslims.

Attacks on Villages on the Ngakobo–Boykotta Road: December 2014 to June 2015

Leading east from Bambari, the Ngakobo-Boykotta road is the key road to Bangassou, in the Mboumou province, one of the country's major towns. According to witness and victim testimony, UPC fighters killed at least 37 people on this stretch of road between December 2014 and June 2015. The victims included 16 people killed in Kanga on December 7, 2014 and 10 in Kossamba on February 20, 2015. Other villages such as Boykotta, Baraga, Djama and Romamaja were also attacked.

Killings in Kanga: December 7, 2014

The December 2014 killings in Kanga, which witnesses attribute to UPC fighters, were particularly brutal. Of the 16 people killed, 14 were summarily executed after they were captured and forced to lay down on the ground. Six residents of Kanga, including four people who had witnessed the attack and one who survived the execution, told Human Rights Watch that a group of Seleka UPC fighters on about six motorcycles passed through the village, shooting indiscriminately at suspected anti-balaka and anti-balaka sympathizers, though they did not hit anybody. The fighters continued to the next village, Goya, some 24 kilometers away, but returned to Kanga in the afternoon.

The survivor told Human Rights Watch what happened next:

The Seleka came from the bush and around the houses. They did not fire right away. I was in front of my house as the Seleka approached. The Seleka at this moment were collecting people. They were going around to the houses yelling, 'Don't run! Come out because we just have questions to ask.' But as they yelled this they were pointing guns. They pointed their

guns at anyone who wanted to leave. They were only looking for men. They let the women go.⁴⁰

As they rounded up the men, the UPC killed two of them. They then began to question 15 men they had captured, asking if they were anti-balaka. One man who later escaped told Human Rights Watch:

I lay down and watched. I could see the Seleka questioning the men and asking if they were anti-balaka. When they were questioning the men they said, 'Are you anti-balaka?' And the men said, 'No'. The Seleka asked, 'Are there anti-balaka here?' The men said 'No, there are no anti-balaka here.' The Seleka said, 'It is a lie, this is an anti-balaka village. There are anti-balaka here and you are hiding them.'⁴¹

Another witness who was hiding behind a house told Human Rights Watch:

The Seleka told the men, 'You are anti-balaka, take out your guns so we can make war as you wish.' The men said, 'We are simply farmers.' The Seleka said, 'Shut your mouths and lay down!' After that we heard a silence, then came the shooting.⁴²

Of the 15 men on the ground, only one survived the executions, though he lost four members of his immediate family in the execution. He described what happened:

They told us to lie down with our faces to the ground. I knew we were already dead. By this point nobody asked for forgiveness. Once we were lying down they did not ask any more questions. There were two Seleka on the side ready to shoot anyone who fled. The others were behind us.... As we lay down my uncle said, 'Oh, what have we done to be killed?' There was a Seleka commander who gave the order to shoot. He gave the order in Arabic, but I knew what it was from the tone of his voice. They started

⁴⁰ Human Rights Watch interview with resident of Kanga, Ngakobo, July 28, 2015.

⁴¹ Human Rights Watch interview with resident of Kanga, Ngakobo, July 28, 2015.

⁴² Human Rights Watch interview with resident of Kanga, Ngakobo, July 28, 2015.

shooting us one by one. The first bullet went into my back and came out my left shoulder. The second bullet went in and out of my left arm. The third bullet grazed my neck. They thought I was dead. I was traumatized, I was in a blood bath. I stayed there and I thought about my uncles and my father who had been killed. I stayed there maybe 20 minutes. During that time, I saw the Seleka pillage our house. When they were done pillaging they left.⁴³

The lone survivor escaped into a nearby wooded area to hide from the attackers. After two days of hiding he was finally able to seek medical attention in Ngakobo, 24 kilometers from Kanga. Human Rights Watch saw what looked like entry and exit wounds from two bullets on his left arm and shoulder in July 2015. Other Kanga residents returned late in the evening of the day of the attack to bury the dead, said two men who helped dig the graves. Interviewed separately, they told Human Rights Watch that they found 14 men lying face down on the ground shot in the head and back.⁴⁴

Killings at Kossamba: February 20, 2015

On February 20, 2015, a market day, witnesses told Human Rights Watch how UPC forces, together with armed Peuhl fighters, attacked the village of Kossamba, 20 kilometers from Ngakobo. Witnesses said the UPC fighters were looking for two anti-balaka fighters who they believed were there. When the fighters found and shot the two men, the people in the marketplace quickly evacuated. One witness told Human Rights Watch:

When the shots started, everyone ran off. The vendors all fled without taking their merchandise. The Seleka collected all the merchandise and shot at people as they fled. I saw them kill an 8-year-old boy. The Peuhl were also shooting at people with their bows and arrows.⁴⁵

According to two witnesses and two victims, Kossamba's residents quickly fled the village to hide in the savanna bush, from where they tried to reach Ngakobo, but UPC and Peuhl fighters stayed on the main road and chased down the fleeing residents, killing 10 as they tried to flee, including two children. One witness said:

⁴³ Human Rights Watch interview with resident of Kanga, Ngakobo, July 28, 2015.

⁴⁴ Human Rights Watch interview with resident of Kanga, Ngakobo, July 28, 2015.

⁴⁵ Human Rights Watch interview with resident of Kossamba, Kossamba, July 28, 2015.

When the village was attacked, we decided to take our chances in the bush and stay off the main road. We were ambushed and three men who were with us were killed. My [baby] son was shot while he was on my wife's back. We were trying to run away. He died on the spot. We ran into the bush and later buried him there. He was 9-months-old. His name was Celestin Yabadja.⁴⁶

They said at least three others died in the bush from illness and exposure over the next four months, but the exact number is unknown. One resident of Kossamba who fled the attack told Human Rights Watch:

I lost my 6-year-old son, Pangoula, in the woods. He was sick to his stomach and died two days ago [July 26, 2015]. Even though he died I have to take my family back into the woods tonight. There we stay near the path to Ngakobo so in case anything happens we can flee.... We live here like that. They let us live for now, but at any moment they can kill us.⁴⁷

Attacks on Villages on the Kouango–Bianga Road: November 2014 to May 2015

Between December 2014 and May 2015, witness accounts indicate that UPC fighters attacked at least 27 villages and killed at least 91 civilians (See Annex I) on the road between Kouango and Bianga in Ouaka province, a route important to the UPC's control of the coffee trade in the region. The towns are south of Bambari, near the border with the Democratic Republic of the Congo.⁴⁸ Human Rights Watch spoke with 36 victims of attacks on the road who said the attackers were UPC, based between Kaouango and Bianga, who moved between the two towns. Witnesses said they believed the villages had been attacked because the UPC assumed people there were harboring or assisting anti-balaka fighters.

The UPC attacks caused mass displacement as thousands sought refuge in the remote and inhospitable savanna bush land. Human Rights Watch also documented 89 deaths among those who fled the fighting and apparently died from illness or exposure (see Appendix I).

⁴⁶ Human Rights Watch interview with resident of Kossamba, Ngakobo, July 28, 2015.

⁴⁷ Human Rights Watch interview with resident of Kossamba, Kossamba, July 28, 2015.

⁴⁸ For information on people killed on this road by anti-balaka, see Section III.

Because it was not possible to do a full account of all deaths, the numbers of those killed in the fighting or who died in the bush are likely higher.

In meetings with Human Rights Watch on June 15 and 16, 2015, UPC leaders in Kouango and Bianga, Hussien Ibrahiem and Mahamat Bande, denied conducting any of the attacks and said they were carried out by the anti-balaka.⁴⁹

On September 12, 2016, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that at least 6 people were killed, 400 houses destroyed and at least 2,000 people displaced after attacks between Kouango and Bianga.⁵⁰ The attacks are suspected to have been carried out by the UPC, however, due to security considerations and lack of a phone network, Human Rights Watch has not been able to independently verify this information.

Attack on Danda I: December 7, 2014

On December 7, anti-balaka forces drove past Danda I, causing residents to flee into the savanna bush. Villagers started to return later that day until the UPC attacked, presumably looking for the anti-balaka. One villager explained:

The Seleka came from Kouango, they came on motos and had a vehicle. They killed 7 people from the village including a boy who was only 10 years old. People from the village are now in the bush. With the MINUSCA presence we are now starting to come back.⁵¹

During a visit to Danda I in June 2015, Human Rights Watch counted 111 destroyed homes. Witnesses said they had all been destroyed by UPC fighters during the December attack.

Attack on Ganwa: December 2014

UPC fighters attacked Ganwa village, which had a population of approximately 500 people, in December 2014. The village was still abandoned when Human Rights Watch visited in

⁴⁹ Human Rights Watch interview with Hussien Ibrahiem, Bianga, June 15, 2015 and Mahamat Bande, Koungo, June 16, 2015.

⁵⁰ OCHA, "Aperçu humanitaire au 12 septembre 2016," Office for the Coordination Humanitarian Affairs, September 12, 2016, https://www.humanitarianresponse.info/fr/system/files/documents/files/rca_ocha_161209_apercu_humanitaire.pdf.

⁵¹ Human Rights Watch interviews with residents of Danda I [names withheld], Danda I, June 15, 2015.

June 2015, but a researcher was able to speak with some residents who had returned to work the fields during the day. One of them explained what happened during the attack:

It was in December, just before the New Year. The Seleka came on motorcycles from Kouango, maybe 12 of them. They entered the village shooting and they broke down our doors. The pillaged everything.⁵²

Eight people were killed in the village during the attack, including a 2-year-old girl whose mother tripped as she fled and fell on her and an old woman who was chased to a nearby river and drowned, two residents said. The UPC continued to hunt people in the wooded areas for three days, killing at least one woman, according to a third resident.⁵³

According to the three residents interviewed by Human Rights Watch, UPC fighters burned the 72 destroyed homes counted by Human Rights Watch in Ganwa.

Attack on Ngbada: December 2014

In December 2014, within days of the Danda I attack, UPC fighters attacked Ngbada. A local official said that anti-balaka fighters had been seen in the area before the attack. When the Seleka UPC attacked Ngbada, they shot indiscriminately at civilians, he said:

The Seleka came to fight the anti-balaka, but they targeted everybody, anybody that they wanted. They shot anybody that moved. After two days, we could smell the dead in the bush.⁵⁴

Nineteen civilians in total died, according to witnesses and a list provided by an official. Some were killed during the attack and others drowned trying to cross the Mindou River while running away. According to witnesses, UPC fighters burned the 57 destroyed homes counted by Human Rights Watch. At least eight civilians died shortly after in the woods as a result of their injuries. The local official went through each death on the list with a Human Rights Watch researcher. Some examples, he said included:

⁵² Human Rights Watch interviews with residents of Ganwa, Ganwa, June 16, 2015.

⁵³ Human Rights Watch interview with resident of Ganwa, Ganwa, June 16, 2015.

⁵⁴ Human Rights Watch interview with resident of Ngbada, Ngbada, June 16, 2015.

Juliene Mbassé, 8 months old, she was thrown aside by her mother at the moment of the attack and died; Gaston Ketté Manguérézon, 2 years old, he did not know how to swim and he fell into the river while fleeing and drowned; Thomas Ketté Benso, 4 years old, he ran to the river and fell down a hill and died; Mari Ngoilicho, an old blind woman who was killed in her home; Henri Tomago, an older man, was paralyzed in the legs, he could not flee the house and he had his throat cut; Pauline Inavire, Therese Igbengou, Mari Rechese and Alice Indouka, who all drowned when their canoe overturned in the river. Indouka was pregnant.⁵⁵

The UPC zone commander based in Bianga, Hussien Ibrahiem, told Human Rights Watch that his fighters were there to protect civilians and that his men had not attacked villages. “It is the anti-balaka attacking and burning villages, not us,” he said.⁵⁶

The UPC zone commander based in Kouango, Mahamat Bande, also denied that fighters under his command had attacked villages. When a Human Rights Watch researcher provided details of the attacks and the claims from witnesses of the involvement of UPC fighters, Bande replied:

That is all lies. The Seleka could never kill a civilian. It is us who have made peace here, not the Congolese [MINUSCA] soldiers. We can’t let our fighters go into the bush and kill people. For me all villages burned and the people killed were by the anti-balaka. We want the villagers to come back to their villages.⁵⁷

Attacks on Villages on the Ndoro–Lepca Road: November 2014

According to witnesses, UPC fighters attacked at least 14 villages on the road between Ndoro and Lepca in November 2014, killing at least 66 people and burning at least 689 homes (see Appendix I). Residents told Human Rights Watch that the attacks occurred between November 10 and November 13, 2014, and that the UPC fighters came from Bianga and Gouya. The attacks were most likely a response to anti-balaka activity in the area.

⁵⁵ Human Rights Watch interview with local official of Ngbada, Ngbada, June 16, 2015.

⁵⁶ Human Rights Watch interview with Hussien Ibrahiem, Bianga, June 15, 2015.

⁵⁷ Human Rights Watch interview with Mahamat Bande, Kouango, June 16, 2015.

Attack on Bolo: November 10, 2014

On November 10, UPC fighters entered Bolo. Residents of the village told Human Rights Watch how the fighters entered at approximately 1pm on motorcycles and on foot. They immediately started shooting at people, causing villagers to flee. At least 11 people were killed at that time. Other residents fled to the Ouaka River, where UPC fighters continued to chase them. Several people drowned as they tried to cross the river. One man, who lost his wife and 4-year-old son, told Human Rights Watch:

We were trying to flee the across the Ouaka [River]. We had been chased there. My wife was with our son, Bertain. The Seleka were shooting at us in our canoes. The canoe overturned because they were trying so frantically to get across. I could not save them and they drowned.⁵⁸

A local authority from the village gave a consistent account. “Many people drowned trying to cross the Ouaka River,” he said. “They were crowding into small fishing canoes. Because people scattered into the bush, it is difficult to know how many died.”⁵⁹

After burning 118 homes at Bolo, the UPC fighters moved to Balango II where they burned 38 more homes and shot at civilians as they tried to escape by canoe over the Ouaka River. One canoe overturned and four people drowned, three residents of Balango II said.⁶⁰

Attack on Balango I: November 10, 2014

After the attack on Bolo, witnesses say that the UPC fighters moved to Balango I where they killed 11 people, including 2 children. One resident explained what took place:

The anti-balaka were in the area when the Seleka attacked. When they attacked the village, they chased us into the bush and killed whoever they found, including anyone from the population. I lost my 18-year-old daughter. She was pregnant. I also lost a 9-year-old niece.⁶¹

⁵⁸ Human Rights Watch interview with resident of Bolo, Bolo, June 18, 2015.

⁵⁹ Human Rights Watch interview with local authority from Bolo, Bolo, June 18, 2015.

⁶⁰ Human Rights Watch interviews with residents of Balango II, Balango II, June 18, 2015.

⁶¹ Human Rights Watch interview with resident of Balango I, Balango I, June 18, 2015.

According to two witnesses, including a local authority who recorded the dead, UPC fighters burned the 78 destroyed homes counted by Human Rights Watch in Balango I.

Attack on the Ngakobo Displacement Camp: December 3, 2015

On December 3, 2015, UPC fighters attacked a displacement camp at Ngakobo, approximately 60 kilometers from Bambari, which housed an estimated 4,500 displaced people. Witnesses said the Seleka UPC fighters suspected that anti-balaka fighters were in the camp. One witness said she heard UPC fighters yell, “We have destroyed the home of an anti-balaka!” after demolishing a makeshift shelter with a grenade.⁶² Human Rights Watch spoke with seven witnesses to the attack who described seeing UPC fighters firing indiscriminately at makeshift shelters in the camp.

One witness, the mother of 15-year-old Junior Aoukondjé, said:

I was in the same hut with my son when the attackers opened fire on the camp. We all lay on the ground as the bullets whistled above us. It was a few minutes after the shooting started that I heard Junior say, “I’m dying.” I saw that he was not breathing and that he had been shot in the head, near his right ear.⁶³

Another witness, the wife of 37-year-old Jean Robert Andjepayo, said:

It was late at night, maybe around midnight. Our baby was crying and I was trying to milk him. Suddenly, I heard attackers yell “Advance! Advance!” I asked my husband if he heard it and he told me to lay on the ground. Then we heard shots from all over, some coming to our hut...It lasted a few minutes and when it was over I noticed my husband was making a strange sound when he breathed. I looked over and he was covered in blood. He died soon after.⁶⁴

⁶² Human Rights Watch interview with a displaced person in Ngakobo, Ngakobo, March 3, 2016.

⁶³ Human Rights Watch interview with a displaced person in Ngakobo, Ngakobo, March 4, 2016.

⁶⁴ Human Rights Watch interview with a displaced person in Ngakobo, Ngakobo, March 4, 2016.

The UPC fighters killed eight displaced people in the attack. MINUSCA peacekeepers based nearby intervened to stop the attack and one peacekeeper was injured.⁶⁵

Ngakobo was attacked again on October 15, 2016 by armed men, killing 13 civilians. UPC representatives denied that its fighters were responsible for the attack. At the time of writing, Human Rights Watch was not able to independently verify the circumstances or assailants of this attack.⁶⁶

Killings around Bakala: December 2016 and January 2017

On December 12, 2016, UPC fighters executed at least 32 civilians and captured fighters after clashes with the FPRC and anti-balaka forces in Bakala.⁶⁷ The UPC executed 25 people after calling them to a school for an alleged meeting. Earlier that day, they executed seven men who were returning from a nearby gold mine. The victims were accused of being anti-balaka fighters or of having sympathies to the FPRC.

The executions took place after fighting between the FPRC and the UPC for control of the town on December 11. Human Rights Watch interviewed 28 people in and around Bakala in January 2017.

Around 5 a.m. on December 12, a group of UPC fighters detained and killed seven men in Bakala as they returned from a nearby gold mine. A 55-year-old resident of Bakala said:

I was hiding in a house and I saw the Peuhl [UPC fighters] gather the men in front of a neighbor's house and take them inside. A short time later I heard screams from the men. They were yelling, "Why are you killing us?" and "I'm dying!" I also heard shots. This was all at 5 a.m. A short while later the Peuhl found me and made me help throw the bodies in a well.⁶⁸

⁶⁵ Security Council Report, "January 2016 Monthly Forecast, Central African Republic", January 29, 2016, http://www.securitycouncilreport.org/monthly-forecast/2016-01/central_african_republic_14.php?print=true; "Eight killed in Central African Republic days after pope's visit," *Reuters*, December 4, 2015, <http://uk.reuters.com/article/uk-centralafrica-attacks-idUKKBN0TN23C20151204>.

⁶⁶ "Centrafrique: Seleka et anti-balaka se renvoient la responsabilité des dernières violences," *Radio France International*, October 16, 2016, <http://www.rfi.fr/afrique/20161018-rca-seleka-anti-balaka-renvoient-responsabilite-violences-bambari-o>.

⁶⁷ "Central African Republic: Executions by Rebel Group," Human Rights Watch news release, February 16, 2017, <https://www.hrw.org/news/2017/02/16/central-african-republic-executions-rebel-group>.

⁶⁸ Human Rights Watch interview with resident of Bakala, Bakala, January 22, 2017.

Later that morning, UPC fighters sent a message that they would hold a meeting at the *École Sous-préfecturale*, where it was already holding some men whom they had captured the previous day. When people gathered there, UPC fighters seized at least 24 men and one boy, and then opened fire on the group.

A 24-year-old survivor of the execution at the school told Human Rights Watch:

After the attack on the 11th we were all hiding in the bush. We were called to a meeting at the school by youth from the town. They were saying, “Come to a meeting to see how the people can work with the Seleka.” I decided to go to the meeting. When I arrived there, I saw my uncle and my little brother there as well. All the people at the meeting were men. I knew that something was not right.

Personally, I had thought it was a meeting for the FPRC because I still did not know which side had won the fight the day before. I was scared when I saw the Peuhl. Once I arrived, they put me in a small group of nine people and told us to go sit down near the gendarmerie, across the road. My brother and my uncle were with me. Once we sat down I heard someone at the school yell, “You are all anti-balaka!” Then they started to shoot at us. I jumped up and managed to escape, but everyone else was killed. My brother was 17-years-old. I ran into the bush and just heard shooting as I ran. I think everyone at the school was killed, but I did not see it.⁶⁹

In January 2017, UPC fighters killed a man and two of his children in Mourouba, 18 kilometers from Bakala. Two other children survived. One, a 15-year-old boy, explained how his family was attacked as they tried to go home:

When Mourouba was attacked, we ran a few kilometers into the woods to hide. But after a few days my dad took me and my three brothers back to the village to look for manioc [a vegetable commonly grown around villages

⁶⁹ Human Rights Watch interview with resident of Bakala, Bambari, January 23, 2017.

throughout the country]. In the village, the UPC saw us. One asked, “Were you sent here by our enemies to know our position?” My dad said, “No, we are just looking for food.”

But the Peuhl took us and tied all our hands behind our backs. They took us into the bush and then tied a rope around our necks and attached it to our hands. Then they started to kick us and stab us with bayonets. My father and my brother Viviane [approximately 10 years old] died because they could not breathe. They stabbed my older brother, Charlie [approximately 16 years old] to death.

After they stabbed us all they assumed we were all dead and they took our shoes and left us. I saw that my dad was dead and that one of my little brothers was not moving. Charlie was still breathing, but he died shortly after. My youngest brother was alive so I took him and we ran away before the Peuhl came back.⁷⁰

Human Rights Watch saw scars on the boy that appeared to be from stab wounds.

Attack on Yassine: March 21, 2017

On March 20, anti-balaka and FPRC fighters from the towns of Wadja Wadja and Agoudou-Manga in Ouaka province forced the population of the towns to move to Yassine, a mining center in the region, out of fear of reprisal attacks after they killed two Peuhl civilians in Yassine on March 19. After escorting the roughly 300 civilians to Yassine, the FPRC and anti-balaka fighters returned to Wadja Wadja and Agoudou-Manga, leaving only a few fighters in Yassine.⁷¹

Around 5 a.m. on March 21, UPC fighters attacked Yassine, killing at least 18 people, including 10 children.

⁷⁰ Human Rights Watch interview with resident of Mourouba, Mourouba, January 22, 2017.

⁷¹ “Central African Republic: Armed Groups Target Civilians,” Human Rights Watch news release, May 2, 2017, www.hrw.org/news/2017/04/28/central-african-republic-armed-groups-target-civilians.

In April 2017, Human Rights Watch interviewed 20 people in Bambari who had fled the fighting. A resident of Agoudou-Manga told Human Rights Watch, “The Peuhl [UPC fighters] started to shoot and throw grenades at us. They shot at everyone. The anti-balaka just abandoned the civilians. I saw dead children as I ran away.”⁷²

As the attack started, a 55-year-old resident of Wadja Wadja said he fled into the surrounding woods:

I saw bodies as I ran. At one point, I heard a woman screaming that her husband and son had been killed. After about an hour the attack stopped and I slowly made my way back to the village. I saw many bodies in the bush. Some people had died because they had been injured, others looked like they had been killed there.⁷³

A 47-year-old resident of Agoudou-Manga said he saw bodies of young children who died as they tried to flee into the woods. “There was a large stream that was not easy to cross,” he said. “As I came back to Yassine after the attack, I saw three dead children in the stream. They had tried to cross while they were running, but they could not swim and they drowned. They were young, maybe between 3 and 5 years old.”⁷⁴

One resident of Wadja Wadja said he lost his mother and four children in the attack:

We had moved from Wadja Wadja the night before. We were staying in a small hut at the edge of the village and the children were in front of the hut. It was hot so the children slept outside on a mat. Early in the morning I went to speak with some other men in a different part of the village. Suddenly we heard shooting. I tried to run back to where my family was but the shooting was too intense. People were falling before me, so I had to turn and flee. I ran into the bush and hid.

⁷² Human Rights Watch interview with resident of Agoudou-Manga, Bambari, April 6, 2017.

⁷³ Human Rights Watch interview with resident of Wadja Wadja, Bambari, April 6, 2017.

⁷⁴ Human Rights Watch interview with resident of Agoudou-Manga, Bambari, April 7, 2017.

My wife later told me the kids were playing on the mat with the baby when the attack started. We found them there, dead on the mat. They had all been shot. I lost my 7-month-old son, my 3-year-old daughter, my 10-year-old son and my 13-year-old daughter. My mother, who was 54-years-old, was burned in a hut where she slept. We buried my family in a hole that had been dug for a latrine. Everyone was fleeing so we could not give them a proper burial.⁷⁵

Response from the UPC

Human Rights Watch met seven times with UPC leader Ali Darassa between 2014 and 2017. He constantly denied any involvement of UPC fighters in attacks on civilians.

During a meeting on July 27, 2015, Human Rights Watch raised concerns with Darassa about the UPC attacks in Ouaka province. Darassa denied his fighters were responsible, saying:

No, we have not attacked villages. We respect international law. It is only when the anti-balaka attack us that we fire back. The anti-balaka have the tendency to burn villages. When the anti-balaka attack the population, they [the population] run to the Seleka for protection. When the anti-balaka attack, they do not stay in the village so they burn it. In this country, there are many rumors and you have been talking to those close to the anti-balaka. If they say that we are attacking villages, we cannot accept it.⁷⁶

On the UPC attack on the displacement camp in Ngakobo, Darassa said:

The attack was around 23h and MINUSCA does not have proof of who attacked the site. They supposed it was the UPC and they launched attacks against us. When the displacement site was attacked, all my men were at our base and they cannot go out without orders to do so...I have about 60 men in Ngakobo, but no UPC took part in the attack.⁷⁷

⁷⁵ Human Rights Watch interview with resident of Wadja Wadja, Bambari, April 8, 2017.

⁷⁶ Human Rights Watch interview with Ali Darassa, Bambari, July 27, 2015.

⁷⁷ Human Rights Watch interview with Ali Darassa, Bambari, January 19, 2016.

In January 2017, Darassa continued to deny that his men had participated in attacks on civilians. “Soldiers in the UPC cannot execute civilians or prisoners,” he said. “What you have heard about the UPC are lies.”⁷⁸

On April 19, 2017, the UPC’s political coordinator, Hassan Bouba, denied that the UPC had attacked Yassine, arguing that anti-balaka and FPRC forces were responsible for the attack. “The UPC had to come to its rescue,” he said.⁷⁹

⁷⁸ Human Rights Watch interview with Ali Darassa, January 23, 2017.

⁷⁹ Human Rights Watch interview with Hassan Bouba, by telephone, April 19, 2017.

III. Seleka FPRC and Armed Peuhl Attacks in Haute Kotto, Nana-Grébizi, Ouham Provinces

As the Seleka fractured, Michel Djotodia and Nouredine Adam established the FPRC in August 2014. Some Seleka declared loyalty to the FPRC, though other Seleka groups, such as the UPC, did not. The group declared its intention to set-up an independent state in the northeast of the country, bordering Chad and Sudan, called the “Etat de Dar el Kouti.”⁸⁰ A year after its inception, the Seleka FPRC fractured further. General Mahamat Al Khatim, also known as Mamhat Al Hissen, the military chief of the FPRC, together with former Seleka intelligence chief Mahamat Bahar, left the FPRC in August 2015 to form his own group, taking a number of Seleka forces with him.

Human Rights Watch documented at least 224 people killed and 1134 homes and 435 displacement huts destroyed between December 2014 and October 2016 by Seleka FPRC and MPC fighters around Batangafo, in Ouham province, and Kaga-Bandoro, the capital of Nana Grébizi province. Armed Peuhl sometimes attacked alongside the Seleka FPRC fighters, as part of a loose alliance between the groups.⁸¹

Attacks on Villages on the Batangafo–Kambakota Road, December 27, 2014

Attack on Bada: December 27, 2014

On December 27, FPRC – the only Seleka forces in the area at the time – and Peuhl fighters attacked the village of Bada, 37 kilometers from Batangafo. They killed six residents in the attack. Two residents of Bada told Human Rights Watch that anti-balaka had passed through the village shortly before the FPRC arrived, presumably the reason for the attack. One resident told Human Rights Watch:

It was around 5 a.m. when the armed Peuhl and Seleka arrived. The Seleka were in uniform and I recognized some of the Seleka from Kabo.... We knew they were near because some youth had seen them on the river. We knew

⁸⁰ UN Panel of Experts, Final Report, October 29, 2014, para. 31 and appendix 5. For further information on Dar el Kouti: International Crisis Group, “Central African Republic: The Roots of Violence,” Africa Report N°230, September 21, 2015, p. 19; Enough Project, “Dangerous Divisions: The Central African Republic faces the threat of succession,” February 15, 2017, <http://enoughproject.org/reports/dangerous-divisions-central-african-republic-faces-threat-secession>.

⁸¹ By November 2017, any alliance between the FPRC and the Peuhl had broken as many Peuhl allied themselves with the UPC.

they would come up through our fields and move towards us, but we assumed they would move on. I was surprised to see them enter the village. When they did, we tried to grab our goods [to flee], but they shot at us. The village was completely burned.⁸²

Human Rights Watch was unable to visit Bada due to security reasons.

Attacks on Villages on the Batangafo–Bouca Road, December 2014 to February 2015

During research in the Ouham province in 2015, Human Rights Watch confirmed that the FPRC controlled this road and was the only Seleka group active at the times of the documented attacks.

Attacks on Boudia and Bougia: December 29, 2014

On December 29, FPRC fighters attacked Boudia, where three residents said they killed two people. One resident who was displaced from the attack told Human Rights Watch:

When the Seleka came, they were in uniform. I recognized some of them. It was around 2pm and I was at my house. I saw a group of people coming from the direction of Tounda and I saw smoke from houses burning. The Peuhl were coming on foot and the Seleka were on motorcycles. Some Peuhl were also coming from the bush around the village. Two people were shot down in the attack. One, Suzanne Ouena Teta, had 5 kids. The kids are now here at the displacement site as orphans. Houses were burned, but I was scared so I could not go back to count. After the attack, I ran directly here.⁸³

The attackers then moved to Boguia, 9 kilometers from Batangafo, where two residents said they killed two people and burned 34 homes and the village church. A resident told Human Rights Watch that his nephew, a farmer, was one of those killed, “[After the attack] we found a trace of blood and followed it into the bush and found him with his throat slit,” he said.⁸⁴

⁸² Human Rights Watch interview with resident of Bada, Batangafo, April 7, 2015.

⁸³ Human Rights Watch interview with resident of Boudia, Batangafo, April 8, 2015.

⁸⁴ Human Rights Watch interview with resident of Boguia, Batangafo, April 8, 2015.

Attacks on Boyo, Bouloum I and Garo: February 2015

In early February 2015, FPRC fighters attacked the village of Boyo, killing two people and burning 48 homes. The husband of one of the victims, Honorine Zoungofio, told Human Rights Watch:

The attack started around 9am as I was going to church. My wife went into the bush to get some wood but the Seleka and the Peuhl found her. I heard shots from the bush and I ran to check. We found her body close to the village, she had been shot in the back and the back of the head. After the attack, we buried her the same day. I knew it was not safe so I left the village straight away.⁸⁵

Later that month, FPRC and Peuhl fighters attacked Bouloum I and a displacement camp, Garo, located on the outskirts of the village. Garo camp was established by people who lived around Bogonon and had no humanitarian support. Nine people were killed at Bouloum I and four people were killed at the Garo site, five witnesses said. Thirty-one homes in Bouloum I and the entire Garo encampment – dozens of huts – were burned. “There was no combat, people were killed as they were trying to flee,” a resident of Bouloum I told Human Rights Watch. “The attack started on the main road, but the village was surrounded...MINUSCA came later the same day, but we were in the bush.”⁸⁶

Attacks on Villages on the Bouca–Marzé Road: February-July 2015

Between May and July 2015, FPRC forces, along with Peuhl allies, attacked at least 5 villages on the road between Bouca and Marzé. At least 14 people were killed and at least 210 homes were burned.

Attacks on Boya I: February and May 2015

FPRC forces and Peuhl fighters burned Boya I on February 27, destroying 96 homes. Six residents from Boya I, living in a displacement camp in Kozoro I, approximately 16 kilometers from Boya I, described how they attempted to rebuild the village when they were attacked again in May.

⁸⁵ Human Rights Watch interview with resident of Boyo, Batangafo, April 8, 2015.

⁸⁶ Human Rights Watch interview with resident of Bouloum I, Bouloum I, April 8, 2015.

One resident told Human Rights Watch:

After the [first] attack we went back to the village. That's when the Seleka attacked again, on May 1. During that attack, they killed a man in the village, Noel. Then, on May 16, they came back again and killed seven. It was around 7am, there were maybe 35 attackers. The Seleka were in military uniforms with hats and military boots.... The next day we buried the victims at the village. Some were shot in the head, back, throats. Some were shot repeatedly. There have been some that died from sickness afterwards.⁸⁷

Attacks on Villages on the Kaga-Bandoro–Botto Road: February 2015

In February 2015, FPRC forces attacked several villages on the road between Kaga-Bandoro and Botto, including Bottol III, Mba and Beguete I. Residents of the villages told Human Rights Watch that anti-balaka had used the road in the days prior to the attack and, in revenge, the FPRC fighters turned on the villages because they thought they had supported the anti-balaka. Seven residents interviewed separately confirmed to Human Rights Watch that no anti-balaka forces were present in the villages at the time of attacks. The attack took place over several days starting on February 13, 2015, killing at least 24 people and destroying at least 126 homes (see Appendix II).

Human Rights Watch conducted research on the road in August 2015. At the time, people were starting to return to their villages during the days, and then returning to displacement camps in Kaga-Bandoro during the evening. However, killings on the road continued into the middle of 2015. In May, a young man tried to pass through Zefio but he was seen by Peuhl fighters and killed on the main road, one witness to the killing said.

One resident of Mba told Human Rights Watch:

The last attack was in February 2015. It was the Seleka who came from Kaga Bandoro with two vehicles and motorcycles. A woman was killed behind her house [as she fled]. Her name was Honorie, she was about 20-years-old.

⁸⁷ Human Rights Watch interview with resident of Boya I, Kozoro I, August 2, 2015.

Two young men were also killed. They were working in a field near their home when they were killed.⁸⁸

Attacks on Kaga-Bandoro–Mbrès Road: March–April 2015

Between March and April 2015, FPRC and Peuhl fighters attacked villages along the road between Kaga-Bandoro and Mbrès, a strategic town on the border of the Ouaka province, killing at least 63 civilians. The FPRC have fighters based in both Mbrès and Kaga-Bandoro and, at this time, controlled the road between the two towns. Some Seleka fighters in Mbrès were loyal to the FPRC and joined the MPC in July but, at the time of the attacks, they had allegiance to the Seleka FPRC. Human Rights Watch has done previous research on villages attacked by Seleka along this same road in 2013.⁸⁹

In early March 2015, FPRC and Peuhl fighters attacked the village of Kanda, killing eight people. A resident of Kanda, who had been hiding in the bush around the village since the attack, said:

There were no anti-balaka in the village, but the Peuhl just entered shooting. We ran into the bush and have been staying there. Even tonight we will stay in the bush. The bodies of the dead are still in the bush. Some of us went and found decomposing bodies but we can do nothing for the dead.⁹⁰

A local official provided the names of the eight victims from Kanda.

On March 24, 2015 FPRC and Peuhl fighters from Mbrès attacked Ngimale, killing five people, witnesses said. “We think they came looking for anti-balaka, but there were none in the village,” a resident told Human Rights Watch. “When we saw them enter the village we fled, so they shot at us.”⁹¹

On April 2, 2015, FPRC from Mbrès attacked Maorka. They captured six men in the village and cut their throats, two witnesses said. One of the witnesses told Human Rights Watch:

⁸⁸ Human Rights Watch interview with resident of Mba, Mba, August 2, 2015.

⁸⁹ Human Rights Watch, “*I Can Still Smell the Dead*,” p.38.

⁹⁰ Human Rights Watch interview with resident of Kanda, Kanda, April 11, 2015.

⁹¹ Human Rights Watch interview with resident of Ngimale, Kaga-Bandoro, April 6, 2015.

It was early in the morning, maybe around 4 a.m. when we were attacked by the Seleka. They came from Mbrès and encircled the village. They started to open fire and they found six men in their homes. They captured them and tied them up. The rest of the village had fled into the bush. In the shooting during the attack on the village, nobody was killed, but they took the six men and they cut their throats. They were not anti-balaka. They were between 16 and 40 years old....

When I heard the shooting I also ran immediately into the bush. We residents found each other and we stayed there until around 5 p.m. Then we went to the village to get our things. We saw that the village had been completely pillaged. The doors had been broken. The village had not been burned, but at this moment we saw the bodies and we buried all of them. We were really scared so we only dug three holes and put two bodies in each hole.⁹²

FPRC Attacks on Mbrès: December 16, 2014

On December 16, 2014, fighting erupted between anti-balaka and FPRC in Mbrès town. Residents of Mbrès told Human Rights Watch that anti-balaka fighters moved through neighborhoods to attack the FPRC. Residents said that some anti-balaka fighters pillaged homes during the combat. After the fighting, FPRC fighters targeted civilians and homes. Peuhl fighters, fighting with the FPRC, surrounded the village and attacked people as they tried to flee into the surrounding woods. At least 107 homes were burned and 29 civilians killed over two days. Human Rights Watch interviewed 10 residents of Mbrès who described the attack and their flight. One of them told Human Rights Watch:

There was fighting between both anti-balaka and Seleka. I wanted to go back to Mbrès when the fighting started, but it was too dangerous, so I stayed in the bush. I stayed there for a week, but then the Seleka followed us into the bush and they were shooting at anyone they saw, they thought all civilians were anti-balaka.⁹³

⁹² Human Rights Watch interview with resident of Maorka, Kaga-Bandoro, April 6, 2015.

⁹³ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

Another resident said:

Denis Boudenot, an old man of about 60, was killed in the bush. He was shot while running. I stayed with his body for a little while, but had to flee. With a small group of people from Mbrès, I ran 30 kilometers to another village. There the Peuhl chased us. They killed two men that were with us. After that, around January 20, I arrived at Kaga-Bandoro.⁹⁴

Another resident told Human Rights Watch:

I was with two of my children in the fields. When the attack started the Peuhl started to shoot at us in the fields so we ran to town; but arriving there, we heard the shots so we ran again into the bush near the river, I saw people start fleeing on the road to Bakala. As I was running I saw a friend, Felix, shot down by the Seleka. He was just running away. He was a civilian, not an anti-balaka.⁹⁵

After spending weeks in the savanna bush, some residents of Mbrès fled to Bakala, but the majority fled to Kaga-Bandoro, approximately 77 kilometers away. “As we were travelling, people became very sick and weak,” one resident said.⁹⁶

Mbrès residents told Human Rights Watch how the journey was fraught with danger. One man, who fled with a small group, explained:

In the middle of January, we went to a village called Ndeba, about 12 kilometers from Mbrès. One day, five pickups arrived on the road. When we heard the car, we ran into the bush. The Seleka went around and checked house by house and killed a man and his son. After that we decided to come all the way to Kaga-Bandoro.⁹⁷

⁹⁴ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

⁹⁵ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

⁹⁶ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

⁹⁷ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

Another resident told Human Rights Watch:

I left for Kaga-Bandoro soon after the attack. It took me three weeks to get here [to Kaga-Bandoro]. I was with a small group and we were attacked by the Seleka about 18 kilometers from Mbrès, near Kango village. They killed a man with us named Massa. We all ran into the bush.⁹⁸

While UPC Seleka under Ali Darassa have moved through Mbrès from time to time, this zone was controlled by the FPRC Seleka during the attack. In November 2014, Human Rights Watch travelled to Bakala, in Ouaka province, near the border of the Nana Grébizi province, and confirmed that was the limit of UPC control. Moreover, in April 2015 the general coordinator and spokesman of the FPRC, Moussa Maloud, confirmed the FPRC presence in the town to Human Rights Watch. “We control Kaga-Bandoro, Mbrès and the road between,” he said. “There are no UPC there.”⁹⁹

FPRC/MPC Attack on Displacement Camp, Kaga-Bandoro: October 12, 2016

On October 12, 2016, FPRC and MPC fighters killed at least 37 civilians, wounded 57, and forced thousands to flee when they razed a camp for displaced people in Kaga-Bandoro, where some 7,000 people were living, after having been displaced from fighting in the region.¹⁰⁰ The attack was a response to the killing of a Seleka fighter the previous night, but tensions in Kaga-Bandoro had been high since September 16, 2016, when Seleka fighters killed six civilians in Ndomete, a town 10 kilometers away.

In the October 12 attack, fighters destroyed at least 175 homes in the neighborhoods around the l’Évêché displacement camp and destroyed at least 435 huts in the camp itself.

Seleka fighters, possibly with assistance from Muslim civilians, first attacked the Catholic Mission neighborhood, on the outskirts of the camp. “As I ran I saw bodies on the ground,”

⁹⁸ Human Rights Watch interview with resident of Mbrès, Kaga-Bandoro, April 6, 2015.

⁹⁹ Human Rights Watch interview with Moussa Maloud, April 6, 2015.

¹⁰⁰ “Central African Republic: Deadly Raid on Displaced People,” Human Rights Watch news release, November 1, 2016, <https://www.hrw.org/news/2016/11/01/central-african-republic-deadly-raid-displaced-people>.

one resident of Catholic Mission said. “The Seleka were shooting at everybody...I ran to the displacement camp. Just a few minutes later, the camp was attacked too.”¹⁰¹

While the camp was protected by MINUSCA peacekeepers, who opened fire and killed 12 attackers, the Seleka fighters still managed to access the camp where they shot at civilians and burned huts. A woman from Ngouleka I, who had been living in l’Évêché for three years, said:

When I first heard the shots, I went back into my hut to hide. A short time later, I could feel heat coming from other huts that were set ablaze. I went outside and saw my neighbor’s hut burning. I turned around and I saw that mine was burning as well. I started to run to the MINUSCA base, but a young Seleka fighter that I recognized saw me and shot me in the leg.¹⁰²

A resident of Kaga-Bandoro, who left his home in the Adjé neighborhood in early 2014 for the displacement camp, said he looked for his 17-year-old wife, his two-month-old child and his wife’s three-year-old sister after the attack:

When the attack started, I ran to the MINUSCA base hoping to find my family there. When people started to arrive, I did not see them so I went down to the camp to look. I saw two dead bodies but it was not them. I found my family near our house... My wife had been shot in the stomach. Our baby had been shot in the head. My wife’s sister looked like she had been shot in the leg. Everything around them was burned and destroyed. We had to bury them in a mass grave.¹⁰³

A mother of six from Ngouleka II, north of Kaga-Bandoro, who said she had been living at the camp since March 2014, told Human Rights Watch:

It seemed like all of a sudden there was shooting everywhere and the kids were running left and right. I just ran and took some of the small kids with

¹⁰¹ Human Rights Watch interview with resident of Kaga-Bandoro, Bangui, October 15, 2016.

¹⁰² Human Rights Watch interview with resident of Ngouleka I, Kaga-Bandoro, October 19, 2016.

¹⁰³ Human Rights Watch interview with resident of Kaga-Bandoro, Kaga-Bandoro, October 19, 2016.

me. I learned later that my son, Justin Soubanoyo, was killed. He was 6 years old. He was shot in the side.¹⁰⁴

After the attack on the displacement camp, Selekea fighters attacked villages on the roads to Botto, west of Kaga-Bandoro.¹⁰⁵ A resident of Beguete I, a village along this road, told Human Rights Watch:

Late in the morning people started to run down the road saying that the Seleka had attacked the town center. A few minutes later some motorcycles carrying Seleka drove by, but they quickly turned around. They then came back with more fighters. They started to shoot at the villages along the road. We heard the shooting and we fled. From a distance, I saw them burn my village.¹⁰⁶

Satellite imagery analyzed by Human Rights Watch indicates that at least 75 homes on this road were destroyed in October 2016. Residents told Human Rights Watch that some of these homes had been rebuilt after the village was attacked by the FPRC in February 2015.

The attacks displaced people from Kaga-Bandoro and the surrounding villages. At the time of writing, at least 20,000 of them were in makeshift camps near and around a UN peacekeeping base near the Kaga-Bandoro airstrip.

Clashes between FPRC and UPC – Haute Kotto Province

On November 21, 2016, clashes broke out between FPRC and UPC in Bria, in the capital of the Haute Kotto province.¹⁰⁷ Tension between the two factions had been high since early November when skirmishes erupted over control of roads leading to diamond mines around Kalaga, a town 45 kilometers from Bria. The FPRC attacked the UPC in the Gobolo neighborhood on November 21, sparking two days of fighting during which at least five civilians were killed. Some FPRC fighters and civilians also targeted Peuhl. One resident of

¹⁰⁴ Human Rights Watch interview with resident of Ngoulepa II, Kaga-Bandoro, October 20, 2016.

¹⁰⁵ For more on attacks on villages along this road in 2015, see Appendix II.

¹⁰⁶ Human Rights Watch interview with resident of Beguete I, Kaga Bandoro, October 19, 2016.

¹⁰⁷ “Central African Republic: Civilians Killed During Clashes,” Human Rights Watch news release, December 5, 2016.

Bria who witnessed the killing of Nouhou Badem, a Peuhl businessman, told Human Rights Watch:

The fighters came from the direction of the airport. They arrived outside the compound and greeted Nouhou in Arabic. They said, ‘Don’t worry, we will not hurt you.’ But then they backed up and just started to shoot at all of us. Five people were hit by bullets, including Nouhou, who died on the spot. He was shot in the chest.¹⁰⁸

At least nine civilians were killed by fighters and armed men in the days after the fighting. On November 26, a group of nine Peuhl tried to flee the violence in Bria but were attacked 10 kilometers outside of town at Golaga village. A woman who survived the killing said:

When we entered Golaga, a group of men attacked us. There were at least 12 men. I was shot straight away in my left arm and I fell to the ground. A man ran by and shot me again in the right arm as I lay there. He chased Paté (a man from the group). I heard Paté yell, “Please, please! Do not kill me!” and then I heard him killed by machete blows.

I heard my daughter-in-law, Habiba, crying out for pity. She had her 1-year-old son, Hamidou, with her. I heard him crying. Then I heard a shot and the crying stopped. I heard my daughter Salamatou crying too. She was with her 2-year-old daughter Adama, who was also crying. Then I heard them killed by machetes.¹⁰⁹

Three people from her group, including a 7-year-old and a 3-year-old, were still missing as of December 2016.

The fighting displaced up to 10,000 people from Bria, a town of approximately 43,000.

¹⁰⁸ Human Rights Watch interview with resident of Bria, Bria, November 28, 2016.

¹⁰⁹ Human Rights Watch interview with resident of Bria, Bria, November 29, 2016.

Response from FPRC/MPC

The attacks outlined above and in Appendix II occurred when fighters and commanders of the MPC were still integrated into the Seleka FPRC, under the military command of Mahamat Al Khatim.¹¹⁰ On May 4, 2015, Human Rights Watch met with Idriss Ahmned el Bachar, president of the MPC.¹¹¹ In response to allegations of killings by former FPRC fighters now aligned with the MPC, el Bachar said:

Abuses happen, but sometimes what you hear is not true. Some of the things about Al Khatim could be true, but I am not a lawyer and he will have his place [before the law] later. We should not talk about his abuses, and any abuses, until after there is peace. I am for justice, but it depends on the timing. We must have peace first, and justice after.¹¹²

El Bachar also sought to make a distinction between the crimes committed by the FPRC and the subsequent breakaway of the MPC. “The crimes you are talking about are before the MPC,” he argued. “I can’t talk about the periods before the MPC. During my period, there have been no problems.”¹¹³

Human Rights Watch has met six times between April 2015 and May 2016 with the general coordinator and former spokesman of the FPRC, Moussa Maloud. Maloud has repeatedly insisted that fighters with the FPRC have not committed attacks on civilians, “The FPRC works on social cohesion,” he said in July 2015. “It would be against its interests to attack civilians.”¹¹⁴ He followed that in May 2016 by saying, “The Seleka [FPRC] have not committed any abuses here. These cases you talk about were not the Seleka [FPRC], they were anti-balaka.”¹¹⁵

Human Rights Watch spoke with General Mahamat Al Khatim in July 2015, but he did not wish to discuss specifics of the attacks in the area. “My zone with the FPRC and today with

¹¹⁰ The current military commander of the FPRC is General Saleh Zabadi.

¹¹¹ El Bachar was arrested by MINUSCA on February 26, 2017 outside of Bambari. He is currently in detention.

¹¹² Human Rights Watch interview with Idriss Ahmned el Bachar, Kaga-Bandoro, May 4, 2016.

¹¹³ Ibid.

¹¹⁴ Human Rights Watch interview with Moussa Maloud, Kaga-Bandoro, July 30, 2015.

¹¹⁵ Human Rights Watch interview with Moussa Maloud, Kaga-Bandoro, May 4, 2016.

the MPC is from Sido, Kabo, Batangafo, Dekoa and Mbrès and I am not aware of any attacks by the Seleka in the zone I control,” he said.¹¹⁶

In April 2015, Human Rights Watch spoke with al Afiz Ali, alias “Libanais,” the then zone commander of Kaga-Bandoro for the Seleka FPRC (until the split with the MPC). Multiple witnesses placed Ali at the scene of fighting around Mbrès in December 2014. He argued, however, that the fighting was between anti-balaka and Peuhl not affiliated with the Seleka, and he wasn’t there. “No Seleka have participated in any attacks,” he claimed. “The villagers will say that any Muslim with a gun is Seleka but it is not true. We do not have the right to go on the roads and attack people.”¹¹⁷ However, with regards to killings around Botto, Ali told Human Rights Watch that an “uncontrollable” combatant under his command, Abdullahi Amkir, lead the fighting.¹¹⁸

In April 2015, Human Rights Watch met with Mahamat Samson, the then Seleka FPRC zone commander of Mbrès, who also denied any Seleka abuses. “You have heard that the Seleka have killed people here, but it is really the anti-balaka who kill the Seleka,” he said. “We have killed nobody.”¹¹⁹

In October 2016, Human Rights Watch met with General Al Khatim and Lambert Lissane, the political director of the FPRC. Both men denied that Seleka fighters had participated in the October 12 attack on the l’Évêché displacement camp and the villages along the road to Botto.¹²⁰

¹¹⁶ Human Rights Watch interview with General Mahamat Al Khatim, Kaga-Bandoro, July 30, 2015.

¹¹⁷ Human Rights Watch interview with Al Afiz Ali, Kaga Bandoro, April 7, 2015.

¹¹⁸ Ibid.

¹¹⁹ Human Rights Watch interview with Mahamat Samsoun, Mbrès, April 11, 2015.

¹²⁰ Human Rights Watch interview with General Mahamat Al Khatim, Kaga-Bandoro, October 20, 2017, and Human Rights Watch interview with Lambert Lissane, Kaga-Bandoro, October 21, 2017.

IV. Attacks on Displaced People in Batangafo

Tens of thousands of people who fled fighting are in displacement camps in Bambari, Kaga-Bandoro and Batangafo. Other displaced people live in host families. The camps receive limited humanitarian assistance. Many of the displaced people interviewed by Human Rights Watch said they wanted to leave the sites during the day to work in their nearby fields but they feared doing so due to ongoing attacks.

The fear of attack when leaving a displacement camp was especially pronounced in Batangafo. Between November 2014 and April 2015, Human Rights Watch documented 30 people who were killed when they attempted to work in their fields. Men appeared to be specifically targeted, but four women and two children were also killed.

One resident from Batangafo described how Seleka forces shot and killed his relative, Dieudonné Youdemma, 43, in November 2014 after he left the displacement site to look for food. He said:

We worked in the fields all day. On the way back, we arrived close to town when we saw some Seleka. They yelled at us, ‘Throw down the firewood and run!’ So we did. I was chased by three men and Dieudonné was chased by four. I ran to town, but Dieudonné ran back the direction we came. I was able to escape in the bush, but I heard the shots. We told the MINUSCA and they took us to find the body the next day.¹²¹

Janine Ndoko, 60, told Human Rights Watch how she and her husband, Pierre Touaga, also 60, encountered Seleka fighters when they left the camp to look for firewood in February 2015. She said:

We were just outside of town, near Daba. We were a little separated, each of us looking for wood. Through the bush I saw Seleka in uniform. I laid

¹²¹ Human Rights Watch interview with relative of Youdemma, Batangafo, April 9, 2015.

down and heard shots. I waited for a while before I moved to find his body. I just buried him there.¹²²

In February 2015, Bruno Kerefio, a 45-year-old from Batangafo, and his wife Olga Saraba, 30, left the displacement site to go to their fields. A relative of Kerefio explained:

They knew it was dangerous to go, but they went to the village Bo to where their fields are. Neighbors who work in nearby fields came and told us they saw Peuhl and heard shots from the area, so we were obliged to look for bodies. Bruno had been shot in the stomach, Olga had been shot in the back of the head. We buried them there where we found them. They had six kids and she was pregnant with the seventh.¹²³

Bernard Bama, from Bobafio, 37 years old, left the displacement site on March 8, 2015 to look for food when he was killed by armed Peuhl. A fellow resident from Bobafio who survived the attack told Human Rights Watch:

We left to go look for honey in our traps. After we checked our traps we went to a small stream for some water. At that moment, five Mbororo [Peuhl] came upon us. One of them asked, ‘Are you anti-balaka?’ I said, ‘If we were anti-balaka why would we be here in the bush without guns? We are only looking for something to eat.’ Two of the Mbororo had guns and they shot at us. They hit Bernard and I managed to get away. I ran to my village and then made my way here, back to the site. I told Bernard’s family and we went back for the body at night. Now I can’t leave here to look for something to eat because of what I have seen. I am afraid.¹²⁴

Response from FPRC/MPC

In April 2015, Human Rights Watch met with then-Seleka FPRC zone commander Abdullahi Tara and his aide, Colonel Ousmane Bono. When asked about attacks on civilians leaving the camp, Bono blamed the anti-balaka for the attacks. “The anti-balaka come to attack the

¹²² Human Rights Watch interview with Janine Ndoko, Batangafo, April 9, 2015.

¹²³ Human Rights Watch interview with individual close to Kerefio and Saraba, Batangafo, April 9, 2015.

¹²⁴ Human Rights Watch interview with individual close to Bama, Batangafo, April 9, 2015.

Seleka here in town [Batangafo],” he said. “We are able to push them out of town, but then the anti-balaka attack the population [outside of town]. They are the ones killing people.”¹²⁵

¹²⁵ Human Rights Watch interview with Abdullahi Tara and Colonel Ousmane Bono, Batangafo, April 8, 2015.

V. Anti-Balaka Attacks

Abuses by Anti-Balaka in Kémo-Grebingui, Nana-Grébizi, Ouaka and Ouham Provinces

As the Seleka moved out of Bangui and the western part of the country in 2014, anti-balaka groups continued to push into the center, where the Seleka had established new bases. While loosely coordinated and often in conflict with each other, anti-balaka leaders in the central region proclaimed allegiance to key figures in Bangui, including to the politician Patrice-Edouard Ngaïssona.¹²⁶ Anti-balaka groups continued to espouse hatred for all Muslims and often assumed Muslim civilians worked with, or were sympathetic to, the Seleka; but they also targeted non-Muslim civilians for presumed sympathy to the Seleka.

In late 2016, anti-balaka groups in the center of the country allied themselves with the FPRC/MPC—the so-called “coalition”—and began targeting the UPC and Peuhl civilians. Anti-balaka groups are responsible for numerous cases of killings and village destruction, including the widespread burning of homes, in the center-east of the country. Human Rights Watch confirmed scores of civilians killed while fleeing anti-balaka attacks, including 28 people on one day in November 2014 in Ngbima village, and 16 Peuhl civilians in Ndourssoumba village in February 2017.

Killings in the Ouaka Province: November 2014 to February 2017

Attacks on Road Between Kouango and Ngbima: November 2014

In November 2014, anti-balaka forces from Pende attacked 11 villages on the road between Kouango and Ngbima in the Southern Ouaka Province.¹²⁷ According to 10 residents, they killed 28 civilians in Ngbima on November 25. At the time of writing, Michel Mandakara was the head of the anti-balaka group based in Pende. Four eyewitnesses to the attack at Ngbima saw Mandakara coordinating the fighters.

¹²⁶ For example, anti-balaka leader Gaétan Boade Grakouzou told Human Rights Watch how his men killed another anti-balaka leader named “Sortant” when he tried to re-establish a presence around Bambari. Human Rights Watch interview with Gaétan Boade Grakouzou, Bambari, January 18, 2016.

¹²⁷ The villages are: Ngbima, Kolo, Ndaba, fini Kodro, Gbanofia, Kounda, Mono I, Mono II, Gbaoulourou, Toko Ippy and Bolo II

One witness told Human Rights Watch:

Around 4 a.m. we started to hear screams from the home of Aladji Labi, who lives in the Peuhl area at the edge of the village. Then we heard shots from guns. The village was encircled, I escaped my home through a window. They found my two wives and cut their throats. I found their bodies later that afternoon. They were both lying in front of the house, they look like maybe they had tried to flee together. I buried them when I found them. My mother was also killed. The anti-balaka threw a grenade in the room where she had been sleeping. Her name was Madoma Yassi. I saw Mandakara during the attack. I had run to the end of the village and was watching through the bush. I saw him cry, ‘Kill everyone! Kill everyone!’ I know him from before.... I have shared meals with him. I don’t know why he attacked the village.¹²⁸

Human Rights Watch interviewed three other people who said they had seen Mandakara in the area during the attack.

Yassimara’s husband explained how she, like others with disabilities, was vulnerable during such attacks, and how the anti-balaka made no effort to spare those with disabilities:

Yassimara was born with a bad foot. She could walk on it, but she could only move with a cane and could only move slowly. We were at home when the attack started. It was early in the morning and we heard the shots. I saw people running out of their homes. I heard the anti-balaka shouting, “Take Ngbima! Attack!” I ran to the bush, but my wife stayed at the house. I did not have time to get her. I just hoped she would be ok. They burned the house with her in it, she never tried to run. After the attack, we found some of her bones and buried them.¹²⁹

From Ngbima, Mandakara and his fighters moved to Kolo where villagers had heard about the attack on Ngbima and ran into the bush. In Kolo, the anti-balaka fighters tried to

¹²⁸ Notes with resident of Ngbima, Ngbima, June 16, 2015.

¹²⁹ Human Rights Watch interview with relative of Yassimara, Ngbima, June 17, 2015.

convince people to come out of the bush that surrounds the village. One resident of Kolo told Human Rights Watch:

The anti-balaka were crying out, ‘Come out! We are your cousins! We will not hurt you!’ A man named Jacques went out and they took him. I heard shots and I heard him cry out. We later found his body.¹³⁰

The anti-balaka killed four people in Kolo, two witnesses said.

When visiting the 11 villages on the road between Kouango and Ngbima in June 2015, Human Rights Watch counted 498 burned homes, which villagers said had been torched by the anti-balaka. These villages are located in a zone that was almost completely abandoned when Human Rights Watch conducted research, rendering it impossible to estimate how many people were killed in these attacks.

Attack on Gara–Bourouma: November 30, 2015

On November 30, 2015, anti-balaka from Ngakobo attacked Gara-Bourouma, where Seleka UPC fighters had been previously based. Instead of targeting Seleka UPC fighters in the area, however, they targeted a local leader, Barthélemy Moudjou, 45 years old, killing him and two other men. Two residents said the anti-balaka had suspected Moudjou of collaborating with the UPC. A witness told Human Rights Watch:

It was on Monday around 6 a.m. when I started to hear gun shots in the village. A few moments later, I saw the attackers and they were saying they were looking for the home of the counselor. My home is directly behind Moudjou’s and I ran behind my house to watch. I watched the attackers break down Moudjou’s door. I heard them call him and say, “Are you the village counselor?” Moudjou said, “Yes.” Then I heard them fire two shots and the cries of the women who were in the house.¹³¹

¹³⁰ Notes with resident of Kolo, Ngbima, June 16, 2015.

¹³¹ Human Rights Watch interview with resident of Gara-Bourouma, Ngakobo, March 5, 2016.

Attacks on Sabengoude and Varra: February 2015

Human Rights Watch heard detailed accounts of killings by anti-balaka forces in the Bianga area, including five civilians killed in Sabengoude in February 2015. Human Rights Watch also confirmed that anti-balaka fighters burned 35 homes in Varra and 59 homes in Mongolo, both villages along the Kouango-Bianga road.¹³²

Attacks near Ippy: February 2017

In mid-February, anti-balaka fighters killed at least 16 Peuhl civilians when they ambushed a truck transporting people in Ndourssoumba, a village about 30 kilometers from Ippy.¹³³ The group started its journey in Mbourouso and was trying to seek safety in Bambari, two survivors said. One of them, a 20-year-old woman, said she jumped out of the truck when the attack began and was shot in the leg. “I saw at least 20 anti-balaka attackers and many bodies on the ground,” she said. “The anti-balaka were shooting at us from a close distance with Kalashnikovs and homemade rifles.”¹³⁴

The other survivor, an approximately 27-year-old woman, said she lost two children in the attack:

We were mostly women and children. We were trying to avoid the fighting. When we entered Ndourssoumba, the anti-balaka attacked us. The truck stopped and I saw that people were already dead. The anti-balaka were very close to us because we had no weapons. They continued to shoot us. We all decided to flee. I jumped out of the truck and ran. As I ran, I was shot in the foot, but I kept running. I had my son Adam [approximately a year old] on my back as I ran. I did not know it but he was shot in the back. As we ran my daughter Mariam [age 3] fell. She was shot and killed. I ran into the bush and, along with other Peuhl, we made our way toward Boyo. From there we went to Bambari. Adam was injured and he died a few days after arriving in Bambari.¹³⁵

¹³² Human Rights Watch interviews with residents of Sabengoude, Varra and Mongolo, June 15, 2015.

¹³³ “Central African Republic: Armed Groups Target Civilians,” Human Rights Watch news release, May 2, 2017.

¹³⁴ Human Rights Watch interview with resident of Mbourouso, Bambari, April 7, 2017.

¹³⁵ Human Rights Watch interview with resident of Mbourouso, Bambari, April 6, 2017.

Response from Anti-Balaka

On July 27, 2015, Human Rights Watch met with the anti-balaka leader, or comzone (“zone commander”) of Bambari, Gaetian Boade Grakouzou, who said he was in command of Michel Mandakara, the comzone in Pende. Regarding the killings at Ngbima, Grakouzou denied that anti-balaka had taken part. “No, this was not anti-balaka, this was Seleka,” he said. “Mandaraka is under my command and he did not commit those attacks.” In regard to maintaining discipline within his ranks, Grakouzou said he would punish forces under his control who violate the law. “If my fighters make a mistake, I will have them arrested and sent to the gendarmes,” he said.¹³⁶ Grakouzou said that, to date, there had been no need to take such action.

In practice, when Grankouzou does take disciplinary action, it may not be as compliant with applicable standards as he suggested to Human Rights Watch. The type of discipline Grankouzou metes out may amount to abuse. In September 2015, a journalist was allowed to observe and take photos of disciplinary measures Grankouzou had taken against one of his own men for suspected theft. The journalist was shown a man who had been tied up for hours. At the journalist’s insistence, the man was released, but Grakouzou made the man beat his arms against a tree as continued punishment.¹³⁷

Human Rights Watch met again with Grankouzou in January 2016 and he gave a different explanation of the killings at Ngbima, saying the killings were “committed by another anti-balaka named Fali.” At the same time, he repeated that Mandakara was under his control and he “told him to stop doing stupid things.”¹³⁸

Grankouzou, a failed candidate for parliament in the March 2016 elections, confirmed he was working with anti-balaka leader Patrice-Edouard Ngaïssona.¹³⁹

When asked about the February and March violence in Ouaka province, the FPRC’s political cabinet director, Lambert Lissane, denied that FPRC fighters and their anti-balaka allies had attacked Peuhl civilians.¹⁴⁰

¹³⁶ Human Rights Watch interview with Gaetian Boade Grakouzou, Bambari, July 27, 2015.

¹³⁷ Human Rights Watch interview with journalist, Nairobi, October 3, 2015.

¹³⁸ Human Rights Watch interview with Gaetian Boade Grakouzou, Bambari, January 18, 2016.

¹³⁹ Ibid.

¹⁴⁰ Human Rights Watch telephone interview with Lambert Lissane, April 24, 2017.

Killings and Human Rights Abuses around Kaga Bandoro: January–March 2015

Attack at Senga: January 2015

In January 2015, anti-balaka from Senga village, on the road between Dekoa and Bouca, killed four Muslim men who had come to the village to buy salt. Human Rights Watch spoke with the only survivor of the attack. He explained:

Before the attack a leader from the anti-balaka came into the camp and asked for cows, we gave him five and he said, ‘Now you can pass through the village with no problems.’ We only had bows and arrows for hunting, but we gave them up easily. The five of us went into the town, but some of the anti-balaka stopped us on the way and asked us where we were going. We explained and one said, ‘No, stay here.’ They started to talk amongst themselves and they came back and just started to shoot us. They shot Aladji Tambaya, a very old man, in the head. I was shot in the foot and I fell with the others. In the melee, I crawled away. Three of the men killed were very old.¹⁴¹

Attacks outside Kaga Bandoro: March 2015

In late March 2015, anti-balaka fighters killed at least 14 Peuhl as they moved outside of Kaga Bandoro, six witnesses said. Ten of the victims were young children. The Peuhl, several families comprising of at least 60 people, were moving several hundred head of cattle across a small river when anti-balaka fighters attacked.¹⁴²

One survivor explained:

All of a sudden, the man at the front of the group, Maounde Djoddi, was shot and killed. Our group was surrounded, there were men to the left, right, in front and behind us. They all had guns. We were encircled and when the anti-balaka in front fired, the rest started to shoot. When we saw we were surrounded, we ran into the bush to try to hide. I was

¹⁴¹ Human Rights Watch interview with survivor, Kaga-Bandoro, April 10, 2015.

¹⁴² Human Rights Watch interview with survivor, Kaga-Bandoro, April 10, 2015.

overwhelmed, I can't say exactly what happened. I just ran. As I ran I saw others who had been killed.¹⁴³

Another survivor, interviewed separately, told Human Rights Watch:

I heard the shots ahead of me. Then I heard another shot behind me. My brother was killed in the first shots. In all the shooting, everyone was running their own direction. I was shot in the leg. When I was shot I just ran and abandoned my cows. Everyone ran and dispersed into small groups in their own directions. We could not fight back because we only had bows and arrows. We could not fight back against men with guns. The anti-balaka were crying out, 'Alaboulo! Alaboulo!' That means, 'Trap them!'¹⁴⁴

Human Rights Watch documented 14 people killed: one man, three women, and ten children between the ages of one and nine years old.

One mother told Human Rights Watch, "I lost children in the attack: my daughter, Adama, who was 6 years old, and my daughter, Amina, who was 4 years old. We got separated as we ran and it was afterwards that I found their bodies, they had been shot."¹⁴⁵

Anti-balaka on the Kaga-Bandoro–Mbrès Road

Franco Yagbague, alias "Pelé," is an anti-balaka comzone from Blakajda. Villagers in the Kaga Bandoro area have told Human Rights Watch that "Pelé" and his fighters were responsible for several attacks on the Kaga-Bandoro-Mbrès road, including at Kako on March 5, 2015, where they pillaged homes. One resident told Human Rights Watch:

When Pelé arrived in Kako, he called people and asked for 1,000 francs (approximately \$1.6) from each house with which to buy ammunition. He said if the money was not given, he would burn the homes. We did not have much money, so Pelé and his men spent four days going into homes and pillaging. They took motos, clothes, salt, sugar, peanuts, they even took the

¹⁴³ Human Rights Watch interview with survivor, Kaga-Bandoro, April 10, 2015.

¹⁴⁴ Human Rights Watch interview with survivor, Kaga-Bandoro, April 10, 2015.

¹⁴⁵ Human Rights Watch interview with survivor, Kaga-Bandoro, April 10, 2015.

women's clothes... On March 7, they found a Muslim in Kako, Abdoullah Adim, hiding in a house. He was from the village. Pelé said, 'I don't want to see any Muslims in the village,' and he shot Abdoullah. He said he would burn the village down because the people in the village gave the Peuhl food. But in the end, he burned the homes of the Muslims and people married to Muslims.¹⁴⁶

Human Rights Watch met with Yagbague on August 4, 2015. He said he served under the command of Gomez Gosara and his task was to secure villages on the Kaga-Bandoro–Mbrès road and Mbrès–Bakala road. He refused to answer when asked about attacks he and his men allegedly conducted.¹⁴⁷

Killings and Kidnappings at Mpanta: September 2014

On September 23, 2014, anti-balaka fighters attacked the village of Mpanta, killing 11 people and burning 13 houses. Three of the victims were children ages 12, 2 and 6 months. A resident of Mpanta told Human Rights Watch:

The attack was at 5 a.m. There were about 50-60 of them, with different types of guns. They did not ask for money, they just started attacking us. All of the victims were killed by bullets. We all fled into the bush and even now we go to the bush at night.¹⁴⁸

According to four witnesses, one of whom was held hostage by the forces, the attack was carried out by anti-balaka under the command of Dimanche Gervais Yambala, who is based in Kouma on the Dekoa–Mala road in Kémo-Grebingui province.

After the attack on Mpanta, Yambala took four hostages to Kouma, a mother and her three children, according to three of the village residents and the abducted woman. The woman and her children were released after 3 months when her family paid a ransom. She told Human Rights Watch:

¹⁴⁶ Human Rights Watch interview with resident of Kako, Kaga-Bandoro, April 5, 2015.

¹⁴⁷ Human Rights Watch interview with Franco Yagbague, Blakadja, August 4, 2015.

¹⁴⁸ Human Rights Watch interview with resident of Mpanta, Mpanta, April 11, 2015.

When the anti-balaka attacked, they killed my husband. After they killed him, they took me and my five kids as hostages. They killed two of my kids right away, Jonas and Anthanase. Anthanase was 12 and Jonas was only 2. I then spent three months as a hostage.... We stayed in their village, Kouma. The [leader], Yambala, would say before he went on attacks: 'If I am killed, kill them.' My sister had to pay 50,000 francs (approximately \$84) to free us. There were two other women held hostage as well. They also had their children.¹⁴⁹

Human Rights Watch does not know the fate of the other families held hostage by Yambala.

Seven months after the Mpanta attack, in April 2015, Yambala's men were responsible for seriously wounding a Central African engineer who worked for an international nongovernmental organization that did not want to be named. According to the organization, Yambala said: "If you bring MINUSCA or the Sangaris here, I will kill all of your men."¹⁵⁰

When Human Rights Watch visited Mala in August 2015, residents were too afraid to speak about crimes committed by Yambala, beyond the general claim that he was responsible for killing several people. One resident, however, told Human Rights Watch how he controls the town:

Yambala set up barriers and people have to pay. You pay per sack of goods if you are a businessman. The price you pay varies. People accused of witchcraft or theft are taken to his house. There they have to pay to be released. There were many cases like this. We are scared of the anti-balaka here.¹⁵¹

Kidnappings in Gbanto: December 2014

In December 2014, anti-balaka from Bouca kidnapped two residents of Gbanto and held them for ransom, three Gbanto residents said. One of the victims explained his ordeal:

¹⁴⁹ Human Rights Watch interview with resident of Mpanta, Mpanta, April 11, 2015.

¹⁵⁰ Human Rights Watch interview with non-governmental organization staff, Bangao, June 18, 2015.

¹⁵¹ Human Rights Watch interview with resident of Mala, Mala, August 5, 2015.

The anti-balaka had come and asked for money by force. If you say no, the anti-balaka can threaten to kill you. I was tied up from 11 p.m. to 5 a.m. the next day. They tied me up and they took all of the goods from my house. They told me to pay 250,000 francs (approximately \$420) to be freed. In the end, I paid 120,000 francs (approximately \$201) and they freed me. I was shocked by this. The anti-balaka were never there to protect us.¹⁵²

Kidnapping and forced labor of civilians by anti-balaka around Bianga: 2015

Human Rights Watch documented the kidnapping and forced labor of six civilians around Bianga by anti-balaka from late 2014 to mid-2015. Two released captives explained conditions of their detention to Human Rights Watch. One said:

I was taken by the anti-balaka four months ago. I was taken by the team of Mathias Korngou. I was taken to one of his bases [and] once I was with them, I could not leave. I saw him there often. From his base, I walked with them and we would stay in villages before they launched attacks. Most of the time we were in the bush. They would tie us up, especially in the beginning, and beat us. Mostly I was there to prepare food and carry baggage.¹⁵³

Another individual who escaped capture said:

Around December 5 [2014] I was taken by the anti-balaka while I was on the main road transporting my coffee. It was anti-balaka from Lambashi, the [leader] was Kourngou. They said to me, 'You can't stay in the village, you need to come with us to the bush.' We arrived in Lambashi and stayed there. We had to work for them. We had to search for firewood and water and we had to prepare food. We were beaten if we did not work. In the beginning, they would tie us up. They would say it was a punishment because we chose to stay close to the Seleka in the village. They want people to stay in the bush to combat the Seleka. We were let go because the anti-balaka heard about disarmament and so we were told to go home.

¹⁵² Human Rights Watch interview with resident of Gbanto, Batangafo, April 8, 2015.

¹⁵³ Human Rights Watch interview with resident of Bigi II, Bianga, June 15, 2015.

They told us, ‘The blue helmets [MINUSCA peacekeepers] are coming to disarm, so go.’¹⁵⁴

¹⁵⁴ Human Rights Watch interview with resident of Bigi II, Bianga, June 15, 2015.

VI. Living and Dying in Displacement

Since the current crisis started in March 2013, tens of thousands of people have fled their homes to seek safety in the countryside, often living in extremely difficult conditions in the harsh savanna shrub land. Human Rights Watch interviewed dozens of people who had lost loved ones or acquaintances due to disease and hunger. Some people were fortunate enough to benefit from limited humanitarian aid, but many did not.

Human Rights Watch documented 144 people who died in such circumstances between December 2014 and July 2015. Based on what witnesses said, those who died appear to have succumbed to illness, injuries, hunger or exposure.

For example, after Seleka FPRC and Peuhl forces attacked Marzé (see Section II), residents from the neighboring villages of Bogardou and Bobawin also fled into the savannah bush, resulting in over 4,000 people in the surrounding woods, divided into 10 groups. The people lived in constant fear. “The people do not work in the fields because they are afraid of being attacked again,” one of those who fled at the time said. “We are now eating a small amount of manioc.”¹⁵⁵

Most of the over 4,000 people lived in makeshift tents without plastic sheeting. When Human Rights Watch met with residents from Marzé in August 2015, illness had started to take its toll. A village nurse told Human Rights Watch:

There are many cases of sickness, already five babies have died of malaria and pneumonia. They were between 5 and 6 months old. We have no clean water to drink, we drink right from the river and it gives us a lot of diarrhea.¹⁵⁶

A 73-year-old woman from Marzé told Human Rights Watch:

My house burned so I had to flee. The most difficult thing is that I have to sit here and think about when peace may return. I am worried that they will

¹⁵⁵ Human Rights Watch interview with resident of Marzé, Marzé, August 2, 2015.

¹⁵⁶ Human Rights Watch interview with nurse from Marzé, Marzé, August 2, 2015.

attack the village again. That is why I am here with the hopes that the Seleka will not attack again.¹⁵⁷

Throughout the central region, people told similar accounts of fleeing to and suffering in the bush. A principle cause of death, they said, was that people were injured or became ill after their village was attacked and they had no access to medical services. A man from Botto, for example (see Section II), told Human Rights Watch how his son got sick and died after his village was attacked in February 2015:

I fled into the bush with my nine-year-old son. We had to spend over two weeks in the bush, hiding as we walked to Kaga Bandoro, and my son became very sick and tired. When we arrived here he died at the hospital.¹⁵⁸

Human Rights Watch noted deaths, particularly of children and the elderly, from almost every village on the Kouango-Bianga road in Ouaka Province (see Section II). In many cases, for every villager killed by Seleka UPC fighters, many more died from exposure or disease while hiding.

A resident of Betta, along the Kouango-Bianga road, told Human Rights Watch:

Two girls have died in the bush since the attack, one was 6 months old, the other was 1 day old. The 6-month-old was my daughter, Adel Yasseko. Her skin started to change color and she died. We are still scared. Nobody has come to assure our security so we stay in the bush.¹⁵⁹

Residents of Oumba explained to Human Rights Watch how at least six people died in the surrounding woods after Seleka UPC attacked the village on December 7, 2014. One resident of Oumba described how the elderly and young suffer the most:

Joseph Nbang, an older man, died in the bush. Jeanne Yassende, an old woman, also died in the bush, she died of malnutrition. Ima Bertille also died

¹⁵⁷ Human Rights Watch interview with resident of Marzé, Marzé, August 2, 2015.

¹⁵⁸ Human Rights Watch interview with resident of Botto, Kaga Bandoro, April 5, 2015.

¹⁵⁹ Human Rights Watch interview with resident of Betta, Betta, June 15, 2015.

in the bush, she had a baby that was only three days old. This was about three weeks after the attack and after we fled. The baby also died. Antoine Gialam died, he was an old man suffering from tuberculosis. He died in the bush in February. We had to bury him there. Elze Sagin died, she was a baby of only two years. She was sick and died in early March [2015].¹⁶⁰

Other displaced persons made similar remarks. “Out there kids are dying and women are dying after having babies,” one man from Danda I said. “At least 12 have died already.”¹⁶¹ A resident of Ganwa (see Section II) told Human Rights Watch, “Eight kids have died in the bush since we have been there, they were babies up to children five years old.”¹⁶²

In the village of Belegbe (see Section II), a villager told Human Rights Watch:

Twelve people have died in the bush, including 2-year old Marie Achimbore and her sister, 6-year old Elle Achimbore. A baby boy was born in the bush and he died the same day. Fidel Tougounanje and Marie Imbassa, both very old, got tired and died as we fled.¹⁶³

In the village of Ngadja-Toko, where two people were killed and 76 homes were burned, a villager told Human Rights Watch about how they lost people in the surrounding woods. “Many babies and kids continue to die in the bush,” she said. “Three children died where we were hiding near the river. One of the children was just a baby. An old woman who was with us also died.”¹⁶⁴

Childbirth is also dangerous for women in the bush. In the village Balango II (see Section II), the chief told Human Rights Watch that five women had died delivering children, “In one other case a woman gave birth and she lived, but the baby died,” he said.¹⁶⁵

¹⁶⁰ Human Rights Watch interview with resident of Oumba, Oumba, June 15, 2015.

¹⁶¹ Human Rights Watch interview with resident of Danda I, Danda I, June 15, 2015.

¹⁶² Human Rights Watch interview with resident of Ganwa, Ganwa, June 15, 2015.

¹⁶³ Human Rights Watch interview with resident of Belegbe, Belegbe, June 15, 2015.

¹⁶⁴ Human Rights Watch interview with resident of Ngadja-Toko, Ngadja-Toko, June 15, 2015.

¹⁶⁵ Human Rights Watch interview with chief of Balango II, Balango II, June 18, 2015.

VII. Justice for Serious International Crimes

The Need for Justice

The conflict in the Central African Republic has been marked by near-total impunity for war crimes and crimes against humanity by various parties, leaving civilians across the country without justice for the many atrocities they have endured. Rather than facing justice, the perpetrators of atrocities are too often rewarded for their unlawful conduct with promotions, including in the government and army – what some refer to as “the impunity bonus” (*prime à l’impunité*). Various domestic and international efforts to ensure accountability are ongoing and their success will impact the prospects for peace, rule of law and long-term stability.

The National Judicial System

The new government inherited a broken justice system, unable to investigate and prosecute those responsible for grave crimes. The country officially has 170 magistrates, many of whom have not resumed their posts since 2013, and 113 lawyers, most of whom are based in Bangui. The level of professional training is low.¹⁶⁶ Several judges interviewed for this report noted that the judicial police lack training to investigate criminal cases when no confession is forthcoming.¹⁶⁷

The physical state of the country’s judicial system is disastrous. As the Seleka moved out of the northeast in December 2012, its fighters stripped regional courts of furniture and fixtures, burned or destroyed court documents and stole court vehicles. Today, judicial staff lack vehicles and basic office supplies. They are irregularly paid and payments outside of Bangui are not possible because the banking system has collapsed.¹⁶⁸

The detention system is also in shambles. While the country had 28 detention centers a few years ago, only four remain operational, two of which are in the capital. Some are severely

¹⁶⁶ Human Rights Watch interview with international legal expert, Bangui, June 13, 2016.

¹⁶⁷ Human Rights Watch interview with senior national prosecutor staff, Bangui, June 14, 2016.

¹⁶⁸ Human Rights Watch interview with international legal expert, Bangui, June 13, 2016.

overcrowded and detainees often stay in pre-trial custody beyond the proscribed legal limits and with little evidence to justify their ongoing detention. Mass escapes have occurred.¹⁶⁹

The national police lack the capacity to arrest suspects belonging to armed groups and, due to insecurity, some judges have stopped working at courts outside the capital.

Criminal trials are supposed to take place during special criminal sessions held in one of four appeals courts throughout the country.¹⁷⁰ No criminal trials were held between 2009 and 2014, demonstrating how the judicial system struggled before the Seleka coup.

To process cases, some prosecutors re-classify offences so they can be tried in civil courts, but the charges do not represent the gravity of the crimes and the punishments are less harsh. Despite this, the vast majority of cases remain untried: in a country marked by widespread sexual violence, there have been only three trials for rape since 2015.¹⁷¹

With the support of MINUSCA and the United Nations Development Programme (UNDP), one session of the criminal court was organized in 2015 in Bangui. A second criminal court session ran from August 26 to September 26, 2016, with 55 cases heard including charges such as murder, rape, pillage, conspiracy to commit a crime and illegal possession of weapons.¹⁷² While a start, these 55 cases will not begin to address the serious and widespread crimes that have been committed over the past three years.

MINUSCA and the UNDP, with support from the Netherlands, the United States and the European Union, is currently helping to bolster the national justice system. Funded activities include rebuilding the physical infrastructure, providing office equipment and facilitating trainings of judicial staff.¹⁷³

¹⁶⁹ “Central African Republic: New Spate of Senseless Deaths,” Human Rights Watch news release, October 22, 2015.

¹⁷⁰ The criminal session is the equivalent of a “*cour d’assises*” in the French system. Criminal courts are in Bangui, Bouar, and Bambari.

¹⁷¹ “Résultats des audiences de la Première Session Criminelle de la cour d’appel de Bangui tenue du 26 août au 26 septembre 2016”, copy of file with Human Rights Watch.

¹⁷² *Projet de role de la premiere session de la Cour criminelle de Bangui*, 2016, copy on file with Human Rights Watch.

¹⁷³ “Projet conjoint d’Appui à la Lutte Contre les Violations des Droits de l’Homme et à la Relance de la Justice en Centrafrique,” UNDP, UN Women and MINUSCA, Programme de Travail Annuel 2015, <https://info.undp.org/docs/pdc/Documents/CAF/PTA%20PROJET%20CONJOINT%20JUSTICE%202015%20sign%C3%A9-1.pdf>.

Justice versus Peace

In private discussions, some judges, government officials and diplomats from other countries working in the Central African Republic have expressed concerns that it is impossible to provide justice while armed groups remain active in the country. The new authorities should prioritize demobilization and disarmament for justice to be served, they say. In other words, they argue that prosecutions are obstacles to peace because the people who committed serious crimes will not stop fighting, or enter a peace deal, if they believe they may face criminal charges.¹⁷⁴

In the Central African Republic, however, deals that delayed—and ultimately failed to deliver—justice have not worked. In 2008, for instance, Bozizé signed an amnesty law for crimes committed during conflict between March 2003 and October 2008. During that period, the army and presidential guard committed serious and widespread violations against civilians in the north, including summary executions, unlawful killings and forced displacement.¹⁷⁵ As a result of the amnesty law, no security force member was ever brought to justice. The lack of accountability for crimes committed by government forces in the northeast, together with stark economic and social inequalities, contributed to a sense of frustration and anger that helped form the Seleka movement that overthrew Bozizé.¹⁷⁶

Impunity has also aggravated the current conflict. Both the Seleka and anti-balaka clearly feel they will pay no price for committing atrocities, and they have made targeting civilians a central part of their military operations. The lack of justice led further to reprisal attacks by one group against the other, intensifying the violence and widening the sectarian divide. A lawyer who works with victims of sexual violence explained it like this:

We say “no” to amnesties. For peace to truly come back in the Central African Republic, we need to fight against impunity. Otherwise we will go from revenge to revenge.¹⁷⁷

¹⁷⁴ Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 2009, https://www.hrw.org/sites/default/files/reports/ijo709webwcover_1.pdf, pp. 1-2.

¹⁷⁵ Human Rights Watch, *Central Africa Republic-State of Anarchy: Rebellion and Abuses Against Civilians*, September 2007, <https://www.hrw.org/report/2007/09/14/state-anarchy/rebellion-and-abuses-against-civilians>.

¹⁷⁶ Human Rights Watch, *I Can Still Smell the Dead*, p. 14.

¹⁷⁷ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016.

Trials would provide a measure of justice for the victims of serious crimes and send a strong signal that those who commit atrocities will be held to account. They would end the so-called “impunity bonus” – rewarding war criminals with positions in the government or security forces. “Today some people think that if they kill, they will win a position in the government,” a civil society activist said.¹⁷⁸

Rather than ending violence, rewarding abusive leaders can enable the conflict to persist or return.¹⁷⁹ As one civil society leader said:

It is not surprising that violence continues because the message is clear: you can kill without consequence. Criminals are protected by the government and civilians pay the price.¹⁸⁰

The results from the Bangui Forum make clear the Central African people’s strong desire to end impunity and to ensure that those responsible for grave crimes face justice. The key recommendations of the forum’s thematic group on justice and reconciliation were the creation of a national human rights commission; a commission on truth, justice, reparation and reconciliation; and the operationalization of the Special Criminal Court.¹⁸¹

In April 2017, the government met with representatives of 14 armed groups to discuss disarmament, the first such meeting since various parties had agreed to a Disarmament, Demobilization, Reinsertion and Repatriation (DDRR) program in 2015.¹⁸² Lambert Lissane, the political director of the FPRC argued that holding commanders accountable for past crimes contradicted the spirit of the talks.¹⁸³ Head of the UN’s disarmament process in the country, Jean-Marc Tafani, rejected the idea, saying that “people suspected of various crimes will be brought to justice.”¹⁸⁴

¹⁷⁸ Human Rights Watch interview with local civil society activist, Bangui, June 17, 2016.

¹⁷⁹ Human Rights Watch, *Selling Justice Short*, p. 5.

¹⁸⁰ Human Rights Watch interview with local civil society activist, Bangui, June 17, 2016.

¹⁸¹ “Report of the Secretary-General on the Situation in the Central African Republic”, UN Security Council, July 29, 2015, paras. 78-81, http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/576.

¹⁸² “Central African Republic Holds Unprecedented Disarmament Talks with Rebel Groups,” *Agence France-Presse*, April 23, 2017, <http://www.japantimes.co.jp/news/2017/04/23/world/central-african-republic-holds-unprecedented-disarmament-talks-rebel-groups/#.WQhjkvmGOUI> (accessed May 2, 2017).

¹⁸³ Human Rights Watch telephone interview with Lambert Lissane, May 5, 2017.

¹⁸⁴ “Central African Republic Holds Unprecedented Disarmament Talks with Rebel Groups,” *Agence France-Presse*.

On June 19, 2017, the government and 13 armed groups signed a peace accord that includes a ceasefire and political reform measures. The accord acknowledges the investigations and prosecutions of the ICC and SCC, and includes a “Truth, Justice and Reconciliation Commission” with a 12-month mandate that could lead to “traditional methods of forgiveness” and “leaders reassuming posts.”¹⁸⁵ Truth commissions can play an important role after a conflict, but should not replace prosecutions of serious crimes in fair and credible trials.¹⁸⁶

In public comments, the government has repeatedly stressed the need for justice. President Touadéra made the point himself at a donor conference in November 2016, saying “Reconciliation cannot be achieved at the cost of impunity.”¹⁸⁷

International Criminal Court

The crimes documented in this report, committed by Seleka and anti-balaka forces, are subject to the jurisdiction of the International Criminal Court (ICC).

The Central African Republic accepted the court’s authority in 2001 when it became a party to the Rome Statute. The ICC has jurisdiction over genocide, crimes against humanity and war crimes as of July 1, 2002, when the Rome Statute entered into force.¹⁸⁸

In December 2004, the Central African government referred the situation of grave crimes committed in the country during the political upheaval and Bozizé-lead coup in 2002 and 2003 to the ICC.¹⁸⁹ The Bangui Court of Appeals had ruled that domestic courts were unable to prosecute serious crimes effectively.¹⁹⁰ In 2007, the ICC prosecutor announced

¹⁸⁵ “Accord politique pour la paix en République Centrafricaine,” Entente de Sant’Egidio, June 19, 2017, <http://www.santegidio.org/pageID/1165/langID/fr/itemID/960/--Entente-de-Sant-Egidio---Accord-politique-pour-la-paix-en-Republique-Centrafricaine.html>.

¹⁸⁶ Lewis Mudge, “Justice Needed for Lasting Peace in Central African Republic,” Human Rights Watch dispatch, June 20, 2017.

¹⁸⁷ Speech by President Touadéra at a donor conference, Brussels, November 17, 2016. Notes on file with Human Rights Watch.

¹⁸⁸ Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, ratified by the Central African Republic on October 3, 2001, art. 5.

¹⁸⁹ “Prosecutor receives referral concerning Central African Republic,” ICC press release, ICC-OTP-20050107-86, January 7, 2005, <https://www.icc-cpi.int/Pages/item.aspx?name=otp+prosecutor+receives+referral+concerning+central+african+republic>.

¹⁹⁰ In April 2006, the Cour de Cassation, the country’s highest court, reaffirmed the inability of the domestic courts to investigate and prosecute grave international crimes committed in the country. International Federation of Human Rights (FIDH), “La Cour de Cassation confirme l’incapacité des tribunaux à enquêter sur les crimes graves. Le Procureur de la Cour

the opening of a formal investigation.¹⁹¹ The then-prosecutor also announced he would monitor more recent events in the north.¹⁹²

The ICC investigation led to one case against former vice-president of the Democratic Republic of Congo, Jean-Pierre Bemba Gombo. Forces from Bemba's Movement for the Liberation of the Congo (*Mouvement pour la Liberation du Congo*, MLC) were active in the Central African Republic in 2002 and 2003, acting at the behest of then-president Ange-Félix Patassé in repressing a coup attempt by Bozizé. Bemba was arrested in Belgium in 2008 and his trial began in 2010. On March 21, 2016, ICC judges found him guilty of war crimes and crimes against humanity for acts of rape, murder, and pillage on the basis that he bore command responsibility for the atrocities (see below). The judges ruled that measures taken by Bemba to stop the attacks and to discipline his troops were grossly inadequate given the scale and gravity of the crimes.¹⁹³ On June 21, 2016, the judges sentenced Bemba to 18 years in prison.¹⁹⁴

In May 2014, then-interim president Catherine Samba-Panza referred the situation in the Central African Republic since August 2012 to the ICC, inviting the prosecutor to investigate crimes within the jurisdiction of the Rome Statute. In September 2014, the prosecutor announced the opening of a second investigation in the Central African Republic.¹⁹⁵ The Office of the Prosecutor has deployed teams to investigate grave international crimes committed by the Seleka and the anti-balaka militia since August 2012. At the time of writing, the ICC had not announced any arrest warrants resulting from these investigations.

pénale internationale doit ouvrir une enquête sur la situation en RCA," April 13, 2006, <https://www.fidh.org/fr/themes/justice-internationale/La-Cour-de-Cassation-confirme-l>.

¹⁹¹ "Central African Republic: ICC Opens Investigation," Human Rights Watch news release, May 22, 2007, <https://www.hrw.org/legacy/english/docs/2007/05/22/carepu15980.htm>.

¹⁹² "Prosecutor opens investigation in the Central African Republic," ICC press release, ICC-OTP-20070522-220, May 22, 2007, <https://www.icc-cpi.int/Pages/item.aspx?name=prosecutor%20opens%20investigation%20in%20the%20central%20african%20republic>.

¹⁹³ Géraldine Mattioli-Zeltner, "Dispatches: High-Profile ICC Warning to Commanders on Rape," Human Rights Watch dispatch, March 21, 2016, <https://www.hrw.org/news/2016/03/21/dispatches-high-profile-icc-warning-commanders-rape>.

¹⁹⁴ In September 2016, Bemba's legal team filed an appeal. The prosecutor, who had sought a 25-year sentence, also indicated that her office would appeal the sentence.

¹⁹⁵ "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening a second investigation in the Central African Republic," ICC press release, ICC-OTP-20140924-PR1043, September 24, 2014, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1043>

Special Criminal Court

Given the logistical and financial limitations of the ICC, which will only be able to handle a small number of cases, and the weakness of the national judicial system, justice for war crimes and crimes against humanity in the Central African Republic requires a more robust response.

On June 3, 2015, Catherine Samba-Panza took a step towards that aim by promulgating a law that created a temporary Special Criminal Court (SCC)—a hybrid court that is based in the national system but with national and international personnel—to investigate and prosecute grave human rights abuses and violations of international humanitarian law committed in the country since 2003.

A Hybrid Court in the National System

While other hybrid courts and chambers have operated in Africa, such as the Special Court for Sierra Leone and Senegal’s Extraordinary Chambers, those institutions operated outside of the national justice system of the country where the atrocities occurred. The adoption of the law on the Special Criminal Court marks the first time that a sovereign African government has passed a law to create this type of court, consisting of national and international judges and prosecutors, embedded in its national judicial system.

The creation of the court was a positive step by the transitional government in the Central African Republic to end impunity for grave crimes, a key recommendation from the Bangui National Forum.

The drafting and legislative processes around the law took nine months. In August 2014, the transitional government signed a Memorandum of Understanding with MINUSCA that outlined the hybrid mechanism. The Central African government requested the participation of international staff to bolster the capacities of the national justice system and to protect the court’s independence.¹⁹⁶ On April 22, 2015, the country’s interim parliament, the National Transitional Council, adopted the law by a vast majority.

¹⁹⁶ Human Rights Watch interview with staff member at ministry of justice, Bangui, June 15, 2016.

The SCC is mandated to investigate and prosecute “grave violations of human rights and international humanitarian law committed on the territory of the Central African Republic since January 1, 2003, as defined by the Central African criminal code and under international law obligations of the Central African Republic, notably the crimes of genocide, crimes against humanity and war crimes.”¹⁹⁷ The provisions in the Central African criminal code track the language of international law and include crimes such as murder, summary executions, torture and sexual violence as crimes that may constitute crimes against humanity. They provide that war crimes are those set out in the 1949 Geneva conventions and international customary law.¹⁹⁸

The National Transitional Council tasked the new court with investigating not only crimes committed during the recent crisis, as had been proposed by the transitional government, but also those committed since January 1, 2003. The SCC has a mandate of five years, which can be renewed.¹⁹⁹

The crimes documented in this report, committed by Seleka and anti-balaka forces, are therefore subject to the jurisdiction of both the ICC and SCC.

The law establishing the SCC foresees that if the ICC and the SCC work on the same case, priority will go to the ICC.²⁰⁰ In terms of jurisdiction over ordinary national courts, the SCC is given primary, but not exclusive, jurisdiction, meaning that the SCC has priority to select cases but ordinary courts can still try remaining cases of grave international crimes, in accordance with Central African law.²⁰¹

In 2015 and 2016, MINUSCA and the Office of the United Nations High Commissioner for Human Rights conducted a mapping exercise to inventory serious violations of human rights and international humanitarian law committed in the Central African Republic since

¹⁹⁷ Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, art. 3, on file with Human Rights Watch.

¹⁹⁸ Code penal de la Republique Centrafricaine, 2010, articles 153 – 157.

¹⁹⁹ Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, art. 71, on file with Human Rights Watch.

²⁰⁰ Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, art. 37, on file with Human Rights Watch.

²⁰¹ Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, arts. 3 and 36, on file with Human Rights Watch.

January 1, 2003. The work of this mapping exercise will support the development of the Special Criminal Court's strategy. The mapping exercise was published on May 30, 2017.²⁰²

Applicable Legal Standards and Individual Responsibility

International humanitarian law (the laws of war) is binding on all parties to an armed conflict, including non-state armed groups such as the Seleka and anti-balaka.

International humanitarian law regulates the methods and means of armed conflict. A key principle is that all parties to a conflict must distinguish between combatants and civilians, or those no longer taking active part in hostilities. Acts of threats of violence whose primary purpose is to spread terror among the civilian population are prohibited. Attacks directed against civilian objects, such as homes and pillage, the forcible taking of private property, are also strictly prohibited.

Crimes against humanity are those crimes, including murder, torture, rape and other similarly grave offences, when committed as part of a widespread or systematic attack against any civilian population, with knowledge of that attack. "Widespread" refers to the scale of the acts or number of victims.²⁰³ A "systematic" attack indicates "a pattern or methodical plan."²⁰⁴

Under international law, individual criminal liability for the commission of war crimes and crimes against humanity may arise in several ways. An individual may be held responsible for attempting to commit such a crime, as well as assisting in, facilitating, and aiding and abetting an offense. Commanders and other superiors are criminally

²⁰² The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), "Report of the Mapping Project documenting serious violations of international human rights law and international law committed within the territory of the Central African Republic between January 2003 and December 2015," May 2017, http://www.ohchr.org/Documents/Countries/CF/Mapping2003-2015/2017CAR_Mapping_Report_EN.pdf.

²⁰³ *Akayesu* defined widespread as "massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims," *Prosecutor v. Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial Chamber I), September 2, 1998, para. 579; see also *Prosecutor v. Kordic and Cerkez*, ICTY, Case No. IT-92-14/2, Judgement (Trial Chamber III), February 26, 2001, para. 179; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgement (Trial Chamber II), May 21, 1999, para. 123.

²⁰⁴ *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgement (Trial Chamber), May 7, 1997, para. 648. In *Prosecutor v. Kunarac, Kovac and Vokovic* the Appeals Chamber stated that "patterns of crimes—that is non-accidental repetition of similar criminal conduct on a regular basis—are a common expression of [a] systematic occurrence." *Prosecutor v. Kunarac, Kovac and Vokovic*, ICTY, Case No. IT-96-23 and IT-96-23-1A, Judgement (Appeals Chamber), June 12, 2002, para. 94.

responsible for war crimes committed or attempted pursuant to their orders. Commanders and other superiors may also be criminally liable as a matter of “command responsibility” for crimes committed by their subordinates if they knew, or had reason to know, of such crimes and failed to prevent the crimes or to punish those responsible.

Article 28 of the Rome Statute, the founding statute of the International Criminal Court, sets out the principle of “command responsibility,” providing that for purposes of prosecution before it, a commander may be held criminally responsible for crimes within its jurisdiction if, among other aspects, the crimes concerned fell within the effective responsibility and control of the commander.²⁰⁵

²⁰⁵ Rome Statute of the International Criminal Court, art. 28.

VIII. Challenges and Promise of the Special Criminal Court

Slow Progress and Challenges

Since the promulgation of the SCC law in June 2015, progress toward its establishment has been slow, although momentum increased in the first half of 2017, especially with the appointment of a chief prosecutor and judges. The long-term funding of the court also remains a significant challenge.

At first, the transitional government was occupied by renewed fighting in Bangui (in September 2015) and organizing national elections that were eventually held in late 2015 and early 2016. Since then, an ongoing challenge has been the country's limited number of experts to conduct the complex legal, financial and bureaucratic tasks that the court requires, including negotiations with the UN.²⁰⁶

The delays diminished the initial enthusiasm and support of some of the court's most ardent backers. Civil society activists and lawyers who urged adoption of the law expressed frustration at the slow pace. "The population is getting desperate that there will be neither a Special Criminal Court nor indeed any justice at all," one Central African lawyer told Human Rights Watch in mid-2016.²⁰⁷

President Touadéra and his government have publicly committed to the prompt operationalization of the SCC.²⁰⁸ "The fight against impunity is key for this government," Minister of Justice Flavien Mbata told Human Rights Watch in June 2016. "Justice is at the heart and the government wants to make it a priority.... We want to act fast and to do it well."²⁰⁹

At the same time, several national and international experts working on the SCC interpreted delays in 2016 as an indication that justice may not be the president's priority. One UN official involved in the establishment of the court said:

²⁰⁶ Human Rights Watch interview with transitional government staff, Bangui, June 13, 2016. Human Rights Watch interview with senior national prosecutor staff, Bangui, June 14, 2016.

²⁰⁷ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016.

²⁰⁸ Speech by Prime Minister Simplicie Mathieu Sarandji, June 7, 2016, copy on file with Human Rights Watch.

²⁰⁹ Human Rights Watch interview with Flavien Mbata, Bangui, June 14, 2016.

The new government is saying the right things [on the Special Criminal Court] in public speeches. But the president insists much more on security and reconciliation than justice. I think it will be difficult. The government is still weak and there will be pressure against the Special Criminal Court coming from the parliament and armed groups.²¹⁰

The government and UN took a significant step forward on August 26, 2016, when they signed the project document for the SCC, which outlines the stakeholders' tasks and responsibilities.²¹¹ Six months later, on February 15, 2017, President Touadéra appointed the court's chief prosecutor, Toussaint Muntazini Mukimapa, the former attorney general of the armed forces of the Democratic Republic of Congo.²¹² While the process to select the chief prosecutor took a long time, it was also widely perceived to be fair and transparent, with external partners observing all discussions.²¹³ This marks a change in how magistrates are selected and demonstrates some of the positive impact the SCC could have on the domestic judicial system.

On April 11, Minister of Justice Mbata announced the appointment of two international judges, followed on May 5 by the appointment of five national judges. On June 6, President Touadéra appointed a deputy international prosecutor.²¹⁴

At time of writing, another three international posts—two judges and the deputy registrar—still needed to be filled for the court to begin its work, although recruitment for some of these posts had advanced.²¹⁵

²¹⁰ Human Rights Watch interview with UN staff member, Bangui, June 13, 2016.

²¹¹ "Signature d'un accord relatif à l'opérationnalisation de la Cour Pénale Spéciale de la RCA," MINUSCA news release, August 26, 2016, <https://minusca.unmissions.org/signature-d%E2%80%99un-accord-relatif-%C3%A0-lop%C3%A9rationnalisation-de-la-cour-p%C3%A9nale-sp%C3%A9ciale-de-la-rca> (accessed May 19, 2017).

²¹² Lewis Mudge, "Dispatches: A Step Towards Justice in the Central African Republic," Human Rights Watch dispatch, February 21, 2017, <https://www.hrw.org/news/2017/02/21/step-toward-justice-central-african-republic>.

²¹³ Human Rights Watch telephone interview with UN staff member, Bangui, May 22, 2017.

²¹⁴ "Deux nouveaux magistrats pour siéger à la cour pénale spéciale pour la Centrafrique," MINUSCA news release, April 13, 2017, <https://minusca.unmissions.org/deux-nouveaux-magistrats-pour-si%C3%A9ger-%C3%A0-la-cour-p%C3%A9nale-sp%C3%A9ciale-pour-la-centrafrique>; Judicael Yongo, "Centrafrique: Cinq magistrats nationaux nommés pour siéger à la Cour Pénale Spéciale," Réseau des journalistes pour les droits de l'homme, May 8, 2017, <http://linkis.com/rjdh.org/centrafriqu/RjXcD>; "Centrafrique : Le Substitut international nommé pour siéger à la Cour Pénale Spéciale," Réseau des journalistes pour les droits de l'homme, June 10, 2017, <http://rjdh.org/centrafrique-substitut-international-nomme-sieger-a-cour-penale-speciale/>.

²¹⁵ Human Rights Watch interview with UN staff member, May 9, 2017; Human Rights Watch telephone interview with UN staff member, May 19, 2017; Human Rights Watch email correspondence with diplomat, June 12, 2017.

The process to appoint the SCC's judicial police also has faced significant delays. As of writing, recruitment was ongoing, which hopefully will pave the way for the efficient appointment of the needed officers.²¹⁶ Abusive practices by some police, including the killing of civilians, have continued under both the transitional and the new government.²¹⁷ As such, a proper vetting of judicial police to ensure none assigned to the SCC are implicated in serious human rights abuse will be critical.

In a welcome initiative, MINUSCA has held several briefings for civil society on the court, including with national magistrates.²¹⁸ The ministry of justice, with UN support, should continue this approach by providing regular information to media, civil society activists and national judicial officials about the court's mandate and work. An international expert on outreach has also been appointed to support the court. Given that the national justice system does not have a practice of reaching out to the public about its operations, the expert can help ensure that the SCC's work resonates with the communities most affected by the crimes.

In order to ensure prosecutions of all those accused of crimes, parliament should expressly lift parliamentary immunity for any suspects of crimes under the SCC's mandate. The law establishing the Special Criminal Court provides that the law applies equally to all persons, and Central African criminal code provides that there should be no immunity for grave crimes, although the constitution also has a provision that allows parliamentary immunity.²¹⁹ A former member of the National Transitional Council cited the election to parliament of anti-balaka leaders as a risk, noting that they could block the court by opposing the adoption of its budget or resisting the lifting of parliamentary immunities of possible suspects. He said:

²¹⁶ Human Rights Watch telephone interview with UN staff member, May 19, 2017; Human Rights Watch interview with UN staff member, New York, May 9, 2017.

²¹⁷ "Central African Republic: Police Unit Kills 18 in Cold Blood," Human Rights Watch news release, June 27, 2016.

²¹⁸ Human Rights Watch email correspondence with MINUSCA staff, July 26, 2016. Human Rights Watch telephone discussion with UN staff member, May 19, 2017.

²¹⁹ Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, art. 56, on file with Human Rights Watch; Constitution of the Central African Republic, art. 67, on file with Human Rights Watch; Code penal de la Republique Centrafricaine, 2010, Article 162, on file with Human Rights Watch; Amnesty International, *The Long Wait for Justice, Accountability in the Central African Republic*, January 11, 2017, <https://www.amnesty.org/en/documents/afr19/5425/2017/en/>, p. 41 or Labunda; Patryk, "The Special Criminal Court in the Central Africa Republic: Failure or Vindication of Complementarity," *Journal for International Justice*, 2017, 15 (1), pp. 195-199.

One of my key concerns with the new parliament is that they won't lift immunities for anti-balaka who have been elected as parliamentarians. Rombhot, for example, is a problem. For immunities to be lifted, the court will need to be strong, otherwise these individuals will intimidate other parliamentarians. The parliament has become a nursery for war criminals.²²⁰

Realizing the Court's Potential

In light of the challenges facing the SCC, Central African and international officials and institutions should take a number of steps so that the court can promptly function.

National Leadership

Several national and international observers have noted that the Central African authorities should show greater ownership of the SCC.²²¹ “The government should take the lead, it is a national court,” a former staff member of the interim government said in 2016. “We need to be the ones drafting the budget of the court and other documents and putting them to the international community for discussion, not the other way around.”²²²

One way for the government to demonstrate leadership and to ensure more efficient progress would be for the president to designate a point person in his cabinet who will handle matters related to the court, while respecting the court's judicial independence. To facilitate coordination, the ministry of justice and MINUSCA also should create a steering committee made up of high-level representatives who meet regularly to monitor progress and to address delays, and can work in conjunction with committees established to handle specific tasks, such as the recruitment of particular posts.

Lessons learned from other hybrid justice mechanisms, particularly those with UN involvement, show that clear rules for UN engagement with the SCC should be defined early on, including the possibility of withdrawing support, a decision that would be taken

²²⁰ Human Rights Watch interview with former member of the national transitional council, Bangui, June 14, 2016.

²²¹ Human Rights Watch interview with international legal expert, Bangui, June 13, 2016. Human Rights Watch interview with UN staff member, Bangui, June 13, 2016.

²²² Human Rights Watch interview with transitional government staff, Bangui, June 13, 2016.

by the UN Security Council, if the national authorities are seeking to interfere in the court's work or its independence.

Competent and Independent Staff

The national and international judges and personnel working at the SCC need to be experienced, professional and independent. All recruited experts should speak French and be familiar with the civil law system, on which the Central African judiciary system is based. Judges should have expertise in gathering evidence and prosecuting grave international crimes. International staff should also have demonstrated expertise in effectively dealing with vulnerable victims, including victims of sexual violence and children.

Experience has shown that the deployment of international staff who lack experience in investigating international crimes can be counterproductive, if not damaging, squandering time and resources.²²³ Moreover, international staff without the requisite expertise may be seen by their national counterparts as lacking legitimacy, which can complicate the collaborative work.

For both local and international staff, a high degree of integrity and independence is essential to ensure that court staff, victims and witnesses are protected, and that investigations and trials remain above the interests of political or criminal actors. Ethnic diversity among national staff—along with religious and gender diversity to the greatest extent possible—will also be important to promote the impartiality of the SCC's work, and perceptions thereof.

Some national judicial officials have expressed concern that the court will deplete the national judiciary of its best personnel, and that international attention and financial support would flow to the Special Criminal Court, with no benefit to the country's struggling courts.²²⁴ This concern underscores the importance of promoting the SCC's positive long-term impact at the national level. If that goal remains on the agenda for the SCC among international and national stakeholders, the SCC could play an important role in developing the domestic judicial system.

²²³ Human Rights Watch, *Justice on Trial: Lessons from the Minova Rape Case in the Democratic Republic of Congo*, October 2015, <https://www.hrw.org/report/2015/10/01/justice-trial/lessons-minova-rape-case-democratic-republic-congo>, p. 29.

²²⁴ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016.

A UN staff member involved in the process told Human Rights Watch that assistance to the SCC has and will continue to benefit the wider justice system.²²⁵ For example, a witness protection strategy under development by international consultants will apply to the justice system overall. Trainings for SCC staff are also being made available to justice sector professionals not working for the SCC. Such efforts are valuable and should be continued, in addition to the regular informal exchange of expertise that will occur between international and Central African staff working at the SCC.

Effective Protection and Investigative Capacity

National judicial staff, human rights activists and lawyers who work with victims have stressed that the SCC will need robust security and protection mechanisms to conduct its work. The Central African Republic currently has no functioning witness protection program and, even if it did, protecting witnesses and their families and/or communities from reprisals presents a major challenge for the success of the court.

The safety of victims and witnesses is a particular concern. No victims participated in the UN-assisted 2015 criminal session in Bangui, either as witnesses or civil parties, in part out of security concerns, and very few participated in the 2016 session.²²⁶ In the 2016 criminal session, four witnesses participated as civil parties. Of the four, only one was a witness in a conflict related case involving accusations of associating with criminals. A lawyer who assists victims of sexual violence explained:

Some women have been threatened. We went to discuss these threats with the prosecutor but he told us that the magistrates themselves have no security. The Special Criminal Court is critically important. It is our concern that it is set-up as soon as possible. The perpetrators are still around. They are walking free and the victims are too scared to denounce them.²²⁷

Judges have also told Human Rights Watch how they fear for their safety. Given the especially precarious security situation outside of Bangui, some investigations simply could not happen without adequate security arrangements.

²²⁵ Human Rights Watch telephone interview with UN staff member, May 19, 2017.

²²⁶ Amnesty International, *The Long Wait for Justice, Accountability in the Central African Republic*, p. 7.

²²⁷ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016.

MINUSCA is mandated to assist the SCC through security of its personnel and facilities protection.²²⁸ The mission is providing security to Special Criminal Court officials appointed thus far, who are working in a temporary office, and MINUSCA staff indicated that security for court personnel will be handled by dedicated MINUSCA and Central African police in joint units.²²⁹

At time of writing, MINUSCA was developing a protection strategy for both the standard justice system and the SCC, as referenced above.²³⁰ Due to the lack of resources and capacity at the national level, MINUSCA assistance to protect court staff, victims and witnesses is critical. Towards that aim, the deployment of MINUSCA staff who are dedicated to court-related protection and security will be needed on an on-going basis.

Investigations for the SCC will be conducted by national judicial police under the direction of the special prosecutor. Given that investigations of grave crimes can be highly complex, these staff members can be expected to need training and support. MINUSCA is well-placed under the terms of its mandate to assist the SCC's police in bolstering their investigative skills and offering assistance to promote effective investigations.²³¹

Steady Financial Support

The Central African Republic is one of the poorest nations in the world and cannot be expected to make significant financial contributions to the budget of the Special Criminal Court. However, articles 52 and 53 of the law on the court stipulate that the national authorities provide and finance a building to host the SCC and the national government is paying the salaries of national SCC personnel. At the same time, “the budget of the Special Criminal Court is funded by the international community, notably through voluntary contributions, including from MINUSCA or any other mission.”²³²

²²⁸ The UN Security Council passed Resolution 2301 in July 2016. United Nations Security Council, Resolution 2301 (2016), SC/12462, section 34 (d) paras. vi, vii, and viii.

²²⁹ Human Rights Watch interview with UN staff member, New York, June 15, 2017.

²³⁰ Human Rights Watch interview with UN staff member, Bangui, June 13, 2016. Human Rights Watch email correspondence with consultant, August 9 2016. Human Rights Watch interview with UN staff member, Bangui, April 3, 2017. Human Rights Watch interview with UN staff member, New York, May 9, 2017.

²³¹ United Nations Security Council, Resolution 2301 (2016), SC/12462, section 34 (d) para. vii.

²³² Loi Organique N° 15.003, portant creation, organization et fonctionnement de la cour penale special, art. 53, on file with Human Rights Watch.

At time of writing, the government and UN had not yet collected sufficient funding for the first 14 months of the SCC's establishment: The joint MINUSCA-UNDP project in support of the SCC was short \$1.8 million from a total budget of approximately \$7 million.²³³ MINUSCA provides more than half of the funding. Despite these important contributions, the longer term financial sustainability of the court remains in doubt.

One UN staff member in Bangui indicated that it may be difficult to find sufficient funding for the first five years of the court. The establishment of the court in phases, as opposed to trying to fully fund the court at the outset, has helped to mitigate this difficulty as it will reduce costs. However, out of the approximately \$37 million that the court is expected to cost over the five years of its mandate, \$32 million is yet to be pledged.²³⁴

The Reference Group of Member States for the SCC is a body that meets periodically in New York and is comprised of the court's donors and other interested states, UN partners, and Central African representatives.²³⁵ Chaired by Morocco, this group could serve as a useful forum to assist the court in mobilizing needed resources.

Several judicial officials interviewed by Human Rights Watch expressed concern about possible inequalities in the compensation of national and international magistrates. At the time of writing, the national authorities and UN agencies had worked out a compromise to avoid gross inequalities in the treatment of national and international magistrates. International magistrates will be seconded by third countries and all magistrates will receive their regular national salary, paid by their country of origin.

²³³ Human Rights Watch interview with UN staff member, Bangui, April 4, 2017.

²³⁴ Human Rights Watch interview with UN staff member, Bangui, June 13, 2016. Human Rights Watch telephone interview with UN staff member, Bangui, May 22, 2017.

²³⁵ Human Rights Watch telephone discussion with diplomat, June 5, 2017. "Justice and Corrections Update," Justice and Corrections Service, UN Department of Peacekeeping Operations," May 2017, http://www.un.org/en/peacekeeping/publications/Justice-and-Corrections_Update-May2017.pdf.

IX. Recommendations

To the Government

- Respect the independence of the special prosecutor of the Special Criminal Court, other magistrates and court staff, while providing support to their work;
- Designate a point person in the president's cabinet who will handle matters related to the Special Criminal Court;
- Establish with the United Nations, a new body with a mandate to oversee the prompt operationalization of the Special Criminal Court, that will work in conjunction with committees that are established for specific purposes, such as recruitments;
- Ensure that all international staff recruited for the Special Criminal Court fulfill the requirements of the terms of reference for the post, including that they speak French and are familiar with the civil law system;
- When selecting national magistrates, police and staff, ensure diversity amongst ethnic and religious groups and gender balance to the greatest extent possible;
- Expedite the recruitment of judicial police and ensure they are vetted so no one assigned to the Special Criminal Court is implicated in serious human rights abuses and that they are under the direct and sole authority of the Special Criminal Court;
- With assistance from the United Nations, construct a detention facility that can safely house individuals accused by the Special Criminal Court;
- Continue to provide full cooperation and unhindered access to International Criminal Court investigators and others documenting human rights abuses by all parties to the conflict;
- Provide regular information on the Special Criminal Court to media, civil society activists, national judicial officials, and the general public about the court's mandate and work;
- With assistance from the United Nations, develop a strategy to create an effective witness protection program for the Central African justice system;
- Expedite the allocation of suitable office space and premises for the SCC.
- With assistance from the United Nations, develop a strategy for civilian protection;

- With assistance from the United Nations and international partners, develop a comprehensive, multi-pronged disarmament strategy for armed groups, including the Seleka and anti-balaka;
- Conduct impartial and credible investigations into collusion and cooperation given by members of the national army to anti-balaka groups. Discipline or prosecute as appropriate those responsible, regardless of rank or position;
- Ensure that Seleka and anti-balaka fighters found responsible for human rights abuses and war crimes are not reintegrated into or absorbed into government institutions, including the national army, police, and gendarmerie;
- Give humanitarian aid organizations full access to populations needing assistance.

To President Touadéra

- Designate a point person in charge of matters related to the Special Criminal Court to the cabinet.

To the National Parliament

- Lift immunities for prosecutions of members accused of crimes falling within the mandate of the Special Criminal Court.

To the Seleka and Anti-Balaka Leadership

- Immediately cease all attacks on civilians and take necessary measures to ensure that Seleka and anti-balaka forces do not commit further human rights abuses and violations of the laws of war;
- Create measures to deter and punish members of your forces who commit human rights abuses;
- Cooperate with all investigations and prosecutions by domestic and international bodies of Seleka and anti-balaka members suspected of having committed human rights abuses;
- Put in place measures to prevent harassment or intimidation by Seleka or anti-balaka members of any potential witnesses in future investigations by either the International Criminal Court, the Special Criminal Court or other national investigations;

- Ensure unimpeded access by humanitarian aid organizations to all populations in need of assistance.

To the UN Mission in the Central African Republic (MINUSCA)

- Increase technical and logistical support to the Special Criminal Court to ensure its prompt operationalization and effective investigations and prosecutions;
- Ensure that all international experts recruited for the Special Criminal Court fulfill the requirements of the terms of reference for the post, including that they speak French and are familiar with the civil law system;
- Bolster training and funding to police, prosecutors, judges, and courts;
- Offer investigative assistance to the national government in its efforts to seek accountability for crimes committed by armed groups, including the judicial police working at the Special Criminal Court;
- Incorporate witness and victim protection, and security into ongoing support for judicial institutions, especially for sensitive cases before the Special Criminal Court and other courts in which witnesses or victims could be threatened or killed;
- Continue to support effective outreach to the local population about the Special Criminal Court;
- Ensure that any future peace agreement(s) does not include amnesty for alleged perpetrators of serious crimes and supports fair, credible trials of these crimes in accordance with international standards;
- Deploy civilian teams, including protection specialists, to areas where civilians are most at risk to build confidence with the local population and authorities. These areas may often be outside main towns in turbulent parts of the country;
- Attempt to improve relations with local communities by increasing patrols with language assistance and community liaison officers and helping civilians safely bring complaints of abuses to the mission;
- Work with officials from the government to arrest Seleka and anti-balaka leaders who have committed serious crimes;
- Ensure that the disarmament, demobilization and reintegration (DDR) program has adequate human and other resources and the support needed from other components of MINUSCA to carry out its tasks;

- Ensure that human rights officers investigate all credible allegations of abuse and assist victims of abuse to lodge complaints with relevant officials. Provide timely, public reporting on human rights abuses across the country;
- Ensure that troops are appropriately equipped and supported and, consistent with their mandate, use force when needed to protect civilians under imminent threat by Seleka or anti-balaka fighters.

To the United Nations Security Council

- Continue to explicitly include support to the Special Criminal Court as a core part of MINUSCA's mandate;
- Closely follow MINUSCA support and monitoring of the Special Criminal Court and other transitional government efforts to pursue justice with the aim of prosecuting those responsible for abuses in line with international fair trial standards;
- Ensure there is a significant human rights component in potential security sector reform programs, including the creation of a vetting mechanism.

To MINUSCA Troop-Contributing Countries

- Ensure that troops are appropriately equipped and supported and, consistent with MINUSCA's mandate, are ready within their capacity and area of deployment to use military force to protect civilians under threat of harm from armed actors.

To the French Military

- Ensure that French peacekeepers who remained after the drawdown of "Operation Sangaris" are available to provide assistance to national and international forces when needed.

To International Donors

- Provide additional political and financial support for the Special Criminal Court to fulfill its mandate, including the prompt allocation of a functional premises and other efforts to re-establish the national judicial system;
- Utilize the Reference Group of Member States for the Special Criminal Court as a forum to assist the court in mobilizing adequate resources.

- Incorporate training on human rights protection in any security sector reform programs that may be funded and create vetting mechanisms to ensure that members of the Seleka, anti-balaka or national army responsible for serious human rights abuses or war crimes are not reintegrated into the national army or given other official positions within the government;
- Ensure that any future peace agreement(s) does not include amnesty for alleged perpetrators of serious crimes and supports fair, credible trials of these crimes in accordance with international standards;
- Maintain the UN Security Council arms embargo until the government conducts impartial and credible investigations into national army members having colluded and cooperated with anti-balaka groups, and takes appropriate disciplinary measures. Support targeted sanctions against individuals responsible for violating the embargo or serious violations of international humanitarian law.

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Annex I: Attacks by Seleka UPC

November 2014–March 2017

Ouaka Province

The information in these tables is based on eyewitness accounts— information from family members, local leaders, and testimony from those who helped to bury the dead— collected by Human Rights Watch during research in Ouaka province. In many of these cases, the victims have been identified by name, and this information is on file at Human Rights Watch.

The dates of attacks are sometimes imprecise given people’s unclear recollections of the precise day that an attack took place.

This information does not include all of those killed during this time period. Human Rights Watch received credible information about additional civilian deaths that we were not able to verify and security prevented visits to some areas affected by fighting.

Bianga–Kouango Area, Ouaka province			
Date	Village	Number of civilians killed	Number of homes burned
January 2015	Goffo	5	0
January 2015	Betta	1	0
January/February 2015	Ngao	Unknown	14
January/February 2015	Rendekouzou	Unknown	71
January/February 2015	Djinda Bouda	5	122
January/February 2015	Bolo Gbada	6	104
February, 2015	Kama	0	8
December, 2014	Ferme Sokombi	0	10
November, 2014	Gousse II	0	8
December, 2014	Gousee I	3	67
December 7, 2014	Oumba	5	156
November 19, 2014	Gbaka	0	74
December 2014	Ganwa	9	72
December 2014	Danda I	7	111

December 2014	Ngbada	27	57
December 2014	Danda II	2	15
December 2014	Danda III	Unknown	37
December 2014	Komba	5	25
December 2014	Belegbe	0	45
November 2014	Ngadaja-Toko	5	76
December 2014	Keja II	6	37
November 2014	Agarapao	0	12
November 2014	Chendia II	2	51
November 2014	Chendia I	0	66
November 2014	Kolepa	3	45
November 2014	Kawada	0	7
November 2014	Keja I	Unknown	55
Total		91	1,345

Ndoro–Lepca Area, Ouaka province			
Date	Village	Number of civilians killed	Number of homes burned
August to November 2014	Ndoro	8	118
November 10, 2014	Bolo	15	22
November 13, 2014	Pecaf	2	78
November 10 – November 12, 2014	Balango I	11	0
November 2014	Balango II	4	38
November 2014	Borla I	2	49
November 2014	Bormou	3	57
November 2014	Singa	7	44
November 2014	Roda	Unknown	43
November 10, 2014	Lao Degourou	1	33
November 2014	Kojo I	0	80
November 2014	Gbama	1	25
November 2014	Agoubissi	9	102
November 2014	Bama	3	

Total	66	689
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Ngakobo–Boykotta Area, Ouaka province			
Date	Village	Number of civilians killed	Number of homes burned
January 2015	Boykotta	5	Unknown
December 7, 2014	Kanga	16	Unknown
March 2015	Baraga	4	Unknown
February 2015	Kossamba	1	Unknown
February 2015	Romamanja	2	Unknown
December 3, 2015	Ngakobo Displacement Camp	8	0
Total		36	0

Bakala and Yassine, Ouaka province			
Date	Village	Number of civilians killed	Number of homes burned
December 12, 2016	Bakala	32	12
January 2017	Mourouba	3	0
March 21, 2017	Yassine	18	Burned
Total		53	12

TOTAL CIVILIANS KILLED BY SELEKA UPC November 2014–March 2017	246
TOTAL HOMES BURNED BY SELEKA UPC November 2014–March 2017	2,046

Annex II: Attacks by Seleka FPRC

December 2014–October 2016

Nana-Grébizi and Ouham Province

The information in these tables is based on eyewitness accounts— information from family members, local leaders, and testimony from those who helped to bury the dead— collected by Human Rights Watch during research in the Nana-Grébizi and Ouham provinces.²³⁶ In many of these cases, the victims have been identified by name and this information is on file at Human Rights Watch.

The dates of attacks are sometimes imprecise given people's unclear recollections of the precise day that an attack took place.

This information does not include all of those killed during this time period. Human Rights Watch received credible information about additional civilian deaths that we were not able to verify and security prevented visits to some areas affected by fighting.

Bouca–Marzé Area, Ouham province			
Date	Village	Number of civilians killed	Number of houses burned
May-July 2015	Marzé	2	114
May 16, 2015	Boya I	8	96
May 1, 2015	Boya I	4	Unknown
May 2015	Bozakon	1	Unknown
Total		15	210

Kaga Bandoro–Botto III Area, Nana-Grébizi province			
Date	Village	Number of civilians killed	Number of houses burned
February 13, 2015	Botto III	8	0

²³⁶ In some instances, victims and witnesses interviewed by Human Rights Watch found it difficult to distinguish between Peuhl fighters and Seleka. In the cases here, some victims and witnesses said they saw Seleka fighters in uniform. Cases in which villages were attacked only by Peuhl fighters have been omitted.

February 13, 2015	Botto II	0	12
February 13, 2015	Botto I	4	32
February 13, 2015	Mba	4	0
February 13, 2015	Bolafe	0	19
February 13, 2015	Beguete I	5	13
February 13, 2015	Koudouéssé	2	0
February 13, 2015	Zefio	0	50
May 2015	Zefio	1	0
Total		24	126

Batangafo Area, Ouham province ²³⁷			
Date	Village	Number of civilians killed	Number of houses burned
January 2015	Bolombe	1	Burned
December 29, 2014	Tounda	2	12
December 29, 2014	Bougila	2	Burned
December 27, 2014	Bada	6	Burned
December 27, 2014	Bizanga	0	10
January 15, 2015	Bogoro	5	Burned
January 15, 2015	Badene I	4	Burned
January 15, 2015	Bobafiyo	1	Burned
January 15, 2015	Kadi	1	Burned
January 15, 2015	Bowanben	0	Burned
January 15, 2015	Katanga	0	Burned
January 15, 2015	Bogoro	2	Burned
January 15, 2015	Banda	0	Burned
February 6, 2015	Boulom I	9	31
February 6, 2015	Garo	4	40
February 6, 2015	Boyo	2	48
December 29. 2014	Boguia	2	34

²³⁷ In some instances, victims and witnesses were able to confirm to Human Rights Watch that homes in villages had been burned by Seleka and Peuhl fighters. However, despite attempts, Human Rights Watch was not able to indicate a number of houses that were destroyed. In such cases, the houses are indicated as “burned” and do not fit into a final tally.

December 29, 2014	Boudia	1	Burned
December 29, 2014	Boumia	1	35
December 29, 2014	Gbanto	1	5
January 10, 2015	Ngbada	7	253
Total		51	468

Kaga-Bandoro–Mbrès Area, Nana-Grébizi province			
Date	Village	Number of civilians killed	Number of houses burned
March 2015	Banziti	5	48
March 17, 2015	Domodo	11	0
March 2015	Kpakaga	5	0
March 17, 2015	Dere	2	0
February 13, 2015	Botto I	1	0
February 13, 2015	Boguéné	1	0
April 3, 2015	Banjite	4	0
March 17, 2015	Kpakaga	4	0
March 17, 2015	Kasai	2	0
March 4, 2015	Kasai	1	0
March 17, 2015	Ndenga	5	0
March 20, 2015	Chutte Nana	1	0
March 4, 2015	Ndomete	2	0
December 16, 2014	Mbrès	29	107
March 2015	Kanda	8	0
March 25, 2015	Ngimale	5	0
April 2, 2015	Maorka	6	0
October 12, 2016 ²³⁸	Kaga-Bandoro	37	610
Total		129	765

²³⁸ The October 12, 2016 attack on Kaga-Bandoro was carried out by Seleka fighters from the FPRC and the MPC.

TOTAL CIVILIANS KILLED BY SELEKA FPRC December 2014–October 2016	219
TOTAL HOMES BURNED BY SELEKA FPRC December 2014–October 2016	1,569

Appendix III: Attacks by Anti-Balaka

September 2014–February 2017
Nana-Grébizi and Ouaka Provinces

The information in these tables is based on eyewitness accounts— information from family members, local leaders, and testimony from those who helped to bury the dead— collected by Human Rights Watch during research in the Nana-Grébizi and Ouaka provinces. In many of these cases, the victims have been identified by name and this information is on file at Human Rights Watch.

The dates of attacks are sometimes imprecise given people's unclear recollections of the precise day that an attack took place.

This information does not include all of those killed during this time period. Human Rights Watch received credible information about additional civilian deaths that we were not able to verify and security prevented visits to some areas affected by fighting.

Nana Grébizi province			
Date	Village	Number of civilians killed	Number of houses burned
January 2015	Senga	4	0
Late March 2015	Outside Kaga-Bandoro	14	-
March 5, 2015	Kako	1	0
September 23, 2014	Mpanta	11	0
Total		30	0

Ouaka province			
Date	Village	Number of civilians killed	Number of houses burned
November 25, 2014	Ngbina	28	47
November 25, 2014	Kolo	4	55
November 25, 2014	Ndaba	Unknown	38
November 25, 2014	Finis Kodro	Unknown	28

November 25, 2014	Gbanofia	Unknown	130
November 25, 2014	Kounda	Unknown	67
November 25, 2014	Mono I	Unknown	49
November 25, 2014	Mono II	Unknown	30
November 25, 2014	Gbaolourou	Unknown	22
November 25, 2014	Toko Ippy	Unknown	17
November 25, 2014	Bolo II	1	15
February 2015	Sabengoude	5	Unknown
February 2015	Varra	Unknown	35
February 2015	Mongolo	Unknown	59
November 30, 2015	Gara-Bourouma	3	Unknown
February 2017	Ndoussoumba	16	0
Total		47	592

TOTAL CIVILIANS KILLED BY ANTI-BALAKA September 2014–February 2017	87
TOTAL HOMES BURNED BY ANTI-BALAKA September 2014–February 2017	592



KILLING WITHOUT CONSEQUENCE

War Crimes, Crimes Against Humanity and the Special Criminal Court in the Central African Republic

This report documents extensive war crimes committed by Seleka and anti-balaka forces in the central regions of the Central African Republic. Based on hundreds of interviews with victims and witnesses, it presents a litany of grave crimes against civilians for which no fighters or commanders have been held to account.

To confront these and other abuses, the report argues for the prompt operationalization of the new Special Criminal Court, a hybrid body with national and international prosecutors and judges to prosecute grave violations since 2003. Together with the International Criminal Court, which has jurisdiction and ongoing investigations in the country, the court offers a unique opportunity to break the country's legacy of impunity. Its success, however, depends on sustained financial, political, and logistical support from the government and its international partners.

(above) The Ndassima gold mine in 2015, where competing Seleka factions began fighting in early 2017.

(front cover) Residents of Marzé outside their burned home. Seleka and Peuhl fighters attacked the town in the Ouham province in July 2015.

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