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CENTRAL AFRICAN REPUBLIC: “THEY MUST ALL LEAVE OR DIE”

INVESTIGATIVE REPORT

Answering war crimes
with crimes against humanity



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Executive Summary

The Central African Republic (CAR) is a country divided in two: the east and the north are occupied by the Seleka rebel coalition¹ and the west is in the hands of anti-balaka militia.² The anti-balaka continue to encourage politico-religious cleansing through the elimination of mainly Muslim groups, despite the deployment of nearly 8,000 African Union (AFISM – CAR) troops and French soldiers constituting the *Opération Sangaris* force.

Since the anti-balaka's attack on Bangui on 5 December 2013, fighting between Seleka and anti-balaka elements has occasioned over 2,000 deaths throughout the country. Over the last year, violence and instability have forced close to a million people to take refuge in rural areas or in Bangui, where some 273,000 people have settled in 66 different locations. Close to 288,000 people have taken refuge in the neighbouring countries of Cameroon, Chad, the Democratic Republic of Congo (DRC) and the Republic of Congo.

FIDH and its member and partner organisations, the Central African League for Human Rights (*Ligue centrafricaine des droits de l'homme* - LCDH) and the Central African Human Rights Observatory (*Observatoire centrafricain des droits de l'homme* - OCDH) have conducted several fact-finding missions in the CAR. The last mission, in February 2014, recorded the scope, nature of and responsibility for crimes perpetrated over the last few months, mainly between the summer of 2013 and February 2014.

The commission of widespread criminal violence

In December 2012, Seleka rebels took over the country and governed with unprecedented violence: assassinations, massacres, extrajudicial executions and disappearances; rape, gang rape, and other sexual violence; torture and the conscription of child soldiers; large-scale acts of pillage and extortion, and the destruction of homes and religious property; and more. As FIDH highlights in the present report, the Seleka killed and robbed extensively, continuing this violence in all the areas under their control, extending from the east to the north of the country.

In response to the magnitude of these crimes and the dismantling of both the Central African Armed Forces (FACA) and all other police and security forces, particularly since June 2013, anti-balaka self-defence militia were constituted to fight the Seleka. However, this self-defence militia soon proved to be just as predacious and violent as the Seleka themselves. Anti-balaka rebels systematically attacked all civilians believed to be Seleka or acting in support or collaboration with the Seleka. This included people of Chadian origin, the Fulani, the Gula, and the Runga. These militia then began to target all Muslims. One person told FIDH's fact-finding mission that "*anti-balaka and Seleka are two sides of the same coin*". Anti-balaka advances and the attack on Bangui on 5 December 2013 signalled the start of a politico-religious cleansing of Muslims in the south and west of the CAR. Muslims have become the target of intense anger stoked by the anti-balaka and their supporters. They have been hunted down, reduced to grouping

1. Seleka means "coalition" in Sango language.

2. Anti-balaka, meaning "anti-machete" or "anti-sword" in the Sango and Mandja languages, is the term used to refer to the Christian militias formed in the CAR after the rise to power of Michel Djotodia.

together in enclaves protected by international troops or simple priests, and forced to flee in convoys of thousands of people that have been attacked on the roads as they seek to leave. Their situation has been aggravated by a feeling of intense hatred and a call for revenge, as well as by the existence of large numbers of aimless, fanatical youths willing to do anything to kill and steal.

Enclaves of vulnerable populations

There are presently over 15,000 people in the northwest and southwest of the country located in 16 towns surrounded and threatened by armed groups. The situation is especially alarming in the PK12 and PK5 districts of Bangui and in the cities of Boda, Bouar and Bossangoa.

“They must all leave or die” is what an anti-balaka element told the FIDH mission on 16 February 2014 in PK12 (Bangui). In the CAR context, victim has become executioner with anti-balaka militias having no qualms about killing anyone, Muslim or Christian alike, who they believe to be a traitor, opponent, or worth robbing.

Seleka and anti-balaka forces mirror one another in the horror of the acts that they have perpetrated in the context of a conflict that has become so vile that more people are killed than injured. Here, victims are hacked to death by machetes and their bodies are burned, as the FIDH mission saw in February, especially in Bangui. Violence and vengeance are immediate and indiscriminate.

The perpetrators

The Seleka is a coalition of armed rebel groups mainly from the north of the country. This coalition was expanded to include a large number of Chadian and Sudanese mercenaries who, according to certain sources, made up 80% of the Seleka in March 2013. The group’s chain of command is clearly identified in this report, starting with the former President, Michel Am Nondroko Djotodia, his former Minister of Security, Nouredine Adam, (both of whom have taken refuge in Benin), and General Mahamet Baher, Head of Military Intelligence under the former Seleka regime.

The anti-balaka, a self-defence militia composed of traditional hunters, was first established in the 1990s to fight delinquency, being later reconvened to fight the Seleka and fuel a policy of chaos that would allow them to seize power or at least negotiate a front-line political position for their supporters and leaders. FIDH investigations and interviews presented in this report show that the anti-balaka militias are groups mainly set up by the Central African Armed Forces (FACA) and eminent politicians close to former president François Bozizé.

The legal qualification of events

The nature of the crimes committed in CAR since the end of 2012, and particularly since March 2013 and 5 December 2013, clearly fall into the category of international crimes. Systematic attacks on civilians, the advance planning of certain attacks, the persecution of civilian populations, extrajudicial executions, rape, gang rape, other sexual violence, the recruitment of child soldiers, the destruction of religious property, the destruction of homes, and other grave violations of human rights, clearly fall within the ambit of war crimes and crimes against

humanity under national and international enactments, such as articles 7 and 8 of the Rome Statute creating the International Criminal Court (ICC).

Forcing resident, mainly Muslim, populations to take flight is unarguably part of a politico-religious cleansing that constitutes persecution and therefore a crime against humanity according to article 7 of the Rome Statute. This politico-religious cleansing of the civilian population and its property, perpetrated with the intent to force people to flee and abandon any hope of returning, was partly organised and orchestrated by structured groups often acting upon orders received from outside the group.

The fight against impunity

Seeking to end these abuses and find a lasting solution to the recurrent conflicts that afflict the Central African Republic, FIDH, LCDH and OCDH attach absolute priority to fighting impunity. FIDH teams have established that those perpetrating and masterminding crimes in the current cycle of violence are often the same as those who did so in the preceding conflicts, which FIDH has also studied at length. Dealing with these instigators of instability would contribute substantially to ending and preventing the serious crimes that help to fuel insecurity in the country. Whilst CAR's government contributed to the arrest by international forces of a handful of anti-balaka leaders in mid-February, most of them were able to escape and return home unchallenged. Many others still have to be held to account for their acts and brought to justice.

With this in mind, FIDH, LCDH and OCDH have urged the CAR authorities to set up a Special investigation and information unit (*Cellule spéciale d'enquête et d'instruction* CSEI) and Special Mixed Chambers (SMC) as a possible first element of an emergency justice system and task force for fighting impunity in the future. Our organisations also call upon the ICC to intervene and for CAR's President, whenever applicable, to refer to the ICC to ensure that it prosecutes perpetrators of crimes falling under its jurisdiction from all sides of the conflict.

The international response

The international community has been slow to respond to this major crisis and the serious crimes being perpetrated in its context. Sending African troops to the country in 2013 was not sufficient to stop the bloodbath occasioned by spiralling hatred and rampant crime. The arrival of French troops contributed to curbing the outbreak of massive violence but did not stop it completely. Overpowered by such indomitable violence and criminality, since December 2013 international forces have been unable to put an end to the politico-religious cleansing of Muslims in the south and west of the country.

The international community must become more aware of the scale of the task at hand and react accordingly. FIDH, LCDH and OCDH have commended the Security Council's decision to establish a peace restoring mission, MINUSCA (the United Nations Multidimensional Integrated Stabilization Mission) in the Central African Republic. This multidimensional mission is to replace AFISM-CAR and provide backing to French and European forces. Our organisations recall that this mission should become operational very soon. It should have sufficient human and economic resources to enable it to stop the ongoing abuse, contribute (with the International Criminal Court) to helping CAR's authorities to combat impunity for perpetrators and masterminds of the most serious crimes on all sides, support the return of the refugees, and help to reconstruct

a country, and its institutions, that have been overcome by 20 years of coups, conflicts and crises. The serious violations of human rights, still in progress, cannot be stopped without first controlling anti-balaka violence and disarming the Seleka in the east of the country. This is also essential if general elections planned for February 2015 are to be held. Indeed, under current conditions the timing of these elections seems somewhat unrealistic.

I. Context and analysis

Between de facto partition and national disintegration

At the time of the publication of this report, control of the Central African Republic had been split in two: the centre, east and north of the country are under the control of the remnants of the Seleka group that ruled the CAR from January to December 2013. Meanwhile, the west and southwest of the country appear to be in the hands of thousands of anti-balaka militia who are challenging the transitional government, and especially international forces – soon to number 8,000 troops – for control over the land all the way to Bangui.³

The Seleka control a major part of the country, including the diamond- and gold-rich Bria region, the oil-rich Birao-Ndélé region and the uranium exploitation area near Bakoum, to the east.

Seleka rebels, who left Bangui with most of their weapons, are still a significant danger to the country's future, while the anti-balaka are using a strategy of chaos to take over or participate in government in Bangui.

With crimes perpetrated by one side being met with crimes committed by the other, the country is on the brink of chaos. Without the presence of the international community, the situation would have been far worse, having the potential to degenerate into bloodbath of unthinkable proportions. Nonetheless, as scant international military forces were deployed to avoid the worst, the instigators of instability have carved out territories and zones of influence that may become permanent and consolidate the dissection of the country.

It seems difficult to challenge the Seleka's hold over parts of CAR's territory as long as the anti-balaka threat persists. Furthermore, the beginning of the rainy season (March and April) reduces mobility, postponing further "reconquering" of territory and thereby accrediting the partition theory, at least *de facto* until the international community regains control over the country as a whole.

The Seleka Coalition takes power

Since its attack on Ndélé on 10 December 2012, a first offensive in the bid to take Bangui, the Seleka Coalition has used brutal force against the civilian population of the CAR. After the coup that toppled the Bozizé regime in March 2013, the Seleka began carving up CAR, killing, stealing, raping and torturing civilian populations throughout the country. In July 2013 an FIDH fact-finding mission⁴ noted that CAR was already in the hands of warlords who were responsible for the deaths of over 400 people since they came to power.

3. On 15 February 2014 there were 5,800 AFISM-CAR (*African-led International Support Mission to the Central African Republic*) peacekeeping forces and 1,600 French Opération Sangaris forces on the ground. On 14 February 2014, French President François Hollande announced that an additional 400 men would join Sangaris, of which 350 would be assigned to the field. See press release by the French Presidency (in French) <http://www.elysee.fr/communiqués-de-presse/article/conseil-de-defense-restreint-centrafrique/>

4. See the FIDH mission report *Central African Republic: A country in the grip of Séléka rebels: The international community urgently needs to mobilise to protect the population*, July 2013, <http://www.fidh.org/en/africa/central-african-republic/14408-central-african-republic-a-country-in-the-grip-of-Séléka-rebels-the>.

Anti-balaka militias first appeared in May 2013 in the northwestern Bossangoa region. Since then, they have continually attacked the Seleka and assimilated civilian populations deemed to belong to or support the Seleka, mainly Chadians and Muslims. Between June and December 2013 civilians living in the northwest have been targeted by both Seleka warlords and anti-balaka militia.

5 December 2013 attack on Bangui: a turning point in the confrontation

During the night of 4 to 5 December 2013, anti-balaka commenced an attack on the CAR capital, Bangui, in a well-coordinated action of surprising scope and preparation. Hundreds of fighters, many armed with machetes, rockets, grenades and heavy weapons swept through the city. A humanitarian worker said “*people saw them enter the outlying neighbourhoods of Bangui in single file for several hours*”. In the poorer districts they went from door to door executing everyone they thought was “Seleka” and fighting fiercely with the armed Seleka combatants. Here, the civilian population was the principle target and victim. In just a few days, hundreds of civilians had been killed in fighting or summary executions exacted for revenge. The attack on Bangui, which had been planned by the Central African Armed Forces (FACA) who had joined the anti-balaka, was surprising in its magnitude and strategic significance. It was carried out one day before the United Nations Security Council was expected to vote on a resolution authorising the deployment of French forces in “*Opération Sangaris*” and looked very much like a strategic offensive benefitting from the elements of surprise, speed, and well-preparedness. French Sangaris forces had been expected for several weeks and were supposed to reinforce the African contingent that was already in the field, thus providing the manpower needed to end daily atrocities and disarm the Seleka. By attacking the capital a day before the Sangaris troops’ arrival in the CAR, the anti-balaka showed a surprising sense of tactic and politics for a self-defence militia said to have formed spontaneously as heterogeneous, autonomous, and poorly coordinated groups.

The 5 December attack on Bangui was a turning point in the conflict and triggered an infernal cycle of unprecedented violence that inflamed the country, causing over 1,000 deaths and countless casualties over three weeks. As Sangaris troops entered Bangui to assist AFISM-CAR forces, sporadic fighting broke out between anti-balaka militia and the Seleka, with the civilian population rendered the main target of criminal acts that generated immediate reprisal. Since November 2013, the town of Bossangoa experienced what was to befall the whole western part of the country from December 2013 to January 2014: armed groups and militia took revenge for their losses by attacking civilian populations. Christian and Muslim populations were held responsible for each Seleka or anti-balaka’s death respectively, suffering such vengeance that these persons were forced to huddle together in ethnic-religious groups for protection. As of September 2013 Bossangoa’s church and highschool received an influx of people trying to escape revenge attacks from both sides of the conflict. In September 2013 there were already 36,000 displaced persons in Bossangoa.⁵ Two months later, 130,000 displaced Christians and Muslims in separate quarters at Bangui airport constituted the largest camp of displaced persons in the CAR.

5. See <http://reliefweb.int/report/central-african-republic/170000-personnes-d%C3%A9plac%C3%A9es-dans-le-nord-ouest-par-la-violence-arm%C3%A9e> and <http://www.actioncontrelafaim.org/fr/content/centrafrique-faire-face-l-afflux-de-personnes-deplacees-bossangoa>

From 10 December 2013, when the Seleka accepted the “measures of confidence” that planned and organised their billeting and disarmament, anti-balaka militia took advantage of the situation by continuing to perpetrate attacks on civilian Chadians, Fulani, Muslims, and anyone else thought to have supported the Seleka or benefited from the situation. The result was a belief on the part of local Muslims that French forces had facilitated the deployment of anti-balaka fighters – a feeling heightened when the anti-balaka intensified their attacks against civilians. Bangui became the theatre of daily executions and murders against a backdrop of endless pillage and rape. The targeted Muslims flocked together in enclaves.

The scope of the massacre and the inability of Michel Djotodia (self-proclaimed president upon the capture of Bangui by the Seleka on 24 March 2013) to control the situation, led Chadian President, Idriss Deby Ito, and leaders of the Economic Community of Central African States (ECCAS) to summon Djotodia to Ndjamena to make him “resign” on 10 January 2014.⁶ One element that led to the disintegration of the incongruous Seleka was the “resignation” of Michel Djotodia and his flight to Benin without first returning to Bangui. This gave a signal for the departure, or desertion, of the main Seleka military leaders, especially non-CAR leaders and leaders with the most foreign connections. Thus it was that Adam Nouredine, Mahamat Baher and Michel Djotodia left the Central African Republic for Cameroon, Benin, Sudan and Chad. Having lost their top military command, the Seleka started moving to the north and the east of the country, or – being now left to their own devices – lapsed into the widespread perpetration of killing and looting, engaging in summary executions, burning villages, pillaging and raping.

“Lawa, Lawa”: “someday or another” – Political, religious, ethnic, and economic conflation of the conflict

The violence that has occurred since 5 December 2013 mirrors that of the Seleka looting spree throughout 2013, giving effect to victims’ thirsts for revenge.

The Seleka, a disparate movement, has inspired a feeling of national vengeance and xenophobia that now seeks to affect revenge against the “foreigner”. The Seleka “coalition” was initially composed of rebel groups from northern CAR (mainly Muslim), and mercenaries from Chad and Sudan. The group tried, and sometimes succeeded, in obtaining support from Chadian populations or people of Chadian origin who had settled in their region around 1979 to escape from political turmoil in Chad. The Seleka, soon got close to and relied on these “kinships”.

Victimised populations in the CAR have conflated the Seleka with all Chadians living in the CAR, seeing them as Central African “traitors” who collaborated with the Seleka, and then gradually adding the Fulani, Gulas and all Muslims to this generalisation. Having suffered abuse and humiliation at the hands of Seleka rebels, victim populations in the CAR awaited an opportunity for vengeance, a sentiment expressed using the Sango term “lawa, lawa”, meaning “someday or another”.

6. See http://abonnes.lemonde.fr/afrique/article/2014/01/10/centrafrique-tractations-sur-le-sort-du-president-djotodia_4345813_3212.html and <http://www.rfi.fr/afrique/5min/20140110-rca-demission-djotodia-officialisee-ndjamena-tchad/>

The recurrent narrative heard by FIDH's fact-finding mission was: *"the Seleka distributed huge numbers of weapons to the Muslims"*, *"Muslims were never troubled by the Seleka"*, as well as *"the Fulani are backed by the Seleka"* or *"he's a foreigner, a Gula commander"*, etc.

By the end of 2013, public opinion held that most Muslims had been spared by the Seleka. This was widely considered to be proof of their complicity with *"the torturers of the people"* and of the assertion that *"the Seleka only attacks Christians"*. In truth, the Seleka had led attacks upon all parts of the population, including Muslims, though their principle target had been churches and religious congregations, as least in part due to the assumption that these entities were better equipped and richer than mosques. As many (although not all) Seleka were Muslim, they may have been reticent to attack holy places belonging to their own religion, though they certainly must also have known that mosques were not places of wealth or property. FIDH mission interviews highlighted many Muslim merchants paid the Seleka to spare their stores and properties. Moreover, the nomadic nature of the Fulani meant that the Seleka did not especially single this group out for attack.

Arbitrary and radical waves of sentiment led to estrangement, dividing people who had formerly lived together peaceably along ethnic, social, economic, political and religious lines. Christian and/or animist populations, including the Gbaya, Yakoma, Sara, Banda, etc. ethnic groups, were left on one side of the divide with populations of Chadian origin, as well as the mainly Muslim Gula and Runga, on the other. This added political, ethnic, religious and economic strata to the dimensions of the conflict. Nevertheless, both Muslims and Christians exhibited displays of solidarity towards their brothers and sisters in the other community, evidenced in stories such as that of a young Christian man saved by his Muslim landlady or the thousands of Muslims still camped in churches, bishoprics and Catholic institutions in Boali, Berbérati and Bossangoa.

Enclaves reminiscent of past atrocity

At present, between 15,000 and 20,000 people remain trapped in 18 enclaves in northwest and southwest CAR, surrounded and threatened by armed troops. The situation is especially alarming in the PK12 and PK5 districts of Bangui and in the cities of Boda, Bouar, Bozoum and Bossangoa.

The violence and the vengeance visited upon civilians by both Seleka and anti-balaka militias, has led to the creation of displaced persons camps in the west of the country. People continue to flock to these camps not only because of their political-ethnic-religious association but also because of the identity of their attackers.

As of January 2014, following a wave of Seleka departures from western CAR, populations targeted by anti-balaka became holed up in enclaves besieged by anti-balaka and defended by proximate international (AFISM-CAR and Sangaris) forces or by the local populations, when there was no other choice.

Being obliged to prioritise the protection of populations in danger in these enclaves, a job requiring a large number of troops, international forces present in the CAR could not be deployed elsewhere to prevent other abuses. As such, this humanitarian action limited their mobility. An increase in the number of attacks and the repetition of similar strategies has suggested

the existence of an “enclaves tactic” aimed at tying down a maximum number of international troops.

Swelling their ranks with bandits, delinquents, opportunistic rebels and everyone else seeking revenge, food or any other benefit, the anti-balaka has engaged in the murder, looting, burning of houses and hunting down of Muslims, attacking whole districts, religious congregations, places of worship and other enclaves in which Muslims have sought to take refuge. These enclaves are similar to those of Bosnia and Rwanda: a journalist who had covered the Yugoslavian conflict and the siege of Sarajevo told the mission that he “*saw the same look in the eyes of people being chased, running from traps and death, the same irrational hate of other people*”. Whilst the Central African Republic is neither Bosnia nor Rwanda, the logic of radicalisation, hate and dehumanisation is palpable in this context also.

On 15 February 2014, 18 such enclaves were to be found in the main towns in western CAR, including Bangui, Mbaïki, Boda, Berbérati, Bossangoa, Sibut, Bozoum, Yaloké, Bossemptele, Bouar, Kaga-Bandoro, and others. Before the crisis, the country was home to 800,000 Muslims; it is estimated that fewer than 20,000 remain in these refuges.

Exodus becomes political and religious cleansing

Starting in December 2013, those populations targeted by anti-balaka militia organised themselves in order to escape their systematic extermination. A Muslim exodus from the country was organised into convoys headed north to Chad and, a small number to Cameroon. This soon turned into a stream of forced⁷ departures, intensified by Chad’s efforts to evacuate its nationals and convoys of refugees escorted by the Chadian army (ANT).⁸ In the months preceding their withdrawal from the CAR, – in May 2014 – the Chadian AFIMS-CAR contingent and the Chadian army escorted convoys of thousands of people fleeing CAR – and saw themselves regularly engaged in armed clashes.

Indeed, these convoys have faced numerous dangers. They have been attacked in transit by anti-balaka and have often lost passengers: where a lorry breaks down, dozens of anti-balaka have attacked it, killing all those unable to flee. Each convoy provides an opportunity for confrontation with Chadian soldiers who have also been known to shoot civilians.

After two months of anti-balaka assaults throughout the western part of the country, nearly all Chadian and most Muslim communities in that part of the CAR had either left or were clustered in enclaves,⁹ with displaced persons seeking to leave these refuges to avoid death.

7. See the jurisprudence of the International Criminal Tribunal on the former Yugoslavia (ICTY) in the case Blagojevic and Jokic case: “*individuals do not have a free or ‘genuine’ choice to remain in the territory where they were present. The element of ‘forcible’ has been interpreted to include threats or the use of force, fear of violence, and illegal detention. It is essential therefore that the displacement takes place under coercion*” ICTY, *Prosecutor v. Blagojevic and Jokic*, Trial Judgement, IT-02-60-T, 17 January 2005, para. 596.

8. Niger, Mali, Senegal, Nigeria, and Cameroon also evacuated most of their nationals.

9. On this point, the purpose of coercion is to deport a group of people who are legally settled in the territory where the crime of forced displacement is committed according to jurisprudence in the Blaskic case at the ICTY. See, ICTY, *Prosecutor v. Blaskic*, (Trial Chamber), March 3, 2000, para. 234. “*The following are the elements of the crime of forced displacement: (i) the unlawful character of the displacement; (ii) the area where the person displaced lawfully resided and the destination to which the person was displaced; and (iii) the intent of the perpetrator to deport or forcibly transfer the Victim.*” (ICTY, *Simic, Tadic and Zaric*, (Trial Chamber), October 17, 2003.

At the beginning of the anti-balaka offensive, which was sometimes aided by local populations, these actions did not appear to be planned. However, the consistency of this strategy of attack over two months indicates its qualification as political and religious cleansing and persecution.

One anti-balaka element, “R”, told the FIDH mission in Bangui (PK12) on 16 February 2014: *“They must all leave, or die. We will eliminate them all if they don’t leave immediately. That’s how it is”*. R had participated in harassing the PK12 enclave for several weeks prior to this contact. Several thousand Central Africans, mainly Fulanis, were at that time assembled in PK12 waiting to leave the enclave in convoys. A few minutes earlier, anti-balaka elements had launched grenades at the enclave killing one person and seriously injuring two others.

Ascertaining politico-religious cleansing, war crimes, crimes against humanity and genocide

The use of deadly instruments, like machetes, and statements heard by the mission such as *“We have to complete the job”* or *“They all have to leave or die”*, chime with some of the most serious atrocities committed on the world stage, sparking fears of genocide and social cleansing in the Central African Republic. Muslims – previously forming a significant part of the population in Bangui, the west and southwest of the country – feel that this violence is aimed at their community and most are leaving. Mass exodus and politico-religious cleansing is accompanied by intolerable health and safety conditions.

Although the systematic nature of displacement and attacks on certain segments of the population seem clear, the extent to which the crime of genocide has been perpetrated with intent, planning and organisation is difficult to ascertain in the present crisis (see: “legal qualification”), though there remains the possibility that “acts of genocide” have been committed at certain times at the local level.¹⁰ The objective behind this violence, in particular the manipulation of the anti-balaka movement by Bozize supporters, does not seem to be the partial or total elimination of sections of the population but rather their departure, and more importantly, the creation of politically expedient chaos. American and French diplomats have spoken of “a pre-genocide situation”,¹¹ whilst the UN’s Director of Humanitarian Operations, John Ging, has stated that all the “elements” of a “genocide” are apparent; such assertions are not necessary to recognise that the situation warrants the international community’s intervention to prevent further massacres. It is unnecessary to wait for the imminent perpetration of genocide – “the ultimate crime” – before intervening. The commission of war crimes and crimes against humanity have been ongoing in the CAR for months, yet very few countries, other than some in Africa and France, have sent troops to stop these crimes. As such, killings continue because there are too few soldiers on the ground to contain them.

The combined effect of a vehement popular thirst for vengeance (expressed as hate sentiment) after months of suffering humiliation and violent crime at the hands of Seleka rebels, the criminality prevalent in the CAR (especially due to roadblockers), and the political and military manipulation involved in numerous attempts to seize power in the country, should not be underestimated.

10. See also Marielle Debos, *“Centrafrique : attention aux mots, Il y a des massacres, pas un genocide”* (CAR, careful of the words, this is massacre not genocide), *Le Monde*, 21 February 2014. See <http://www.rfi.fr/afrique/20131120-rca-situation-pre-genocidaire-analysee-plus-plus-experts/>

11. Robert Jackson, the Director of the Bureau of African Affairs of the U.S. Department of State on 19 November 2013 before the U.S. House of Representatives’ Committee on Foreign Affairs.



Convoy of Muslims leaving Bangui on 7 February 2013 – © Laurence Geai

This combination of factors is capable of triggering the same effects as the worst premeditated crimes.

Indeed, the acts of politico-ethnic cleansing and persecution, especially of Muslims, taking place in the CAR are tantamount to crimes against humanity and exacerbate existing security problems. These crimes shift problems to other localities where anti-balaka wait for fleeing populations on transit routes, thus rendering whole areas unsafe. Witnesses are already reporting that the current behaviour of the anti-balaka has created a fear of continued violence even in the absence of Muslims.

Deploying additional troops, fighting impunity, and exhibiting strong international solidarity may be the only means capable of ending the present cycle of criminality in the Central African Republic. At the same time, the immediate investigation, identification and judgement of those responsible for international crimes is essential. Permanent peace cannot be brought to this country without the re-establishment of a State and a judiciary capable of affecting social justice.

II. Attacks against civilians and grave violations of human rights

Attacks on civilians are a common feature of the conflict in the CAR. The scope and the nature of the crimes committed by all parties to the conflict form a broad typology of crimes committed both in the provinces and in the capital city: summary executions, torture, rape and other sexual violence, intentional mutilation, post-mortem mutilation, conscription of child soldiers, destruction of villages and religious properties, looting, extortion, forced labour, etc. The CAR conflict is an all-out war that targets men, women and children, alike.

Ibrahim, 30 years old, told the FIDH mission: *“During the anti-balaka attack on December 5th 2013, they entered my compound. I thought that they would only attack men so I fled and left my wife and two children behind. I saw my two children the next day at the central mosque. They were dead. They were 8 and 10 years old. I haven’t seen my wife since the attack. I don’t know what happened to her. I don’t know whether she is dead or alive. I’m devastated. I’ve lost everything.”*

2.1. Attacks in the provinces

Attacks against civilian populations became more intense around the summer of 2013 when the anti-balaka were gaining ground and attacking the Seleka. The civilian population in the provinces was caught in a cycle of retribution and vengeance and became the main pawn in conflict over territorial control. The facts reported below, although not comprehensive,¹² show how the Seleka and anti-balaka extorted the civilian population throughout the country.

2.1.1. Attacks by the Seleka

In Dékoa, **Kemo Sub-Prefecture**, on 11 February 2013, the Seleka attacked the civilian population and burned down their homes. The damage amounted to the following:

Number of victim families	Number of houses burned down	Number of homeless	Seriously wounded civilians	Seriously wounded Seleka	Deaths
174	211	1180	8	3	4

12. See also the FIDH report entitled: *Central African Republic: A Country in the Hands of Seleka War Criminals*, September 2013, available at: <http://fidh.org/IMG/pdf/rca616a2013basdef.pdf>.

In the **Bambari Sub-Prefecture**, a human rights defender who had taken two weeks to bicycle to Bangui, described the arrival of the Seleka in his region as follows: *“When the Seleka arrived they put everything and everybody together including our vehicles, priests and parishioners. They looted the houses and tortured and killed people.”*

In Grimari, a community of 47,252 inhabitants, 27 people were shot dead, one person was tortured to death and there were 28 cases of rape committed by four or five men. Grimari is composed of four *communes*. The central *commune* suffered most. Nearly all those targeted, mainly Christians, fled into the bush leaving everything they had.

The Seleka have dominated and exploited the territory they invaded. In the Kouango area, where coffee is grown, the Seleka demanded bags of coffee *“by the ton”*, according to witness A.K. Anyone who objected was tortured or killed.

The Seleka have also used extortion and forced labour in their zones of operation. The roads are punctuated with barriers, each one serving as a point to demand money, *“You have to pay. Even if you are walking, you have to pay 250 francs. Either you pay or you have to work for them. In the Bakala region you have to work in their gold-mining operation while in the Kouango zone, you work on the coffee plantation. That’s how it is.”* said witness A.K, who risked his life by going through the area.

During his last trip, from Grimari to Bangui, witness A.K said: *“I had to go through 10 barriers. To avoid some I had to make big detours in the bush. I saw whole villages burning, and people who had just been killed. A few kilometres from Damara, I saw two little boys who had just been killed, lying on the road. It was horrible.”*

According to the testimony we received, this violence was perpetrated by the Seleka under the command of Colonel Moussa Johnson, a Sudanese mercenary who runs the Seleka base in Grimari.

On 23 February 2014, the Seleka were still occupying the area between Sibut and Bria, which includes the towns of Kouango, Grimari, Bambari, Bakala Mbrès, Kagabandoro, etc.

In the **Mobaye Sub-Prefecture** and the city of **Mobaye**, people were awakened by the sound of gunfire at around 4 a.m. on the morning of 7 February 2013. Most inhabitants consequently left to take refuge either across the river in Democratic Republic of Congo (DRC), on one of the many islands that separate the two countries or in the hinterland. One person said, *“the Muslims in the town had it easy. They teamed up with the rebels and went about their business. As usual, the Seleka rebels found the telephone antennas and cut off all communications so that the outside world would not find out about their crimes. But this time they were wrong. Mobaye is a border town and is also covered by the Congolese Vodafone network.”* That is how the first witness reports on the Seleka’s demands and destruction in this town were made public. The Seleka’s first targets were the prefecture, the doctor’s residence, the hospital and the Catholic mission.

The witness said, *“This is premeditated vandalism. All the buildings have been destroyed. The prefecture and the prefect’s residence have been raided and ransacked. The prefecture archives have been destroyed. The doctor’s home was ransacked. A staff member who was giving vaccinations, and from whom the rebels demanded money, was shot dead, hit in the*

eyes. All church property was stolen. They took everything. The parish archives have been completely destroyed. Even the mural portraits were destroyed. This reflected a morbid thirst for vengeance. As concerns the rolling stock, they stole a total of six vehicles from the Catholic mission. [...] Besides the theft as such, what they are doing is sacrilege. The liturgical objects, (albs and other items) were torn and the communion wafers were thrown on the floor. [...] They sold their loot on the Langandi market about thirty kilometres from Mobaye. They also sold the coffee that they had obtained free from the producers.” Two days later, during the night of 8-9 February 2013, the Catholic mission was raided again.

In the **Ndjoukou Sub-Prefecture**, southeast of Sibut, a town with a population of about 40,000, the Seleka arrived on 25 March 2013. With them came devastation, murder, plundering and rape.

On 25 March 2014, the Seleka installed a base in the town of Ndjoukou and appointed new mayors. They set up checkpoints and control posts to demand money and goods. They looted houses. On 6 April 2013, Seleka from Kouango completely ransacked and vandalised Ndjoukou's hospital. After the summer of 2013, the situation became more tense. On 28 September 2013 the priest of Ndjoukou was hunted down by the Seleka and would have been killed had it not been for the intervention of local people, namely the family of the village chief. On 7 October 2013, the Seleka attacked the Bouba-nguéré of Ndjoukou and ransacked his home. The family of the village chief, D. M, was taken hostage for having hidden the scooter of the Bouba-nguéré, who responded by wounding the Seleka commander with his hunting rifle. The Seleka took revenge. On 10 October 2013, 18 Seleka on motorbikes attacked Ndjoukou. They killed two people and burned down 16 homes. The two people executed in the attack were two fishermen, named Frederic Gueret Koyapenda and Domoyou, and had been arbitrarily targeted. The two people who buried them said that they had been forced to lie down and were then sprayed with bullets from a Kalachnikov rifle.

On 31 January 2014 the Seleka set fire to the towns of Ngbondo, Kohoro, Bac, Possel, Croisement, Zenda, Pangbi Kroma, Palingui, Lenge and Bango. During the attack, they systematically burned down about 500 houses. Three people were shot dead during the attack on Kohoro and two others, named Thomas Goujoumourou and Doukoulou, were also killed in Ngbondo; they were both farmers. In Fère and Mabo where the people protested during the Seleka attack, about a dozen of the local inhabitants and one Seleka were killed. These attacks spurred a massive exodus either to the bush around the Oubangui-Chari River, to the neighbouring Democratic Republic of Congo (DRC) or to Sibut. Up to now, none of the displaced persons or refugees has returned to their home area.

Those who stayed behind have had to suffer the whims and vengeance of the Seleka. On 10 February 2014, for instance, the Seleka abducted 7 Kotto villagers on their way to the field, 6 km from Galafondo. More than ten days later there was still no news about them. Access to this region is difficult and dangerous; the telephone system no longer works.

Most of the Seleka violence in the Ndjoukou region was ordered by Commander Seleka Abakar Tahir, of the Gula ethnic group in CAR, and his Chadian assistant, named Youssouf Ibrahim. Six Seleka troops went to Ndjoukou but were called back by the Seleka colonel in Sibut. Commander Tahir refused the order to withdraw from the locality, prompting the Colonel to send his men repeatedly to force him and his men to leave Ndjoukou. In the area, several witnesses spoke of the complicity of civilians in Seleka operations. In Féré and Mabo, the Hassana family belonging

to the Galabadja Village Chief's family, (Galabadja is 40 km from Ndjoukou) and their children, are said to have joined and helped the Seleka. If true, an investigation in the zone and witness testimony could be used to establish the responsibility of certain civilians collaborating with armed groups to commit these crimes.

On 30 January 2014, during an attack on **Boda in Lobaye Sub-Prefecture**, the Seleka are said to have incited certain civilians to attack local populations. Between 30 January and 3 February at least 75 were killed, mainly Christians. This situation was reversed during February with the departure of the Seleka and the arrival of anti-balaka militias who surrounded the 11,000 Muslims in the town until mid-March 2014.

In **Ngaoudaye Sub-Prefecture** in the northwest, reports refer to repeated attacks against civilians in **Ngaouday, Bang** and other towns in the region.

On 5 February 2014, the Seleka attacked Nzakone, apparently killing 22 people. The next day, on 6 February 2014, they attacked Ngaoudaye where they set fire to 8 houses and wounded 7 people before heading to the village of Mbéré where they killed 4 people by setting the whole village alight. From there they went to Bang where they destroyed 46 houses. Most of the residents fled into the bush.

On 7 February 2014, witnesses report that the same assailants travelled in 32 vehicles to again attack the people of Ngaoudaye, apparently killing at least 22, including women and children, before burning down their homes. These actors then reportedly went on to repeat these now well-rehearsed atrocities, going on to attack another village, Zoulde, where close to 200 houses were set ablaze. Witnesses there report that the Seleka went on to announce that in the evening they would launch another attack, this time in the city of Bang. That attack was reportedly launched though no data is available on the damage inflicted.

The only information that the mission was able to obtain about the situation in Bang between 7 and 11 February 2014 dates to the day following the event, which indicates that 16 people were killed.

The catastrophic situation on the CAR's border with Cameroon and Chad, led AFISM-CAR to deploy a Burundian detachment from its base in Paoua, which reportedly found itself in clashes with Seleka troops.

On 13 February 2014, armed troops attacked Bang again, killing 14 people and setting fire to 48 houses. The next day, on 14 February, they attacked government buildings, the homes of the civil servants and churches. Two days later, on 16 February 2014, armed troops killed 8 people including the pastor of the apostolic church and his two children.

According to certain sources, the Seleka were responsible for these attacks. Other sources blame the *Front populaire pour le redressement* (FPR), a Chadian (pro-Fulani) rebellion led by General Baba Laddè.¹³ Known as the "Father of the Bush" in the Fulani language, Baba Laddè and his group were in Darfur from 2006 to 2008 and then went to the north of CAR. He fled to

13. See <http://reliefweb.int/report/central-african-republic/centrafrique-8-morts-dans-un-accrochage-entre-anti-balaka-et-force>.

South Sudan for some time and then negotiated his surrender for a position as advisor to the Chadian Prime Minister in 2012. Baba Laddè resumed his activities as a rebel again in 2013. Some, if not all, of Baba Laddè's men are said to have joined the Seleka.

2.1.2. Anti-balaka attacks

At the end of March 2014, the anti-balaka had surrounded and were besieging some 15,000 to 20,000 Muslims who had grouped together in 18 enclaves in the northwest and the southwest of the country. «*These populations are at very high risk of being attacked and urgently need better protection*», said Adrian Edwards, the UNHCR spokesperson.¹⁴ The situation at that time was especially alarming in the enclaves in Bangui (PK5 and PK12 districts), Boda, Bouar, Bossangoa and Bozoum.

The anti-balaka commenced their activities in the summer of 2013. At the beginning of September 2013 they attacked the city of Bossangoa and started to target the Muslim population. On 5 December 2013 they surprised everyone by launching a coordinated attack on Bangui just as French Sangaris soldiers were arriving in the field. In a little more than six months of attacks on civilian populations, the anti-balaka had killed hundreds of people and chased out nearly all Muslims from the west, southwest and northwest of the CAR.

Attacks on towns and villages

As of May-June 2013, groups of self-defence militia attacked isolated Seleka troops in the Bossangoa and Bocaranga region. These militia have called themselves anti-balaka, meaning "anti-machete" in the local Sango language. The first testimonies received by FIDH in July 2013 confirmed the existence and numerous crimes of these militia. Claiming the need to defend themselves and respond to crimes committed by the Seleka, anti-balaka increasingly and regularly attacked Muslims, their homes and villages, before going on to undertake a systematic killing and burning spree.

By 6 September 2013, anti-balaka had already captured 4 villages near the northeastern town of Bossangoa. This included the village of Zèrè, located 25 km from Bossangoa, which was taken after the militia's assassination of the local imam and his 4 children. During these attacks, anti-balaka targeted Muslim civilians, rather than ex-Seleka fighters – a method of attack continued throughout following months. On 7 and 8 September 2013, they attacked Bossangoa and killed over 100 people over the first few days, mainly unarmed fighters and civilians.

On 9 September 2013, anti-balaka attacked the city of Bouca, killing over 40 Muslims in less than an hour and then setting fire to over 250 homes. A spiral of violence was set in motion when the Seleka, seeking vengeance for anti-balaka attacks, killed some 30 Christians with the aid of Bouca locals.

On 14 September 2013 a mission led by the archbishop of Bangui, Dieudonné Nzapalainga, noted that, «*the residents deserted all the villages between Bossembélé and Bossangoa, namely Mogo-Kotta, Ndjoh, Modi-Ketté, Angara-Ketté, Bandarao-Kotta, Gonglie-Kotta, Lenga-Kotta, Gbélé-Kotta, Bangba, Kana, Votovo and Carrière.*

14. See. <http://www.unhcr.fr/530cb78dc.html> <http://www.unhcr.org/530c772e6.html?>

In the village of Ndowné-Ketté, 43 km from Bossangoa, around 3 pm on Saturday 14 September, over 50 houses were set on fire, 60 in Gbakara.

*On Monday 16 September there were more than 16,000 displaced Christians at the bishop's compound in Bossangoa, 1,500 displaced Muslims in the school across from the town hall and 300 displaced Fulani in the area behind Bossangoa airport.*¹⁵

The region was sinking into chaos with thousands of people fleeing into the bush or taking refuge with religious communities or in schools. Such was the case in Bossangoa where, in just a few days, over 35,000 people were seeking protection against armed Seleka.

A Muslim from Korom-Poko, witness H.A, reported that anti-balaka were expanding their zone of operations to cover an area of about 50 kilometres to the south of Bossangoa, and that the mayor and village population had aided the 11 September anti-balaka attack. The toll of that attack was 11 deaths and 97 houses looted and burned. Witness H.A. still has no news from 17 members of his family.

Contrary to popular myth, the anti-balaka were not only armed with machetes, bows and arcs. During attacks on Bossangoa and Bouca, these militia were heavily armed with rockets and Kalachnikov-type war weapons. Over the last few weeks, the Central African Armed Forces (FACA), who had hidden the weapons used during these attacks, had joined in with anti-balaka attacks.

The 17 September 2013 anti-balaka attack on Bossangoa appears to confirm this. Cyril Bensimon, a journalist with *Le Monde* was present during the attack, and on 2 October 2013 wrote: *"According to several sources, the militia launched a well-coordinated attack on Bossangoa from many sides. Thanks to their heavy weapons they were able to withstand the new masters of the town for a whole day. Colonel Saleh Zabadi, the commander of the zone, said that he lost 46 of his men in the counter-attack. [...] Several observers felt that the assailants deliberately targeted Muslim civilians to provoke a reaction and send the country into a spiral of vendettas with terrible consequences".*¹⁶

The deliberate attacks by anti-balaka on Muslim civilians ignited equally bloody retribution on the part of the Seleka and a group of Muslim civilians. This strategy, founded on the creation of chaos, was the hallmark of all anti-balaka attacks **throughout the west and the southwest of the country** up to March 2014.

On 26 October 2013, anti-balaka militia attacked Bouar. According to AFISM-CAR, the militia were backed by close to 100 former FACA members, five of whom died during the attack. Some 5,000 civilians fled to the bishop's compound where lack of adequate resources led living conditions to steadily deteriorate: inadequate care for the injured, illness, and problems of food supply prevailed. In mid-February 2014, 8,200 Muslims took refuge in the main mosque and the adjacent school, in a bid to flee anti-balaka looting, violence and racketeering, carried out under the command of Lieutenant Igor.

15. See http://www.cordaid.org/media/publications/RAPPORT_DE_LA_MISSION_BOSSANGOA_ET_ZERE.pdf.

16. See. http://abonnes.lemonde.fr/a-la-une/article/2013/10/02/en-centrafrique-bossangoa-face-a-ses-demons_3488406_3208.html.

Anti-balaka militia advanced and attacked the town of Bozoum on 6, 23, 25 and 31 December 2013. This episode of anti-balaka/Seleka fighting led to the deaths *“of at least 70 people and caused many casualties”*, according to Father Aurelio Gazera,¹⁷ the priest for Saint Michel parish, which took in 3,000 people who had fled the fighting. Aba Ali Issen, commanding the ex-Seleka rebels based in the region stressed that: *“we did not kill any civilians”*. The fighting flared up again on 8 January 2014. According to Antoin Mbaobogo, President of the CAR Red Cross, the Bozoum conflict killed 97 people, wounded 107 and displaced 14,000 persons to the outlying area. He added that Seleka/anti-balaka fighting saw, *“at least 912 houses were burned down ... and as usual, the victims are civilians”*.

On 12 December 2013, anti-balaka militiamen attacked Muslims in the village of Bohong, 75 km from Bouar. According to testimony confirmed by the UN Office of the High Commissioner for Human Rights¹⁸ at least 27 people were killed by the anti-balaka, mainly Muslims. Ravina Shamdasani, spokesperson for the High Commission, even spoke of *“a vicious circle of attacks and retribution”*.¹⁹

In Baoro, about 50 km from Bouar, houses torched on the way into and out of the village were evidence of the violence and revenge that killed 152 people between 20 and 22 January. After that, the Seleka departed. According to a witness, the Seleka left weapons used by Muslim civilians against Christians. Bozoum anti-balaka came the next day to take revenge.

Further to the south, in the **Bossembélé and Boali region**, the number of attacks steadily rose between December 2013 and February 2014.

On 2 December 2013 in Boali, anti-balaka militiamen massacred at least 12 people and injured many others: towards 6 pm, 40 men armed with machetes, knives and shotguns attacked a camp of Mbororo Fulani Muslim herders. According to medical sources, at least 12 people, including children, were killed. Dozens of children were stabbed and, according to other sources, the attackers cut open the stomach of a pregnant woman.²⁰ The injured were taken to Bangui and the next day, the government sent Seleka forces to help the people of Boali. In contravention of government orders, the Seleka took revenge. According to witnesses, several people were slaughtered, including a district chief. Witness S.Y. said that on 3 December 2013, *“the Seleka killed the district chief, his uncle Fidel Zangato and three of his brothers in the field. The next day, they killed 3 more people in the field, including Elvis Nabieu”*. Hundreds of civilians fled from the town to avoid the fighting and reprisals.

On 8 January 2014, anti-balaka militia took the village of Boyali (130 km northwest of Bangui), killing a dozen Muslims. Witness H.B recounted that: *“my little brother O.H. was killed by the anti-balaka that day at around 10 am when they were entering the village. They had kalachnikovs and were shooting and killing all over the place”*. This account was confirmed by 20-year old witness D.S, who said that, *“when the anti-balaka came in they killed my father El Hadji O. [50 years old], and his 75-year old uncle, S.M. They shot and wounded my father’s brother*

17. Also see his blog: <http://bozoumfr.blogspot.fr/> et <http://observers.france24.com/fr/content/20131209-centrafrique-bozoum-violences-Séléka-anti-balaka-bangui-djotodia>.

18. See: <http://www.lefigaro.fr/flash-actu/2013/12/13/97001-20131213FILWWW00374-rca-27-musulmans-tues-par-une-milice.php>.

19. See: http://www.lexpress.fr/actualite/monde/centrafrique-27-musulmans-tues-par-une-milice-selon-l-onu_1307403.html.

20. See: <http://www.rfi.fr/afrique/20131204-nouvelles-exactions-centrafrique/>.

M.N, who was taken to Bangui to be treated. They looted and torched all the houses, and also the mosque". The Seleka took revenge by setting fire to hundreds of houses belonging to local Christians.²¹

A few days later, on 14 January 2014, at a roadblock again in Boyali, anti-balaka militia stopped a truck carrying dozens of Christian and Muslim refugees heading for Cameroon. They made the dozen or so Muslims descend from the truck and killed them with machetes and knives on the road before the town mosque. The victims included three women and three of their children under 5 years of age, as well as the grandson of witness H.B, who said that *"after the anti-balaka attack [of 8 January] we wanted my 20-year old grandson, B.D, to leave. He was in the convoy that the anti-balaka stopped when they killed all the Muslims"*. All Muslims on the truck but two children were killed. One child was 12 years old and the other 7 months. The first was able to escape and hide among the Christians in the convoy while the second was turned over to a Christian woman in the convoy who gave it to other members of her family. After the massacre, the militia let the truck continue on its way, in the belief that they had killed all Muslims on board.

On 17 January 2014, anti-balaka militia attacked Boali. Father Xavier-Arnauld Fagba, who saw what happened, described the circumstances of the attack: *"It all started in the morning of Friday 17 January 2014 with the arrival of the French Sangaris forces in Boali. They had come to open the road from Bangui to Douala, where both the Seleka and the anti-balaka had set up roadblocks, and to disarm both the anti-balaka and the Seleka troops. When Operation Sangaris arrived in Boali, the position of the Seleka, who had captured the town, was split. A small number, less than 10, agreed to surrender. The others fled into the bush. No one knows whether they were far from the town or whether they decided to leave for good. There were too many of them, more than 30. It was just at that moment that we were surprised by the entry of anti-balaka into the town. More than 300 anti-balaka, men and women with arms, took advantage of that moment to enter the town. They systematically looted and ransacked three mosques in Boali, then killed some people and wounded about 20"*.

Witness M.O. had the following to say: *"On Friday, around 1 pm, we were at the mosque, praying. The anti-balaka entered the mosque and started flinging their machetes at us. I got hit on the head. My aunt A. was also struck and died from her wounds"*.

Witness M.H, 67 years old, said that *"the anti-bbalaka entered the central mosque and struck me on the head with a machete. At the same time, they killed my grandfather [S.B, 73 years old], with a machete"*. Witness A.S.O also saw the anti-balaka attack on the mosque: *"I was very close when the anti-balaka attacked the mosque. I managed to run away into the swampland. A few days later, I was in the church where I had taken refuge when being attacked by the anti-balaka. I was with my wife. My children had fled to Chad"*. Witness A.D, 25 years old, lived behind the mosque in Boali. On when on 16 January 2014, *"the anti-balaka entered my house. They killed my 12-year old, N.D. I got slashed with a machete in the leg"*, he said showing the mission the cuts on his legs under the dressing.

21. Testimony received by FIDH, OCDH and LCDH. See also: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14167&LangID=F>.

Dozens of witnesses explained that this attack had killed at least 13 Muslim civilians and two Christians. Hundreds of Muslims took refuge in the church compound where they were attacked regularly by anti-balaka notwithstanding the protection provided by AFISM-CAR and, at certain times by Sangaris troops.

The situation continued to be especially tense in Boali. On 24 March 2014, for instance, an AFISM-CAR soldier from Republic of Congo was killed and two others were wounded when the vehicle in which they were travelling together with three other AFISM-CAR soldiers was attacked by anti-balaka. According to AFISM-CAR, *“the AFISM-CAR soldiers responded, killing 12 assailants who were identified as anti-balaka militia. One of them was a well-known anti-balaka commander”*.²²

In Bossembélé the anti-balaka took advantage of the Seleka’s evacuation to attack the town in the afternoon of 16 January 2014. Those Muslims unable to flee fought until the next morning when anti-balaka entered the central mosque where many Muslims had taken refuge. The bodies of 43 civilians, including women, old people and a 7-month old baby were found in and around the mosque, and at least 12 people were injured. According to the CAR Red Cross, most people had been killed with machetes and knives, thus substantiating witness accounts of a deliberate massacre, since the civilians had been killed after fighting had stopped.

What happened in the west of the country on the border with Cameroon clearly illustrates the anti-balaka’s strategy of chaos. In the **Berbérati Sub-Prefecture** on 10 February 2014, dozens of anti-balaka from towns further north, Carnot and Bouar, took advantage of the departure of French troops to attack the city of Berbérati. During an incident that appeared more to be a hunt to catch Muslims than a military attack, these militia killed at least 10 people, including a child and, on 10 and 11 February ransacked and torched homes. Fleeing Muslims took refuge in the bishop’s compound where Father Dennys, the bishop of Berbérati took in persecuted Muslims, and thus created another enclave.

The situation in Berbérati is illustrative of anti-balaka strategy. In contrast to areas in which populations indiscriminately victimised by the Seleka had themselves rebelled and taken revenge against all Muslims in the locality, the people of Berbérati, who had also suffered criminal acts perpetrated by the Seleka regime, had not sought to take revenge against the Muslims of Berbérati until February 2014, when anti-balaka from the north arrived. This was confirmed by the local authorities: *“the anti-balaka came from Bossangoa, Bocaranga, Bozoum, etc. not from Berbérati. Afterwards, local delinquents joined them but the anti-balaka were an unknown phenomenon until just a few days ago”*. The authorities in Bangui forbid local authorities to negotiate with the anti-balaka in order to avoid giving the militia any legal recognition. When the French *Opération Sangaris* troops heard about the violence they rapidly redeployed to take control of the situation, though it remains extremely tense, and the two sides are not equal. The anti-balaka are waiting for an opportunity to exterminate the Muslims. Other sources speak of the presence of a Captain Sereganza and his deputy, Lieutenant Dzoae, who belong to pro-Bozizé FACA troops in Gamboula, the border town with Cameroon, and are trying to join the anti-balaka in Berbérati.

22. See. <http://www.peaceau.org/en/article/misca-strongly-condemns-the-murder-of-a-peacekeeper-in-the-northern-car-town-of-boali>

In the **southwest of the country**, the situation in the town of Boda is one of the most alarming. Since 29 January 2014 the town has been split into two parts with more than 11,000 Muslims blocked in an enclave that is subjected to anti-balaka attacks.

On 29 January 2014, the Seleka fled from Boda leaving 11,000 of the town's Muslims to face 20,000 Christians from Lobaye Prefecture. Clashes immediately broke out between the two communities killing about 100 people from both sides in just a few days. The Muslims collected in an area around the central mosque while the Christians, who were also fleeing the violence, collected around the Saint Michel church. Both sides suffered from a dire shortage of food and health care.

In the centre of the town, the market has been gutted and burned down, having been the scene of violent events at end January and early February 2014. Since February, 120 French Sangaris troops have created a buffer zone between the two sides of the inter-communal violence, and seek to protect Muslims against attacks from the anti-balaka. At the end of March, a Muslim was killed for having crossed this 'barrier of hate'.

In mid-March, Joachim Kokaté, security adviser to the Prime Minister, was sent to negotiate a peace agreement with the anti-balaka, having been a former coordinator of the movement. On 17 March he told RFI radio that: *"anti-balaka leaders in the town of Boda have decided that they will not attack the population any more. They will not touch anyone anymore. They have signed a written agreement to cooperate with Sangaris"*. This agreement included the departure of 6,000 of the town's 11,000 Muslims who had signed up to leave in a convoy headed to Bangui and then, if possible, outside the country.

However, as the International Organisation for Migration (IOM) was unable to organise the safe departure of so many people to other parts of the country, Boda's anti-balaka resumed their regular attacks on the Muslim enclave. At the end of March, AFISM-CAR deployed soldiers from the Democratic Republic of Congo (DRC) to Boda.

Firmin, Dopani, the head of Boda's anti-balaka, told the mission: *"the Muslims must leave. That is the only solution. Many of the Christian inhabitants of Boda are grateful to the anti-balaka and continuously repeat the refrain, 'the Muslims must go' "*.²³

Caught between their inability to leave and the anti-balaka's desire to get rid of them, the 11,000 Muslims of Boda were left waiting for a hypothetical solution or death.

Attacks on convoys of displaced persons and refugees

For more than two months, populations targeted by anti-balaka have been fleeing to the west of the CAR. Large convoys are being organised either to Bangui or to an airstrip where chartered planes leave for Chad and other countries evacuating their nationals, or to neighbouring Chad or Cameroon. Convoys are escorted by AFISM-CAR troops or by the National Army of Chad (ANT) itself.

23. See <http://www.lavoixdelamerique.com/content/car-les-musulmans-bloques-%C3%A0-boda/1884278.html>.

The convoys have to face endless dangers. Civilian populations are often attacked by hordes of anti-balaka who kill, loot and rape. This is the fate of any truck that is overloaded, in poor condition and breaks down on the way.

On 17 January 2014, for instance, at least 10 Muslim civilians, including three children, were killed and about 50 people injured in an attack against their convoy near Bouar, close to the Cameroonian border. The convoy was attacked near the village of Vakap, about 30 km from Bouar. It was transporting Muslims who were fleeing violence in the zone.

A 7 February 2014 convoy was attacked at Libi, on the road to Damara. Witness N.A, a young girl of 15 said, *"We were in the convoy, but our vehicle had broken down. Very soon, a lot of anti-balaka attacked the truck and killed all the men in the truck. Thirty men, some younger men, died. I survived with four other girls and a little girl of 7 years old"*. Witness N.A was still in a state of trauma a week later; she trembled and exhibited other signs of post-traumatic shock, requiring psychological care. She suffers continuous flashbacks, seeing those dear to her being massacred. She was taken to Bangui where the anti-balaka constantly attack the PK12 district.

A convoy in transit the following week suffered the same fate. It left Bangui PK5 on 10 February 2014 and was attacked near Sibut. Witness H.D, 32-years old, said: *"On 10 February 2014, I left with my little brother on a convoy. We wanted to go to Bambari. The next day at about 10 km from Sibut, we were attacked by about 40 anti-balaka armed with machetes, shotguns, AK-47s. The driver of our truck got hit and stopped. I jumped out and ran into the bush but my little brother H.A.A [14-years old], wasn't able to. He was caught by the anti-balaka, killed and cut up by machete on the road. I was hiding in the bush and I saw how they killed him and how they cut him up. I also saw a friend, O, who was 25 years old. He was killed also. The anti-balaka were shooting all over the place. I even got a bullet in my backpack. I had to flee. I got taken in by AFISM-CAR at around 10 pm, and they brought me back. I have not been able to recover the body of my brother or my friend and I don't know where they have been buried"*. The 10 February 2014 attack before reaching Sibut killed 21 people, according to a person at the Office of the High Commissioner for Refugees (HCR), who took care of 21 women and about 100 children who had escaped.

On 16 February 2014 a convoy of refugees escorted by AFISM-CAR soldiers was attacked by anti-balaka a few kilometres from the Cameroonian border, in the west of the country. According to AFISM-CAR, the convoy was composed of 90 vehicles carrying civilians and merchandise when *"it was attacked by armed members of a group called anti-balaka"*. AFISM-CAR responded *"in a position of legitimate defence"*. The apparent outcome was *"11 armed assailants neutralised and 12 civilians slightly injured"*, which translates to 11 anti-balaka deaths. AFISM-CAR said that anti-balaka militia *"armed with firearms attacked the AFISM-CAR soldiers escorting the convoy, while others, also armed, tried to enter the vehicles to do harm to the civilians on board"*.²⁴

On 21 March 2014, again at Libi on the Damara-Sibut road, a UNICEF convoy was attacked by anti-balaka. Several people were killed.

These deliberate attacks on civilians fleeing the fighting and instability are a serious violation of international humanitarian law, as well as human rights law, constituting crimes of persecution.

24. See <http://www.lanouvellecentrafrique.info/communique-de-presse-de-la-misca/>.

They are part of a chaos strategy that the anti-balaka have utilised for several months. The formula is to attack Muslims to provoke a denominational conflict, driving them to assemble in enclaves where they form circumscribable targets that are easier to attack. Anti-balaka militias force these populations to flee, and then attack their convoys.

For over a year, people in the provinces of the CAR have been living in a state of acute fear. It remains extremely difficult to gather a complete account of the people and goods that have been the target of crimes committed by the Seleka and anti-balaka in the 11 provincial prefectures. Access to the regions is difficult, the perpetrators of crime are highly mobile and rare survivors and witnesses lie low in the bushes to escape further death or violence. In light of these difficulties surrounding comprehensive intelligence gathering, it is likely that the harm suffered outside the capital, Bangui, is much worse than that estimated, and is likely to amount to several thousand deaths, thousands of ransacked and burnt houses, and hundreds of cases of torture and sexual violence.

Those living in the provinces have been trapped in a vicious circle of retribution and vengeance for over one year. These people are likely to be those paying the highest price in this conflict, being caught in the cross fire between different camps. Much of the conflict is taking place far from the cameras and from those able to attest to events before the international community. Massacres are occurring in villages in the hinterland, on small rural pathways and in the heart of forests where thousands of people are hiding in an attempt to survive in extremely harsh conditions. Control of these lands and people constitute the ultimate prize in this conflict, though the capital, Bangui, too has not been spared the ravages of war.

2.2. Attacks on Bangui

After the Seleka captured Bangui on 24 March 2013, the city lived under their arbitrary rule. This situation pertained until the arrival of the anti-balaka on 5 December 2013. This event saw violence become the daily fare of the inhabitants of Bangui as chaos has begun to take hold.

2.2.1. Seleka attacks and crimes in Bangui

When the Seleka captured Bangui on 24 March 2013, they plunged the city into a state of violence that continues to date. The “victors” started carving up the city, and engaged in wanton looting, killing and rape.²⁵

There have been endless reports of summary executions, rapes and plunder, with dozens of witness accounts of the daily violence. These include the following:

“On Sunday morning, 14 April 2013, my son, P.W.M, [...] was accompanying one of his friends to his mother’s house when his attention was drawn by the firing of heavy weapons from the Boy Rabe side. My son and his friend began to run home. On the way, they were overtaken by a pick-up truck full of heavily armed Seleka who posted themselves at the Ngoubagara bridge to prevent the people living in Boy Rabe from fleeing to other districts. One of them shot my son in the neck at point-blank range. When I arrived to get my son’s body, with the help of some

25. See FIDH fact-finding report ; *Central African Republic: A Country in the Hands of Séléka War Criminals*, pp.26- 27, September 2013, available at :<http://www.fidh.org/IMG/pdf/rca616a2013basdef.pdf>.

young people, and despite the flying bullets, the Seleka, without pity or soul, pointed a gun at my chest and refused to let me go to weep over the body of my son.”

The same day, not far from that locality, witness S.A. recounted that: *“around 10 am some Seleka entered Issa II district on the pretext of coming to disarm the people in the district. They went to my father, and asked him for money. Since he didn’t have any, they asked him for a telephone. Because he didn’t have one, they killed him”.*

During the night of 13 April 2013 in PK13, some Seleka tried to enter the home of L.N. He told the mission that: *“My oldest son, E.N, thinking that it was the night watchmen of our neighbour’s house who was knocking [...] got up to open the door to let him in. As he opened the door he must have understood, for he saw a group of four men with masks on, dressed in military gear. He quickly shut the door and the invaders realised that they couldn’t enter the house so they shot bullets through the door panel and killed my brother. His dead body was lying in a pool of blood”.*

On 14 May 2013, C.E.M, a 20-year old mother, said, *“my child was sick. I was on the way to the hospital, and when I arrived at Cinquantenaire Square I was grabbed by three Seleka fighters who raped me. They even hit me. They didn’t speak Sango or French. After that my husband left me and I am living in misery because I was infected with AIDS”.*

Witness F.A.N. explained how on 3 September 2013 he was held up *“by criminals pretending to be Seleka. There were five of them with their leader, Jaboko, alias ‘Satan’. The second time, on 22 September 2013, my daughter, E.L.K, a 16 years youngster, was raped by two Seleka. As she couldn’t stand it, she fled somewhere into the bush. Fortunately, she is being cared for by an NGO now.”*

Similarly, on 28 June 2013 the Seleka cracked down on the Gobongo district, which according to an FIDH investigation caused the death of at least six people and injured 30.²⁶ “General” Mohammed Dhaffane may have been there.

On the afternoon of 28 June 2013, in the neighbourhood of Gobongo in the fourth district of Bangui, the inhabitants, the majority of them young men, erected barricades blocking the traffic. They were protesting against the killing of a young man from their neighbourhood who had been abducted by Seleka forces as he was studying in class the previous day. Relatives found his body in the morgue of the community hospital.

This protest movement was violently suppressed by the Seleka who fired live ammunition at the protesters, killing six (according to BINUCA) and wounding many others, some of whom were still being treated in hospital. Of the wounded taken to the community hospital, two subsequently died from their injuries. The Seleka also looted shops and houses in the neighbourhood until the arrival of MICOPAX forces at the end of the day. This led to an exchange of gunfire and the killing and wounding of Seleka fighters, before the rebels withdrew.

Besides engaging in attacks on civilians and pillage, the Seleka mercilessly tracked down soldiers formerly belonging to the Central African Armed Forces (FACA), especially members

26. Ibid.

of the presidential guard of ex-President Bozizé. On 21 August 2013, about 100 Seleka men in 20 pick-up trucks invaded the Boy Rabe district. They violently ploughed through the area *“to forcibly disarm any military men who supported the defunct regime and were hiding in the neighbourhood”*, as one witness explained. The Seleka committed numerous crimes leaving a heavy toll of at least 13 dead and 38 wounded. The plundering and abuse in this neighbourhood, known to be faithful to ex-President Bozizé, had already started a few days earlier.

On 19 August, for instance, some Seleka went to the home of J.G, who worked for the police. He told the mission that, *“Their official reason for their coming to my house was to search for weapons and to catch me. They looted my house but most importantly, they killed my son, who was only 13 years old. I know the ones who did that”*.

On 20 August 2013, J.M.B, a 35-year old construction worker, was stopped by the Seleka in front of his house in Bafio near Boy Rabe: *“They asked whether he belonged to the FACA. Although he gave them proof that he didn’t, they insisted and finally shot him dead, point blank, after torturing him atrociously,”* said the victim’s brother who stood by helplessly.

On the same day, according to a member of his family, R.L.Y, a 25-year old driver, *“had a fever and was having trouble walking and working. When the Seleka sealed off the area, he was with three of his friends and they were on their way home. They didn’t run like the others who managed to escape. He was shot seven times in the back with a Kalachnikov and died. We had to bury him at the place where he was killed, while more shooting was going on. Red Cross people were there. The Seleka said that the reason that they shot him was that he was in the army. But this was not true. He was a driver”*.

Testimony was given by S.S.S, a 34-year old man from Bafio near Boy Rabe, who was stopped on 21 August 2013 near the Amitié Hospital. *“I was arrested and taken to the OCRB where I was tortured for 10 days by the men of General Bachar and Colonel Saïd. They were there too”* he said, still traumatised by this violence.

The violence of this operation caused a significant stir,²⁷ prompting the Minister of State for Public Security, Immigration, Emigration and Public Order, General Nouredine Adam, to visit the area to calm down the troops. As a result of the bloody events surrounding 21 August 2013, Nouredine Adam was replaced as minister by Pastor Josué Binuoa, a former minister in the Bozizé government. It was unclear whether this was a sign of further division among the Seleka or the choice of a man who preferred to stay out of the limelight.

Political repression through assassination and torture

On 22 August 2013, Nouredine Adam was appointed head of a new police organisation, the «Extraordinary Committee for the Defence of Democratic Achievements» (*Comité extraordinaire de défense des acquis démocratiques – CEDAD*). CEDAD was originally created as a sort of general intelligence service but soon became a political police organisation that used intimidation, arbitrary detention, political assassination, summary executions and torture as its mode of operations.

27. See. <http://www.jeuneafrique.com/Article/ARTJAWEB20130821183245/bangui-francois-bozize-centrafrique-Sélékabangui-les-seigneurs-de-guerre-ont-encore-frappe.html>.

In October 2013, Reporters Without Borders expressed its concern about CEDAD's threat to journalists: *"During the last few months, without any legal procedure, three editors, Julien Bella of Centrafrique Matin, Maka Gbossokotto of Le Citoyen and Ulrich Landry Ngopkele of Le Quotidien de Bangui, have been subjected to heavy-handed interrogation after publishing stories criticising CEDAD's activities."*²⁸

In the 25 September 2013 edition of *Centrafrique Matin* Julien Bella wrote about a secret prison located in the CEDAD building. On 30 September 2013, he was summoned to CEDAD for questioning: *"He was accused of divulging the existence of a mechanism that was a State secret, threatened with death and called a 'regime destabiliser' by the CEDAD police. The morning after his interrogation, the newspaper published an article in which Julien Bella apologised for revealing the existence of this prison and emphasised the role CEDAD played in protecting the country"*.²⁹

On 4 October 2013, Maka Gbossokotto attracted the attentions of CEDAD. He was summoned to CEDAD because of an article on the Seleka in *Le Citoyen*. After this summons and having received death threats, the newspaper retracted the story.

Later, *"Ulrich Landry Ngopkele of Le Quotidien de Bangui was summoned to Gen. Noureddine's base on 9 October and was subjected to an initial interrogation before being hooded and taken to an unknown location and held for several hours in a cell. He was interrogated a second time by Gen. Noureddine himself, who wanted to know the source for an article entitled 'Followers of Gen. Noureddine beaten at Roux Camp.' It [the article] had been published on 4 October and referred to problems with the succession to the position he [Gen. Noureddine] had held previously, i.e. that of security minister. Ngopkele was forced to apologise before being released and continues to be harangued and threatened by CEDAD members."*³⁰ Groans, cries, and shouts from prisoners held in the CEDAD centre located near the technical highschool and the Air France office in a peaceful district of the city led exasperated neighbours to inform journalists from *Radio Ndèkè Luka* of acts of torture that were taking place in the facility. According to the most popular radio station in the CAR: *"People who are arrested and taken to the CEDAD building are subjected to torture, inhumane and degrading treatment, and some are even killed. The conditions surrounding the arrest of these people remain unclear. Many, in fact most of them, are men in uniform, often close to the regime of the ousted president François Bozizé. Witnesses have testified that this unit is run by the second in command of the regime that seized power on 24 March 2013. CEDAD is the successor to the Bureau National de Documentation (BND), which was created under the regime of General Bozizé. It is a veritable secret service specialised in abduction, torture, inhumane and degrading treatment, extortion and even assassination. The judicial authorities of the Central African Republic have no control over the way it operates. A source close to this unit says that she knew about these atrocities first-hand: 'Once, I was at their place. Two FACA soldiers were brought in and tied up. The CEDAD people tortured them and treated them like beasts. Sometimes when they bring people in who they accuse of supporting François Bozizé, the people are killed immediately and that's not normal'. The same source said that one day she saw hundreds of CAR political and military authorities come to CEDAD together with people from the Central Multinational Force of Central Africa*

28. See <http://fr.rsf.org/rca-la-Séléka-demantelée-mais-les-22-10-2013,45340.html>.

29. Ibid.

30. Ibid.

(FOMAC) to free a prisoner: 'President Djotodia came to this place twice, with the Minister of the Interior, the Chief of Staff and even some FOMAC members' ".³¹

On 8 November 2013, the UN High Commissioner for Human Rights also expressed concern about reports of illegal arrests, detentions and torture in CEDAD secret detention centres: "According to information received by the UN Human Rights Office, ex-Seleka forces working for the CEDAD, a committee set up after the last ministerial reshuffle, are allegedly responsible for illegal arrests and human rights abuses. The CEDAD building appears to be used as a private and illegal detention centre where torture is used extensively. The CEDAD is not legally mandated to detain individuals or investigate criminal offences. I call on the authorities to look into these allegations immediately and, if they are confirmed, to take urgent measures to ensure that illegal arrests, detention and the use of torture are halted immediately," said Navi Pillay.³²

In response to the scandal and to the increasing number of complaints about the behaviour of CEDAD, then President Michel Djotodia signed a decree officially dissolving the organisation on 27 November 2013. In spite of this, CEDAD continued its secret activities, at least until Nouredine Adam left the country in mid-January 2014.

The mass graves at Camp Roux and Camp Béal

CEDAD has proved not been the only venue for torture and murder in Bangui. Camp Roux, home to ex-President Michel Djotodia, has also been known as a place of detention and execution since March 2013. Many people have been arrested and sent to Camp Roux, some of them never re-emerging.

On 24 December 2013, 32 bodies were found in an open grave on the *Colline des Panthères* (Panthers' Hill) road, 300 meters from Camp Roux, which then housed the Presidential Guard and Head of State, Michel Djotodia.

The 32 corpses belonged to adult males who, according to early observations and sources close to the investigation, showed signs of being tortured before being assassinated. These individuals may have been FACA and/or gendarmes. Most of the bodies bore marks of injury such as knife wounds, or had been mutilated. Other were found tied up. Public Prosecutor, Ghislain Gresenguet, asserts that the noise of gunfire would have alerted the authorities or foreign officials who lived close by. As such, he believes that these men, who had been dead for three to five days, were in fact killed in a different locality and disposed of in the site at which they were found.

The gendarmes were instructed to carry out the investigation. Later, the prosecutor opened judicial proceedings on the case. At this stage the leading suspects are the Seleka housed at Camp Roux. Radio broadcasting facilities are situated in the locality of the grave, about 300 meters from Camp Roux. They are kept under strict army surveillance and are off-grounds to the public and civilian vehicles. The location of the bodies and the testimony collected, indicates that there can be no doubt that access to Camp Roux was exclusively open to Seleka forces.

31. See <http://www.radiondekeluka.org/secure/item/17887-bangui-une-prison-secr%C3%A8te-o%C3%B9-les-droits-humains-sont-bafou%C3%A9s.html>.

32. See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13966&LangID=E>. <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=13966&LangID=F>.



The mass grave at Camp Béal in Bangui discovered on 13 February 2014 – © Laurence Geai

No other armed group would have been able to enter the vicinity to carry out such violence or hide these bodies. Witnesses report seeing the Seleka's black 4X4 vehicles go back and forth to Panther Hill where six more bodies were found a few days later.

On 13 February 2014, FIDH was on site when another mass grave was discovered. This grave was located in Bangui in the camp of the support and services battalion, BSS, called Camp Béal. Here, the military barracks were occupied by ex-Seleka waiting to be disarmed. After being notified by Congolese (DRC) AFISM-CARunit watching over the Seleka of the presence of the grave, the legal authorities went to ascertain the situation. They found several bodies, some of which had been tied up and appeared to have been killed three or four days previously; others seemed to be in a more advanced state of decomposition. After Sangaris soldiers moved some earth, 13 bodies were drawn out of an old gasoline tank. Public Prosecutor, Ghislain Gresenguet, opened judicial proceedings into the matter and questioned the head of the Seleka at Béal Camp. The latter stated that he had had nothing to do with what appears to have been a series of summary executions.

2.2.2. Anti-balaka attacks in Bangui since 5 December 2013

Attacking Bangui on 5 December 2013, anti-balaka militias transformed the capital into a new front for fighting in the prevailing conflict. This event triggered lethal violence occasioning 1,500 deaths in the capital city alone between December 2013 and March 2014. At the end of March 2014, anti-balaka abuses were continuing in Bangui and the militia was threatening to invade the city's PK5 district, one of the last Muslim enclaves in the capital, to kill the thousands of Muslims who had not yet been able to flee.

The anti-balaka attack of 5 December and Seleka revenge

On 5 December 2013, at around 6am, anti-balaka militias composed of armed civilians and FACA soldiers launched a coordinated, simultaneous attack on three points in the capital: camp Kassai, the National Assembly and the Boy Rabe district. Witnesses report that anti-balaka entered Bangui along several roads for several hours starting early in the morning.

Heavy weapons, assault rifles and machetes were used in the fighting. The assailants were pushed back from camp Kassai but went on a manhunt for Muslims in the Boy Rabe district, torching their houses and shops. Very soon dozens of people, mostly civilians, had been killed. There were also numerous casualties, who spoke of attacks by anti-balaka who had entered their houses, killing or mutilating men, women and children with machetes.

On 5 and 6 December 2013, 65 bodies were taken to the central mosque in PK5.

Anti-balaka attacks have targeted all Muslims, irrespective of nationality or status. Ibrahim, a 38-year old South-Sudanese refugee, described his experiences: *“I lived in the Boeing neighbourhood. The anti-balaka attacked my house around 5 or 5:30 in the morning. That was the day of the anti-balaka attack on Bangui. They came into my house. I escaped because I thought that they would not shoot children or women. I went straight to the central mosque. The next morning, December 6th, the bodies of my two sons were brought to the mosque – S.A.A, my 12 year old and M.A.A, my 8 year old. Listening to the people who carried in the bodies, I was led to think that they had been killed in PK 1. As for my wife, A.H [a 23-year old Central African Fulani], I have not had any news about her since then. I don’t know what has become of her. I have not seen her since. I am from South Sudan and I lost my whole family there when I was a child. I came alone to Central African Republic when I was 21 years old. Now I have lost my whole family”.*

Since these events, Ibrahim has been in Bangui trying to flee and escape being killed. As a refugee, the UNHCR should be able to protect him. Nevertheless, he has been waiting for four months to be taken to another country. Every day he goes to the UNHCR or some other organisation to plead his case, to find a way to get out of the country. On 5 February 2014 Ibrahim was attacked by FACA elements in the centre of the city and since 9 February has been receiving menacing phone calls from an anti-balaka fighter. He manages to survive at the Bangui central mosque in PK5, but is woken regularly by people shooting at the mosque and the displaced persons housed there.

The anti-balaka attack on Bangui was a coordinated, planned attack, displaying a notable aptitude for military tactic. The mission met Lieutenant Yvan Konaté, who introduced himself as the anti-balaka’s chief of staff,³³ saying *“I supervised the attacks of 5 and 25 December. I was in the field”*. The use of heavy weapons, the strategic objectives pursued and the coordinated actions deployed in the assault on the city are signs of military expertise. The timing of the attack – the date of the UN Security Council’s vote on Resolution 2127³⁴ authorising the deployment of French *Opération Sangaris* forces in support of African AFISM-CAR troops – presents itself as a strategic decision that seems far from the preoccupations of a peasant

33. See below section 4.1: Who are the anti-balaka?

34. See <http://www.un.org/News/Press/docs/2013/sc11200.doc.htm>.



65 bodies laid out in the central mosque in Bangui on 6 December 2013 – © DR

self-defence militia. Anti-balaka political leaders, undoubtedly all FACA connected to the old regime, sought to capitalise on political/military surprise by launching an attack on a day of ostensible calm. This strategy proved successful in two respects: the militia's rapid arrival *en masse* in Bangui embodied a strong element of psychological surprise enabling the militia to achieve a foothold in the capital before the deployment of French troops, and thereby securing a *fait accompli* policy. These militia continue to be present in Bangui at the time of writing.

The anti-balaka attack of 5 December 2013 sparked a battle for control over Bangui, as well as violent revenge attacks by the Seleka. Confrontation between anti-balaka, the Seleka and local populations supporting these warring factions, resulted in the deaths of over 1,000 people in just a few days. On 5 December 2013, Bangui sank into chaos.

At the PK13 cattle market, witness M.M. spoke of the 5 December actions of the Seleka in the following terms: *"They arrived on December 5th in the afternoon. There were five of them. They were Ibrahim's men. Ibrahim was called "IB" and was the Seleka lieutenant colonel. They came and burned down two houses in the compound"*.

Again in the PK13 neighbourhood, witness T.M. recounted that, *"during the anti-balaka attacks, when we were running away, me and my brother came across a group of Seleka who were killing a Christian. Our landlady, who is Muslim, told us to come and hide at her place. My brother hesitated. I mustered all my courage and entered the house. That saved me. The Seleka caught my brother and killed him"*.

In a further act of retaliation, the Seleka surrounded and entered Amitié hospital (4th district) on 5 December, removing people who had been injured. Witness S.B.K. was at the hospital

because his wife A.A. was there, seriously ill: *“I saw the Seleka burst into the hospital. They got hold of people there and medical staff and then fled. My wife was receiving drip treatment. She died from lack of care because the medical staff was gone because of the Seleka”*. R.M.Y. and his wife F.Z.Y. were also present at the hospital. F.Z.Y. told the mission that: *“we went there to buy medicine. The Seleka entered the hospital and took 11 people with them, including my husband, R.M.Y. They killed the 11 people, including my husband, right inside the hospital”*.

On the same day, again in the 4th district, witness E.Y. reported that *“the Seleka invaded Dedengue II sector and started to shoot everywhere. My brother was in front of the house and got shot twice. He was shot dead.”* In the Issa I neighbourhood of the 4th district, witness J.G.G. reported: *“on December 5th my father A.G. went to see his friend, the youngest son of the head of our neighbourhood. The Seleka caught them in the home of the head of our neighbourhood. After checking that my father was not a Muslim, they killed him and left his friend, who is a Muslim”*.

Local populations also joined in the violence and looting. A.G. gave the following description: *“in the Muslim part of PK13, when the Seleka attacked the non-Muslim population all the inhabitants ran away. After that the people from around the area, the Mbororo Fulani, came and went from house to house to steal everything and ransack the houses. They took the furniture, the doorframes and the doors, the kitchen utensils, everything ...”*. According to M.E.N., at the PK13 cattle market, people from around the area *“came in hordes and went from door to door. They indiscriminately killed 26 people on the spot. They threw the bodies in a neighbour’s well. We were able to pull up three of the 26 bodies. One of them was my brother”*.

Many sexual crimes were also committed during these events. P.W., 33 years old, said that *“in the evening of December 5th, around 8 pm, four Seleka broke down our door and tied up my husband. They made me lie down and two of them raped me. Three of the four men did not speak French or Sango. In the meantime, my husband who had been tied down in the living room managed to escape. I got help from an NGO. After having a medical examination, I learned that I had been contaminated with HIV.”*

In the Kina neighbourhood of the 3rd district: *“during the night of December 5th, after the antkabalaka and the Seleka attack, Colonel Bichard and three other Seleka entered our neighbourhood. They broke down our door while we were inside. As soon as they got into the house, they knocked us all down. Then they told my father to make love to my mother in front of us. My father refused. They took him away to somewhere unknown. We never saw him again”*.

M.G.N., a 16-year old girl, spoke to events that took place on 5 December 2013 in Camp Castors, Bangui: *“They [the Seleka] wanted to rape me twice in the same day. The first time, they were two of General Tahir’s Seleka troops. I recognised them because the second time, they wanted to rape me in front of my house and General Tahir was there in a pick-up truck with the same men”*, she said.

Further crimes were committed over the following days. In Ngola, an area in PK 12, *“the Seleka came to the RDOT military camp [in PK11] on the road to Sibut. They fired at everyone. That’s how my two brothers were killed. Afterwards, they cut them up into pieces and we found the bodies with their sex organs cut off and hanging out of their mouths,”* said A.S.B., a 33-year old vendor.

An initial consequence these acts of violence was that people fled from these neighbourhoods, taking refuge around the airport, near the French military base of *Opération Boali*. On 5 December, this operation became *Opération Sangaris*. A few days later, close to 30,000 displaced persons had taken refuge in this makeshift camp. A month later, there were more than 100,000 persons at the camp, which inhabitants had baptised as “Camp Leidger”, after the best hotel in Bangui in which staff from international organisations were staying.

Over the next few weeks, dozens of murders, rapes, and acts of looting were recorded. The capital also experienced peaks in violence, as anti-balaka militias sought to gain ground within the city and Seleka forces withdrew or were rounded up.

The 25 December 2013 “Christmas” attack

On 25 December 2013, the anti-balaka launched another offensive. They put up barricades and attacked the Seleka in PK5, PK12, Ben-Zvi and especially Gobongo, in the north of the city. A Bangui resident told *Radio France Internationale* (RFI) that: “*the anti-balaka were the ones who started bothering people. We really are in over our depth. Since this morning, it has been non-stop. They are still shooting right now. We don’t know what’s happening. I’m at home, hiding, with my whole family*”.³⁵

Since 20 December, the violence in Bangui has worsened, causing thousands to leave. The NGO *Medecins Sans Frontieres* (MSF), on 24 December 2013, said that they had cared for close to 200 casualties in Bangui between 20 and 24 December. 2013 Since 5 December 2013, 1,000 people had been killed, with MSF treating about 400 casualties, of which about 300 had bullet wounds and over 100 knife wounds.

Christmas day saw intense fighting. *Opération Sangaris* reported a “peak of violence” on 25 December 2013. This followed “*heightened tension observed since 20 December that was clearly not letting up*” according to Colonel Jaron, spokesman for the French Chief of Staff, speaking to RFI.³⁶

On 25 December, a Chadian AFISM-CAR contingent was sent to Gobondo to remove barricades and clear the road. In the course of doing so, these troops were singled out and shot at. Five Chadian soldiers died in the attack, for which the anti-balaka claimed credit. The balaka latter stated that the assault had been in retribution for a skirmish with the Chadian soldiers the evening before in the same area.

This attack revealed another dimension to the fighting in Bangui. Chadian AFISM-CAR troops (numbering 850 of the 3,700 strong AFISM-CAR deployment in December 2013) had been accused of complicity with the Seleka. On 23 December 2013, for instance, Chadian AFISM-CAR forces shot at demonstrators near the entrance to Bangui airport, killing one person. The few thousand demonstrators had wanted then-President Djotodia and the Chadian soldiers to leave, shouting “*no Chadians in Bangui*”. A spokesman for the Chadian government said in relation to these events that N’Djamena “*formally denied*” the involvement of any of its soldiers

35. cf. <http://www.rfi.fr/afrique/20131225-centrafrique-nouvelle-journee-violences-bangui/>.

36. Ibid.

in the incident. Nevertheless, the issue of complicity between Chadian soldiers and the Seleka arose again in another incident a few hours later.

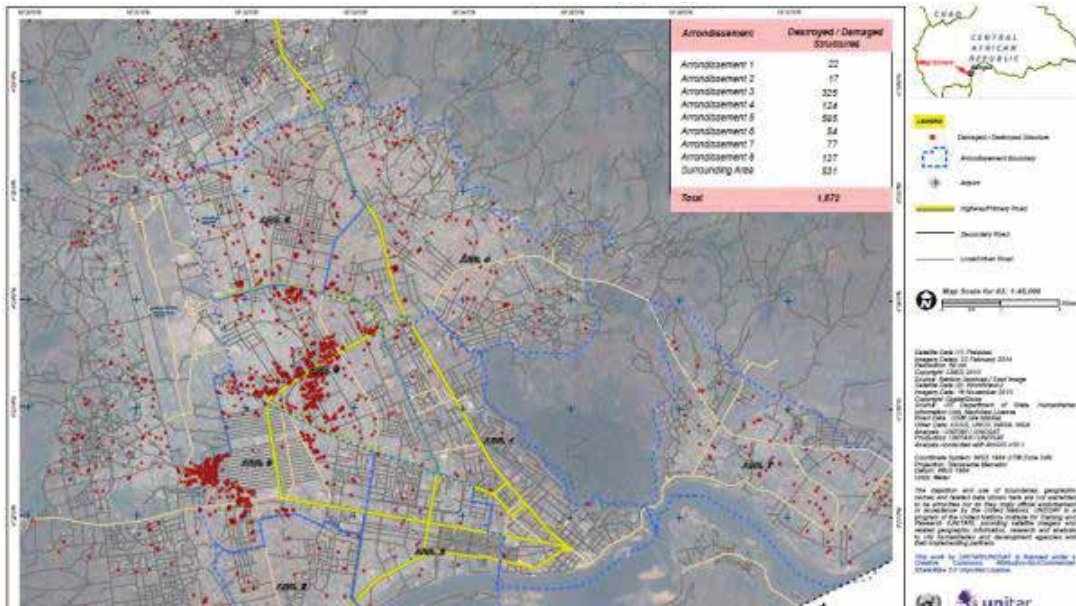
On 23 December 2013, whilst disarming Seleka troops, Burundian AFISM_CAR soldiers were attacked with automatic weapons and grenades by Chadian AFISM-CAR troops, forcing the Burundi soldiers to respond. Three Chadians were wounded. The Burundian soldiers “*had no problem*” pushing back the Chadians and the head of the Burundian contingent stated that his men had “*no responsibility in these incidents*”.

At the end of December, AFISM-CAR’s command decided to redeploy its Chadian contingent to the north of the country after accusations of their involvement in several incidents and in response to growing resentment among the inhabitants of Bangui, who believed the soldiers to be in league with the Seleka.

Attacks on PK5 and PK12

Since the 5 and 25 December attacks, anti-balaka militia have been targeting the PK5 and PK12 neighbourhoods, where most inhabitants are Muslim. Both areas have gradually come to be besieged Muslim enclaves. PK12 now has a population of about 2,500, mainly Fulanis from other parts of the country, and PK5 may have a population of a few thousand also. These localities are two of 20 besieged Muslim enclaves on record in the west and the southwest of the country. In December 2013, anti-balaka offensives and the Seleka’s reprisals divided Bangui into “Muslim” and “Christian” zones. Miskine, PK5 and PK12 in the 3rd district became the principle “Muslim” zones, though as Muslims fled the city, their size shrank. By February-March 2014, PK5 and PK12 were the last corners of Bangui where Muslims could hope for relative, albeit precarious safety.

For the last four months, anti-balaka militia have been attacking these enclaves with guns and grenades daily. Some Seleka have hidden among the local population and together with a number of civilians who have joined them, respond to the anti-balaka engage in reprisals for



Map of attacks on Bangui between 16 November 2013 and 26 February 2014 – © ONU - UNOSAT

these attacks, infiltrating neighbouring areas and usually killing civilians. During the month of February, the mission observed how these attacks were carried out.

On 7 February 2014, the FIDH mission visited the “*camp de triage*” at the airport where a selection was being made to decide which Muslims would be evacuated in an airlift. During this visit, the mission realised how precarious the situation of these displaced persons was: an attack by two anti-balaka, saw one of them lynched and the other arrested by Chadian soldiers. Ten minutes later, anti-balaka militia started shooting at the camp at which the FIDH mission was present. This led to immediate, uncontrollable panic among the displaced persons, providing a sense of the attackers’ audacity since the camp is part of the airport zone and located 200 meters from the French army base. Aimed exclusively at civilians, the attack illustrated the belligerents’ disregard for all international rules and regulations.

On the same day, 7 February 2014, a man was lynched in PK12 near the market. Another man being subjected to lynching in the 5th district was saved by Rwandan AFISM-CAR forces.

On 13 February the mission returned to PK12. A few minutes before the mission’s arrival another anti-balaka attack had led to the death of one man and caused two casualties from grenade detonations. The district was being protected by Congolese AFISM-CAR soldiers and French Sangaris troops. One member of military personnel explained that “*the anti-balaka have sealed off the district and gone over the hills to launch their attack. They have infiltrated the area to take ‘sniper’ shots at the people who were detained there or to launch grenades. If shooting starts, throw yourself into the ditches until it stops*”.

The PK12 district is under great pressure. Violent demonstrations are taking place 200 metres away and the inhabitants are beleaguered by anti-balaka assaults. They cannot get out of this small one square kilometre that serves as a precarious refuge. They can only get food from humanitarian organisations, and the wounded, who cannot stay in the city, are taken into the enclave where they suffer from heat and trauma. Men armed with bows and arrows and small spears try to defend their families from anti-balaka infiltration and attacks as the international forces in charge are unable to stop all these attempts. Their eyes are red from lack of sleep and in the enclave there is a feeling that an attack could be launched at any moment. A small number of survivors from the convoys that were attacked on the road to Chad, the north and the east of the country come back and describe the horrors of the road. They talk of the attacks and the mutilation of their friends and family. They feel confronted with the choice of dying in the enclave or risking their lives in convoys that face numerous dangers on the risky roads to exile. At the time of the mission’s visit there were two casualties in need of evacuation. The anti-balaka and the surrounding crowd, restrained Sangaris troops, knew the situation and wanted to prevent the wounded from being evacuated. Some casualties had previously been taken away in ambulances which were forcibly stopped and their occupants killed in Bangui or elsewhere in the country. This was a well-known fact in the district. AFISM-CAR and the Sangaris troops had to force their way through to evacuate the two wounded persons to where they could receive treatment.

During the night of 14-15 February 2014, two Muslims were killed in an attack at PK12. The next day, on 15 February, a grenade detonated and killed one person. Attacks, death and injury were nearly daily fare.



Two Fulanis wounded by shrapnel from a grenade in PK12, Bangui, February 2014 – © Florent Geel / FIDH



Sangaris soldiers protect the PK12 neighbourhood invaded by pro-anti-balaka demonstrators in Bangui on 13 February 2014 – © Laurence Geai

On 26 February 2014, the Central African Red Cross (CRC) said that it had recovered 11 bodies in the PK5 neighbourhood following violence that occurred there the preceding night. Some of the bodies had been badly mutilated. On 25 February 2014, the Red Cross counted nine fatalities and 10 persons injured during violent fighting and shooting taking place throughout the course of that day. The crossfire continued throughout part of the night, and during the day of 26 February the Red Cross picked up two more bodies and six wounded. The head of this humanitarian organisation said that some of the bodies *“had been cut into pieces. The murders were savage; it was a dark day [25 February] in PK5”*. By the end of February the Red Cross had counted a toll of 1,240 deaths, just in the city of Bangui, since 5 December 2013. This *“number was undoubtedly too low since we only counted bodies that we took care of or that we were able to see personally”*, the Red Cross representative added. Some bodies were retrieved by the families themselves, quickly buried or hidden by belligerents. Consequently, many people were simply listed as “disappeared”.

Attacks on PK12 and PK5 have been so frequent that this account cannot reflect the reality. People have died because they were trapped. Fewer and fewer foreigners are present, and fewer people can join convoys leaving for Chad or other countries surrounding the CAR. Central African Muslims have become trapped in their own homes, their own districts, their own towns, their own country. In April 2014, the United Nations apparently decided to evacuate these people to another part of the country or abroad. International forces on the ground have been determined to protect the Central African Muslim population and maintain them in their homes, though the reality is that this population is literally dying in the enclaves from violence, disease, lack of food and healthcare, and fear. Whilst the efforts of international forces to evacuate these persons may be a sign of capitulation to persecutory cleansing, maintain-

ing them in these enclaves where anything could happen from one moment to the next, risks that they would be left to die as a result of the principle of 'not participating in political and religious cleansing. Precedents such as those in Bosnia must serve as an example. During its field work it became clear to the FIDH mission that priority must be given to protecting the population, whilst guaranteeing these people's inalienable right to return to their homes, so as not to subscribe to the anti-balaka's kill-them-all policy.

Violent chaos obscuring high levels of political violence

The apparently chaotic and aimless violence sweeping the country, especially Bangui, is currently obscuring a large number of politically motivated assassinations and attacks taking place in the CAR. Just as the Seleka chased out the Bozizé regime with its FACA members and presidential guard, anti-balaka militia seem to be singling out those accused of collusion with the Seleka. Moreover, whilst generalised violence undoubtedly prevails, in a number of cases, as one person told the FIDH mission, "*coincidences only go so far*".

On 5 February 2014, a major gathering took place at the *École nationale de la magistrature* (ENAM). The Central African Armed Forces (FACA) had just pledged allegiance to President Catherine Samba-Panza, who had launched an appeal 72 hours earlier for FACA elements to reregister or risked being considered deserters.

Many people saw this ceremony as a symbol of progress in returning to normalcy. That day, the 6pm curfew that had been in force since November 2013 was changed to 8pm. Speaking to 4,000 soldiers (uniformed and un-uniformed), transition government officials, AFISM-CAR officials, and the Commander in Chief of the French Sangaris forces, President Catherine Samba-Panza gave a determined address on the need for order, national reconstruction and reformation of the army.

A few minutes after her departure, before hundreds of witnesses including a large number of journalists, a man referred to as 'Idriss' was confronted by the FACA as people shouted, "*He's a Seleka, he's a Seleka*". The man was savagely beaten and then stabbed on ENAM grounds, before being dragged into the street where FACA soldiers and passers-by kicked and stabbed him, throwing large stones. The man subsequently died. Dozens of people took photos with their cell phones. The man's body was then dismembered and burned before Burundian AFISM-CAR soldiers, who had been present during the lynching and sought to intervene by firing warning shots to disperse the delirious crowd. The subsequent arrival of French Sangaris soldiers put an end to the incident. What was left of the corpse was then turned over to the Red Cross.

A subsequent investigation indicated that the victim of these events may have been a FACA soldier accused of collaborating with the Seleka. Several of his killers may have been anti-balaka FACA members. Some of those present during the incident accused persons called '*8 puissance*' and Ingar Gabin of involvement in the killing. Yvon Konaté, who was there, said, "*it wasn't us. I personally was with 10 anti-balaka FACA members, and said that we should leave at once*". The Bangui prosecutor has opened an investigation into the murder. As yet, there has not been any tangible follow-up to the investigation.

This incident has also been linked to the political assassination of higher profile individuals deemed "traitors" by certain factions. On the afternoon of 9 February 2013, Jean-Emmanuel

Ndjaroua, a member of the *Conseil national de transition* (CNT), was assassinated a few meters from his home in the 4th district. He was killed by 8 bullets that were shot by a gunman on a motorcycle who sped away. The alleged culprit has been identified as Ingar Gabin though he remains at large; he is a corporal who is also said to have been among the first ones to stab the victim "Idriss" at ENAM on 5 February 2014. When questioned about the murder, anti-balaka leaders said: "*Ingar Gabin is an old man. He was not at the place of the crime*". "*On the day at ENAM he was working as head of security at the home of the coordinator named Ngaissona,*" added Maxime Mokom and Yvan Konaté, two CLPC anti-balaka military leaders.³⁷ These individuals had nothing to say when asked about the possible reasons for Ndjaroua's assassination. The evening before, Jean-Emmanuel Ndjaroua had made a very well-received speech to the provisional parliament, violently condemning the climate of insecurity in the capital. He had particularly challenged the Prime Minister on abuses against the country's "cosmopolitan" citizens, namely Muslims. The Central African League for Human Rights (LCDH), which provided the mission with information on this murder, has said that Mr Ndjaroua was the representative for the Bria Prefecture in Haute-Kotto, in the east of the country. LCDH highlighted that just two weeks earlier, two of Mr Ndjaroua's children had been assassinated on the road between Sibut and Damara.

On the same day as Mr Ndjaroua's murder, Arsène Sendé, Minister of Justice and former Keeper of the Seals, was the target of an assassination attempt. He had been threatened for several days and had left for Dakar the evening before. On 9 February, at around 6am several men burst into Mr Sendé's home where they found his brother, the President of the Bangui *Tribunal de Commerce* (commercial court) and his nephew. They seriously injured the brother's collarbone and slit the nephew's throat. The latter was rushed to the hospital, where he died. According to witnesses, the aggressors were looking for Mr Sendé's computer.

The facts surrounding these cases suggest that these attacks had a precise motive and targets: to hunt down all those deemed to be "traitors" and to find compromising information or evidence.

Indeed, information from several sources suggests that the individuals targeted were on a special hit list. In certain networks and among anti-balaka leaders, the name of the former Prime Minister Nicolas Tiangaye of the transition government, is also often mentioned. A well-informed source told the mission that: "*They say he should be punished, he should pay for being a traitor*". The former Prime Minister, who was selected on 17 January 2013 to represent the opposition following the Libreville agreement, has been targeted since the 5 December 2013 uprising. Whilst in Paris for the summit at the *Élysee* and preparing to return to the CAR, Mr Tiangaye's house was ransacked. During his time as prime minister Mr Tiangaye was threatened several times by the Seleka and his cars were stolen; his stormy relationship with Michel Djotodia rendered him a target for the Seleka whose senior security officers often menaced him. Whilst in Paris for the CAR Summit that was held alongside the *Élysee* summit, Mr Tiangaye was told that, "*if you go back, you're a dead man*". Returning to Bangui, Mr Tiangaye "resigned" at the same time as Michel Djotodia, on 10 January 2014 during the N'Djamena ECCAS Summit. Since then, he has been under the protection of AFISM-CAR forces.

One magistrate told the FIDH mission that, "*we know who the brains are behind these crimes, the people who order the executions. We can get them. We know where to find them. However,*

37. See below Section 4.1 – Who are the anti-balaka?



A man accused of being Seleka killed by the FACA at ENAM/Bangui on February 5, 2014. Some minutes later his body was dismembered and burned. – © Laurence Geai

to do so requires political will and coherence. We cannot advocate reconciliation with people with blood on their hands and, at the same time, pretend that we want to fight impunity.”

2.3. Targeting the “other”: crimes against individuals and communities

Belligerents in the CAR’s conflict have sought to target all those perceived as the “other”, carrying out crimes that stigmatise or deny the existence of such persons and their communities. Rape and sexual crimes, attacks against religious property and the destruction of homes are all undertaken to repudiate or wipe out these “other” communities.

Rape and other sexual crimes

A humanitarian aid worker told the FIDH mission that in February 2014, seven cases of rape were presented in a single day at the Bangui clinic. This figure is high given that very few women actually report being raped in the CAR.

The number of sexual abuses committed during previous confrontations in CAR was likewise high. In 2005, FIDH and several other organisations estimated that 7,000 women had been raped during the 2003-2004 clashes that brought General Bozizé to power. All sides were responsible: militia under Jean-Pierre Bemba treated rape as a weapon of war to be used against Congolese civilians, whilst Bozizé’s Chadian soldiers and mercenaries also systematically employed rape. FIDH and its member organisations in the CAR strenuously advocated for the International Criminal Court (ICC) to open an investigation on the situation in the CAR, considering the magnitude of sexual crimes committed in that context such that it should be

considered a crime against humanity. The ICC opened an investigation in 2007.³⁸ In one decade, sexual crimes have become a scourge of the wars in Central Africa.

In 2013, Chadian and Sudanese mercenaries behaved in the CAR as they had in Sudan, especially Darfur. Numerous rapes were recorded during their occupation of the country, especially in the west and in Bangui.

In Bambari, on 15 March 2013, S.N., 34 years old said, *“Some Seleka passed me. They saw me and talked to me. They forced me to follow them. Between 4 and 7 pm, six of them raped me, one after the other. Then they abandoned me, just like that”*. The hospitals in the vicinity had all been looted and medical services were virtually non-existent. No-one took S.N in or gave her any treatment.

In the town of Grimari (population: 47,272), 28 rape cases were recorded, including several cases of gang rape.

On 14 May 2013, C.E.M, a 20-year old mother, said, *“my child was sick. I was on the way to the hospital, and when I arrived at the Cinquantenaire Square I was grabbed by three Seleka who raped me. They even hit me. They didn’t speak Sango or French. After that my husband left me and I am living in misery because I was infected with AIDS”*.

Witness F.A.N. explained how on 3 September 2013 he had been held up *“by criminals pretending to be Seleka. There were five of them with their leader, Jaboko, alias ‘Satan’. The second time, on 22 September 2013, my daughter E.L.K., a 16 year old youngster, was raped by two Seleka. As she could not stand it, she fled somewhere into the bush. Fortunately, she is being cared for by an NGO now”*.

Many sexual crimes were committed during these chaotic times. P.W., 33 years old, said that *“in the evening of December 5th, around 8 pm, four Seleka broke down our door and tied up my husband. They made me lie down and two of them raped me. Three of the four men did not speak French or Sango. In the meantime, my husband who had been tied down in the living room managed to escape. I got help from an NGO. After having a medical examination, I learned that I had been contaminated with HIV.”*

In the Kina neighbourhood of the 3rd district: *“during the night of December 5th, after the anti-balaka and the Seleka attack, Colonel Bichard and three other Seleka entered our neighbourhood. They broke down our door while we were inside. As soon as they got into the house, they knocked us all down. Then they told my father to make love to my mother in front of us. My father refused. They took him away to somewhere unknown. We never saw him again”*.

M.G.N., a young 16-year old girl, told the FIDH mission how on 5 December 2013 in Camp Castors in Bangui: *“They wanted to rape me twice in the same day. The first time, there were two of General Tahir’s Seleka troops. I recognised them because the second time, they wanted to rape me in front of my house and General Tahir was there in a pick-up truck with the same men”* she said.

38. See FIDH publications on the CAR and the ICC, available from : <http://www.fidh.org/en/africa/central-african-republic/CAR-ICC/>.



In front of the destroyed Islamic cultural centre, Bangui Fouh district – © REUTERS-SIEGFRIED MODOLA

On 5 December 2013, around 8 pm, J.O., who lives in Bégoa reported: *“I was violently woken up by four Seleka who came into my house while I was asleep with my wife. They roughed me up and two Seleka raped my wife while the other two stole everything in my house”*.

Although some rapes by anti-balaka fighters have also been reported, most of the women we met did not dare testify in respect of these incidents. They were not only afraid of reprisal but also of being stigmatised, as victims of sexual violence usually are in the CAR. There are several clinics and special health centres in Bangui that treat large numbers of cases of sexual violence. The subject is so sensitive that it is difficult to obtain statistics and data. Similarly, those Muslims fleeing CAR by whatever means available are so widely dispersed that the mission was unable to confirm information on the level of sexual violence experienced by the Muslim population.

Special attention needs to be given to preventing sexual crimes in the CAR. An initial, and most urgent measure would be the issuance of a warning from the international community and the national authorities, and punishment of the culprits. Special studies should be made to obtain information on the magnitude of sex-related violations and the medical, psycho-social and legal means needed to deal with them.



Location of a mosque that was “destroyed” and “replaced” by a basketball court in Bangui Fouh District, February 2014 – © Florent Geel / FIDH

Attacks on religious and educational buildings

The religious dimension characterising the conflict in the CAR largely explains its scale, systematic nature and social footprint. Indeed, the targeting of religious places is a logical consequence of this characteristic of the conflict.

Attacking and ransacking churches and religious congregations

The Seleka coalition’s advance saw it plunder nearly all religious congregations in its path. Dozens of buildings, vehicles, power units, batteries, wheels, motorbikes, computers, solar panels, etc. were destroyed, stolen or damaged in the course of these activities. Sometimes the Seleka came to the same place several times to loot it again. In the Alindao bishop’s compound incomplete initial estimates indicate close to 580,000 euros of damage caused by destruction, damage and theft. This equates to years of investment and development; the Catholic order had created workshops for professional apprenticeships, revenue-generating activities, schools, etc.

In some places, religious buildings and/or liturgical items were desecrated, including in Saint Joseph de Mobaye parish church, *Immaculate Conception of Kembé* and at Mobaye. Here, one witness reports that, *“Besides the theft as such, what they are doing is sacrilege. The liturgical objects, (albs and other items) were torn and the communion wafers were thrown on the floor.”* Repeated attacks on the cathedral in Bangui also fall into this category.

Attacks by the Seleka unquestionably have a religious objective. This said, the churches and religious congregations have so often been targeted because they house items of value and even affluence that can be looted by these bandits, mercenaries who fund themselves by ransacking civilians. Moreover, religious personnel have also often been threatened because of their role in in society, though they have not been subject to systematic physical attacks.

The religious character of the conflict developed considerably when the anti-balaka became more powerful and the Seleka started to pull back.

Destruction of mosques and attacks on imams

Systematic attacks on Muslim places of worship and religious personnel are likewise prevalent in the CAR and Mosques also are targeted.

In Boali, all three mosques have been attacked and destroyed. As the FIDH mission passed by, men were taking a mosque down stone by stone. On the road between Bangui and Boali, all the mosques visited by the mission had been attacked and partially or totally destroyed.

Most of the mosques in Bossangoa, Bossembélé, Bouar and other towns have been attacked or destroyed. Those mosques that are still in reasonable condition are often being used as refuges for the besieged civilian population, including the central mosques of Boda, Bangui, Berbérati and PK 12, amongst others.

In Bangui only four of 23 mosques remain standing: the central mosque in PK5, and the mosques of Lakwanga, Bazanga and PK12.

All other mosques in the city have been attacked, burned down, pulled apart or destroyed. In the Foh and Miskine districts of Bangui, the mission found that the local mosques had been destroyed and replaced by concrete slabs and basketball boards in a bid to replace places of worship with basketball/game courts.

This systematic destruction of Muslim places of worship over such a large part of the country suggests that this all-out attack on Muslims, their communities and institutions has involved some level of coordination. The destruction of places of worship clearly reflects a line of logic designed to wipe out these communities by eliminating their physical and historical presence, however recent.

This approach was exemplified in the *Prli and others* case before the International Criminal Tribunal for the former Yugoslavia (ICTY). Here, the Trial Chamber (*première instance*) convicted most of the accused for “*destruction or wilful damage to institutions dedicated to religion or education*” perpetrated during the capture of the Mostar Municipality, as well as the destruction of several mosques in 1993 and 1994.³⁹

Investigations undertaken by the FIDH mission further established the commission of other serious human rights violations punishable under international law.

39. See http://www.icty.org/x/cases/prlic/tjug/en/130529_summary_en.pdf.

Recruitment of child soldiers

Various fact-finding missions undertaken by FIDH and its member and partner organisations since June 2013 have highlighted that parties to the conflict in the CAR have been engaging in the recruitment of child soldiers. According to UNICEF, thousands of children form part of the rank and file of both Seleka and anti-balaka forces. “[I]n round figures we can talk about 5,000 to 6,000 children, which is about double our earlier estimates [3,500 children]”, said Souleymane Diabaté, the UNICEF representative in the Central African Republic.⁴⁰

During the FIDH mission’s encounters with fighters, these ‘children of the war’ were virtually always involved.⁴¹ In January 2013, UNICEF managed to free 23 child soldiers between the ages of 14 and 17, including six girls who were in the hands of the armed groups in Bangui.

As intense conflict remains ongoing it is difficult to negotiate the release of these thousands of children, many of whom are often forced to fight or to handle logistics for armed groups. Girls are most often used as domestic slaves to carry out household tasks for the armed groups, or as sexual slaves for fighters.

2.4. Attacks on international forces

Since 5 December 2013, AFISM-CAR and Sangaris forces have lost 23 soldiers on active duty. The African troops have seen the heaviest losses,⁴² with at least 20 fatalities since that date. These losses are evidence of the many attacks to which they are subject.

Attacks against AFISM-CAR troops often target the Chadian contingent, whom local populations often equate to Muslim civilians or Seleka fighters (some of whom come from Chad). The Chadian contingent has also often been accused of being complicit with the Seleka, stoking anger among the Christian population. The Chadian government has vehemently denied any such connection. Of the 20 AFISM-CAR soldiers killed, 13 are Chadian, six are from the Republic of Congo and one is from the DRC. One of the last attacks against the Chadian AFISM-CAR soldiers since FIDH’s last field mission took place on 23 and 24 February 2014, killing two and wounding two others in the *quartier Combattant* near the airport.

Opération Sangaris, composed of 2,000 French soldiers, has suffered three fatalities: two in combat and one in a road traffic accident.

According to *Agence France-Presse* (AFP), one Congolese (DRC) soldier based in Bossangoa was killed on 22 December 2013 for having “*saved a Muslim who had fallen in the clutches of the anti-balaka. The anti-balaka came back to find him and get revenge. He was suddenly surrounded by anti-balaka militia who killed him with machetes, right next to the church*”. On 26 December, two soldiers from the Republic of Congo were the victims of a ‘rebel assault’ on their barracks. Furthermore, on 21 January 2014 “*unidentified people attacked the camp [the Don Bosco camp for displaced persons in Bangui] launching a grenade around 8 pm*”

40. See http://www.liberation.fr/monde/2013/11/22/pres-de-6-000-enfants-soldats-en-centrafrique-selon-l-onu_961314.

41. See <http://videos.tf1.fr/jt-20h/2013/rencontre-avec-des-enfants-soldats-en-centrafrique-8332625.html>.

42. Until April 2014, AFISM-CAR was composed of soldiers from: Burundi (850), Chad (850), Congo (850), DRC Congo (850), Cameroon (800), Rwanda (800), Gabon (500) and Equatorial Guinea (200). On 3 April 2014, Chad announced that it was withdrawing its 850 AFISM-CAR soldiers. See <http://www.rfi.fr/afrique/20140403-rca-le-tchad-annonce-son-depart-misca/>.



Soldiers in the Chadian national army (ANT) protecting a convoy of refugees in Bangui, February 2014 – © Laurence Geai

and mortally wounding a 39-year old Congolese soldier who had been assigned there as a police officer.

More recently, on 24 March 2014 in Boali, an AFISM-CAR soldier from the Republic of Congo was killed and two others were wounded when the vehicle in which they were travelling together with three other AFISM-CAR soldiers was attacked by anti-balaka. According to AFISM-CAR, *“the AFISM-CAR soldiers responded and killed 12 assailants who were identified as anti-balaka militia. One of the dead assailants was a well-known anti-balaka commander”*.⁴³

Both the Seleka and anti-balaka have engaged in attacks on international forces operating in the CAR. Attacking international peace-keeping forces is a war crime by virtue of article 8 of the Rome Statute of the International Criminal Court.

2.5. Attacks by Chadian troops

Between the months of December 2013 and April 2014 Chad’s national army (ANT) often entered the territory of the CAR. Although their main purpose was to escort refugees and displaced Muslims to Chad (saving many lives) their presence on the CAR’s territory lacked both authorisation from the CAR authorities and legal justification.

During these “rescue operations” Chadian soldiers have been singularly violent, frequently and indiscriminately opening fire upon civilian populations.

43. See <http://www.peaceau.org/en/article/misca-strongly-condemns-the-murder-of-a-peacekeeper-in-the-northern-car-town-of-boali>

This was witnessed by the FIDH mission on several occasions, in particular on 18 February 2014, when a column of about 30 ANT vehicles was on its way to Bangui. Around 1pm the column entered Damara where a long exchange of gunfire was reported. Around 3pm, near the Boganda lycée in Bangui, at the entrance to the Boy Rabe anti-balaka district, the FIDH mission was caught in crossfire between Chadian ANT soldiers and anti-balaka. According to witness testimony to the mission, this occasion had seen the Chadian troops open fire in the Boy Rabe neighbourhood *“to get at the anti-balaka”*.

Indiscriminate shooting by Chadian soldiers may reflect a desire to punish the CAR population for the suffering inflicted on the soldiers' compatriots.

On 29 March 2014, a column of Chadian soldiers escorted a convoy of refugees exiting Bangui to the north. The soldiers opened fire when they reached the market place in Bégoua. The United Nations said there were at least 30 people killed. In the Gobongo and Galabadja area, often called the PK12 market, *“rocket fire set houses on fire. An electricity pole was split in half near Gobongo, which shows that the weapons they used did a lot of damage”*, said Mrs Dombolo to AFP.⁴⁴

There are two conflicting versions on what triggered these events. According to an AFISM-CAR officer, who wished to remain anonymous, *“a grenade was launched at the Chadian soldiers and wounded one of them so they responded”*. An anti-balaka spokesman, Brice Namsio, rejected this version of events: *“it was provocation (...) nobody attacked the Chadians”*, he said.⁴⁵

A United Nations enquiry confirmed that, *“the Chadian soldiers fired on the crowd, without being provoked, and killed at least 30 people and wounded at least 300”*. This was reported on 4 April 2014 in Geneva by Rupert Colville, the spokesman for the U.N. High Commission for Human Rights who presented the first results of the United Nations investigators. *“When the convoy with the Chadian national army reached the market area (PK12) they started shooting at the public without any provocation. The soldiers continued shooting indiscriminately while panic-stricken people were fleeing in every direction”* he added.⁴⁶

On 3 April 2014, the Chadian government announced that it was withdrawing its 850 AFISM-CAR soldiers from the CAR.⁴⁷

2.6. Human rights defenders pay a heavy price

Like the rest of the country, human rights defenders and their families have been severely affected by the conflict and the crimes committed on all sides.

On 2 February 2013, A.K., a member of OCDH in Bambari Sub-Prefecture, was captured by the Seleka because of the assistance he had given to civilians and others captured by the coalition in the area. *“I was betrayed”* he said. *“I was detained for five days and was tortured. They tied me up using the Arbatachar torture technique. After 5 days, when the guard wasn't*

44. See <https://fr.news.yahoo.com/centrafrique-au-moins-huit-personnes-tu%C3%A9es-soldats-tchadiens-093655572.html>.

45. Ibid.

46. See <http://www.journaldebangui.com/article.php?aid=6475>.

47. See <http://www.rfi.fr/afrique/20140403-rca-le-tchad-annonce-son-depart-misca/>.

looking, I escaped. They shot at me but I managed to get away and get care. After that, it took me two weeks to reach Bangui. In some cases I paid to get across the barricades, in others I avoided them by making a big detour”.

In November-December 2013, the Seleka killed the accountant for the *Association des femmes juristes de Centrafrique* (AFJC), together with all those in the vehicle in which he was travelling to get away from all the violence.

On 13 January 2014, Julius Bertin Kokassa of the association *Maison de l'enfant et de la femme Pygmée* (MEFP) disappeared in the middle of the day on his way to a business appointment. He was found the next morning about 60 meters from his home. His body bore signs of torture and spear marks. A few days before, on 10 January, eight relatives of the watchman at the MEFP's offices, Aboubacar Yamsa (his wife, two of his sisters, one of his sisters-in-law and four of his children), were murdered near Boali. They had been travelling on the Boali road to Garamboulaye, Cameroon, seeking to escape the fighting in Bangui. Information received by the FIDH mission at Boali attributed the attack to the anti-balaka, who often carried out deadly assaults in the area during that period.

On 25 March 2013, the NGO MEFP was raided by Seleka troops who stole everything: vehicles, motor-bikes, computers, etc. The leaders and the activists of the MEFP, who had been erroneously denounced as members of the KNK, ex-President Bozizé's party were repeatedly threatened by the Seleka, forcing some, including Saint-Jérôme Sitamon, to flee abroad or go into hiding.⁴⁸ Several MEFP members continue to live in hiding in a bid to avoid retribution at the hands of gendarmes who were formerly denounced by MEFP members for extorting money from pygmy villages before the crisis. These gendarmes, who seek to take advantage of the crisis and exact revenge, by looking for the MEFP activists.

The *Observatoire centrafricain des droits de l'Homme* (OCDH) has also lost several of its members. On 5 December 2013, Arthur Mbambelé, an OCDH member and a senior employee at SOCATEL was killed around 10am in his home by men presumed to be Seleka. Around 15 January 2014, his uncle Mr Folkuié was killed in PK13 by the Seleka who wanted to steal his car.

All the members of the Boali section, mainly composed of Fulanis, were killed in anti-balaka attacks. Souleymane, Aicha Tifiani and Idé Bélo were killed in their camp compounds while Issa Ibrahim and Abdoulahi Soe were killed during attacks in Boali in December 2013 and January 2014. Yamsa was killed together with his parents when, fearing for their lives, they tried to reach the border in a truck. The *Ligue centrafricaine des droits humains* (LCDH) reports that it has had “many members killed” though, at this stage, it is unable to verify its whole network.

These civil society associations are a reflection of the Central African people: they are victims of each other. Because of the way that these NGOs operate, their multi-ethnic and multi-denominational composition, and the socially diverse origins of their members, the CAR associations have been very heavily affected by the conflict.

48. See letter no.102/MEFP/COORD-2013 dated 4 June 2013 from the organisation to the then-Prime Minister, the Reverend Nicolas Tiangaye.

III. Legal qualification: war crimes and crimes against humanity

FIDH, LCDH and OGDH investigations have highlighted the continuous commission of a large number of national and international crimes. Offences perpetrated have included murder, assassination, rape and other sexual abuse, illegal arrest and sequestration, torture and inhumane treatment, mutilation including post-mortem mutilation, forced conscription and the use of child soldiers.

Murder, assassination, intentional assault and battery, illegal arrest and sequestration, rape, torture and inhumane treatment are criminal offences under the Penal Code of the Central African Republic (Loi No.10.001 of 6 January 2010) (CAR Criminal Code).

War crimes

In the context of an armed conflict, the aforementioned crimes which are not of an international character and whose existence was ascertained by the FIDH *chargés de mission*, are considered war crimes by virtue of Article 156 of the CAR Criminal Code. This article refers to the 1949 Geneva Conventions' provisions in respect of war crimes: *"In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause."*

These crimes, and enforced conscription of minors, can also qualify as war crimes in application of article 8 of the Rome Statute of the International Criminal Code, which was ratified by Central African Republic on 3 October 2001.

Rome Statute of the International Criminal Court

Article 8 - War Crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, «war crimes» means:

(...)

c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:



*Homes destroyed during fighting. In the last year, thousands of homes have been destroyed.
© REUTERS-SIEGFRIED MODOLA*

- i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (...)
- d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
 - i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

- iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- v) Pillaging a town or place, even when taken by assault;
- vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
- vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(...)

- f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

That war crimes have been perpetrated by the Seleka and anti-balaka in Central African Republic, in the areas under their control and where they have been or continue to be active is beyond doubt.

Crimes against humanity

Crimes against humanity

Article 153 of the CAR Criminal Code adopts the principle components of the definition of crimes against humanity, as set out in article 7 of the Rome Statute of the International Criminal Court:

Law N°10.001 of 06 January 2010 Providing the Central African Penal Code

Chapter II : About other Crimes against Humanity

Article 153 of the CAR Criminal Code:

crime against humanity» means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder;
- Extermination;
- Deportation or forcible transfer of population;
- Enslavement;
- Enforced disappearance of persons;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

- Torture and other inhumane acts;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious grounds or other grounds that are universally recognized as impermissible under the provision of the Rome Statute;
- The crime of apartheid;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 7 of the Rome Statute of the International Criminal Court defines crimes against humanity as follows:

Rome Statute of the International Criminal Court

Article 7 - Crimes against humanity

1. For the purpose of this Statute, «crime against humanity» means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a) Murder;
- b) Extermination;
- c) Enslavement;
- d) Deportation or forcible transfer of population;
- e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f) Torture;
- g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i) Enforced disappearance of persons;
- j) The crime of apartheid;
- k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Extermination

The Rome Statute defines extermination as including “*the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population*” (article 7.2.b.).

Anti-balaka attacks against the Muslim civilian population have caused hundreds of casualties since the beginning of the crisis. Numerous massacres, including those documented in this report, fall within the elements of the crime of persecution. Furthermore, anti-balaka attacks are directed at groups of Muslims located in enclaves that are regularly targeted by assaults,

causing a shortage of food and medicine. Pressure is imposed by anti-balaka militia on Muslims in these enclaves by attacking them, preventing them from obtaining supplies, attacking ambulances transporting injured persons with intent to kill patients, and intimidating soldiers and humanitarian aid workers trying to assist those in distress through the provision of supplies or protection. This pressure evidences an intent on the part of the anti-balaka to deliberately place well-defined civilian populations in living conditions calculated to bring about the destruction of their members. By preventing them from leaving or obtaining supplies, anti-balaka militia are placing these populations in just such conditions. Indeed, attacks on supply convoys, especially those bringing supplies to Muslim populations trapped in these enclaves, put those civilians in a situation where their lives are at risk. This constitutes an additional element of the crime of extermination. These actions and strategies are being carried out in various parts of the country where anti-balaka militia are actively at work.

Whilst armed groups forming part of the Seleka Coalition have subjected civilian populations to plunder and destruction such that those populations found themselves short of food and vital medicines, there is at this stage no proof that these actions were carried out in a manner calculated to destroy part of those populations.

Deportation or forcible transfer of population

Under the Elements of Crime for the offence of the deportation or forcible transfer of a population under Article 7.1.d of the Rome Statute, the following elements must be present to establish the existence of such an offence:

- 1. The perpetrator deported or forcibly transferred, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts.*
- 2. Such person or persons were lawfully present in the area from which they were so deported or transferred.*
- 3. The perpetrator was aware of the factual circumstances that established the lawfulness of such presence.*
- 4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.*
- 5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.*

By “deportation or forcible transfer of population” the Rome Statute means “*forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law*” (article 7.2.d.).

The massive destruction of houses, murders and other serious violations of human rights by anti-balaka militia constitute a series of coercive acts committed for the purpose of forcing part of the population to leave. Their repeated declarations over several months that “*Muslims must leave or must die*” leave no doubt as to the intentions of these groups. These circumstances have left Muslims no other choice than to leave or risk dying in an enclave.

The Seleka have also engaged in the large-scale destruction of homes, summary executions and pillage exacted in a manner that suggests a possible desire that part of the population in certain zones under their control leave these areas. The extent to which these actions were

retribution or coercion to force the departure of a specific population group, usually Christian, remains to be discerned, though the latter possibility must not be ruled out.

Persecution

The Statute of the International Criminal Court defines “persecution” as “*the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity*” (article 7.2.g.). This intentional and severe deprivation of fundamental rights must be demonstrated by the commission of serious crimes (murder, rape, etc.) aimed at an identifiable group or community on political, racial, nationalistic, ethnic, cultural, religious or gender-related grounds.

The crimes committed by the anti-balaka have, for months, unquestionably been directed at the Muslim community of the Central African Republic. The religious factor may not necessarily have been the primary trigger for the conflict but nevertheless has come to characterise the crimes intentionally committed by the anti-balaka against Muslims. Repeated anti-balaka declarations leave no doubt about the target of this persecution; namely, Muslims. All the crimes committed by these militia (extermination, deportation, forced transfer, murder, etc.) have been directed at a group that can be identified by its religion.

Crimes committed by the Seleka have been almost exclusively directed at population groups identified as Christians. Using the same logic prevalent among the anti-balaka, the Seleka directed their crimes of persecution at the Christian population because of their Christian religion and identity. Christians were considered to be a population that was hostile to the Seleka; on this basis, torture, the destruction of homes, murder and other war crimes were committed deliberately as punishment directed at this group – a part of the population likewise identified by reference to its religion.

Widespread or systematic attacks against a civilian population

By an “*attack directed against any civilian population*” the Rome Statute means “*a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack*” (article 7.2.a.).

The events described in parts I and II of this report illustrate how both anti-balaka militia and the Seleka carried out systematic attacks against civilian populations in CAR towns and villages. These attacks included murder, rape and other crimes covered in the Rome Statute.

The systematic and widespread character of anti-balaka attacks is demonstrable in the following: the repetition and magnitude of the crimes committed against Muslims and the coordination of these attacks reflected both planning and a structure of command⁴⁹ – even if partially informal. Similarity in the methods used to commit these crimes, perpetrated in different places by different groups at different times gives reasonable grounds to believe that the actions of anti-balaka militia formed part of a widespread, systematic attack. Murder, extermination,

49. On “structure of command” see especially section 4.1 (below): Who are the anti-balaka? The structure of command could fulfil the requirements of ICC case law that an organisation must have a hierarchical structure.

deportation and forced transfer, persecution, rape, forced disappearances, and other inhuman and degrading treatment levelled at Muslim populations identified as the enemy constitute systematic acts of widespread attack against these populations. These acts were carried out in the west and southwest of the CAR in areas where anti-balaka militia were operative. They constitute crimes against humanity as stipulated in article 153 of the CAR Criminal Code and article 7 of the Statute of the International Criminal Court.

Crimes perpetrated by the Seleka also constitute elements of the offence of crimes against humanity – most notably, war crimes committed since September 2012, the persecution of Christian populations and the perpetration of other crimes listed under article 7 of the Rome Statute and article 153 of the CAR Criminal Code during the Seleka’s widespread attack in seeking to overthrow the CAR regime, and the systematic character of these violations, particularly in Bangui after 5 December 2013.

Crime of genocide

At the present stage of investigations, and in light of the high threshold engrained in the definition of crime of genocide, it is difficult to characterise events as amounting to the crime of genocide.⁵⁰ Not all the elements that constitute this crime are present.⁵¹ However, some of the attacks and events taking place in the context of the CAR may well qualify as “acts of genocide”. An in-depth investigation would nevertheless be required in order to establish this.

50. See also Part I – Context and Analysis: Ascertaining politico-religious cleansing, war crimes, crimes against humanity and genocide.

51. Article 6 of the Rome Statute. The elements that constitute the crime of genocide are available at: <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

IV. Who is responsible?

4.1 The anti-balaka

Who are the anti-balaka?

The mission had several discussions with anti-balaka and other leading persons to try to understand who the anti-balaka are and how they are structured.

Anti-balaka were initially created as a group of traditional hunters who were initiated into secret rites. Like the Mai-Mai of the DRC and the Dozos in West Africa, anti-balaka are *feticheurs* (healers) reputed to have supernatural powers, such as invisibility, invulnerability, transformation into animals, etc.

At the beginning of the 1990s, anti-balaka (literally meaning “anti-machete” in Sango) became part of village self-defence forces that fought roadblockers, the *Aradinas*, who are particularly numerous in the northwest of the country in the Bossangoa and Bocaranga regions. As in many countries in the region in which the state is weak and hardly active, these militia groups are tolerated or even supported by the state, particularly in more inaccessible areas, providing at

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least a minimum degree of security. Notably, until recently anti-balaka militia were composed of both Christian and Muslim members. This phenomenon of anti-balaka is relatively local since mystical, initiated hunters and healers are only found in the region between Bossangoa and Bocaranga.

As of June 2013, when the Seleka occupation started to become especially harsh and violent, with large-scale stealing, pillaging and extortion, the first anti-balaka militia groups reformed and attacked the Seleka. A spiral of vengeance on both sides degenerated into anti-balaka attacks on the civilian Muslim population. Gradually, many young people began to join in, expanding the anti-balaka's zone of operations and influence to the northwest, up to Bossembélé and then straight to Bangui. This activity did not expand to the west and the south until after 5 December 2013.

The "original" anti-balaka group included two well-known *feticheurs*: "Modibo, the patron of Bossangoa", according to witness M.P, an anti-balaka who talked with the mission, and the infamous "12 puissances" (12 volts) who came from Bouca. The individual known as "12 puissances", who pretended he was a colonel among the anti-balaka, was actually a civilian named Thierry Lébélé. "Modibo", who had been based in the Boeing district since 5 December 2013, apparently returned to Bossangoa around 17 February 2014. Meanwhile, "12 puissances-Lébélé", whose name is well known in anti-balaka circles for his mystical skills as well as his crimes, is said to have gone back to his home town, Bouca.

Many witnesses say that the original anti-balaka, the *feticheurs*, are bound by oath never to steal, rape or commit other sorts of violence for fear of losing their supernatural powers, and therefore do not engage in such acts. Nevertheless, testimony in respect of attacks and abuse show that these individual have participated in some of the worst crimes. The crimes attributed to "Chien méchant" (dangerous dog) and "12 puissances", include accounts of the cutting open of women and children. If true, such abuses discredit the claims of anti-balaka militia to be self-proclaimed "resistants" or "liberators", who some time earlier were said to arrive with Bozizé.

There are three factions among the anti-balaka.⁵² Nevertheless, the movement has clearly mainly been structured by the former Central African Armed Forces (FACA) and each faction has a FACA element as its leader or as a member of its military board. Nearly all the anti-balaka we met were led by FACA people, either servicemen or gendarmes. The FIDH mission met with Commander Maxime Mokom, a former officer with the documentation services and one of the anti-balaka coordinators. He said: "*we have been attacked, killed and looted by foreigners. The young people have risen and formed a self-defence group. We of the FACA have been hunted down, but we need to supervise and guide children to avoid their going astray*". He also said that "*nobody told us to go over there*".

Lieutenant Yvan Konaté, anti-balaka Chief of Staff, told the mission that the movement is actually called "*Combatants for the liberation of the Central African people*" (CLPC) and includes a group of civilian fighters, the anti-balaka and a group of FACA combatants called "Sirili" which means "peace" in Sango. Although they didn't want to say how many fighters were in the group, in February 2014 the CLPC claimed that they represented several tens of thousands of fighters.

52. For the three anti-balaka trends, see below, section entitled, Anti-balaka leaders: the role of ex-president Bozizé.

Those claiming to represent the anti-balaka feel that the daily extortions with which they are charged are erroneously blamed on their troops. *“It was done by fake anti-balaka”*, said Commander Maxime Mokom, adding, *“We’re treated like thieves, rogues, and murderers. They want us to fall into the same trap as the Seleka”*.

Section 5000 and hapless youths

Like the Seleka and the rebel movement before them, the anti-balaka have been able to rely on “conquering the west” through the mobilisation of their many partisans. These “partisans” are young people who have lost members of their families, are unemployed, or both. Former Seleka are also in some cases known to have become anti-balaka. A key feature of the anti-balaka’s success has been its ability to count on several thousand hapless youths, referred to as “Section 5000”.

In 2009, 2010 and 2011 the Bozizé regime organised a major recruitment campaign to strengthen the Central African Armed Forces (FACA). The army was supposed to recruit 5,000 young people, train them and equip them to join the armed forces. 20,000 young people sought to sign up, leaving 15,000 superfluous, many of whom had paid 5,000 francs just to be enlisted. Many young people believed that this recruitment could pave the way to a career in the army or the civil service. They were of fighting age, with nothing to do and disappointed by a government that was increasingly inward looking. Having found themselves unable to enlist, they joined the ranks of rebels, road-blockers and now, anti-balaka militia.

One battle-worn observer of the CAR situation pointed out that, *“like the Seleka, the anti-balaka reached Bangui with a few thousand men and now have some tens of thousands ... The anti-balaka are the children of the Seleka”*. It is unclear whether this symbolic filiation hides a more de facto filiation linked to the FACA.

Anti-balaka leaders: the role of ex-president Bozizé

Anti-balaka originated from the Bossangoa and Bocaranga region, which is that of former presidents Patassé and Bozizé (who are related to one another). Shortly after the rise of the anti-balaka, initial testimonies and reports showed that a considerable number of anti-balaka militia said that they supported former president Bozizé.⁵³

Many persons interviewed and many victims said that the FACA and their families had been hunted down by the Seleka. Witness M.P., both an anti-balaka and FACA member, said that “between 300 to 400 of us (FACA) were killed”. Many FACA members, thus, joined the only forces actively fighting between April and December 2013, namely the anti-balaka.

As such, the FACA, who had joined the anti-balaka, played a major military role in structuring, training for and supervising anti-balaka operations in the field. The head of the anti-balaka in Boali, Commander Sylvestre Malick is a gendarme. He told the mission: *“I was kidnapped by the anti-balaka who took me 70 km away into the forest where they initiated me. I saw that these were good people and I decided to join them. I trained them in handling weapons and in*

53. See in particular the feature story on France 24 by Etienne Huver and Boris Hege, September 2013, Available at: <http://www.france24.com/fr/20130926-reporter-rca-centrafrique-bossangoa-Séléka-onu-bozize-djotodia-hollande/>.



Anti-balaka fighters – © Laurence Geai

military strategy because that was new to them. They also had to be taught how to become less violent. I told them that they shouldn't touch the Fulani and the Muslims who were born here”.

Nevertheless, attacks on Muslims and especially on Fulani were carried out throughout the month of January 2014 (see previous section on the Boali attack by the anti-balaka). At the time the mission heard this, close to 450 Muslims, mainly Fulani, had been moved to the Catholic mission in Boali under the protection of the fathers of the church and Congolese AFISM-CAR soldiers. *“No Muslim could go further than about 100 meters to the left, or to the right without risking being killed”* said one of the soldiers at the site. He had been among those who had tried to intervene in Boali in the beginning of January 2014 during the first massacres. The comments made to the mission by Commander Malik showed that either he was unable to control his troops or that the real aims of the group were different from those announced publicly.

Commander Malik had added that *“a Bangui chief who became – the General – appointed me as chief”*, stating that *“The purpose was to train the anti-balaka to keep the area safe until the State services could take over because the anti-balaka are not regular troops, they are a militia”*.d.

Lieutenant Yvan Konaté, the anti-balaka Chief of Staff, told the mission that *“the anti-balaka is not a political party. It is a group of people who rose up against the massacres committed by the Seleka and the mercenaries from Sudan and Chad. At this stage, we no longer need to continue military operations. First of all, against whom? Now the time has come to get back to normal daily living”*. Very soon thereafter Lieutenant Konaté drew up a list of action points: *“we need to round up the anti-balaka, take their arms away and give them what they need to get home”*. Concerning the military-FACA part of the anti-balaka, the “Sirili-peace” wing, he

further stated that: *“we asked Madam President to authorise us to move about town and to set up military patrols, and we asked for fuel because we are the only ones who have weapons and can bring order back to the neighbourhoods. We are Sirili, the military wing of the anti-balaka”*.

The Lieutenant Yvan Konaté admitted that: *“I was the one who coordinated the attacks on 5 and 25 December 2013”*. This raised the question of whether Lieutenant Konaté was trying to win recognition from the anti-balaka-FACA as a militiaman, as the Seleka had done as Bozizé “liberators”. Indeed, Lieutenant Konaté did not hesitate to threaten the new authorities, asserting that the anti-balaka are *“a force not to be neglected because they are the people. And they lay down the law around town”*.

Regardless, anti-balaka groups around the country, wherever they are, seem to be supervised or at least organised by former FACA members. Witness M.P. said that the anti-balaka were divided into zones (north, south, west, east). For example, the Comzone (for zone commander) in the north was said by many people to be a FACA member who wants to be called Colonel Andylo or the *“patron de Bouca”*, whilst the south zone (Mbaïki and Boda) is apparently run by a FACA captain called Mazouläï, who was in Bossangoa for a while and then in Bangui (PK9). The mission also met with the anti-balaka based in the Boeing district of Bangui, whose leaders were Colonel Dieudonné Ouhmti, Captain Richard and Richard Bella, all FACA officers or trainees. This group governs the camp for displaced persons around Bangui airport, home to more than 100,000 people, and is involved in numerous abuses in the neighbouring districts. The FIDH mission even observed this anti-balaka group attacking Muslims at the airport displaced persons camp on 7 February 2014, first-hand (see above). Corporal Rambo, based in Bangui, has become known for his ‘groups’ violation of human rights, especially in the capital. Moreover, the tragic situation prevailing in the town of Boda can be traced largely to the anti-balaka chief in that city, Aimé Jérémie Kotte, called Captain Jérémie.

The list of members of the *Coordination du Mouvement anti-balaka* explains how the movement is structured: of 26 members 20 are FACA and six are former notables or ministers in the François Bozizé regime.⁵⁴

Patrice Edouard Ngaïssona was the General Coordinator and former Minister of Youth and Sports under Bozizé and President of the Central African Football Federation. He represented the François Bozizé party in the Boy Rabe district, according to a well-informed observer who monitored the Central African political scene for years. *“They [Ngaïssona and Bozizé] are not only from the same region [Bossangoa-Mbezmbé], and from the same ethnic group [Mbaya], but they are also related”*, this observer told us. Ngaïssona himself told the mission that he *“agreed to be the spokesman for the anti-balaka, the people’s emancipation movement because they were unrepresented. I said, ‘why me?’ and they said, ‘because you stand with the youth”*. Patrice Edouard Ngaïssona claims (though this claim may be an overstatement) to control some 50,000-70,000 people throughout the west and some of the provinces, *“except for the Carnot anti-balaka who went home to Berbérati yesterday [10 February 2014] and who belong to the UDDP or something like that and did some stupid things”*. On the preceding evening, the Carnot anti-balaka had killed 10 Muslims in a town where, according to the mayor, *“the anti-balaka phenomenon was unknown; they all came from the north”*. It was considered inconceivable that the anti-balaka be responsible for the crimes committed even in Bangui where, according

54. See Declaration no.15/CLPC/13 of the Mouvement des Combattants anti-balaka, dated 17 February 2014.

to Ngaïssona, “the abuses are committed by fake anti-balaka, especially Second Lieutenant Lama, a former FACA corporal who moves around with 200 men and commits atrocities such as that in Diakité, Saint-Jean, etc.”. No one else has referred to Lama and his 200-man force.

For Ngaïssona, the anti-balaka demand for a “return to constitutional order does not mean the return of Bozizé. No political benefit”. Yet this is the main claim of FROCCA, the *Front pour le retour à l'ordre constitutionnel en Centrafrique*, whose president is François Bozizé himself.⁵⁵

Nevertheless, the existence of the anti-balaka has obscured the consequences of the failed manoeuvres of a dying Bozizé regime that took place between 2012 and 2013. Two militia groups of young Bozizé supporters were created in 2012, the *Coalition citoyenne d'opposition aux rebellions armées* (COCORA) under Levy Yakité⁵⁶; and the *Coalition pour les actions citoyennes* (COAC) under Steve Yambété. These two young militia groups were very active in Bangui and were investigated by the Mixed Investigation Commission (*Commission d'enquête mixte* CEM) in particular for “inciting hatred”.⁵⁷ The two militia groups were armed with machetes retrieved from a stock of 200,000 machetes that had been delivered to an agricultural project funded by China. A large number of these young men joined the ranks of anti-balaka upon their arrival in Bangui on 5 December 2013. All of them recognised Levy Diakité and Steve Yambété as anti-balaka leaders or at least claim that they are their leaders.

The anti-balaka’s “military pattern” is the one described by Joachim Kokaté. On 16 February 2014, the day after eight anti-balaka were arrested by international forces in their home stamping grounds in Boy Rabe (see above), Mr Kokaté discretely met with Mr André Nzapayéké, the Prime Minister of the transition government, to distance himself from the hard line taken by Ngaïssona, saying that he was ready “to cooperate to bring back peace”.⁵⁸ Joachim Kokaté told an AFP journalist: “I am not for Bozizé, I’m a nationalist”. In spite of this, Mr Kokaté had been a minister in the Bozizé government and a FACA captain, though later introduced himself as the spokesman of the *Collectif des officiers libres* (the group of free officers), a group created in 2013 with anti-balaka tendencies. Lieutenant Konaté, one of the eight anti-balaka leaders arrested on 15 February 2014 (he later escaped) introduced Joachim Kokaté as the “deputy coordinator of the movement”. Captain Kokaté confirmed this by saying that “the anti-balaka were a single entity but issues arose that led to division”.⁵⁹ This division, which seems to be confirmed by initial efforts to disarm forces supporting Kokaté, may reflect a difference in strategy, and maybe even a diversification strategy within the same groups. Thereafter, Joachim Kokaté became an advisor to the Prime Minister, who sent him to settle the problem of the 11,000 Muslims trapped in Boda. Whilst an agreement was signed in March 2014, it has not been implemented. The history of the CAR’s armed groups indicates that all sorts of alliances, including the most ostensibly improbable, are possible in this context, but that to exercise

55. See in particular <http://centrafrique-presse.over-blog.com/2013/12/rca-les-pro-boziz%C3%A9-revendiquent-des-attaques-%C3%A0-bangui.html>.

56. See in particular <http://www.rfi.fr/afrique/20130303-rca-cocora-action-demission-centrafrique-gouvernement-centrafrique-bozize-zuma/>.

57. See FIDH, *Central African Republic: A Country in the Hands of Seleka War Criminals*, September 2013, pp.44 and 45, available at: <http://www.fidh.org/IMG/pdf/rca616a2013basdef.pdf> <http://www.jeuneafrique.com/Article/DEPAFP20130504160002/actualite-afriquecentrafrique-bozize-vise-par-une-enquete-pour-violations-des-droits-de-l-homme.html>.

58. See AFO dispatch by Anne Le Coz, Agence France Presse (AFP), available at: <http://centrafrique-presse.over-blog.com/2014/02/centrafrique-des-militaires-anti-anti-balakabalaka-annoncent-une-scission-au-sein-de-la-milice.html> as observed by the mission present when the declarations were made.

59. Ibid.

power requires ideological, ethnic and regional union. As such, Kokaté supporters have little difficulty talking with the transition government, whilst all the while remaining close to, and even coordinating with, other anti-balaka factions.

The last anti-balaka group, the “moderates” are represented by Léopold Narcisse Bara, the present Minister of Youth, Sports and Culture who was appointed as the anti-balaka representative to the government in January 2014. Bara is a 30-year old biologist, with French nationality, who was raised in France. In January 2014, in an interview with Maria Malagardis, a journalist at *Libération*, he said, “*I represent the peaceful faction of the resistance front*”.⁶⁰ He went on to say: “*Out of the ten anti-balaka sites, three, including the one at Boy Rabe, refused to disarm. They are being manipulated by the former president, François Bozizé who never gave up the idea of returning to power*”.⁶¹

In light of the above, it seems that the anti-balaka movement is largely coordinated by Bozizé supporters, though the relationship between these supporters and François Bozizé himself and/or his family remains unclear. Further clarification on these matters could be ascertained through national judicial proceedings or by the International Criminal Court (ICC), using various channels for information gathering and investigation.

Those who do, or at least claim, to lead the anti-balaka, regardless of faction, must account to the courts on the crimes perpetrated by those within their ranks. The seriousness of the human rights violations observed over the last many months, the systematic attacks on civilian populations and the strategies used to commit these crimes were not the product of spontaneous, isolated actions. Thus, they must be carefully investigated in order to establish the individual criminal responsibility of their perpetrators and that of their commanders. With this in mind, all anti-balaka leaders should not only be heard by the courts but must also be prosecuted in accordance with their hierarchical responsibility, the control they exercised over their troops and their failure to combat impunity for the abuses committed by their troops. These judicial actions would contribute to the vetting of the Central African Armed Forces (FACA).

4.2. The Seleka

The Seleka (meaning “coalition” or “alliance” in Sango) is a gathering of rebel factions from several well-known political-military movements, and more recently created groups. This opportunistic alliance, was “sealed” in August 2012, and had a common objective: the implementation of the 2007 and 2008 peace agreements.⁶² Following initial victories in the field, the movement became radicalised and transformed into a genuine rebellion aimed at overthrowing President François Bozizé.

60. Maria Malagardis, “A Bangui, la curée anti-musulmans”, *Libération*, 29 January 2014.

61. *Ibid.*

62. There are 10 recommendations, including “respect for the Birao agreement between the government and the UFDR, the joint implementation of the recommendations and the conclusions of the Dialogue Politique Inclusif (DPI), the establishment of an independent investigative commission on the circumstances of the disappearance of Colonel Charles Massi of the CPJP and of Mr Hassan Ousman of the MNSP, and to elucidate the circumstances of the accident involving Goungaye Wanfiyo Nganatoua, a lawyer”. See <http://www.radiondekeluka.org/politique/item/12874-1%E2%80%99alliance-cpsk-cpjp-ufdr-pour-une-sortie-de-crise-en-rca.html>.

In late 2012, at the time of its first offensives, the Seleka was composed of the following actors:

The Convention of Patriots for Justice and Peace (CPJP) was probably created on 26 October 2008. The CPJP is mainly a group of rebels from the Vakaga Prefecture in the north, who, until 2012, tended to stay in that region and in Bamingui-Bangoran, although their troops had already entered and wreaked havoc in the Haute Koto and Ouaka.

The CPJP is largely composed of Runga (who are Muslim), and other ethnic groups, but not the Gulas. The CPJP was created, *inter alia*, because of the conflict with the Gulas. Furthermore, the group received considerable support from the Runga diaspora living in Chad and Sudan and, like other rebel groups in the CAR, has members who are Chadian and Sudanese rebels. Estimated figures regarding the size of this group prior to the 2012 attacks were between 300 and 1,000 fighters, including a large number of child soldiers.

The CPJP was a rather well-structured group composed of a political council, a supreme court and a headquarters. Its main leaders were Abdoulaye Issène, Issa Israel (military chief), Bevarrah Lala and Charles Massi. Massi was in charge of the political wing and structured the movement. He was a military doctor and several times a minister. He died, probably tortured, in Bozizé's jail a few weeks after having been arrested at the Chadian border on 18 December 2009. His son Neris Massi, who lived in France, actively participated in the groups activities by, *inter alia*, speaking on Radio France Internationale (RFI) to give the Seleka political ambition and encourage them to overthrow General Bozizé.

However, it was General Nouredine Adam, who joined the CPJP at end 2008, that has turned out to be the power behind the group, becoming second in command of the "Alliance" when the Seleka was founded in August 2012.

The Union of Democratic Forces for Unity (L'Union des forces démocratiques pour le rassemblement) (UFDR) was headed by Michel Am Nondroko Djotodia. It was founded in September 2006 and its story is closely connected to that of its president-cum-founder.

After 14 years in the USSR, Michel Djotodia returned to his birthplace, Vakaga, and became a trader, civil servant and politician. As a Gula, he joined the Bozizé clan before the presidential elections in 2005 and managed to be appointed CAR consul in Nyala, the capital of South Darfur in Sudan. Whilst there, he developed close contacts with Chadian rebels and Sudanese diamond brokers who bought diamonds from the CAR.

It is unclear whether he was planning to create a rebel group or suspected of already having done so, but in 2006 Bozizé called him back to Bangui urgently. In September 2006, with the backing of the Sudanese, Michel Djotodia fled to Benin and created the UFDR. In October 2006, through a full-scale attack, the UFDR captured the town of Birao after a brief skirmish with Central African Armed Forces (FACA). French troops intervened and halted the offensive. In December 2006 Michel Djotodia and his spokesman, Abakar Sabone, were arrested in Benin at the request of the Central African justice department. They were incarcerated for 18 months in the *prison civile* in Cotonou. After being released, in June 2008, Abakar Sabone returned to Bangui to join the Bozizé regime; Djotodia spent the next four years in Cotonou. The UFDR continued its activities in the Arab-speaking prefecture of Vagata and Haute Kotto, in the northeast.

In September 2011, the UFDR clashed violently with CPJP fighters in the Bria mining region in eastern CAR over control of this diamond-rich area.

In August 2012, answering a call made by Nouredine Adam (CPJP) and Mohamed Dhaffane (CPSK), Djotodia joined the underground to establish and lead the Seleka movement, accompanied by some of his followers, such as Zakaria Damane.

The Democratic Front of the Central African People (*Le Front démocratique du peuple centrafricain*) (FDPC) has been run by “General” Abdoulaye Miskine, whose real name is Martin Koumtamadji. He is a Chadian-CAR dual national who under President Ange-Félix Patassé headed the president’s security service (USP) composed of Chadian mercenaries armed and trained by Libya.

From 2001 to 2003, when he headed the USP, Miskine, together with the Congolese (DRC) militia under Jean-Pierre Bemba, fought the Bozizé rebels. FIDH investigations in the CAR suggest that the USP under Abdoulaye Miskine may have been responsible for a massacre at the livestock market in PK12 in Bangui in 2002 during which there may have been more than a hundred Chadian civilians executed.⁶³

After Bozizé came to power on 15 March 2003, Abdoulaye Miskine founded the FDPC rebel group. Between 2007 and 2009, the FDPC signed a certain number of agreements with the Bozizé regime (which were regularly broken), and entered into all sorts of alliances. In January 2012, Miskine’s FDPC, as an ally of the FACA, the Chadian army, and the People’s Army for the Restoration of Democracy (*Armée populaire pour la restauration de la démocratie – APRD*)⁶⁴ fought the Chadian Fulani chief, Baba Laddè (FPR) but later entered into negotiations with him.

In the spring of 2012 a meeting was apparently held in Niamey, at which Michel Djotodia and Joachim Kokaté laid down the basis for a broad anti-Bozizé alliance. In the fall of 2012, Miskine joined the Seleka coalition alongside UFDR, CPJP and CPSK.

In March 2013, just before Bangui was captured, the FDPC officially withdrew from the “Seleka Alliance”. Between 2 and 4 April 2013, fighting broke out between the Seleka and the FDPC. Miskine was wounded and his right-hand man was killed. During the clash, the FDPC “lost many men”, according to Miskine himself.⁶⁵ This change of heart by the Seleka towards Miskine may have been motivated by the fact that the FDPC included many rebels opposed to Chadian President Idriss Deby. Abdoulaye Miskine has also confirmed receiving support from the *Comité National pour la Restauration de la Démocratie* (CNRD),⁶⁶ commanded by Arnel Sayo, former director of security in the Ange-Félix Patassé government. Since June 2013, the FDPC apparently negotiated alliances with very small armed groups, in particular Sani Yalo’s FRUD-CA (*Front pour la Restauration de l’unité et de la démocratie en Centrafrique*). On 10 September 2013, the FDPC announced that it had joined the *Front pour la restauration*

63. See FIDH, *War Crimes in the Central African Republic* (in French), February 2003, p. 25, available at : <http://www.fidh.org/IMG/pdf/cf355f.pdf>.

64. Jean-Jacques Démafouth’s APRD, active rebellion, also in the northwest, whose chief of staff, Jean-Jacques Larmassoum, was arrested in 2006 and sentenced to life in prison.

65. See <http://www.jeuneafrique.com/Article/DEPAFP20130413102616/>.

66. See <http://www.lanouvellecentrafrique.info/centrafrique-encore-une-nouvelle-rebellion-politico-militaire/>.

de l'ordre constitutionnel en Centrafrique (FROCCA) where it again met up with Levy Yakité and Joachim Kokaté. For a while it was also connected to the pro-Bozizé *Comité des officiers libres*.⁶⁷ This new turn of alliances may have occurred but has not been wholly confirmed.⁶⁸ The invitation in May 2013 from other very small pro-Bozizé armed groups to the FDPC to join them⁶⁹ supports the hypothesis that Abdoulaye Miskine may have, or actually had, changed alliances again.

On 16 September 2013, Miskine was arrested in Bertoua, a town in Cameroon, by the Department for Territorial Surveillance (DST). Since the Seleka government “*had no warrant for arrest against Abdoulaye Miskine*”, he was released a short time thereafter. In 2014, Abdoulaye Miskine and the FDPC seem to have made special efforts to negotiate a new agreement with the transition government.

Besides the three armed movements (CPJP, UFDR, FDPC) outlined above, there were two other hitherto unknown groups.

The Patriotic Convention for Saving the Country (*Convention patriotique du salut du Kodro*) (**CPSK**), (*kodro* means “country” in Sango) was founded on 21 June 2012 by Mohamed-Moussa Dhaffane, who became its president. He is the son of a diamond dealer, studied in Médine, became the director of the Central African Red Cross, and worked for the Global Fund to Fight AIDS and Libyan investment funds. Mohamed Dhaffane was one of the instigators of the CPJP rebellion.

Being more of a politician than a military leader, “General” Dhaffane was appointed Minister of Water and Forests when the Seleka government came to power at the end of March 2013. Following the massacre in the Gobongo district⁷⁰ on 28 June 2013 and an altercation with Michel Djotodia, Mohamed Dhaffane was dismissed⁷¹ and incarcerated in Camp Roux on 29 June 2013. At the time of the FIDH mission in July 2013, he had been informally accused of insulting the President, stealing vehicles and recruiting two Chadian mercenaries.⁷¹ Shortly afterwards, these offences were given “legal status” and turned into charges of misappropriation, theft and undermining State security. On 7 January 2014, after 6 months in prison, he was finally released although the charges have not been dropped.

Since Michel Djotodia and Mahamat Nouredine Adam left the country, Mohamed Moussa Dhaffane has been the head of the Seleka, serving as interim president of the ex-Seleka Coalition.

The Alliance for Revival and Rebuilding (*Alliance pour la renaissance et la refondation*) (**A2R**) was created in October 2012. It joined the Seleka on 27 December 2012 before changing its name on 18 March 2013 to the *Mouvement pour la renaissance et la refondation / Mouvement*

67. See <http://www.lanouvellecentrafrique.info/communiqué-de-presse-du-fdpc/> et <http://afriquenewsblog.wordpress.com/2013/09/10/le-fdpc-dabdoulaye-miskine-rallie-le-frocca-2/>.

68. See <http://www.lanouvellecentrafrique.info/mise-au-point-du-general-abdoulaye-miskine/>.

69. See in particular the short-lived *Alliance Africaine Anti-Jihadiste* (AAAJ): http://www.alwihdainfo.com/RCA-Ndjadder-et-Miskine-appelles-a-rejoindre-l-Alliance-Africaine-Antianti-Jihadiste_a7334.html but whose composition was especially instructive.

70. See above and FIDH, *Central African Republic: A Country in the Hands of Seleka War Criminals*, September 2013, pp.26-7, available at: <http://www.fidh.org/IMG/pdf/rca616a2013basdef.pdf>.

71. See the Dhaffane Case referred to *ibid.* p.43.

politique alternatif en RCA (M2R – Movement for Revival and Rebuilding/Alternative Political Movement in CAR), coordinated by Salvador Edjezekanne.⁷²

It is clear from the above that the “Seleka Alliance” is thus very complex and the product of obscure, fluctuating alliances. Many diplomatic sources report that close to 80% of Seleka combatants come from two neighbouring countries to the north: Chad and Sudan. Adding the many Runga who live on the other side of the Chadian and Sudanese borders confirms the presence of Chadian and Sudanese mercenaries among the Seleka.

General **Moussa Assimeh**, former colonel in the Sudanese army, head of the Janjaweed militia of the Arab nomadic tribe, the Rezeigat, who for years wreaked havoc in Darfur and is accused of numerous killings, was among the mercenaries and warlords working as part of the Seleka. His presence among the Seleka tends to show the role of Sudan in supporting the Seleka, especially by supplying equipment (weapons and vehicles). Moussa Assimeh, leader of a troop of close to 700 men, is considered to be a “tough guy” who occupied the central police station in Bangui for several months. He says he was born in the north of Central African Republic but he does not speak French nor Sango.

Assimeh was apparently involved in the “disarming” of the Boy Rabe neighbourhood in Bangui on 20 August 2013, which led to much violence.

In the beginning of October 2013, General Moussa Assimeh was promoted to the rank of commander in the *Ordre national de la reconnaissance centrafricaine*. It is unclear whether or not this prestigious award was meant to gently put an end to his services as a way out of a disagreement over his demands for the payment of an excessively high price for supporting the coup. Whatever may be the case, he was politely dismissed and left Bangui on 20 October 2013 with his weapons and combatants for Birao, which he calls his hometown. Here again, it is difficult to assume that Khartoum was not involved with this “voluntary departure”.

Mahamat Bahar is part of the “Central African diaspora”. On 17 April 2013, Brigadier General Mahamat Bahar of the Support and Services Battalion was appointed head of the FACA 2nd Bureau, the military intelligence service.⁷³ Mahamat Bahar is a Chadian and is said to belong the *Agence nationale pour la sécurité* (ANS), the Chadian intelligence agency. He was given this position to keep an eye on the movement of the Seleka and, more importantly, on the Chadian rebels opposed to the regime in N’Djamena to avoid the Central African Republic becoming a sanctuary for the armed opponents to Idriss Deby Itno. Mahamat Bahar left Bangui on 26 January 2014 together with other Seleka generals. He is now said to be in Chad.

In a similar manner, Colonel **Aba Tom**, a Chadian rebel already famous for the crimes he committed in 2002-2003 returned to join the Seleka. On 11 December 2013 he supervised the arrest of Alain Victoire Nabéza, a young man he “escorted” from the home of the Director General of the National Police Force to the Presidency. The operation went wrong and the Seleka apparently shot at a crowd that was opposing the arrest.

72. See <http://www.centrafriquelibre.info/?p=1237>.

73. Decree on the reorganisation of the FACA in April 2013, available at: <http://centrafrique-presse.over-blog.com/rca-les-nouvelles-autorit%C3%A9s-r%C3%A9organisent-le-commandement-des-faca>.

Another strong figure was the second in command of the Seleka, **General Mahamat Nouredine Adam** from Ndélé in the northeast, a member of the northerly Runga ethnic group. His father was an imam at Miskine's mosque in Bangui. After a stay in Sudan, he studied at and graduated from the Police Academy in Cairo, before attending an "elite" training course delivered by the special Israeli forces. Nouredine Adam then went to Dubai where he worked for several years as a bodyguard for Sheik Zayed ben Sultan Al Nahyane. This gave him the opportunity to develop many good relationships in the Middle East, including in the business world.

In 2003, Adam was back in the CAR and helped General François Bozizé overthrow Ange-Félix Patassé. Disappointment with the new regime persuaded him to go and fight with Chadian rebel groups. He was captured during the assault on N'djamena in 2006 and joined the National Army of Chad (ANT).

At that point, Adam went underground, spending time with Chadian rebel groups (even taken prisoner in N'Djamena) before fighting with the Chadian army against the rebels. At the end of 2008, he re-joined the CPJP, which he took over upon the death of Charles Massi, the CPJP political leader, around December 2009-January 2010. In August 2012 Adam was one of the artisans of the Seleka alliance with Michel Djotodia's UFDR and Mohamed Moussa Dhaffane's CPSK.

As a "3-star general" for the Seleka, Adam became second in command and, as a well-weathered soldier, served as one of the military leaders in the final onslaught against Bangui at end March 2013.

When Bangui fell, Nouredine Adam was appointed Minister of State in charge of Security and Public Order in the Djotodia government. On 23 August 2013, he left that job and became Head of the Committee for the Defence of Democratic Achievements (*Comité extraordinaire pour la défense des acquis démocratiques* – CEDAD), an intelligence service that became the main dispenser of political repression in the Seleka government (see above). The short life of CEDAD under Nouredine Adam was marked by assassinations and relentless torture at its Bangui facility, which housed a secret torture centre whose location had allegedly been selected partly to prevent the screams of prisoners at night from being overheard.

In response to national and international outrage over the institution's practices, CEDAD was officially dissolved on 27 November 2013, though this did nothing to prevent Nouredine Adam and his men from continuing their clandestine activities, at least until Adam's departure from the CAR in mid-January 2014, after the resignation of Michel Djotodia. On 18 January, on the way to joining Djotodia in Benin, Adam was briefly detained in Cameroon. Since that time he has been seen in Nigeria and even in the CAR where his men control the town of Bria, a diamond-rich zone and thus central to the conflict.

General Nouredine Adam stands out as the most competent and the most determined of the Seleka warlords and was responsible for considerable political extortion during the 9 months of the Seleka government in Bangui, including summary and extra-judicial executions, torture, etc. A certain number of men from CPJP and later from among the Seleka were under his orders. This included, for example, Abdoulaye Hissène, who led the fight against UFDR in Bria in September 2011 and became Minister of Youth, Sports and Culture in April 2013.

Of note is also **Mahamat Said Abdel Kain**, 43 years old, a CPJC rebel from Bria, Ndélé province, and Director of the Central African Bureau for the Repression of Organised Crime, (*Office centrafricain de répression du banditisme – OCRB*) who the FIDH mission met in July 2013.⁷⁴ In February 2014, the FIDH mission heard the testimony of S.S.S., a 34-year old from the Bafio neighbourhood of Boy Rabe who was arrested on 21 August 2013 near the Amitié hospital. He explained: “*I was arrested and taken to the OCRB where I was tortured for 10 days by the men of General Bachar and Colonel Saïd. They were both there*”. It is likely to have been “Colonel” Mahamat Said Abdel Kain who was present. As for “General” Bachar, he has not yet been identified. The reference may be to **Ali Bichara**, a colonel who has become a general.⁷⁵ Ali Bichara, 46-years old, used to be a shoe salesman and was a Nouredine Adam man who fought in the final attack in March 2013. Besides the torture and pillage reported by many victims, Adam carried out violent searches especially in the Cattin district of Bangui during the anti-balaka attack on Bangui on 5 December 2013. “*I just finished a little job*”, he said to the newspaper *Le Monde* on 6 December 2013.⁷⁶

Similarly, the following “Seleka generals” will have to justify their conduct: Issa Issaka (Seleka Chief of Staff, wounded in the fighting against South African soldiers in Boali in March 2013), Abdel Karim Moussa, Abakar Zakaria, Aroun Mahamat (an ex-Liberator who supported François Bozizé in 2003) and Colonel Abakar Moustapha. Several of them are still restricted to Bangui under “confidence-building measures” negotiated with the Seleka on 10 December 2013.

The Seleka are organised into units. Their Secretary General (for all units but Michel Djotodia’s “Alliance-Seleka”) is Justin Kombo Mustapha, who comes from the UFDR. Nevertheless, the UFDR position within the Seleka, in the absence of Djotodia, is represented by two ex-UFDR leaders, Abakar Sabone and Zakaria Damane, who therefore play an important political role when the Seleka are in power. Abakar Sabone has been the faithful companion of Michel Djotodia since the early days of the UFDR, before he created the Movement of Central African Liberators for Justice (*Mouvement des Libérateurs Centrafricains pour la Justice*) (MLCJ), which was operational between 2007 and 2011. He shared Djotodia’s cell in Benin before joining the Bozizé government in 2008 as head of the MLCJ. Sabone returned to the UFDR in 2011 and became the “Seleka” Minister of Tourism in the Tiangaye 1 government that grew out of the January 2013 Libreville agreements. Mustapha became an advisor to Michel Djotodia who became president through a coup in March 2013. Mustapha was also the individual who, on 22 December 2013, talked of secession between the north and south, describing a scenario seen looming on the horizon by all. Whilst Michel Djotodia sought to deny this assertion, stating that such words “*should be severely punished (...). The Central African Republic is one and indivisible!*”, the damage of this acknowledgement had been done and the idea of partition remains very much present in the CAR, a country that has actually been divided into two parts.

Justin Kombo Mustapha’s position on a possible secession is shared by the former head of Michel Djotodia’s presidential guard, the rebellious **General Arda Hakouma**. He was the trusted confidant of the former president for whom he carried out special missions. He now lives in the north of the country with several hundred men, so he says, and rejects the political process.

74. FIDH, *Central African Republic: A Country in the Hands of Seleka War Criminals*, pp. 44 and 45.

75. Ibid. p.16. See also <http://www.rfi.fr/afrique/20130410-centrafricque-fomac-Séléka-commencent-recuperer-armes-combattants-disperses-bangui/>.

76. See http://abonnes.lemonde.fr/international/article/2013/12/07/l-armee-francaise-se-deploie-peu-a-peu-dans-bangui-plongee-dans-la-terreur_3527297_3210.html.

He asserts that he is ready to enact secession: “we decided to divide the country because until we divide the country, we won’t have peace. I do not agree with President Catherine Samba-Panza or with the Prime Minister. We are getting ourselves organised. In three or four months, if something happens, I will react” he said to RFI on 14 February 2014.⁷⁷ His deputy is Colonel Abdel Aziz.

General Adoum Rakis is a former rebel chief in the United Forces for Change (*Forces unies pour le changement*) (FUC), which opposes the Chadian president Idriss Déby. He was captured by the Chadian national army (ANT) during a failed attack by the FUC against N’Djamena in 2006. He then rejoined the MLCJ (*Mouvement des Libérateurs Centrafricains pour la Justice*), the armed Central African rebel group founded by Abakar Sabone and taken over by Tidjani Abator, which participated in the 2004–2007 conflict. He became the MLCJ’s military-political leader in 2011. From there, he joined the *Convention des Patriotes pour la Justice et la Paix* (CPJP) whose leader, Nouredine Adam, appointed him Chief of Staff of the CPJP in June 2011.⁷⁸ He joined the Seleka as the CPJP military leader, participated in the coup and, at the end of May 2013 President Djotodia appointed him Head of the Central African Police,⁷⁹ where he became famous for his brutality. In January 2014, at the height of the Seleka debacle and harassment by the anti-balaka he was sent to Bangui to carry out a “pacification operation” in the Bozoum region. On 8 and 9 January, “the Seleka, under the orders of the Director General of the Police, ‘General’ Adoum Rakis, burned more than 1,300 houses and killed at least a dozen people” according to Father Aurelio Gazzera who saw the convoy go by.⁸⁰ This was clearly a “cleansing operation”, being perpetrated using large-scale scorched earth tactics.

“Com-zones”

The phenomenon called “Com-zones” (zone commanders) is not unique to the CAR. It is common to conflicts elsewhere in Africa and throughout the world but was made complicated by the heterogeneity of the Seleka: different armed groups of different origins with different objectives. Local warlords were accountable to several hierarchies at the same time, namely that of their group of origin, that of the Seleka “command” and their own. They were generally left to their own devices since their victory in March 2013 and were sent out in groups of between 10 and 50 men, depending on the size of the town. Having received no pay, they paid themselves by setting up barricades, pillaging and even killing local people.

“Com-zones” have existed at all levels of command: regional, prefecture, sub-prefecture, town and even village. The result was a series of anarchic local potentates. The following provides a few examples of this “micro-baronisation” since 2013 in areas where the Seleka were or are still active:

Bouar: General Souleyman Saïd, a Sudanese national, was probably in contact with the Fulani rebel chief Baba Laddè and was killed at the end of January 2014 somewhere around Bouar.

77. See <http://www.rfi.fr/afrique/20140214-rca-Séléka-profondement-divisee/>.

78. At the same time, Christophe Gazam Betty became the General Coordinator in charge of external affairs and the spokesman, Mahamat Daffane became the Deputy General Coordinator in charge of political affairs and Assan Mbringa Togbo became Secretary General. See: <http://zohoko.net/forum/?p=152>.

79. By Decree no. 13.132 of 29 May 2013, General Adoum Rakis was promoted to Director General of the CAR Police. See <http://www.lanouvellecentrafrique.info/actualites-de-la-presidence/>.

80. See <http://bozoumfr.blogspot.fr/>.

Bossangoa: the Seleka group was under the command of Colonel Youssouf Amath, who, later, was replaced by Colonel Saleh Zabadi.

Kaga-Bondoro: a locality visited by the FIDH mission in which the Com-zone is Colonel Abderhamane, a Chadian according to the local population, who does not speak Sango or French, and is in charge of about 100 men.

Grimari: according to testimony the mission received, atrocities were carried out by Seleka under the command of Colonel Moussa Johnson, a Sudanese serving as the Seleka commander for the Grimari base.

Seleka commander Abakar Tahir, a Central African from the Gula ethnic group and his assistant, a Chadian named Youssouf Ibrahim were responsible for most of the acts of violence committed. They arrived with six Seleka from Ngjougou but were called away by the Seleka colonel from Sibut (Commander Ousmane, a military leader held responsible for much of the pillaging in Sibut). When Commander Tahir refused, Ousmane repeatedly sent his men to force Commander Tahir and his men to leave the town of Ndjougou. Several witnesses in the area spoke of the participation of civilians in acts of violence, especially in the events that occurred in Féré and Mabo. By “civilians”, reference was being made to members of the Hassana family whose head of family was the head of the village of Galabadja, 40 km from Ndjougou, and their children. They are said to have gone to help the Seleka as a group. For events such as these in the CAR, the responsibility of certain civilians acting together with armed groups in committing crimes could be established with great precision if the zone were accessible and more testimony was available.

V. Fight against impunity: urgent but feasible

Ten years of fact-finding in the Central African Republic allows us to authoritatively assert that the impunity enjoyed by the worst perpetrators of crime is one of the causes of the recurrent conflicts in the country, including the present one. Many of the perpetrators of the most serious crimes and those responsible for the country's instability, identified by FIDH in the course of investigations that started in 2002, continue to operate now. Ex-president Bozizé and his partisans, Chadian rebels, rebels from northern CAR, and others, all contributed to the crises of 2002-2003, 2007 and 2012-2013. FIDH and its member organisations have repeatedly highlighted the alleged perpetrators of these crimes and asked that they be judged.⁸¹ The vital importance of fighting against the impunity of the perpetrators of the most serious crimes can no longer be ignored and must be recognised as a priority by the transition government and the international community.

An urgent need to restore the penal system

The present crisis stands out because of its scope, the diversity of the factions and criminals involved, and the nature of the crimes being committed. Furthermore, exactions are committed in an environment marked by the collapse of State authority, in which complete impunity is the universal standard.

FIDH was on mission in the CAR in July 2013 at a time when the State judicial services that still existed were totally controlled by the Seleka and the regime of Michel Djotodia. Here, witnesses reported that anybody could be arrested, transferred to the presidential palace, Camp Roux or the Central African Bureau for Repression of Organized Crime (OCRB) without the Public Prosecutor or the Prosecutor of the Republic having any say about the legality of the detention and still less about the conditions of detention. All sorts of abuses were committed in this context (e.g. torture, summary executions, extortion, rape), with perpetrators enjoying total impunity for these acts.

At present, State judicial services are virtually non-existent, especially outside of Bangui. The Public Prosecutor, the Prosecutor of the Republic and the most senior examining judges are on seat and work with about 20 judicial police officers (OPJ). However, like all judges and civil servants in the country, they are working without having been paid for the last five months. As conflict spread throughout the country, nearly all the judges moved to Bangui where they have no resources and, in a climate of overall vengeance, are seen as targets for attack. The Minister of Justice, Mrs Isabelle Gaudeuille tried to overcome this distressing situation by asking these personnel to come to work in the Court of Justice so that they are not idle, "*although*", she said "*at present we cannot pay them*".

81. See FIDH publications on Central African Republic available from: <http://www.fidh.org/fr/afrique/republique-centrafricaine/REPUBLIQUE-CENTRAFRICAINE-RCA-CPI/>.



Injured person in Bangui, 19 February 2014 – © Laurence Geai

The police and gendarmerie, in particular OPJs, returned to work on around 15 February 2014 with 150 policemen and gendarmes starting to patrol the streets of Bangui. Hopefully more will be recruited. The international forces lend weapons to these law enforcement officers in the daytime (but take them back in the evening) thus contributing to the establishment of at least some security since those causing the instability are all armed.

However, over the last few months, the general lack of policemen, office space and a judicial system, has meant that perpetrators of all types of crime have enjoyed total impunity. According to the Prosecutor of Bangui, Mr Ghislain Gresenguet, *“there were no OPJs anymore, and not a single day went by without lynchings, murders, pillaging, etc. People weren’t even referring to us anymore. Now, at last, we manage to send out a small team of OPJs who do the best they can with their very limited resources”*.

Because of this situation, for the last several months *“the penal system has been incapacitated”*, according to Mr Ghislain Gresenguet, *“especially since the Prosecutor’s office has no authority over the AFISM-CAR OPJs. Everything is based on negotiated cooperation”*.

The other urgent issue according to both Mr Gresenguet and the deputy commander of AFISM-CAR, General Kararuzza from Burundi, is the city’s detention centre. In early February 2014, the only possible place of detention was the gendarmerie in Bangui, but this facility has a limited capacity and is so poorly isolated that even just over the course of FIDH’s mission to the country, more than 20 people managed to escape. On the night of 9-10 February 2014, for instance, nine anti-balaka prisoners who had been arrested the day before, managed to escape despite a request from the Prosecutor that they be transferred to more secure premises in the centre of the city.

On 5 December 2013 and 22 January 2014, Ngaragba prison in Bangui was attacked and plundered, and all the prisoners set free. The Public Prosecutor explained that on 22 January 2014, *“the 56 prisoners who were there were all set free except four Seleka who were executed on the spot by the anti-balaka”*.

At a meeting on 13 February 2014, the transition president, Mrs Catherine Samba-Panza said that one of her priorities was to re-open the Ngaragba prison: *“I have given instructions and am committed to its being rehabilitated as quickly as possible, even if we don’t have the funding right now; it’s very important”*. The prison was to be operational again from 16 February 2014.

This was a strategic move on the part of the government, as evidenced by the attempted escape, on 23 February 2014, of eight high-ranking anti-balaka prisoners who were arrested on 15 February in the Boy Rabe district. The escape attempt was foiled thanks to the vigilance of the Rwandan AFISM-CAR soldiers guarding the prison and despite inside help.

Nevertheless, during the early March 2014 visit of Mrs Marie-Thérèse Keita Bocoum, the Independent Expert of the situation of human rights in Central African Republic,⁸² a demonstration by “prisoners’ wives” provided an opportunity for several high-ranking anti-balaka prisoners to escape. On 29 April 2014, 11 more escaped from the Ngaraba prison. The only inmates left were some minor criminals, since the others had quietly gone home without let or hinderance. Patrice-Édouard Ngaissona, for instance, resides peacefully at his home in Boy Rabe where he receives journalists and NGOs.

Since that time, several measures have been taken to prevent these prison breaks, which enjoy local complicity. The large number of escapes gives an idea of the huge need for secure prisons, not only in Bangui. A major effort needs to be made to restore an appropriate detention capacity under conditions that respect acceptable standards, the goal being to fight crime and impunity.

Punish the culprits

The United Nations, France and the United States made significant progress in bringing some accountability to bear on events in the CAR in May 2014. On 9 May 2014, the United Nations Security Council imposed sanctions on three CAR leaders: ex-President François Bozizé, the coordinator of the anti-balaka militia Levy Yakété, and the second in command of the former coalition of Seleka rebels, Nouredine Adam. These targeted sanctions, provided for in the UN resolution of 28 January 2014, were proposed by France and the United States and included a travel ban and asset freeze. They were taken following the decision of the Sanctions Committee of the Security Council that had been working on the case for several months. The Committee accused the three leaders of *“engaging in or providing support for acts that undermine the peace, stability or security of CAR.”* The Committee said that Mr Bozizé *“provided financial and material support to anti-balaka militiamen working to ... bring him back to power”*. The anti-balaka and the forces supporting Mr Bozizé were acknowledged as *“taking revenge against the Muslim population”*. Levy Yakété (or Yakité), minister in the Bozizé government and a close collaborator, is an anti-balaka leader accused of ordering the arrest of persons connected to

82. Appointed on 20 January 2014 by the UN Human Rights Council by Resolution A/HRC/RES/S-20/1.

the Seleka and organising the distribution of machetes to a group of hapless young people who were ordered to attack the Muslims.⁸³

On the Seleka side, the Sanctions Committee singled out one of its main leaders, Nouredine Adam, accusing him of arbitrary arrests, torture and summary executions carried out under his leadership of the intelligence services. The UN Sanctions Committee asserted that Adam is “*actively directing*” the ex-Seleka and supervising attacks against Christians even now. He is probably the most feared rebel chief in the Seleka, especially because of his capacity for military action but also because of his capacity to obtain funding for the rebellion. The Committee spoke of his participation in diamond trafficking between the CAR and Chad.

Three days after the UN resolution, the United States of America imposed sanctions on five CAR leaders. On 13 May 2014 the US President, Barack Obama, signed a decree that imposes sanctions against the former presidents of Central African Republic, François Bozizé and Michel Djotodia, and three other anti-balaka and Seleka leaders who the White House accuses of fomenting violence in the Central African Republic. Besides Bozizé and Djotodia, the presidential decree applies to the coordinator of the anti-balaka militia, Levy Yakété and two leaders of the former Seleka coalition, Nouredine Adam and Abdoulaye Miskine. All these individuals have been accused of the commission of crimes in this report, which was remitted to the American authorities during a FIDH, LCDH and OCDH mission to Washington in April 2014. The decree states that the assets of the abovementioned five leaders will be frozen in the United States and that the sanctions could be increased on the basis that the situation in the Central African Republic is a “*threat to the national security and foreign policy of the United States*”.

White House spokesperson, Jay Carney said that these sanctions are “*a powerful message that impunity will not be tolerated, and that those who threaten the stability of the CAR will face consequences,*” adding, “*We urge all parties to end the violence, to ensure justice and accountability for perpetrators of human rights abuses.*”

A Task Force against impunity: the CSEI and a Specialised Mixed Chamber

An FIDH, LCDH and OCDH mission has strongly advocated for the immediate application of a strategy to combat impunity in the CAR to the country’s authorities, international forces, influential diplomats in Bangui, and the African Union Summit in Addis Ababa in January 2014. Our organisations also sent a delegation to the UN Security Council in New York in March 2014. Our organisations believe that a strong, clear message must be sent to the perpetrators of the most serious crimes, regardless of their alliance, immediately. This message must make clear that the time for impunity is over and that these crimes will no longer remain unpunished.

To implement this action strategy, the State and the international field troops must be in a position and have the resources to act, that is, to reconstruct the bare minimum of a penal system, have access to secure and decent detention centres, be able to carry out investigations and legal proceedings, and undertake lawful arrests, amongst other things.

Two possibilities for reconstructing the judiciary and establishing an emergency justice system

83. See also Part IV. Who is responsible? 4.1 – Anti-balaka leaders: the role of ex-president Bozizé.

must be considered: the holding of a session of the court of first instance (*correctionnelle*) without delay to sentence the perpetrators of “minor” crimes such as pillage, theft and other such offences in this category; and the establishment of a special investigation and information unit (*Cellule spéciale d’enquête et d’instruction* – CSEI) tasked with investigating and opening proceedings in respect of offences, especially the most serious crimes.

This CSEI could be composed of magistrates from the Office of the Public Prosecutor, investigating judges and judicial police officers. As a judicial task force, its first task would be to conduct investigations and legal proceedings on crimes committed. Thereafter, once judicial services have been resurrected in the various regions of the country, the CSEI could serve as a “pillar” specialised in the most serious crimes that require a broad overview, special expertise and technical knowledge. Such a process would require political will and security for judges (which cannot be guaranteed in even the medium term in the provincial courts). Furthermore, given the scope and gravity of the crimes at issue and the mobility of their perpetrators, it may be necessary to centralise both investigations and proceedings. The CSEI’s jurisdiction should extend over the whole territory of the CAR and be triggered on the basis of the urgency of the situation; this is necessary to ensure that public action is taken in respect of crimes committed in distant corners of the country where no state institutions have a presence. Further, people could be brought to Bangui and provide critical information about alleged perpetrators, who may also be in Bangui.

Any CSEI must be provided with excellent and efficient protection and security services. As the main body for investigating and opening judicial procedures on crimes committed since 2004, the CSEI members would very quickly be targeted by the most dangerous criminals in the CAR and the region. It is therefore essential that the international community commit to helping the state protect and ensure the functioning of the CSEI.

This CSEI would not be the first special investigation and information unit to be created in Africa. Similar or identical units already exist in Ivory Coast (to open judicial procedures on crimes committed during the post-electoral crisis),⁸⁴ in Mali (for crimes committed during the Jihadist occupation and the military junta),⁸⁵ and in Guinea (for crimes perpetrated by the military on 28 September 2009 in Conakry).⁸⁶ In light of this wealth of experience and the significant needs of the CAR’s judiciary, the government should consider seeking international assistance and expertise for the establishment of a CSEI, first and foremost from elsewhere in Africa. The experience and support of judges, prosecutors and judicial police officers who have already had to cope with crimes of this scale and nature, designed strategies for their prosecution, drawn up specific procedural papers and sought specific evidence, could make a vital contribution to the CAR’s CSEI.

Similarly, the Central African authorities must consider creating trial courts capable of understanding and judging such crimes, with full respect for international standards for fair trials within a reasonable time period – essential in a country that needs to show its people that the

84. See FIDH, *Ivory Coast: the fight against impunity as a crossroads*, November 2013, available at: <http://www.fidh.org/en/africa/cote-d-ivoire/14160-ivory-coast-the-fight-against-impunity-at-a-crossroads>

85. See FIDH, *Mali: Justice in process*, March 2014, available at: <http://www.fidh.org/en/africa/mali/15004-mali-justice-in-process>.

86. See FIDH, *Guinea: the fight against impunity: progress observed, actions awaited*, September 2012, available at: <http://www.fidh.org/IMG/pdf/rapguinee596ang.pdf>.

wheels of justice are turning and that taking the law into one's own hands is unproductive, against human rights and harmful to State and society.

For this reason, FIDH and its CAR member organisations have recommended to the authorities and to their international partners that a Specialised Mixed Chamber (CMS) be established. The CMS would be composed of Central African and international staff and judges, preferably from Africa, and could be responsible for judging cases transmitted by the CSEI in application of the provisions of the Central African Criminal Code and the Code of Criminal Procedure. These enactments have both incorporated most of the provisions applicable to international crimes, starting with the provisions of the Rome Statute, translated into national law in 2010, as well as international rules and regulations on fair trials.

"I agree with your proposals", said president of the transition government, Mrs Catherine Samba-Panza to the FIDH mission. This consensus evinces the political determination of the transition authorities to fight against impunity. The Minister for Justice is also trying to mobilise resources to translate this determination into action.

Hesitant first steps in the fight against impunity

The political determination that President Samba-Panza expressed to the FIDH mission was converted into action just a few days later. Besides re-opening the prison in Bangui, the CAR authorities, working together with international forces, further developed their strategy and took a tougher position towards the anti-balaka.

On 10 February 2014, the Sangaris Commander Francisco Soriano expressed the tone of the new strategy as follows: *"the Central African anti-balaka have been accused of great violence against Muslims and have become the number one enemy of peace"*. He accused them of *"stigmatising communities"* and *"assaulting Sangaris troops"*.⁸⁷

On 12 February 2014, President Samba-Panza threatened *"to go to war against the anti-balaka"*, indicating a change of strategy in respect of the group that upon election she had called "her children".

On 15 February 2014, 250 AFISM-CAR and Sangaris soldiers launched a large-scale offensive against the anti-balaka in the Boy Rabe district of Bangui. They seized weapons but, more importantly, arrested a dozen anti-balaka leaders, including Lieutenant Yvon Konaté and Lieutenant Hervé Ganazoui, who Emotion Brice Namsio, one of the spokesmen for the anti-balaka, had said were in charge of operations at the anti-balaka headquarters.⁸⁸ The soldiers proved unable to arrest Patrice-Édouard Ngaissona, the general coordinator who was the main target of their operation.

On 25 February 2014, AFISM-CAR was informed that *"Congolese authorities [had arrested] Patrice-Édouard Ngaissona, [...] and two of his colleagues in the Likouala border region in the*

87. See <http://www.jeuneafrique.com/Article/ARTJAWEB20140210160308/>.

88. See AFP dispatch: <http://fr.euronews.com/depeches/2350530-centrafrique-vaste-operation-de-desarmement-danti-balakabalaka-a-bangui/>.

north of the Republic of Congo” and transferred them to Brazzaville.⁸⁹ However, on 27 February 2014 it appeared that Ngaissona was still at large and on 28 February AFISM-CAR announced that in fact “*the person who was arrested was a certain Eugène Barret Ngaïkossé, a former captain in the Central African Armed Forces (FACA) and a member of the anti-balaka, together with his brother Claude Ngaïkossé*”.⁹⁰ Eugène Ngaïkossé had been sought by the Central African judiciary. An international arrest warrant had been issued for him and 22 other people.

The arrest warrants had been issued by the Prosecutor of the Republic to the Bangui regional court (*Tribunal de Grande Instance*) and transmitted for execution to the President’s Special Representative to the Commission and the head of the AFISM-CAR forces, General Jean-Marie Michel Mokoko.

These operations illustrate two major changes: the first concerns the significant improvement in cooperation, even in legal matters, between the Central African judicial authorities and international forces, the latter having henceforth been permitted, at the former’s request, to carry out arrests. The second change has been the new attitude of the transition authorities who are no longer hesitant to arrest anti-balaka and apply legal procedures to do so.

The FIDH mission saw the list of people named in international arrest warrants issued by the Central African judicial authorities, which provide a legal base for the arrests. At present the list of 23 names of alleged perpetrators of crimes are evidence of the judicial authorities’ indisputable will to end the exactions of the anti-balaka movement and its supporters.

This determination to fight impunity should be applied to all perpetrators of crime, especially the perpetrators of the most serious crimes committed by the Seleka. Opening judicial inquiries into alleged perpetrators, especially those still present in the CAR, is a priority for the judicial authorities and the future CSEI.

Finally, our organisations emphasise that victim participation in judicial proceedings would have a significant impact on the fight against impunity. Such participation would also exercise victims’ rights to truth, justice and reparation. As such, creating the best conditions for the participation of the victims and their families, who have a substantial amount of information to provide and whose safety must be guaranteed, is extremely important. To facilitate participation in judicial proceedings, FIDH, LCDH and OCDH have set up a pool of Central African and international lawyers, accompanying the victims of these grave violations, regardless of their origin. The creation of a CSEI would facilitate the participation of victims in these procedures and ensure their security.

The International Criminal Court opens a preliminary examination on the Central African Republic

The Central African Republic referred crimes committed during the 2002-2003 conflict to the International Criminal Court (ICC) in January 2005. On 22 May 2007, the ICC opened an inves-

89. The AFISM-CAR press release that was withdrawn from the AU website afterwards. See: <http://centrafrique-presse.over-blog.com/2014/02/la-misca-se-f%C3%A9licite-de-l%E2%80%99arrestation-de-patrice-%C3%89douard-ngaissona-%C2%AB-coordonnateur-politique-%C2%BB-autoproclam%C3%A9-des-anti-balakabalaka.h>.

90. See <http://www.peaceau.org/fr/article/la-misca-apporte-un-correctif-sur-l-arrestation-annoncee-d-un-dirigeant-du-groupe-anti-balakabalaka#sthash.XNtNR5H2.DN2twSf6.dpuf>.

tigation into crimes against humanity and war crimes after an intensive campaign by FIDH and its member organisations highlighting the necessity for this young international court to deal with crimes committed during this neglected confrontation during which over 7,000 victims of sexual crime were recorded. To date, Jean-Pierre Bemba, former Vice-President of DRC, is the only person who has been prosecuted as a result of this investigation; his trial commenced on 22 November 2010. Although pleased that this trial was pursued against a high-level leader, an important politician, mainly for the crime of sexual violence, FIDH has expressed regret about the fact that *“this was a ‘one-person’ prosecution, although many alleged perpetrators of crimes committed in Central African Republic were in the stand of the accused alongside Jean-Pierre Bemba”*.

The ICC, however, remains seized of the situation in the CAR. Notably, the ICC Trust Fund for Victims has launched several programmes to support victims of sexual crimes committed during the present conflict, though these have been suspended for safety reasons.

On 22 April 2013, Fatou Bensouda, the ICC Prosecutor, declared that *“the alleged perpetrators of crimes committed in Central African Republic that fall within the jurisdiction of the ICC will be prosecuted”*. She went on to say: *“the situation in Central African Republic is growing worse by the day and the number of civilian victims of serious crimes is constantly going up”*. She added that her office would give careful attention to allegations of crimes falling within the jurisdiction of the Court and gave special emphasis to murder, pillage and other attacks against civilians in the CAR. The ICC Prosecutor added: *“the mandate of my Office is to put an end to impunity for such crimes and its jurisdiction includes the whole territory of the Central African Republic. The people of Central African Republic have suffered too much already. I will not hesitate to prosecute the people who are responsible for this suffering”*.

However, feeling that the facts of the current situation were different from those in respect of which the Court had originally been seized, Ms Bensouda decided to open a new preliminary examination. On 7 February 2014, she explained that *“during the last few months, I made a certain number of public statements urging all armed groups to immediately put an end to all violence and I warned them [as ICC prosecutor] that the alleged perpetrators of atrocious crimes within the jurisdiction of the ICC could be held responsible for these acts on an individual basis”*.⁹¹

The preliminary examination instituted by the prosecutor is to begin with the attacks on Damara and Sibut by several rebel groups forming part of the Seleka coalition as of September 2012. No individual perpetrator has been singled out at this stage but the ICC Prosecutor has spoken of *“the extremely savage acts carried out by various groups”* and said that *“in many cases, victims seem to have been deliberately targeted for religious reasons”*. In application of the procedure established by the Office of the Prosecutor, the Office will start by collecting the information needed to establish the jurisdiction of the Court over these crimes and evaluate the gravity of the crimes and the actions taken by the CAR authorities to judge the alleged perpetrators. No deadlines have been set for the preliminary examination.

Nevertheless, considering the nature and magnitude of the crimes, and the urgency of the need to fight impunity in the CAR, it is unfortunate that the Prosecutor did not use her *proprio*

91. See <http://www.rfi.fr/afrique/20140207-cpi-ouverture-examen-preliminaire-crimes-centrafrique-rca-bensouda-justice-internationale-Séléka/>.

motu (self-referral) authority to open an investigation and order a preliminary examination. The crimes under examination have been taking place in full view of the international community and the Central African justice system is in ruins. FIDH, which has documented CAR conflicts extensively since 2002, has further highlighted that past and present events and conflicts in the CAR have been closely connected and that some of the perpetrators have been the same throughout, beginning with the former Head of State, François Bozizé. FIDH would submit that the ICC Prosecutor could have and should have considered the current situation to be an extension of the past situation and thus, without further delay, investigated and prosecuted the relevant crimes. In any case, reference to the situation of CAR in 2005 provides general information on all crimes committed since 1 July 2002.

A firm commitment to the CAR crisis would have allowed the ICC to complete its work on the 2002-2003 crisis and exhibited its usefulness in situations for which it was created, i.e. to step in when the state is no longer available to dispense justice.

Given the extreme gravity of these well-documented crimes and the lack of prosecution of the most senior leaders at the national level, all the conditions exist to justify the Prosecutor's submission of a request for authorisation to the Pre-Trial Chamber to initiate investigations *proprio motu* in accordance with article 15 of the ICC Statute. As a State Party to the Statute, the Central African Republic could seize the ICC again about opening an investigation.

The fight against impunity in the CAR must be heightened. The hesitation shown by international justice mechanisms, means that the national authorities in the CAR will have to show resolve and imagination in combatting impunity. Setting up emergency justice mechanisms such as the *Cellule spéciale d'enquête et d'investigation* (CSEI) and the Specialised Mixed Chambers, whose task is to structure a permanent fight against impunity, is one solution that could contribute to bringing an end to violence and tackling some of the most profound causes of the conflict. Whilst the nation's fight against impunity is not the only urgent issue facing the transition authorities, it nevertheless stands out as a necessity to clearing out drivers of instability whilst organising national reconstruction. This is a vital act of justice that must be devolved to the CAR's national authorities and its judiciary if a sustainable justice system is to be built up. Indeed, international justice mechanisms on the international political scene can only be optimally efficient if they are complementary to active national judiciaries and demonstrable political determination.

VI. Methodology

The international FIDH, OCDH, LCDH fact-finding mission went to Central African Republic in February 2014. This mission was composed of Benoît Van Der Meerschen, FIDH *chargé de mission*; Roch Euloge Nzobo, Executive Director of the Congolese Observatory of Human Rights (Congo-Brazzaville) and *chargé de mission*; and Florent Geel, Head of the Africa Desk at the FIDH International Secretariat. The group was accompanied by representatives from the Central African League for Human Rights (LCDH) and the Central African Observatory for Human Rights (OCDH). The mission worked in Bangui and on the Bangui-Bossembélé road especially in and around Boali. A previous mission had been able to go to the Nana-Grébizi Prefecture on the Kaga-Bondoro – Mbrès road.

The main purpose of the mission was to investigate the grave abuses committed by the Seleka and to determine who was responsible, in order to conceptualise a road map on human rights for the authorities and the international community. This road map was to focus on the protection of the civilian population, the fight against impunity for the perpetrators of the most serious crimes and the consolidation of the rule of law. The brief also included support for the civil society organisations' human rights activities.

Throughout their visit mission officials heard the testimony of victims of serious human rights violations and their families. FIDH, LCDH and OCDH, with the agreement of the parties involved, decided to keep victims' identities anonymous to ensure their safety. FIDH, LCDH and OCDH would like to thank the *Centre pour l'information environnementale et le développement durable* (CIEDD) and the *Maison de l'enfant et de la femme pygmée* (MEFP) for helping to establish the facts.

FIDH, LCDH and OCDH would also like to thank the United Nations, AFISM-CAR and the Sangaris troops for having ensured the safety of the mission in certain parts of the country.

The mission met with the following persons:

- President of the Transition, Mrs Catherine Samba-Panza;
- Prime Minister of the Transition, Mr André Nzapayeké;
- Minister of Justice and Keeper of the Seals, in charge of judicial reform and human rights, Mrs Isabelle Gaudeille;
- Director of the Cabinet of the Minister of Justice, Mr Michel Landry Lounga;
- State Prosecutor, Mr Alain Tolmo;
- Public Prosecutor to the *Tribunal de Grande Instance* Bangui, Mr Ghislain Gresenguet;
- Dean of the examining magistrates at the *Tribunal de Grande Instance* Bangui, Mr Yves Kokoyo M'bomba;
- Ambassador of France and High Representative of the French Republic to Central Africa Republic, Mr Charles Malinas;
- Special Advisor to the French Embassy and High Representative of the French Republic to Central Africa Republic, Mr Jean-Marc Grosгурin;
- First Secretary, Embassy of France in CAR, Mr Alexandre Bertrand;

- Delegation of the European Union, Ambassador, Head of Delegation, Mr Jean-Pierre Reymondet-Commoy;
- Delegation of the European Union, European External Action Service, Counsellor Minister Bernard Piette;
- European Union, European External Action Service, Director for West and Central Africa and Sahel Coordinator, Mr Peteris Ustubs;
- European Union, European External Action Service in charge of international relations – RCA and Gabon, Mrs Katharina Buse;
- Commander of the *Opération Sangaris* force, COMFOR, General Francisco Soriano;
- AFISM-CAR Deputy Commander, General Kararuza;
- Central African Red Cross, National President, Mr Antoine Mbao Bogo;
- Ex-Prime Minister, Mr Nicolas Tiangaye;
- Ex-Minister of Human Rights and Humanitarian Action, Mr Claude Lenga;
- General anti-balaka Coordinator, Mr Patrice Edouard Ngaissona;
- Catholic Archbishop of Bangui, Mgr. Dieudonné Nzapalainga;
- Imam of the Grand mosque of Bangui, Mr Amati Djani;
- Community Hospital, Director, Doctor Pierre Alfred Issa Mapouka;
- Amitié Hospital, Administrator, Mr Brice Fizoua;
- Abbé de Boali, Abbé Xavier Arnold Fagba;
- AU/AFISM-CAR, Mission Support Chief, Mr Justin Viwanou Singbo;
- United Nations Department of Political Affairs, PAO, Mr Dan Schreiber;
- United Nations Office for the Coordination of Humanitarian Affairs, Senior Humanitarian Coordinator, Mr Abdou Dieng;
- United Nations High Commission for Refugees, Chief of Cluster Protection, Mr Philippe Leclerc;
- United Nations Integrated Peacebuilding Office in CAR (BINUCA), Head of Political and Civilian Affairs, Mr Sancho Coutinho;
- United Nations Integrated Peacebuilding Office in CAR (BINUCA), Mr Ousmane Kaba;
- Organisation for the Compassion and Development of Families in Distress (OCODEFAD), President, Mrs Bernadette Sayo;
- Central African League for Human Rights (*Ligue centrafricaine des droits de l'Homme*) (LCDH), President, Mr Joseph Bindoumi and several members of the Bureau;
- Central African Observatory for Human Rights (*Observatoire centrafricain des droits de l'Homme*) (OCDH), President of the Executive Council, Mr Mathias Barthélemy Morouba and several members of the Bureau;
- NGO network for the promotion and defence of human rights, General Secretary, Mr Anicet Thierry Goue Moussangoe;
- Centre pour l'information environnementale et le développement durable (CIEDD), Coordinator, Mr Jean Jacques U. Mathamale;
- Maison des enfants (MEFP), Coordinator, Mr Roland Christian Jos. Nzengo-Basse and other members;
- CIDEM, Mr Guy-Hervé Gbangolo;
- AFJC, Mr Blanche Pierette Balingapo, lawyer;
- CEJP, Mr Richard Bagouma;

FIDH would like to thank all the people who met with members of the fact-finding mission for making themselves so readily available.

Recommendations

FIDH, LCDH and OCDH recommend:

I. Recommendations to the Central African Republic

Protection of the population

- Systematically and publicly condemn all human rights violations perpetrated by Seleka, anti-balaka and all other armed groups;
- Call upon all armed groups to lay down and turn in their arms;
- Re-establish and redeploy national law enforcement forces (police and gendarmerie) as soon as possible whilst first undertaking a vetting process for these forces;
- Together with international forces, continue the process of billeting and disarming Seleka troops, especially in the east and the north of the country;
- Disarm the anti-balaka militia;
- As soon as possible, organise the disarming, demobilisation and reinsertion of children who have been forced to enlist;
- Together with the international community, introduce a genuine process for overhauling the defence and security forces that includes training in human rights and is based on the vetting of members of the Central African Armed Forces (FACA) who allegedly committed crimes, in order to avoid their reintegration and to prosecute them before the courts;
- As quickly as possible, re-establish State authority (defence and security forces, judiciary) and services (schools, hospitals, etc.) throughout the country;
- Facilitate and support the work of human rights NGOs, journalists and humanitarian aid workers throughout the country;
- Assure the earliest return of displaced persons and refugees.

Fight to end impunity for the perpetrators of the most serious crimes

- Set up a special investigation and information unit (*Cellule spéciale d'enquête et d'instruction*) (CSEI) or some similar unit to study, investigate and prosecute the perpetrators of violations of international humanitarian and human rights law. This unit should be composed of magistrates for prosecutions, investigative judges and judicial police officers as well as specialised foreign staff, and have a mandate that authorises the investigation of the most grave violations of human rights perpetrated since 2004. It must also guarantee equitable gender representation within the staff and training on gender-based crimes and crimes against children;
- Ensure the safety of CSEI staff and people working for the judiciary in general;
- Open global legal proceedings on crimes perpetrated since September 2012 on CAR territory;
- Ensure that persons who are known to have been involved in lynchings, in particular the one that took place on the ENAM grounds on 6 February 2014, are prosecuted, arrested and sentenced;
- Prosecute everyone who materially or financially supports armed groups, militia and groups that commit or have committed abuses;
- As soon as the CSEI or some similar unit is set up, organise hearings for victims that allow

- for the inclusion of all crimes committed in the CAR, especially for victims of sexual abuse and guarantee the physical and psychological protection of victims and witnesses;
- Adopt a law to establish a specialised mixed chamber or a similar court, composed of national and international staff, within the CAR courts, and charge it with judging the perpetrators of human rights violations and of abuses, especially the perpetrators of international crimes, in application of provisions of humanitarian and human rights law and the provisions of the Rome Statute that have been included in the CAR Criminal Code, and on the basis of the work of CSEI investigations, the national mixed investigation commission, the investigation mission of the United Nations High Commission for Human Rights and information from NGOs;
 - Hold a special session of the court of first instance (*correctionnelle*) to sentence the perpetrators of offences falling within this category without delay;
 - Ensure, as quickly as possible, the redeployment of judicial staff throughout the territory;
 - Cooperate fully with the International Criminal Court, in compliance with the principle of complementarity set out in the Rome Statute and, if appropriate, refer again to the ICC concerning crimes within its jurisdiction committed since September 2012;
 - Establish a reparations fund for victims of international crimes with the support of the international community;
 - Adopt specific legislation on the fight against sexual violence, especially to facilitate women's access to judicial services.

The Administration of justice

- Take all necessary measures to undertake arrests and detentions that are compliant with the Central African criminal code of procedure and with the corresponding provisions in international human rights law, which are binding for the Central African Republic, especially as regards cooperation with the international forces;
- Ensure that all measures are taken to prevent acts of torture and ill-treatment in detention centres and that investigations are conducted into any person accused of committing such acts, if appropriate;
- Close all illegal detention centres and re-open the Bimbo prison for women;
- Draft an action plan aimed at strengthening justice, with support from the international community;
- Comply with the Rome Statute and abolish the death penalty for crimes of genocide, war crimes and crimes against humanity, provided for in article 158 of the CAR Criminal Code;
- Take steps to abolish the death penalty as stated in the relevant resolutions of the African Commission for Human and People's Rights.

Elections

- As soon as possible, and with the support of the international community, implement the measures required to establish a pluralist, free, transparent electoral system, in particular by recreating civil registry records and reliable electoral lists, in compliance with the CAR electoral code;
- Ensure the participation of refugees and displaced persons in the elections;
- Propose to the political parties a charter on principles and responsible conduct for the elections.

Economic and social rights

- Guarantee, as soon as possible, the payment of civil servants' wages;
- Take all possible measures to fight corruption;
- Fight against illegal exploitation of natural resources;
- Publish commercial contracts for exploitation of the country's natural resources;
- Set up a legal and institutional facility to examine and approve new State contracts in order to guarantee transparency and democratic control.

Ratification of international and regional instruments

- Ratify the African Charter on Democracy, Elections, and Governance; the Protocol to the African Charter on the Rights of Women in Africa; the Protocol to the African Charter on the African Court of Human and People's Rights and make the declaration under article 34.6 authorising NGOs and individuals to have direct access to the Court; the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment; the Optional Protocol to the Convention on the Rights of the Child, concerning the involvement of children in the armed conflicts; the Second Optional Protocol to the International Covenant on Civil and Political Rights which aims at the abolition of the death penalty.

II. Recommendations to the International Community

To international donors

(States, international organisations, financial institutions)

- As soon as possible, disburse the financial support committed in particular at the Addis Ababa and Brussels conferences;
- In the next few days, grant budgetary support in order to enable the State of the Central African Republic to pay its civil servants and re-establish essential state services;
- Continue striving to meet the humanitarian needs of the population.

To the United Nations Security Council

- Ensure that the U.N. Multidimensional Integrated Stabilisation Mission in Central African Republic (MINUSCA), created by resolution 2149 (2014)⁹² of 10 April 2014 adopted under chapter VII of the Charter provides for the following:
 - Operationalisation of verification mechanisms to ensure the exclusion of any person responsible for human rights violations;
 - A mandate and the operational means required to ensure the protection of civilians and human rights defenders;
 - Clear, unified structures of command that include close communications with the civil society to guarantee access for humanitarians and independent observers of civil society in the conflict zones;
 - Training in human rights and international humanitarian law for defence and security forces, including international forces operating under UN mandates, by trainers who are legal

92. http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2149%282014%29&TYPE=&referer=/fr/&Lang=E and its mandate <http://www.un.org/en/peacekeeping/missions/minusca/mandate.shtml>

- experts with field experience in the prevention, control and treatment of human rights violations in times of conflict; ensuring that such training contributes effectively, at each stage of intervention (planning, command, implementation and monitoring) to the establishment of assurances that allow for the prevention, control, reparation and reporting of human rights violations. This training must be supported by regular public reports (with sufficiently short intervals to ensure effective control of operations) on training activities conducted, measures taken and results obtained in human rights protection;
- The presence and deployment of United Nations and African Union human rights observers in the field, tasked with studying the evolution of the human rights situation in the CAR in sufficient numbers to cover the whole territory and all operations, working under joint supervision and in close cooperation with armed forces trainers. These actors should be tasked with observing, documenting and if appropriate denouncing violations of human rights committed by all sides and be empowered to investigate human rights violations committed anywhere in Central African Republic. They should have the ability to accompany the Central African authorities in the prevention, documenting, repression and reparation of human rights violations and the preparation of justice, truth and reconciliation processes set out in a road map, working closely with the International Criminal Court. They should give special attention to gender-based crimes whilst working closely with civil society, especially CAR human rights associations; A mechanism for individual sanctions for the alleged perpetrators of human rights violations who refuse to cooperate with institutions and mechanisms that fight impunity, and complement the series of supervisory measures for armed forces involved in these operations;The introduction, together with the United Nations Human Rights Council, of independent international supervision of human rights in the CAR, as they evolve, to ensure the implementation of recommendations by the United Nations High Commissioner for Human Rights to the CAR authorities, the coordination of recommendations from observers in the field, and assistance to the CAR government in implementing the road map and reporting to the Security Council and the Human Rights Council.
- Ensure, within the peace-building mission, and in the interim through support to AFISM-CAR, that the implementation of its mandate can guarantee the following:
 - The protection of civilian populations, displaced persons and refugees;The specific protection of journalists and human rights defenders; The establishment of other garrisons in the main CAR cities and their equipment with well-adapted human and logistical resources;
 - Increases in the mission’s patrolling in large areas around the garrisons to prevent acts of violence and human rights violations and to facilitate air travel;The safety of national institutions, diplomatic representations and international institutions;The facilitation of freedom of movement for people and goods;
 - The facilitation of the implementation of humanitarian activities and the work of human rights organisations throughout the country;Contribution to the fight against the impunity for perpetrators of the most serious crimes, through cooperation with the ICC, if appropriate;The attachment of independent observers to this new force in order to ensure the fulfilment of its mandate in compliance with international human rights law;The adoption of measures to sanction individuals allegedly responsible for grave human rights violations, in particular former rebel leaders and Seleka com-zones, including asset freezes;
 - Strengthening the means of action and mandate of the UN Integrated Bureau in the CAR (BINUCA), in particular by:

- Increasing the effectiveness of support to the disarmament, demobilisation and reintegration (DDR) process for the Seleka and other rebel fighters;
 - Facilitating reform of the security sector, including training for the national security forces in respect of human rights and international humanitarian law and the establishment of an effective vetting mechanism (exclusion of all persons who have allegedly committed human rights abuses from the defence and security forces);
 - Strengthening its actions with regard to the fight against impunity, especially concerning sexual abuses;
 - Creating a protection unit for human rights defenders;
 - Including training and capacity-building for civil society organisations;
 - Increasing the number of investigations into human rights situations throughout the country and ensuring that they are made public;
 - Encouraging the authorities to harmonise national law with international law and ratify international instruments on the protection of human rights; and
 - Supporting the creation of a national human rights institution, in compliance with the Paris Principles.
- Urge the authorities to implement a human rights road map that includes these recommendations;
 - Adopt sanctions, including individual sanctions, against states and individuals who impede actions to ensure the safety of populations and the operations of international forces and missions, and/or who provide financial, logistic or military support to armed groups of Seleka, anti-balaka or any other armed groups;
 - Stay up-to-date on the CAR situation and publicly condemn all violations of international humanitarian law and human rights committed in the country.

To the African Union Peace and Security Council

- Support the deployment of the MINUSCA;
- Support and strengthen the ranks and budget of AFISM-CAR during the period preceding the establishment of the MINUSCA;
- Stay up-to-date on the CAR situation and publicly condemn all violations of international humanitarian and human rights law committed in the country.

III. Recommendations to the United Nations Human Rights Council

- As soon as possible, publish the report on the human rights situation in Central African Republic;
- Stay up-to-date on the situation and enter the CAR situation under item 4 of the agenda of the Council's session.

IV. Recommendations to the European Union

- Mobilise the member states to increase their participation (Eurfor-Centrafricaine training, personnel, material);
- Assist the CAR transition authorities in implementing and funding these recommendations, especially concerning the *Cellule spéciale d'enquête et d'investigation* (CSEI) and the Specialised Mixed Chamber, and also staff training and making these units secure;
- Continue and enhance support for the reform of the security sector, especially through training for the defence and security forces;

- Continue and enhance support for reform of the judiciary and the re-establishment of the penal system, especially the reinstallation of judicial bodies and buildings, training for judicial staff, rehabilitation of detention centres and the construction of a new prison in Bangui;
- Support human rights organisations that are conducting studies and assisting victims of serious human rights violations before the courts;
- Stay up-to-date on the CAR situation and publicly condemn all violations of international humanitarian law and human rights committed in the country;
- Financially support AFISM-CAR and thereafter contribute to the funding and participation of a UN peace-keeping mission;
- Include human rights organisations in the enhanced political dialogue with the CAR authorities and consider conditioning aid (other than humanitarian) to respect for a human rights road map;
- Make certain that EU aid gives pride of place to supporting justice-related facilities and the setting up of a free and transparent electoral process and send an elections support and observation mission;
- Confirm the existence of human rights benchmarks on the current human rights situation in the CAR in all trade negotiations between the EU and the CAR;
- Support civil society by funding action programmes on the protection of human rights.

V. Recommendations to the International Criminal Court

To the Office of the Prosecutor

- Publicly reassert the ICC's jurisdiction over crimes committed since 1 July 2002 on CAR territory, and in particular since September 2012;
- Conduct a mission to the CAR to evaluate ICC jurisdiction over crimes committed, in particular since December 2012;
- Open a *proprio motu* enquiry on crimes within the jurisdiction of ICC perpetrated in the CAR since September 2012;
- Examine the responsibility of ex-Seleka political and military leaders with regard to their alleged responsibility for war crimes committed since September 2012, starting with ex-president Michel Djotodia and the former Minister of Security Nouredine Adam, both refugees in Benin, as well as General Mahamat Baher, head of the ex-Seleka's intelligence service;
- Examine the responsibility of former anti-balaka leaders and their financial and logistic support with regard to their alleged responsibility for crimes against humanity committed since June 2013, especially that of anti-balaka political and military leaders as well as François Bozizé and his entourage;
- Engage legal proceedings against François Bozizé and all other persons responsible for crimes falling within ICC's jurisdiction committed since 1 July 2002 and in particular during the 2002-2003 conflict.

To the Office of the Registrar

- Maintain the operational capacity of the field bureau and continue to provide information on the jurisdiction of the Court (beyond the Bemba case).

To the Trust Fund for Victims

- Continue to run projects to support victims of sexual crimes and extend them to include victims of sexual abuse committed since March 2003.



The Central African Observatory for Human Rights (OCDH)

The Central African Observatory for Human Rights (OCDH)

is a national, non-partisan and non-governmental organisation for the promotion and protection of human rights, founded under Central African law on 29 July 1995 in Bangui ; a member of Civil Society Organisations, a member of the network of human rights NGOs, the civil society focal point for the Central African Early Warning Mechanism (MARAC ECCAS), Focal Point on good governance for CSO of the Great Lakes' region, and FIDH partner since 2002.

The goal of LCDH is to promote and protect human rights, especially with regard to education on human rights and basic freedoms, the observation and surveillance of these rights and freedoms, studies and research on human rights, and humanitarian actions.

OCDH actions include:

- the organisation of workshops, seminars, forums and conferences;
- the dissemination of information through the media, press releases, features (radio and TV);
- sensitization and awareness-building for national and international public opinion;
- teaching programmes with the cooperation of appropriate government services and national and international human rights organisations;
- contacts with appropriate authorities concerning victims of arbitrariness and prisoners of conscience;
- assistance to victims of violations of their basic rights and persons taken to court for their opinions;
- participation in national and international human rights events;
- consultations with representatives of the State and of international organisations with expertise in certain fields.

To carry out its mission, OCDH commits to denouncing:

- all forms of attacks against basic human rights and against individual and collective freedoms;
- all manifestations of a racist, ethnic, xenophobic characters and anything impeding the emancipation and/or development of indigenous peoples and minority groups;
- all forms of moral or physical pressure on indigenous peoples.

Main OCDH funders are: the French Embassy, the U.S. Embassy, the German Embassy, Cordaid of the Netherlands, the Catholic Committee against Hunger and for Development (CCFD), UNDP, FERN, the European Union, and the BINUCA.

International NGOs that are partnering with OCDH in project implementation are: CCFD, International Medical Committee (IMC), COOPI, Mercy Corps, Premiere Urgence, IRC, ICRC, ACORD International, and FIDH.

Head:

Maître Mathias Barthelemy Morouba,
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LCDH

The Central African League for Human Rights

The Central African League for Human Rights (LCDH) is a non-governmental association founded on **11 June 1991** and recognised by the Central African state.

It is the first Central African organisation for the defence and protection of human rights, and was created as a result of the state liberalisation expressed through the introduction of a multiparty system and the emergence of a civil society. This organisation, at the national level, particularly seeks to create citizen awareness in a country with a long one-party state history. Thanks to its continued efforts to engage with Central African authorities on human rights' issues, LCDH has gained national and international renown.

The goal of LCDH is to promote, protect and defend human rights.

LCDH uses national and international instruments to reach its objectives, in particular the Universal Declaration of Human Rights (10 December 1948), the African Charter on Human and Peoples' Rights (1981), conventions and agreements duly ratified by the CAR and the laws and regulations that protect human beings.

Before the conflict, LCDH had 6000 members based throughout the country. It has 8 district committees in Bangui, 16 prefectural committees and 72 sub-prefectural committees.

Its head office is located in Bangui. LCDH works across the country's 622,000 km² serving a population of close to 4 million.

Establishing the facts

investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level

Mobilising the international community

permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

**FIDH
represents 178
human rights organisations
on 5 continents**

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ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

fidh

Find information concerning FIDH's 178 member organisations on www.fidh.org