



CENTRAL AFRICAN REPUBLIC: TIME FOR ACCOUNTABILITY

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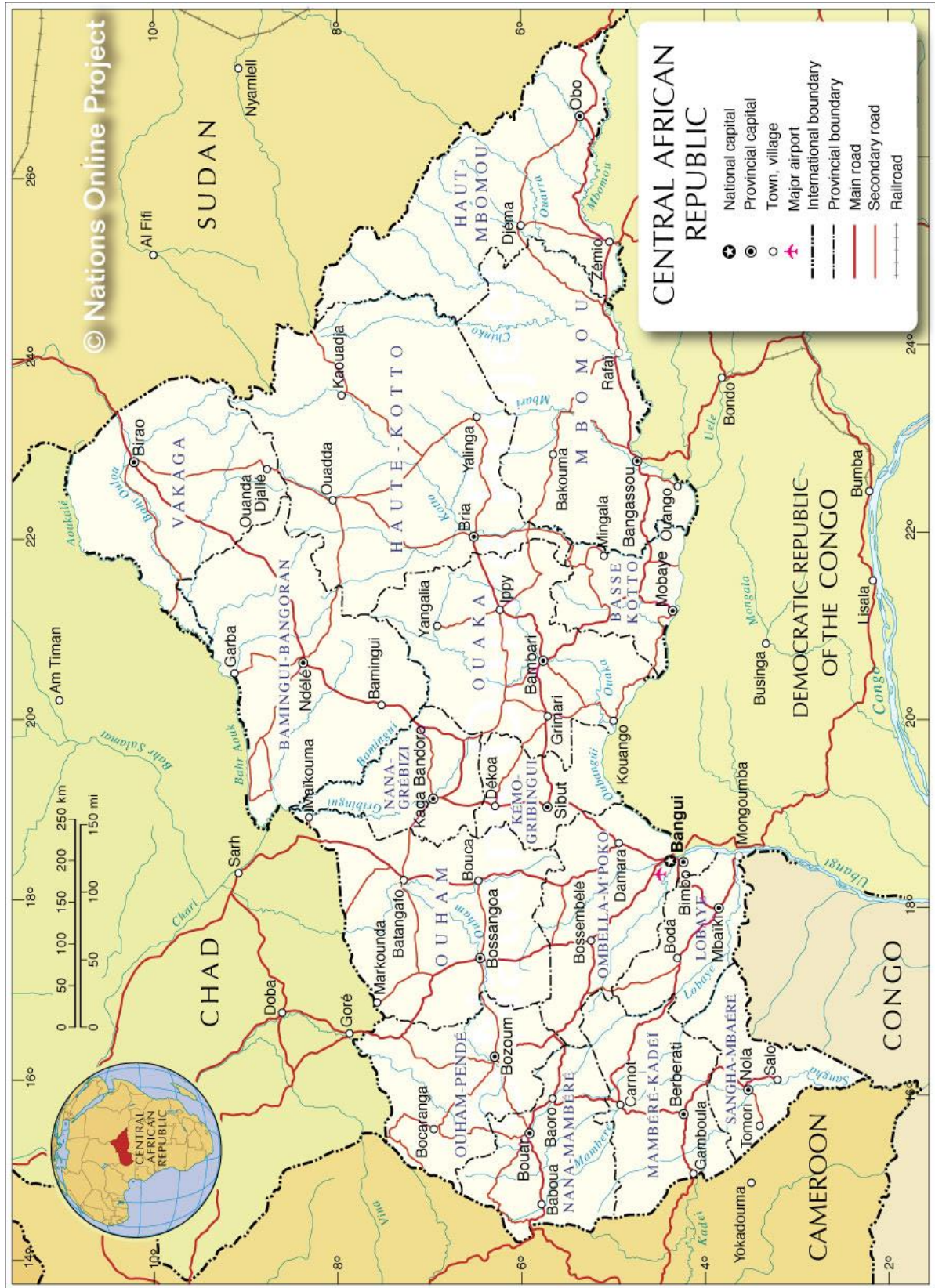
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Cover photo: Body of a Muslim man killed by Anti-balaka fighters in the town of Boguera on 10 February 2014.
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LIST OF ACRONYMS

| | |
|-----------|---|
| ANT | Chadian National Army (<i>Armée Nationale Tchadienne</i>) |
| CAR | Central African Republic |
| CEDAD | Extraordinary Committee for the Defence of Democratic Acquisitions (<i>Comité Extraordinaire pour la Défense des Acquis Démocratiques</i>) |
| CPJP | Convention of the Patriots for Justice and Peace |
| BINUCA | United Nations Integrated Office in CAR (<i>Bureau Intégré des Nations Unies en Centrafrique</i>) |
| ECCAS | Economic Community of Central African States |
| EUFOR-RCA | European Union military operation in CAR |
| FACA | Former CAR armed forces under President Bozizé (<i>Forces Armées Centrafricaines</i>) |
| FPR | Popular Front for Recovery (<i>Front Populaire pour le Redressement</i>) |
| ICC | International Criminal Court |
| MISCA | International Support Mission to the Central African Republic (<i>Mission Internationale de Soutien à la Centrafrique</i>) |
| MINUSCA | United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic |
| OHCHR | United Nations Office of the High Commissioner for Human Rights |
| RJ | Revolution and Justice (<i>Révolution et Justice</i>) |
| UNSC | United Nations Security Council |
| UNSG | United Nations Secretary General |

INTRODUCTION

“I remind all leaders in key positions, whether they belong to Anti-balaka, ex-Séléka or the former army, FACA, that they have clear obligations under international law. They have a responsibility to refrain from committing, ordering, inciting or instigating violations of international law and to prevent subordinates from committing such violations.”

Navi Pillay, UN High Commissioner for Human Rights¹

Ending the reign of impunity for war crimes, crimes against humanity and other serious human rights violations and abuses constitutes one of the main challenges that is facing the Transitional Authorities of the Central African Republic (CAR) as well as members of the international community as a whole. So far, CAR Transitional Authorities and members of the international community have not been able to hold commanders and members of the mostly Christian Anti-balaka² and mainly Muslim Séléka³ accountable for the crimes under international law and serious human rights violations and abuses these groups have been committing in CAR. If not addressed now, impunity will prevent any attempt to tackle the ongoing inter-communal and sectarian violence and restore confidence in justice. This will foster cycles of violence and contribute to further abuses in the future. It is time to hold accountable all who have committed serious violations of international human rights law or international humanitarian law in CAR, especially in the ongoing crisis.

Since December 2013, deliberate large-scale killings of civilians, including women and children, have continued unabated, sometimes followed by mutilation, dismembering and burning of the bodies. Acts of cannibalism have also been reported. Other crimes taking place in the country include torture, enforced disappearances, recruitment and use of children, rape and other forms of sexual violence, looting, demolition and burning of houses, villages and places of worship, such as mosques and churches, as well as the forced displacement of populations. At the peak of the crisis in January 2014, the number of Internally Displaced Persons (IDPs) across the country reached 935,000.⁴ In the capital Bangui alone, about 500,000 internally displaced people were living in 67 overcrowded sites, including the airport and church compounds.⁵ At the start of June 2014, more than 538,500 people were still internally displaced in CAR with 133,000 staying in 43 sites and in host families in Bangui⁶. According to the UN, over 20,000 people were newly displaced by the violence following an attack in Bangui on 28 May 2014 at the Fatima Catholic church, where at least 17 people were killed, several others wounded and 27 abducted by their attackers. Around 6,000 people, mostly Christians, who had sought refuge in the Fatima Catholic Church compound due to insecurity in their area have fled again for their safety.⁷

Tens of thousands of Muslims have been forced by the Anti-balaka militias to flee to neighbouring countries such as Chad and Cameroon where they are currently living in dire conditions.⁸ Following repeated attacks on Muslims by the Anti-balaka in Bangui and the western part of the country, the UN Refugee Agency (UNHCR), in April 2014, started to transfer Muslim communities to safer areas situated in the north eastern part of the country.⁹

Despite the urgency of the situation, the international community's response to the ongoing human rights and humanitarian crisis in CAR has been far too slow. Amidst the deepening humanitarian crisis, only a third of the required budget for humanitarian response was funded as of 9 June 2014.¹⁰ On 10 April 2014, the United Nations Security Council adopted a Resolution creating the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) that is expected to include 10,000 military personnel, 1,800 police officers and other civilian staff. The promotion and protection of human rights are some of core mandates and priorities of MINUSCA.¹¹ However, MINUSCA will not be deployed until September 2014. To date, the deployment of some 5,800 peace-keepers of the African Union (AU) forces of the International Support Mission to Central Africa (MISCA), 2,000 French soldiers of the Sangaris military operation and 700 soldiers and gendarmes of the European Union military operation in CAR (EUFOR-RCA)¹² have been unable to fully protect civilians from the ongoing violent attacks by various armed forces and groups. These delays have also negatively impacted any effort to fight impunity for war crimes, crimes against humanity and other serious violations of human rights in CAR. Following her March 2014 trip to CAR, the United Nations High Commissioner for Human Rights stressed her concerns over the lack of funds for humanitarian needs in the country and the slow decision process in the deployment of a UN peace keeping mission in CAR.¹³ This concern was also echoed by the United Nations Secretary General during his visit to Bangui on 5 April 2014.

Amnesty International has extensively researched and documented war crimes, crimes against humanity and other serious violations of international human rights law and international humanitarian law committed in CAR, especially since December 2013 when fresh violence erupted in Bangui. The organization found that in many incidents, victims appeared to be targeted and attacked on religious grounds, solely for being Christians or Muslims.¹⁴ Most of the attacks have been conducted openly, the perpetrators showing no remorse or fear of sanction. Some of these violations and abuses constitute war crimes and crimes against humanity.¹⁵

This report analyses the ongoing and persistent impunity for war crimes and crimes against humanity and other serious human rights violations and abuses committed by members of the Anti-balaka, the Séléka forces and their respective allies. It focuses mainly on crimes committed between December 2013 and May 2014. The report goes beyond the generic denominations of Anti-balaka and Séléka, to identify some individuals, particularly those in command structures of the various armed forces and groups, personally suspected of committing, ordering, condoning or failing to prevent serious human rights violations and abuses in CAR especially since December 2013. Not all Anti-balaka or Séléka commanders and their respective allies are mentioned in this report. Individuals referred to in this report are suspected perpetrators of serious human rights violations and abuses. The report also refers to crimes under international law committed by Chadian troops in CAR, including by members of the former Chadian contingent of the MISCA that were withdrawn by the Chadian

Authorities in April 2014.

The report also examines the current efforts, challenges and failures of the Transition Authorities to address impunity and restore the justice system in CAR and calls on the CAR Transitional Authorities and members of the international community to prioritize the fight against impunity, including through independent investigations and prosecutions of alleged perpetrators, particularly those suspected of having command responsibility. The findings of the International Commission of Inquiry,¹⁶ the investigations to be conducted by the office of the Prosecutor of the International Criminal Court, as well as the work of CAR's judiciary, including that of the recently set up Special Investigations Cell (*Cellule spéciale d'enquêtes*), must ensure that these individuals do not escape justice and are held accountable for the crimes they could have committed in CAR. Amnesty International also recognizes and emphasizes the need for reparations. The report recommends the restoration of CAR's justice system in the medium and long term, from the police, the gendarmerie, the office of the prosecutor, and tribunals, to the prisons and correctional services, in line with CAR's international human rights obligations. The report also calls on neighbouring and other countries, where some suspects are currently living, to ensure that these individuals do not escape justice and that they are held accountable for crimes they are alleged to have committed in CAR.

METHODOLOGY

This report is based on findings of Amnesty International's research missions conducted in Bangui and in the western parts of CAR in December 2013 and in January and February 2014. It also includes research carried out in Chad in February and March 2014.

During their February 2014 stay in Bangui, Amnesty international delegates had meetings with a wide range of people, including victims, witnesses and CAR's national authorities. They interviewed dozens of victims and witnesses of human rights violations and abuses and visited four internally displaced persons' sites in Bangui, including the biggest camp situated at the Bangui Mpoko airport, as well as the adjacent site near the military part of the airport that hosted internally displaced Muslims. Previously in December 2013 and January 2014, Amnesty International delegates conducted interviews with hundreds of victims and witnesses.¹⁷

The delegates discussed with the Transitional President Catherine Samba-Panza Amnesty international's concerns related to impunity and the need for the investigation and prosecution of crimes that have been committed in CAR.¹⁸ Delegates also met with the country's General Prosecutor, the Bangui Prosecutor in charge of criminal investigations in the capital and the director of the National Gendarmerie. The delegates visited the newly reopened Bangui central prison.

Amnesty International delegates also met with various foreign delegations present in Bangui at that time, including Justice Sophia A. B. Akuffo, President of the African Court on Human and People's Rights, Sylvie Kayitesi and Béchir Khalfallah, Chairperson and Vice-Chairperson of the African Commission on Human and People's Rights respectively. The delegates also discussed with the co-ordinator of the African Union (AU) human rights observers and the spokesperson of the AU-led International Support Mission to the CAR (MISCA). The delegates

also met with United Nations representatives, including relevant staff of the United Nations Integrated Office in Central African Republic (*Bureau Intégré de l'Organisation des Nations Unies en Centrafrique*, BINUCA), as well as with representatives of civil society organizations, including Monsignor Dieudonné Nzapalainga and Imam Oumar–Kobine Layama, Bangui's Archbishop and president of the Central African Islamic Conference, respectively.

In Chad, Amnesty International researchers spent two weeks interviewing survivors of violence in CAR who were staying in several camps along the Chad / CAR border and in settlements in the capital N'Djamena. The delegates have conducted interviews with more than 300 victims and witnesses of the violence in CAR. They also met with the Chadian national authorities, including the Minister of Human Rights, the Minister of Social Affairs in charge of refugees and Internally Displaced Persons, the Secretary General of the Ministry of Defence and the N'Djamena General Prosecutor. The delegates also held meetings with members of civil society organizations, journalists and lawyers.

Information obtained through interviews, including information related to the names of Anti-balaka and Séléka commanders suspected of involvement in serious human rights abuses by committing, ordering or condoning crimes, was verified and cross-checked with various other sources. Amnesty international continued to engage with various people including victims, witnesses and both CAR and Chadian authorities during the drafting of this report¹⁹.

1. CHALLENGES TO INVESTIGATE AND PROSECUTE CRIMES UNDER INTERNATIONAL LAW IN CAR

The Transitional government led by Catherine Samba-Panza²⁰ has proven unable to stop the ongoing violence and address the persistent human rights crisis in CAR. The presence in the country of some 5,800²¹ MISCA troops and 2,000 French soldiers of the Sangaris operation has also failed to stop the Anti-balaka and the Séléka forces and their respective allies from continuing to commit abuses in many parts of the country, including in the capital Bangui. The ongoing peacekeeping operation was expected to see further strengthening with the deployment of EUFOR-RCA, which started in April 2014, but this too has failed to improve the situation, partly because of gaps left due to severe delays in the deployment.²²

CAR's judicial system has been neglected by the successive CAR governments since the country's independence from France in 1960. It collapsed more than a decade ago and was never fully restored in many parts of the country, due in part to persistent insecurity, corruption and inadequate resources. Basic institutions such as the Office of the Prosecutor, the tribunals, the gendarmerie, the police and the prison services are not operational in most parts of the country.²³ Only a strong, sustained and multifaceted assistance from the international community will help to address the situation.

Although the longstanding absence of an effective justice system in CAR²⁴ partly explains the absence of effective investigations and prosecutions for recent crimes committed and being committed in CAR, there are other reasons why impunity is persistent and widespread in the country today, especially since December 2013. These factors include the lack of political will from the Transitional Authorities, the fear of retaliation from powerful armed groups and the generalized insecurity across the country, including the lack of protection for detention facilities and the absence of protection for judges, prosecutors and other judicial and law-enforcement staff.

WIDESPREAD INSECURITY AND FEAR OF REPRISALS

The ongoing insecurity in Bangui and other parts of the country has prevented CAR's judicial authorities from starting criminal investigations. The absence of investigations has created a climate of impunity and resulted in a situation where judges, prosecutors, members of the Police and Gendarmes are unwilling to take the risk of even going to their offices to resume work. There is a noticeable climate of terror among magistrates, lawyers and other judicial personnel in the country. One Bangui-based magistrate told Amnesty International that he could not risk his life because there is no protection for him when suspected perpetrators remain at large, most of them too powerful and fearless.²⁵ The Bangui prosecutor told journalists at the end of May 2014 that all criminal proceedings were suspended, because of lack of serenity for the investigating magistrates and fear for their lives and these of their

family members.²⁶

The repeated attacks on people who speak out about the ongoing situation in the country have increased fears among judges, magistrates and lawyers. The murder on 16 November 2013 of senior magistrate Modeste Martineau-Bria by suspected Séléka members, and that of Jean-Emmanuel Ndjaraoua, an outspoken member of the Transitional Assembly²⁷ who was killed in front of his house by suspected Anti-balaka members on 9 February 2014, are just two examples that contribute to the climate of fear among justice personnel.

On 29 April 2014, two journalists were attacked in two separate incidents in Bangui. Désiré Luc Sayenga, a journalist with the *Démocrate* newspaper, was seriously wounded after being knifed several times and shot by a group of young men at the PK5 neighbourhood.²⁸ He died the following day at the hospital. The same day in the afternoon, René Padou, who worked with the protestant church Radio *La Voix de la Grâce*, was seriously injured when a group of armed men threw grenades and shot him at his home in the Bazanga neighbourhood. He died from his wounds on 5 May 2014. According to the president of one of the country's journalists' associations and other local journalists that Amnesty International talked to, the attacks against the two journalists were linked to their work as they previously denounced crimes that were committed across their country. The death of the French photo-journalist Camille Lepage, near the town of Bouar in May 2014, has exacerbated this feeling among the population.²⁹

For months, the transitional authorities feared to denounce the involvement of Chadian troops from MISCA or the National Chadian Army (*Armée Nationale Tchadienne*, ANT), who reportedly committed serious human rights violations in CAR.³⁰ Criticisms by members of the international community, including the United Nations, following the killing of around 30 civilians and the injuring of hundreds of others on 29 March 2014 in Bangui, led to the CAR Authorities' request to the UN to launch an investigation into violations committed by the Chadian troops in CAR. In April 2014, Chad unilaterally decided to withdraw its troops from MISCA following these accusations.

REPEATED "PRISON BREAKS"

The lack of security at the Ngaragba prison in Bangui, the only prison operational in the country, is another reason that prevents the judicial authorities from investigating serious abuses taking place in the country.

On 23 January 2014, Anti-balaka members attacked the prison and killed at least four suspected Séléka members who were detained there. This led to the escape of all prisoners. CAR officials told Amnesty international that the Anti-balaka members who led this attack were well-known to them. However, the Authorities feared their arrest could create more trouble in Bangui.³¹ By the end of June 2014, they were yet to be arrested or questioned for this act.

Since its reopening in February 2014, at least two major "prison breaks" have taken place there, allowing the escape of, among others, some Anti-balaka commanders in detention for suspicion of committing serious abuses, including killings of civilians in Bangui.

These incidents happened despite the presence of the AU-led MISCA forces³² guarding the prison, which is located close to the official residence of the country's Transitional President. The detention on 16 February 2014 of 11 suspected Anti-balaka commanders at the same prison was seen by many as a sign of hope that the judicial system was starting to work in the country. But on 6 March, 10 of these detainees forced their way out of the prison. MISCA troops and members of the CAR gendarmerie guarding the prison didn't take any action to stop them. According to several eye witnesses including prison personnel, these individuals were not armed and passed in front of the MISCA and the gendarmes before boarding public transport buses and taxis in front of the prison's gates.



Ngaragba Prison in Bangui, Central African Republic.
© Amnesty International, February 2014.

On 28 March 2014, another “prison break” took place. A group of at least nine detainees that included some Anti-balaka members, escaped from the same prison. The whereabouts of these people remain unknown as at the end of May 2014.

Amnesty International is not aware of any efforts by the Transitional Authorities or the international forces present in the country to re-arrest the detainees and investigate these repeated “prison break” incidents. The Authorities must ensure that these repeated acts of prison break are urgently investigated and that measures are taken to secure the prisons. Failures to do so only contributes to perpetuate the widespread culture of impunity and prevents meaningful investigations for crimes under international law and other serious human rights abuses to take place in the country.

LACK OF POLITICAL WILL FROM THE TRANSITIONAL AUTHORITIES

The lack of political will from the Transitional Authorities also perpetuates impunity for atrocities that have been committed in CAR. In numerous communications with Amnesty International, the Transitional Authorities mentioned that they fear for the stability of the country if they start or continue with investigation in some major cases. They often say that it is not yet time for justice and rather need to concentrate their efforts on reconciliation

initiatives such as interfaith dialogues and political mediations. Some national authorities also told Amnesty International that they fear for their own security if they allow investigations to be undertaken.

In one incident, **Patrice-Edouard Ngaïssona**, a self-proclaimed Anti-balaka co-ordinator,³³ was briefly arrested on 17 April 2014 and questioned by the office of the Prosecutor. He was however released the same day despite serious accusations against him. Amnesty International has information that his release followed an intervention from the Transitional authorities who feared that his detention could create “trouble” in Bangui and across the country and could jeopardize any peace and reconciliation efforts undertaken by the authorities.³⁴ It is not clear if the investigations will continue on this case.

In some other cases, the Transitional Authorities have direct evidence which could allow the identification of perpetrators of crimes but do not investigate and prosecute them. This is, for instance, the case of the killing and lynching of a suspected Séléka member, committed in front of national and international journalists by former members of FACA on 5 February 2014, less than five minutes after the Transitional President finished a speech on reconciliation and the role of the army. These individuals were recognizable on the footage that circulated, but none of them has been arrested or charged as of 9 June 2014, more than four months after the incident. When Amnesty International delegates raised this issue with the Transitional President, during a meeting in Bangui in February 2014, the Authorities claimed that investigations had been conducted. However Amnesty International has confirmed that by the end of June 2014, prosecutions had not been initiated in this case.³⁵

Apart from recognizable individuals and/or groups who are hiding behind the generic denominations of Anti-balaka or Séléka and their respective allies, there are others, who were or still are in positions of power, and who have allegedly allowed atrocities to take place without doing anything to effectively prevent or stop them. There are also individuals in positions of power who have allegedly ordered these crimes for many reasons, including for political or strategic gains, or with the aim of terrorizing populations belonging to an opposing group, or as retaliation for acts suspected to have been committed by members of opposing groups. In some cases, Anti-balaka and Séléka commanders have publicly declared themselves as co-ordinators of their respective factions in particular areas at times when their factions appear to be responsible for killings and other crimes.³⁶ Amnesty International believes that such statements should lead to investigations by the Authorities to ensure that individuals' criminal responsibility for such crimes are effectively prosecuted and punished if found guilty.

Amnesty International is also concerned that the appointment of individuals with links to Anti-balaka or Séléka forces and suspected of inciting violence and/or involvement in crimes under international law, including possible war crimes and crimes against humanity, could be contributing to this lack of determined political will to fight impunity in CAR. For instance, a few days after her election in January 2014, the CAR Transitional President appointed individuals with links to the Anti-balaka and Séléka to key positions within the government institutions. These individuals included **Captain Joackim Kokaté**, a self-proclaimed Anti-balaka coordinator and former FACA, appointed as Prime Minister's advisor, and **Leopold Narcisse Baro**, another self-proclaimed Anti-balaka leader, appointed youth and sport Minister in the Transitional Government. During a meeting with the CAR Authorities,

including the Transitional President and her key Ministers in Bangui in February 2014, Amnesty International expressed concerns that these appointments could jeopardize efforts to fight impunity for human rights violations and abuses in the country.

Subsequently, on 6 May 2014, President Catherine Samba-Panza pledged to reshuffle her government and make it more inclusive and representative.³⁷ Amnesty International has again raised its concerns that changes in the makeup of the government should not result in a situation where people suspected of crimes under international law may use government roles to enjoy impunity. The organization has also called upon President Samba-Panza to guarantee that those suspected of involvement in war crimes, crimes against humanity and other serious human rights abuses are properly investigated and held to account for their crimes in fair trials.³⁸

Impunity for crimes currently committed in CAR extends beyond the country's borders. Some factions of the Anti-balaka are allegedly linked to former President François Bozizé.³⁹ During President Bozizé's reign, FACA was the national army and included an elite Presidential Guard, both controlled by the President. The Presidential Guard was the strongest force in the country and most of them were related to President Bozizé's Gbaya ethnic group.⁴⁰ He retained the Ministry of defense and appointed his son Jean-François Bozizé cabinet Director in charge of the Ministry of defense.⁴¹ Both of them have fled the country in March 2013.

A number of Séléka members who have fled to Chad are also living among civilians in refugee camps and sites for returnees, which are mainly situated in Chad near the border between the two countries.⁴² Amnesty International is not aware of any formal investigations opened by the Chadian authorities. Other Séléka commanders have left Bangui for the north-eastern part of the country, where they allegedly continue to commit serious human rights abuses.

Despite the difficulties set out above, CAR Transitional Authorities, with the assistance from the international community, have the obligation to investigate credible allegations of crimes under international law and serious violations and abuses of human rights committed by the Anti-balaka, Séléka and their respective allies, as well as by the Chadian forces. They must also prosecute these crimes and take concrete measures to prevent suspects from fleeing trial.

There have been some attempts to respond to allegations of crimes under international law committed in CAR. Since April 2014, the CAR Transitional Authorities have put in place a special investigations cell composed of 20 gendarmes and 20 policemen to conduct investigations into crimes committed in the capital Bangui.⁴³ However, these initiatives are not enough to demonstrate sufficient political will to tackle impunity in the country. The teams are limited in their operations to the capital Bangui and they are also facing many challenges, including a lack of trust from the population and difficulty in accessing many areas of the city, including Anti-balaka strongholds such as Boy-Rabe and Foh neighbourhoods, as well as areas under the control of the Séléka and armed Muslims at and around PK 5 zone in the third district of Bangui. The cell clearly needs more support and assistance from the government and the international community to implement their mandate and ensure that there are similar mechanisms outside the capital, including in remote areas. Indeed, a concerted effort is needed to restore the legal system in the country so that it is capable of ensuring an end to impunity.

2. ANTI-BALAKA AND ALLIES

“When I give orders to the children [Anti-balaka], it is immediately followed by effect.”

Patrice-Edouard Ngaissona⁴⁴

The Anti-balaka armed groups are responsible for serious human rights abuses including war crimes and crimes against humanity committed in CAR, in particular since their attack on the capital Bangui on 5 December 2013. They are the main perpetrators of abuses committed against Muslims in Bangui and in the western part of the country, especially following the resignation of the former President, Michel Djotodia, on 10 January 2014, and the retreat of most of the Séléka forces to the north-eastern region of CAR. The Anti-balaka militias have also repeatedly attacked the AU and French peacekeeping troops, especially since March 2014. At least one MISCA soldier was killed and other MISCA personnel wounded in various attacks that took place between 22 March and 25 March 2014. In March 2014, the AU has identified the Anti-balaka as spoilers and enemies of peace in CAR and called them “terrorists” adding that they must be treated as “enemy combatants”.⁴⁵

Another armed group called Revolution and Justice (*Révolution et Justice*, RJ) emerged in the northern part of the country at the border with Chad at the end of 2013. The group is led by **Armel Sayo Bedaya**, a former FACA commander.⁴⁶ Amnesty International has received corroborated reports from various sources, including Chadian local authorities, that this group was recruiting militias among the Anti-balaka factions and other armed groups, such as the remnants of the former Chadian armed group led by rebel leader **Baba Laddé**,⁴⁷ who in June 2014 was living in N’Djamena, Chad.

Amnesty International has documented serious abuses committed by the Anti-balaka in Bangui and the western part of the country, including attacks in Bossemptélé, Boyali, Bossembelé, Bouali and Baoro. These abuses included unlawful killings, abductions, mutilation, burning homes and places of worships such as mosques, and looting of properties. In a report published on 12 February 2014, Amnesty International denounced the mass killing of civilians, destruction of homes, businesses and mosques, and other means used by the Anti-balaka to ethnically cleanse the CAR of its Muslim population, which constitute war crimes and crimes against humanity.⁴⁸ For example, 100 people were killed and several others injured following clashes between members of the Anti-balaka and Séléka in Bossemptélé on 18 January 2014. A few days before, on 8 January, the Anti-balaka killed at least 30 civilians in the town of Boyali. The same month they killed more than 50 people including civilians, in Bossembelé, Bouali and the capital Bangui.⁴⁹



Anti-balaka militia fighters in Mbakate village, Central African Republic. © Reuters, 25 November 2013.

Neither the election of the Transitional President Catherine Samba-Panza, nor the presence of MISCA and French forces, stopped the Anti-balaka from attacking the Muslim population in Bangui and in western CAR. The slow response of the Transitional authorities and international peacekeeping forces to tackle the atrocities of the Anti-balaka, allowed the armed group to assert their authority in many parts of the country, including in Bangui, and increase their capacity to commit further violence.

The term Anti-balaka appeared around 2009 to describe local self-defence militias set up to protect the local populations from attacks by armed groups and local bandits.⁵⁰ But the name became more popular when several groups of Anti-balaka joined their forces to fight the “foreigners”, referring to the Séléka, who had seized power in Bangui in March 2013. According to members of local civil society organizations, there were three categories of Anti-balaka: the traditional fighters constituted to defend their villages, the members of the former FACA and the bandits and youths from villages who joined the movement at a later stage.⁵¹ Most of the Anti-balaka members are recruited from CAR’s Christian and animist communities and some leaders claimed that their movement was fighting to defend Christians.⁵² However, this has been denied by Christian leaders. Religious leaders in CAR have always insisted that the ongoing conflict is not religious but a legacy of neglect, economic marginalization and political exploitation.

LINKS WITH THE FACA AND FORMER PRESIDENT BOZIZÉ

Initially, the Anti-balaka militias appeared to be loosely organised groups of bandits, but this all changed with the well-coordinated attack on Bangui on 5 December 2013,⁵³ in which the Anti-balaka groups were able to launch attacks in many places at the same time in the capital, including a military barrack, killing at least 60 people and wounding many others. The Anti-balaka are now well equipped, mostly armed with AK47s, rocket-propelled grenade

launchers, hand grenades, among other things. Their attacks are also showing a consistent pattern of improved military and political co-ordination since the beginning of 2014. Militarily, they are organized by groups under a commander who controls an area. A number of local commanders are under one senior commander who controls a wider zone and co-ordinates activities of the groups with political representatives of the movement. The sophisticated organizational command of the Anti-balaka led to suggestions that they were co-ordinated by members of the former FACA.⁵⁴

Information from various sources, including former FACA officers, suggests that FACA members, including members of François Bozizé's former presidential brigade, have joined the Anti-balaka, especially following the December 2013 attack on Bangui. Most of the Anti-balaka commanders in Bangui, including the 11 who were arrested and briefly detained in Bangui in February 2014, were former FACA soldiers. Many of them are still using their ranks within the FACA when they talk to foreigners and the media, and some continue to wear the FACA uniforms during their operations. It was reported that the Anti-balaka armed groups have been using FACA barracks, including in Bangui.⁵⁵

Captain Gilbert Kamizulaye, a former FACA soldier, told journalists that he commanded the Anti-balaka militia in southern Bangui⁵⁶ and that he controlled the PK9 area.⁵⁷ Serious crimes under international law and other human rights abuses, including killings were committed by the Anti-balaka forces in these areas, especially since December 2013. Amnesty International is not aware of any action taken by this individual, as self-proclaimed area commander to prevent these human rights abuses or to hold accountable members of the Anti-balaka who committed these abuses. As at the end of June 2014, the Transitional authorities are yet to start any investigation in the role played by Captain Kamizulaye in the commission of these atrocities.

FRANÇOIS BOZIZÉ

François Bozizé Yangouvounda was the President of the Central African Republic for ten years, from 15 March 2003 to 24 March 2013. Bozizé became a high-ranking army officer in the 1970s, under the rule of President Jean Bedel Bokassa, and received military training in France. After President Bokassa was ousted from power, François Bozizé occupied different government positions, including that of defence minister under President Ange-Felix Patassé.

Bozizé later formed an armed group with support from the Chadian government while the then President Patassé received help from Libya and from combatants of the Congolese opposition armed group, the Movement for the Liberation of Congo (*Mouvement pour la Libération du Congo*, MLC) led by Jean-Pierre Bemba Gombo.⁵⁸ On 15 March 2003, François Bozizé's armed group overthrew President Patasse's government. Amnesty International has documented and denounced serious human rights abuses including rape committed with impunity by combatants loyal to Bozizé, including their allies from Chad. Most of these crimes were reportedly committed by men under his command in the areas he controlled between October 2002 and March 2003.⁵⁹ He later ran for presidential elections, which he won in May 2005 amidst allegations by his opponents that he had rigged the election. He was re-elected in 2011. In March 2013 the Séléka took power in Bangui following a military campaign launched in north-eastern CAR in December 2012.

Soon after taking power in 2005, François Bozizé's security forces, including his Presidential Guard, were accused of attacking unarmed civilians, especially in the north-eastern part of the country. Men and boys were particularly targeted, often accused of being part of the armed opposition groups that attacked the government forces. François Bozizé's Presidential Guard is alleged to have carried out serious human rights

violations, including extrajudicial executions, burning houses, looting villages and rapes.⁶⁰ This situation forced thousands of people to flee the country to Chad, where most of them are still living in refugee camps. Despite serious human rights violations committed by the Presidential Guard that was under his direct command, President Bozizé, who was also the then Minister of defence, did nothing to end these abuses or to hold accountable the commanders in charge of these units or their soldiers. At the time he had also appointed his son, Jean-François Bozizé, as cabinet director in charge of the Ministry of Defense.

Several human rights organisations, including national NGOs, denounced the lack of action from President Bozizé to end human rights violations, including killings committed by the FACA and members of the security services. For instance, in a public letter to President Bozizé, the Central African Human Rights League (LCDH) told the President: “With your silence and the absence of sanctions, you assure impunity to authors of serious human rights breaches”.⁶¹ Amnesty International has sent several letters and reports to President Bozizé as well as to his key ministers including the ministers of justice, of internal affairs, and of foreign affairs, informing them about ongoing serious human rights violations including killings, arbitrary arrests and illegal detentions, and asking them to take actions to end these violations.⁶² In most of these letters, Amnesty International expressed concerns that for decades there has not been effective action to bring to justice the perpetrators of human rights violations and prevent future abuses. Very little was done by President Bozizé and its government to ensure respect, protection and fulfilment of the human rights of the people of CAR.

Before he fled the country in March 2013, President Bozizé and some other members of his government addressed various gatherings, in an attempt to stop the Séléka from seizing Bangui, calling for the population to protect their country that was “attacked by foreigners”. In an interview with *Jeune Afrique* published on 27 March 2013, President Bozizé recognised that he distributed machetes to militias but not firearms.⁶³

In the weeks before the arrival of the Séléka in Bangui, members of the former FACA and members of the Presidential Guard were also responsible for serious human rights violations, including summary executions, torture, rapes, lootings and enforced disappearances.⁶⁴ Numerous bodies were found at Bossémbélé military barracks, after the FACA soldiers who were staying there fled in March 2013.⁶⁵

In January 2014, the UN Security Council called on François Bozizé and his supporters to cease any and all attacks on civilians.⁶⁶ In March 2014, Transitional President Catherine Samba-Panza confirmed that an arrest warrant was issued against François Bozizé.⁶⁷ In mid-April 2014, Jean-Yves Le Drian, the French Minister of Defence, alleged in an interview that François Bozizé and his sons were directly or indirectly involved in the activities of Anti-balaka networks.⁶⁸ However, in an interview with Radio France International in April 2014, Bozizé denied any involvement in the Anti-balaka activities, despite the fact that numerous Anti-balaka commanders are former FACA, including former members of François Bozizé’s Presidential Guard. He also said he would run in the next presidential elections. He is currently living in exile and was reportedly seen in April 2014 in a neighbouring country to CAR.

On 9 May 2014, the UN Security Council sanctions committee subjected François Bozizé to sanctions for “engaging in or providing support for acts that undermine the peace, stability or security of CAR.”⁶⁹ The Security Council justified its decision by saying that he provided financial and material support to militiamen who are working to destabilize the ongoing transition and to bring him back to power, that he encouraged the attack of 5 December 2013 on Bangui and that he tried to reorganize many FACA elements who dispersed into the countryside after the coup d’état. The Security Council also referred to the fact that “Forces loyal to Bozizé had become involved in reprisal attacks against CAR’s Muslim population and that Bozizé called on his militia to pursue the atrocities against the current regime and the Islamists”.⁷⁰

On 13 May 2014, United States President Barack Obama issued an Executive order imposing sanctions on François Bozizé and four other individuals from CAR.⁷¹

Some of François Bozizé's associates including his former Ministers have claimed to be the representatives of the Anti-balaka and often publicly condoned their actions against civilians, including killings. This is the case of Patrice-Edouard Ngaïssona.

PATRICE-EDOUARD NGAÏSSONA

As of end-June 2014, Patrice-Edouard Ngaïssona, self-proclaimed Anti-balaka co-ordinator, is still living in Bangui where he organized a press conference at his home on 1 April 2014,⁷² despite the existence of an arrest warrant against him for his alleged involvement in serious crimes committed in CAR.⁷³ He previously escaped arrest by MISCA and the Transitional Authorities in February 2014.⁷⁴

On 17 April 2014, Patrice-Edouard Ngaïssona was questioned by the office of the Bangui prosecutor and the national gendarmerie after he responded to an invitation for a meeting with the Transitional authorities that had taken place the same day in central Bangui. He was released on the understanding that he would appear when requested by the Gendarmerie, the investigative judge or the office of the prosecutor.

Ngaïssona was an MP of the Nana-Bakassa constituency before being appointed Minister of Youth and Sport in the government of former President François Bozizé. On 5 May 2014, Paris-based RFI broadcast an interview with him during which he repeatedly referred to the Anti-balaka as "the children" and said that when he gives orders to them, this is systematically "followed with effect". He also claimed that the Anti-balaka are heroes that must be mentioned in the country's history books.⁷⁵

The Transitional Authorities have failed to arrest Ngaïssona despite the arrest warrant issued against him by the previous government of Michel Djotodia for "crimes against humanity and incitation to genocide"⁷⁶ recognised as active by the current Transitional Authorities.⁷⁷ The Transitional Authorities have also accused him of "being part of an illegal armed group, and illegal detention of firearms" among other charges.⁷⁸ In June 2014, he was still free, conducting his activities and issuing statements from his Boy-Rabe base in Bangui. The failure from the Transitional Authorities to reinforce law and order in the country by not implementing these warrants will lead to impunity as it could be difficult to fully investigate the role he has played in crimes under international law and other serious human rights abuses committed by Anti-balaka members in various parts of the capital Bangui and in other parts of the country.

WIDESPREAD ATTACKS AGAINST MUSLIMS

Amnesty International has documented several attacks against members of the Muslim community in Bangui and in western CAR by the Anti-balaka and their allies, and has reported the ethnic cleansing of Muslims that has continued since January 2014.⁷⁹ Most Muslims who lived in CAR have left the country, mainly to Chad and Cameroon. Others have moved or were transferred by UN agencies to the north-eastern part of the country, including to Kabo and Moyon Sido.⁸⁰ According to the UN refugee agency, more than 140,000 new refugees fled to neighbouring countries between December 2013 and June 2014.⁸¹

Considering the security situation in the country, the Transitional Authorities must ensure that those suspected of having committed, condoned or ordered these crimes are prevented from escaping trial in case where there are sufficient evidence for these individuals to be prosecuted and judged.

IN PAOUA

Amnesty International has information that a group of Anti-balaka members attacked the Muslim population of Paoua (a town situated in northern CAR, 459 kilometres from Bangui), especially since January 2014. They were reportedly responsible for the killings, abductions, looting and burning of shops and houses in the town and its surrounding villages. Their victims can, in many cases, identify the perpetrators, as some of them were native of the region. At a refugee camp in southern Chad, Amnesty International met with a group of 15 people who had fled Paoua in January and February 2014. They described how Anti-balaka members committed serious human rights abuses there. One of the victims told Amnesty International:

“All started at the beginning of January 2014 when the Anti-balaka attacked and burnt villages around the town of Paoua before attacking the town itself. During these attacks that took place in mid-January, the Anti-balaka killed several civilians and wounded many others. The Anti-balaka who committed some of the attacks in Paoua were led by a number of commanders, including a former mayor of the town of Ouamba” Ouamba is situated 45 kilometres from the town of Bossangoa.

Another man, N. A., told Amnesty International how the same individual and his men attacked civilians in the village of Budiro on 26 December 2013. The man described how he was beaten and tortured by the former mayor and his men, and then left for dead. He also explained that, when he regained consciousness, he saw many dead bodies around him. “I saw many bodies when I woke up from where I was”, he told Amnesty International’s researchers. In March 2014, N.A. was still searching for his missing wife and children who disappeared during the confusion that followed the attack.

IN BOZOOM

Bozoum (northern CAR, 382 kilometres from Bangui) was, at least until March 2014, under the rule of one of the Anti-balaka commanders named **Gueré Poro**. In March 2014, Amnesty International received numerous testimonies about Gueré Poro’s involvement in serious human rights abuses that took place in the town of Bozoum and its surrounding villages. These abuses included killings, the burning of houses and pillaging of civilian belongings. He allegedly controlled the area between the towns of Bozoum and Bossangoa in northern CAR, at least until March 2014.

One of his victims described how she escaped being killed by him:

“I am a Christian woman belonging to the Gbaya ethnic group and have been living in Bozoum for years, following the death of my husband who was a public figure of the Muslim community in the town. My family was first attacked by the Séléka, when they started their campaign to oust former President Bozizé, before being attacked by the Anti-balaka, especially since January 2014. We, the population of Bozoum, were forced to stay under the protection of MISCA for almost two months before we travelled to Chad in a Chadian army convoy. The Anti-balaka in Bozoum, some commanded by Gueré Poro, were responsible for serious abuses, including killings, torture and looting of properties. I witnessed these human rights abuses before I fled Bozoum.”

Another witness, met at another site for displaced persons in March 2014, who went to the same primary school with Gueré Poro, told Amnesty International how Poro and his men led series of attacks against civilians in Bozoum and its surrounding villages between 12 January and the end of February 2014. The witness told Amnesty International that he was among the victims of two major attacks. He described what happened to him:

“They [Anti-balaka] first entered Bozoum around 12 January 2014 and asked for money before accusing us of being accomplices of Séléka commanders named Yahya, Yacoub and Ibrahim, who were there before. We had to flee after some of our family members and friends were killed by the Anti-balaka. We crossed the town and went to seek protection and safety at the Chadian consulate in Bozoum. But on 3 February 2014, the consulate was attacked by Anti-balaka members of Gueré Poro’ group, who threw grenades at the crowd inside the compound. Several people were wounded in this incident including women and children. I was previously kidnapped by Gueré Poro who was paid CFA 100,000 (around US\$220) by my family for my release.”

During a mission to southern Chad in February and March 2014, Amnesty International’s delegates met with at least five civilians, including an old women and a young boy aged around five, who were wounded during the grenade attack on the Chadian consulate in Bozoum. Scars were still visible on many parts of their bodies. Two of them told Amnesty International that they identified their attackers as being part of Poro’s Anti-balaka faction. Poro was allegedly in town when this took place. He was aware of these abuses being committed but did nothing to stop or prevent them. In May 2014, Amnesty International received confirmation that Gueré Poro was still living in Bozoum.⁸² At the end of June 2014, Amnesty International is not aware of any investigations carried out in these serious human rights abuses.

IN YALOKÉ

On 2 March 2014, Amnesty International delegates met in Chad a group of people from the town of Yaloké (northern CAR, 250 kilometres from Bangui), who had arrived at the Sido transit centre in southern Chad ten days earlier. The group told Amnesty International how they were repeatedly attacked by members of the Anti-balaka and forced to flee Yaloké in a military convoy of the Chadian national army first to Bangui and then to Chad, where they arrived in mid-February 2014. They told Amnesty International that most of the abuses that took place, including killings, were committed by several Anti-balaka members. According to them, in Yaloké, most of the attacks between December 2013 and mid-February 2014 took place under the control of **“General” Mango Lampetit.**

One of the victims told Amnesty International that Anti-balaka members in Yaloké, some associated to “General” Lampetit’s faction, killed his two children and looted his belongings including 80 cows. Another victim told Amnesty International how his relatives, Moussa Yougouda and Youssoufa Yougouda, were killed by the Anti-balaka on 16 January 2014 in the village of Ngaramo, near Yaloké, where they were grazing their cattle. Another eyewitness explained how two women, Kaltouma Yakou and Sadia Yakou were killed by the Anti-balaka in the village of Gaga, 30 km from Yaloké.

IN MBAIKI

An Anti-balaka commander known as “**Rambo**” operated in the town of Mbaiki, some 105 kilometres southwest of Bangui, during a period in which serious human rights abuses were committed. “Rambo” used to be a truck loader at the local lorry stop and he was well known in the town. Amnesty International interviewed more than 20 people from Mbaiki who knew Rambo and who said that they had witnessed killings that he had ordered or committed himself. Amnesty International also met several family members of Mbaiki’s former Deputy Mayor Saleh Dido in March 2014 in southern Chad, where they had fled for safety.

In February 2014, during a mission to Mbaiki, Amnesty International delegates met with Saleh Dido, aged 46. He was born and raised in Mbaiki; his grandparents, members of the Baguermi ethnic group, had immigrated to the Central African Republic from Chad in 1918. When thousands of Muslim residents of Mbaiki decided to flee the town in early February 2014, Dido, his pregnant wife, and his seven children stayed. Dido, insisted that he and his family were born in the Central African Republic and had no reason to flee. He had received assurances from international forces including the Sangaris that they would protect him, and that Mbaiki could be an example of reconciliation for the rest of the country.⁸³

Amnesty International received information from various sources including local contacts and journalists about Dido’s death in the morning of 28 February 2014. According to them, a crowd of nearly 100 people showed up at Dido’s house, angry that Dido had not left and that other Muslims were staying with him. The mob chased him for nearly a mile, and lynched him near the town’s police station, where he was trying to seek refuge. The mob ripped off his clothes, cut his throat and cut off his genitals.⁸⁴ Shortly after he was killed, MISCA peacekeeping troops arrived on the scene, arresting several of the suspected perpetrators, at least one of whom was still holding a piece of Dido’s body. They handed the detainees over to the local police, but in less than a day the suspects were free. Amnesty International learnt that Dido’s pregnant wife and children were protected by their Christian neighbours who handed them over to the MISCA. MISCA later transported them to Bangui.⁸⁵



Saleh Dido, former Deputy Mayor of Mbaiki, with an armful of Quranic texts. He was killed on 28 February 2014. ©Amnesty International

The killing of Saleh Dido, in a town that the CAR government had highlighted as a model, was recognized internationally as an emblematic case: it showed the depth of communal hatreds and the failure of international peacekeepers to effectively protect Muslim civilians.⁸⁶ Amnesty International is not aware of any formal investigation opened in this case at the end of June 2014, despite the fact that the killing of Saleh Dido was widely reported in both local and international media.

IN BODA

Several individuals claiming to be Anti-balaka members were linked to various incidents in which human rights abuses were committed in Boda, a town situated around 190km west of Bangui, in the Lobaye province. At least 75 people including civilians were killed following fighting between the Anti-balaka and the Séléka in February 2014.⁸⁷ The situation has been very tense in Boda since February 2014, with the Muslim population forced by Anti-balaka to stay inside a limited area of the town, surrounded by the Anti-balaka who prevent them from going outside the perimeter. According to the UN, 11,000 Muslims were confined in four Boda neighbourhoods in March 2014.⁸⁸ During an interview broadcast by RFI on 5 May 2014, former law student and self-proclaimed Anti-balaka commander in Boda, incited violence against them and called for all Muslims to leave Boda as soon as possible.⁸⁹

IN BANGUI

Several other individuals publically confirmed that they were leaders of Anti-balaka factions that were active in attacking civilians in Bangui and other parts of the country. For example **Richard Bejouane** proclaimed himself "chief of staff" of the Boy-Rabe Anti-balaka stronghold in Bangui. He has repeatedly made public statements inciting violence against MISCA and the French soldiers of the operation Sangaris. Reacting to threats from the CAR Transitional President about the crimes committed by the Anti-balaka across the city, he also publically told his troops that "declaring war on the Anti-balaka amounts to declaring war on the Central African population".⁹⁰ **Colonel 12 puissance**,⁹¹ who controlled of Boy-Rabe, also made public statements with potential of inciting violence against the peacekeepers.⁹² **Colonel Dieudonné Oranti**, from the Boeing neighbourhood, also admitted that his fighters participated in attacks on Muslims that took place around PK12 and PK13 neighbourhoods in Bangui, but denied targeting them directly himself.⁹³ Amnesty International is not aware of any investigations initiated against these individuals as at the end of June 2014. The Transitional Authorities and the international community must investigate the role played by these individuals in human rights abuses committed by the Anti balaka under their command in these area as they could have prevented or stopped them.

LEVY YAKÉTÉ

Levy Yakété, founder of a youth armed group, the Citizen Coalition against Armed Rebellions (*Coalition citoyenne d'opposition aux rebelions armées, COCORA*),⁹⁴ organised to “defend” the country, also publicly claimed that he co-ordinated some Anti-balaka groups in CAR. On 9 May 2014, together with former President François Bozizé and Nourredine Adam, he was sanctioned by the United Nations Security Council for “*Engaging in or providing support for acts that undermine the peace, stability or security of CAR*”.⁹⁵

On 17 December 2013, Yakété became the political co-ordinator of the newly formed People’s Resistance Movement for Reforming of the Central African Republic, an Anti-balaka rebel group.⁹⁶ He has been directly involved in acts that have undermined peace, stability and security in the CAR, in particular on and since 5 December 2013. In addition, this group has been explicitly singled out by resolutions 2127, 2134 and 2149 for such acts. According to the UN, Yakété has been accused of “ordering the arrest of people connected to the Séléka, calling for attacks on people who do not support President Bozizé, and recruiting young militiamen to attack those hostile to the regime with machetes”.⁹⁷

Having remained in the entourage of François Bozizé after March 2013, he joined the Front for the Return to Constitutional Order in CAR (*Front pour le Retour à l’Ordre Constitutionnel en Centrafrique — FROCCA*), which aimed to bring back the deposed president to power. In late summer 2013, he allegedly travelled to Cameroon and Benin, where he attempted to recruit people to fight against the Séléka. In September 2013, he tried to regain control over operations led by pro-Bozizé fighters in towns and villages near to Bossangoa. Yakété is also suspected of promoting the distribution of machetes to young unemployed Christians to facilitate their attacks against Muslims.⁹⁸ He is also among the five individuals from CAR sanctioned by President Obama’s Executive Order declaring a national emergency and authorizing the imposition of sanctions, signed on 13 May 2014.⁹⁹ He was still living in France in June 2014 after these decisions were issued. Amnesty International is not aware of any action taken against him at the end of June 2014.

Following a request by the Bangui prosecutor, a group of Anti-balaka commanders suspected of committing serious human rights violations, including killings and lootings in Bangui were arrested in February 2014. Amongst those arrested was **Lieutenant Yvon Konaté**, a former FACA member and a self-proclaimed Anti-balaka coordinator. Lieutenant Yvon Konaté is one of the most senior commanders of the Anti-balaka militia in Bangui and was allegedly instrumental in the 5 December 2013 attack on Bangui. In his interviews with various media, including the Bangui based Radio Ndekeluka on 24 December 2013,¹⁰⁰ Konaté suggested that he was responsible for at least one attack in which several civilians were killed and many others wounded between 5 and 6 December 2013. Information received from various sources indicates that Konaté was in charge of the area between PK26 and the neighbourhoods of Combatant, Galabadja, Fouh and a part of Boy-Rabe. On 7 March 2014, Lieutenant Yvon Konaté was allowed by the prison authorities to go home despite the seriousness of the accusations against him. He failed to return to the prison.

ANTI-BALAKA ATTACKING CHRISTIAN CIVILIANS

The Anti-balaka members mainly attacked Muslims, but they also attacked Christians either to punish them for being close to Muslims or the Séléka forces, or for economic reasons, including ransom. Some were killed because they did not pay the requested amount of money to the local Anti-balaka commanders.

On 13 December 2013, three men belonging to the same family, Madress Barnabas (32 years old), Tamim Bernard (26 years old) and Grebaya Sylvain (29 years old), were kidnapped from their home near the cité Jean XXIII in Bangui. When challenged by a local pastor about the incident, the Anti-balaka members responsible for the kidnapping allegedly said that they thought these men were Muslims because they were from a predominantly Muslim ethnic group of the northern part of CAR. But despite being told that their victims were Christians from a well-known protestant family, the Anti-balaka members asked for money to release them. They first asked for CFA 40,000 (around US\$90), then CFA 100,000 (around US\$220) and then CFA 500,000 (around US\$1200). A local Anti-balaka commander in the area, allegedly received 120,000 (around US\$250) from the family but did not release the men despite several requests from various people, including religious leaders. The family home was later destroyed by the Anti-balaka and their supporters. The family of the victims told Amnesty International that they lodged a complaint with the prosecutor before they left Bangui and went into hiding.

Amnesty International received numerous testimonies from Christian CAR refugees and Chadian returnees living in camps in southern Chad about the identity of the Anti-balaka members who forced them to leave their homes and to flee for safety. Some were attacked by people they had known for many years. Some of the other victims had even been attacked by close family members who had become Anti-balaka leaders and commanders in the areas.

E.N., a 15-year-old Christian girl married to a Muslim man, told Amnesty International delegates how her father - who became an Anti-balaka commander - threatened to kill her and her husband because the latter was Muslim, forcing the couple to flee to Chad. She described what happened to her:

“My father was not there when I married my husband. He was attending military training somewhere in the region. When he returned to Batangafo and discovered that I was married and that my husband was a Muslim, he became angry and threatened to kill me and my husband. One day he beat me so seriously that I feared I was going to die. When my husband and I heard that a Chadian convoy were transporting people to Chad to escape the Anti-balaka, I jumped in one of the trucks and I am now living in this site. I have received information that my father is still very angry and said that he promised to come here and kill me because I have betrayed the family. I fear too much and hope that he will be arrested one day because he has committed very bad things. I am still in communication with my husband who is somewhere in CAR”

These are serious and credible allegations that require independent and impartial investigations by the Transitional authorities with the support from the international community, including by specialised bodies and agencies of the United Nations.

3. SELEKA AND ALLIES

"The justice system can do nothing against Séléka now, they are still powerful."

A CAR senior judicial officer, May 2014¹⁰¹

Séléka forces¹⁰² are responsible for serious human rights violations including massacres, rapes, extrajudicial executions, torture, burning of houses and villages, and enforced disappearances committed during their military campaign that started in December 2012. They committed these violations during their ten months in power in Bangui, from 24 March 2013 to 10 January 2014, when President Michel Djotodia resigned, and continued beyond that. Some of the crimes committed by Séléka members, and documented by Amnesty International, constitute war crimes and crimes against humanity.¹⁰³ The organization has also documented and reported attacks on Christians carried out by Séléka forces after they had retreated to the north in January 2014. On 22 January 2014, for example, Séléka forces killed 100 Christian civilians in Baoro.¹⁰⁴ In another incident, 24 people, including young boys, were killed in Bata on 31 December 2013.¹⁰⁵

Currently, the north-eastern part of the country is under the rule of the Séléka and armed Peulhs cattle herders. Both groups are still committing serious human rights abuses on territories under their control. In addition, around 700 combatants led by the Chadian rebel Baba Laddé have joined the Séléka.¹⁰⁶



Séléka fighters wait as their commander meets with Multinational Force of Central Africa (FOMAC) peacekeepers at the FOMAC camp in Bossangoa. © Reuters, 25 November 2013.

Armed Muslim civilians and armed Peulh cattle herders in some occasions acted independently or joined the Séléka in attacking Christian civilians in many parts of CAR. Some of the attacks were in retaliation for attacks by the Anti-balaka members. According to the UN, a group of 10 women were allegedly killed by armed Muslim Peulh civilians on 16 December 2013.¹⁰⁷ There were also reports of killings of civilians by a joint Séléka and Peulh group in the town of Grimari between 12 and 13 April 2014.

Civilians continued to be killed during clashes between Séléka and Anti-balaka after the Séléka's retreat to the north in January 2014. For instance, in the first week of April 2014, around 30 civilians were allegedly killed following fighting between the Séléka and Anti-balaka in the town of Dekoa, 300 kilometres north of Bangui.¹⁰⁸ On 11 April 2014, Séléka fighters injured two MISCA peacekeepers when they attacked a patrol of MISCA and Sangarig soldiers near the hospital in the mining town of Bria.¹⁰⁹

On 17 April 2014, Father Wilibona of the Saint Kizito parish of Paoua (northern CAR), was allegedly killed by Séléka and armed Peulh after being ambushed at the village of Tale, 35 kilometres from Paoua. Father Wilibona was traveling from Bossangoa to Paoua on a motorbike. On 26 April 2014, 16 people – including 13 local leaders and three aid workers from Médecins Sans Frontières (MSF), were killed by a group of Séléka during an attack on the clinic situated in the town of Boguila, northern CAR. This incident led MSF to reduce its activities in CAR.¹¹⁰

BANGUI, 5 DECEMBER 2013- 10 JANUARY 2014

Amnesty International has documented numerous human rights violations and abuses between 5 December 2013 and 10 January 2014 in Bangui. The organization has received credible information from dozens of victims and witnesses regarding the identity of Séléka commanders who led attacks personally, including killings and lootings that took place between 5 and 6 December 2013, especially in the PK5 area of the capital Bangui. At the time, Séléka forces, under the leadership of the former Transitional President Michel Djotodia, constituted the official forces in the country since this coalition of armed groups had seized power in Bangui in March 2013.

According to several testimonies including by eye-witnesses collected by Amnesty International during a mission in Bangui in December 2013, Séléka commanders including **Colonel Bishara and Colonel Aba Tom**¹¹¹ led several attacks in which crimes under international law and serious human rights violations were committed. These included killings of civilians, mostly Christians¹¹² that took place in the 3rd arrondissement of Bangui between 5 and 6 December 2013. In one example, witnesses told Amnesty International that Momboli Ambroise Raolin was allegedly killed by his own former student, who was part of Colonel Bishara's group. They said that when a pick-up truck, in which Colonel Bishara was travelling, stopped near his home, Ambroise Raolin's former student approached him and shot him dead before he went back to the car which drove off.¹¹³

Another eye witness¹¹⁴ described to Amnesty international how he saw his relative killed by Colonel Aba Tom:

*“Soupene Schadrack was only 12 years old when he was killed by **Colonel Aba Tom** on Thursday 5 December 2013. The Colonel entered his compound after breaking the gate. When he saw Schadrack sitting on a chair, he pointed his pistol at him saying that he was an Anti-balaka, shot him and drove off.”*

On 5 December 2013 at the Amitié Hospital in Bangui, 14 men were shot by Séléka militia. Two eyewitnesses told Amnesty International that dozens of armed Séléka in military fatigues led by a well-known commander¹¹⁵ entered the hospital, allegedly searching for Anti-balaka members who were receiving treatment there. They took 14 men randomly, including some wounded, and shot them dead in front of the hospital gates. Amnesty International is not aware of any investigations into this serious incident despite the fact that it happened in daylight in front of at least 10 people including hospital staff and was highlighted in a United Nations report.¹¹⁶

In a similar incident on 5 December, a man named Yakété Anicet, aged 20, who had accompanied his wounded relative to another hospital in Bangui was taken from the hospital and killed by a Séléka commander. One of the several eye-witnesses at the hospital recalled:

*“It was around 10.30am on 5 December 2013 when a group of Séléka led by **Colonel Yussuf Hamad** climbed the walls of the hospital and entered the compound, searching for the Anti-balaka. They threatened to kill anyone in the hospital if we didn't show them the Anti-balaka, and then started searching every place in the hospital, terrorizing the medical staff, the patients and those who were guarding them. They then saw Yakété Anicet and said that he was an Anti-balaka. Yakété Anicet told them that he brought in his brother who was wounded and that the brother was already transferred to another hospital by ambulance and that he was waiting until it was safe enough for him before leaving the hospital. **Colonel Yussuf** then became furious and demanded he went with him. I begged his pardon and told him that the man was not an Anti-balaka. He even threatened to kill me and said that he was going to kill everyone in the hospital. We negotiated for at least an hour. He finally agreed to sign a paper on which he wrote his name promising that he was just going to question Anicet and bring him back to the hospital or take him to his home. At around 3pm, hospital staff found Anicet's body 200 metres from the hospital.”*

Amnesty International is not aware of any investigation opened by the Transitional Authorities on this case despite the fact that the incident was brought to their attention by several people and organizations, including Amnesty International's researchers during their February 2014 visit to Bangui.

On 24 December 2013, more than 30 bodies of men were discovered at a place called Panther's Hill (*Colline des Panthères*), a few metres from the *Camp de Roux*, a military camp in Bangui, where most of the senior Séléka officers, including the then President Michel Djotodia were staying. The victims were apparently subjected to *arbatachar*, the torture method common in the region that consists in tying both the wrist and ankles together behind the back, thereby causing the chest to expand. Although the Bangui prosecutor announced that investigations were opened in this case, Amnesty International is not aware of any arrests or prosecution linked to this case at the end of June 2014. Most of the Séléka

who were staying there, including President Michel Djotodia,¹¹⁷ have left Bangui for the north or have left the country.

On 9 February 2014, 13 bodies of men were discovered in a septic tank in the compound of a senior Séléka officer within the military camp known as “200 villas” in the centre of Bangui. The decomposed corpses were taken from the tank with the assistance of MISCA soldiers¹¹⁸. A Séléka commander, who was still living in the same compound in May 2014 was briefly questioned by the gendarmerie about this discovery but was not charged. Amnesty International is not aware of any arrests or prosecution linked to this case at the end of June 2014.

Several Séléka commanders were arrested in various places in CAR for their involvement in crimes especially committed between March and December 2013, but they were often released after they were transferred to Bangui, where they continued to enjoy impunity. This happened for example, to a Colonel who was the former Bangassou area commander, another Colonel commanding the Damara area, the former Bossangoa commander and the Colonel commanding in Bozoum.

A woman, now a refugee in Chad, told Amnesty International how she had been forced to flee her country by the Anti-balaka, after also falling victim to the Séléka in the town of Bozoum. She said that the Séléka then led by **Colonel Yahya** took her cattle in November 2013 and held her captive for many weeks until her family paid a ransom to them. She added that she recognized some of these people in the refugee camp where she was staying and feared they could attack her again. She said that she was raped while in captivity and that a lot of women she knew (some who were living in the same camp), were raped by Séléka members as well.

On 16 April 2014, the Séléka in Batangafo, northern CAR, abducted Monsignor Nestor Nongo Aziagbia, bishop of Bossangoa, as well as three priests Denis Koyedama, Magloire Golo and Dieudonné Yanfeibona. The bishop and the priests were later released following negotiation between the CAR authorities, the Catholic Church and the Séléka commanders. In a press release on the incident, the Justice and Peace Commission of the Catholic Church mentioned that the persons responsible for the abduction were identifiable and called for prosecution of crimes they have committed.¹¹⁹

MICHEL DJOTODIA

Michel Djotodia Am Nandroko was born in the North-East of the CAR and lived and studied in the Soviet Union for about 10 years. On his return to CAR, he served in the Ministry of Planning, then in the Foreign Ministry before being appointed CAR's consul to Nyala in Sudan. In 2005, Djotodia joined armed opposition against François Bozizé, and became a founder member of the Union of Democratic Forces for Unity (*Union des forces démocratiques pour le rassemblement* - UFDR). He was later arrested in 2007 in Benin on the request of the CAR authorities. He was released in February 2008 after agreeing to participate in peace talks with the CAR government.

By June 2012, Djotodia succeeded in rallying several CAR opposition armed groups and co-founded the Séléka ('coalition' in Sango, one of the national languages). The Séléka rapidly took control of a large portion of the country. In January 2013, the Séléka signed the

Libreville peace agreement with Bozizé's government, following which President Bozizé appointed him First Deputy Prime Minister in charge of defence. On 24 March 2013, the Séléka seized Bangui and Michel Djotodia declared himself President, before being confirmed in this position by the National Transitional Council on 18 April 2013.

During the 10 months of Michel Djotodia's rule, serious human rights violations including war crimes and crimes against humanity were committed by members of the various factions of the Séléka, including those belonging to Djotodia's group, the UFDR. International and local human rights organizations including Amnesty International have repeatedly denounced serious human rights violations committed by Séléka during Djotodia's rule. These human rights violations include extrajudicial executions, torture, arbitrary arrests, unlawful detentions, armed robbery, looting and indiscriminate shootings resulting in multiple deaths and injuries. Amnesty International was concerned that the government was taking no measures to halt the cycle of violence and human rights abuses or to bring perpetrators to justice¹²⁰ despite the fact that it was fully aware of human rights violations including extrajudicial executions, torture, rape of woman and young girls, pillage and the recruitment of child soldiers committed by the Séléka.¹²¹ Although it appeared that Transitional President Djotodia's orders to Séléka who were not members of his faction were often disobeyed, Séléka members of his own faction were reported to have committed serious human rights violations with impunity.¹²²

Michel Djotodia was forced to resign by the leaders of the Economic Community of Central African States (ECCAS) following his inability to control the situation in the country in the aftermath of the December 2013 fighting in Bangui. He left the country a few days later and is now living in Benin with his family. According to various sources, even in exile in Benin, he is still in close contact with Séléka commanders present in Bangui and the north-east.

On 13 May, United States President Barack Obama issued an executive order imposing sanctions on Michel Djotodia together with four other CAR nationals.¹²³

NOURREDINE ADAM

Nourredine Adam returned to CAR in 2009 after living in Sudan, Egypt and Abu Dhabi. According to several sources, he attended the Cairo Police Academy in the 1990s, was trained by the Israeli Special Forces and served as a bodyguard to Abu Dhabi's Sheikh Zayed. He later joined Charles Massi's opposition armed group, the Convention of the Patriots for Justice and Peace (CPJP), operating in north-eastern CAR. His group was part of the Séléka that took power in Bangui in March 2013.

He was later appointed Security Minister by Michel Djotodia and was seen by many as the second in command in the Séléka before being replaced in this position by Pastor Josué Binoua, a former Bozizé Minister, following a government reshuffle that took place on 22 August 2013. Adam was then appointed president of the Extraordinary Committee for the Defence of Democratic Acquisitions (*Comité extraordinaire pour la défense des acquis démocratiques*, CEDAD), Séléka's security services. The CEDAD was allegedly responsible for serious human rights violations, including torture, arbitrary arrests, and illegal detentions in secret detention centres in Bangui. According to eyewitnesses, the CEDAD building in central Bangui appeared to be used as a private and illegal detention centre where torture was reportedly used extensively. Most of the victims were individuals suspected of being in

contact with former president Bozizé and former FACA. According to CAR legislation, the CEDAD was not legally mandated to arrest and detain individuals or investigate criminal offences. The CEDAD was disbanded by Michel Djotodia on 27 November 2013 following criticisms from various organizations including the UN OHCHR.¹²⁴

On 9 May 2014, the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, imposed sanctions on Nourredine Adam together with Bozizé and Lévy Yakété. In addition to “Engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic (CAR)”, the UN justifies its decision by the fact that Nourredine Adam was “Involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law” and for “Providing support for armed groups or criminal networks through illegal exploitation of natural resources”. The UN also mentions that “Nourredine Adam used the CEDAD as his personal political police, carrying out many arbitrary arrests, acts of torture and summary executions. In addition, Nouredine was one of the key figures behind the bloody operation in Boy-Rabe. In August 2013, Séléka forces stormed Boy-Rabe, a Bangui neighbourhood regarded as a bastion of François Bozizé supporters and his ethnic group. Under the pretext of looking for arms caches, Séléka troops reportedly killed scores of civilians and went on a rampage of looting. When these raids spread to other quarters, thousands of residents invaded the international airport, which was perceived as a safe place because of the presence of French troops, and occupied its runway”.¹²⁵

On 13 May 2014 and following the decision by the UN sanctions committee, United States President Barack Obama signed an executive order imposing sanctions on Nourredine Adam together with other four CAR nationals including former President and Séléka leader Michel Djotodia and former president François Bozizé.¹²⁶

FOREIGN FIGHTERS AMONG THE SÉLÉKA

Foreign fighters including Chadians and Sudanese are part of the Séléka. The Chadian rebel leader **Baba Laddé** was living in N'Djamena, capital of Chad in June 2014, but he has claimed that he still commands around 700 men, mostly Chadians, within the Séléka in CAR.¹²⁷ Baba Laddé has not been investigated despite facing allegations of crimes under international law and serious human rights abuses, including recruitment and use of child soldiers in northern CAR.¹²⁸ Numerous abuses were attributed to Baba Laddé's Popular Front for Recovery (*Front Populaire pour le Redressement*, FPR) even after he returned to Chad in September 2012, following which he was appointed advisor to the Chadian Prime Minister. He again fled Chad in 2013 before returning to N'Djamena in February 2014. Recently, the remnants of his armed group have been accused of committing serious human rights abuses including setting fire to entire villages between Bohong and Ngaoundaï in northern CAR.¹²⁹

Numerous other Chadians are part of the Séléka and some were involved in serious human rights abuses. For example, a former president of the local association of moto-taximen in the town of Goré, in southern Chad on the border with CAR who became a Colonel within the Séléka was in charge of the town of Paoua in northern CAR at the border with Chad until at least February 2014. He was accused by several people, including by Chadian local authorities, of committing serious human rights abuses in Paoua. He has often returned to Goré with goods looted from CAR. Despite the fact that Chadian local authorities were aware

of his activities, Amnesty International is not aware of any action taken to investigate the accusations against this man for crimes under international law and other abuses.

SÉLÉKA INCLUDING 46 MINORS DETAINED AT KOROTORO PRISON IN CHAD

Chadian authorities arrested some Séléka when they crossed the border to Chad with arms and ammunitions in January 2014. Amnesty International received credible information that they entered Chad with 30 stolen vehicles. They were later detained in Doba before being transferred to N'Djamena. According to the Chadian authorities, almost 200 Séléka fighters of Central African, Chadian, Cameroonian and Sudanese nationalities, 46 children and 3 women (one with a baby), led by a Séléka General, were held at Korotoro prison in northern Chad.¹³⁰

In March 2014, the Chadian authorities told Amnesty International that their cases were under investigation. This was confirmed in a subsequent letter dated 16 April 2014 in response to Amnesty International's letter sent on 18 March 2014 to the Chadian Minister of Justice with copies to the Minister of Human rights and the N'Djamena General Prosecutor, which expressed concerns about the detention of children among the Séléka in Korotoro and the conditions of detention in that prison.¹³¹ On 26 April 2014, UNICEF confirmed that a group of 44 children from CAR, aged 13-17 were released from Korotoro maximum-security prison in Chad, and are now in its custody, waiting to be reunited with their families.

Amnesty International has previously denounced the detention conditions in Chadian prisons, which remain in dire conditions in terms of sanitation, lack of potable water, access to health facilities and adequate food. Inhuman conditions often lead to riots and deaths in Chadian prisons.¹³²

4. HUMAN RIGHTS VIOLATIONS BY CHADIAN TROOPS IN CAR

Members of the Chadian national army (*Armée Nationale Tchadienne*, ANT) and those of the Chadian contingent of the MISCA¹³³ were involved in serious human rights violations following several incidents that took place within CAR territory. Various organizations including the United Nations have denounced the collusion between members of the Chadian army and the Séléka forces, as well as between members of the Chadian contingent of the former Multinational Force in Central Africa (Force multinationale de l'Afrique Central, FOMAC)¹³⁴ and the Séléka forces.¹³⁵ There were also reports of collusion between the Chadian army (ANT) and the armed Peulh cattle herders in northern CAR.¹³⁶

Pressure and criticisms from the international community and the population in CAR, following the incident in which a number of civilians were killed and hundreds injured in the PK12 neighbourhood (north of Bangui) on 29 March 2014, led the Chadian authorities to unilaterally decide five days later to withdraw their contingent of 850 troops from MISCA.¹³⁷ In its preliminary investigation into this incident, the United Nations High Commission for Human Rights stated that at least 30 people were killed, including children, pregnant women and disabled people, and that about 300 others were injured. Members of the Chadian National Army, who came on 29 March to extract remaining Chadians and Muslims in Bangui, reportedly opened fire on a crowd at a market in Bégoua, in the PK12 area.¹³⁸ The AU and MISCA rejected these allegations as “sensational and inaccurate” which “further aggravated the situation.” They also complained that the “Chadian contingent of the MISCA has been victim of a sustained stigmatization campaign for months”.¹³⁹ In the same note, the AU Peace and Security Council said that “Chadian contingent of MISCA fell into an ambush by members of the Anti-balaka group, who deliberately fired on the Chadian elements, who responded in self-defence to protect themselves and estimates from various sources indicated that between 6 and 13 people were killed”.¹⁴⁰

Due to the confusion at the time, it is not clear if the attack followed a provocation from the Anti-balaka. It is not clear either if Chadian soldiers on the MISCA trucks belonged to the Chadian contingent of the MISCA or to the Chadian National Army (ANT).¹⁴¹ It was not easy, especially between December 2013 and March 2014, to distinguish Chadians from the MISCA, the soldiers of the Chadian national army and Chadians members of the Séléka.¹⁴²

It was not the first time Chadian forces were accused of involvement in serious incidents in which civilians were killed. On 4 February 2014, members of the Chadian national Army allegedly shot dead three people in the town of Boali, while they were repatriating Chadians and Muslims to Chad.

On 18 February 2014, Chadian troops, travelling in several pick-ups and trucks to Bangui to repatriate Chadian and Muslim civilians to Chad, were responsible for the killings of at least eight people including children, when they indiscriminately opened fire on a crowd in the town of Damara (80 kilometres from Bangui) and at the PK12 neighbourhood of Bangui the

same day. At the Bangui Communautaire Hospital, where the wounded and a corpse were taken by a charity, several eye witnesses told Amnesty International that Chadian forces indiscriminately opened fire on the population in Damara, at least an hour after they were attacked by Anti-balaka, on their way to Bangui, a few kilometres from Damara centre. One of the witnesses recalls what happened:

“At around 8am that day, we saw several Chadian vehicles passing along the main road heading towards Bangui. Suddenly the convoy of military vehicles stopped and the soldiers started shooting at people who were standing by the side of the road just near the entry of the town. They also looted some local shops and took people’s mobile phones including mine. At this time, at least one person was killed, he was called Bonge Victor, aged 48. Other civilians were wounded, including a seven-year-old girl called Fame, an eight-year-old girl named Dionelle and another girl aged seven called Pelluel.”

Another witness told Amnesty International how the same convoy of Chadian soldiers shot dead three people and wounded at least seven others on their way to Bangui, three kilometres from the town of Damara. A fourth man who was shot in the abdomen died on the way to the Bangui hospital.¹⁴³

The same day, Chadian soldiers in the same convoy allegedly killed four civilians including a woman and a child, and wounded several others when they opened fire to a crowd in the Combatant neighbourhood of the 8th arrondissement, near Bangui airport. Later in the evening, Chadian authorities and MISCA told Amnesty International that the Chadian soldiers had reacted to an attack by the Anti-balaka and shot in return.¹⁴⁴

Chadian authorities told Amnesty International delegates in March 2014 that Chad had suspended the transfer of Muslims from CAR to Chad since February 2014, following a decree¹⁴⁵ by the Chadian Prime Minister.¹⁴⁶ However, Amnesty International was informed that the Chadian army continued to enter CAR illegally. The CAR authorities, MISCA and the French forces were not often informed of the movements of the ANT within CAR.

Amnesty International is not aware of any investigations carried out in these serious incidents. Instead of rejecting out of hand accusations against Chadian troops, the AU and the Chadian government should immediately launch investigations into allegations of serious human rights violations committed by members of the Chadian contingent of the MISCA as well as soldiers and officers belonging to the Chadian national army. The MISCA commanders must be able to identify members of the Chadian MISCA contingent responsible for killings of civilians and other human rights violations. The Chadian authorities must ensure that Chadian soldiers involved in serious human rights violations committed in CAR, are held accountable for their acts and that their commanders, who are well-known to the Chadian authorities, are also investigated.

5. INTERNATIONAL EFFORTS TO ADDRESS IMPUNITY IN CAR

Since December 2013, the United Nations Security Council (UNSC) has adopted three resolutions on the situation in CAR under Chapter VII of the United Nations Charter, calling for better protection of civilians, and has authorized the African Union (AU)-led MISCA and the French forces (Sangaris) to take all necessary measures to contribute to the protection of civilians in CAR and to help to restore the State authority. These resolutions also call for an end to impunity for serious human rights violations and the restoration of the rule of law in CAR.

RESOLUTION 2127 (2013), adopted by the UNSC on 5 December 2013

Resolution 2127 (2013)¹⁴⁷ reinforces the previous resolutions on the country and urges the CAR Transitional authorities to hold responsible all those who have committed violations of human rights and humanitarian law. It proposes a sanctions regime and requests that the United Nations Secretary General (UNSG) presents options to transform MISCA into a United Nations peace keeping mission. The UNSC establishes an arms embargo, indicates that it may impose targeted sanctions, including travel bans and asset freezes, against, among others, individuals who violate human rights and international humanitarian law. The resolution sets up a Panel of experts to advise on any sanctions regime. This is an important initiative that could help deter future abuses.

RESOLUTION 2134 (2014), adopted by the UNSC on 28 January 2014

Resolution 2134 (2014) reinforces the mandate of the UN Integrated Peacebuilding Office in CAR (BINUCA) and authorizes the deployment of a European Union force for a period of six months. In this resolution, the UNSC “urges CAR’s political figures — including senior officials in the previous Bozizé and Djotodia administrations, such as François Bozizé and Noureddine Adam — to call on their supporters to cease any and all attacks on civilians.”

RESOLUTION 2149 (2014), adopted by the UNSC on 10 April 2014

Resolution 2149 (2014) creates the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), and plans the transfer of authority from the current AU-led MISCA force to the MINUSCA on 15 September 2014. The resolution states that from 15 September 2014, MINUSCA will initially comprise up to 10,000 military personnel, including 240 military observers and 200 staff officers, as well as over 1,800 police personnel, including 1,400 personnel in formed police units, 400 individual police officers and 20 correction officers.¹⁴⁸ The UNSC has decided that one of the priorities of MINUSCA is the promotion and protection of human rights. The resolution clearly mentions that MINUSCA will “monitor, help investigate and report publicly to the Security Council on violations of international humanitarian law and on abuses and violations of human rights committed throughout the CAR, in particular by different armed groups, including the former Séléka and the Anti-balaka, and to contribute to efforts to identify and prosecute perpetrators, and to prevent such violations and abuses, including through the deployment of human rights observers”.¹⁴⁹

The deployment in March 2014 of the International Commission of Inquiry¹⁵⁰ set up by the UN Secretary-General at the request of the Security Council through resolution 2127 (2013) resolution and the appointment of an Independent Expert on the Central African Republic by the United Nations Human Rights Council¹⁵¹ are also important steps in the fight against impunity in CAR. Navi Pillay, the UN High Commissioner for Human Rights, noted that the establishment of the International Commission of Inquiry “will send a strong message to perpetrators of violations and abuses that the international community is committed to holding them accountable.”¹⁵² However, this will only be possible if the Commission has adequate financial and logistical resources, as well as clear political support from the Transitional authorities. Amnesty International has learnt that the third member of the Commission, who left Bangui on 12 March after spending only one night in CAR, and who remained inactive in the Commission work, was not replaced at the end June 2014. The Commission of Inquiry’s preliminary report that was expected to be issued in or prior to 5 June 2014 in accordance with resolution 2127 (2013), was reportedly circulated among Security Council members in early June but withdrawn later for further elaboration. However, the preliminary report was already referred to in the media.¹⁵³ The final report of the commission is expected in December 2014. The UN Secretary-General must ensure that the Commission of Inquiry has adequate resources and technical support to effectively implement its mandate and carry out its activities.

The deployment of AU human rights observers at the start of 2014 is also an encouraging step. According to AU staff in Bangui, the work of the AU human rights monitors is based on UN Security Council Resolution 2127(2013) and the AU Peace and Security Council’s 19 July 2013 Communiqué.¹⁵⁴ Information received by Amnesty International indicates that until May 2014, the activities of the AU human rights monitors were seriously limited due to security reasons. The First Progress Report of the Commission of the African Union on the situation in the Central African Republic and the activities of MISCA states that the AU Commission has deployed teams of human rights observers in CAR since 4 January 2014. The report highlights the activities of the team and refers to the documentation of human rights abuses by the team of observers including 251 cases of rape in Bangui.¹⁵⁵

On 7 February 2014 the Prosecutor of the International Criminal Court (ICC) announced that her Office was opening a new preliminary examination into the situation in the country since September 2012.¹⁵⁶ On 8 May 2014, a team from the ICC, arrived in Bangui to begin a dialogue with authorities about crimes committed in CAR.¹⁵⁷ The preliminary examination is an important step towards ensuring that those most responsible for the commission of crimes under international law are brought to justice. On 30 May 2014, CAR Transitional President sent a letter of referral to the ICC prosecutor¹⁵⁸ in which she requested that the office of the prosecutor opens an investigation into crimes falling within the jurisdiction of the ICC and which have allegedly been committed on the CAR territory since 1 August 2012. In this letter, the CAR authorities note that CAR courts are not in a position to carry out the necessary investigations and proceedings efficiently, and consequently, the International Criminal Court’s intervention now appears essential.¹⁵⁹

However, the ICC does not have the capacity to investigate all crimes under international law committed in CAR, and the principle of complementarity requires CAR to ensure effective national trials of those suspected of committing crimes under international law. The Office of the ICC Prosecutor has developed a policy, which has met with approval from judges, that

they will only bring cases against those who are most responsible for crimes under international law. Therefore, if CAR does not institute its own investigations and prosecutions, many perpetrators of crimes under international law will continue to enjoy impunity for their crimes. This means that the authorities in CAR must also prioritize the re-establishment of a functioning legal system, requesting international assistance to do so if required.

6. LEGAL FRAMEWORK

Amnesty International considers that some of the serious human rights violations and abuses committed in CAR, especially since December 2013, amount to war crimes and crimes against humanity. These crimes fall within the scope of the Rome Statute of the International Criminal Court, which CAR ratified on 3 October 2001. Under international law, all states have an obligation to investigate and, where appropriate, prosecute and punish persons suspected of serious violations of human rights.¹⁶⁰ This includes an obligation to investigate, and where appropriate, prosecute and punish allegations of torture, war crimes, and crimes against humanity.¹⁶¹

Further, as a party to the Rome Statute of the ICC, CAR must ensure that there is no impunity for crimes against humanity and war crimes. However, CAR has limited capacity to investigate and prosecute complex cases such as these. The announcement in February 2014 that the ICC is opening a preliminary examination on the situation in CAR since September 2012 is therefore an important step to address longstanding impunity.

Nevertheless, CAR retains the primary obligation under the Rome Statute to ensure that all crimes under international law are investigated and prosecuted. Thus, the end of impunity in CAR depends on the rebuilding of the national criminal justice system to ensure that suspects can be apprehended and subjected to fair trials.

The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law¹⁶² give clear guidance on this and requires that investigations into these crimes are independent and impartial.

In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, co-operate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.¹⁶³

CAR must ensure that, where sufficient evidence exists, individuals or groups suspected of committing crimes under international law, including military commanders and civilian superiors (applying the command responsibility mode of responsibility where necessary), are prosecuted in fair trials without recourse to the death penalty. The country must also ensure that effective remedies are put in place and that victims are provided with fair and just reparations including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.¹⁶⁴

CAR is a party to treaties that require justice for crimes under international law and serious human rights violations. International law imposes the obligation to investigate and prosecute alleged perpetrators of crimes under international law and serious violations and abuses of

human rights.¹⁶⁵ Successive governments of CAR, including the Transitional Authorities, have reiterated their commitment to respect international law in this regard. But to date, there remains a gap between their expressed commitments and the reality on the ground.

WAR CRIMES

'War crimes' are serious violations of international humanitarian law, such as the Geneva conventions and other internationally recognized laws and customs applicable in the context of an armed conflict. Article 8 of the Rome Statute of the International Criminal Court provides an extensive list of acts which amount to war crimes. With respect to non-international conflicts, it includes three types of war crimes:

- Violations of the common Article 3 of the Geneva Convention against civilians, the wounded and detainees, including: violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- Violations of humanitarian law generally recognized in Protocol II of the Geneva Conventions, including: intentional attacks against the civilian population as such, against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Red Cross and Red Crescent; against humanitarian assistance or UN peacekeeping missions; against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, provided they are not military objectives; pillaging; rape and other crimes of sexual violence; conscripting or enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities; displacement of the civilian population not justified by their security or imperative military reasons.
- Acts which have traditionally been recognized as war crimes only in international armed conflict, including: killing or wounding treacherously a combatant adversary; declaring that no quarter will be given; physical mutilation or medical or scientific experiments; and destruction or seizure of the property of an adversary, unless justified by military necessity.

CRIMES AGAINST HUMANITY

'Crimes against humanity' refer to widespread or systematic attacks directed against civilian populations. Regardless of the existence of an armed conflict, crimes against humanity are committed by individuals who knowingly take part in a state or organisational policy targeting civilians. Article 7 of the ICC Statute defines crimes against humanity as "acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack". These acts include murder, enslavement, imprisonment or other severe deprivation of physical liberty, torture, rape, sexual slavery, "any other form of sexual violence of comparable gravity", enforced disappearance and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

THE RESPONSIBILITY OF COMMANDERS

Commanders may be responsible for crimes under international law under a number of modes of liability, including committing, planning, ordering, aiding and abetting, as well as command responsibility. Command responsibility is a mode of individual criminal responsibility under customary international law, where a military commander or a civilian superior may be responsible for the acts of his or her subordinates if he is aware of the crimes, or should have been aware of them, and fails to prevent or punish them.¹⁶⁶

AMNESTIES

Granting amnesties for serious human rights violations and violations of international humanitarian law violates international customary law.¹⁶⁷ Regional human rights bodies have emphasised that blanket amnesties violate obligations under human rights treaties to investigate, and where appropriate, prosecute and punish those suspected of serious human rights violations.¹⁶⁸ The United Nations has affirmed the inadmissibility of blanket amnesties for crimes under international law and other serious human rights violations including genocide, war crimes, and crimes against humanity.¹⁶⁹

7. CONCLUSION

The CAR Transitional Authorities must show strong political will to ensure that there is an end to impunity for crimes under international law and other serious human rights violations and abuses that have taken place in the country especially since the start of the ongoing crisis in December 2013. Despite the precarious situation of most of the State institutions – including the judiciary – the Transitional Authorities, with the support of the international community, must take immediate steps to address these systematic and widespread crimes. They must take steps toward ensuring that thorough, prompt, independent and impartial investigations are carried out and that members of the Anti-balaka, Séléka, and their respective allies and supporters, as well as other individuals including Chadian soldiers who have ordered, condoned or committed these crimes are arrested and brought to justice.

The justice system of CAR is currently too weak to address serious crimes committed in the country. In its current state, it is not able to fulfil demands for justice and the fight against impunity. The CAR Transitional Authorities have formally requested that the Office of the Prosecutor of the ICC starts an investigation into crimes under the Rome statute of the ICC that have been committed in CAR since 1 August 2012. The ICC has no mandate to investigate all crimes committed in CAR. It also has no capacity to investigate all crimes under international law committed in CAR. It is therefore necessary for CAR to put in place a mechanism that will help to restore justice and ensure at the same time the national justice system is strengthened.

An option that may be considered would be the creation of a hybrid court to try crimes under international law. A hybrid court or chamber composed of qualified national and international staff, is one possible approach to tackle impunity for crimes under international law and serious human rights violations and abuses committed in CAR. Such a court would help to address the issues related to the ongoing human rights abuses while assisting the national Authorities to strengthen and reform the national justice system and other accountability mechanisms. The international component of such a hybrid Court could provide capacity building, credibility, trust and independence to the national justice sector while its national component would benefit from the financial, logistical and political support provided by the international community.

To ensure that a hybrid system complies with international law, the authorities in CAR would need to ensure that: (1) flaws in national law are not copied over into statutes; (2) the strictest definitions of crimes under international law are used; (3) national judges are independent and impartial; (4) foreign judges and prosecutors are experienced in dealing with crimes under international law and have a strong commitment to fair and effective trials; and (5) defence lawyers and lawyers representing victims and witnesses have access to effective support programmes.

As the crisis continues, minimum steps must be taken by the CAR Transitional Authorities, the United Nations and the AU to preserve evidence, including grave sites; identify witnesses who may require protection and support; and map crimes and their nexus to overall patterns of violence and armed conflict.

The Transitional Authorities, with the assistance of the international community, must also set up appropriate Transitional justice mechanisms to address issues related to reconciliation, especially between Muslims and Christian communities of the country, and work for the return of thousands of Muslims who have fled their homes and the country. But in doing so, the Authorities must ensure that the protection of human rights, as well as the fight against impunity are at the heart of their decisions, strategies and actions. Religious based and other reconciliation initiatives such as a possible truth and reconciliation commission, must not reinforce impunity, one of the sources of the repeated armed conflicts in CAR. Ignoring this will lead to further violations and will repeat the cycle of violence in the country. The Authorities must not provide amnesty for war crimes, crimes against humanity and other serious human rights violations for the sake of reconciliation.

The Authorities in CAR must apply a holistic and comprehensive approach to rebuild the country's judicial system and ensure that the police, the gendarmerie, the office of the investigative judges, the office of the prosecutor, as well as tribunals and prisons are effectively operational and able to adequately address the situation of the country. They also must put in place a coherent and effective strategy for the protection of victims and witnesses. Law enforcement officers of foreign countries, in which individuals suspected of committing crimes under international law are currently staying, have an obligation to investigate the allegations against them and if there is sufficient evidence, to prosecute or extradite them and ensure that they are held accountable for the crimes they have committed in CAR.

8. RECOMMENDATIONS

To the CAR Transitional Authorities

In the short term

Ensure that allegations of serious crimes committed by members of the various armed groups and forces operating in CAR are promptly and independently investigated, that the findings of the investigations are made public, and that those suspected of being responsible for these crimes are brought to justice in fair trials with no recourse to the death penalty. In particular:

- Refrain from providing *de facto* or *de jure* amnesties for individuals or groups found responsible for serious human rights violations and abuses;
- Ensure that minimum steps are taken to preserve evidence, including grave sites, identify witnesses who may require protection and support, and map crimes and their nexus to overall patterns of violence and armed conflict;
- Fully co-operate with the International Criminal Court, the International Commission of Inquiry, the United Nations Group of Experts on CAR, the Independent Expert, the United Nations and AU human rights monitors, as well as with other international entities and mechanisms;
- Ensure that decisions to appoint individuals to public functions do not result in a situation where people suspected of crimes under international law may use government roles to enjoy impunity;
- Provide adequate urgent financial, logistical and political support to the work of the gendarmerie and the office of the prosecutor as well as the special investigations cell;
- Ensure that the office of the prosecutor, the investigative judges, as well as members of the national gendarmerie in charge of investigating crimes committed in the country, are effectively equipped with means of communication, security and mobility, and provided with physical protection;
- Ensure that the Ngaragba prison in Bangui is effectively protected, that any breach of security measures that led to repeated “prison breaks” are investigated, and that the results of the investigations are made public;
- Seek the assistance of the United Nations, the AU, foreign governments, donors and other technical institutions to rebuild the CAR justice system, in order to ensure that courts of justice and prisons meet international standards, and that the office of the prosecutors and the legal aid services are fully operational, so that the system will be able to investigate and prosecute serious violations and provide adequate remedies to the victims.

In the medium and long term

- Use a holistic approach to develop mid-term and long-term comprehensive strategies for the justice sector, ensuring that international and national experts, including members of civil society organizations and representatives of the victims, are involved from the drafting of the strategy to its implementation;
- Consult with the UN, the AU, the EU and other bodies about options for justice mechanisms - including the proposed hybrid court - that will ensure CAR quickly addresses the issues related to international crimes, enhances the investigative capacities of the judiciary, and strengthens its independence and credibility. To this end, consider seeking international technical, financial and political support for a possible international-domestic hybrid court or other options.

To the United Nations

- Ensure that the AU, OHCHR, UNDP and other UN entities specialized in rule of law issues, support the efforts of the Transitional Authorities to conduct independent and impartial investigations, and to rebuild the national justice system that will address the issues related to serious human rights violations committed in the country;
- Assist the Transitional Authorities in their prosecution strategy and help them to design protocols related to the security of victims and witnesses, as well as prosecutors, investigative judges, and other staff;
- Ensure smooth collaboration through regular meetings between UN and AU entities on one hand, and between these entities and the Transitional Authorities and national institutions on the other, in order to facilitate investigations and prosecutions within and outside the CAR territory;
- Assist the CAR Transitional Authorities in their choices of Transitional justice initiatives, and ensure that civil society organizations and groups of victims are involved in any discussion related to this;
- Ensure that the protection of human rights is put at the heart of any initiative by the Transitional Authorities;
- As a matter of urgency, work with the Transitional Authorities and the AU to preserve evidence, including grave sites; identify witnesses who may require protection and support; and map crimes and their nexus to overall patterns of violence and the ongoing armed conflict;
- Ensure quick deployment of human rights officers, correctional staff, gender experts, rule of law and child protection specialists as part of the advanced team of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) that should be operational in September 2014.

To the African Union

- Ensure that allegations of serious human rights violations including unlawful killings, committed by MISCA contingents are promptly and independently investigated, that the findings of the investigations are made public, and that those suspected to be responsible for these crimes are brought to justice, in trial that meet international standards of fair trials;
- Fully co-operate with the CAR Authorities, the UN and other entities to conduct independent and impartial investigations into human rights violations and abuses that have taken place in CAR and the alleged role of Chadian MISCA peacekeepers in various incidents that led to serious human rights violations, including the killings that took place in Bangui on 29 March 2014 in which around 30 civilians were killed and hundreds others wounded;
- Ensure that AU human rights observers deployed in CAR receive adequate physical protection as well as financial, logistical and technical supports in order to conduct field visits and investigations and publically report on human rights violations and abuses in different parts of the CAR territory;
- Ensure that the Bangui prison is effectively protected and launch investigations into the repeated “prison break” that have taken place despite the prison being protected by MISCA soldiers;
- Provide technical support to the CAR Transitional Authorities in order to start rebuilding the country’s justice system, address issues related to transitional justice mechanisms and restore of the rule of law in the country;
- Ensure that all African Union members including countries contributing troops to the MISCA cooperate fully with the CAR Authorities and international investigative bodies and mechanism.

To the Prosecutor of the ICC

- Promptly proceed with the preliminary examination of crimes under international law in CAR and provide regular public updates on progress with assessing whether or not the situation is admissible and warrants the opening of an investigation;
- Maintain a consistent dialogue with the CAR Transitional Authorities about the nature and extent of crimes that must be investigated and prosecuted under the principle of complementarity;
- Put in place an effective protection strategy for witnesses, victims and any individuals providing information to the ICC.

To the International commission of inquiry

- Conduct prompt, independent and impartial investigations into crimes under international law and other serious human rights violations and abuses committed in CAR by members of the Anti-balaka, the Séléka, their respective allies and other individuals and entities. These investigations should identify individuals responsible for these crimes, in order for the suspects to be brought to justice;
- Ensure that reports that include concrete recommendations to ensure that there is justice for victims of human rights violations and that accountability mechanisms, are published timely, according to the commission's mandate.

To the European Union

- Provide full political backing and financial support to the Transitional Authorities to urgently conduct investigations into crimes under international law and serious human rights violations and abuses and for the reform of the CAR justice system, taking into consideration issues related to reparations for victims, the protection of victims and witnesses and reconciliation initiatives;
- Provide sustained resources and political support for long-term national initiatives related to the continuing capacity building of the rule of law sector and the work of the proposed Hybrid Court, as well as other initiatives related to the reform of the justice sector in the country;
- Ensure that human rights in CAR, including within a Transitional justice and justice system reform, remain high on the international agenda in the longer term, in line with EU commitments to place human rights at the centre of all external actions.
- Ensure that EUFOR-RCA uses all means available within its mandate to contribute to reinforcing the justice system in CAR and acting against impunity.

To other donors

- Ensure that financial support for initiatives related to Transitional justice mechanisms, including religious efforts on reconciliation and criminal justice work, are put in place as soon as possible.

To the Chadian Authorities

- Fully co-operate with the UN and the AU to ensure independent and impartial investigations into the alleged role of Chadian MISCA peacekeepers in various incidents that led to serious human rights violations, including the killing that took place in Bangui on 29 March 2014, in which around 30 civilians were killed and hundreds others wounded;
- Launch full and impartial investigations into repeated serious human rights violations

allegedly committed by members of the Chadian National Army, including those of the Chadian Special Forces when they were escorting Chadians and Muslims from CAR to Chad;

- Take immediate steps to ensure that allegations of crimes under international law and other serious human rights abuses committed by some of the Séléka held at Korotoro are investigated in an impartial and independent manner and that perpetrators are brought to trial that respect international fair trial standards with no recourse to the death penalty;
- Ensure that Séléka members currently detained at Korotoro, if tried for crimes under international law and other serious human rights violations, have rights to a fair trial, including the rights to be brought promptly before a judge and to a trial within a reasonable time or to be released. Accused Séléka members should also have the right to access a legal counsel before the trial, to humane detention conditions, to have access to family, to be free from torture and ill-treatments, and not being sentenced to death penalty;
- Ensure that authorities of Cameroon, Sudan and CAR, where some of the Séléka members detained at Korotoro are nationals, are informed of their citizens' situation so they can provide them with timely consular assistance.

To other countries

- Fully co-operate with the International Criminal Court, the International commission of inquiry on CAR, the United Nations Group of Experts on CAR, the United Nations and African Union human rights monitors as well as other international entities and mechanisms;
- Ensure that individuals suspected of committing serious human rights violation living on territories under their jurisdiction do not escape justice, and that they are held accountable for crimes they alleged to have committed in CAR.

To Anti-balaka and Séléka leaderships

- Commit publicly to the respect of International humanitarian law and the protection of human rights;
- Fully co-operate with the national and international investigative mechanisms including the office of the Prosecutor of the ICC, the International commission of inquiry, the United Nations Panel of Experts as well as other UN and AU bodies;
- Issue clear orders to all commanders and heads of units deployed across the country including in the capital Bangui not to commit human rights violations and ensure that such orders are complied with immediately;
- Ensure that commanders and other individuals reasonably suspected of committing human rights violations are suspended from duty pending the outcomes of the investigations.

ENDNOTES

¹ See OHCHR, *Pillar reminds CAR leaders of individual criminal responsibility for serious human rights violations*, 19 February 2014. This documents is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14260&LangID=E> (accessed on 6 May 2014).

² The term 'Anti-balaka' means 'anti-machete' in Sango (one of the CAR national languages). It appeared a few years ago and designated local self-defence militias set up to protect the local populations from attacks by armed groups and local bandits known as *Zaraguinas*. But the name became more popular over the past year, when several groups of the Anti-balaka joined their forces to fight the “foreigners”, referring to the Séléka. Toward the end of 2013, the dispersed militias became an armed group, more organized and with a command chain, thus allowing the launch of planned retaliation attacks against Muslim civilians, who they accuse to be allied to the Séléka. Most of the Anti-balaka are recruited from CAR's Christian and animist communities. Some claimed that their movement was fighting to defend the Christians. However, this was denied by Christian religious leaders, who have always insisted, with their Muslim counterparts, that the ongoing conflict is not religious but a legacy of neglect, economic marginalization and political exploitation.

³ 'Séléka' (meaning 'alliance' in Sango), refers to an armed group created in 2012 in the north-eastern part of CAR. Composed of Muslims from various CAR armed groups and elements from Chad and Sudan, the Séléka launched an offensive against former President Bozizé at the end of 2012 and took power in Bangui in March 2013, in violation of the January 2013 peace agreement brokered by the Economic Community of Central African States (ECCAS). Michel Djotodia, a Séléka leader, proclaimed himself President and was confirmed at this position on 13 April 2013. Former Transitional President and Séléka leader officially dismantled the Séléka in September 2013 following criticism over the involvement of Séléka members in serious human rights violations. This technical change has no impact on their activities. Various Séléka coalitions have restructured following the Ndélé Congress in May 2014 and still using the name Séléka. In this report, Amnesty International refers to them as the Séléka, rather than ex-Séléka or any other name.

⁴ They were 570,000 in May 2014 according to the UNHCR. See UNHCR, *Central African Republic situation, UNHCR external regional update 14*, 2-8 May 2014.

⁵ For the number of IDPs in the country in January 2014 and the number of IDP sites in Bangui, see <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20CAR%20SitRep%202%20January%202014.pdf>. For the highest number of IDP in Bangui in January 2014, see http://reliefweb.int/sites/reliefweb.int/files/resources/Draft%20Situation%20Report%207%2C%20%20as%20of%2015%20January%202014_FINAL.pdf (access on 22 April 2014).

⁶ See OCHA, *Central African Republic (CAR) situation report no 28 (as of 4 June 2014)*. Available at <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20CAR%20Situation%20Report%20No%2028.pdf> (accessed on 11 June 2014)

⁷ See BBC, *CAR Séléka rebels kill many in Bangui church attack*, 28 May 2014 available at www.bbc.co.uk/news/world-africa-27614401 (accessed on 11 June 2014), UNHCR, *At least 17 killed and 27 missing after attack on Bangui church sheltering the displaced*, 30 May 2014 available at www.unhcr.org/53885df86.html (accessed on 11 June 2014)

⁸ See Amnesty International, *Chad/CAR: New humanitarian crisis for those fleeing violence in CAR*, 5 March 2014.

⁹ See Stephanie Nehebay, Reuters, *U.N. aims to evacuate 19,000 Muslims under threat in Central African Republic*, 1 April 2014, available at <http://www.reuters.com/article/2014/04/01/us-centralafrica-un-idUSBREA3011020140401> (accessed on 30 June 2014)

¹⁰ According to the United Nations' funding update for the Central African Republic, only 32% of the requested amount was effectively funded at 9 June 2014. See OCHA, *Central African Republic: SRP 2014*, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/a8d76f3a-2f8b-42b6-b82f-e6420eee4dd4.pdf> (accessed on 9 June 2014)

¹¹ Security Council, 7153rd Meeting (AM), *Resolution 2149 creating the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)*, available at <http://www.un.org/News/Press/docs/2014/sc11349.doc.htm>. For more information about the MINUSCA, see <http://www.un.org/en/peacekeeping/missions/minusca/>

¹² The European Union decided in February 2014 to send up to 1,000 soldiers to CAR in the framework of the EUFOR RCA but by the end of May 2014, only 230 EUFOR troops have been deployed in CAR. They were 700 soldiers and gendarmes as of 15 June 2014. See EUFOR RCA, *La force de l'Union européenne en République centrafricaine atteint sa pleine capacité opérationnelle*, Larissa, 15 June 2014.

¹³ See Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to the Central African Republic, 20 March 2014, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14411&LangID=E> (accessed on 27 May 2014)

¹⁴ Civilians are being targeted along religious lines, but not solely because of their religious beliefs or practices. Although different religious communities lived peacefully together for generations, intermarrying and living in mixed neighbourhoods, mistrust and even hatred now separates many members of different religious communities. With the increase of attacks in the country it is more and more clear that people are being targeted because they belong to a religious group mainly Christian or Muslims. But this is denied by the religious leaders Amnesty International has talked to several times including in the course of drafting this report.

¹⁵ See Amnesty International, *Central African Republic: "None of us are safe": war crimes and crimes against humanity in the Central African Republic* (AFR 19/013/2013), 19 December 2013.

¹⁶ The International Commission of Inquiry was set up by Security Council Resolution 2127 (2013) to conduct independent and impartial investigations into reports of crimes under international law and other serious human rights violations and abuses by the Anti-balaka and the Séléka. Information related to the work of the Commission are developed in Chapter 5 in this report related to international efforts to address impunity in CAR.

¹⁷ Amnesty International researchers, who arrived in Bangui on 4 December 2013, were among the rare representatives of international human rights organizations to witness the serious violations of international human rights law and breach of international humanitarian law taking place in Bangui especially since the Anti-balaka attack of 5 December and the retaliation by the Séléka forces. The team stayed for more than two weeks in Bangui to document the human rights situation in the city. In its various documents, Amnesty International has denounced war crimes and crimes against humanity that were taking place in CAR in December 2013. See Amnesty International, *"None of us are safe" War crimes and crimes against humanity in Central African Republic*, AFR 19/013/2013, 19 December 2013

¹⁸ Other individuals who attended the meeting were the Minister of Justice, Minister for Gender Equality and Social Issues, the Chef de Cabinet of the President, as well as diplomatic and legal advisors to the president including Léonie Banga-Bothy, former Minister of Foreign Affairs in Michel Djotodia's

government and now diplomatic advisor to the Transitional President.

¹⁹ This report was completed in June 2014

²⁰ She was elected by the CAR National Transitional Council on 20 January 2014.

²¹ Chad decided to withdraw its 850 soldiers from the MISCA at the beginning of April 2014 following criticism regarding the involvement of Chadian troops in repeated incidents that led to killings of civilians in CAR. This decision left the African Union mission with 5,150 soldiers in April. The MISCA had some 5,800 soldiers in June 2014 with some additional troops from the Democratic Republic of Congo.

²² EUFOR RCA military operation started deployment in April 2014. Their deployment, which follows the EU decision taken in February 2014, means that the French forces who were previously guarding the airport in Bangui and the massive IDP site nearby can patrol in other areas of CAR that are in dire need of an increased security presence. Up to 1,000 soldiers are supposed to be part of this mission.

²³ See also *Rapport Préliminaire de l'Expert Indépendante sur la situation des droits de l'homme en République Centrafricaine*, Marie Therese Keita-Bocoum, A/HRC/26/53, 30 mai 2014

²⁴ Navi Pillay: "The State's top leadership told me there is, in effect, no State: no coherent national army, no police, no justice system, hardly anywhere to detain criminals and no means of charging, prosecuting or convicting them." See Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to the Central African Republic, Bangui, 20 March 2014, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14411&LangID=E> (accessed on 6 May 2014). See also Amnesty International, *Central African Republic, Five months of war against women* (AFR 19/001/2004) November 2004; Amnesty International, *Central African Republic: Human rights crisis spiralling out of control* (AFR 19/003/2013) October 2013.

²⁵ Series of phone interviews with him conducted in April and May 2014.

²⁶ See *La Nouvelle Centrafrique, Relance des activités du Tribunal de Grande Instance de Bangui, 2 June 2014*, available at <http://www.lanouvelcentrafrique.info/centrafrique-relance-des-activites-du-tribunal-de-grande-instance-de-bangui/> (accessed on 20 June 2014)

²⁷ He was vocal and publicly criticized the killings and other violations committed by the Anti-balaka against the country's Muslim population.

²⁸ See Reuters, *Central African Republic journalists protest murders of colleagues*, 7 May 2014, available at <http://www.reuters.com/article/2014/05/07/us-centralafrica-journalists-idUSBREA460RH20140507> (accessed on 20 June 2014)

²⁹ Her lifeless body was allegedly found in a vehicle on 13 May 2014 by French soldiers of the Sangaris military operation during a road traffic search between the towns of Baboua and Bouar in the western part of the country. Due to the insecurity and reported fightings in the area during that period, it is not clear if she was killed because of her professional activities or caught in exchanged fire between fighters. See *RCA: des experts de l'ONU réclament des mesures urgentes pour la protection des civils et des journalistes*, 15 mai 2014, available at <http://appablog.wordpress.com/2014/05/15/rca-des-experts-de-lonu-reclament-des-mesures-urgentes-pour-la-protection-des-civils-et-des-journalistes/>; Central African Republic, *Media under pressure*, signed in June 2014 by several CAR journalists's and media organisations as well as by international organizations supporting CAR media and defending journalists and the right to information.

³⁰ Historically, Chad - which shares more than 1,000 km border with CAR - played a key role in directly and indirectly influencing political landscape in CAR and the current Transitional Authorities feared to criticize its troops to avoid any retaliation decision from the powerful neighbour. Under President Deby's regime, Chad has been deeply involved in the political affairs of CAR. When former president Bozizé took

power in 2003 he was also supported by Chadian forces who were even among his personal bodyguards. The previous President Michel Djotodia and the Séléka also benefitted from the Chadian support to seize power in Bangui.

³¹ Interview with CAR Transitional Authorities in Bangui in February 2014.

³² See African Union, *MISCA apprehends leaders of the Anti-balaka group in Bangui*, 15 February 2014 also available at <http://www.peaceau.org/en/resource/94-theme-conflicts> (accessed on 25 March 2014).

³³ Patrice-Edouard Ngaissona has repeatedly and publicly supported the Anti-balaka's activities, even when they attacked civilians, including the Muslim population of CAR. Despite his own claims and credible allegations that he has committed crimes under international law, these allegations have not been subjected to a full and independent investigation.

³⁴ Phone interview with two high ranking CAR judicial staff, May 2014.

³⁵ This was confirmed by the Bangui prosecutor during phone meetings with Amnesty International in the course of May and June 2014.

³⁶ See section 2 of this report on the Anti-balaka and their allies.

³⁷ Which is understood to mean it will include more Anti-balaka and Séléka commanders and/or political leaders.

³⁸ Amnesty International, *CAR: Change in Government must not lead to impunity*, 23 May 2014.

³⁹ Former president Bozizé denied this in an interview with the Paris based Radio *Radio France internationale* in March 2014.

⁴⁰ See Global Security, *Central African Republic – Francois Bozizé*, available at <http://www.globalsecurity.org/military/world/war/car-3.htm> (accessed on 2 June 2014).

⁴¹ See Babette Zoumara and Abdul-Rauf Ibrahim, *Genesis of the crisis in the Central African Republic* available at <http://www.pambazuka.org/en/category/features/90348/print> (accessed on 2 June 2014).

⁴² Some of them were arrested with arms and ammunitions upon their arrival at the Chadian border. Amnesty International was informed by the Chadian authorities that 248 of them were detained at the Korotoro prison situated in the desert, 800 km north of the capital N'Djamena.

⁴³ Phone interviews with the Bangui Prosecutor, April and May 2014

⁴⁴ Patrice-Edouard Ngaissona referring to his control over the Anti-balaka during an interview broadcasted by Radio France Internationale on 5 May 2014. The interview is available at: <http://www.rfi.fr/afrique/20140401-centrafrique-le-chef-Anti-balaka-appelle-le-gouvernement-dialoguer-ngaissona-ex-Séléka-Bozizé/> (accessed on 5 May 2014).

⁴⁵ African Union press release, *MISCA Strongly Condemns the Murder of a Peacekeeper in the Northern CAR Town of Boali*, 25 March 2014, available at <http://www.peaceau.org/uploads/com-misca-3-25-2014.pdf> (accessed on 26 March 2014)

⁴⁶ He was also the president of an armed group called Central African armed forces for the restoration of the Democracy (*Forces Armées Centrafricaines pour la Restauration de la Démocratie*). He has repeatedly said that his objective is to “neutralize the Séléka and ensure that they are held accountable for human rights violations”. Arnel Sayo Bedaya was the director of security for former President Ange-Félix Patassé who was replaced by François Bozizé in 2003; See also Radio Ndekeluka, *Un nouveau mouvement politico-militaire en Centrafrique*, 21 March 2014.

⁴⁷ See amnesty International, *Chad: Submission to the UN Universal Period Review 17th Session of the UPR Working Group, October – November 2013* (AFR 20/003/2013) March 2013

⁴⁸ Amnesty International, *Ethnic cleansing and Sectarian Killings in the Central African Republic* (AFR19/004/2014) February 2014, p 10.

⁴⁹ Amnesty International, *Ethnic cleansing and Sectarian Killings in the Central African Republic* (AFR19/004/2014) February 2014, p 14 to 18

⁵⁰ See IRIN, *Briefing: Who are the anti-balaka of CAR?*, 12 February 2014, available at www.irinnews.org/report/99634/briefing-who-are-the-anti-balaka-of-car (accessed on 14 June 2014). See also Terrorism research and Analysis Consortium (TRAC), *Anti-Balaka*, available at www.trackingterrorism.org/group/anti-balaka (accessed on 14 June 2014).

⁵¹ Interview with Imam Kobine and Monsignor Dieudonné Nzapalainga, Bangui, February 2014.

⁵² See for instance: Reuters, *Wénézoui poses with his men at their base in the Boeing district of the Central African Republic's capital Bangui*, 17 January 2014, available at <http://www.trust.org/item/20140117103138-nl7fo?view=quickview> (accessed on 10 April 2014).

⁵³ An Amnesty International delegation was in Bangui when the city was attacked on 5 December 2013. The delegation stayed there to investigate human rights violations and abuses until 17 December 2013.

⁵⁴ In March 2014, Sangaris commander, General Soriano and the French ambassador to Bangui referred to the presence of FACA among the Anti-balaka operating in the country. See their interview with RFI dated 29 March 2014, available at <http://www.rfi.fr/afrique/20140329-centrafrique-Anti-balaka-sont-ils-manipules/>, (accessed on 6 May 2014).

⁵⁵ See Amnesty International, *Ethnic Cleansing and Sectarian Killings in the Central African Republic* (AFR 19/004/2014) February 2014, p.26.

⁵⁶ See Voice of America, *CAR Looks At Anti-Balaka Disarmament Plan*, 15 March 2014, available at <http://allafrica.com/stories/201403150021.html> (accessed on 20 June 2014)

⁵⁷ See RFI, *La pression monte sur les Anti-balaka*, 12 February 2014, available at <http://www.rfi.fr/afrique/20140212-centrafrique-pression-monte-Anti-balaka-sangaris/>, See also Olivier Roger, Grand reportage, *Qui sont les Anti-balaka*, 5 Mai 2014 <http://www.rfi.fr/emission/20140505-rca-Anti-balaka-milices/> (accessed on 6 May 2014).

⁵⁸ Jean-Pierre Bemba Gombo is charged with two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging) allegedly committed during the conflict in the Central African Republic (CAR) between 26 October 2002 and 15 March 2003. The Bemba case is the ICC's first case involving the conflict in CAR.

⁵⁹ See Amnesty International, *CAR: War against women* (AI Index: AFR 19/001/2004) November 2004, p 13-14

⁶⁰ See Amnesty International, *CAR: Civilians in peril in the wild North* (AFR 19/003/2007) September 2007, p 9-11.

⁶¹ See Panapress, *Rights group wants Bozize halt state security atrocities*, 7 February 2005, <http://www.panapress.com/Rights-group-wants-Bozize-halt-state-security-atrocities--12-562875-43-lang2-index.html> (accessed on 2 June 2014)

⁶² See AFR 19/2006.003, 7 December 2006; TG AFR 19/2007.001, 11 October 2007; and TG AFR 19/2011.003, 20 October 2011.

⁶³ See Jeune Afrique, *Centrafrique: La dernière Interview de Francois Bozizé avant sa chute*, 27 mars 2013, available at <http://www.jeuneafrique.com/Article/JA2724p024-033.xml11/jacob-zuma-martin-ziguele-bangui-francois-Bozizé-centrafrique-centrafrique-la-derniere-interview-de-francois-Bozizé-avant-sa-chute.html> (accessed on 14 June 2014).

⁶⁴ See Amnesty International, *CAR: Human rights crisis spiralling out of control* (AFR 19/003/2013) 29 October 2013.

⁶⁵ See Amnesty International, *Central African Republic: Human rights crisis spiralling out of control* (Index: AFR 19/003/2013) p.16; United States Department of State, *2013 Country Reports on Human Rights Practices - Central African Republic*, 27 February 2014, available at: <http://www.refworld.org/docid/53284b4814.html> (accessed on 14 June 2014)

⁶⁶ Security Council Resolution 2134 (2014), para.39, available at <http://www.un.org/News/Press/docs/2014/sc11264.doc.htm> (accessed on 11 April 2014).

⁶⁷ *Jeune Afrique* No 2777, 30 March to 5 April 2014, p. 35.

⁶⁸ *Jeune Afrique* No 2778, 6 to 12 April 2014, p. 37.

⁶⁹ See UN Security Council Committee concerning Central African Republic, listing three individuals subject to measures imposed by resolution 2134 (2014). The United Nations Sanctions committee decision is available at <http://www.un.org/News/Press/docs/2014/sc11389.doc.htm> (accessed on 19 May 2014).

⁷⁰ *UN Security Council lists individuals subject to measures imposed by Resolution 2134 (2014)*, available at <http://www.un.org/News/Press/docs/2014/sc11389.doc.htm> (accessed on 20 June 2014).

⁷¹ White House, *Executive Order - Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic*, 13 May 2014, is available at <http://www.whitehouse.gov/the-press-office/2014/05/13/executive-order-blocking-property-certain-persons-contributing-conflict>. Those sanctioned are listed as follows: Francois Bozizé [Former President of the Central African Republic and Anti-balaka supporter, born October 14, 1946], Michel Djotodia [Former Transitional President of the Central African Republic and Leader of the Séléka Rebellion, born 1949], Nouredine Adam [Séléka General and Former Minister of Public Security, born 1969], Abdoulaye Miskine [Leader of an ex-Séléka rebel group, the Democratic Front of the Central African Republic People, born October 5, 1965] and Levi Yakite [Anti-balaka Political Coordinator, born 1965], see http://www.treasury.gov/resource-center/sanctions/Programs/Documents/car_eo.pdf (accessed 27 May 2014).

⁷² See Radio Ndekeluka, *Les Anti-balaka pour une action en justice contre le Tchad, annoncent l'arrêt de toute hostilité*, available at <http://www.radiondekeluka.org/justice/item/19077-les-antibalaka-pour-une-action-en-justice-contre-le-tchad-annoncent-l-ar%C3%AAt-de-toute-hostilit%C3%A9.html> (accessed on 7 April 2014).

⁷³ The arrest warrant was issued by the Séléka government in 2013 but confirmed by the current Transitional Authorities.

⁷⁴ African Union, *Interpellation de Patrice Edouard Ngaïssona, coordonnateur autoproclame du mouvement Anti-balaka en République Centrafricaine*, 18 April 2014, available at <http://www.peaceau.org/fr/article/interpellation-de-patrice-edouard-ngaïssona-coordonnateur-autoproclame-du-mouvement-antibaka-en-republique-centrafricaine#sthash.ZGJCoTnY.dpuf> (accessed on 20 May 2013). At one point various media stated that he was arrested in Congo Brazzaville in February but this was not true.

⁷⁵ RFI, *RCA : le chef des anti-balaka appelle le gouvernement à dialoguer*, 2 April 2014, available at <http://www.rfi.fr/afrique/20140401-centrafrique-le-chef-Anti-balaka-appelle-le-gouvernement-dialoguer-ngaïssona-ex-Séléka-Bozizé/>, (accessed on 6 May 2014).

⁷⁶ RJDH-RCA, *Bangui: Patrice Edouard Ngaïssona brièvement arrêté par la MISCA avant d'être libéré*, 18 April 2014, accessible at www.rjdh-rca.net/actualites/actualites/bangui (accessed 29 May 2014).

⁷⁷ Telephone interview with the Bangui prosecutor, 29 May 2014.

⁷⁸ Several telephone interviews with various CAR judicial authorities, May and June 2014.

⁷⁹ See Amnesty International, *Ethnic cleansing and Sectarian Killings in the Central African Republic* (AFR 19/004/2014) February 2014.

⁸⁰ See IOM, *Regional response to the CAR crisis*, 22 April - 5 May 2014, available at http://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Regional%20Response%20to%20the%20CAR%20Crisis_0.pdf (accessed on 15 May 2014).

⁸¹ UNHCR, *Renewed conflict in central CAR's Bambari displaces thousands of people*, Briefing Notes, 27 June 2014, available at <http://www.unhcr.org/53ad47389.html> (accessed on 30 June 2014).

⁸² Phone conversation with a source in Bozoum, May 2014.

⁸³ On 12 February 2014, the French Minister of Defense Jean -Yves Le Drian together with CAR Transitional President Catherine Samba-Panza visited Mbaiki. French troops there briefed them about the "successful mediation" between Muslims and Christians. At that time, most of the Muslims have left the town and only few including former deputy Mayor Saleh Dido remained. He was killed two weeks later despite the presence of the international forces in Mbaiki and assurances that we will be protected.

⁸⁴ Krista Larson, AP, *C. African Republic town turns on Muslim leader*, 5 March 2014.

⁸⁵ Le Monde, *Centrafrique: la mort de Saleh Dido, le dernier musulman de Mbaiki*, 3 March 2014, available at http://www.lemonde.fr/afrique/article/2014/03/03/centrafrique-la-mort-de-saleh-dido-le-dernier-musulman-de-mbaiki_4376904_3212.html (accessed on 20 June 2014).

⁸⁶ See for example, Krista Larson, AP, *C. African Republic town turns on Muslim leader*, 5 March 2014; also Remy Ourdan, Le Monde, *Centrafrique: la mort de Saleh Dido, le dernier musulman de Mbaiki*, 3 March 2014.

⁸⁷ See BBC, *Central African Republic clashes 'kill 75' in Boda town*, available at <http://www.bbc.co.uk/news/world-africa-26021850> (accessed on 15 April 2014).

⁸⁸ UN News, *Centrafrique: l'ONU s'inquiète de la situation dans la ville de Boda*, 7 March 2014, available at <http://www.un.org/apps/newsFr/storyF.asp?NewsID=32177#.U2jYYPldWOM>.

⁸⁹ The interview is available in French at <http://www.rfi.fr/emission/20140505-rca-Anti-balaka-milices/> (accessed on 20 May 2014).

⁹⁰ David Smith, The Guardian, *Christian threats force Muslim convoy to turn back in CAR exodus*, 14 February 2014, available at <http://www.theguardian.com/world/2014/feb/14/muslim-convoy-central-african-republic-exodus> (accessed on 27 May 2014)

⁹¹ He told RFI that he was from a village in the Omela-Mpoko region and that his wife and two children were burnt alive in his house by the Séléka. See <http://www.rfi.fr/emission/20140505-rca-Anti-balaka-milices/> (accessed on 6 May 2014).

⁹² <http://www.rfi.fr/afrique/20140212-centrafrique-pression-monte-Anti-balaka-sangaris/>

⁹³ Human Rights Watch, *Central African Republic: Muslims Forced to Flee*, 12 February 2014, available at <http://www.hrw.org/node/123192> (access on 20 June 2014)

⁹⁴ COCORA, *Communiqué de Presse N.010*, available at <http://centrafrique-presse.over-blog.com/article-le-distributeur-de-machettes-levi-yakete-de-cocora-repond-a-Séléka-116227742.html>.

See also, La Nouvelle Centrafrique, *Message personnel de Levi Yakete*, 3 January 2014, available at <http://www.lanouvellecetrafrique.info/message-personnel-de-levi-yakete/> (accessed on 20 June 2014).

⁹⁵ See Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic approved the following list of individuals subject to the measures imposed by paragraphs 30 and 32 of resolution 2134 (2014), the decision is available at <http://www.un.org/News/Press/docs/2014/sc11389.doc.htm> (accessed on 19 June 2014).

⁹⁶ *Ibidem*; See Agency Staff, *New leaders vows to install "moral" government*, 23 January 2014, available at <http://www.bdlive.co.za/africa/africanews/2014/01/23/new-leader-vows-to-install-moral-car-government>

⁹⁷ See Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic approved the following list of individuals subject to the measures imposed by paragraphs 30 and 32 of resolution 2134 (2014), the decision is available at <http://www.un.org/News/Press/docs/2014/sc11389.doc.htm> (accessed on 2 June 2014).

⁹⁸ The decision is available at <http://www.un.org/News/Press/docs/2014/sc11389.doc.htm> (accessed on 16 May 2014).

⁹⁹ White House, *Executive Order - Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic*, 13 May 2014, available at <http://www.whitehouse.gov/the-press-office/2014/05/13/executive-order-blocking-property-certain-persons-contributing-conflict-> (accessed on 16 May 2014).

¹⁰⁰ Radio Ndeke-Luka, Audio Interview, http://www.radiondekeluka.org/templates/radiondekeluka/wp_popup.php?soundFile=http://www.radiondekeluka.org/audio/2013/12/002013-12-24inviteok.mp3&title=invite (accessed on 9 April 2014).

¹⁰¹ A CAR senior judicial officer told Amnesty International, May 2014.

¹⁰² The Séléka ("coalition" in Sango, one of the national languages), was composed of several armed groups: the *Union des forces démocratiques pour le rassemblement* (UFDR) led by Michel Djotodia, the *Convention des patriotes pour la justice et la paix* (CPJP) led by Nourredine Adam. The *Front démocratique du peuple Centrafricain* (FDPC) led by Martin Koumtamadji (Abdoulaye Miskine) was part of Séléka when it took power in March 2013 but after clashes with other groups of the coalition its leader fled to Cameroon. Chadian and Sudanese combatants were part of various Séléka groups.

¹⁰³ See Amnesty International, *"None of us are safe": war crimes and crimes against humanity in the Central African Republic* (AFR 19/013/2013) 19 December 2013.

¹⁰⁴ See Amnesty International, *Ethnic cleansing and Sectarian Killings in the Central African Republic*, (AFR 19/004/2014) February 2014, p19.

¹⁰⁵ See Amnesty International, *Ethnic cleansing and Sectarian Killings in the Central African Republic*, (AFR 19/004/2014) February 2014, p22.

¹⁰⁶ Phone interview with Baba Laddé on 4 April 2014

¹⁰⁷ OHCHR, Preliminary findings, OHCHR Monitoring Mission in the Central African Republic, 14 January 2014.

¹⁰⁸ See BBC, *Central African Republic: Violence leaves '30 dead'*, 9 April 2014.

¹⁰⁹ AFP, *Gunmen ambush foreign peacekeepers in C. African town*, 11 April 2014

¹¹⁰ MSF, *Central African Republic: MSF calls upon government and all parties to the conflict to publicly condemn attacks against civilians and humanitarian workers*, 5 May 2014, available at <http://www.msf.org/article/central-african-republic-msf-calls-upon-government-and-all-parties-conflict-publicly-condemn> (accessed on 6 May 2014).

¹¹¹ He was a resident of CEMAC neighbourhood in Kina "Champion".

¹¹² Amnesty International received numerous testimonies from the inhabitants of the area who handed over to the organization a list of 11 people killed on 5 December 2013 in various neighbourhood of the 3rd arrondissement including in Kokoro, Kina, Kpéténé, Gbaya, Cattin and Fatima. The organization also received another list of 12 names of Congolese citizens killed between 5 and 7 December 2013 in the same area. Some of the civilians were allegedly killed by Séléka and armed Muslims led by Colonel Aba Tom and /or Colonel Bishara.

¹¹³ Interviews with witnesses in December 2013 and February 2014 in Bangui

¹¹⁴ This incident was confirmed by at least three other people Amnesty International met during the mission to Bangui in December 2013 and February 2014.

¹¹⁵ This man used to be a powerful Séléka commander known under various different names. We have chosen to not mention any of the names to avoid any confusion. The incident took place during the day in front of several people including patients and hospital staff. Judicial authorities in Bangui told Amnesty International that they have sufficient information about the Séléka officer who led this specific attack.

¹¹⁶ Interviews conducted in Bangui, December 2013 and February 2014. See also, OHCHR, *Preliminary findings, OHCHR Monitoring Mission in the Central African Republic*, 14 January 2014.

¹¹⁷ Michel Djotodia is currently living in Benin. Benin is a party to the Rome statute of the ICC it ratified on 2 January 2002.

¹¹⁸ See also African Union Peace and Security Council, *1st Progress Report of the Commission of the African Union on the situation in the Central African Republic and the activities of the African-led International Support Mission in the Central African Republic*, para.65, p 16, 7 March 2014, available at: <http://www.peaceau.org/en/article/1st-progress-report-of-the-commission-of-the-african-union-on-the-situation-in-the-central-african-republic-and-the-activities-of-the-african-led-international-support-mission-in-the-central-african-republic#sthash.u1VaEJe9.dpuf> (accessed on 20 June 2014).

¹¹⁹ *Commission Episcopale Justice et Paix Centrafrique*, Communiqué de presse, Bangui 19 avril 2014.

¹²⁰ See Amnesty International, *Amnesty International calls on the new Central African Republic government to protect civilians* (AFR 19/002/2013) 14 May 2013.

¹²¹ Amnesty International wrote to him on 31 May 2013.

¹²² Amnesty International, *Central African Republic: Human rights crisis spiralling out of control* (AFR 19/003/2013) October 2013.

¹²³ Executive Order - Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic, available at <http://www.whitehouse.gov/the-press-office/2014/05/13/executive-order-blocking-property-certain-persons-contributing-conflict> (accessed on 16 May 2014).

¹²⁴ OHCHR, *Pillay warns violence in Central African Republic may spin out of control*, 8 November 2013, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13966&LangID=E> (accessed on 16 April 2014); see also, Al Jazeera CAR: *The broken heart of Africa, Torture, killings and looting have become widespread as the Central African Republic slides into chaos*, 23 Nov 2013.

¹²⁵ Security Council Committee concerning the Central African Republic lists three individuals subjected to measures imposed by Resolution 2134 (2014). The decision is available at <http://www.un.org/News/Press/docs//2014/sc11389.doc.htm> (accessed on 16 May 2014).

¹²⁶ White House, *Executive Order - Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic*, 13 May 2014, available at <http://www.whitehouse.gov/the-press-office/2014/05/13/executive-order-blocking-property-certain-persons-contributing-conflict> (accessed on 16 May 2014).

¹²⁷ Various interviews conducted with various people in Chad including Baba Laddé, April 2014.

¹²⁸ See for instance in Amnesty International, *Chad: Submission to the UN Universal Period Review 17th Session of the UPR Working Group, October – November 2013* (AFR 20/003/2013) March 2013; Resolution 2031 (2011), adopted by the Security Council at its 6696th meeting, on 21 December 2011; and S/RES/2031 (2011), 21 December 2011, para. 13.

¹²⁹ RJDH, *Bocaranga, 22 personnes tuées par les ex-Seleka*, 13 February 2014, available at <http://www.rjdh-rca.net/actualites/actualite/bocaranga-22-personnes-tuees-par-les-ex-Séléka.html>

¹³⁰ Letter from the Chadian authorities No 093/PR/PM/MJ/SG/DGA/PRS /14 of 16 April 2014.

¹³¹ Amnesty International, TG (AFR 20/003/2014) 18 March 2014.

¹³² See Amnesty International, *Chad: "We are all dying here" – Human rights violations in prisons* (AFR 20/007/2012) September 2012.

¹³³ Chad has contributed 850 soldiers to the 6,000 MISCA.

¹³⁴ The Multinational Force of Central Africa (FOMAC) under the auspices of the Economic Community of Central African States, ECCAS. FOMAC was later replaced by the African Union-led International Support Mission to the Central African Republic (*Mission internationale de soutien à la Centrafrique*, MISCA)

¹³⁵ See UN Office of the High Commissioner for Human Rights, *Monitoring Mission in the Central African Republic (CAR) - Preliminary Findings*, 14 January 2014.

¹³⁶ See International Crisis Group, *Afrique Centrale: les défis sécuritaires du pastoralisme, Rapport Afrique de Crisis Group* N 215, 1 April 2014.

¹³⁷ See Amnesty International, *Central African Republic: Chad troop withdrawal must not block accountability*, 4 April 2014.

¹³⁸ OHCHR, Press briefing notes on Central African Republic and Somalia, 4 April 2014, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14471&LangID=E> (accessed on 25 April 2014).

¹³⁹ African Union Peace and Security Council, 427th meeting, 9 April 2014, PSC/PR/2.(CDXXVII), Information note of the Commission on the incident that took place in Bangui on 29 March 2014 and the withdrawal by the Republic of Chad of its contingent from the MISCA. See <http://www.peaceau.org/uploads/psc-pr-427-misca-09-04-2014.pdf> (accessed 27 May 2014).

¹⁴⁰ A previous report from MISCA referred to 4 people killed and twenty injured. See *African Union: MISCA Deplores the use of Civilians as Human Shields in the CAR*, 31 March 2014, available at <http://www.peaceau.org/uploads/misca-deplores-the-use-of-civilians-as-human-shields.pdf> (accessed on 14 April 2014).

¹⁴¹ Investigations conducted by Amnesty International on this case include interviews with the mayor of

Bégoua, the local market workers, three wounded victims and medical staff of at least three Bangui hospitals and clinic, as well as members of the French forces, local human rights defenders, local journalists, African Union and UN personnel.

¹⁴² A senior army officer of the French military operation Sangaris told Amnesty International that he could not identify a difference between these three entities. A member of the MISCA contingent recognized the same problem in an interview with Amnesty International in Bangui, February 2014.

¹⁴³ Amnesty International delegates were at the Bangui's Hospital *Communautaire* when the car belonging to a charity arrived from Damara with the wounded including children and the body of a dead man. They told Amnesty International that the man was seriously wounded and lost a lot of blood on the way to the hospital.

¹⁴⁴ Interviews conducted in February and in March 2014 in CAR and Chad respectively.

¹⁴⁵ The Chadian authorities promised in April 2014 to send a copy of the Decree, but as of June 2014, it has not been received.

¹⁴⁶ Interview with Chadian national authorities, N'Djamena, March 2014.

¹⁴⁷ Resolution 2127 (2013), para. 56 to 57, available at <http://unscr.com/en/resolutions/doc/2127> (accessed on 22 April 2014).

¹⁴⁸ Security Council, 7153rd Meeting (AM), Resolution 2149 creating the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), para.20, <http://www.un.org/News/Press/docs/2014/sc11349.doc.htm>.

¹⁴⁹ Security Council, 7153rd Meeting (AM), Resolution 2149 creating the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) para.30 (e).

¹⁵⁰ On 22 January 2014, the UN Secretary General announced the composition of the Commission of Inquiry. The international legal experts appointed were: Jorge Castañeda (Mexico), Fatimata M'Baye (Mauritania) and Bernard Acho Muna (Cameroon).

¹⁵¹ Marie-Thérèse Keita Bocoum was appointed to this position by the Human rights Council on 20 January 2014.

¹⁵² Statement by Ms. Navi Pillay, *United Nations High Commissioner for Human Rights at the Special Session of the Human Rights Council on the Situation of Human Rights in the Central African Republic - Geneva*, 20 January 2014, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14181&LangID=E> (accessed on 21 May 2014).

¹⁵³ See BBC, *A UN report says there is "ample evidence" that both sides in the conflict in the Central African Republic (CAR) have committed war crimes and crimes against humanity*, 6 June 2014, available at <http://www.bbc.co.uk/news/world-africa-27727465> (accessed on 17 June 2014). See also, Washington Post, *UN report sees no genocide in C. African Republic*, 5 June 2014 available at www.washingtonpost.com/.../1f3a3ed6-ecce-11e3-b10e-5090cf3b5958_story (accessed on 17 June 2014).

¹⁵⁴ Peace and Security Council of the African Union (AU), *Communiqué, 386th meeting*, 19 July 2013, Addis-Ababa, available at <http://www.peaceau.org/uploads/psc-com-385-car-19-07-2013.pdf> (accessed on 14 June 2014).

¹⁵⁵ Peace and Security Council of the African Union (AU), *1st Progress Report of the Commission of the African Union on the situation in the Central African Republic and the activities of the African-led*

International Support Mission in the Central African Republic, 7 March 2014, para.64 p 16, available at: <http://www.peaceau.org/en/article/1st-progress-report-of-the-commission-of-the-african-union-on-the-situation-in-the-central-african-republic-and-the-activities-of-the-african-led-international-support-mission-in-the-central-african-republic#sthash.u1VaEJe9.dpuf> (accessed on 19 June 2014)

¹⁵⁶ The statement is available on http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/otp-statement-07-02-2014.aspx (accessed on 24 March 2014).

¹⁵⁷ AFP, *ICC team arrives on first mission to Central Africa*, 8 May 2014, available at <http://reliefweb.int/report/central-african-republic/icc-team-arrives-first-mission-central-africa> (accessed on 16 May 2014).

¹⁵⁸ Letter no121/MJKRTDH.14, 30 May 2014. Amnesty International has got a copy of this letter.

¹⁵⁹ See Statement by the ICC Prosecutor, Fatou Bensouda, on the referral of the situation since 1 August 2012 in the Central African Republic. The statement is available at http://www.icc-cpi.int/EN_Menus/icc/press%20and%20media/press%20releases/pages/otp-statement-12-06-2014.aspx (accessed on 14 June 2014)

¹⁶⁰ Regional human rights bodies have emphasised the obligations to investigate, prosecute and punish serious violations of human rights. See for example the African Commission on Human and Peoples' Rights in *Malawi African Association and Others v. Mauritania*, Communication Nos. 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, and *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, Communication No. 245/02; the Inter-American Court of Human Rights in *Gelman v. Uruguay Judgement of February 24, 2011 (Merits and Reparations)*; and the European Court of Human Rights in *Margus v Croatia (Application no. 4455/10)*.

¹⁶¹ In addition a number of conventions include an obligation to either prosecute or extradite persons suspected of certain international crimes present in any territory subject to their jurisdiction. See, e.g. Article 5(2) Convention against Torture, Article 9(2) Convention of the Protection of All Persons from Enforced Disappearances. See also Amnesty International, "International Law Commission: The Obligation to Prosecute or Extradite (*Aut Dedere aut Judicare*), for an argument that a general rule of customary law exists, or is beginning to exist, that states have an obligation to prosecute or extradite all persons in their territory reasonably suspected of crimes under international law. See also the International Law Commission's Draft Code of Crimes against the Peace and Security of Mankind.

¹⁶² Adopted and proclaimed by General Assembly, resolution 60/147 of 16 December 2005, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx> (accessed 25 March 2014)

¹⁶³ See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx> para.4.

¹⁶⁴ United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

¹⁶⁵ International Humanitarian Law contains a duty to prosecute (First Geneva Convention, Article 49; Second Geneva Convention, Article 50; Third Geneva Convention, Article 129; Fourth Geneva Convention, Article 146, Common article 3 for non-international armed conflict). See also the International Covenant on Civil and Political Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the African Charter on Human and People's Rights for the due diligence obligations to investigate and prosecute with respect to human right violations.

¹⁶⁶ Command responsibility is part of customary international law and conventional international law, and has been included as a mode of responsibility both in *ad hoc* tribunals and in the ICC. For example the Statute of the International Criminal Tribunal for the Former Yugoslavia (Article 7(3)) and the Rome

Statute of the International Criminal Court. See Amnesty International, *The International Criminal Court: checklist for the implementation* (IOR 40/11/00), July 2000. See also G. Mettraux, *The Law of Command Responsibility*, OUP, 2009, p.21.

¹⁶⁷ See for instance, International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Anto Furundžija*, case No. IT-95-17/1-T, Judgement of 10 December 1998, para. 155, available at <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf> (accessed 27 May 2014).

¹⁶⁸ *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, Communication No. 245/02 *Gelman v. Uruguay* Judgement of February 24, 2011 (*Merits and Reparations*); and *Margus v Croatia* (*Application no. 4455/10*).

¹⁶⁹ For more information on amnesties, see Office of the High Commissioner for Human Rights (OHCHR), *Rule of law Tools for post conflict states: Amnesties*, New York and Geneva, 2009.



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CENTRAL AFRICAN REPUBLIC: TIME FOR ACCOUNTABILITY

War crimes, crimes against humanity and other serious human rights violations and abuses have been committed in CAR by members of the mainly Muslim Séléka forces and the mostly Christian Anti-balaka armed group with total impunity. Deliberate large-scale killings of civilians, including women and children, enforced disappearances, recruitment and use of children, rape and other forms of sexual violence, lootings, demolition and burning of houses, villages and places of worship, such as mosques and churches, as well as the forced displacement of populations have continued unabated. Amnesty International has documented and denounced these crimes especially since the start of this new human rights and humanitarian crisis in December 2013.

The deployment of some 5,800 peace-keepers of the African Union forces of the International Support Mission to Central Africa (MISCA), 2,000 French soldiers of the Sangaris military operation and 700 soldiers and gendarmes of the EUFOR-RCA military operation have to date been unable to fully protect civilians and tackle impunity in the country. So far the CAR Transitional Authorities have been unable and/or unwilling to hold accountable individuals responsible for committing these crimes. Ending impunity is essential to put an end to the long-term cycle of violence and urgent actions are needed to investigate and prosecute individuals suspected of committing crimes, rebuild the national justice system and work with international justice mechanisms where needed.

This report stresses the urgent need to put in place an effective mechanism to ensure accountability for serious human rights violations and abuses that have been committed in CAR. For this reason, it proposes that the CAR Transitional Authorities, with the support of the international community, consider the creation of a hybrid court to try crimes under international law. The hybrid court should be composed of qualified national and international staff and would help to address the issues related to the ongoing human rights situation, while assisting the national authorities to strengthen and reform the national justice system and other national accountability mechanisms.

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